

CITY COUNCIL AGENDA



MEDFORD
OREGON

September 19, 2019

6:00 P.M.

Medford City Hall, Medford Room
411 W. 8th Street, Medford, Oregon

10. Roll Call

20. Recognitions, Community Group Reports

20.1 Employee Recognition

20.2 Downtown Medford Association by Christian Nelson

30. Oral Requests and Communications from the Audience

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

40. Approval or Correction of the Minutes of the September 5, 2019 Regular Meeting

50. Consent Calendar

50.1 COUNCIL BILL 2019-98

A resolution requesting surrender by Jackson County to the City of Medford all right, title, interest, jurisdiction, maintenance, and control of all subject roadway sections, to the City.

50.2 COUNCIL BILL 2019-99

A resolution authorizing assignment of two Purchase and Sale Agreements from the City of Medford to the Medford Urban Renewal Agency, for property located at 703 Central Avenue and 801 Central Avenue.

50.3 COUNCIL BILL 2019-100

A resolution approving an Intergovernmental Agreement between the City of Medford and MURA for Tax Increment Financing.

60. Items Removed from Consent Calendar

70. Ordinances and Resolutions

70.1 COUNCIL BILL 2019-101

An ordinance authorizing execution of a Quitclaim Deed to sell two tax lots located on the west side of Portland Avenue south of East Main Street to Rogue Community Health for the amount of \$0.

Meeting locations are generally accessible to persons with disabilities. To request interpreters for hearing impaired or other accommodations for persons with disabilities, please contact the ADA Coordinator at (541) 774-2074 or ada@cityofmedford.org at least three business days prior to the meeting to ensure availability. For TTY, dial 711 or (800) 735-1232.

80. 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.

80.1 COUNCIL BILL 2019-102

A resolution approving a minor amendment to the General Land Use Plan (GLUP) Map of the Medford Comprehensive Plan by changing the land use designation of 5.07 acres located at 709 North Phoenix Road, from Urban Residential (UR) to Commercial (CM). (GLUP-19-002) Land Use, Quasi-Judicial

80.2 COUNCIL BILL 2019-103

An ordinance vacating excess right-of-way for the Larson Creek Trail on a parcel located at Black Oak Drive in the SFR-4 (Single-Family Residential, 2.5 to 4 dwelling units per gross acre) zoning district. (SV-19-046) Land Use, Quasi-Judicial

80.3 COUNCIL BILL 2019-104

An ordinance amending Sections 2.185, 6.330, 6.350, 10.012, 10.334, 10.348, 10.725, 10.840, and adding Sections 10.829A and 10.829B, of the Medford Municipal Code permitting mobile food vendors to sell ready-to-eat food from designated downtown streets during night-time hours and adding provisions for mobile food vendor pods, effective November 1, 2019. (DCA-17-104) Land Use, Legislative

80.4 COUNCIL BILL 2019-105

A resolution adopting the second Supplemental Budget for the 2019-21 biennium.

90. Council Business

90.1 Proclamations issued: None

90.2 Committee Reports and Communications

a. Council Officers Update

100. City Manager and Staff Reports

100.1 Charter Review Committee

110. Adjournment



AGENDA ITEM COMMENTARY

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

AGENDA SECTION: Consent Calendar
MEETING DATE: September 19, 2019

COUNCIL BILL 2019-98

A resolution requesting surrender by Jackson County to the City of Medford all right, title, interest, jurisdiction, maintenance, and control of all subject roadway sections to the City.

SUMMARY AND BACKGROUND

On August 15, 2019, the Council discussed and approved an ordinance for a Jurisdictional Exchange Agreement with Jackson County regarding seventeen roads currently under Jackson County jurisdiction. This resolution formally requests that the County surrender all right, title, interest, jurisdiction, maintenance, and control of the seventeen roads to the City. This action is a separate but mandatory procedural step outlined in the Jurisdictional Exchange Agreement.

PREVIOUS COUNCIL ACTIONS

On August 15, 2019, the City Council adopted Ordinance 2019-95, approving the Jurisdictional Exchange Agreement with Jackson County regarding seventeen County-maintained roads within the limits of the City.

ANALYSIS

The Jurisdictional Exchange Agreement approved by Council includes a multiple-step process to carry out the exchange. First, the Jurisdictional Exchange Agreement must be executed by both the City and the County. After both the City and the County have executed the Agreement, the City must issue a resolution "requesting that the County surrender all right, title, interest, jurisdiction, maintenance, and control of all Subject Roads to the City."

Jackson County had not yet executed the Jurisdictional Exchange Agreement when the City adopted Ordinance 2019-95, and thus, given the chronology of events described in the Agreement, the formal request that the County surrender all rights to the County-maintained roads could not be made during the same meeting. The County is scheduled to take action regarding the Jurisdictional Exchange Agreement on September 18, 2019.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

All road sections included in the jurisdictional exchange, with the exception of Normil Terrace, Annapolis Drive and Cadet Drive, have recently been improved and require little or no maintenance at this time. Several of these roads were improved as conditions of approval for new development that has added new revenue streams to the street utility fund. This fund is responsible for maintenance of City streets and will support the new streets as maintenance becomes necessary.

Jackson County is providing \$300,000 for future maintenance of Normil Terrace, Annapolis Drive and Cadet Drive. The dollar amount is based on providing two overlays at current costs, which equates to at least 20-years of maintenance for said sections. The money will be used to support maintenance and future mitigation improvements as development occurs at the end of Cadet Drive.



TIMING ISSUES

The Jurisdictional Exchange Agreement requires that a Resolution requesting the County surrender all rights to the roads occur within ninety days of the execution of the Agreement by both City and County.

COUNCIL OPTIONS

Approve the resolution.

Modify the resolution.

Deny the resolution and direct staff on how to comply with the Jurisdictional Exchange Agreement.

STAFF RECOMMENDATION

Staff recommends the Council approve the resolution requesting that Jackson County surrender all right, title, interest, jurisdiction maintenance, and control of the seventeen roads addressed by Ordinance 2019-95.

SUGGESTED MOTION

I move to approve the resolution requesting that Jackson County surrender all right, title, interest, jurisdiction maintenance, and control of the seventeen roads addressed by Ordinance 2019-95.

EXHIBITS

Resolution

RESOLUTION NO. 2019-98

A RESOLUTION requesting surrender by Jackson County to the City of Medford all right, title, interest, jurisdiction, maintenance, and control of all subject roadway sections, to the City.

WHEREAS, Jackson County presently has jurisdiction over several County-maintained roads that are within the city limits of the City, including the 17 "Subject Roads" listed below:

1. Annapolis Drive (125' West of Normil Terrace to 625' East of Normil Terrace)
2. Bullock Road (OR Hwy 62 to 3050' Northerly)
3. Cadet Drive (Normil Terrace to 550' East)
4. Columbus Ave. (Garfield St. to Diamond St.)
5. Corona Ave. (Hilton Rd. to 700' North)
6. Cunningham Ave. (Columbus Ave. to Warren Way)
7. Cunningham Ave. (Orchard Home Dr. N. to Orchard Home Dr. S.)
8. Garfield Street (Kings Hwy. to 625' East)
9. Harbrooke Road (N. Phoenix Rd. to 370' East)
10. Hillcrest Road (Monterey Dr. to 1500' West of Cherry Ln.)
11. Lowry Lane (OR Hwy 99 to 850' Easterly)
12. Lozier Lane (West Main St. to Stewart Ave.)
13. Midway Road (Biddle Rd. to 700' West)
14. Myers Lane (Stewart Ave. to Garfield St.)
15. Normil Terrace (Foothill Rd. to Annapolis Dr.)
16. Orchard Home Drive (Cunningham Ave. to Westwood Dr.)
17. Roberts Road (Corona Ave. to Serenity Dr.)

WHEREAS, through Ordinance No. 2019-95 Council approved a Jurisdictional Exchange Agreement between the City and Jackson County that addressed the 17 Subject Roads on August 15, 2019;

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

The City of Medford requests that Jackson County surrender all right, title, interest, jurisdiction, maintenance, and control of the aforementioned 17 Subject Roads.

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

ATTEST: _____
City Recorder

Mayor



AGENDA ITEM COMMENTARY

DEPARTMENT: Legal, MURA

PHONE: (541) 774-2021; (541) 774-2701

STAFF CONTACT: Lori Cooper, City Attorney; Harry Weiss, MURA Director

AGENDA SECTION: Consent Calendar

MEETING DATE: September 19, 2019

COUNCIL BILL 2019-99

A resolution authorizing assignment of two Purchase and Sale Agreements from the City of Medford to the Medford Urban Renewal Agency for real property located at 703 Central Avenue and 801 Central Avenue.

SUMMARY AND BACKGROUND

The MURA Board has authorized by resolution the acquisition of 703, 727, & 801 Central Avenue for redevelopment as a project under Section 601(C)(24) of the Center City Revitalization Plan ("CCRP"). To insure timely site control of 703 & 801 Central Avenue, the Medford City Council authorized the City to enter into Purchase & Sale Agreements for those parcels in anticipation of assignment to MURA. Completion of MURA's assemblage of the project site requires the assignment of both Purchase & Sale Agreements from the City of Medford. On September 19, 2019, MURA authorized by resolution the acceptance by assignment of the two Purchase & Sale Agreements from the City of Medford.

PREVIOUS COUNCIL ACTIONS

On July 18, 2019, by Ordinance 2019-75 the City Council ratified a Purchase & Sale Agreement in the amount of \$360,000 between Mark Wimmer and the City of Medford for the acquisition of the 1.44 acre parcel located at 703 Central Avenue (Tax Lot 372W24DD4401).

On August 1, 2019, by Ordinance 2019-84 the City Council ratified a Purchase & Sale Agreement in the amount of \$99,000 between Portland Limited Partnership and the City of Medford for the acquisition of the .57 acre parcel located at 801 Central Avenue (Tax Lot 372W24DD3700).

ANALYSIS

On April 11, 2019, at the MURA Study Session on Emerging Opportunities in Liberty Park, the MURA Board endorsed the investigation of potential redevelopment sites that had the quality of strategic nodes along the primary arterial streets abutting the Liberty Park neighborhood. Further research identified this assemblage of three parcels totaling 3.25 acres as one of the larger contiguous assemblages in the Downtown core area available for mixed-use urban infill development.

At the time of initial contact with the property owners there were lease negotiations in process that posed significant conflicts with MURA's redevelopment objectives. Securing contracts for these properties unencumbered by lease conditions required expedited negotiations which MURA was not able to conduct due to the process and timing considerations for identifying projects and amending the City Center Revitalization Plan. However, the City of Medford was able to pursue expedited negotiations pursuant to direction from City Council.



FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The City has paid an earnest money deposit of \$25,000 for 703 Central Avenue and an earnest money deposit of \$15,000 for 801 Central Avenue. As a condition of assignment of the Purchase & Sale Agreements, MURA will reimburse the City for those deposits and any associated expenses incurred in the contracting process, if any.

TIMING ISSUES

The Purchase & Sale Agreements have closing dates of October 1, 2019, and October 15, 2019, for 703 Central Avenue and 801 Central Avenue respectively. To insure fulfillment of these contract commitments, assignment of the Agreements must be completed prior to the closing deadlines.

COUNCIL OPTIONS

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

STAFF RECOMMENDATION

Staff recommends approval of the resolution.

SUGGESTED MOTION

I move to approve the resolution assigning the Purchase & Sale Agreements for 703 Central Avenue and 801 Central Avenue to the Medford Urban Renewal Agency.

EXHIBITS

- Resolution
- MURA Resolution

RESOLUTION NO. 2019-99

A RESOLUTION authorizing assignment of two Purchase and Sale Agreements from the City of Medford to the Medford Urban Renewal Agency, for property located at 703 Central Avenue and 801 Central Avenue.

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

That assignment of two Purchase and Sale Agreements from the City of Medford to the Medford Urban Renewal Agency, for property located at 703 Central Avenue and 801 Central Avenue, is hereby authorized.

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

ATTEST: _____
City Recorder

Mayor

MEDFORD URBAN RENEWAL AGENCY

RESOLUTION NO. 2019-009

A RESOLUTION authorizing acceptance of assignment of Purchase and Sale Agreements from the City of Medford for acquisition of real property located at 703 Central Avenue (Tax Lot 372W24DD4401) & 801 Central Avenue (Tax Lot 372W24DD3700).

WHEREAS, on April 19, 2018, via Ordinance No. 2018-33, the City Council approved a Substantial Amendment to the Center City Revitalization Plan adding “Improvements to the Liberty Park Area” under “Section 601 Urban Renewal Projects and Improvement Activities;” and,

WHEREAS, the “Liberty Park Neighborhood Master Plan Placeholder” was designated as a project category “to serve as a place holder for projects that evolve from the planning process around the Liberty Park Neighborhood Master Plan” and which would be adopted into the Plan by subsequent amendment; and

WHEREAS, during the Master Planning process the properties at 703, 727 & 803 Central Avenue have been identified as a desirable site for mixed-use redevelopment with critically needed housing that can advance the improvement of the Liberty Park Area; and,

WHEREAS, the City of Medford entered into Purchase & Sale Agreements for 703 Central Avenue and 801 Central Avenue to assist MURA in securing time-sensitive site control of the parcels: and

WHEREAS, on September 19, 2019, a public hearing was held regarding acquisition of the property, Findings were adopted, and a minor amendment to the City Center Revitalization Plan to include the following properties was approved via Board Resolution No. 2019-007:

703 Central Avenue (Tax Lot 372W24DD4401)
727 Central Avenue (Tax Lot 372W24DD3800)
801 Central Avenue (Tax Lot 372W24DD3700)

BE IT RESOLVED that acceptance by assignment from the City of Medford to the Medford Urban Renewal Agency of the Purchase and Sale Agreements for acquisition of real property located at 703 & 801 Central Avenue is hereby authorized.

PASSED by the Medford Urban Renewal Agency Board of Directors in open session and signed by me in authentication of its passage this _____ day of September, 2019.

ATTEST: _____

Chair, Medford Urban Renewal Agency



DEPARTMENT: Finance, MURA

PHONE: (541) 774-2033; (541) 774-2701

STAFF CONTACT: Ryan Martin, Finance; Harry Weiss, MURA Director

AGENDA SECTION: Consent Calendar

MEETING DATE: September 19, 2019

RESOLUTION 2019-100

A resolution approving an Intergovernmental Agreement between the City of Medford and the Medford Urban Renewal Agency (MURA) for Tax Increment Financing (TIF).

SUMMARY AND BACKGROUND

This Intergovernmental Agreement creates a lending mechanism between the City of Medford, as lender, and MURA, as borrower, to facilitate utilization of MURA's tax increment revenues.

PREVIOUS COUNCIL ACTIONS

At various times throughout the history of MURA the City has loaned funds to MURA which were then repaid from tax increment revenues in compliance with statutory requirements for Tax Increment Financing.

ANALYSIS

The funding of MURA urban renewal activities utilizes tax increment revenues derived from a division of property taxes. The use of tax increment funds are restricted by statute to the repayment of debt and associated debt expenses. Historically, MURA has issued bonds to capitalize its projects, pledging its tax increment revenues to debt service.

In 2018, MURA adopted a pay-as-you-go strategy for funding its remaining projects in the coming years, thereby avoiding costly debt issuance expense and interest charges. To comply with the statutory restrictions on the use of TIF, it is necessary to access those revenues through an alternative debt instrument.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The City will lend general fund revenues to MURA which shall be repaid from MURA tax increment revenues that have accrued and are projected for the current biennium. The City's loan will be at 0% interest, with repayment due no later than June 30, 2021.

TIMING ISSUES

Acquisition of properties on Central Avenue by MURA are pending in October.

COUNCIL OPTIONS

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

STAFF RECOMMENDATION

Staff recommends approval of the resolution.



SUGGESTED MOTION

I move to approve the resolution approving an Intergovernmental Agreement between the City of Medford and MURA for Tax Increment Financing.

EXHIBITS

Resolution

Intergovernmental Agreement

RESOLUTION NO. 2019-100

A RESOLUTION approving an Intergovernmental Agreement between the City of Medford and MURA for Tax Increment Financing.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

The Intergovernmental Agreement between the City of Medford and MURA for tax increment financing, is hereby approved.

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

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019.

Mayor

INTERGOVERNMENTAL
AGREEMENT BETWEEN
THE CITY OF
MEDFORD AND
THE MEDFORD URBAN RENEWAL
AGENCY

Parties

The parties to this agreement are the City of Medford (City/Medford), an Oregon Home Rule Municipal Corporation, and the Medford Urban Renewal Agency (MURA/Agency), an Oregon urban renewal agency organized under ORS chapter 457.

Purpose

The funding of MURA urban renewal activities utilizes tax increment revenues derived from a division of property taxes. The use of tax increment funds (TIFs) are restricted by statute to the repayment of debt and associated debt expenses. Historically, MURA has issued bonds to capitalize its projects, pledging its tax increment revenues to debt service.

In 2018 MURA adopted a pay-as-you-go strategy for funding its remaining projects in the coming years, thereby avoiding costly debt issuance expense and interest charges. To comply with the statutory restrictions on the use of tax increment revenues, it is necessary to access those revenues through an alternative debt instrument.

The City desires to assist MURA in meeting its statutory obligations controlling the use of tax increment revenues while achieving the substantial cost savings of a more efficient debt instrument. To that end, the City agrees to serve as the lender to MURA whereby MURA may borrow funds up to the total amount of tax increment revenues accrued to date and projected for receipt in the current Fiscal Year. MURA shall then repay such borrowed funds from its tax increment reserves.

MURA is required to complete a minor plan amendment to include three potential land purchases into the urban renewal district boundary. The City paid \$40,000 in earnest money for two of the land purchases, all of which will be reimbursed by MURA.

Two loans from the City to MURA are also occurring in the 2019-21 biennium to ensure that a debt instrument is used for all tax increment financing property tax revenues. The first loan is found in the adopted 2019-21 City and MURA budgets in the amount of \$7,168,700, which is equal to property tax revenue for the biennium. The second payment

from the City to MURA, in the amount of \$2,025,635.50, comes as a supplemental budget amendment on September 19, 2019 to the City Council and MURA Board. The breakdown of the second payment is:

- \$40,000 reimbursement for earnest money paid by the City for two land purchases.
- \$1,985,635.50 loan from the City to MURA for 2017-19 TIF revenues that have not utilized a debt instrument.

Agreement

The City and MURA desire to accept terms of the reimbursement and loan agreements without interest, as outlined below

• Earnest money reimbursement	\$40,000.00
• Loan for 2017-19 TIF revenues	\$1,985,635.50
• Loan for 2019-21 TIF revenues	<u>\$7,168,700.00</u>
Total	\$9,194,335.50

Timing of Payment

MURA will pay the loan balance and reimbursement prior to June 30, 2021.

Dated this ____ day of September, 2019

Dated this ____ day of September, 2019

Kay Brooks, MURA Chair

Gary Wheeler, Mayor, City of Medford



AGENDA ITEM COMMENTARY

DEPARTMENT: City Manager
PHONE: (541) 774-2000
STAFF CONTACT: Brian Sjothun, City Manager

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: September 19, 2019

COUNCIL BILL 2019-101

An ordinance authorizing execution of a Quitclaim Deed to sell two tax lots located on the west side of Portland Avenue south of East Main Street to Rogue Community Health for the amount of \$0.

SUMMARY AND BACKGROUND

Council is requested to consider a request from Rogue Community Health (RCH) for relief on the purchase of excess City property located at 900 E. Main Street by way of reducing the purchase price to \$1 for each of the two lots.

By reducing the purchase price, Council would allow RCH to utilize these saved funds to continue services that directly address the 2019-21 Biennial Goals.

PREVIOUS COUNCIL ACTIONS

On September 7, 2017, Council Bill 2017-98 was approved authorizing the City Manager to proceed with the sale of surplus City-owned real property consisting of .16 acres located on Portland Avenue to Rogue Community Health.

On May 18, 2017, Council Bill 2017-46 was approved, deeming the property described as Maplot 371W30AC3300 as surplus and directed its sale to Rogue Community Health.

On April 20, 2017, the Medford City Council adopted Ordinance Number 2017-43. This Ordinance added Section 2.197 to the Medford Municipal Code setting standards and procedures for the disposal of real property by the City.

ANALYSIS

The Council has previously approved the sale of this property to RCH in the amount of \$196,510. The agreed upon price was through previous negotiations with RCH and the sale amount is reflective of the current value as listed by Jackson County.

Both previous council actions on this item contained conditions for RCH to complete as part of the sale. The status of the conditions are as follows:

- Resolution 2017-46 for Tax Lot 3300
 - Property shall be paved to meet City standards for parking lots within 12 months of the transfer of the property
 - RCH plans to begin improvements shortly after council consideration of this item and thus this condition will be met
 - Driveway access from East Main to subject property will be eliminated within 60 days of transfer



AGENDA ITEM COMMENTARY

- RCH will complete this requirement within the timeframe after transfer
- A tree preservation plan be developed and executed for the existing tree on the northwest corner of the property
 - This item has been completed via the SPAC approval of the master plan for the site
- A cross-access easement for tax lot 3300 and 3200 be executed and recorded
 - Item will be completed after council consideration of this item and part of the property transfer
- Resolution 2017-98 for Tax Lot 3500
 - Property shall be paved to meet City standards
 - RCH will pave parking lots in accordance with City standards
 - Easement for the benefit of the property located at 18 Portland Ave to access parking be reserved in the deed
 - RCH will file such easement as part of the property transfer after council consideration.

RCH is requesting consideration by the Council to lower the sale amount to \$1.00 for each of the two lots. Staff met with William North, CEO for RCH, to discuss his organizations request. I asked that Mr. North provide information to me that details how RCH addresses the current Council Biennial Goals. The details on how RCH can assist the Council and Community through addressing these goals are detailed in Exhibit A. A summary of the categories addressed are as follows:

- Housing
- Homeless Healthcare
- Community Engagement
- Economic Development
- Health & Safety
- Downtown Redevelopment
- Physical Health of Citizens
- Mental Health
- Opioid Crisis
- Prescriptions

RCH has completed all of the necessary land-use approvals as well as addressing the ingress/egress issues along Main Street. RCH has also worked with adjacent business owner, Boldt Dental, to address the issues brought forward to Council during the public hearing for the sale of the property. A full site plan has been provided as Exhibit B for Council review.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

If the request is granted, the City would forego \$196,510 of revenue that would be placed within one of the transportation project funds. These funds were not budgeted as revenue for the 2019-21 biennium and would need to be recognized in future supplemental budget.



TIMING ISSUES

RCH is requesting that the Council either grant or deny their request at this meeting. RCH is planning on beginning improvements for the master plan in the near future.

COUNCIL OPTIONS

Approve the request as presented.

Modify the request as presented.

Deny the request as presented or provide additional direction to staff

STAFF RECOMMENDATION

Staff recommends approval of the request. RCH has demonstrated how their organization will help address the Council Biennial Goals along with providing much needed services to a wide array of individuals in Medford.

SUGGESTED MOTION

I move to approve reducing the sale price to \$1 for each of the two lots and that Rogue Community Health pay for all recording fees.

EXHIBITS

Ordinance

Proposal to City of Medford

Site Plan

ORDINANCE NO. 2019-101

AN ORDINANCE authorizing execution of a Quitclaim Deed to sell two tax lots located on the west side of Portland Avenue south of East Main Street to Rogue Community Health for the amount of \$0.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That after a duly noticed public hearing per ORS 221.725, execution of a Quitclaim Deed to sell two tax lots located on the west side of Portland Avenue south of East Main Street and known as Tax Maplot 371W30AC3500 and Tax Maplot 371W30AC3600 to Rogue Community Health for the amount of \$0, which is on file in the City Recorder's office, is hereby authorized.

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

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019.

Mayor



Proposal to City of Medford

Rogue Community Health requests relief from the City of Medford on the purchase of excess City property at 900 E. Main St. (Lots 3300 and 3500 under a memorandum of agreement signed July 17, 2018) by way of reducing the purchase price to \$1 for Lot 3300 and \$1 for Lot 3500 or donating the property in recognition of the support of the Medford City Council Goals for 2019-20.

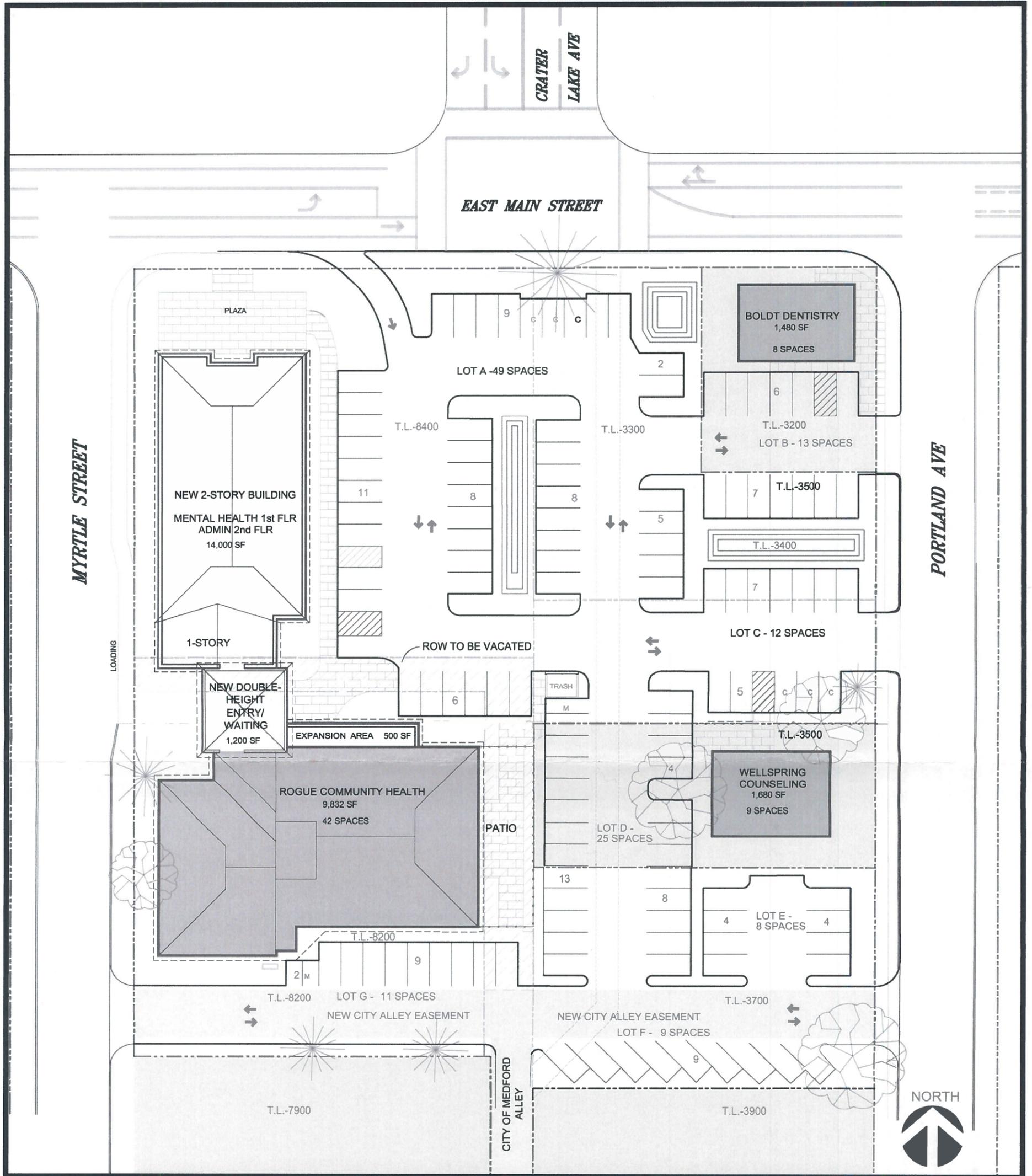
Rogue Community Health supports Medford City Council Goals for the 2019-20 biennium:

1. **Housing** – Rogue Community Health has partnered with the Housing Authority of Jackson County to provide healthcare services for supported housing for homeless individuals and underserved patients. We have identified locations in the two highest need areas of the City – 2251 W. Table Rock Rd and on the West side of the city.
2. **Homeless Healthcare** – In concert with the Continuum of Care, Housing Authority of Jackson County, partnerships with other nonprofits, and potentially utilizing CDBG funds, we intend to expand available housing, healthcare and social services for homeless and vulnerable populations in North and West Medford.
3. **Community Engagement** – Rogue Community Health has developed a Community Hub to engage community nonprofits, education and workforce development. Through a Closed Loop Referral System we are able to engage people through a ‘no wrong door approach’.
4. **Economic Development** – Through our Priority Partner Program, support small business owners providing family wage jobs by supporting the Regional Economic Strategy. Our programs are designed to engage small businesses and their employees with an approach that focuses on economic health and social determinants of health for long-term sustainability.
5. **Health and Safety** – With nonprofits and school districts we support homeless, mental health and substance use disorder services. The Housing Authority of Jackson County is a partner for expanded housing, healthcare and social services in North and West Medford.
6. **Downtown Redevelopment**. The plans approved by City Planning help us to create an improved Eastern gateway into downtown Medford from East Main Street with a new health campus that includes medical, pharmacy, behavioral, integrative, and dental services.

This request is also made by pursuant to the contributions made by Rogue Community Health to:

1. **Physical Health of Citizens**. The health of the citizens of Medford, especially those most vulnerable including the homeless, working uninsured, and underserved populations. We have operated a healthcare for the homeless program for many years.
2. **Mental Health**. Our expanded access for mental health services at 900 E. Main St in response to a lack of services in 2017 has grown to 10,000 patient visits annually.
3. **Opioid Crisis**. Our focus on the opioid crisis includes programs to treat substance use disorder and provide medication assisted therapy for people experiencing addiction. In 2018 we provided 2,100 substance use and alcohol counseling visits.
4. **Prescriptions**. In 2018 Rogue Community Health filled over 44,000 prescriptions in our two in-house pharmacies in Medford and White City providing low-cost medications to individuals who would otherwise have limited access to high cost prescriptions.





MASTER PLAN

15,200 SF - 2-STORY
SHARED PARKING PLAN

ROGUE COMMUNITY HEALTH
MEDFORD, OREGON



4497 Brownridge Terrace
Medford, OR 97504
541.779.0569
CSAplanning.net

DATE: 5/1/2018

SCALE: 1:40 (11 X 17)

PARKING CALCULATIONS

NEW USE	
SPACES FOR 6,500 SF OFFICE	20 SPACES
SPACES FOR 8,700 SF MEDICAL	40 SPACES
DOCTOR SPACES	5 SPACES
TOTAL REQUIRED NEW RHC BLDG	65 SPACES
MINUS 10% REDUCTION FOR PLAZA & LOCKER/SHOWER	- 6 SPACES
REDUCED REQUIRED RHC SPACES	59 SPACES
EXISTING USES	
TOTAL SPACES - EXISTING RHC	42 SPACES
TOTAL SPACES - NEW 500 SF RHC	3 SPACES
TOTAL SPACES - BOLDT	8 SPACES
TOTAL SPACES - WELLSPRINGS	9 SPACES
TOTAL SHARED SPACES REQUIRED	121 SPACES
TOTAL SPACES ON PLAN	127 SPACES

TAX LOT OWNED BY OTHER ENTITY



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

AGENDA SECTION: Public Hearings
MEETING DATE: September 19, 2019

COUNCIL BILL 2019-102

An ordinance approving a minor amendment to the General Land Use Plan (GLUP) Map of the Medford Comprehensive Plan by changing the land use designation of 5.07 acres located at 709 North Phoenix Road, from Urban Residential (UR) to Commercial (CM). GLUP 19-002

SUMMARY AND BACKGROUND

Council is requested to consider a minor General Land Use Plan (GLUP) amendment to reclassify a single 5.07 acre parcel, located at 709 North Phoenix Road, from Urban Residential to Commercial. (File No. GLUP-19-002)

On August 22, 2019, the Planning Commission forwarded a favorable recommendation to City Council after a public hearing and approved a zone change conditioned on approval of this proposal.

PREVIOUS COUNCIL ACTIONS

None.

ANALYSIS

The subject site has been commercially developed since the late 1960s when it was first developed with tennis courts, a swimming pool, and other recreational activities. The location is part of the Southeast Plan, which is a special land use plan for the southeast area of Medford. Even though extensive planning studies preceded the adoption of the Southeast Plan, this commercial site was included in the plan as part of subarea 2, a 'Standard Lot' Urban Residential subarea. The applicant is now requesting to change the designation to Commercial which would allow the existing use to be outright permitted and would eliminate the need for Conditional Use Permits.

Review of the proposed GLUP map designation change can be found to meet the applicable criteria for a Comprehensive Plan Amendment as found in the *Review and Amendments* chapter of the Comprehensive Plan, as the proposed change: 1) is consistent with the pertinent Comprehensive Plan policies and implementation strategies that seek to provide additional recreation, fitness and community space to promote wellness, active recreation and social engagement; 2) responds to a demonstrated need for adequate employment opportunities; 3) can be found to have sufficient facilities to accommodate the proposed classification change; 4) more accurately represents the land use that has been long established; 5) will result in no discernable environment, energy or social consequences from the proposed change of designation; 6) is compatible with all applicable elements of the Comprehensive Plan; and 7) meets the applicable statewide planning goals as described in the Council Staff Report.



FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None

TIMING ISSUES

None

COUNCIL OPTIONS

Approve the ordinance as presented

Modify the ordinance as presented

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

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to adopt the ordinance authorizing the minor General Land Use Plan (GLUP) amendment to reclassify a single 5.07 acre parcel, located at 709 North Phoenix Road, from Urban Residential (UR) to Commercial (CM).

EXHIBITS

Ordinance

Council Report, including Exhibits A-T

Vicinity Map

ORDINANCE NO. 2019-102

AN ORDINANCE approving a minor amendment to the General Land Use Plan (GLUP) Map of the *Medford Comprehensive Plan* by changing the land use designation of 5.07 acres located at 709 North Phoenix Road, from Urban Residential (UR) to Commercial (CM). (GLUP-19-002)

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That a minor amendment to the GLUP Map of the *Medford Comprehensive Plan* changing the land use designation of 5.07 acres located at 709 North Phoenix Road, from Urban Residential (UR) to Commercial (CM), is hereby approved.

Section 2. The approval is based upon the Findings of Fact and Conclusions of Law included in the Planning Commission Report dated August 13, 2019.

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

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019.

Mayor



CITY COUNCIL REPORT

for Type-IV and Type-III quasi-judicial and legislative decisions: **Minor General Land Use Plan Map Amendment and Zone Change.**

Project North Phoenix Property Holdings Inc.
Applicant: North Phoenix Property Holding LLC.
Agent: CSA Planning Ltd.

File no. GLUP-19-002 & ZC-19-010

To Mayor & City Council *for 09/19/2019 hearing*

From Steffen Roennfeldt, Planner III

Reviewer Kelly Evans, Assistant Planning Director

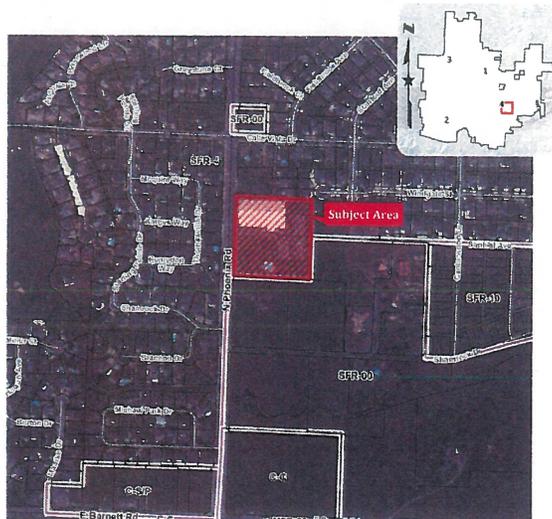
Date August 26, 2019

BACKGROUND

Proposal

Request for a Minor General Land Use Plan (GLUP) amendment to reclassify 5.07 acres, located at 709 N Phoenix Road, currently containing the *Court House Family Fitness* from Urban Residential (UR) to Commercial (CM); along with an associated request to rezone the parcel from SFR-4 (Single Family Residential - 2.5 to 4 dwelling units per gross acre) to C-C (Community Commercial). (371W27 TL701)

Vicinity Map



Subject Site Characteristics

GLUP	UR	Urban Residential
Zoning	SFR-4	Single Family Residential, 2.5 to 4 dwelling units per gross acre
SE Plan	2	Standard Lot
Use	Commercial Use – Court House Family Fitness	

Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-4
	Use:	Single Family Residential
<i>South</i>	Zone:	SFR-00 (Single Family Residential – 1 dwelling unit per lot)
	Use:	Single Family Residential
<i>East</i>	Zone:	SFR-4 & SFR-00
	Use:	Single Family Residential
<i>West</i>	Zone:	SFR-4
	Use:	Single Family Residential

Related Projects

CUP-18-076	Modify existing Conditional Use Permit to add parking and allow for new construction and other site modifications.
------------	--

Applicable Criteria

Minor Comprehensive Plan Amendment

For the applicable criteria, the Medford Municipal Code Section 10.222(B) redirects to the criteria in the “Review and Amendments” chapter of the Comprehensive Plan. The applicable criteria in this action are those for map amendments, and are based on the following:

1. *A significant change in one or more Goal, Policy, or Implementation Strategy.*
2. *Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*
3. *The orderly and economic provision of key public facilities.*
4. *Maximum efficiency of land uses within the current urbanizable area.*
5. *Environmental, energy, economic, and social consequences.*
6. *Compatibility of the proposed change with other elements of the City Comprehensive Plan.*
7. *All applicable Statewide Planning Goals.*

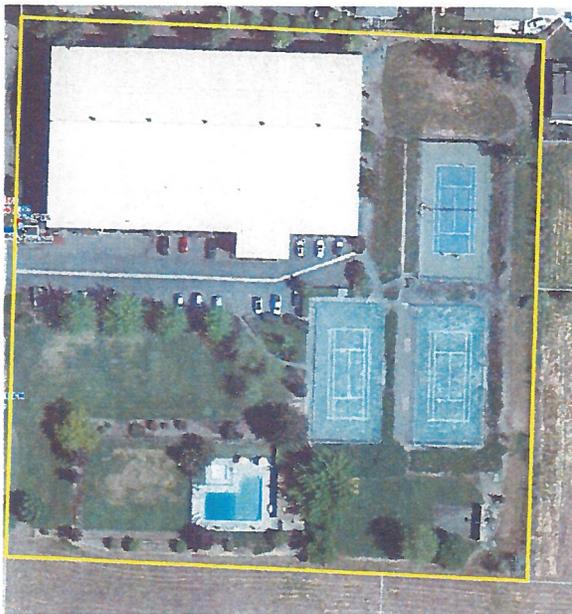
Authority

The Planning Commission is authorized to act as an advisory agency, forwarding a recommendation to City Council for proposed amendments to the Comprehensive Plan.

ISSUES AND ANALYSIS

Background

The subject site has been commercially developed since the late 1960s when, according to the applicant, it was first developed with tennis courts, a swimming pool and other outdoor recreational activity areas. An indoor tennis court was added later on.



In August of 2018, the Planning Commission approved a modification to a previously approved Conditional Use Permit (CUP) to further improve the site in three phases: Phase 1 will expand the parking lot, Phase 2 will consist of an indoor aquatic center, and Phase 3 will include an outdoor pool together with additional parking. As part of the CUP approval, the Planning Commission struck the requirement for road improvements and right-of-way dedication along the southerly property line due to the inexactness of the Southeast Overlay Plan Map and necessity to establish Dolan requirements for the establishment of a road in this location. Additionally, the

Commission did not apply the recommendation of a pedestrian path to the Windgate Street cul-de-sac as this cannot be accomplished without the adjoining property owners granting an easement.

The requested change to a Commercial GLUP and zoning is intended to facilitate financing for Phases 2 and 3 as listed above.

Project Summary

In order to secure financing for the proposed future uses of the recreational center, the applicant is requesting a change to the GLUP Map from Urban Residential to

Commercial and concurrently change the zoning from SFR-4 to C-C (Community Commercial). This change would eliminate the need for a CUP as the use is permitted outright in the C-C zoning district.

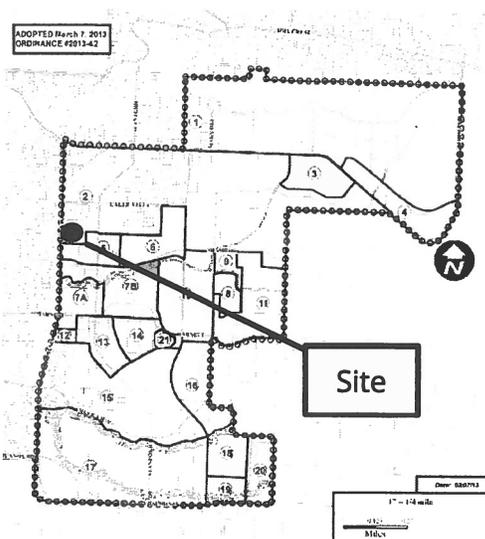
Restricted Zoning

Based on downstream sewer system capacity issues and potential transportation system issues, the Planning Commission implemented a restriction on development intensity. As there is no construction proposed with this application, the requested GLUP Map amendment will not further impact the sewer system or transportation system at this time.

A Restricted Zoning (RZ) overlay was applied to the site, restricting development until the time upgrades have been made to the sewer system, or the developer provides an engineering study of the downstream sewer system to show capacity exits to allow for any proposed improvements.

The restricted zoning overlay also included a vehicular trip cap of 242 P.M. peak hour trips. A trip accounting for each phase of development will be necessary to verify that the trip cap has not been exceeded. An additional TIA will be required to remove the trip cap from the property.

Southeast Plan



The Southeast Plan was adopted as part of the Neighborhood Element of the Comprehensive Plan. The subject property is within Area 2 of the Southeast Plan Map. Should the Commission and City Council act to approve the proposed applications, several Southeast Plan Maps that are part of the Neighborhood Element will have to be updated to reflect the GLUP and Zoning Map changes and add a new sub-area. Revisions to those portions of the Plan document may be made when needed by order of the Planning Director and shall be transmitted to the Planning Commission, City Council, and all other recorded holders of the

Comprehensive Plan.

Committee Comments

No comments were received from a committee, such as BPAC.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions for the GLUP Map change including all applicable Statewide Planning Goals (Exhibit G) and recommends the City Council adopt the findings as presented.

RECOMMENDED ACTION

Minor Comprehensive Plan (GLUP Map) Amendment

The Planning Commission recommends adopting GLUP-19-002 based on the analysis, findings, and conclusions per the City Council Report dated August 26, 2019, including Exhibits A through T.

EXHIBITS

- A Conditions of Approval, dated August 15, 2019
- B Assessor Map, received May 24, 2019
- C General Land Use Plan Map, received May 24, 2019
- D Southeast Plan Map, received May 24, 2019
- E Zoning Map, received May 24, 2019
- F Buildable Lands Inventory, received May 24, 2019
- G Findings of Fact and Conclusions of Law for General Land Use Plan Map amendment, received May 24, 2019
- H Findings of Fact and Conclusions of Law for Zone Change, received May 24, 2019
- I Legal Description for proposed re-zoning area, received May 24, 2019
- J Assessment Info for subject property, received May 24, 2019
- K Traffic Impact Analysis, received May 24, 2019
- L Revised Public Works Staff Report, dated August 13, 2019
- M Public Works Memo re: Traffic Impact Analysis, received July 11, 2019
- N Medford Water Commission Memo, dated July 31, 2019
- O City Surveyor Memo, dated July 5, 2019
- P Medford Fire Department Memo, dated July 29, 2019
- Q Jackson County Roads Memo, dated July 8, 2019
- R Floodplain Coordinator Memo, dated August 5, 2019
- S Letter from David F Cuttrell, received August 22, 2019
Vicinity map
- T Draft Minutes Excerpt from Planning Commission hearing on August 22, 2019

CITY COUNCIL AGENDA:

SEPTEMBER 19, 2019

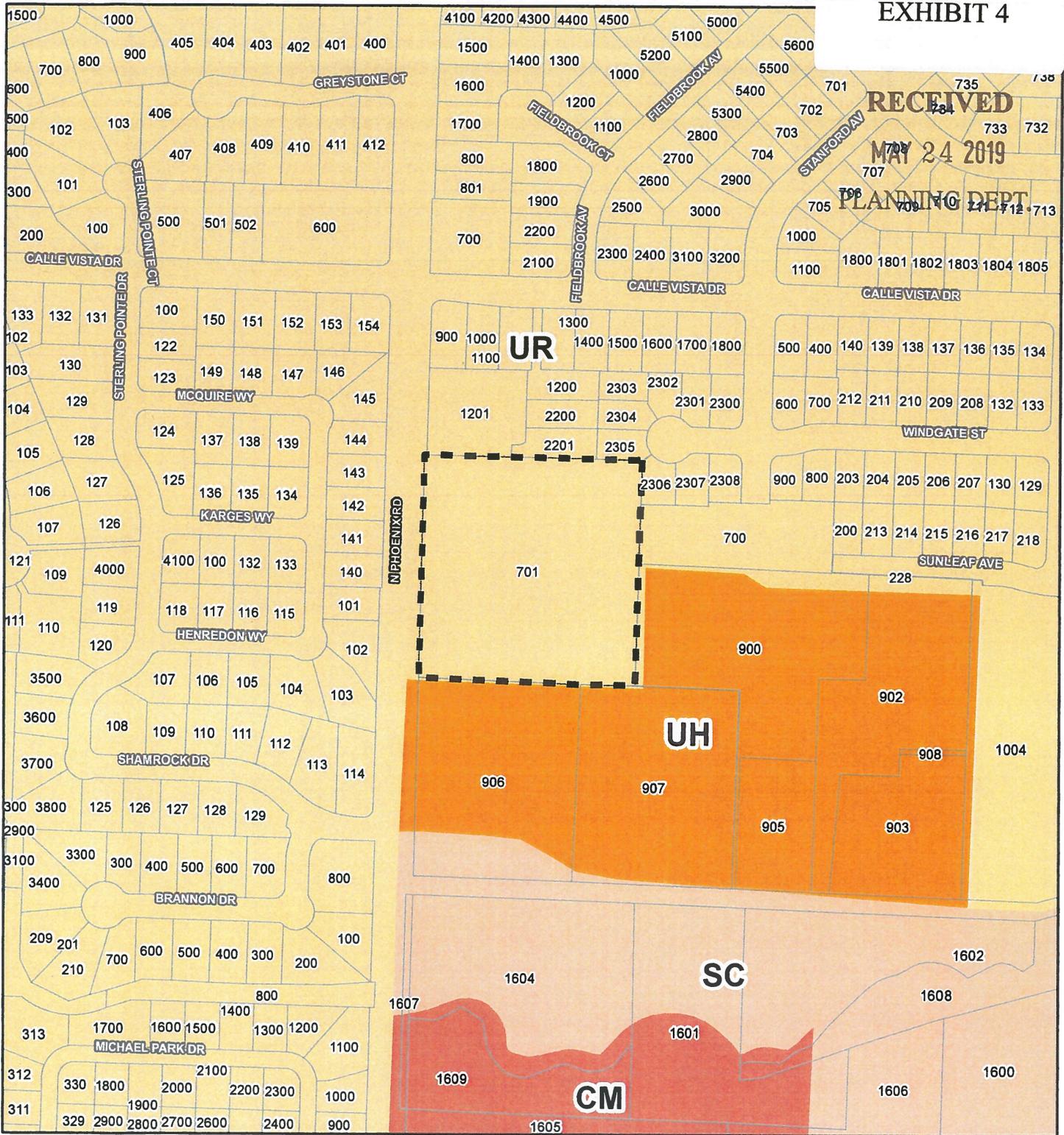
EXHIBIT A

North Phoenix Property Holdings Inc.
GLUP-19-002 & ZC-19-010
Conditions of Approval
August 15, 2019

CODE REQUIRED CONDITIONS (Zone Change only)

1. The change of zone (ZC-19-010) shall be effective upon City Council approval of the General Land Use Plan (GLUP) map amendment (GLUP-19-002).
2. The applicant shall comply with all requirements of the Public Works Report (Exhibit L).
3. The Restricted Zoning Overlay shall be established by deed restriction or covenant, and must be recorded at the County Recorder's office with proof of recordation returned to the Planning Department within 30 days of the zone change becoming effective. Two restrictions will apply to the subject property:
 - a. A trip cap of 242 P.M. peak hour trips;
 - b. To only develop so the total sewer flows do not exceed current zoning limitation.

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Subject
 Tax Lots

GLUP
 CM
 SC
 UH
 UR

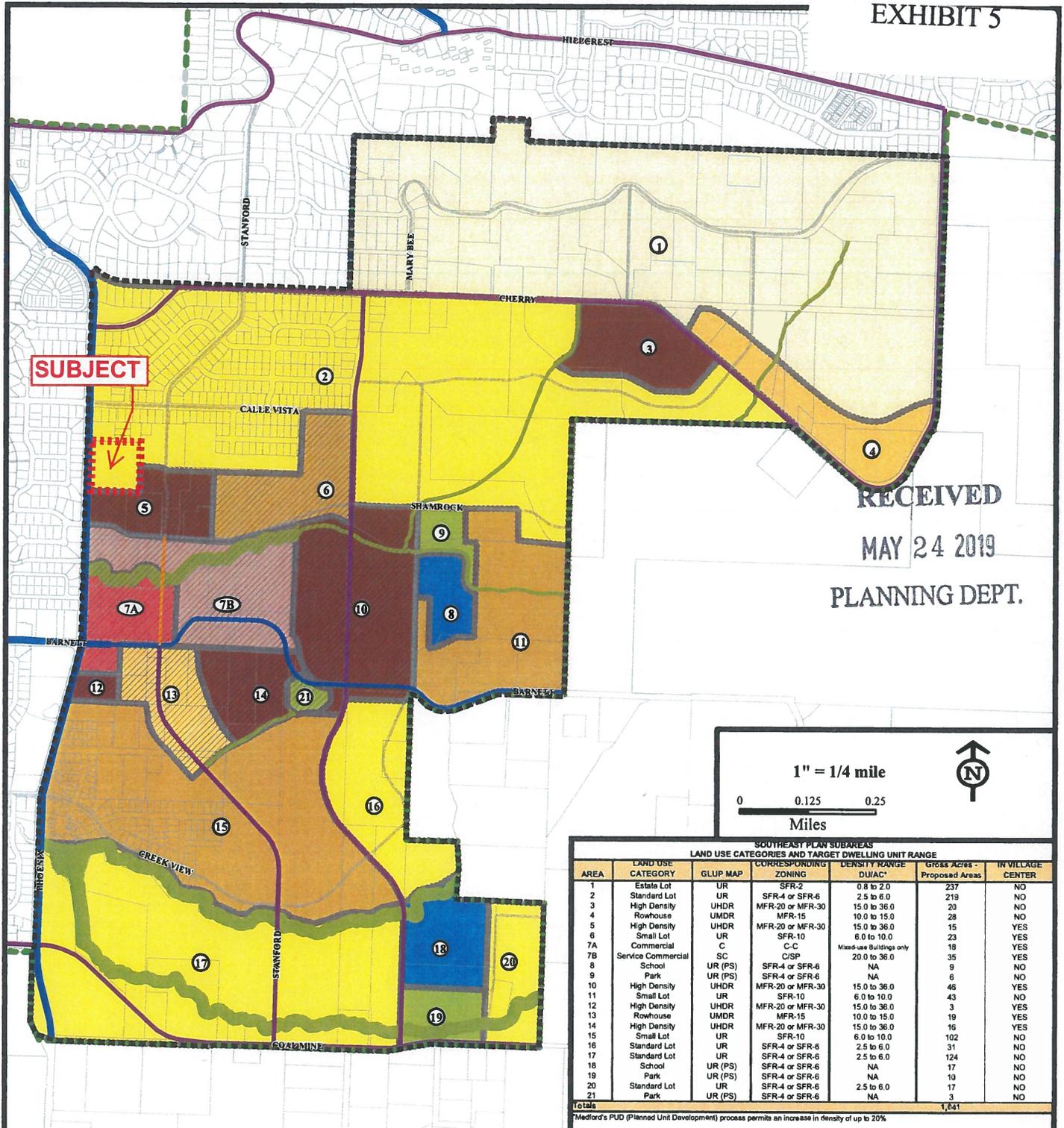
General Land Use Plan Map

North Phoenix Property Holdings
 CUP
 CITY OF MEDFORD
 37-1W-27 tax lot EXHIBIT #
 FILE # ZC-19-010/GLUP-19-002



CSA Planning LTD

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SOUTHEAST PLAN SUBAREAS
LAND USE CATEGORIES AND TARGET DWELLING UNIT RANGE

AREA	LAND USE CATEGORY	GLUP MAP	CORRESPONDING ZONING	DENSITY RANGE DU/AC*	Gross Acres - Proposed Areas	IN VILLAGE CENTER
1	Estate Lot	UR	SFR-2	0.8 to 2.0	237	NO
2	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0	219	NO
3	High Density	UHDR	MFR-20 or MFR-30	15.0 to 36.0	20	NO
4	Rowhouse	UMDR	MFR-15	10.0 to 15.0	28	NO
5	High Density	UHDR	MFR-20 or MFR-30	15.0 to 36.0	15	YES
6	Small Lot	UR	SFR-10	6.0 to 10.0	23	YES
7A	Commercial	C	C-C	Mixed-use Buildings only	18	YES
7B	Service Commercial	SC	C/SP	20.0 to 36.0	35	YES
8	School	UR (PS)	SFR-4 or SFR-6	NA	9	NO
9	Park	UR (PS)	SFR-4 or SFR-6	NA	6	NO
10	High Density	UHDR	MFR-20 or MFR-30	15.0 to 36.0	46	YES
11	Small Lot	UR	SFR-10	6.0 to 10.0	43	NO
12	High Density	UHDR	MFR-20 or MFR-30	15.0 to 36.0	3	YES
13	Rowhouse	UMDR	MFR-15	10.0 to 15.0	19	YES
14	High Density	UHDR	MFR-20 or MFR-30	15.0 to 36.0	16	YES
15	Small Lot	UR	SFR-10	6.0 to 10.0	102	NO
16	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0	31	NO
17	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0	124	NO
18	School	UR (PS)	SFR-4 or SFR-6	NA	17	NO
19	Park	UR (PS)	SFR-4 or SFR-6	NA	10	NO
20	Standard Lot	UR	SFR-4 or SFR-6	2.5 to 6.0	17	NO
21	Park	UR (PS)	SFR-4 or SFR-6	NA	3	NO
Totals					1,641	

Medford's PUD (Planned Unit Development) process permits an increase in density of up to 20%
 PLANNING DIV/Southeast Plan/SE Plan Table - Density SubAreas

**ADOPTED March 7, 2013
 ORDINANCE #2013-42**

**SOUTHEAST
 PLAN MAP**

- UGB
- Major Arterial
- - - SE Plan Boundary
- Minor Arterial
- /// Village Center TOD
- Major Collector
- Existing Taxlots
- Minor Collector
- 🌿 Greenway
- Commercial Street
- /// Standard Residential
- Estate Lot
- Standard Lot
- Small Lot
- Row House
- High Density
- Commercial
- Service Commercial
- Schools
- Parks

MAY 24 2019
EXHIBIT 6
PLANNING DEPT.



 Subject
 Tax Lots
 Medford Zoning

2016 Aerial

Zoning Map

North Phoenix Property Holdings
 CUP
 CITY OF MEDFORD
 37-1W-27 Tax Lot 701 EXHIBIT # 
 FILE # ZC-19-010/GLUP-19-002




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MEDFORD 2007 BUILDABLE LANDS INVENTORY

RESIDENTIAL LANDS

Includes GLUP Designations UR, UM & UH

LEGEND

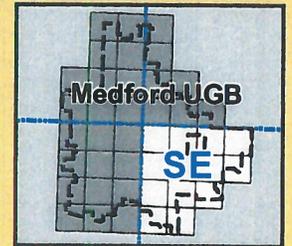
-  GLUP (UR, UM & UH)
-  UGB

Land Inventory*

Buildable Lands

-  Vacant
-  Redevelopable
-  Partially Developed Residential
-  Unbuildable
-  Public Right-of-Way
-  Developed

*Colors are muted in non-residential areas

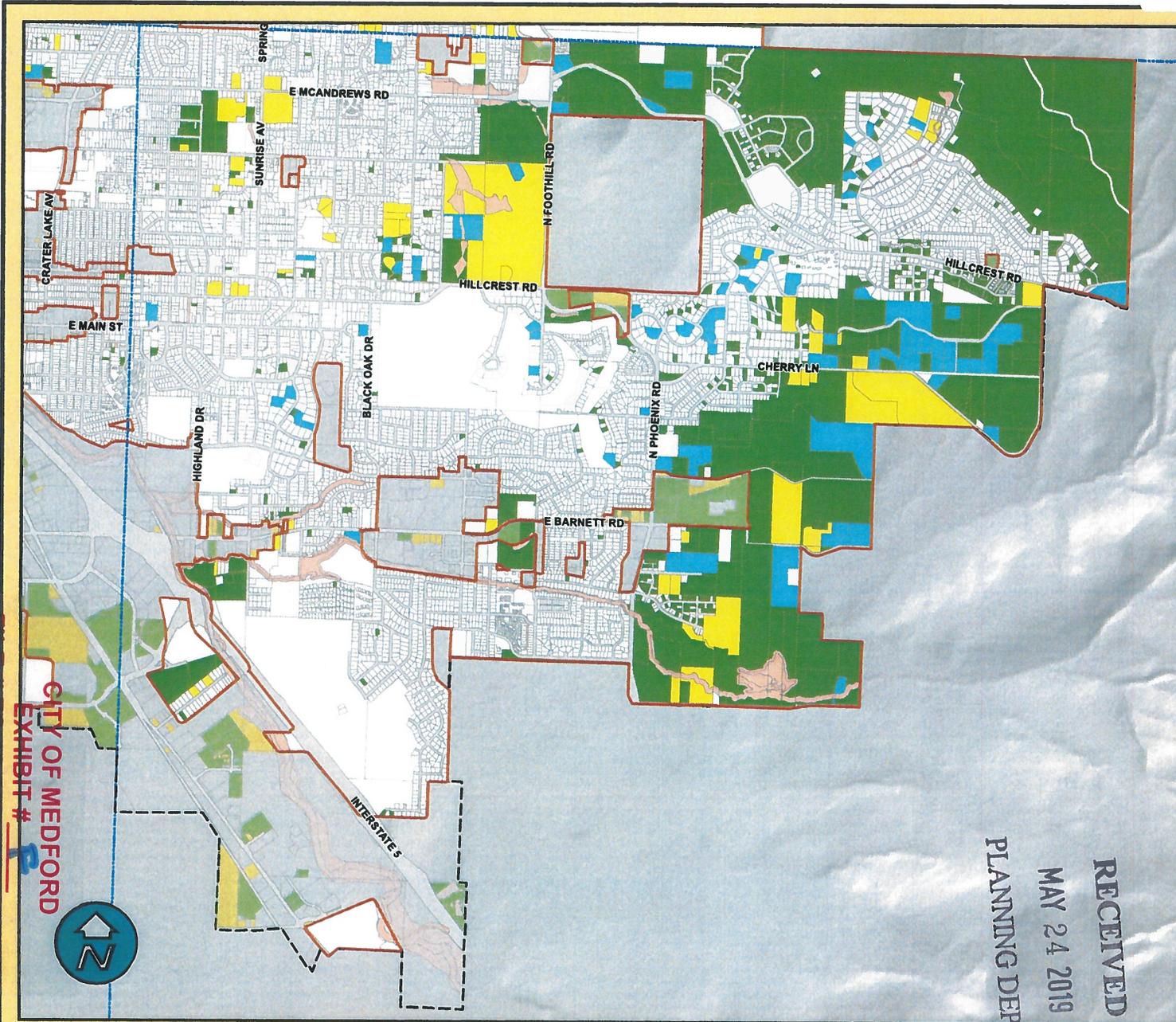


No guarantee or warranty is expressed or implied in terms of data accuracy or legitimacy. This product is intended for use as public information and precise interpretations of the official record should be solicited from the Medford Planning Department.



ADOPTED February 21st, 2008
ORDINANCE #2008-03

Source:
Jackson County Assessor data, March 2007



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CITY OF MEDFORD
EXHIBIT #

FILE # ZC-19-010/GLUP-19-002

110

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PLANNING DEPT.

BEFORE THE CITY COUNCIL
FOR THE CITY OF MEDFORD
JACKSON COUNTY, OREGON

THE MATTER OF A MINOR GENERAL)
LAND USE PLAN MAP AMENDMENT,)
CHANGING THE COMPREHENSIVE)
PLAN MAP DESIGNATION FROM)
URBAN RESIDENTIAL (UR) TO)
COMMERCIAL (CM) AND A)
CORRESPONDING CHANGE TO THE)
SOUTHEAST PLAN MAP FOR A 5.07)
ACRE PARCEL (371W27-701))
LOCATED 709 NORTH PHOENIX)
ROAD WITHIN THE CORPORATE)
LIMITS OF THE CITY OF MEDFORD,)
OREGON.)

FINDINGS OF FACT AND
CONCLUSIONS OF LAW
Applicants' Exhibit 1

Applicant/Owner: North Phoenix)
Property Holding, LLC)
Agent: CSA Planning, Ltd.)

SCOPE AND NATURE OF THE APPLICATION

Applicant requests a minor comprehensive plan amendment to change the General Land Use Plan (GLUP) map designation for the subject property at 709 North Phoenix Road from Urban Residential (UR) to Commercial (CM) and also to amend the Southeast Plan Maps in the Neighborhood Element of the Medford Comprehensive Plan to reflect a Commercial designation for the property. This application is submitted for concurrent/simultaneous review with an application for change of zoning from SFR-4 (Single Family Residential – 4 dwelling units per gross acre) to C-C (Commercial, Community).

The subject property has been in commercial recreational use since 1969 when first developed as the "Hillcrest Club" with outdoor tennis courts, a swimming pool and other outdoor recreational activity areas. The Hillcrest Club was renamed to the Rogue Valley Tennis and Swim Club in 1990. An indoor tennis court building was added along with improvements to the existing outdoor courts and swimming pool. That project was approved by Jackson County before the property had been annexed into the city. The club is currently operated by America's Best Kids as its "Court House Family Fitness" facility with indoor turf and indoor multi-sport courts in place of the interior tennis courts. A conditional use permit for further improvements has also been approved by the City of Medford to be constructed in three phases:

CITY OF MEDFORD
EXHIBIT # G
FILE # ZC-19-010/GLUP-19-002

h

- Phase 1 – Addition of 68 Parking Spaces
- Phase 2 – Construct Indoor Pool and 37 Additional Parking Spaces
- Phase 3 – Replace outdoor pool and Construct 10 Additional Parking Spaces

The Phase 1 parking area addition, along with street frontage/sidewalk improvements, is currently under construction. The Phase 2 and 3 improvement collectively are for a new Aquatic Center.

The requested change to Commercial GLUP map and zoning is intended to facilitate financing of the Aquatic Center. It would serve to assuage lender reservations about the use being listed as conditional rather than as a permitted use in the zone, and provide assurance to lenders that the site development has collateral value for adaptive re-use to house other commercial uses. The GLUP Map/Zoning change would also provide more flexibility for the current operator to partner with complementary businesses for services. For example, a physical therapy office could provide the same services as a club trainer who would otherwise need to be employed or contracted directly.

II

EVIDENCE SUBMITTED WITH APPLICATION

Applicants herewith submit the following evidence in support of this land use application:

- Exhibit 1.** The proposed findings of fact and conclusions of law (this document) which demonstrates how the proposed GLUP Map amendment complies with the relevant substantive approval criteria
- Exhibit 2.** Vicinity Map (Scale 1" = 1,000')
- Exhibit 3.** Jackson County Assessor plat map 371W27
- Exhibit 4.** General Land Use Plan Map (current)
- Exhibit 5.** SE Plan Map (current)
- Exhibit 6.** Zoning Map (current)
- Exhibit 7.** Traffic Generation Analysis/Stipulated Trip Cap Letter dated March 29, 2019 prepared by Southern Oregon Transportation Engineering, LLC
- Exhibit 8.** City of Medford Buildable Lands Inventory Map – Residential Lands
- Exhibit 9.** Property Assessment Details and Tax Statement
- Exhibit 10.** Signed and Completed Application Form and Agent Authorization.

III

APPLICABLE SUBSTANTIVE CRITERIA

The criteria under which the subject application for a minor comprehensive plan (GLUP) map amendment may be approved are recited verbatim below.

CITY OF MEDFORD LAND DEVELOPMENT CODE

10.222 Minor Comprehensive Plan Amendment Criteria

Refer to the Review and Amendment section of the Comprehensive Plan.

**CITY OF MEDFORD COMPREHENSIVE PLAN
Review and Amendment Procedures**

CRITERIA FOR PLAN AMENDMENTS

Because of the important functional differences among the various Plan components, no common set of criteria can be used to assess all proposed Plan amendments. Below are listed the criteria which must be considered when evaluating proposed amendments to each of the specified Plan components. While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not.

Map Designations – Amendments shall be based on the following:

- (1) A significant change in one or more Goal, Policy, or Implementation Strategy.
- (2) Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.
- (3) The orderly and economic provision of key public facilities
- (4) Maximum efficiency of land uses within the current urbanizable area.
- (5) Environmental, energy, economic and social consequences.
- (6) Compatibility of the proposed change with other elements of the *City Comprehensive Plan*.
- (7) All applicable Statewide Planning Goals.

IV

FINDINGS OF FACT

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

1. **Property Location:** The subject property is located at 709 North Phoenix Road within the corporate limits of the City of Medford and its urban growth boundary.
2. **Property Description:** The subject property is identified as Tax Lot 701 on Jackson County Assessment Plat 371W27.
3. **Owner:** North Phoenix Property Holding, LLC (Donald Berryessa, registered agent and manager), an Oregon registered limited liability company. Mr. Berryessa is also the president and registered agent for America's Best Kids, Inc., an Oregon registered corporation and operator of the club facility.

SE Plan: Areas 2 (Standard Lot) and 5 (High Density)
Use: Single family residence on 3.2 acre parcel
Vacant land and single family residences

West Zone: SFR-4
SE Plan: N/A (outside plan area)
Use: North Phoenix Road; Single family residences

10. Essential (Category 'A') Public Facilities:

- A. Sanitary Sewage Collection and Treatment:** The site is situated within the Medford sewer service area. An individual service lateral to the 8-inch sanitary sewer main located along the North Phoenix Road frontage currently serves the subject property.
- B. Water Service:** Medford Water Commission has an existing 16-inch water main on the west side of North Phoenix Road. There is an 8-inch water line that extends on-site to provide metered water service to the subject property via a 2-inch water meter. There is also a fire hydrant off the 8-inch water line and a four-inch fire service for the existing building at 709 North Phoenix Road. There is also a 3/4 -inch water irrigation water meter located approximately 110-feet south of the existing entrance and parking area.
- C. Storm Drainage:** This site lies within the Bear Creek/Larson Creek Drainage Basin. Existing storm drain facilities are provided on-site which discharge to the City stormwater sewer system.
- D. Transportation Facilities:** The findings of fact are reached with respect to streets and traffic:
- **Access:** Subject property has a single access from North Phoenix Road, approximately 570 feet south of its intersection with Calle Vista Drive and 580 feet north of its intersection with Shamrock Drive.
 - **Street Functional Classification:** North Phoenix Road is a Major Arterial.
 - **Summary Traffic Impacts:** An analysis of traffic impacts by Southern Oregon Transportation Engineering, LLC (SOTE) is provided at Applicant's Exhibit 7.
 - SOTE estimated that the existing use of the subject property – including the improvements approved by CUP – would generate 242 trips during the p.m. peak hour using the Institute of Transportation Engineers (ITE) land use 492 "Fitness Club". The analysis states that land use category 492 is considered the closest land use match in the ITE with an acceptable number of studies.

- Community Commercial (C-C) is estimated to generate 150 p.m. peak hour trips per acre. Applying the p.m. trip rate, the site is estimated to generate 762 p.m. peak hour trips to the transportation system if zoned C-C.
- The net number of additional trips to the transportation system is the difference between potential trips under C-C zoning and currently approved trips of 520 p.m. peak hour trips.
- More than 25 peak hour trips are assumed to reach North Phoenix Road/Barnett Road to the south, which is the threshold for determining when an intersection of higher order streets could be substantially impacted and requires evaluation.
- The intersection of North Phoenix Road /Barnett Road is shown under future year 2038 conditions in the City's Transportation System Plan (TSP) to be failing operationally (Level of Service "F") without adequate funded improvements. This means that mitigation will be required to obtain unconditional C-C zoning on the subject property.
- Since that is known up front, MLDC 10.461(1) allows trip stipulations to reduce traffic. For this application, the uses have already been pre-approved during the CUP process so a trip cap should be based on approximately 70,067 square feet of indoor health and fitness facilities or an estimated 242 p.m. peak hour trips.

V

CONCLUSIONS OF LAW

The following conclusions of law and ultimate conclusions are reached with respect to this proposed GLUP Map amendment. The following discussion and conclusions of law are preceded by the criteria to which they relate:

***City of Medford Comprehensive Plan Amendment Approval Criteria
Medford Land Development Code (MLDC) 10.190***
(Inapplicable provisions omitted)

MLDC 10.222 Minor Comprehensive Plan Amendment Criteria

Refer to the Review and Amendment section of the Comprehensive Plan.

Discussion: The adopted substantive approval criteria which govern minor comprehensive plan amendments are contained in the Review and Amendments section of the Medford Comprehensive Plan. The approval criteria in the plan's Review and Amendment Procedures section are preceded by the following language which gives context to how the criteria are to be considered:

CITY OF MEDFORD COMPREHENSIVE PLAN
Review and Amendment Procedures

CRITERIA FOR PLAN AMENDMENTS

Because of the important functional differences among the various Plan components, no common set of criteria can be used to assess all proposed Plan amendments. Below are listed the criteria which must be considered when evaluating proposed amendments to each of the specified Plan components. While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not.

Map Designations – Amendments shall be based on the following:

- (1) A significant change in one or more Goal, Policy, or Implementation Strategy.

Findings: In the Medford Comprehensive Plan’s Public Facilities Element for Parks incorporates the City’s 2016 Leisure Services Plan. In addressing the need for recreation centers and aquatics, the plan finds (at p. 8-87) that the number and types of activities the City can provide are limited by a lack of facility capacity. The plan recognizes that additional recreation, fitness and community space is needed to promote wellness, active recreation and social engagement. To meet this need, the plan states that the City should pursue a multi-use indoor facility to enable comprehensive recreation programs for Medford residents.

Implementation 1-C-6 is to pursue opportunities to develop an indoor aquatic facility and recreation center, potentially in partnership with other organizations or agencies – and to consider financial feasibility and long-term operations needs prior to design or construction of any new facility.

The subject property currently provides a similar function with its existing indoor and outdoor multi-sport court facilities and outdoor pool - and has approval to add an aquatic center with a competitive length (metric) indoor pool and an outdoor recreational pool. The completion of that project will help satisfy some of the city-wide demand by the private sector and could provide for partnering arrangements with the City on accommodating park programs and classes when city-owned facilities are not available. That is also consistent with Policy 5-A which provides that the City of Medford shall continue to pursue and maintain effective partnerships with neighboring cities, Jackson County, Medford School District, other governmental agencies, and *private* and non-profit organizations to plan and provide recreation activities and facilities and maximize opportunities for public recreation. The City of Medford also recently enacted public park zoning districts that allow for a variety of commercial uses within public owned parks which reflects similar recognition by the City that commercial uses often complement the recreational experience. No similar zone was established for private recreational use properties. Commercial zoning, however, does accommodate Health Clubs and other commercial recreation facilities as permitted uses.

- (2) Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.

Findings: The proposed GLUP Map change will reflect the fact that the subject property has always provided employment opportunities and commercial services to the community as a



recreational fitness center. As the City has expanded out to and encompassed the property – and as its population has increased in both size and density – demand for the recreational facilities and services has also increased. Planned improvements to the facilities are intended to meet that demand.

(3) The orderly and economic provision of key public facilities

Findings: The area is fully served by the gamut of key public facilities and the site is already developed at urban intensity. A stipulation to limit traffic generation will ensure that the transportation system is not adversely affected. This is not a situation that requires key public facilities to be extended or expanded in any way, and is thus an orderly and economic use of key public facilities.

(4) Maximum efficiency of land uses within the current urbanizable area.

Conclusions of Law: The subject property has been in use as private recreation facility since 1969 and has substantial non-residential improvements associated with that use. It has and will continue to serve as an activity center for the community. The proposed GLUP map designation of Commercial more accurately represents the land use that has been long established and will help in financing re-investment in the facilities as lenders are hesitant to finance the same under the UR designation.

(5) Environmental, energy, economic and social consequences.

Findings: The subject site is already developed with a 55,000 square foot building and associated parking facilities and has approval to construct an aquatic center to replace the existing outdoor pool. Investment in improvements to the existing building and facilities avoids the necessity to use more natural resources and energy to construct new facilities elsewhere and reduces the need to consume more land and impact soil, water and air resource. The amendment will also have positive social consequences by facilitating completion of a new aquatic center with a competitive sized (metric) indoor swimming pool for our youth and community at large. Overall, it is found that the environmental, energy, economic and social consequences will be positive.

(6) Compatibility of the proposed change with other elements of the City Comprehensive Plan.

Findings: The other elements of the comprehensive plan are addressed here below.

Environment Element: There are no inventoried natural or historical resources on the subject property – and development of the subject property is subject to the same standards for erosion control, drainage, natural hazards, etc... that now apply under the current UR designation. Accordingly, the proposed change has no effect on anything in Environmental Element of the Comprehensive Plan.



Population Element:

The proposed change would not affect population growth nor needed land supply to meet population growth needs since the property is already inventoried as “developed” land. The proposed commercial designation would, however, better reflect the role the subject property has had in providing employment opportunities and commercial recreational services to the population consistent with Goal 2, Policy 1 of the Population Element (“the City of Medford shall cooperate with other government agencies and the private sector to provide land and urban services sufficient to accommodate projected population growth in the UGB). No conflicting policies were found within the Population Element.

Economic Element: The Economic Element identifies Medford as being locally competitive relative to Jackson County for the Leisure and Hospitality sector under which the subject property is currently engaged. The one goal stated in the element is to actively stimulate economic development and growth that will provide opportunities to diversify and strengthen the mix of economic activity in the City of Medford. Policy 1-3 states that the City shall support the retention and expansion of existing businesses. Implementation 1-3(b) provides when evaluating GLUP Map amendments, assess the potential impacts of those amendments on neighboring land uses. The neighboring land uses, in this case, include residential developments that have been built around the subject property which has been in private recreational/commercial use since 1969. It is well buffered to the north by a screen of cypress trees and landscaping – and a one-acre stormwater detention basin that serves the Summerfield Park subdivision project. The parcel fronts upon a major arterial roadway on the west. None of the lots on the other side face the arterial road and all have vertical separation buffering along the street. Land to the east and south include large vacant and underdeveloped parcels currently zoned SFR-00 and designated for high-density residential use which would be well served by having a commercial recreational facility and other compatible commercial services nearby. Medford’s land development regulations do require all commercial development to be reviewed for compatibility with surrounding uses. The subject property also has more than five acres and so has sufficient area to include buffering treatments at the interface with neighboring property.

Policy 1-5b is (paraphrased) to assure that adequate commercial and industrial lands area available to support anticipated growth in employment. Implementation 1-5(b) is to reduce projected deficits in employment lands by changing GLUP Map designations within the existing Urban Growth Boundary. This site is not considered part of the BLI of residential land due to it being already developed as a private recreational facility (and assessed as a commercial site for tax purposes). The property is utilized as employment land with a residential zoning designation now. The proposed change will help an existing business grow in place and continue to serve the surrounding community.

Housing Element: The subject property is developed as a non-residential use within an SFR-4 zone. It is not inventoried as buildable residential land or potentially re-developable (i.e., having a strong market likelihood to redevelop for housing during the planning period) and is thereby not considered in the Housing Element as available to supply future housing needs.



The City's comprehensive plan does recognize that some of its housing needs will be accommodated in commercial zoned lands and that some of its employment uses will occur in residential zones. In this case, the residentially zoned property is intensively developed already with employment use and that the change of the GLUP Map designation reflects the on-the-ground and historic use of the property rather than an actual reallocation of new housing supply to new commercial land supply.

Buildable Lands Inventory: As explained in the Buildable Land Inventory Element, "redevelopable land" is made up of developed parcels that have a low improvement value and therefore have the potential to be redeveloped. Redevelopable parcels are determined by assuming that, if the ratio of real market improvement value to land values is less than or equal to .33, the parcel is redevelopable. The ratio of improvement value to land value for the subject property is 3.1 (see Applicant's Exhibit 9). Accordingly, the subject property is shown on the BLI for Residential land as "Developed". Because it is developed with non-residential uses, re-designation as Commercial Land will have no impact on the inventoried supply of residential land. Goal 1 in the BLI Element is to create a land inventory system for Medford that is as accurate and straightforward as possible, easy to update at regular intervals, and is consistent over time for accurate comparisons. Approval of the proposed change will be an update to more accurately reflect the actual land use in accordance with that goal. It also recognizes that this is not land that is likely to ever be redeveloped to provide for residential land needs. No provisions of the BLI Element were found to conflict with the proposed change.

Public Facilities Element: The subject property is developed and considered to be an existing condition with respect to the public facility plans. Improvements as previously approved were subject to permitting conditions for connections and final design plan approvals. There are no moratoria or limited service overlays that affect the parcel. No policies or other provision in the Public Facilities Element were found to conflict with the proposed GLUP Map change.

General Land Use Plan Element: The General Land Use Plan Element provides that the Urban Residential plan designation permits lower density urban residential uses (one to ten units per gross acre). The subject property was long ago developed as a non-residential private recreational facility that is commercial in character. The Commercial (CM) rather than Service Commercial (SC) map designation is requested because Standard Industrial Classification 7991 for Physical Fitness Facilities, under the Industry Group 799 for Miscellaneous Amusement and Recreation, is not listed as a permitted use in the C-S/P zoning district which is the only district established by the City to correspond with the SC GLUP Map designation. The C-C zoning district, which is proposed to be applied to the subject property, does include Physical Fitness Facilities under SIC Group 799 as a permitted use – and the subject property does meet the siting criteria for C-C zoning.

Neighborhood Element: The Southeast Plan is adopted as part of the Neighborhood Element. The subject property is within Southeast Plan Map Area 2 which corresponds with the SE Plan Land Use Category of "Standard Lot" and a GLUP Map Designation of "UR". The site is adjacent but outside and north of the SE Village Center TOD. The Introduction to the SE Plan explains that the area includes approximately 1,000 acres of land east of North Phoenix Road

that was mostly undeveloped when included in the urban growth boundary. The introduction explains that besides dwellings on large homesite, the area previously contained a tennis club and two fraternal lodges on North Phoenix Road, riding stables, and a radio tower. Neighborhood Element - P. 10-3. The plan does not state why the tennis club was designated on the SE Plan Map as Urban Residential land with a “Standard Lot” Land Use Category, nor are there any policies or strategies that would preclude a map change to designate the property as Commercial land. Section 5.2 addresses the Southeast Plan Map subareas. It states that the implementing provisions in the Southeast Overlay Zoning District ensure that target housing densities anticipated for each residential land use category will be met at the time development approvals are granted by the City. It continues on to explain that the subareas are restricted to specific zoning districts to meet density targets, rather than having a wide range of zones. Subarea 2, in which the subject property is located, is to be zoned either SFR-4 or SFR-6 with a residential density range of 2.5 to 6 units per acre. However, the subject property is developed land that is not counted in the City’s Buildable Lands Inventory as land supply available for future housing. Designating additional Commercial land north of the SE Village Center will place even more homes within one-quarter mile (a five minute walk) of a commercial area, which is the land use pattern promoted by the SE Plan. The change will also serve to recognize the site as a planned activity center rather than an existing condition expected to someday convert to housing. Importantly, the Commercial designation will facilitate the lending needed to complete the aquatic center which will be a popular activity center for the SE Plan area.

Transportation System Plan Element: The proposed GLUP Map amendment is combined with a zone change to C-C with a trip cap stipulation to limit traffic generation to 242 p.m. peak hour trips – equivalent to the amount associated with the existing fitness club and approved improvements (i.e., the aquatic center). *See*, Applicant’s Exhibit 7. As such, no net increase in trips will result and there will be no significant impact to the transportation system. The proposed change does not in any other way conflict with any provision in the Transportation System Plan.

Urbanization Element: The proposal does not include any need to annex land or expand the growth boundary, and the subject property is not located in close proximity to agricultural or other rural land outside the UGB that would implicate any policy in the Urbanization Element.

Regional Plan Element: No provisions or policies in the Regional Plan Element were found to apply. The Regional Plan Element is primarily concerned with coordination of growth between the cities in the region, with an emphasis on urban reserve area planning and growth boundary expansions. The subject property is not situated within an adopted urban reserve area. The Regional Plan does include as a guiding policy (2.2.1(c)) that the Region’s overall urban housing density shall be increased to provide for more efficient land utilization. However, the context is relating to regional growth. The City of Medford’s housing density would not be affected by the proposed change because the subject property is designated as “developed” in the residential buildable land inventory – no homes exist or are reasonably likely to be built on the subject property. The proposed C-C zoning would actually allow for higher residential density than does the existing UR designation. In any case, the intent of the

proposed change to CM is to facilitate financing for completion of the aquatic center to further improve the existing fitness club facilities.

(7) All applicable Statewide Planning Goals.

Goal 1 – Citizen Involvement

Findings: A minor GLUP map amendment requires compliance with the overall comprehensive plan as adopted in accordance with the Goal 1 Citizen Involvement program. Procedure for review of minor amendments includes notice to nearby and affected parties and public hearings before the Planning Commission and the City Council for citizens to be heard.

Goal 2 – Land Use Planning

Finding: The City has a land use planning process and policy framework as a basis for all decision and actions related to use of and to assure an adequate base for such decisions. The proposed minor map amendment must comply with the City’s adopted comprehensive plan, in accordance with the requirements of Goal 2. Goal 2 also provides a procedure for taking exceptions to Statewide Planning Goals. The exceptions process is not implicated in this case where no exception is requested or required.

Goal 3 – Agricultural Lands

Finding: Goal 3 does not apply within urban growth boundaries.

Goal 4 – Forest Lands

Finding: Goal 4 does not apply within urban growth boundaries.

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

Finding: No Goal 5 resource inventory includes or affects the subject property.

Goal 6 – Air, Water and Land Resources Quality

Finding: The property is already developed and fully served by the City’s sewerage system which has adequate capacity to process discharges and complies with applicable state and federal water quality statutes and licensure.

Goal 7 – Areas Subject to Natural Hazards

Finding: The subject property is not in an area, such as a flood hazard area, that is subject to Goal 7.

Goal 8 – Recreation

Finding: The Goal is to satisfy the recreational needs of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts. Under “Recreational Planning” it states that the requirements for meeting such needs, now and in the future, shall be planned for by governmental agencies having responsibility for recreation areas, facilities and opportunities: 1) in coordination with private enterprise; (2) in



appropriate portions; and (3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements. The remainder of the goal is directed to Destination Resort Siting eligibility requirements for lands outside urban areas.

The City of Medford is the primary provider of recreational parks in the City, but private enterprises hold a significant role in meeting the overall demand as discussed in the Leisure Services Plan and consistent with the coordination provisions of Goal 8. The subject property was established as a private tennis and swim club decades before inclusion into the City's urban growth boundary. As population density has increased in the surrounding area, so have the demands on the facilities which now include a 55,000 square foot indoor multi-court and fitness center, several outdoor courts and an outdoor swimming pool. A new aquatic center with a competitive indoor pool and a recreational outdoor pool has been approved to replace the outdoor pool. However, the facility improvements required are of a commercial scale and financing is difficult where the underlying zoning is residential rather than commercial. Lenders want assurance that the use be recognized as permitted outright rather than non-conforming or conditional. The approval of commercial plan designation and corresponding C-C zone would better reflect the scale and nature of the existing and approved facilities, recognize that the subject property has been and continues to be a recreational activity center for the community in an appropriate location, and that the quantity and quality of the facilities on site is now appropriately at a commercial level commensurate with the urban population growth around it.

Goal 9 – Economic Development

Finding: The goal is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. The proposed change will be to an employment land category (Commercial) for a site that has been so employed for decades notwithstanding the current Urban Residential designation.

Goal 10: Housing

Finding: The subject parcel is designated as "developed" in the City's Buildable Lands Inventory. The existing development is non-residential and is not reasonably expected to be redeveloped with homes in the future. Re-designation as Commercial Land would therefore not conflict with the City's land supply needed to accommodate housing under Goal 10. The private recreational facility has provided jobs and services for the area in the manner of employment land uses such that re-designation as Commercial Land would be an appropriate as a map correction.

Goal 11 – Public Facilities and Services:

Finding: The goal is to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural land. The subject property is urban land that is already developed and fully served by urban public facilities and services.

Goal 12 – Transportation

Finding: Applicant's stipulation to accept a trip cap to avoid any significant impact to transportation facilities functions to maintain adopted level of service standards in accordance

LCDC's Transportation Planning Rule (OAR Chapter 660, Division 12) which implements Goal 12.

Goal 13 – Energy Conservation

Finding: Goal 13 – to conserve energy – provides that land and uses developed on the land be managed and controlled so as to maximize the conservation of all forms of energy based upon sound economic principals. The subject property is currently designated as Urban Residential and zoned for just four dwelling units per acre. However, it is already developed with a private recreational/fitness club facility at a commercial scale that is well located to serve surrounding residential communities and planned higher density residential area of the Southeast Plan area. Already, there are several hundred homes that have been built within a quarter mile of the subject property such that residents can walk or bike the short distance rather than drive to commercially zoned facilities elsewhere in the city.

Goal 14 – Urbanization

Finding: The goal is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The proposed change is intended to better reflect the land use already established on the property which is recognized as already developed in the City's Buildable Lands Inventory and as a pre-existing development in the SE Plan document.

Goals 15 to 19

Finding: Not applicable to Southern Oregon

VI

ULTIMATE CONCLUSIONS

Based upon the foregoing findings of fact and conclusions of law, it is ultimately concluded that the criteria prerequisite to a General Land Use Plan Map Amendment from *UR (Urban Residential)* to *CM (Commercial)* on one parcel of land identified as Map 371W27 Tax Lot 701 has been substantiated for each of the relevant criteria cited herein above as Comprehensive Plan Amendment.

Respectfully submitted on behalf of Applicant:

CSA PLANNING, LTD.



Dated: May 23, 2019



BEFORE THE CITY COUNCIL
FOR THE CITY OF MEDFORD
JACKSON COUNTY, OREGON

THE MATTER OF A ZONE CHANGE)
FROM SINGLE FAMILY RESIDENTIAL)
(SFR-4) TO COMMUNITY)
COMMERCIAL (C-C) FOR A 5.07 ACRE)
PARCEL AND ADJACENT RIGHT OF)
WAY LOCATED 709 NORTH PHOENIX)
ROAD WITHIN THE CORPORATE)
LIMITS OF THE CITY OF MEDFORD,)
OREGON. THE PROPERTY IS)
FURTHER DESCRIBED AS TAX LOT)
701 ON JACKSON COUNTY)
ASSESSOR'S PLAT NUMBER)
371W27.)

FINDINGS OF FACT AND
CONCLUSIONS OF LAW
Applicant's Exhibit 1

Applicant/Owner: North Phoenix)
Property Holding, LLC)

Agent: CSA Planning, Ltd.)

I

SCOPE AND NATURE OF THE APPLICATION

Applicant requests a change of zoning from SFR-4 to C-C for the subject property at 709 North Phoenix Road. The application is submitted for concurrent/simultaneous review with an application to amend the General Land Use Plan (GLUP) designation from Urban Residential (UR) to Commercial (CM) with a corresponding change to Southeast Plan Map.

The zone change area includes the subject 5.07 acre parcel plus adjacent street right-of-way to center line (total of 5.56 gross acres).

The subject property has been in commercial recreational use since 1969 when first developed as the "Hillcrest Club" with outdoor tennis courts, a swimming pool and other outdoor recreational activity areas. The Hillcrest Club was renamed to the Rogue Valley Tennis and Swim Club in 1990. An indoor tennis court building was added along with improvements to the existing outdoor courts and swimming pool. That project was approved by Jackson County before the property had been annexed into the city. The club is currently operated by America's Best Kids as its "Court House Family Fitness" facility with indoor turf and indoor multi-sport courts in place of the interior tennis courts. A conditional use permit for further improvements has also been approved by the City of Medford to be constructed in three phases:

6

- Phase 1 – Addition of 68 Parking Spaces
- Phase 2 – Construct Indoor Pool and 37 Additional Parking Spaces
- Phase 3 – Replace outdoor pool and Construct 10 Additional Parking Spaces

The Phase 1 parking area addition, along with street frontage/sidewalk improvements, is currently under construction. The Phase 2 and 3 improvement collectively are for a new Aquatic Center.

The requested change to Commercial GLUP map and zoning is intended to facilitate financing of the Aquatic Center. It would serve to assuage lender reservations about the use being listed as conditional rather than as a permitted use in the zone, and provide assurance to lenders that the site development has collateral value for adaptive re-use to house other commercial uses. The GLUP Map/Zoning change would also provide more flexibility for the current operator to partner with complementary businesses for services. For example, a physical therapy office could provide the same services as a club trainer who would otherwise need to be employed or contracted directly.

II

EVIDENCE SUBMITTED WITH APPLICATION

Applicants herewith submit the following evidence in support of this land use application:

- Exhibit 1.** The proposed findings of fact and conclusions of law (this document) which demonstrates how the proposed GLUP Map amendment complies with the relevant substantive approval criteria
- Exhibit 2.** Vicinity Map (Scale 1" = 1,000')
- Exhibit 3.** Jackson County Assessor plat map 371W27
- Exhibit 4.** General Land Use Plan Map (current)
- Exhibit 5.** SE Plan Map (current)
- Exhibit 6.** Zoning Map (current)
- Exhibit 7.** Traffic Generation Analysis/Stipulated Trip Cap Letter dated March 29, 2019 prepared by Southern Oregon Transportation Engineering, LLC
- Exhibit 8.** Legal Description and Map of Proposed Zone Change Area
- Exhibit 9.** Signed and Completed Application Form and Agent Authorization.

III

APPLICABLE SUBSTANTIVE CRITERIA

The City of Medford criteria under which a zone change application must be considered are in MLDC 10.227 and the relevant approval criteria are recited verbatim below:

MLDC 10.204(B) ZONE CHANGE CRITERIA

The Planning Commission shall approve a quasi-judicial, minor zone change if it finds that the zone change complies with subsections (1) through (3) below:

- (1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.
- (2) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (2)(a), (2)(b), (2)(c), or (2)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.
....
 - (c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:
....
 - (ii) The overall area of the C-C zoning district shall be over three acres in size and shall front upon an arterial street or state highway, and shall be in a centralized location that does not otherwise constitute a neighborhood shopping center or portion thereof. In determining the overall area, all abutting property(s) zoned C-C shall be included in the size of the district.
....
- (3) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.
 - (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.
 - (b) Adequate streets and street capacity must be provided in one (1) of the following ways:
 - (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or
 - (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or
 - (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated land use, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs: the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or an applicant funds the



improvement through a reimbursement district pursuant to the Section 10.432. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

- (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.
- (c) In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change request. Special development conditions, stipulations or restrictions shall be established by deed restriction or covenant, which must be recorded at the County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:
 - (i) Restricted Zoning is a restriction of uses by type or intensity. In cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development on the subject or adjacent parcels. In no case shall residential densities be approved that do not meet minimum density standards,
 - (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,
 - (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

....

IV

FINDINGS OF FACT

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

1. **Property Location:** The subject property is located at 709 North Phoenix Road within the corporate limits of the City of Medford and its urban growth boundary.
2. **Property Description:** The subject property is identified as Tax Lot 701 on Jackson County Assessment Plat 371W27.
3. **Owner:** North Phoenix Property Holding, LLC (Donald Berryessa, registered agent and manager), an Oregon registered limited liability company. Mr. Berryessa is also the president and registered agent for America's Best Kids, Inc., an Oregon registered corporation and operator of the club facility.
4. **Existing/Approved Land Use and Improvements:** Recreational Facility ("Court House Family Fitness"). Existing improvements include a two-story building (approx.. 55,000 square feet) with indoor multi-sport courts and fitness facilities, outdoor courts, an outdoor swimming pool and adjacent building (changing rooms/showers), and parking facilities.



West Zone: SFR-4
 SE Plan: N/A (outside plan area)
 Use: North Phoenix Road; Single family residences

10. Essential (Category ‘A’) Public Facilities:

- A. Sanitary Sewage Collection and Treatment:** The site is situated within the Medford sewer service area. An individual service lateral to the 8-inch sanitary sewer main located along the North Phoenix Road frontage currently serves the subject property.
- B. Water Service:** Medford Water Commission has an existing 16-inch water main on the west side of North Phoenix Road. There is an 8-inch water line that extends on-site to provide metered water service to the subject property via a 2-inch water meter. There is also a fire hydrant off the 8-inch water line and a four-inch fire service for the existing building at 709 North Phoenix Road. There is also a 3/4 -inch water irrigation water meter located approximately 110-feet south of the existing entrance and parking area.
- C. Storm Drainage:** This site lies within the Bear Creek/Larson Creek Drainage Basin. Existing storm drain facilities are provided on-site which discharge to the City stormwater sewer system.
- D. Transportation Facilities:** The findings of fact are reached with respect to streets and traffic:
 - **Access:** Subject property has a single access from North Phoenix Road, approximately 570 feet south of its intersection with Calle Vista Drive and 580 feet north of its intersection with Shamrock Drive.
 - **Street Functional Classification:** North Phoenix Road is a Major Arterial.
 - **Summary Traffic Impacts:** An analysis of traffic impacts by Southern Oregon Transportation Engineering, LLC (SOTE) is provided at Applicant’s Exhibit 7.
 - SOTE estimated that the existing use of the subject property – including the improvements approved by CUP – would generate 242 trips during the p.m. peak hour using the Institute of Transportation Engineers (ITE) land use 492 “Fitness Club”. The analysis states that land use category 492 is considered the closest land use match in the ITE with an acceptable number of studies.
 - Community Commercial (C-C) is estimated to generate 150 p.m. peak hour trips per acre. Applying the p.m. trip rate, the site is estimated to generate 762 p.m. peak hour trips to the transportation system if zoned C-C.
 - The net number of additional trips to the transportation system is the difference between potential trips under C-C zoning and currently approved trips of 520 p.m. peak hour trips.

- More than 25 peak hour trips are assumed to reach North Phoenix Road/Barnett Road to the south, which is the threshold for determining when an intersection of higher order streets could be substantially impacted and requires evaluation.
- The intersection of North Phoenix Road /Barnett Road is shown under future year 2038 conditions in the City's Transportation System Plan (TSP) to be failing operationally (Level of Service "F") without adequate funded improvements. This means that mitigation will be required to obtain unconditional C-C zoning on the subject property.
- Since that is known up front, MLDC 10.461(1) allows trip stipulations to reduce traffic. For this application, the uses have already been pre-approved during the CUP process so a trip cap should be based on approximately 70,067 square feet of indoor health and fitness facilities or an estimated 242 p.m. peak hour trips.

V

CONCLUSIONS OF LAW

The following conclusions of law and ultimate conclusions are reached with respect to this proposed zone change. The following discussion and conclusions of law are preceded by the criteria to which they relate:

MLDC 10.204(B) ZONE CHANGE CRITERIA

The Planning Commission shall approve a quasi-judicial, minor zone change if it finds that the zone change complies with subsections (1) through (3) below:

- (1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.

Findings: The zone change request is reliant upon approval of a companion application to amend the General Land Use Plan Map Designation from Urban Residential (UR) to Commercial (CM). Included at Applicant's Exhibit 7 is an analysis by Southern Oregon Transportation Engineering LLC of potential traffic generation impacts from the zone change and facility conditions in the City's Transportation System Plan. As found in the analysis, an unmitigated zone change to C-C would be expected to generate an additional 520 p.m. peak hour trips over what the amount that would be generated for development already approved under the current SFR-4 zoning. The number of additional trips is assumed to reach the nearest higher-order street intersection to the south (N. Phoenix Road/Barnett Road) with more than 25 peak hour trips, which is the threshold for determining when an intersection of higher order streets could be substantially impacted and requires further evaluation. The intersection is shown under future year 2038 conditions in the City's TSP to be failing operationally (Level of Service "F") without adequate, funded improvements. As an alternative to constructing improvements to mitigate for an unrestricted zone change, the City of Medford's TSP and

implementing regulations (this development code) – consistent with the Transportation Planning Rule – allow for measures such as stipulations and conditional approval to assure that land uses under the amended zoning are consistent with the planned function, capacity and performance standards of the transportation facility. Applicant stipulates to agree to accept a condition establishing a trip cap of 242 p.m. peak hour trips – equivalent to that which would be generated by the approved development of the subject property under the current SFR-4 zoning. No other provisions in the TSP are found to be implicated by the proposed zone change.

- (2) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (2)(a), (2)(b), (2)(c), or (2)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.

....

- (c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:

....

- (ii) The overall area of the C-C zoning district shall be over three acres in size and shall front upon an arterial street or state highway, and shall be in a centralized location that does not otherwise constitute a neighborhood shopping center or portion thereof. In determining the overall area, all abutting property(s) zoned C-C shall be included in the size of the district.

....

Findings: A legal description and map of the proposed C-C zoned area, as provided at Applicant's Exhibit 8, evidences that overall area of the C-C zoning district will be 5.56 acres. The area includes the subject 5.07 acre parcel and the adjacent right-of-way to center line of North Phoenix Road – which is an arterial street. The subject property is in a central area within walkable distance to several existing residential subdivision and planned higher density residential area, which does not otherwise constitute a neighborhood shopping center. Accordingly, it is concluded that the proposed area complies with the locational standards for the C-C zoning district cited here above.

- (3) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.

- (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.

Finding: The subject property is already improved with commercial scale buildings and parking facilities – and has received approval through conditional use permit to replace the existing outdoor pool with an aquatic center including an indoor pool within a new 15,000 square foot building and a new outdoor pool. Upon completion, the property will be fully built-out. Accordingly, it is found that storm drainage, sanitary sewer and water facilities are already adequate in condition, capacity and location to serve the property.

- (b) Adequate streets and street capacity must be provided in one (1) of the following ways:



- (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or
 - (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or
 - (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated land use, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs: the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or an applicant funds the improvement through a reimbursement district pursuant to the Section 10.432. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.
 - (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.
- (c) In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change request. Special development conditions, stipulations or restrictions shall be established by deed restriction or covenant, which must be recorded at the County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:
- (i) Restricted Zoning is a restriction of uses by type or intensity. In cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development on the subject or adjacent parcels. In no case shall residential densities be approved that do not meet minimum density standards,
 - (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,
 - (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

Findings: The subject property is served by a single access along North Phoenix Road. The driveway and street frontage are being improved to current city standards in conjunction with the building, site and parking areas modifications approved through Planning Commission File CUP-18-076. In that proceeding, the Planning Commission concluded that a "local" side street shown on the Southeast Circulation Plan Map to the south of the subject property would not be required to be constructed to serve the approved buildout of the property due to the inexactness of the map and necessity to establish Dolan requirements to require such construction. Applicant has stipulated to accept a special development condition for a trip cap of 242 p.m. peak hour trips to restrict traffic generation to existing levels so as not to significantly affect transportation facilities. That level, as per the analysis at Applicant's

Exhibit 7, will accommodate the full buildout of the fitness center as previously approved by Planning Commission File CUP-18-076. Adjacent properties are unaffected by the stipulated trip cap.

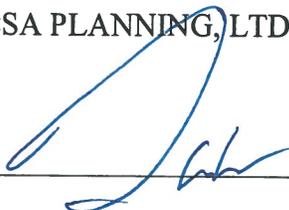
VI

ULTIMATE CONCLUSIONS

Based upon the foregoing findings of fact and conclusions of law, it is ultimately concluded that the criteria for a zone change from *SFR-4 (Single Family Residential, four dwelling units per gross acre)* to *C-C (Community Commercial)* for land identified as Map 371W27 Tax Lot 701 and adjacent street right-of-way has been substantiated for each of the relevant criteria cited herein above.

Respectfully submitted on behalf of Applicant:

CSA PLANNING, LTD.



Dated: May 23, 2019

EXHIBIT " "

EXHIBIT 8
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**PROPOSED RE-ZONING AREA
DESCRIPTION SHEET**

PLANNING DEPT.

That real property as described in Instrument Number 2017-043492 of the Official Records of Jackson County, Oregon, located within Donation Land Claim No. 58 in the Southwest One-quarter of Section 27, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon. The exterior outline of the area to be re-zoned is more particularly described as follows:

Commencing at a 5/8-inch diameter iron pin located at the southwest corner of Lot 2, FAIR OAKS ORCHARD TRACTS, recorded September 15, 1910, in Volume 2 of Plats at Page 50 of the Records of Jackson County, Oregon; thence North 00°25'02" West, along the westerly boundaries of Lots 1 and 2 of said plat, 422.05 feet (Record: North 0°04' West, 421.98 feet) to the southwest corner of that right-of-way dedication per Instrument Number 98-17868 of the Official Records of Jackson County, Oregon, and being the **TRUE POINT OF BEGINNING**; thence leaving the westerly boundary of said Lot 1, North 89°32'41" West, 30.00 feet to the centerline of North Phoenix Road, a public right-of-way; thence North 00°25'02" West, along said centerline, 475.95 feet; thence leaving said centerline, South 89°32'53" East, 30.00 feet to the northwest corner of said dedication per Instrument Number 98-17868; thence continuing South 89°32'53" East, along the northerly line of said dedication, 15.00 feet to the northeast corner thereof, also being the northwest corner of that tract per said Instrument Number 2017-043492; thence along the northerly, easterly and southerly boundaries of last said instrument, the following courses and distances: continuing South 89°32'53" East, 463.89 feet to the northeast corner thereof; thence South 00°24'53" East, 475.98 feet to the southeast corner thereof; thence North 89°32'41" West, 463.88 feet to the southwest corner thereof and being the southeast corner of the aforesaid right-of-way dedication; thence North 89°32'41" West, along the southerly line of said dedication, 15.00 feet to the Point of Beginning.

Area to be re-zoned contains 5.56 acres, more or less.

BASIS OF BEARINGS: Geodetic North referenced to the NAD83 2011 (Epoch 2010.00) datum, projected onto the Oregon Coordinate Reference System, Grants Pass-Ashland zone (references: OAR 734-005-0005, 734-005-0010 and 734-005-0015(3)(p)). Note that the grid bearings listed herein do not equal geodetic bearings due to meridian convergence.

This description is prepared for the distinct purpose of outlining an area to be re-zoned in the City of Medford, Oregon and is not sufficient for the conveyance of real property, the determination or creation of real property boundaries.

Prepared By:
Neathamer Surveying, Inc.
3126 State Street, Suite 203
Medford, Oregon 97501
Phone: (541) 732-2869
FAX: (541) 732-1382
Project Number: 18002

Date: May 1, 2019

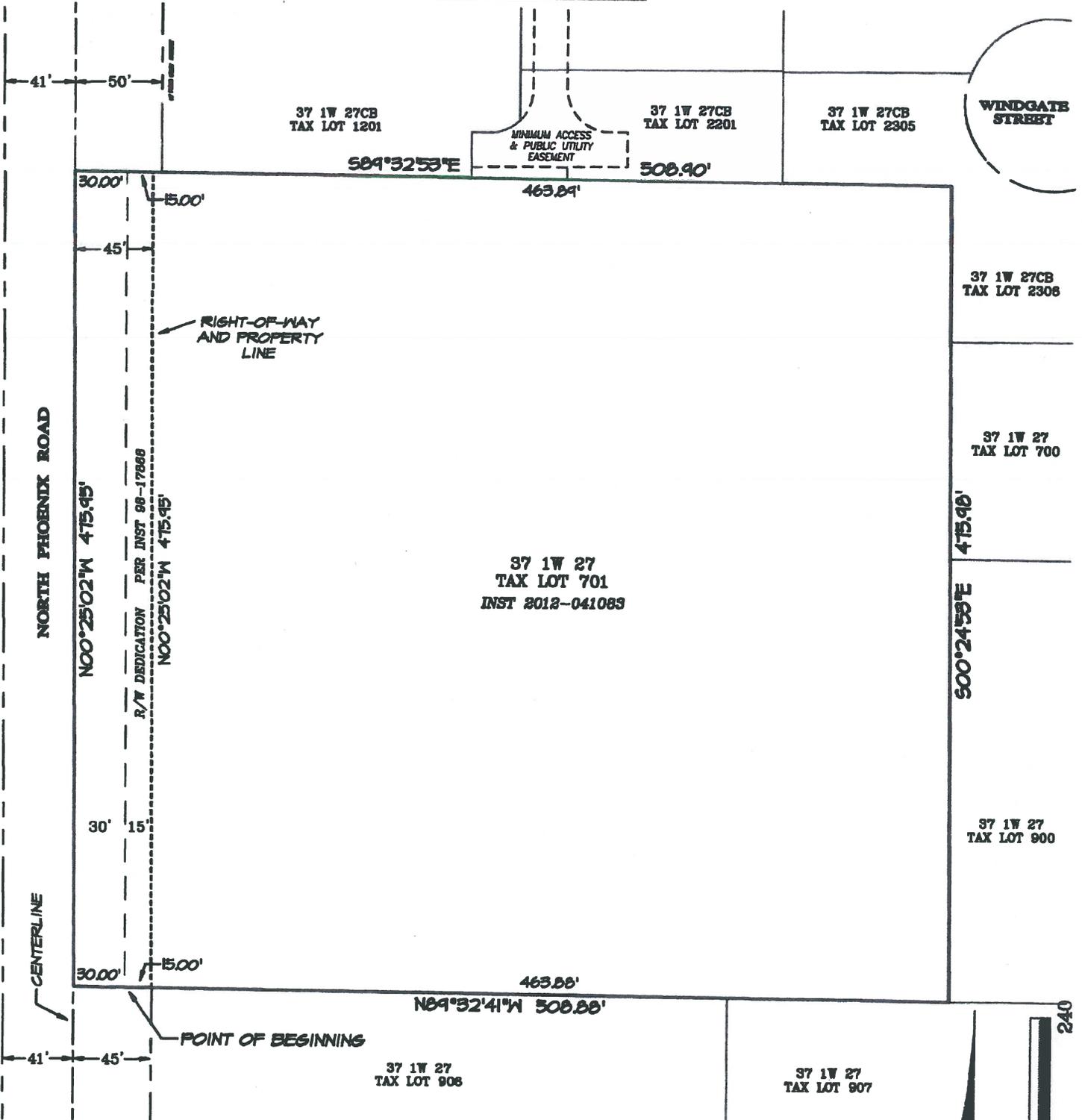


Caël E. Neathamer



RENEWAL DEC. 31, 2021 CITY OF MEDFORD

EXHIBIT # 1
FILE # ZC-19-010/GLUP-19-002

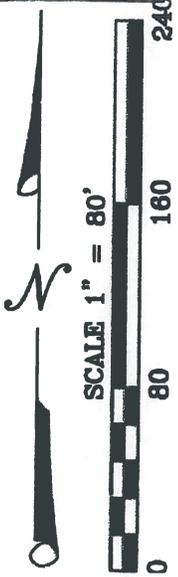


**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Cael E. Neathamer

**OREGON
JULY 9, 2001
CAEL E. NEATHAMER
56545**

Renewal Date 12/31/20



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MAY 24 2019

PLANNING DEPT.

Account Sequence		Map TL Sequence		Assessment Year: 2019	Print Window Close Window	
Assessment Info for Account 1-061476-3 Map 371W27 Taxlot 701 Report For Assessment Purposes Only Created May 20, 2019						
Account Info				Tax Year 2018 Info		Land Info
Account	1-061476-3			Pay Taxes Online		Tax Code 49-01
Map Taxlot	371W27 701					Acres 5.07
Owner	NORTH PHOENIX PROPERTY HOLDING LLC			Tax Report Details		Zoning
Situs Address	709 NORTH PHOENIX RD MEDFORD OR			Tax Statement Details		Land Class
	NORTH PHOENIX PROPERTY HOLDING LLC			Tax History Details		CM 5.07 Ac
	1914 SKY PARK DR			Tax Details Details		Property Class 211
	MEDFORD OR, 975044735			Tax Rates Details		Stat Class 574
Associated Taxlots 1 Acct						Unit ID 154421-2
49-03 R	1-061477-1 371W27 701 PURGED					Maintenance Area 6
Appraiser						Neighborhood 000
						Study Area 00
						Account Status ACTIVE
						Tax Status Assessable
						Sub Type NORMAL
Sales Data (ORCATS)						
Last Sale (consideration > 0)				Sale Date	Instrument Number	Sales History
\$ 3,075,000				Dec 28, 2017	2017-43492	Details
Value Summary Detail (For Assessment Year 2019 - Subject To Change)						
Market Value Summary (For Assessment Year 2019 - Subject To Change)						
Code Area	Type	Acres	RMV	M5	MAV	AV
49-01	LAND	5.07	\$ 677,570	\$ 677,570	\$ 659,130	\$ 659,130
49-01	IMPR	0.00	\$ 2,051,530	\$ 2,051,530	\$ 1,994,800	\$ 1,994,800
Value History Details		Total:	\$ 2,729,100	\$ 2,729,100	\$ 2,653,930	\$ 2,653,930
Value Summary Details						
Improvements						
Building #				Code Area	Year Built	Eff Year Built
1				49-01	0	674
				Description	Type	SqFt
				Health Club	Comm Imp	55076
				% Complete		100 %
						Details
Photos and Scanned Documents						
SCANNED ASSESSOR DOCUMENTS				(See new portal)	(See new portal)	Portal
Improvement Comments						
Commercial						
Space A	Square Feet: 55076	Year Built: 0	Use: 512 - Whse/Mfg - Steel	Name		
Floor None	Wall None	Partition None	Roof None	Foundation		
Cover None	Cover None	Cover None	Cover None	Ceiling None		
Commercial Land						
Site			Size			
COMMERCIAL SITE			↑			
Commercial Other Items						
Item						
ASPHALT						
3 TENNIS COUNTS						
POOL HOUSE						
POOL						
WADE POOL						
BASKETBALL 1/2 COUNT						
Appraisal Maintenance						
2008 - HISTORY ONLY R.T.						
2010 - HISTORY ONLY R.T.						
2015 - HISTORY ONLY R.T.						
Account Comments						
06/28/98: LESS STREET MINUS .16 .JV98-7790 NO VALUE CHANGE>>>>9/21/05 CORRECTED SCHEDULE CODE TO REFLECT GUIDELINES PER #82>>>>						
Exemptions / Special Assessments / Notations / Potential Liability						
Real Property Special Assessments						
Tax Year Applied	Code	Description	Amount	Acres		
2019	39	FIRE IMPROVEMENT SURCHARGE	\$47.50			
2019	41	FIRE PATROL GRAZING	\$18.75	5.07		
Notations						
Description	Tax Amount	Year Added	Value Amount			
CARTOGRAPHIC ACTIVITY		2018				
STATE FIRE PROTECTION		2009				
READ BEFORE DATA ENTRING EXCEPTION		2006				
BOPTA ORDER-REDUCTION 309.120		1988				
BOPTA ORDER-REDUCTION 309.120		1987				
Location Map						



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REAL PROPERTY TAX STATEMENT

JULY 1, 2018 TO JUNE 30, 2019

JACKSON COUNTY, OREGON

P.O. Box 1569

MEDFORD, OR 97501

ACCOUNT NO: 10614763

PROPERTY DESCRIPTION

CODE: 4901
MAP: 371W27-00-00701
ACRES: 5.07
SITUS: 709 NORTH PHOENIX RD MEDFORD
 NORTH PHOENIX PROPERTY HOLDING LLC
 1914 SKY PARK DR
 MEDFORD, OR 97504-4735

EDUCATION SERVICE DISTRICT	875.28
ROGUE COMMUNITY COLLEGE	1,273.38
MEDFORD SCHOOL DIST 549C	10,909.49
EDUCATION TOTAL:	13,058.15

VALUES:	LAST YEAR	THIS YEAR
REAL MARKET (RMV)		
LAND	627,400	677,570
STRUCTURES	1,899,530	2,051,530
TOTAL RMV	2,526,930	2,729,100
MAXIMUM ASSESSED VALUE	2,501,600	2,576,640
TOTAL ASSESSED VALUE	2,501,600	2,576,640
VETERAN/MISC EXEMPTION		0
NET TAXABLE:	2,501,600	2,576,640
TOTAL PROPERTY TAX:	38,351.30	39,490.63

JACKSON COUNTY	4,990.95
4-H EXTENSION SERVICE DISTRICT	102.03
VECTOR CONTROL	106.67
ROGUE VALLEY TRANSIT DISTRICT	440.09
ROGUE VALLEY TRANSIT DISTRICT LO	334.96
JACKSON SOIL & WATER CONSERVATIO	124.19
JACKSON COUNTY LIBRARY DISTRICT	1,291.41
CITY OF MEDFORD	13,148.85
MEDFORD URBAN RENEWAL	1,311.77
GENERAL GOVT TOTAL:	21,850.92

JACKSON COUNTY BONDS	314.35
ROGUE COMMUNITY COLLEGE BONDS	236.54
ROGUE COMMUNITY COLLEGE SHARED B	122.39
CITY OF MEDFORD	150.22
MEDFORD SCH DIST 549C BONDS-2007	3,691.81
OR FORESTRY FIRE, SURCHARGE	47.50
OR FORESTRY FIRE, GRAZING	18.75
BONDS - OTHER TOTAL:	4,581.56

PAYMENT QUESTIONS	(541) 774-6541
VALUE QUESTIONS	(541) 774-6059

MAKE PAYMENT TO: JACKSON COUNTY TAXATION OFFICE

2018 - 2019 TAX (Before Discount) 39,490.63

PAYMENT OPTIONS			
Date Due	3% Option	2% Option	Trimester Option
11/15/18	38,305.91	25,800.55	13,163.55
02/15/19			13,163.54
05/15/19		13,163.54	13,163.54
Total	38,305.91	38,964.09	39,490.63

TOTAL DUE (After Discount and Pre-payments) 38,305.91

Tear Here

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

Tear Here

2018 - 2019 PROPERTY TAXES

JACKSON COUNTY REAL

ACCOUNT NO. 10614763

PAYMENT OPTIONS	Discount	Date Due	Amount	Date Due	Amount	Date Due	Amount
Full Payment Enclosed	3%					11/15/18	38,305.91
or 2/3 Payment Enclosed	2%			& 05/15/19	13,163.54	11/15/18	25,800.55
or 1/3 Payment Enclosed	0%	02/15/19	13,163.54	& 05/15/19	13,163.54	& 11/15/18	13,163.55

DISCOUNT IS LOST & INTEREST APPLIES AFTER DUE DATE

Mailing address change on back

Enter Payment Amount
\$

NORTH PHOENIX PROPERTY HOLDING LLC
 1914 SKY PARK DR
 MEDFORD, OR 97504-4735

JACKSON COUNTY TAXATION
 P.O. BOX 1569
 MEDFORD, OR 97501

STATEMENT OF TAX ACCOUNT
JACKSON COUNTY TAX COLLECTOR
JACKSON COUNTY COURTHOUSE
MEDFORD, OR 97501
(541) 774-6541

20-May-2019

Tax Account #	10614763	Lender Name	
Account Status	A	Lender ID	
Roll Type	Real	Property ID	4901
Situs Address	709 NORTH PHOENIX RD MEDFORD, OR	Interest To	May 20, 2019

Tax Summary

Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date
2018	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$39,490.63	Nov 15, 2018
2017	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$38,352.28	Nov 15, 2017
2016	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$38,859.06	Nov 15, 2016
2015	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$38,247.79	Nov 15, 2015
2014	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$37,574.32	Nov 15, 2014
2013	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$35,469.78	Nov 15, 2013
2012	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$34,264.01	Nov 15, 2012
2011	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$33,532.85	Nov 15, 2011
2010	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$32,871.95	Nov 15, 2010
2009	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$31,997.24	Nov 15, 2009
2008	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$31,229.04	Nov 15, 2008
2007	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$30,023.72	Nov 15, 2007
2006	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$26,836.69	Nov 15, 2006
2005	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$25,937.20	Nov 15, 2005
2004	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$25,397.12	Nov 15, 2004
2003	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$24,797.96	Nov 15, 2003
2002	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$24,133.58	Nov 15, 2002
2001	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$23,509.18	Nov 15, 2001
2000	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$22,686.00	Nov 15, 2000
1999	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$21,635.41	Nov 15, 1999
1998	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$20,983.79	Nov 15, 1998
1997	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$20,222.19	Dec 15, 1997
1996	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$21,633.30	Nov 15, 1996
Total		\$0.00	\$0.00	\$0.00	\$0.00	\$679,685.09	

SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

319 Eastwood Drive - Medford, Or. 97504 – Phone (541) 941-4148 – Email: Kim.parducci@gmail.com

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MAY 24 2019

PLANNING DEPT.

March 29, 2019

Karl MacNair, Transportation Manager
City of Medford
Public Works/Engineering Division
200 South Ivy Street, Lausmann Annex
Medford, Oregon 97501

RE: SFR-4 to C-C Stipulated Zone Change Analysis

Dear Karl,

Southern Oregon Transportation Engineering, LLC evaluated trip generations for a proposed zone change (SFR-4 to C-C) on 5.08 acres at Township 37S Range 1W Section 27 tax lot 701. The subject parcel is located along the east side of N. Phoenix Road, south of Calle Vista Drive in East Medford. The proposed zone change will also necessitate a GLUP Map amendment from UR to CM and a minor amendment to the SE Plan Map (currently shown as UR land in Area 2).

Background

The subject parcel was previously the Rogue Valley Swim and Tennis Club, and is now operated by America’s Best Kids with similar uses. A conditional use permit (CUP) was recently approved to add parking, a 15,000 square foot (SF) aquatic center, and some outdoor facilities. At build-out the site will include approximately 70,076 SF of indoor health and fitness facilities. A zone change is proposed to assist with the financial side of developing the site. No net increase in trips is proposed as a result of the comprehensive plan map amendment, zone change, or minor modification to the SE Plan map.

Analysis

The site is partially built out under existing conditions with a 55,076 square foot (SF) 2-story health and fitness facility. Remaining development includes approximately 15,000 SF of an aquatic center (for a total of 70,076 SF of indoor facilities), additional parking, and some outdoor facilities. The two buildings with indoor facilities are estimated to generate 242 trips during the p.m. peak hour using the Institute of Transportation Engineers (ITE) land use 492 – Fitness Club, which is considered the closest land use match in the ITE with an acceptable number of studies. Land use 493 – Fitness Club is a better fit based on description, but only provides three studies.

Community Commercial (C-C) is estimated to generate 1500 average daily trips (ADT) per acre (using City of Medford C-C trips generations) or an equivalent 150 p.m. peak hour trips per acre. Applying the p.m. trip rate, the site is estimated to generate 762 p.m. peak hour trips to the transportation system (150 p.m. trips / acre x 5.08 acres = 762 p.m. trips). The net number of additional trips to the transportation system is the difference between potential trips under C-C zoning and currently approved trips or 520 p.m. peak hour trips (762 p.m. - 242 p.m. = 520 p.m. trips). This number of additional net trips is assumed to reach the nearest intersection to the south (N. Phoenix Road / Barnett Road) with more than 25 peak hour trips, which is the threshold for determining when an intersection of higher

CITY OF MEDFORD
EXHIBIT # **K**
FILE # ZC-19-010/GLUP-19-002

order streets could be substantially impacted and requires evaluation. The intersection of N. Phoenix Road / Barnett Road is shown under future year 2038 conditions in the City's Transportation System Plan (TSP) to be failing operationally (Level of Service "F") without adequate, funded improvements, which means that mitigation will be required to obtain unconditional C-C zoning on the subject property. Since this is known up front, the applicant requests to pursue the alternate option of a trip cap stipulation.

When an unconditional approval is not possible without some form of mitigation to maintain an adequate level of service, the City of Medford Municipal Land Development Code (MLDC) 10.461(1) allows trip stipulations to reduce traffic. For this application, the uses have already been pre-approved during the CUP process so a trip cap should be based on approximately 70,067 SF of indoor health and fitness facilities or an estimated 242 p.m. peak hour trips.

If you have any questions or concerns please feel free to contact me.

Sincerely,



Kimberly Parducci PE, PTOE

SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

Attachments: Parcel Vicinity Map
Medford TSP Future 2038 Intersection Operations
ITE Land Use 492 Graph

Cc: Peter Mackprang, Medford Engineering
Raul Woerner, CSA Planning Ltd.
Client



ATTACHMENTS

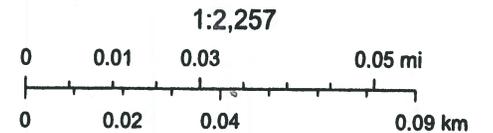
ArcGIS Web Map

Page 69



1/28/2019, 2:41:10 PM

-  Site Address Point
-  Tax Lot



Sources: Esri, HERE, Garmin, Intermap, Increment P Corp., GEBCO, USGS,



2038 No Build Level of Service

Land Use: 492 Health/Fitness Club

Description

A health/fitness club is a privately-owned facility that primarily focuses on individual fitness or training. It typically provides exercise classes; weightlifting, fitness and gymnastics equipment; spas; locker rooms; and small restaurants or snack bars. This land use may also include ancillary facilities, such as swimming pools, whirlpools, saunas, tennis, racquetball and handball courts, and limited retail. These facilities are membership clubs that may allow access to the general public for a fee. Racquet/tennis club (Land Use 491), athletic club (Land Use 493), and recreational community center (Land Use 495) are related uses.

Additional Data

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alberta (CAN), Connecticut, New Jersey, Pennsylvania, Vermont, and Wisconsin.

Source Numbers

253, 571, 588, 598, 728, 926, 959, 971



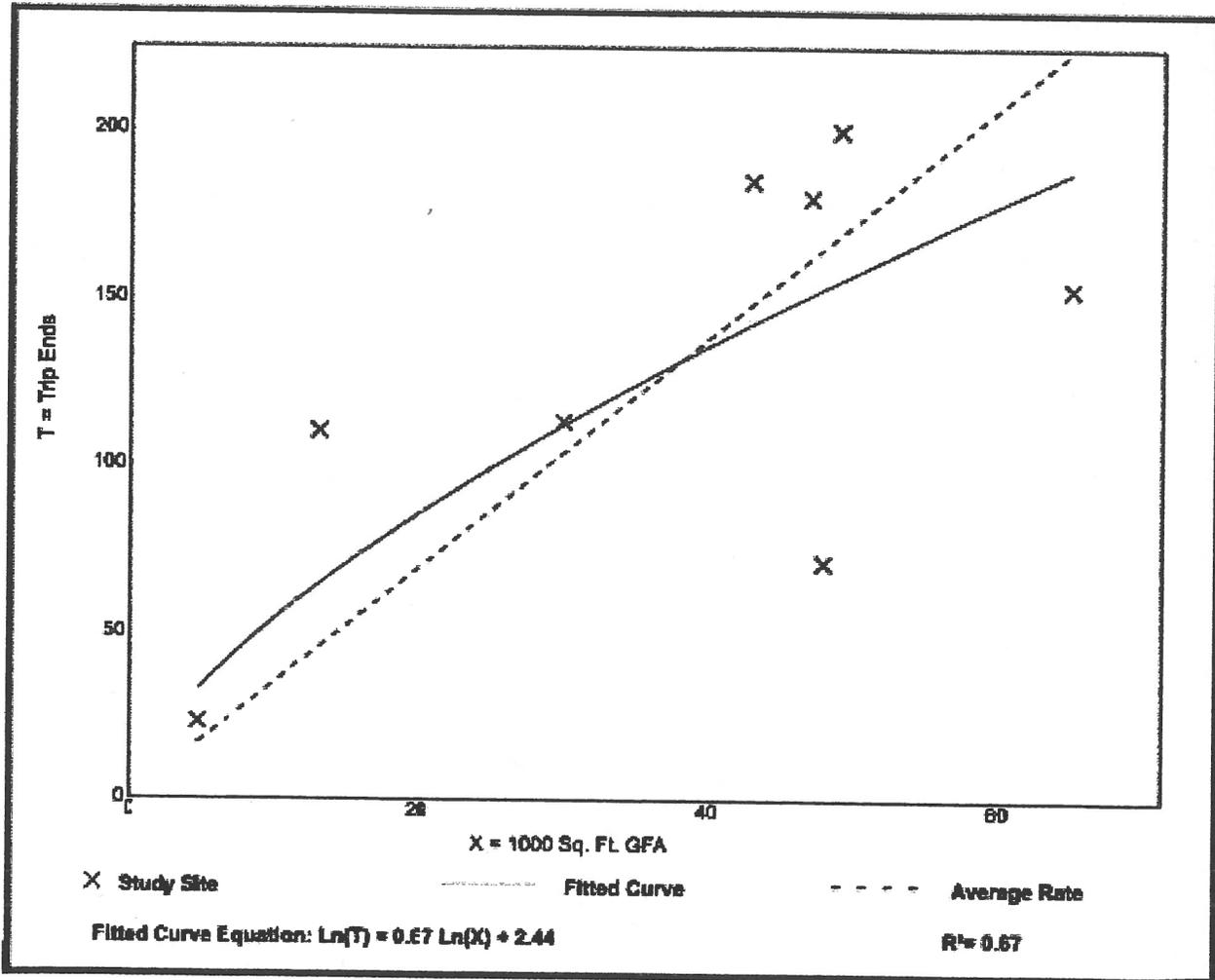
Health/Fitness Club (492)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 8
1000 Sq. Ft. GFA: 37
Directional Distribution: 57% entering, 43% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
3.45	1.48 - 8.37	1.57

Data Plot and Equation





LD DATE: 7/31/2019

Revised Date: 8/13/2019

File Number: ZC-19-010/GLUP-19-002

PUBLIC WORKS DEPARTMENT STAFF REPORT

Court House Family Fitness – America’s Best Kids 709 North Phoenix Road (TL 701)

Project: Request for a minor General Land Use Plan (GLUP) amendment to reclassify 5.07 acres.

Location: Located at 709 N Phoenix Road, currently containing the “Court House Family Fitness”, from Urban Residential (UR) to Commercial (CM); along with an associated request to rezone the parcel from SFR-4, Single Family Residential – 2.5 to 4 dwelling units per gross acre) to C-C (Community Commercial) (371W27701).

Applicant: Applicant, North Phoenix Property Holding LLC; Agent, CSA Planning Ltd.; Planner, Steffen Roennfeldt.

I. Sanitary Sewer Facilities

The proposed GLUP Amendment and Zone Change has the potential to increase flows to the sanitary sewer system. The downstream sanitary sewer system currently has capacity constraints. Based on this information, the Public Works Department recommends this GLUP Amendment and Zone Change be denied, or the applicant stipulate to only develop so the total sewer flows do not exceed current zoning limitation, or the Developer make improvements to the downstream sanitary sewer system to alleviate capacity constraints, or the Developer provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed GLUP Amendment and Zone Change.

II. Storm Drainage Facilities

This site lies within the Larson Creek Drainage Basin. The subject property currently drains to the west. The City of Medford has existing storm drain facilities in the area. This site would be able to connect to these facilities at the time of development. This site may be

required to provide stormwater quality and detention at time of development in accordance with MLDC, Section 10.729 and/or 10.486.

III. Transportation System

Public Works received a Transportation Impact Analysis (TIA) from Southern Oregon Transportation Engineering LLC, dated March 29, 2019, titled "SFR-4 to C-C Stipulated Zone Change Analysis".

The analysis shows that the trip generation for the full potential of either zone change could not be supported by the transportation system without mitigation so a trip cap has been stipulated to of 242 P.M. peak hour trips. With the stipulated trip cap there is no significant impact to the transportation system.

Public Works recommends approval with the following conditions:

1. Development on the property shall not exceed 242 P.M. peak hour trips until a traffic impact analysis has been completed showing that this trip cap can be removed.
2. Future phases of development shall provide a trip accounting to the City to verify that the trip cap of 242 P.M. peak hour trips has not been exceeded.

Prepared by: Jodi K Cope

Reviewed by: Doug Burroughs

Revised by: Jodi K Cope

The above report is based on the information provided with the Zone Change Application submittal and is subject to change based on actual conditions, revised plans and documents or other conditions. A full report with additional details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection shall be provided with a Development Permit Application.



MEMORANDUM

To: Doug Burroughs, Development Services Manager

From: Peter Mackprang, Associate Traffic Engineer

CC: Kim Parducci, Southern Oregon Transportation Engineering

Date: July 10, 2019

Subject: Conditions of Approval 371W27 701 Zone Change; The Court House

Public Works received a Transportation Impact Analysis (TIA) from Southern Oregon Transportation Engineering LLC, dated March 29, 2019, titled "SFR-4 to C-C Stipulated Zone Change Analysis.

The analysis states that the trip generation for the full potential of either zone change could not be supported by the transportation system without mitigation so a trip cap has been stipulated to of 242 P.M. peak hour trips. With the stipulated trip cap there is no significant impact to the transportation system.

Traffic Engineering recommends that the development be conditioned to provide a trip accounting for each phase of development to verify that the trip cap of 242 P.M. peak hour trips has not been exceeded. An additional traffic impact analysis will be required to remove the trip cap from the property.

CITY OF MEDFORD
EXHIBIT # M
6-1117-19-002 / 20-19-010



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: ZC-19-010/GLUP-19-002

PARCEL ID: 371W27 TL 701

PROJECT: Request for a minor General Land Use Plan (GLUP) amendment to reclassify 5.07 acres, located at 709 N Phoenix Road, currently containing the "Court House Family Fitness", from Urban Residential (UR) to Commercial (CM); along with an associated request to rezone the parcel from SFR-4, Single Family Residential – 2.5 to 4 dwelling units per gross acre) to C-C (Community Commercial) (371W27701); Applicant, North Phoenix Property Holding LLC; Agent, CSA Planning Ltd.; Planner, Steffen Roennfeldt.

DATE: July 31, 2019

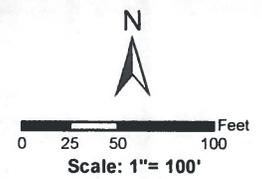
I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

CONDITIONS

1. No Conditions.

COMMENTS

1. MWC-metered water service does exist to this property. A 4-inch water meter serves the existing building at 709 N Phoenix Road which is located on the north side of the site entrance.
2. Access to MWC water lines is available. There is an existing 16-inch water line on the west side of N Phoenix Road, and an 8-inch water line which extends eastward from the 16-inch water line. This 8-inch water line has a 2-inch water meter, a fire hydrant, and a 4-inch fire service at the east end of this water line.



Water Facility Map for City of Medford Planning App: ZC-19-010 & GLUP-19-002

July 31, 2019

Legend

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

Water Meters:

- Active Meter
- On Well
- Unknown
- Vacant

Water Valves:

- Butterfly Valve
- Gate Valve
- Tapping Valve

Water Mains:

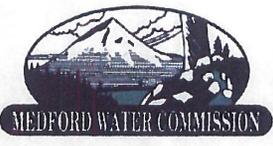
- Active Main
- Abandoned Main
- Reservoir Drain Pipe
- Pressure Zone Line

Boundaries:

- Urban Growth Boundary
- City Limits
- Tax Lots

MWC Facilities:

- Control Station
- Pump Station
- Reservoir



This map is based on a digital database compiled by Medford Water Commission from a variety of sources. Medford Water Commission cannot accept responsibility for errors, omissions, or inaccuracies. There are no warranties, expressed or implied.

Date: 7/31/2019
 Path: G:\MWD\mwh\WFC Map - MWC SDE - Layer 15 - July 31 2019.mxd

Page 78



Planning Department

Working with the community to shape a vibrant and exceptional city

MEMORANDUM

Subject Legal Description
 File no. ZC- 19-010/GLUP-19-002
 To Jon Proud, Engineering
 From Steffen Roenfeldt, Planning Department
 Date July 5, 2019

Please verify the attached legal description covering the below subject at your earliest convenience. See attached map.

1. ZC-19-010/GLUP-19-002
 Applicant: North Phoenix Property Holdings, LLC
 Agent: CSA Planning – Raul Woener

Steffen, the description describes area as depicted on the survey map attached to the description sheet (includes area to the center of N. Phoenix Rd.).
 Thanks, Jon 7-17-19

cp

Attachments:

Vicinity Map, Legal description

CITY OF MEDFORD
 EXHIBIT # 0
 File # GLUP-19-002
ZC-19-010



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 7/29/2019
Meeting Date: 7/31/2019

LD File #: ZC19010 **Associated File #1:** GLUP19002

Planner: Steffen Roennfeldt

Applicant: North Phoenix Property Holding LLC

Project Location: 709 N Phoenix Road

Project Description: Request for a minor General Land Use Plan (GLUP) amendment to reclassify 5.07 acres, located at 709 N Phoenix Road, currently containing the "Court House Family Fitness", from Urban Residential (UR) to Commercial (CM); along with an associated request to rezone the parcel from SFR-4, Single Family Residential – 2.5 to 4 dwelling units per gross acre) to C-C (Community Commercial) (371W27701);

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

CITY OF MEDFORD
EXHIBIT # P
File # GLUP-19-002
ZC-19-010



JACKSON COUNTY Roads

**JC 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

July 8, 2019

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

RE: Zone Change and Minor General Land Use Plan amendment off
North Phoenix Road - city maintained road at this location.
Planning File: ZC-19-010/GLUP-19-002

Dear Steffen:

Thank you for the opportunity to comment on the request for a Minor General Land Use Plan (GLUP) amendment to reclassify 5.07 acres, located at 701 North Phoenix Road from Urban Residential (UR) to Commercial (C); along with an associated request to rezone the parcel from Single Family Residential -2.5-4 dwelling units per gross acre (SFR-4) to Community Commercial (C-C) 37-1W-27 TL 701. 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
Construction Engineer

CITY OF MEDFORD

EXHIBIT # Q

File # GLUP 19 002
ZC 19 010



MEMORANDUM

To: Steffen Roennfeldt, Planner III

From: Carla Angeli Paladino, Principal Planner *CA*

CC: Liz Conner, Planner II, CFM

Date: August 5, 2019

Subject: Proposal for GLUP and Zone Change at 2217 E. Barnett Road
(371W29DC TL 9800)

PROJECT DESCRIPTION

Minor General Land Use Plan (GLUP) amendment from Urban High Density Residential (UH) to Service Commercial (SC) and concurrent Zone Change from MFR-20 to C-S/P on 0.61 acres

SITE CHARACTERISTICS

- Multiple Family Residential 20 (MFR-20)
- Lazy Creek along northern boundary
- Riparian Corridor established
- Existing structures on site (per 2016 aerials)
- Special Flood Hazard Area Zone AE (1% and 0.2%)
- FIRM Panel 41029C1979F (effective 05/03/2011)

FLOODPLAIN REGULATIONS

The notes below are general in nature as the project does not include any proposed construction at this time. The application did not indicate the future use of the property.

The site is located within a Special Flood Hazard Area (SFHA). Future development (grading, filling, utility installation, paving, vertical construction etc.) on the property shall comply with the City's Floodplain Regulations found in Municipal Code Sections 9.701-9.707 and the applicable Code of Federal Regulations (CFR) related to the flood hazard area.

Prior to development, the applicant shall submit a Floodplain Development Application and receive a Floodplain Development Permit prior to starting work. More detailed information is needed regarding the type of development proposed on the property in order to identify the type of data needed to review and permit the project.

Typically, structures shall be constructed a minimum of one-foot above the base flood elevation. Commercial structures may require different types of flood proofing per applicable Building Codes. Future tentative or site plans shall identify the location of SFHA along with contours and the riparian corridor boundary. A grading plan may be required identifying the location of cuts and fills and impact of those changes on surrounding properties.

Elevation Certificates are required with building permit submittal, during construction, and prior to certificate of occupancy of the project.

Any necessary permits from other governmental agencies such as the Department of State Lands shall be submitted prior to construction. Construction shall be in compliance with applicable building and fire codes.

RECEIVED
AUG 22 2019
PLANNING DEPT.

City of Medford
Planning Department
411 W 8th Street
Medford, OR 97501

August 21, 2019

File No: GLUP-19-002 / ZC-19-010

I object.



David F Cuttrell
3606 Calle Vista Drive
Medford, OR 97504

CITY OF MEDFORD
EXHIBIT # 5
File # GLUP-19-002
ZC-19-010

PLANNING COMMISSION MINUTES



MEDFORD
OREGON

August 22, 2019

5:30 P.M.

Medford City Hall, Council Chambers
411 West 8th Street, Medford, Oregon

The regular meeting of the Planning Commission was called to order at 5:30 PM in the Medford City Hall, Council Chambers, 411 West 8th Street, Medford, Oregon on the above date with the following members and staff in attendance:

Commissioners Present

Mark McKechnie, Chair (left at 7:15 p.m.)
Joe Foley, Vice Chair
David Culbertson (left at 7:05 p.m.)
Bill Mansfield
David McFadden
E.J. McManus
Jeff Thomas

Staff Present

Kelly Evans, Assistant Planning Director
Carla Paladino, Principal Planner
Eric Mitton, Deputy City Attorney
Alex Georgevitch, City Engineer
Debbie Strigle, Recording Secretary
Dustin Severs, Planner III
Steffen Roennfeldt, Planner III

Commissioner Absent

Patrick Miranda, Excused Absence
Jared Pulver, Unexcused Absence

10. Roll Call

20. Consent Calendar / Written Communications (voice vote). None.

30. Approval or Correction of the Minutes from August 8, 2019 hearing

30.1 The minutes for August 8, 2019, were approved as submitted.

40. Oral Requests and Communications from the Public. None.

50. Public Hearings

Motion: Take agenda item 50.7 out of order and placing it before agenda item 50.4.

Moved by: Chair McKechnie

Seconded by: Joe Foley

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

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

CITY OF MEDFORD

EXHIBIT # T

FILE #

GLVP-19-0021

EC-19-010

50.6 GLUP-19-002 / ZC-19-010 Request for a minor General Land Use Plan (GLUP) amendment to reclassify 5.07 acres, located at 709 N Phoenix Road, currently containing the "Court House Family Fitness", from Urban Residential (UR) to Commercial (CM); along with an associated request to rezone the parcel from SFR-4, Single Family Residential - 2.5 to 4 dwelling units per gross acre) to C-C (Community Commercial) (371W27701); Applicant: North Phoenix Property Holding LLC; Agent: CSA Planning Ltd.; Planner: Steffen Roennfeldt.

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

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

Steffen Roennfeldt, Planner III reported that the General Land Use Plan approval criteria can be found in the Medford Land Development Code Section 10.222(B). The Zone Change approval criteria can be found in the Medford Land Development Code Section 10.204. The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Roennfeldt gave a staff report and reported that staff received a letter from David Cuttrell this afternoon that just stated "I object".

Commissioner McFadden stated that he did not see in the staff report when the property was annexed into the City. He feels the reason it has the wrong GLUP designation the City probably enclaved it in with the Southeast Plan. Therefore, it did not get changed until they wanted to improve it. Mr. Roennfeldt responded that it has always been commercially developed and before the Southeast Plan.

The public hearing was opened.

a. Raul Woerner, CSA Planning Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504. Mr. Woerner reported that this property has been developed with a commercial recreational facility since before it was annexed into the City. The property owner wants to put in a metric measured swimming pool. The bank was nervous with a conditional use permit and wanted alternate uses. The applicant does agree with the restrictions on the sewage and trip cap.

Mr. Woerner reserved rebuttal time.

The public hearing was closed.

Motion: The Planning Commission forwards a favorable recommendation for approval of GLUP-19-002 to the City Council per the staff report dated August 15, 2019, including Exhibits A through R.

The Planning Commission also adopts the findings as recommended by staff and directs staff to prepare the final order for approval of ZC-19-010 per the staff report dated August 15, 2019, including Exhibits A through R, provided the City Council approves the GLUP amendment

Moved by: Commissioner McFadden

Seconded by: Commissioner McManus

Roll Call Vote: Motion passed, 5-0-0.

50.8 DCA-17-104 A code amendment to Chapters 2, 6, and 10 of the Municipal Code to permit temporary mobile food vendors to sell from the street (the public right-of-way) and add provisions for mobile food vendor pods. Applicant: City of Medford; Planner, Carla Paladino.

Carla Paladino, Principal Planner reported that the Development Code Amendment approval criteria can be found in the Medford Land Development Code Section 10.218(B). The applicable criteria were addressed in the staff report and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Paladino gave a staff report.

Commissioner McFadden asked, what City standards are in place for selling other items (i.e. hats, blankets, etc.) than food? Ms. Paladino responded that the special use regulations break down the temporary mobile units such as food and medical vendors. As things occur they have been added to the code.

Vice Chair Foley stated that in the right-of-way they can only take one parking space. How will that work? He is thinking of the Buttercloud truck. Ms. Paladino stated that was a comment that came from Public Works. She has not measured a space but they may be larger than 20 feet.

Vice Chair Foley supports additional fees.

Vice Chair Foley asked, how is the City going to ensure the mobility of the trucks and semi-permanent pods? What mechanisms will be in place to enforce that? Ms. Paladino responded that there are design standards. It will be up to the property owner how they manage it.

Mr. Mitton reported that Vice Chair Foley's questions are dealt with Code Enforcement on a complaint basis.

Ms. Paladino stated that the semi-permanent food pods are a fixture on that lot. If they are connected to utilities they are probably not moving.

Commissioner McManus agrees with the fees especially with the food trucks in the right-of-way. A right-of-way cleaning fee would be appropriate downtown. He is concerned with the size of trucks



Project Name:

**North Phoenix
 Property Holding, LLC**

Map/Taxlot:

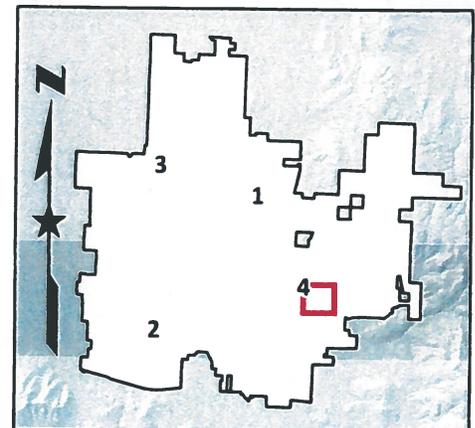
371W27 TL 701



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

06/06/2019





AGENDA ITEM COMMENTARY

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

AGENDA SECTION: Public Hearings
MEETING DATE: September 19, 2019

COUNCIL BILL 2019-103

An ordinance vacating excess right-of-way for the Larson Creek Trail on a parcel located at Black Oak Drive in the SFR-4 (Single Family Residential, 2.5 to 4 dwelling units per gross acre) zoning district.

SUMMARY AND BACKGROUND

Council is requested to consider the vacation of excess right-of-way for a portion of the Larson Creek Multi-Use Path Segment II. The segment will be replaced by a new permanent easement following the revised path location. The new layout will allow for smoother curve radii and better path geometry. The vacation is proposed for existing right-of-way, which was previously dedicated for the proposed Larson Creek Path use, and is no longer needed. The right-of-way to be vacated was never improved and existed only 'on paper.' (SV-19-046)

PREVIOUS COUNCIL ACTIONS

City Council has taken several previous actions in connection with the Larson Creek Multi-Use Path project, including:

- On November 21, 2013, Council adopted Council Bill 2013-164, authorizing the taking of permanent easements by eminent domain action to acquire needed property for the Larson Creek Trail Improvement Project between the existing Bear Creek Greenway to Ellendale Drive.
- On November 20, 2014, Council approved Council Bill 2014-139, authorizing execution of Intergovernmental Agreement No. 30143 with the Oregon Department of Transportation (ODOT) for a grant in the amount of \$217,000. The purpose of the grant was to construct approximately 3,500 feet of multi-use asphalt trail for the Larson Creek Trail Segment II between Ellendale Drive and Black Oak Drive.
- On January 17, 2019, Council adopted Council Bill 2019-05, awarding a construction contract to JRT Construction for the construction of Larson Creek Trail Segment II improvements from Ellendale Drive to Black Oak Drive.
- On August 15, 2019, Council initiated the vacation process for this application.

ANALYSIS

Development of the Larson Creek Trail corridor was established as a priority in the Medford Transportation System Plan in 2003 and carried over to the updated Transportation System Plan in 2018. Larson Creek Trail is intended to provide an alternative pedestrian and bicycle route parallel to Barnett Road.

Through negotiations with the property owner, St. Mary's of Medford, Inc., the City of Medford agreed to vacate the existing dedication area of the second segment of the Larson Creek Trail project that was acquired for the original path layout through the subject parcel in lieu of a new permanent easement for the revised path location. The new layout will allow for smoother curve radii and better



path geometry. As of the beginning of July, construction was about 60% complete and path paving was scheduled to begin at the end of August.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve the ordinance as presented.

Modify the ordinance as presented.

Deny the ordinance as presented and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the vacation.

SUGGESTED MOTION

I move to approve the ordinance authorizing the vacation of excess right-of-way for the Larson Creek Trail project, as recommended by the Planning Commission.

EXHIBITS

Ordinance

City Council Report, including Exhibits A through N

Vicinity Map

ORDINANCE NO. 2019-103

AN ORDINANCE vacating excess right-of-way for the Larson Creek Trail on a parcel located at Black Oak Drive in the SFR-4 (Single-Family Residential, 2.5 to 4 dwelling units per gross acre) zoning district (SV-19-046).

WHEREAS, the City Council of the City of Medford, Oregon, by Resolution No. 2019-92 accepted the petition initiating the vacation; and

WHEREAS, the City Council fixed 6:00 p.m. on September 19, 2019, in the Medford City Council Chambers, 411 W. 8th St., Medford, Oregon, as the time and place for hearing any objections to the proposed vacation of said area; and

WHEREAS, the City Recorder has given notice of the time and place for said hearing as required by law; and

WHEREAS, at the time and place set for hearing the City Council heard all objections to the proposed vacation; and

WHEREAS, on the basis of the facts and conclusions stated in the Staff Report dated July 24, 2019 on file in the Planning Department, the City Council has deemed it to be in the public interest that said area be vacated; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That the excess right-of-way for the Larson Creek Trail on a parcel located at Black Oak Drive in the SFR-4 (Single-Family Residential, 2.5 to 4 dwelling units per gross acre) zoning district (SV-19-046), described in Exhibits "A – N" attached hereto and incorporated herein, is hereby vacated, and the ownership of the said area hereby vacated shall become vested as provided by law.

Section 2. The Council finds and determines that written objections were not received from the owners of a majority of the area affected by the vacation.

Section 3. The Council finds and determines that the vacation of said area in the City of Medford is in the public interest and does not damage or cause a deterioration of the market value of any real property of non-consenting owners (if any) abutting the same or any portion thereof and that

no damage on account thereof shall be allowed.

Section 4. The City Recorder is hereby directed to cause a certified copy of this ordinance, together with any map, plat, or other record showing the area, to be filed with the County Recorder of Jackson County, Oregon.

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

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019.

Mayor

State of Oregon)
County of Jackson)

On this ____ day of September, 2019, Gary H. Wheeler, as Mayor for the City of Medford, personally appeared before me and is known to me to be the person whose name is signed to this document, and acknowledges that he signed the document.

Notary Public for Oregon
My Commission expires:



CITY COUNCIL REPORT

for a Type-IV legislative decision: Right-of-Way Vacation

Project City of Medford Larson Creek Trail
Applicant: City of Medford Public Works; Agent: Ken Parducci, City of Medford

File no. SV-19-046

To Mayor & City Council *for 09/19/2019 hearing*

From Steffen Roennfeldt, Planner III

Reviewer Kelly Evans, Assistant Planning Director

Date August 26, 2019

BACKGROUND

Proposal

Consideration of a request for the vacation of excess right-of-way for the Larson Creek Trail on a parcel located at 816 Black Oak Drive in the SFR-4 (Single Family Residential - 2.5 to 4 dwelling units per gross acre) zoning district (371W32AA400).

Vicinity Map



Aerial View



Site Visit



Figure 1 - View from Hilldale Ave. South

Subject Site Characteristics

GLUP	UR	Urban Residential
Zoning	SFR-4	Single Family Residential 4 (2.5 to 4 dwelling units per gross acre)
Overlay Use	Greenways St. Mary's High School	

Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-4
	Use:	Low Density Residential
<i>South</i>	Zone:	SFR-4
	Use:	High School
<i>East</i>	Zone:	C-C (Community Commercial)
	Use:	Various Commercial
<i>West</i>	Zone:	MFR-20 (Multiple Family Residential – 15 to 20 dwelling units per gross acre)
	Use:	Attached Townhouses & Quail Point Golf Course

Related Projects

CUP-08-151	Larson Creek Bridge (Expired)
CUP-10-093	Bridge over Larson Creek at North Phoenix Road
O-2013-164	Ordinance authorizing taking of permanent easement by eminent domain to acquire needed property for the Larson Creek Greenway Trail Improvement Project between the existing Bear Creek Greenway to Ellendale Drive
CUP-13-138	Larson Creek Trail Segment I – Highland Drive to Ellendale Drive
O-2014-139	Ordinance authorizing execution of an Intergovernmental Agreement Number 30143 with the Oregon Department of Transportation for Larson Creek Trail Segment II improvements
CUP-17-053	Construction of Larson Creek Trail Segment II within the Larson Creek Riparian Corridor from Ellendale Drive to Black Oak Drive

Applicable Criteria

Medford Municipal Code §10.228(D) – Vacation of Public Right-of-Way Approval Criteria

A request to vacate shall only be approved by City Council when the following criteria have been met:

(1) Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.

(2) If initiated by petition under ORS 271,080, the findings required by ORS 271.120.

(3) If initiated by the Council, the applicable criteria found in ORS 271.130.

Authority

This proposal is a Type IV application for vacation of public right-of-way. The Planning Commission is authorized to act as the advisory agency to City Council for vacations, providing a recommendation to the City Council, and with City Council serving as the approving authority.

ISSUES AND ANALYSIS

Background

The 2003 Transportation System Plan identifies the completion of the Larson Creek Multi-Use Path as a priority project to provide cyclists and pedestrians with an alternative route to Barnett Road. In the fall of 2006, the City retained Alta Planning and Design to prepare a Larson Creek Multi-Use Path Master Plan. Completed in July 2007, the Larson Creek Multi-Use Path Rouse Assessment serves as the Master Plan.

In 2013, City Council authorized the taking of permanent easements by eminent domain to acquire needed property for the Larson Creek Multi-Use Path between the existing Bear Creek Greenway to Ellendale Drive (O-2013-164). Also in 2013, the Planning Commission approved a Conditional Use Permit for Segment I of the path from Highland Drive to Ellendale Drive (CUP-13-138). Segment I is located south of and generally parallel to Larson Creek and has been developed and completed.

In 2014, City Council authorized the execution of an Intergovernmental Agreement with the Oregon Department of Transportation for Larson Creek Multi-Use Path Segment II improvements (O-2014-139).

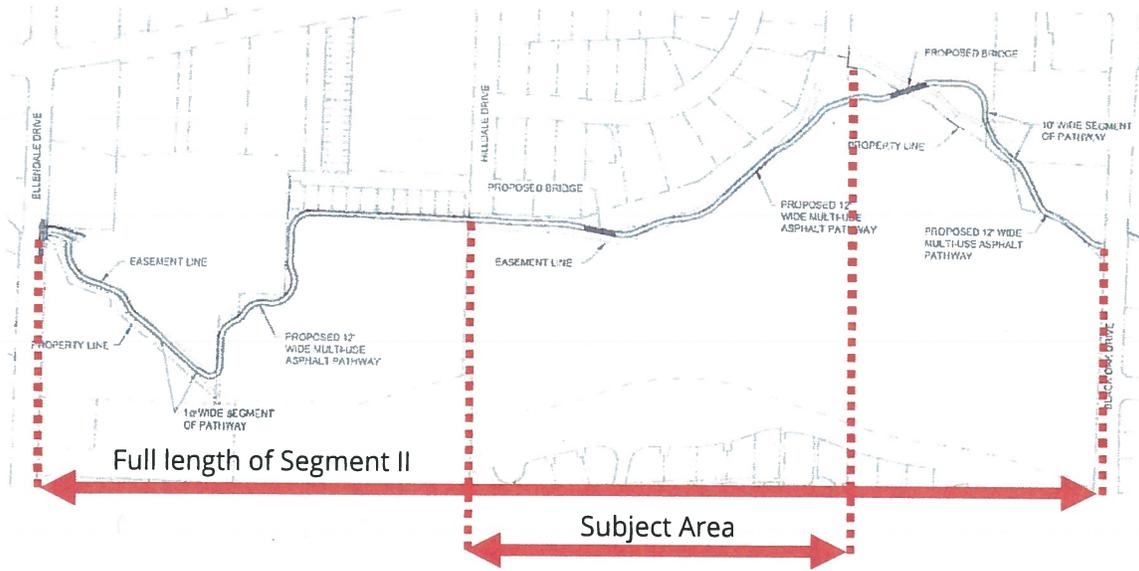


Figure 2 - Larson Creek Multi-Use Path Segment II

Purpose

The area to be vacated was acquired for the original path layout of approximately a quarter-mile stretch of the Larson Creek Trail. This segment will be replaced by a new permanent easement for the revised path location. The new layout allows for smoother curve radii and better path geometry. At the time this report was written, construction was about 60% completed and path paving was scheduled for the end of August 2019. The vacation is proposed because the easement is no longer needed.

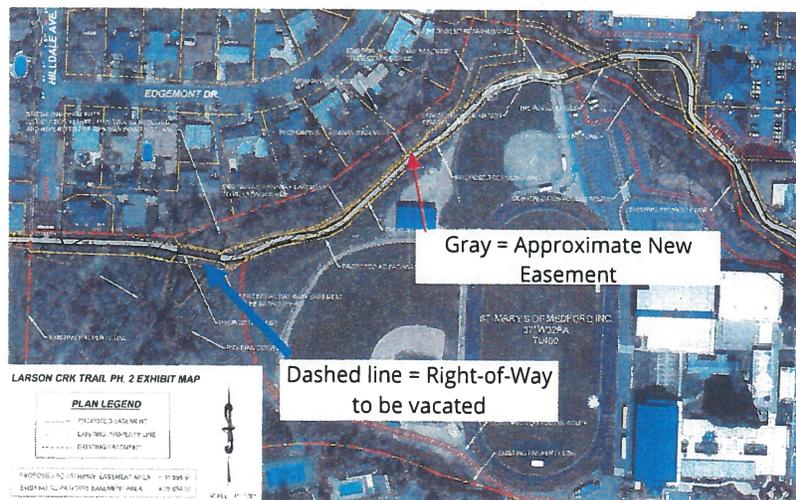


Figure 3 - Area to be vacated and proposed new Easement location

Public Improvements

The right-of-way that is proposed to be vacated was never improved and existed only 'on paper.' No public facilities will be impacted by the proposed vacation.

Agency Comments

Staff received comments from the Oregon Department of Fish and Wildlife regarding construction of the trail and removal of vegetation within the riparian corridor. Construction is not part of this project.

Committee Comments

No comments were received from a committee, such as BPAC.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit C) and recommends City Council adopt the findings as presented.

RECOMMENDED ACTION

The Planning Commission recommends adopting SV-19-046 based on the analysis, findings, and conclusions per the City Council Report dated August 26, 2019, including Exhibits A through N.

EXHIBITS

- A Assessor's Map, received June 19, 2019
- B Larson Creek Trail Segment II Map, received August 6, 2019
- C Applicants findings and conclusions, received June 19, 2019
- D Public Works Staff Report, dated July 24, 2019
- E Medford Water Commission Memo, dated July 24, 2019
- F Fire Department Staff Report, dated July 15, 2019
- G Building Department Staff Report, dated July 17, 2019
- H City Surveyor Memo, dated July 11, 2019
- I Jackson County Roads Memo, dated July 16, 2019
- J Oregon Department of Fish & Wildlife E-Mail, received July 22, 2019
- K Request to City Council to Initiate Vacation, received June 19, 2019
- L Legal description of area to be vacated, received June 19, 2019
- M Legal description of permanent easement for future trail
Vicinity map
- N Draft Minutes Excerpt from Planning Commission hearing on August 22, 2019

CITY COUNCIL AGENDA:

SEPTEMBER 19, 2019

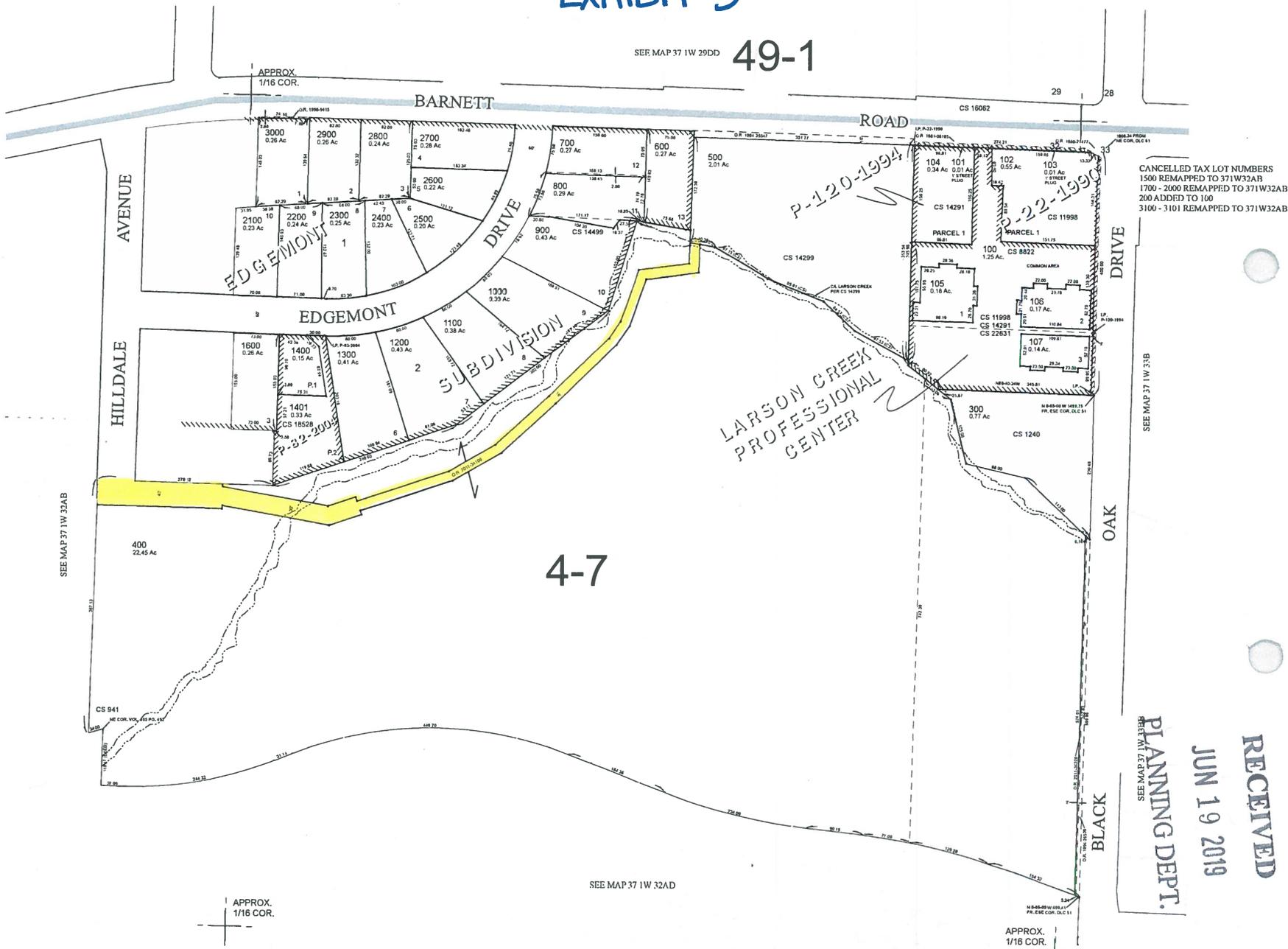
FOR ASSESSMENT AND TAXATION ONLY

N.E.1/4 N.E.1/4 SEC.32 T.37S. R.1W. W.M.
JACKSON COUNTY
1" = 100'

37 1W 32AA
MEDFORD

EXHIBIT 3

SEE MAP 37 1W 29DD 49-1



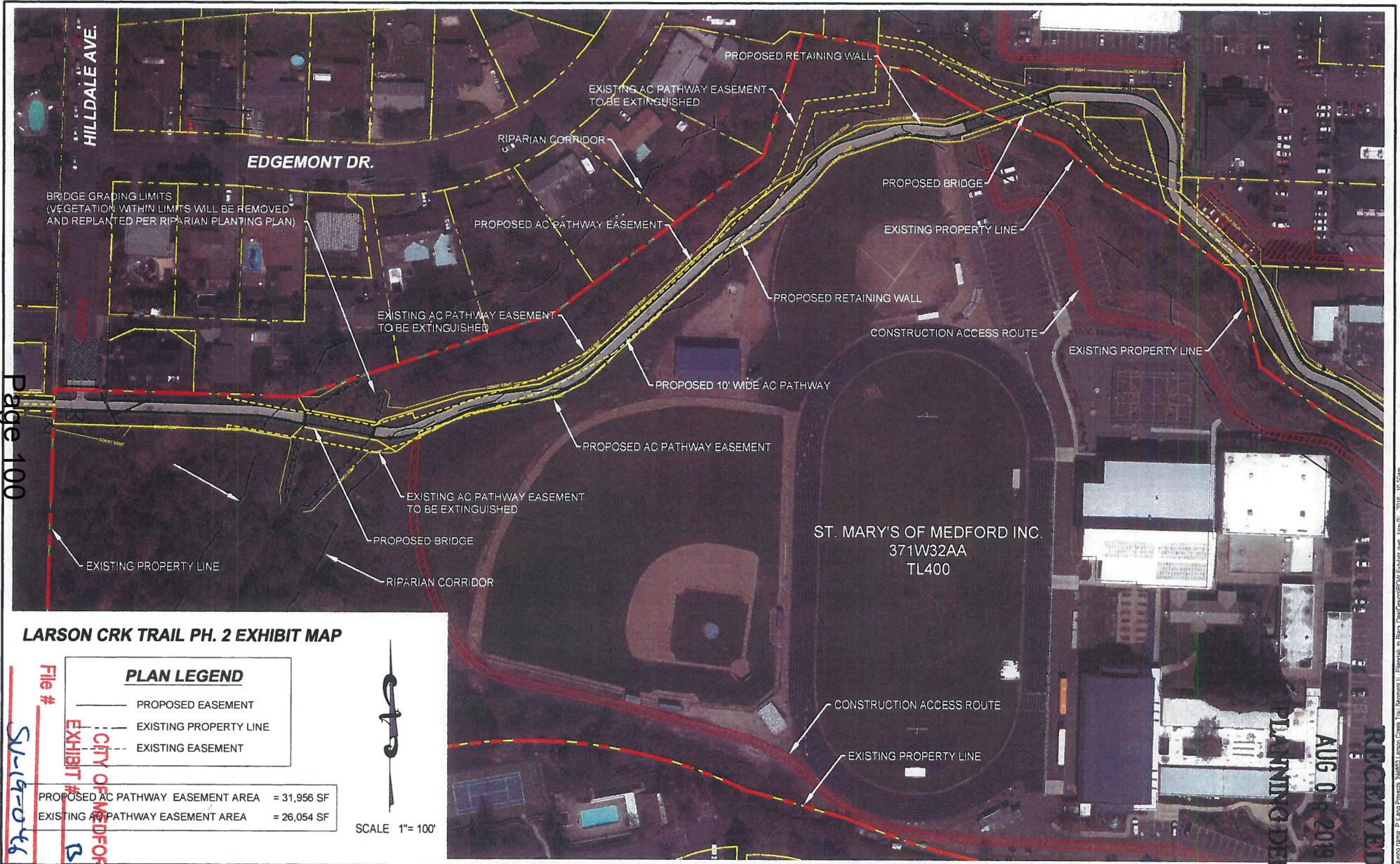
Page 99

EXHIBIT #
SV-19-046
CITY OF MEDFORD

RECEIVED
JUN 19 2019
PLANNING DEPT.

37 1W 32AA
MEDFORD
NEW MAP October 12, 2018
REV December 3, 2018

GIS DATA
02/01/2019 1:03:50 PM thompasam



LARSON CRK TRAIL PH. 2 EXHIBIT MAP

PLAN LEGEND

- PROPOSED EASEMENT
- - - EXISTING PROPERTY LINE
- - - EXISTING EASEMENT

PROPOSED AC PATHWAY EASEMENT AREA = 31,956 SF
 EXISTING AC PATHWAY EASEMENT AREA = 26,054 SF

SCALE 1"= 100'



File # SW-19-046

EXHIBIT # 15

RECEIVED
 AUG 08 2019
 PLANNING DEPT.

Drawing Name: P:\Larso Projects\344553\Larson Crk Trail Segment II - Elmwood to Blaine Over\CityPlan\RW\Exhibit map - Row 01 - 3018 - 10 250m

BEFORE THE CITY COUNCIL FOR THE CITY OF MEDFORD,
JACKSON COUNTY, OREGON

FINDINGS OF FACT:

APPLICANT: City of Medford
411 W. 8th St.
Medford, Or. 97501

RECEIVED
JUN 19 2019
PLANNING DEPT.

PURPOSE OF APPLICATION:

The Larson Creek Trail Segment II Improvements were approved by the City of Medford City Council on November 20, 2014.

The overall purpose of the project is to provide an alternate pedestrian and bicycle route parallel to Barnett Road. Barnett Road right-of-way is limited in width, constrained by utility poles, and is predominantly developed. It is cost prohibitive to add bicycle lanes to the existing facility. A multi-use trail that links the Bear Creek Greenway (at the west end) to neighborhoods along Larson Creek and eventually North Phoenix Road (at the east end) was proposed in lieu of bike lanes along Barnett Road. The project will provide a safer, off-street travel alternative for bicycling and walking that maintains connections to key destinations within the community. Development of the trail corridor was established as a priority in the Medford Transportation Plan (TSP) in 2003.

Subsequent recommendations by the Medford Bicycle Advisory Committee confirmed the corridor as a high priority project and noted its importance as a non-motorized alternative to Barnett Road. In 2007, the City completed the Larson Creek Multi-Use Path Route Assessment which serves as the Master Plan for the project. The City completed the first segment of the trail (Bear Creek Greenway to Ellendale Drive) in 2014 and in 2015 began work for the second segment (Ellendale Drive to Black Oak Drive).

Through negotiations with St. Mary's of Medford Inc. the City of Medford agreed to vacate the existing dedication area for the Larson Creek Trail Segment II that was acquired for the original path layout through the St. Mary's property in lieu of a new permanent easement for the revised path location.

Attachments:

- Exhibit 1: Vicinity Map to Scale (1"=100').
- Exhibit 2: Legal Description of area to be vacated.
- Exhibit 3: Assessor's Map of the area to be vacated showing abutting and affected properties.
- Exhibit 4: A map identifying the required notification area along with typed mailing labels for each of the property owners within the notification area.
- Exhibit 5: A letter to the City Council, with exhibits, requesting initiation of the vacation.

APPLICABLE CRITERIA:

In order to approve a Vacation of a Public Right-of-Way, the applicant must submit findings addressing Section 10.228 of the Land Development Code. A review of Section 10.228(E) indicates that an application for a Vacation must contain the following:

- (1) A vicinity map drawn to scale identifying the proposed area of vacation.
- (2) Legal Description of the area to be vacated.

CITY OF MEDFORD
EXHIBIT # C
File # 52-19-046

- (3) Assessor's Map of area to be vacated.
- (4) Findings of Facts that address the approval criteria in Section 10.228(D), Vacation Criteria.
- (5) Typed mailing labels for each property owner within 200-feet of the site.
- (6) A letter to the City Council requesting initiation of the vacation.

APPLICABLE CRITERIA:

Section 10.228(D) provides that the approving authority (City Council) shall only approve a request for a vacation if it finds that the vacation complies with subsections (1) and (2) or (3) below:

- (1) Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.
- (2) If initiated by petition under ORS 271.080, the findings required by ORS 271.120.
- (3) If initiated by the Council, the applicable criteria found in ORS 271.130.

10.228(D)(1):

As the dedicated path area under consideration for vacation is not a public street right of way or alley right of way, the proposed vacation will have no effect on the Transportation System Plan.

10.228(D)(2):

Not applicable

10.228(D)(3):

Along with this application for dedication vacation, the applicant submitted a letter to the City Council, with exhibits, requesting initiation of the vacation per (MLDC) Section 10.228(C) and ORS 271.130. The application must therefore demonstrate compliance with the applicable criteria found in ORS 271.130, as follows:

- (1) Notice has been provided per ORS 271.110.
 - (2) The owners of a majority of the area affected have not objected in writing.
 - (3) For street vacations, the consent of the owners of all abutting properties must be obtained if the vacation will substantially affect the market value of such property.
- (1) Along with this vacation application, the applicant has provided a map indicating the required notification area along with the names and addresses of property owners within the area of a plat vacation or all abutting property and all attached real property within 200 feet of the site, including map and tax lot numbers typed on mailing labels, as required on the City application form and MLDC Section 10.228(E)(5). With this information, and by following its own rules for noticing of hearings, the City has met the noticing requirements of ORS 271.110.
 - (2) The noticing required by ORS 271.110 provides an opportunity for affected property owners to participate in the public hearing process for the proposed vacation and to submit letters in opposition to the proposed vacation should they so choose. As of the date of these findings the applicant is unaware of any opposition to the proposed vacations.
 - (3) As the proposed vacation is for a dedication and not for street right of way it is not expected to in any way affect the market value of abutting properties.

APPLICABLE CRITERIA:

In order to approve a request for vacation of the dedicated path area, the City Council must find that the applicant has made the requisite findings for a vacation. A review of the application and the above Findings of Fact with the supporting documentation attached, demonstrates that this application complies with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan; and since the vacation has been initiated by the Council, the application also complies with the applicable criteria found in ORS 271.130.

With this in mind, the applicant respectfully requests that the City of Medford vacate the existing dedication of path area as shown in the attached exhibits.

Sincerely,

Kenneth Parducci
CITY OF MEDFORD / PUBLIC WORKS ENGINEERING



LD DATE: 7/24/2019

File Number: SV-19-046

PUBLIC WORKS DEPARTMENT STAFF REPORT

Larson Creek Trail Segment II – Right-of-Way Vacation 816 Black Oak Drive

Project: Consideration of a request for the vacation of excess right-of-way for the Larson Creek Trail on a parcel.

Location: Located at 816 Black Oak Drive in the SFR-4 (Single-Family Residential, 2.5 to 4 dwelling units per gross acre) zoning district (371W32AA400) (This segment of the Larson Creek Trail is already under construction in a nearby location).

Applicant: City of Medford, Applicant & Agent; Steffen Roennfeldt, Planner.

Public Works supports the request to vacate the subject existing right-of-way.

Prepared by: Jodi K Cope

Reviewed by: Doug Burroughs

CITY OF MEDFORD
EXHIBIT # D
File # SV-19-046



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: SV-19-046

PARCEL ID: 371W32AA TL 400

PROJECT: Consideration of a request for the vacation of excess right-of-way for the Larson Creek Trail on a parcel located at 816 Black Oak Drive in the SFR-4 (Single-Family Residential, 2.5 to 4 dwelling units per gross acre) zoning district (371W32AA400) (This segment of the Larson Creek Trail is already under construction in a nearby location); City of Medford, Applicant & Agent; Steffen Roennfeldt, Planner.

DATE: July 24, 2019

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

CONDITIONS

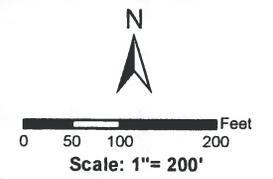
1. No Conditions.

COMMENTS

1. No Comments.



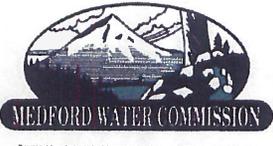
Page 106



Water Facility Map
for
City of Medford
Planning App: SV-19-046
July 24, 2019

Legend

- Air Valve
 - Sample Station
 - Fire Service
 - Hydrant
 - Reducer
 - Blow Off
 - Plugs-Caps
- Water Meters:**
- Active Meter
 - On Well
 - Unknown
 - Vacant
- Water Valves:**
- Butterfly Valve
 - Gate Valve
 - Tapping Valve
- Water Mains:**
- Active Main
 - Abandoned Main
 - Reservoir Drain Pipe
 - Pressure Zone Line
- Boundaries:**
- Urban Growth Boundary
 - City Limits
 - Tax Lots
- MWC Facilities:**
- Control Station
 - Pump Station
 - Reservoir



This map is based on a digital elevation model by Medford Water Commission and a variety of sources. Medford Water Commission cannot accept responsibility for errors or omissions in this map. There are no warranties, expressed or implied.

Date: 7/25/2019
Path: G:\MWD\Info\Map - NAVI-50E - Layer 15 - July 23 2019.mxd



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 7/15/2019

Meeting Date: 7/24/2019

LD File #: SV19046

Planner: Steffen Roennfeldt

Applicant: City of Medford

Project Location: 816 Black Oak Drive

ProjectDescription: Consideration of a request for the vacation of excess right-of-way for the Larson Creek Trail on a parcel located at 816 Black Oak Drive in the SFR-4 (Single-Family Residential, 2.5 to 4 dwelling units per gross acre) zoning district (371W32AA400) (This segment of the Larson Creek Trail is already under construction in a nearby location);

Specific Development Requirements for Access & Water Supply

Conditions

Reference	Description	Conditions
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

CITY OF MEDFORD
EXHIBIT # F
File # SV-19-046

Memo



To: Steffen Roennfeldt, Planning Department
From: Mary Montague, Building Department
CC: City of Medford, Applicant and Agent
Date: July 17, 2019
Re: July 24, 2019 LDC Agenda Item #2; SV-19-046; Larson Creek Trail Vacation

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. NO comments



MEDFORD PLANNING

MEMORANDUM

Subject Legal Description
File no. SV-19-046
To Jon Proud, Engineering
From Steffen Roennfeldt, Planning Department
Date July 11, 2019

Please verify the attached legal description covering the below subject at your earliest convenience. See attached map.

1. SV-19-046
Applicant: City of Medford
Agent: Ken P.

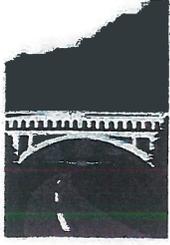
Steffen, JCOR 2011-34199 describes the area depicted as subject area on the attached vicinity map. If the other document, JCOR 2019-001121 is pertinent to the application then it is incorrect. Said document was corrected for a scrivener's error with JCOR 2019-011251. Thanks, Jon 7/17/19

Attachments:

Vicinity Map, Legal description

CITY OF MEDFORD
EXHIBIT # H

File # SV-19-046



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

July 16, 2019

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

RE: Consideration for a vacation of Larson Creek Trail on
Black Oak Drive— a city maintained road.
Planning File: SV-19-046

Dear Steffen:

Thank you for the opportunity to comment on the consideration of a request for the vacation of excess right-of-way for the

Larson Creek Trail on a parcel located at 816 Black Oak Drive in the Single-Family Residential, 2.5 to 4 dwelling units per gross acre (SFR-4) zoning district (37-1W-32AA TL 400). Note that this section of Larson Creek Trail is already under construction in a nearby location. Jackson County Roads has no comments.

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

Sincerely,

Chuck DeJanvier, PE
Construction Engineer

CITY OF MEDFORD
EXHIBIT I
File # SV-19-046

Steffen K. Roennfeldt

From: Laura E Street <Laura.E.Street@state.or.us>
Sent: Monday, July 22, 2019 9:16 AM
To: Steffen K. Roennfeldt
Subject: ODFW comments for Larson Creek Trail

<EXTERNAL EMAIL>

File Number SV-19-046

City of Medford: Vacation of excess right-of-way for the Larson Creek Trail at 816 Black Oak Drive

Hi Steffen,

ODFW would like to submit the following comments for this project: There has been a significant amount of riparian vegetation removal associated with the Larson Creek Trail in this area. Please be sure to follow the Medford Riparian Corridor Ordinance (10.920-10.928) and that a riparian landscape plan is in place to restore the vegetation associated with construction and that the maintenance plan is adequate for the vegetation to become established. Oregon Fish and Wildlife would suggest the planting of large canopy trees that can provide shade to Larson Creek to replace the ones that were removed for construction. Please contact ODFW for assistance in riparian landscape planning or for more questions.

Cheers,

Laura Street
Assistant District Fisheries Biologist
Rogue Watershed District
1495 E Gregory Road
Central Point, OR 97502
541-826-8774 x 224

CITY OF MEDFORD
EXHIBIT # J
File # SV-19-046

May 9, 2019

Medford City Council
C/O City of Medford Planning Dept.
City of Medford
200 S. Ivy St.
Medford, OR. 97501

RECEIVED
JUN 19 2019
PLANNING DEPT.

RE: Request City Council initiate vacation process with St. Mary's of Medford Inc. for an existing dedication area for the Larson Creek Trail Segment II

Through negotiations with St. Mary's of Medford Inc. the City of Medford agreed to vacate an existing dedication area for the Larson Creek Trail Segment II that was acquired for the original path layout through the St. Mary's property in lieu of a new permanent easement for the revised path location.

The existing dedication area has been shown to be unnecessary and we request that the Council initiate the vacation process as provided for in Medford Land Development Code (MLDC) Section 10.228(C) and Oregon Revised Statute (ORS) 271.130.

Sincerely,

Kenneth Parducci
CITY OF MEDFORD / PUBLIC WORKS ENGINEERING

CITY OF MEDFORD
EXHIBIT # K
FILE # SV-19-046

RECEIVED

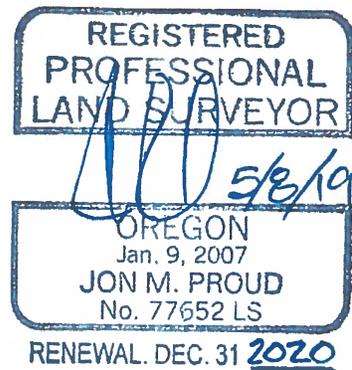
JUN 19 2019

PLANNING DEPT.

EXHIBIT "A"

Description sheet for a tract of land to be vacated
M653 Larson Creek Trail 2
371W32AA within tax lot 400
R/W # 7593 (cross reference R/W #'s 5091, 7528)

All that Real Property dedicated to the City of Medford, a municipal corporation of the State of Oregon for public pedestrian and bicycle access way purposes as described in Jackson County Official Records as document number 2011-034199, recorded November 3, 2011.



CITY OF MEDFORD
EXHIBIT # 4
File # 3V-19-046



I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Christine Walker - County Clerk

DEDICATION OF PUBLIC PEDESTRIAN AND BICYCLE ACCESS WAY

Sacred Heart of Jesus Catholic Church Medford Oregon, hereby dedicates to the City of Medford, a municipal corporation of the State of Oregon, the following described tract for public pedestrian and bicycle access way purposes:

P/W # 5091

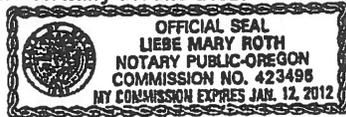
(See attached Exhibits "A" and "B")

IN WITNESS HEREOF, signed this 25th day of October, 2011

Fr. Kelly Vandettey

STATE OF OREGON
(County of Jackson) ss.

On the 25th day of October, 2011, personally appeared before me FATHER KELLY VANDETTEY, and acknowledged the foregoing instrument to be their voluntary act and deed.



Julie Mary Roth
Notary Public

The City of Medford, a municipal corporation of the State of Oregon, hereby accepts such dedication on behalf of the public with the express understanding that in so doing, the City of Medford does not agree to improve or maintain said property, unless and until such time as the City shall accept jurisdiction of the property for purposes of public pedestrian and bicycle access way construction and maintenance.

Said dedication shall be for the purpose of pedestrian and bicycle travel by the general public, and for provision of access by City of Medford personnel and its contractors to construct and maintain improvements to the said public pedestrian and bicycle access way.

City of Medford

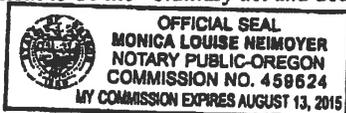
IN WITNESS HEREOF, signed this 1 day of November, 2011

By: Laurence Boskow

Title: City Engineer

STATE OF OREGON
(County of Jackson) ss.

On the 1 day of November, 2011, personally appeared before me Laurence Boskow, and acknowledged the foregoing instrument to be the voluntary act and deed of the City of Medford.



M. Neimoyer

Notary Public

"EXHIBIT ^C"
for **"A"**
Saint Mary's Larson Creek
Trail Easement

All that real property situated in the City of Medford, Jackson County, Oregon being described as follows:

Being a portion of that tract described in Volume 438, Page 47 of the Official Deed Record of said county, being described as follows:

A strip of land of uniform width of 40.00 feet, the center line of which is being more particularly described as follows:

*COMMENCING at northwesterly corner of said tract, also being the southwest corner of the right-of-way line of Hilldale Avenue; thence along the west line of said tract, South 00°00'32" East, 20.00 feet to a line which is 20.00 feet south and perpendicular and parallel from the northerly line of said tract, also being the **POINT OF BEGINNING**; thence along said parallel line, North 89°59'28" East, 199.71 feet to the **TERMINUS** of said 40 foot strip of land, also being **"POINT A"**.*

TOGETHER WITH:

*A strip of land of uniform width of 30.00 feet, the center line of which begins at said **"POINT A"**; thence South 81°22'07" East, 172.48 feet; thence North 70°05'35" East, 50.00 feet to the **TERMINUS** of said 30 foot strip of land, also being **"POINT B"**.*

TOGETHER WITH:

*A strip of land of uniform width of 16.00, the center line of which begins at said **"POINT B"**; thence North 70°05'35" East, 154.66 feet; thence North 58°40'00" East, 87.15 feet; thence North 46°14'12" East, 115.57 feet; thence North 43°56'09" East, 134.51 feet; thence North 32°27'58" East, 35.61 feet; thence North 17°47'48" East, 82.33 feet; thence North 81°00'01" East, 82.73 feet; thence North 00°17'28" East, 59.90 feet to the northerly line of said tract and the **TERMINUS** of said 16 foot strip of land.*



Timberline Land Surveying, Inc.
P.O. Box 3064
Central Point, Oregon 97502
(541) 944-6692
July 27, 2011
Saint Mary's - Trail Easement

2

SKETCH

TO ACCOMPANY THE LEGAL DESCRIPTION OF THE
 SAINT MARY'S LARSON CREEK TRAIL ALIGNMENT
 LYING WITHIN
 THE NORTHEAST QUARTER OF SECTION 32,
 TOWNSHIP 37 SOUTH, RANGE 1 WEST,
 WILLAMETTE MERIDIAN,
 CITY OF MEDFORD, JACKSON COUNTY, OREGON

LINE	BEARING	DISTANCE
1	N 89°59'28" E	199.71'
2	S 81°22'07" E	172.48'
3	N 70°05'35" E	50.00'
4	N 70°05'35" E	154.66'
5	N 58°40'00" E	87.15'
6	N 46°14'12" E	115.57'
7	N 43°56'09" E	134.51'
8	N 32°27'58" E	35.61'
9	N 17°47'48" E	82.33'
10	N 81°00'01" E	82.73'
11	N 00°17'28" E	59.90'
12	S 00°00'32" E	20.00'

Exhibit "B"

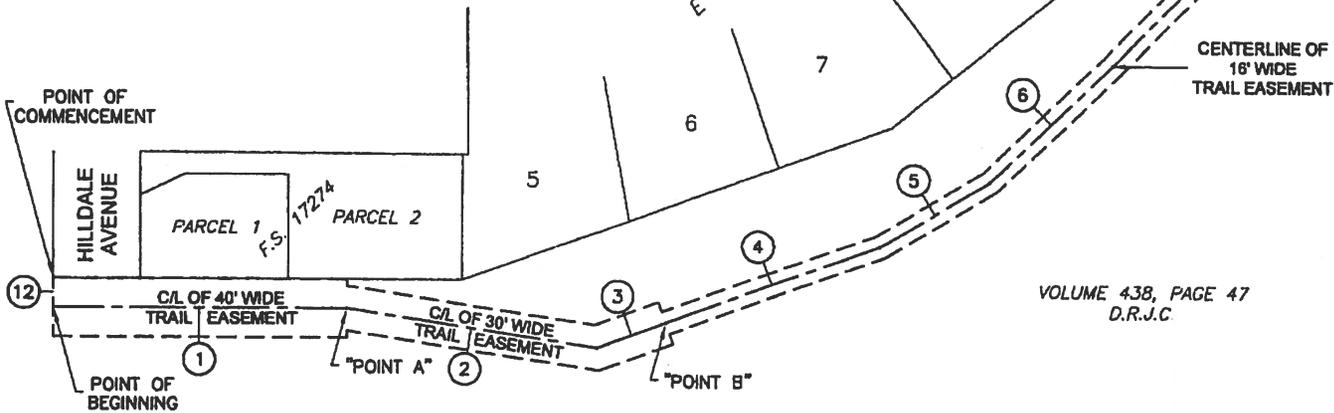
SURVEY BY:



TIMBERLINE
 LAND SURVEYING
 INCORPORATED

KERRY K. BRADSHAW L.S. 2271
 P.O. BOX 3064
 CENTRAL POINT, OREGON 97502
 (541) 944-6892

JUNE 27, 2011



VOLUME 438, PAGE 47
 D.R.J.C

LEGEND

- C/L CENTERLINE.
- D.R.J.C. DEED RECORDS OF JACKSON COUNTY, OREGON.
- F.S. FILED SURVEY WITH THE JACKSON COUNTY SURVEYOR'S OFFICE.
- O.R. OFFICIAL RECORDS OF JACKSON COUNTY, OREGON.



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Kerry K. Bradshaw
 OREGON
 JULY 18, 1987
 KERRY K. BRADSHAW
 2271

EXP. 12-31-11



01841310201900011210040044

I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Christine Walker - County Clerk

CITY OF MEDFORD
R/W #7528

PERMANENT EASEMENT

St. Mary's of Medford Inc., does hereby grant unto the City of Medford, a municipal corporation of the State of Oregon, a permanent easement to construct a path and maintain slopes, upon, over, under, and across the following described property:

PARCEL 1 – Permanent Easement (See attached Exhibit A, which is incorporated by this reference)

It is understood that the permanent easement herein granted does not convey any right, or interest in the above described Parcel 1, except for the purposes stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way, as granted herein above. It is also understood that Grantor shall not place or erect any buildings or structures upon the easement area without the written consent of the Grantee.

The true and actual consideration for this dedication is \$0.00 and further valuable consideration in conjunction with the Larson Creek Trail Improvements Project Segment II (Ellendale Dr. to Black Oak Dr.) (M653) located at 371W32AA TL400 in Medford, Oregon, 97504.

IN WITNESS WHEREOF, signed this 16th day of NOVEMBER, 2018



St. Mary's of Medford Inc.

STATE OF OREGON
(County of Jackson) ss.

On the 16 day of November, 2018, personally appeared before me Frank Phillips, and acknowledged the foregoing instrument to be their voluntary act and deed.

Notary Public

CITY OF MEDFORD
EXHIBIT # M
File # SV-19-046



EXHIBIT A

M653 LARSON CREEK TRAIL 2
CITY OF MEDFORD
371W32AA
T.L. 400
R/W# 7528 (CORRECTED)

A PARCEL OF LAND LYING IN THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON AND BEING A PORTION OF THAT REAL PROPERTY DESCRIBED IN THE DEED TO ST. MARY'S OF MEDFORD, INC., RECORDED FEBRUARY 26, 2015 AS INSTRUMENT NUMBER 2015-005474 OF THE JACKSON COUNTY OFFICIAL RECORDS, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF PARTITION PLAT P-25-2002; THENCE N 88°23'01" W A DISTANCE OF 60.29 FEET ALONG THE SOUTH LINE OF HILLDALE AVENUE TO THE NORTHWEST CORNER OF SAID INSTRUMENT NUMBER 2015-005474 AND THE POINT OF BEGINNING; THENCE ALONG THE NORTHERLY LINE OF SAID INSTRUMENT NUMBER 2015-005474 AND THE SOUTHERLY LINE OF PARTITION PLAT P-25-2002, S 88°23'01" E (EAST PER PARTITION PLAT P-25-2002) A DISTANCE OF 279.41 FEET; THENCE LEAVING SAID NORTH LINE OF INSTRUMENT NUMBER 2015-005474 AND THE SOUTH LINE OF PARTITION PLAT P-25-2002, S 30°36'14" E A DISTANCE OF 17.51 FEET; THENCE S 79°44'36" E A DISTANCE OF 84.11 FEET; THENCE N 60°02'56" E A DISTANCE OF 9.18 FEET; THENCE N 73°12'37" E A DISTANCE OF 92.96 FEET; THENCE N 80°58'29" E A DISTANCE OF 91.25 FEET; THENCE N 63°48'11" E A DISTANCE OF 51.59 FEET; THENCE N 46°47'05" E A DISTANCE OF 208.35 FEET; THENCE N 39°27'05" E A DISTANCE OF 31.11 FEET; THENCE N 52°21'41" E A DISTANCE OF 70.51 FEET; THENCE N 62°32'23" E A DISTANCE OF 27.62 FEET; THENCE N 29°18'10" E A DISTANCE OF 16.43 FEET; THENCE N 53°12'26" E A DISTANCE OF 37.05 FEET; THENCE N 62°45'03" E A DISTANCE OF 41.02 FEET; THENCE N 84°56'28" E A DISTANCE OF 55.18 FEET; THENCE S 85°11'56" E A DISTANCE OF 36.64 FEET; THENCE N 70°57'12" E A DISTANCE OF 46.13 FEET, TO THE NORTH LINE OF SAID INSTRUMENT NUMBER 2015-005474 BEING THE CENTERLINE OF LARSON CREEK AS SURVEYED PER SURVEY NUMBER 14299; THENCE ALONG THE CENTERLINE OF LARSON CREEK AS SURVEYED PER SURVEY NUMBER 14299, S 59°46'58" E (S 61°23'51" E PER SURVEY NUMBER 14299) A DISTANCE OF 0-18 2.82 FEET; THENCE S 68°04'46" E (S 69°41'39" E PER SURVEY NUMBER 14299) A DISTANCE OF 24-20 27.25 FEET; THENCE LEAVING SAID LARSON CREEK, S 70°57'12" W A DISTANCE OF 54.52 FEET; THENCE S 01°17'48" W A DISTANCE OF 5.36 FEET; THENCE S 86°50'19" W A DISTANCE OF 20.22 FEET; THENCE N 81°20'21" W A DISTANCE OF 33.04 FEET; THENCE ALONG THE ARC OF A 50.00 FOOT RADIUS CURVE TO THE LEFT (THE CHORD TO WHICH BEARS S 85°06'30" W 22.22 FEET) A DISTANCE OF 22.41 FEET; THENCE S 72°16'16" W A DISTANCE OF 60.12 FEET; THENCE ALONG THE ARC OF A 50.00 FOOT RADIUS CURVE TO THE LEFT (THE CHORD TO WHICH BEARS S 55°36'24" W 28.68 FEET) A DISTANCE OF 29.08 FEET; THENCE S 38°56'32" W A DISTANCE OF 14.06 FEET; THENCE ALONG THE ARC OF A 90.00 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD TO WHICH BEARS S 42°45'23" W 11.97 FEET) A DISTANCE OF 11.98 FEET; THENCE S 46°34'13" W A DISTANCE OF 74.94 FEET; THENCE ALONG THE ARC OF A 110.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (THE CHORD TO WHICH BEARS S 55°46'31" W 35.19 FEET) A DISTANCE OF 35.34 FEET; THENCE S 57°51'31" W A DISTANCE OF 28.64 FEET; THENCE S 46°47'05" W A DISTANCE OF 207.17 FEET; THENCE S 63°13'44" W A DISTANCE OF 38.05 FEET; THENCE S 79°00'41" W A DISTANCE OF 101.56 FEET; THENCE S 65°27'26" W A DISTANCE OF 64.47 FEET; THENCE S 54°48'22" W A DISTANCE OF 30.44 FEET; THENCE N 59°59'14" W A DISTANCE OF 25.65 FEET; THENCE N 79°44'36" W A DISTANCE OF 86.99 FEET; THENCE S 45°23'32" W A DISTANCE OF 18.98 FEET; THENCE N 79°44'36" W A DISTANCE OF 55.56 FEET; THENCE N 88°23'01" W A DISTANCE OF 247.54 218.00 FEET, TO A POINT ON THE WEST LINE OF SAID INSTRUMENT NUMBER 2015-005474; THENCE ALONG SAID WEST LINE N 01°36'59" E A DISTANCE OF 40.00 FEET, TO THE POINT OF BEGINNING.

THIS PARCEL OF LAND TO WHICH THIS DESCRIPTION APPLIES CONTAINS 31,956 SQUARE FEET, MORE OR LESS.

BEARINGS BASED ON OREGON STATE PLANE SYSTEM, SOUTH ZONE, NORTH AMERICAN DATUM (NAD) 83(2011) EPOCH 2010.

THE GRAPHIC DEPICTION OF THE ABOVE DESCRIPTION IS SHOWN ON EXHIBIT "B" ATTACHED HERETO.

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	29.08'	50.00'	33°19'44"	S 55°36'24" W	28.68'
C2	11.98'	90.00'	7°37'41"	S 42°45'23" W	11.97'
C3	35.34'	110.00'	18°24'36"	S 55°46'31" W	35.19'

LEGEND



PATH EASEMENT (AREA DESCRIBED IN EXHIBIT A)

JCOR

JACKSON COUNTY OFFICIAL RECORDS



PROPERTY LINE



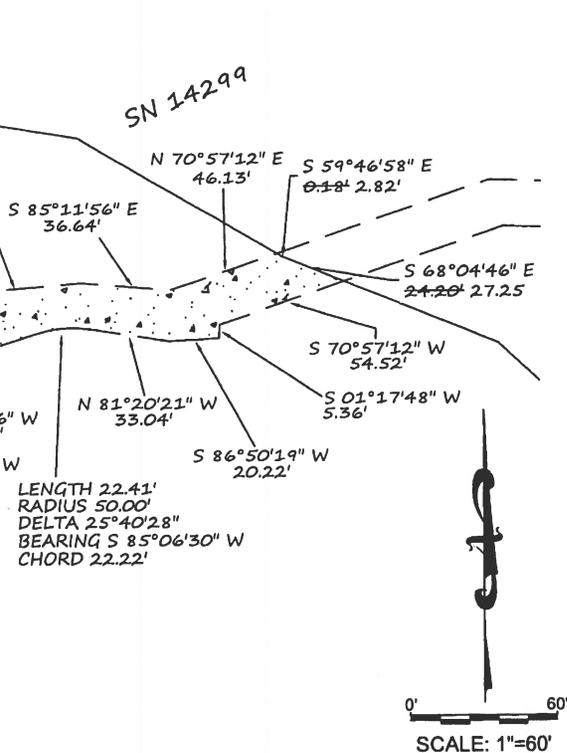
DESCRIBED EASEMENT LINE

EDGEMONT SUBDIVISION

EDGEMONT SUBDIVISION

371W32AA TL00
JCOR 2015-00547A

SEE SHEET 1



CITY OF MEDFORD - SURVEYING DEPARTMENT		
EXHIBIT "B"		
M-653 LARSON CREEK TRAIL 2		
PATH EASEMENT		
WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"		
DRAWN BY	SPM	DATE 4-29-19
CHECKED BY	JP	DATE 4-29-19
CORRECTED		DATE 4-29-19
PROJECT NO.		M-653
SHEET NO.		2 OF 2

PLANNING COMMISSION MINUTES



MEDFORD
OREGON

August 22, 2019

5:30 P.M.

Medford City Hall, Council Chambers
411 West 8th Street, Medford, Oregon

The regular meeting of the Planning Commission was called to order at 5:30 PM in the Medford City Hall, Council Chambers, 411 West 8th Street, Medford, Oregon on the above date with the following members and staff in attendance:

Commissioners Present

Mark McKechnie, Chair (left at 7:15 p.m.)
Joe Foley, Vice Chair
David Culbertson (left at 7:05 p.m.)
Bill Mansfield
David McFadden
E.J. McManus
Jeff Thomas

Staff Present

Kelly Evans, Assistant Planning Director
Carla Paladino, Principal Planner
Eric Mitton, Deputy City Attorney
Alex Georgevitch, City Engineer
Debbie Strigle, Recording Secretary
Dustin Severs, Planner III
Steffen Roennfeldt, Planner III

Commissioner Absent

Patrick Miranda, Excused Absence
Jared Pulver, Unexcused Absence

10. **Roll Call**

20. **Consent Calendar / Written Communications** (voice vote). None.

30. **Approval or Correction of the Minutes from August 8, 2019 hearing**

30.1 The minutes for August 8, 2019, were approved as submitted.

40. **Oral Requests and Communications from the Public**. None.

50. **Public Hearings**

Motion: Take agenda item 50.7 out of order and placing it before agenda item 50.4.

Moved by: Chair McKechnie

Seconded by: Joe Foley

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

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

CITY OF MEDFORD
EXHIBIT # N
FILE # SV-19-046

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare the Final Order for approval of ZC-19-012 per the staff report dated August 15, 2019, including Exhibits A through G.

Moved by: Commissioner McFadden Seconded by: Commissioner Thomas

Roll Call Vote: Motion passed, 5-0-0.

50.5 SV-19-046 Consideration of a request for the vacation of excess right-of-way for the Larson Creek Trail on a parcel located at 816 Black Oak Drive in the SFR-4 (Single-Family Residential, 2.5 to 4 dwelling units per gross acre) zoning district (371W32AA400) (This segment of the Larson Creek Trail is already under construction in a nearby location); Applicant & Agent: City of Medford; Planner: Steffen Roennfeldt.

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

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

Steffen Roennfeldt, Planner III reported that the Street Vacation approval criteria can be found in the Medford Land Development Code Section 10.228(D). The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Roennfeldt gave a staff report.

The public hearing was opened.

Alex Georgevitch, City Engineer was in the audience but did not speak.

The public hearing was closed.

Motion: The Planning Commission, based on the findings and conclusions that all of the approval criteria are met or are not applicable, forwards a favorable recommendation to the City Council for approval of SV-19-046 per the staff report dated August 8, 2019, including Exhibits A through M.

Moved by: Commissioner McFadden Seconded by: Commissioner McManus

Roll Call Vote: Motion passed, 5-0-0.



Subject Area

Project Name:

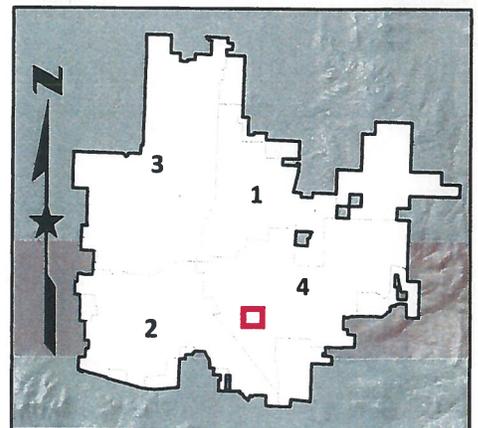
City of Medford

Map/Taxlot:

371W32AA

Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots





AGENDA ITEM COMMENTARY

DEPARTMENT: Planning

PHONE: (541) 774-2380

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

AGENDA SECTION: Public Hearings

MEETING DATE: September 19, 2019

COUNCIL BILL 2019-104

An ordinance amending Sections 2.185, 6.330, 6.350, 10.012, 10.334, 10.348, 10.725, 10.840, and adding Sections 10.829A and 10.829B of the Medford Municipal Code, permitting mobile food vendors to sell ready-to-eat food from designated downtown streets during night-time hours and adding provisions for mobile food vendor pods, effective November 1, 2019.

SUMMARY AND BACKGROUND

Council is requested to consider a legislative amendment to portions of Chapters 2, 6, and 10 of the Municipal Code to permit temporary mobile food vendors to sell ready-to-eat food from designated downtown streets during night-time hours and add provisions for mobile food vendor pods. (File No. DCA-17-104)

On August 22, 2019, the Planning Commission voted 3-2 to forward a favorable recommendation to City Council.

PREVIOUS COUNCIL ACTIONS

On August 10, 2017, City Council held a study session to discuss the topic of food trucks.

On September 18, 2017, City Council and the Planning Commission held a joint study session to discuss food trucks in the right-of-way.

On April 4, 2019, City Council held a study session to review draft language related to food trucks in the right-of-way and directed staff to also work on food truck pods.

ANALYSIS

The proposal addresses two separate topics related to mobile food vendors. The first is consideration for temporary mobile food vendors to sell food from the public right-of-way during night-time hours on designated downtown streets. The other is amending how mobile food vendors are regulated on private property and making a distinction between daily vendors who leave the site everyday versus development of a site to house food trucks on an on-going basis.

The proposal creates regulations that will allow interested temporary mobile food vendors (both self-contained food trucks and trailers) to sell their food from the public right-of-way. Vendors will be permitted to park in on-street parking spaces and sell to customers on the sidewalk between 9 p.m. and 3 a.m. daily. The locations are confined to the downtown core, specifically six identified streets and portions of the Evergreen Parking Lot. The vendors must provide trash receptacles for their patrons and adhere to noise standards identified in the code. Applicable fees will be charged to the mobile food vendor for use of the right-of-way. Power for running the truck or trailer is the



responsibility of the food vendor unless the City grants permission to use available power on the street.

The other part of the amendment creates two different types of food truck pods, categorized as daily pods and semi-permanent pods. Currently, daily pods are seen within the community with examples of mobile food vendors setting up at sites such as at the corners of Fourth and Bartlett Streets and Tenth Street and Riverside Avenue. One or more temporary mobile food vendors assemble on the property and sell ready-to-eat food to patrons. At close of business, the mobile food vendor trucks or trailers leave the property for the night and return again the following day. The site must be paved and may contain other businesses. Power is likely provided on site, water is contained on the mobile food truck or trailer, and wastewater is disposed of at an off-site location. These types of pods are reviewed as Type I ministerial decisions with applicants submitting site plans that show existing and proposed site conditions as defined by the code.

Semi-permanent pods are a new category of food truck pod proposed. The idea with a semi-permanent pod is to allow for a site to be developed specifically to situate mobile food vendors and other structures that provide seating, shelter, and entertainment for patrons. The mobile food vendors are permitted to stay on the site as though they are permanent structures. The site can provide for the full range of utility needs for the mobile food vendor units and will provide restrooms, storage buildings, covered canopies, and other structures to accommodate guests and create an outdoor food court space. Semi-permanent pods will be reviewed and approved through a Type III, site plan or historic review application and system development charges will be assessed on the mobile food vendor units and any other buildings constructed on the site for the use.

Both types of pods will be permitted in the City's five commercial zoning districts as well as the Light-Industrial, General-Industrial, and Public Parks districts.

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 and seeks Council direction on suggested changes noted in the Council Report.



SUGGESTED MOTION

I move to approve the ordinance authorizing the Municipal Code amendments in Chapters 2, 6, and 10 as described in the Council Report dated September 5, 2019, and as recommended by the Planning Commission.

EXHIBITS

Ordinance

Council Report, including Exhibits A through M

ORDINANCE NO. 2019-104

AN ORDINANCE amending Sections 2.185, 6.330, 6.350, 10.012, 10.334, 10.348, 10.725, 10.840, and adding Sections 10.829A and 10.829B, of the Medford Municipal Code permitting mobile food vendors to sell ready-to-eat food from designated downtown streets during night-time hours and adding provisions for mobile food vendor pods, effective November 1, 2019.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. Section 2.185 of the Medford Code is amended to read as follows:

2.185 Permits for Use of Publicly Owned Property and Right-of-Way.

9) Except as stated herein as per the permit, this does not regulate other permits available through other chapters of the Medford Code.

(10) Temporary Mobile Food Vendors. As per the requirements in Section 10.829B, mobile food vendors are allowed to sell food from parking stalls in the public right-of-way between the hours of 9:00 p.m. and 3:00 a.m.

Section 2. Section 6.330 of the Medford Code is amended to read as follows:

6.330 Prohibited Parking Generally.

No person shall park a vehicle:

(5) On a street or in a city parking lot in a manner or at a time prohibited by official signs **(except as permitted under Section 10.829B).**

(10) Within 10 feet (10') of a fire hydrant or other fire protection devices or equipment, within 30 feet (30') of a fire station, or in a fire department access road or fire lane.

Section 3. Section 6.350 of the Medford Code is amended to read as follows:

6.350 Sales on Public Property

(6) Separation Distances. All carts shall maintain the following separation distances and shall be so located as to not constitute an obstruction to pedestrians or vehicles:

(6)(a) Ten feet (10') from a building entrance **or exit**;

(6)(b) Ten feet (10') from a fire hydrant **or other fire protection devices or equipment**;

Section 4. Section 10.012 of the Medford Code is amended to read as follows:

10.012 Definitions, Specific.

Temporary Mobile Food Vendor. Any truck, trailer, vehicle, or similar device which is used for the purpose of preparing, processing, or converting food for immediate consumption as a drive-in, curb, or walk-up service that remains in or on any one site or lot, or where permitted in the public right-of-way, for a designated and approved period of time.

Section 5. Section 10.334 of the Medford Code is amended to read as follows:

10.334 Uses Permitted in the Public Parks Zone.

Uses Permitted in the Public Parks Zoning District

SIC #	Description of Use	Allowance Type	Additional Regulations/ Land Use Requirement

5817	Temporary Food Vendor & Temporary Mobile Food Vendor	Ps	The special use reference for temporary food vendor corresponds with Section 10.840. Temporary Mobile Food Vendor corresponds with 10.840, 10.829A, and 10.829B

58 EATING AND DRINKING PLACES. This major group includes establishments selling prepared foods and drinks for consumption on the premises; and also lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption. Restaurants, lunch counters, and drinking places operated as a subordinate service facility by other establishments are not included in this group unless they are operated as leased departments by outside operators. Thus, restaurants and lunch counters operated by hotels are classified in Services, Major Group 70; those operated by department stores in Major Group 53. Bars and restaurants owned by and operated for members of civic, social, and fraternal associations only are classified in Industry 8641.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
5816	- with outdoor eating	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps
5817	Temporary Food Vendors & Temporary Mobile Food Vendors	Ps	Ps	Ps	Ps	Ps	Ps	Ps	X

The special use section references for:

¹See SIC Code 208 Beverages for alcohol production in I zones.

Establishments in the industrial zones: 10.822.

Establishments with outdoor eating areas: 10.833.

Classification 5817 (Temporary Food Vendors & Temporary Mobile Food Vendors): Sections 10.840, **10.829A and 10.829B**.

Classification 5818 (Small Food Vendors): Section 10.823.

Classification 5819 (Craft Alcohol Production): Section 10.834.

Section 6. Section 10.348 of the Medford Code is amended to read as follows:

10.348 Limited Industrial, I-00.

E. Prohibited Uses: The following uses, as listed in Section 10.337, shall not be permitted:

523 Paint Glass and Wallpaper Stores

554 Gasoline Service Stations

581 Eating and Drinking Places, excluding Temporary Food Vendors, **Temporary Mobile Food Vendors**, and Small Food Vendors

60 Banking

Section 7. Section 10.725 of the Medford Code is amended to read as follows:

10.725 Large Retail Structures, Special Development Standards,

C. Site Design.

- iii. A covered community bulletin board (kiosk);
- iv. Art works; **and**
- v. Space for small or temporary food vendors **or temporary mobile food vendors.**

Section 8. Section 10.829A is added to the Medford Code as follows:

SPECIAL USE REGULATIONS. (10.811 - 10.8389)

10.829A Temporary Mobile Food Vendors and Mobile Food Vendor Pods

(A) Purpose. These regulations are intended to establish criteria for the placement of mobile food vendor pods in the City of Medford. Temporary mobile food vendors provide the community with a wider variety of eating, drinking, and socializing options. Pods provide different vending opportunities for temporary mobile food vendors located on private property. Temporary mobile food vendors shall comply with all applicable City, County, and State regulations.

(B) Mobile Food Vendor Pod Types. Mobile food vendor pods are categorized as either a Daily Pod or a Semi-Permanent Pod.

Daily Pods. This type of pod provides for the placement of one or more temporary mobile food vendor on private property during daily operating hours only. The site may be developed or vacant and must be paved.

Semi-Permanent Pods. This type of pod provides for the placement of one or more temporary mobile food vendor on private property for periods of time exceeding 24-hours. This type of pod may include the construction of a covered or enclosed seating area, food storage structure, or a structure that serves alcoholic beverages along with designated locations and utilities (water, sewer, power) for temporary mobile food vendors.

(C) Allowed Zoning Districts. Mobile food vendor pods are permitted in the following zoning districts: Commercial – Service/Professional (C-S/P), Neighborhood Commercial (C-N), Heavy Commercial (C-H), Community Commercial (C-C), Regional Commercial (C-R), Light-

Industrial (I-L), General Industrial (I-G), and Public Parks (P-1).

(D) Review Authority. Daily pods shall be reviewed for compliance with applicable standards as a Type I, Ministerial Decision. Semi-permanent pods shall be reviewed for compliance with applicable standards as a Type III, Quasi-Judicial Decision by the Site Plan and Architectural Commission. If the property is within a historic district then the proposal shall be reviewed for compliance with applicable standards as a Type III, Quasi-Judicial Decision by the Landmarks and Historic Preservation Commission.

(E) Applicable Criteria. The Planning Director or designee shall approve daily pods per the applicable standards noted below. The Site Plan and Architectural Commission and Landmarks and Historic Preservation Commission shall approve a semi-permanent pod if the proposal conforms to the criteria in Section 10.200, (10.188 if within a historic district), and the standards outlined below.

(F) Site Standards.

(1) Site design standards for Daily and Semi-Permanent Pods.

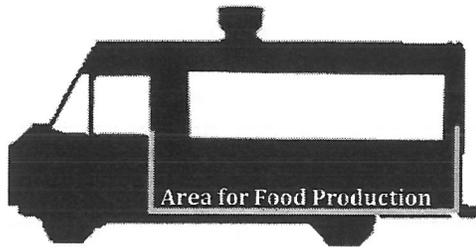
- (a) Temporary mobile food vendors shall be located on a paved surface.**
- (b) Temporary mobile food vendors shall not occupy or obstruct the following:**
 - (i) Pedestrian walkways**
 - (ii) Setbacks, buffer yards or required landscaping**
 - (iii) Required bicycle or vehicular parking spaces**
 - (iv) Fire lanes, fire hydrants, other fire protection devices or equipment, or other emergency vehicle access areas**
 - (v) Vision clearance triangle at intersections (Section 10.735)**
 - (vi) Existing or proposed easements**
 - (vii) Public right-of-way or ADA clearance (48 inches) on sidewalks**
- (c) Temporary mobile food vendors shall not create tripping hazards in pedestrian and vehicular circulation areas with items such as, but not limited to, cords, hoses, pipes, or cables.**
- (d) Temporary mobile food vendors shall be separated or setback from parked vehicles, combustible materials, and other food vendors by a minimum radius of 10 feet.**
- (e) Trash and recycling bins shall be provided on site for customers.**
- (f) Outdoor equipment is permitted within pods and includes items such as seating, tables, grills, canopy tents, and other items used for preparing food or accommodating guests.**
 - (i) In daily pods, outdoor equipment is limited to 100 square feet in the downtown historic overlay and 170 square feet outside of the downtown historic overlay.**
 - (ii) In semi-permanent pods, the size of the outdoor equipment is not limited and shall be reviewed and approved as part of the Type III procedure.**
- (g) All food must be in a ready-to-eat condition when sold.**

- (2) **Additional site design standards for Semi-Permanent Pods.**
- (a) **Buildings and temporary mobile food vendors shall comply with applicable buffer yards and building setbacks in accordance with Sections 10.720 and 10.721. The approving authority may increase setbacks to mitigate impacts to adjacent properties.**
 - (b) **Restroom facilities shall be provided on site for patrons of the pod. Alternatives to on-site facilities may include recorded agreements with adjacent businesses located within five hundred feet of the property line. A sign shall be posted for patrons indicating where restrooms are available. Portable toilets are not permitted.**
 - (c) **Dumpster(s) shall be provided on site for business trash and screened in accordance with Section 10.781. Dumpster locations shall be accessible to the waste management company.**
 - (d) **If food storage buildings are constructed on site for use by the temporary mobile food vendors, the buildings shall be properly permitted and incorporated into the site plan for the site. Building permits are required for storage sheds, cargo containers, or other pre-fabricated structures when used on the premise.**
 - (e) **Membrane structures such as tents, canopies, or permanent structures may be used to provide shade or cover from weather for patrons on site. The size and material of the structure shall be provided on the site plan. The structures shall comply with applicable building and fire codes prior to installation. Temporary membrane structures in excess of 400 square feet used at the site for less than 180 days require a permit from the Fire Department.**
 - (f) **The plan shall identify the location of seating areas (including the layout of chairs and tables) and any accessory items or amenities such as fire pits.**
 - (g) **An integrated pest control management plan shall be provided for the site (pests such as insects and rodents)**

(G) Design Standards for Temporary Mobile Food Vendors within Pods.

(1) All temporary mobile food vendors shall be subject to the design standards listed below:

- (a) **The wheels and tongues shall remain on the temporary mobile food vendor. The tires must remain inflated and the unit/truck operable. No permanent skirting or base shall be constructed around the temporary mobile food vendor.**
- (b) **The maximum length of the temporary mobile food vendor shall not exceed 20 feet. The length shall only include the area devoted to the production of food excluding things such as vehicle cabs, bumpers, trailer tongues, slide outs and trailer hitches. See the depiction below for measurement guidance.**



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

(d) Food vendor truck awnings shall have a minimum of (7) feet of clearance between the ground and awning for safe pedestrian circulation.

(H) Utilities.

(1) The following utilities are required for temporary mobile food vendors located in daily pods:

(a) Temporary mobile food vendors shall have their daily need of water located on the truck/unit.

(b) No dumping of wastewater is permitted in the City's storm drain system, public streets, or directly onto pavement. Wastewater shall be disposed of at an approved off-site location.

(c) Connection to a temporary power source is permitted. Extension cords shall be covered or screened to prevent tripping hazards.

(2) The following utilities are required for temporary mobile food vendors located in a semi-permanent pod:

(a) Connection to sanitary sewer lines consistent with applicable state plumbing codes, and all wastewater discharged to the sanitary sewer is subject to the requirements identified in Chapter 11 of this Code.

(b) Connection to a site-dedicated master water meter is required. The size, installation, and applicable fees shall be coordinated through the Medford Water Commission.

(c) Installation of a State of Oregon approved backflow device is required behind the master water meter. The location of the device shall be coordinated with the Medford Water Commission.

(d) Private water line extensions from the master water meter to each vendor are required per the Uniform Plumbing Code requirements.

(e) The installation of a pressure reducing valve (PRV) may be required if static water pressure is greater than 80 psi at the building.

(f) Connection to a permanent power source that is located underground. Overhead wires connected to the temporary mobile food vendor truck are not permitted. The use of stand-alone generators are prohibited.

(g) Generally, utilities shall be placed or otherwise screened, covered, or hidden from view of the public right-of-way to minimize visual impacts and prevent tripping hazards or other unsafe conditions.

(I) Parking.

(1) The following are minimum parking standards for food pods:

- (a) One (1) parking space per temporary mobile food vendor. Existing parking spaces on site may be used.**
- (b) No minimum parking spaces required if the site is located within a quarter mile of a public parking lot.**

(J) Signs.

- (1) A sign permit is not required for the name of the business painted/placed on the temporary mobile food vendor.**
- (2) All other signs located on the site or attached to the temporary mobile food vendor shall be in accordance with the regulations in Article VI and the applicable zoning district.**

(K) Lighting. Semi-permanent food pods shall install lighting to ensure a safe environment for customers and employees in accordance with Section 10.764.

(L) Operating Hours. Temporary mobile food vendors located in a daily pod must vacate the premise for at least six hours within a 24-hour period before returning to conduct business at the same location. The hours of operation for a semi-permanent pod shall be identified with the submittal materials and reviewed by the approving authority for impacts to surrounding property owners. The name and contact information of the person in charge of the pod shall be provided to the Business License Department in the event issues or questions arise.

(M) Permits and Fees.

- (1) Proprietors of the temporary mobile food vendors shall obtain and maintain a current City Business License.**
- (2) Proprietors of the temporary mobile food vendors shall maintain all required licenses/permits to operate by Jackson County Environmental Health and any applicable State agency.**
- (3) Temporary mobile food vendors shall obtain an operational permit from the Fire Department.**
- (4) Within semi-permanent pods, structures and temporary mobile food vendors shall pay applicable System Development Charges prior to issuance of applicable building permits.**

(N) Submittal Requirements. A site plan drawn to scale shall be provided that outlines the standards above for daily pods. The submittal materials for a semi-permanent pod shall be in accordance with Section 10.200(J) and include the applicable provisions above.

(O) Exemptions.

- (1) At an Event of Public Interest, temporary mobile food vendors per 10.840(D)(1) are**

exempt from the standards of 10.829A.

(2) On City-owned property and right-of-way (except as outlined in Section 10.829B), temporary mobile food vendors shall obtain a permit pursuant to Chapter 2, and are exempt from the standards of 10.829A.

(3) Vending within City parks and facilities shall be regulated through the Medford Parks, Recreation, and Facilities Management Department.

(P) Other Code Provisions. Proposals for mobile food vendor pods are permitted to use other applicable code provisions found in Chapter 10 in order to satisfy the development requirements noted above and address applicable criteria.

(Q) Optional Adjustment of Utility Standards. Applicants may seek approval of alternative methods of water delivery and wastewater disposal in semi-permanent pods. The Site Plan and Architectural Commission may approve an application for a semi-permanent pod that does not connect to sanitary sewer or a master water meter if the Commission can find the proposal conforms to the following criteria:

(1) The applicant has demonstrated the alternatives proposed will provide sufficient water and wastewater disposal needs to the temporary mobile food vendors of the development without being a detriment to the safety and welfare of the public.

Section 8. Section 10.829B is added to the Medford Code as follows:

10.829B Mobile Food Vending in the Public Right-of-Way

(A) Purpose. These regulations are intended to establish regulations to allow temporary mobile food vendors to operate at night in the public right-of-way within certain areas of the Central Business overlay of the City.

(B) Regulations. Temporary Mobile Food Vendors (self-contained trucks and trailers) may locate and sell food in the public right-of-way using on-street parking stalls under the following requirements:

(1) The length of the temporary mobile food vendor unit complies with Section 10.829A (G)(b).

(2) Vending only occurs during the hours of 9:00 p.m. and 3:00 a.m. daily;

(3) Vending only occurs on the following streets:

a. Eighth Street (Oakdale Avenue to Riverside Avenue)

b. Main Street (Oakdale Avenue to Hawthorne Street)

c. Sixth Street (Oakdale Avenue to Riverside Avenue)

d. Central Avenue (Fourth Street to Tenth Street)

e. Front Street (Fourth Street to Tenth Street)

f. Bartlett Street (Fourth Street to Sixth Street & Main Street to Ninth Street)

g. Evergreen Street Parking Lot (Fourth Street to Main Street and Eighth Street to Tenth Street)

- (4) The temporary mobile food vendor unit may occupy more than one on-street parking space;
- (5) Trash receptacles are provided for customers;
- (6) The noise standards in Section 10.752 are adhered to and the on-street vending does not cause a disturbance to residences;
- (7) Mobile food vendors obtain and pay for applicable licenses/permits (such as a City business license and County health permit) to operate;
 - a. Applicants must pay an on-street vending fee of \$300.00 to the business license department for every ninety (90) days vending takes place on the street.
- (8) No additional signs, tables, or chairs are placed on the sidewalk; and
- (9) Power is provided by the vendor unless approval for use of another power source has been granted by the City of Medford. Extension cords or other similar devices shall be covered or screened to avoid tripping hazards.

(C) Violations. Violation of this section constitutes a violation. Every day in which the violation exists constitutes a separate violation.

Section 9. Section 10.840 of the Medford Code is amended to read as follows:

10.840 Temporary Uses and Structures.

D. Types of Temporary Uses and/or Temporary Structures.

The following types of temporary uses and/or temporary structures are permitted subject to compliance with this section.

(3) Temporary Mobile Food Vendors, Mobile Food Vendor Pods, and Mobile Food Vending in the Public Right-of-Way. (See Sections 10.829A and 10.829B)

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

~~1. Application Requirements.~~

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

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

~~(a) Length of the temporary mobile food vendor unit (Measurement of the length of a mobile food vendor is explained in Figure 10.840—1).~~

~~(b) Location of the temporary food vendor unit on the site.~~

~~(c) Paved vehicular access, including driveway location(s).~~

~~(d) Off-street vehicular parking spaces.~~

~~(e) A trash receptacle located within ten (10) feet of the temporary food vendor unit.~~

~~(f) Dimensions of the area to be occupied by the temporary food vendor unit, including any table(s), seating, and other exterior items, if applicable;~~

and
(g) Location of utility connections, if any.

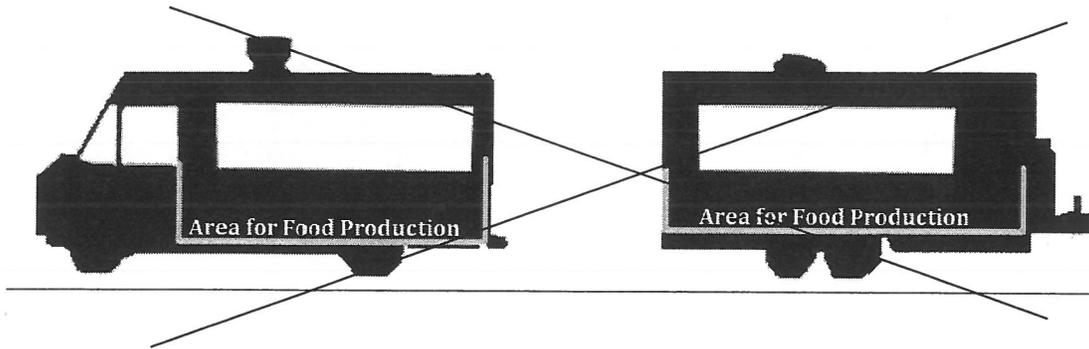


Figure 10.840-1: The length of a mobile food vendor shall only include the length of the area devoted to the production of food excluding things such as vehicle cabs, bumpers, trailer tongues, slide outs and trailer hitches.

2. Standards.

i. Locational and Size Standards.

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

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

(1) The exterior length shall not exceed 16 feet (See Figure 10.840-1 for measurement guidance).

(2) Outdoor equipment, such as tables and chairs, shall not be permitted. Outdoor equipment shall include seating, tables, grills, and other items used for preparing food or accommodating guests.

(c) In all other zones:

(1) The exterior length shall not exceed 20 feet (see Figure 10.840-1 for measurement guidance).

(2) An additional 170 square feet is allowed for outdoor equipment. Outdoor equipment shall include seating, tables, grills, and other items used for preparing food or accommodating guests.

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

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

ii. General Standards.

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

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

- ~~(e) Required parking spaces or access to required parking spaces shall not be displaced or obstructed.~~
- ~~(d) The temporary food vendor unit shall be located outside any required setbacks.~~
- ~~(e) Attached awnings are permitted if smaller than the size of the temporary food vendor unit.~~
- ~~(f) The temporary food vendor unit and all outdoor equipment shall be located on an improved surface.~~
- ~~(g) Temporary food vendors shall obtain an operational permit from the Fire Department.~~
- ~~(h) Any utility connections require a building permit from the Building Safety Department.~~

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



COUNCIL REPORT

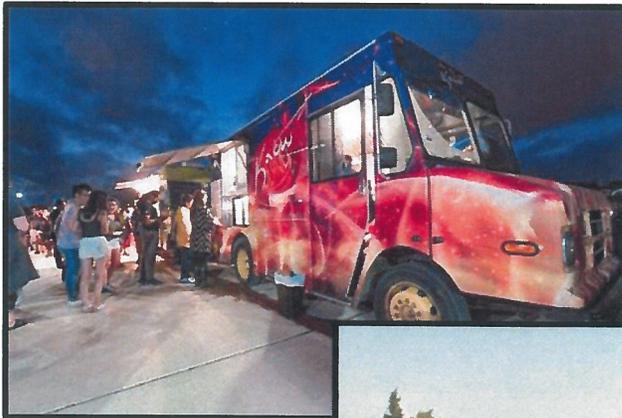
for a Type IV Legislative Decision: **Development Code Amendment**

Project Temporary Mobile Food Vendor Pods and Vending in the R-O-W
File no. DCA-17-104
To Mayor & City Council *for 09/19/2019 hearing*
From Carla Angeli Paladino, Principal Planner
Reviewer Matt Brinkley, CFM AICP, Planning Director
Date September 5, 2019

BACKGROUND

Proposal

A legislative code amendment to modify Chapters 2, 6, and 10 of the Municipal Code to permit temporary mobile food vendors to sell from designated downtown streets during night time hours and add provisions for mobile food vendor pods (see Exhibit A).



Photos: Top Left – Street Vending Example (newswithattitude.com)

Bottom Right – Food Pod Example (Bend, Oregon) (riversplacebend.com)



History

Revisiting temporary mobile food vendor regulations has been a topic of interest for the City Council over the past several years. Temporary mobile food vendors selling from the public right-of-way was initially suggested by Planning Staff during a previous code amendment in early 2017 when updates were being made to the size allowance of the mobile food trucks (DCA-17-007). This topic had been the subject of previous code enforcement action and local news media coverage when a local food vendor was operating from the right-of-way at night in downtown in 2016. When the topic was proposed to the Planning Commission, it was requested the proposal be removed from the amendment under review. When the project made its way to City Council, the topic of allowing mobile food vendors to vend from the public right-of-way was discussed and staff was directed to consider the issue. Subsequent conversations on the topic were held in August 2017 (see Exhibit B) and a joint study session with the Planning Commission and City Council was held in September 2017 (see Exhibit C) to discuss the parameters of a proposed amendment and provide staff with direction.

In April 2019, staff proposed draft language related to the topic of vending in the right-of-way at a City Council study session (see Exhibit D). Weeks before the meeting staff had been contacted by several property owners inquiring about the topic of allowing more permanent "food truck pods" within the City. At the study session, Council directed staff to bring forward the right-of-way provisions as well as work on language related to food pods. Draft language related to both topics was provided to the Planning Commission during a June 2019 study session (see Exhibit E).

Authority

This proposed code amendment 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 Chapter 10 under Medford Municipal Code §§10.214 and 10.218.

ANALYSIS

The proposed code amendment addresses two separate topics related to mobile food vendors. The first is consideration for vendors to sell food from the public right-of-way during night time hours on designated downtown streets. The second is amending how mobile food vendors are regulated on private property and distinguishing short-term, daily food vendors versus the development of a site to house food vendors on a regular and on-going basis.

Vending from the Public Right-of-Way

The proposal provides mobile food vendors the option to sell ready-to-eat food from the street (the public right-of-way). The allowance would extend to both self-contained food trucks and trailers.

The truck or trailer must meet the length requirement identified in the code and not exceed a maximum length of twenty feet. Vendors will be permitted to park in on-street parking spaces and vend to customers on the sidewalk, or in the parking lot in the case of the Evergreen site. Other provisions include:

- The proposed vending hours are 9:00 p.m. to 3:00 a.m. daily.
- The allowance is confined to the downtown core of the City on six identified streets and the Evergreen Parking Lot (see Exhibit F).
- Vendors are responsible for providing trash receptacles for their patrons and must adhere to noise standards identified in the code.
- The mobile food vendor is responsible for obtaining applicable licenses and permits to operate.
- The vendor is not allowed to place chairs, tables, or signs on the adjacent sidewalk while vending.
- The mobile food vendor is responsible for providing their own power unless approval has been granted by the City to use street light outlets. The use of extension cords need to be covered and screened to avoid trip hazards.

Mobile Food Vendor Pods

The existing provisions for temporary mobile food vendors is found in Section 10.840(D)(3) of the code. These existing provisions have been relocated to a new Section 10.829A in order to better organize the material and categorize the different options for temporary mobile food vendors.

To date, food pods exist in the community with some examples found at the corners of Fourth and Bartlett Streets and Tenth Street and Riverside Avenue. A number of temporary mobile food vendors assemble and set up on the site for the day to sell food to patrons. At the end of the day, the vendors pack up their trucks or trailers and leave the premises for the night and return again the following day. The site is generally paved and may be developed with other businesses. The mobile food vendors may have a power source but typically do not have access to a water source or wastewater disposal source. This type of vending is being referred to as a daily pod in the proposed code amendments. The idea is for daily pods to continue to be reviewed as Type I, ministerial decisions with applicants providing site plans that show existing and proposed site conditions as listed in the code.

The second type of pod is referred to as a semi-permanent pod. These types of developments are more permanent in nature and require approval of a Type III, site plan or historic review application. Semi-permanent pods are distinguished from daily pods in that the temporary mobile food vendors will be approved to remain on site as though they are permanent structures. The temporary mobile food vendors will be connected to the full range of utilities or have an alternative method approved. Other structures such as restroom facilities, storage buildings, covered canopies, and other structures to accommodate guests of the site will be built to create an outdoor food court space. This type of pod will require the payment of System Development Charges for the vendor units as well as any other buildings constructed on the site (see Exhibits G and H for cost estimates).

Both the daily pods and semi-permanent pods will be permitted in the City's five commercial zoning districts as well as the Light-Industrial, General-Industrial, and Public Parks districts.

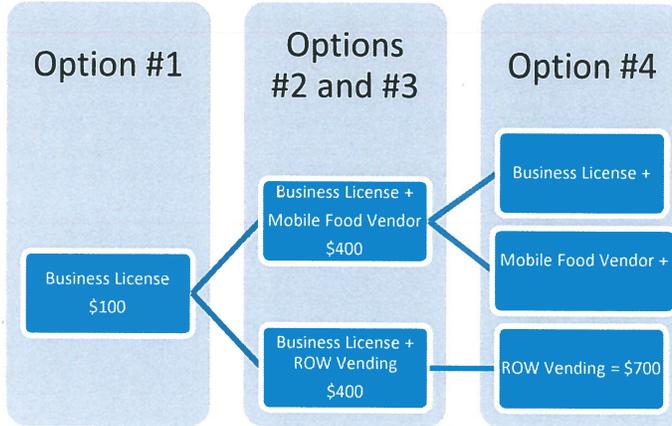
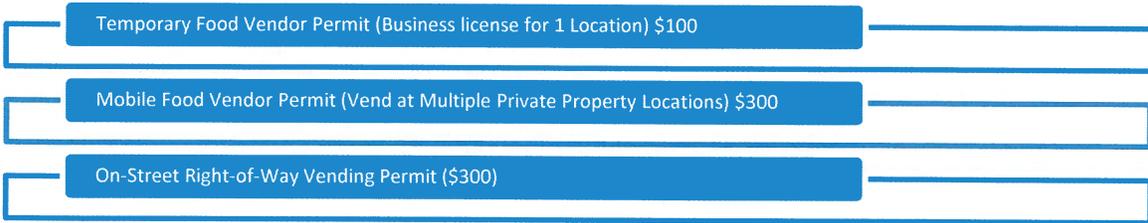
Parking standards are modified for mobile food vendors with one parking space required for each mobile food vendor and no required parking spaces if the site is located within a quarter mile of a public parking lot.

The current provisions require different sized trucks depending on where the mobile food vendor is located. In the central business and historic preservation overlays, the exterior length of the truck/trailer cannot exceed sixteen feet. In all other zones, the exterior length of the truck/trailer cannot exceed twenty feet. This limitation on size creates a disparity in which truck can vend in the downtown core. This size limitation will also remove the opportunity for mobile food vendors to take advantage of the night-time on-street vending proposed if they already have a truck that exceeds sixteen feet in length. As proposed, the sixteen foot size limitation is being removed and the maximum size for all trucks/trailers will be twenty feet.

The code amendment strives to update the provisions for daily pods and allow for new semi-permanent pods. Semi-permanent pods are intended to be more permanent and will be reviewed like other development sites.

Discussion on Fee Structure

At the April 2019 City Council study session, a fee structure for these new uses was proposed. Currently, temporary food vendors pay an annual ~~100 dollar~~ ^{300.00} city business license fee to the City. Potential options to modify the mobile food vendor fee structure was presented during the study session at the following cost ranges:



At the Planning Commission (PC) hearing on August 22nd, the Commissioners agreed that an additional fee should be paid by the on-street food vendors to account for maintaining the public right-of-way and potential work by code enforcement. In order to be consistent with other similar uses (sidewalk vendors), a \$300 vending fee will be charged for every ninety days the operator is using the right-of-way. This new fee has been added to the proposed language. On street night-time vendors will be charged the \$100 business license/tax as well as \$300 every ninety days. Fees would be collected by the Business License Department when vendors apply for their business license.

Based on data gathered in 2017 from four other Oregon jurisdictions (Corvallis, Central Point, Grants Pass, and Salem), the cost of food vendor permits range from \$152 to \$480. Annual renewal fees range from \$60 to \$150.

Planning Commission Recommendation

On August 22nd, the Planning Commission voted 3-2 to forward a favorable recommendation to the City Council on this amendment (See Exhibit M). Commissioners Mansfield and Thomas were the dissenting votes. The Commissioners discussed making three changes to the proposed language including:

- Adding a fee for on-street vendors using the public right-of-way at night
- Clarifying an on-street vendor could encroach into more than one parking space

- Clarifying the ten foot separation distance between vendors, combustible materials and the like is a radius requirement

Public Input

Staff have solicited input from food truck operators throughout this process. Staff received an e-mail from Stephanie Card, owner of Heart and Bowl food truck on August 30, 2019, suggesting some proposed changes to the amendment (See Exhibit L). Staff met with Ms. Card on September 4th to discuss her comments and ask questions. Ms. Card's suggestions are summarized below:

- Allow Semi-Permanent pods to utilize portable toilets rather than requiring connected restrooms,
- Allow food vendors in Semi-Permanent pods to utilize other means of water and wastewater services rather than having to make standard utility connections, and
- Extend the time allowance for Daily pods to remain on site (up to four consecutive days). This topic was raised during the in-person meeting with Ms. Card.

Incorporation of Code Changes since PC Hearing

Section 10.829A(B): Alternative language based on conversation with Ms. Card

Original Language:

Daily Pods. This type of pod provides for the placement of one or more temporary mobile food vendor on private property during daily operating hours only. The site may be developed or vacant and must be paved.

Alternative Language (based on Ms. Card's suggestion):

Daily Pods. This type of pod provides for the placement of one or more temporary mobile food vendor on private property *for no more than five consecutive days at a time.*

Section 10.829A(F)(1)(d): Added the word *radius* based on Planning Commission comments

Section 10.829A(F)(2)(b): Added the following based on comments from Ms. Card; provide additional options for Council to consider

Restroom facilities shall be provided on-site for patrons of the pod. Alternatives to on-site facilities may include recorded agreements with adjacent businesses located within five hundred feet of the property line. A sign shall be posted for patrons indicating where restrooms are available. Portable toilets are not permitted.

Additional Modification if Council directs: Portable toilets are ~~not permitted~~ highly discouraged, but may be approved by the review authority.

Section 10.829A(H)(2)(a): Modified the following language based on Legal and Public Works requests

Original Language:

Connection to sanitary sewer lines consistent with applicable state plumbing codes, and an appropriately sized grease interceptor to dispose of fats, oils, and grease.

Modified Language:

Connection to sanitary sewer lines consistent with applicable state plumbing codes, and all wastewater discharged to the sanitary sewer is subject to the requirements identified in Chapter 11 of this Code.

Section 10.829A(Q): New section added based on Ms. Card's comments

(Q) Optional Adjustment of Utility Standards. Applicants may seek approval of alternative methods of water delivery and wastewater disposal in semi-permanent pods. The Site Plan and Architectural Commission may approve an application for a semi-permanent pod that does not connect to sanitary sewer or a master water meter if the Commission can find the proposal conforms to the following criteria:

(1) The applicant has demonstrated the alternatives proposed will provide sufficient water and wastewater disposal needs to the temporary mobile food vendors of the development without being a detriment to the safety and welfare of the public.

Section 10.829B(B)(4): Modified based on Planning Commission comments

Original Language:

The temporary mobile food vendor unit does not straddle more than one on-street parking space.

Modified Language:

The temporary mobile food vendor unit may occupy more than one on-street parking space.

Section 10.829B(B)(7)(a): New section added based on Planning Commission comments

Applicants must pay an on-street vending fee of \$300.00 for every ninety (90) days vending takes place on the street to the Business License Department.

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.

Land Development Code Amendment. The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:

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

Findings

While the regulations for temporary food vendors have been in effect in the City since the late 1980s, the trend for this type of use has grown in popularity across the country and in Medford specifically over the past 5-7 years. The City has been modifying different aspects of the code over that timeframe in order to help accommodate the needs of mobile vendors and help the City better administer the regulations (such as increasing the length of trucks and clarifying how trucks are measured). The number of temporary mobile food vendors has increased in number over the years and are seen on private property and in public spaces (like Alba Park). The vendors provide different food options, promote small business development, and create more vibrant gathering places within the community.

The proposed changes provide additional opportunities for temporary mobile food vendors and property owners to provide this use to the public in new ways. The City to date has not permitted temporary mobile food vendors to use the public right-of-way in order to vend to patrons. The proposal will modify this restriction to provide for on-street vending during night-time hours, specifically from 9:00 p.m. to 3:00 a.m. on designated streets in the downtown core. The City has been cautious about expanding the allowances for temporary mobile food vendors but recognizes this type of business is growing. Code changes and new provisions help to provide opportunities for both business owners and citizens within the City. This allowance will provide interested vendors additional economic opportunity to sell their food to patrons living, working, and visiting downtown during evening and early morning hours, and in turn provide additional food options for patrons seeking meals after other restaurants have closed, entertainment venues have ended for the night, and for those leaving nightclubs or bars.

The other code change reorganizes and modifies how temporary mobile food vendors are grouped together and regulated on private property. The grouping of one or more temporary mobile food vendor are now referred to as pods and are distinguished as either a daily pod or semi-permanent pod. Daily pods are

currently seen throughout the City. Mobile food vendors set up and vend from private property during business hours and then exit the premises for the evening removing the truck or trailer from the location until the following day. Semi-permanent pods provide a different arrangement where the site is specifically designed to house trucks or trailers on site as a more permanent use. The trucks and trailers are permitted to stay on the premises overnight and the vehicles/units are regulated more like a building than a moveable vehicle. Again, the trend of food pods are growing and are seen in other Oregon communities including Portland, Beaverton and Bend. The semi-permanent pods have more regulatory requirements and fees associated with them as they are seen as new development. Again, both pods provide different places for people within the community to eat, socialize, and enliven the community.

Conclusions

It is important for the City to review and update regulations to address new trends and expand opportunities for economic development, community growth and livability. The temporary mobile food vendor amendments are intended to expand on this growing trend and provide additional food and development opportunities for vendors, property owners, and citizens alike.

10.218 (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 Economic Element provides relevant goals, policies, and implementation strategies that are aligned with the proposal. The most specific ones are noted below.

Goal: *To actively stimulate economic development and growth that will provide opportunities to diversify and strengthen the mix of economic activity in the City of Medford.*

Policy 1-1: *The City of Medford shall strengthen its role as the financial, medical, tourist, governmental, and business hub of Southern Oregon and shall build on its comparative advantages in the local and regional marketplace.*

Implementation 1-1(f): *Provide incentives for entrepreneurial small businesses to start up and/or expand in the City.*

There are a number of temporary mobile food vendors located within the City's downtown and throughout the City. These are small entrepreneurial businesses that add character and additional food options to the residents, tourists, and employees within the community. The proposal will provide these vendors the opportunity to vend during evening hours within the public right-of-way in the downtown core. This allowance provides additional food options to those participating in evening activities and entertainment at a time when food options may be scarce. It provides additional revenue opportunities for the vendors and opens up the City for additional activity and commerce.

The food pod allowance creates a different type of outdoor eating space that is seen in other jurisdictions but that currently is not permitted in the City. This provision provides property owners and mobile food vendors an opportunity to work together to create a more permanent space that can accommodate this type of walk-up food service option and provide new locations for residents, tourists, and employees to socialize, congregate, and share a meal. It helps liven up spaces in a new way and will showcase local cuisine that is unique to Medford. Cool urban spaces beget other cool urban spaces potentially increasing the expansion of other businesses in the downtown and within neighborhoods. And contrary to the opinion that food trucks and conventional "bricks and mortar" restaurants are somehow inherently at odds because they compete for customers, the connection between mobile and stationary food service operations is much more fluid. Several restaurants and food production operations in Medford and surrounding communities maintain both stationary establishments and mobile operations. As has been documented in many places, food trucks also provide a lower-barrier entry into the food service industry that leads to the establishment of a more conventional storefront presence.

Conclusions

The allowance for vending in the public right-of-way and the addition of food pods as a permitted use provides economic opportunities for property owners and small business owners and furthers the City's goals of attracting new businesses. This criterion is found to be satisfied.

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

Findings

The draft language was provided to internal and external referral agencies on May 22, 2019. Planning staff held meetings with members from the Medford

Police Department, Jackson County Environmental Health, Building Department, and Business License Department to discuss the proposal and work out procedures and code conditions. A Land Development meeting was held on June 5, 2019, to discuss the proposal with the various agencies. Representatives from Legal, Engineering, Parks, Building, and the Water Commission were in attendance. Official written comments were received from the Fire Department (**see Exhibit I**), Jackson County Roads (**see Exhibit J**) and Medford Water Commission (**see Exhibit K**). Other general e-mail comments were also received from Engineering, Building, and Legal. Proposed revisions and clarifications were discussed with both the Building Department and Water Reclamation Division. Final code changes have been made based on comments received and conversations on specific topics throughout the process.

Conclusions

The proposal has been amended based on comments and feedback received from applicable referral agencies. This criterion is found to be satisfied.

3. Public comments.

Findings

The City Council held a study session on April 11, 2019, to review and discuss the proposed language related to mobile food vendors having the ability to vend in the public right-of-way during night time hours. That evening, Council also directed staff to work on language related to mobile food vendor pods. The language was updated and discussed during a Planning Commission study session on June 24, 2019.

Drafts of the language were e-mailed to food truck proprietors and interested citizens on June 3, 2019 and August 13, 2019. One e-mail was received from food truck owner Stephanie Card on August 30, 2019 (**See Exhibit L**).

The proposal will also be posted on the Planning Department's webpage for public review and comment throughout the hearing process which may also generate comments.

The public hearings also provide an opportunity for citizens to engage in the process and provide feedback to the appointed and elected officials reviewing the amendment. The latest public comment received from Ms. Card has been incorporated into the record and language changes have been proposed.

Conclusions

The proposed amendment has been discussed with both the Planning Commission and City Council at a number of study sessions. Feedback was solicited by food truck proprietors and the language is made available on the City's website. Two scheduled public hearings allow the public to participate in the public process and provide their comments. This criterion is found to be satisfied.

4. Applicable governmental agreements.

Findings

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

Conclusions

This criterion is found to not be applicable.

RECOMMENDED ACTION

The Planning Commission recommends adopting the proposed amendments based upon the findings and conclusions in the Council Report dated September 5, 2019, including Exhibits A through M.

Council will be asked if they want to incorporate any of the proposed modifications from the above noted sections that have been changed since the Planning Commission hearing.

EXHIBITS

- A Proposed amendment
- B Minutes from City Council study session (2017-08-10)
- C Minutes from Planning Commission/City Council study session (2017-09-18)
- D Minutes from City Council study session (2019-04-11)
- E Minutes from Planning Commission study session (2019-06-24)
- F Map showing allowed streets for on-street vending downtown
- G SDC estimate on a higher order street
- H SDC estimate on a lower order street
- I Fire Department comments
- J Jackson County Roads comments
- K Medford Water Commission comments
- L E-mail dated August 30, 2019 from Stephanie Card
- M Minutes from Planning Commission hearing (2019-08-22) Draft/Excerpt

CITY COUNCIL AGENDA: SEPTEMBER 19, 2019

Underlined Text is New; Strikethrough Text is proposed to be deleted

Chapter 2

2.185 Permits for Use of Publicly Owned Property and Right-of-Way.

(1) The City Manager upon application on a form prescribed by the City Manager's Office, shall issue a special event permit to a person when the City Manager or his designee finds with input from the affected departments that the parade or event will meet the following conditions:

- (a) Will not unreasonably obstruct vehicular and pedestrian traffic; or
- (b) Create an unreasonable hazard to person or property; or
- (c) Create a noise disturbance, breach of the peace, or any other violation of a provision of this code; or

(d) Contravene city, county, or state law, including but not limited to, restrictions of the use of streets by trucks or other vehicles or certain classes or weights unless the Public Works Department in writing has waived those restrictions for purposes of the application.

(2) Parks. The City Manager, or his designee, may, subject to Park and Recreation Department rules and regulations for park use, grant a special permit to allow the use of dedicated park lands and recreational facilities for the purpose of conducting concerts, lectures, athletic events; show, craft and art fairs; and other special events or uses as are considered compatible with normal park and recreational activities.

(3) Other Publicly Owned Property. The City Manager, or his designee, may, subject to applicable administrative rules governing use of city property, grant a special permit to allow the short-term use of publicly owned properties other than park lands and recreational facilities.

(4) Parades, and other events that obstruct the public-right-of-way, require traffic to be managed at intersections along the event route. Traffic control management often requires the use of additional City personnel on duty and/or personnel on overtime to provide traffic control services. The applicant shall be assessed any overtime traffic control personnel expenses incurred by the City. This section may be waived for parades in which in-kind funding has been approved by the City Council. Any amounts incurred for additional City personnel over those approved by the City Council will be the responsibility of the applicant.

(5) Permit Conditions. Permits may be denied, revoked, or may include the following conditions:

- (a) Conditions applying to dates, hours, and/or noise levels of operation;
- (b) Duration of activity, subject to revocation without prior notice;
- (c) An approved traffic control plan and proper traffic markings in place;
- (d) Obligation to perform any and all damage repairs of the area occupied, post bonds, deposit cash, and/or reimburse the City for any costs incurred for damage repairs, as determined by the City Manager per applicable administrative rules governing use of city property;
- (e) Provision of written assurance that the City will be held harmless for any liability that is solely attributable to the permittee's conduct;
- (f) Any other conditions considered necessary by the City Manager to be in the public interest.

(6) The City Manager shall prescribe fees for use of City property by administrative regulation. Payment of such fees shall be a condition of issuing a permit under this section.

Draft #5 – Mobile Food Vendor Pods and vending in the public right-of-way

(a) The fees shall bear a reasonable relationship to the costs incurred by the City to make the property available for the use authorized by the permit;

(b) Non-residents may be charged a higher fee than city residents;

(c) Temporary booths or stalls located in Alba Park and Vogel Plaza in connection with the Pear Blossom Festival are exempt from park use fees for the day of the festival only;

(d) If the applicant has been approved for an in-kind contribution toward the event, the amount incurred for additional City personnel can be applied to the in-kind contribution. Any amounts incurred for additional City personnel over those approved by the City Council will be the responsibility of the applicant.

(7) Such a permit should not be used where a lease is appropriate. Only the City Council may authorize a lease. Permits issued by the City Manager for use of public right-of-way shall not exceed a term of three (3) days and the manager should avoid any unreasonable interference with access rights of property owners and tenants.

(8) The Council may review a permit granted by the City Manager and may revoke the permit if it finds that the permit is not in the public interest. A person whose application for a permit is denied may appeal the denial in writing to the City Council no later than ten (10) days after notice of denial. Upon receipt of the applicant's written appeal, the Council shall set the matter for hearing at its next regular meeting and give notice of the date, time, and place of same to the applicant. At the hearing, the applicant shall appear if the matter is to be heard. The Council after hearing may grant or deny a permit on such terms and conditions as it deems proper. In deciding whether to waive fees, Council will consider financial hardship as established by factors similar to those considered by courts when deciding requests for court-appointed counsel or corporate insolvency.

(9) Except as stated herein as per the permit, this does not regulate other permits available through other chapters of the Medford Code.

(10) Temporary Mobile Food Vendors. As per the requirements in Section 10.829B, mobile food vendors are allowed to sell food from parking stalls in the public right-of-way between the hours of 9:00 p.m. and 3:00 a.m.

Chapter 6

6.330 Prohibited Parking Generally.

No person shall park a vehicle:

(1) On any public right-of-way with expired vehicle registration;

(2) Where official signs prohibit stopping, standing or parking.

(3) On a bridge other than the Main Street bridge.

(4) In an alley except while in the course of loading or unloading merchandise or under the terms of a current, valid Delivery Permit or Emergency Alley Repair Permit. The City Manager's Office may issue Delivery Permits. The Public Works Director may issue Emergency Alley Repair Permits for repairs being made to businesses whose entrance or exit abuts an alley located within the Downtown Parking District as provided for in Section 6.340.

(5) On a street or in a city parking lot in a manner or at a time prohibited by official signs (except as permitted under Section 10.829B).

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(6) On a street or in a city parking facility longer than the time limited by official signs for parking;

(a) The period to be considered shall begin when the vehicle is parked in a particular limited time zone on a particular block face; and

(b) The period shall be terminated if the vehicle is moved and parked on a different block face, at which time a new period shall begin as stated in (a);

(c) “Block face” shall be defined a “side of the street where the vehicle was parked between two (2) intersecting streets. A parking facility shall be considered as a block face. An alley shall not be considered a street or block face for purposes of this section”.

(7) In an unimproved portion of the front setback of any structure in any residential zoned district.

(8) A vehicle shall be parked so that it is entirely within the painted lines of a single parking space.

(9) Within an area marked off by traffic markers or by painted curb or pavement.

(10) Within 10 feet (10') of a fire hydrant or other fire protection devices or equipment, within 30 feet (30') of a fire station, or in a fire department access road or fire lane.

(11) In a street intersection, including the area used for crosswalks.

(12) Across the entrance to an alley or driveway.

(13) Where parallel parking on the right side of a street is permitted, unless the right wheels of the vehicle are parallel to and within 12 inches of the right curb or, if no curb, as close as possible to the right edge of the right shoulder;

(14) Where parallel parking on the left side of a street is permitted, unless the left wheels of the vehicle are parallel to and within 12 inches of the left curb or, if no curb, as close as possible to the left edge of the left shoulder;

(15) Where parallel parking on the left or right side of a street is permitted, unless the vehicle faces the direction in which vehicles in the adjacent lane of the street are required to travel.

Provided however that, notwithstanding subsection (5) above, the City Council may, by resolution or motion, designate certain days and certain areas as exempt from posted parking time limits whenever the Council determines that it is in the public interest to do so.

6.350

(6)(a) Ten feet (10') from a building entrance or exit;

(6)(b) Ten feet (10') from a fire hydrant or other fire protection devices or equipment;

Chapter 10 – Article V – SITE DEVELOPMENT STANDARDS

10.012 Definitions, Specific

Temporary Food Vendor. Any kiosk, shed, shelter, trailer, vehicle, wagon, or other similar device which is used for the purpose of preparing, processing, or converting food for immediate consumption as a drive-in, curb, or walk-up service that remains in or on any one site or lot for less than 24 hours on any calendar day. Temporary shall mean that all equipment must be removed from the site at the end of the vendor’s business day.

Temporary Mobile Food Vendor. Any truck, trailer, vehicle, or similar device which is used for the purpose of preparing, processing, or converting food for immediate consumption as a drive-in, curb, or walk-up service that remains in or on any one site or lot, or where permitted in the public right-of-way, for a designated and approved period of time.

10.334 Uses Permitted in the Public Parks Zone.

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

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

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

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

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

Uses Permitted in the Public Parks Zoning District

SIC #	Description of Use	Allowance Type	Additional Regulations/ Land Use Requirement
5817	Temporary Food Vendor & <u>Temporary Mobile Food Vendor</u>	Ps	The special use reference for temporary food vendor corresponds with Section 10.840. <u>Temporary Mobile Food Vendor corresponds with 10.840, 10.829A, and 10.829B</u>

Draft #5 – Mobile Food Vendor Pods and vending in the public right-of-way

58 EATING AND DRINKING PLACES. This major group includes establishments selling prepared foods and drinks for consumption on the premises; and also lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption. Restaurants, lunch counters, and drinking places operated as a subordinate service facility by other establishments are not included in this group unless they are operated as leased departments by outside operators. Thus, restaurants and lunch counters operated by hotels are classified in Services, Major Group 70; those operated by department stores in Major Group 53. Bars and restaurants owned by and operated for members of civic, social, and fraternal associations only are classified in Industry 8641.

	C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
5812 Eating and Drinking Places								
5814 - with entertainment	X	X	P	P	P	X	X	X
5815 - without entertainment	P	P	P	P	P	Ps	Ps	Ps
5816 - with outdoor eating	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps
5817 Temporary Food Vendors <u>& Temporary Mobile Food Vendors</u>	Ps	Ps	Ps	Ps	Ps	Ps	Ps	X
5818 Small Food Vendors	Ps	Ps	Ps	Ps	Ps	Ps	Ps	X
5819 Craft Alcohol Production	X	X	Ps	Ps	Ps	P ¹	P ¹	P ¹

The special use section references for:

¹See SIC Code 208 Beverages for alcohol production in I zones.

Establishments in the industrial zones: 10.822.

Establishments with outdoor eating areas: 10.833.

Classification 5817 (Temporary Food Vendors & Temporary Mobile Food Vendors): Sections 10.840, 10.829A and 10.829B.

Classification 5818 (Small Food Vendors): Section 10.823.

Classification 5819 (Craft Alcohol Production): Section 10.834.

10.348 Limited Industrial, I-00.

E. Prohibited Uses: The following uses, as listed in Section 10.337, shall not be permitted:

523 Paint Glass and Wallpaper Stores

554 Gasoline Service Stations

581 Eating and Drinking Places, excluding Temporary Food Vendors, Temporary Mobile

60 Food Vendors, and Small Food Vendors
Banking

10.725 **Large Retail Structures, Special Development Standards.**

C. Site Design.

(4) Public Plaza.

(a) Each large retail structure shall provide a public plaza, as defined in Section 10.012 Definitions, Specific. The public plaza is intended to attract tenants and to provide the community with a pleasant, comfortable place to rest and interact.

(b) In addition to the requirements for public plazas in Section 10.012, Definitions, Specific, public plazas provided by large retail structures shall comply with the following provisions:

- i. Seating areas shall be provided in the public plaza and shall be shaded with trees, cloth canopies, or structures over fifty percent (50%) of their area.
- ii. A minimum of twenty percent (20%) of the public plaza shall be landscaped with live plantings subject to the landscape and irrigation requirements in Section 10.780, General Landscape and Irrigation Requirements.
- iii. Abutting large retail structures may connect their public plaza areas.

(c) Each public plaza shall have focal points and/or other amenities. The focal points and other amenities shall be constructed of materials that are equal or superior to the principal materials of the building and landscaping. Focal points and/or amenities may include the following:

- i. An outdoor playground with safe play structures for children;
- ii. A water feature, clock tower, or similar focal feature;
- iii. A covered community bulletin board (kiosk);
- iv. Art works;
- v. Space for small or temporary food vendors or temporary mobile food vendors.

SPECIAL USE REGULATIONS. (10.811 - 10.839)

10.829 [Repealed, Sec. 5, Ord. No. 2013-82, June 6, 2013.]

10.829A Temporary Mobile Food Vendors and Mobile Food Vendor Pods

(A) Purpose. These regulations are intended to establish criteria for the placement of mobile food vendor pods in the City of Medford. Temporary mobile food vendors provide the community with a wider variety of eating, drinking, and socializing options. Pods provide different vending opportunities for temporary mobile food vendors located on private property. Temporary mobile food vendors shall comply with all applicable City, County, and State

regulations.

(B) Mobile Food Vendor Pod Types. Mobile food vendor pods are categorized as either a Daily Pod or a Semi-Permanent Pod.

Daily Pods. This type of pod provides for the placement of one or more temporary mobile food vendor on private property during daily operating hours only. The site may be developed or vacant and must be paved.

Semi-Permanent Pods. This type of pod provides for the placement of one or more temporary mobile food vendor on private property for periods of time exceeding 24-hours. This type of pod may include the construction of a covered or enclosed seating area, food storage structure, or a structure that serves alcoholic beverages along with designated locations and utilities (water, sewer, power) for temporary mobile food vendors.

(C) Allowed Zoning Districts. Mobile food vendor pods are permitted in the following zoning districts: Commercial – Service/Professional (C-S/P), Neighborhood Commercial (C-N), Heavy Commercial (C-H), Community Commercial (C-C), Regional Commercial (C-R), Light-Industrial (I-L), General Industrial (I-G), and Public Parks (P-1).

(D) Review Authority. Daily pods shall be reviewed for compliance with applicable standards as a Type I, Ministerial Decision. Semi-permanent pods shall be reviewed for compliance with applicable standards as a Type III, Quasi-Judicial Decision by the Site Plan and Architectural Commission. If the property is within a historic district then the proposal shall be reviewed for compliance with applicable standards as a Type III, Quasi-Judicial Decision by the Landmarks and Historic Preservation Commission.

(E) Applicable Criteria. The Planning Director or designee shall approve daily pods per the applicable standards noted below. The Site Plan and Architectural Commission and Landmarks and Historic Preservation Commission shall approve a semi-permanent pod if the proposal conforms to the criteria in Section 10.200, (10.188 if within a historic district), and the standards outlined below.

(F) Site Standards.

(1) Site design standards for Daily and Semi-Permanent Pods.

(a) Temporary mobile food vendors shall be located on a paved surface.

(b) Temporary mobile food vendors shall not occupy or obstruct the following:

(i) Pedestrian walkways

(ii) Setbacks, buffer yards or required landscaping

(iii) Required bicycle or vehicular parking spaces

(iv) Fire lanes, fire hydrants, other fire protection devices or equipment, or other emergency vehicle access areas

(v) Vision clearance triangle at intersections (Section 10.735)

(vi) Existing or proposed easements

Draft #5 – Mobile Food Vendor Pods and vending in the public right-of-way

(vii) Public right-of-way or ADA clearance (48 inches) on sidewalks

(c) Temporary mobile food vendors shall not create tripping hazards in pedestrian and vehicular circulation areas with items such as, but not limited to, cords, hoses, pipes, or cables.

(d) Temporary mobile food vendors shall be separated or setback from parked vehicles, combustible materials, and other food vendors by a minimum radius of 10 feet.

(e) Trash and recycling bins shall be provided on site for customers.

(f) Outdoor equipment is permitted within pods and includes items such as seating, tables, grills, canopy tents, and other items used for preparing food or accommodating guests.

(i) In daily pods, outdoor equipment is limited to 100 square feet in the downtown historic overlay and 170 square feet outside of the downtown historic overlay.

(ii) In semi-permanent pods, the size of the outdoor equipment is not limited and shall be reviewed and approved as part of the Type III procedure.

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

(2) Additional site design standards for Semi-Permanent Pods.

(a) Buildings and temporary mobile food vendors shall comply with applicable buffer yards and building setbacks in accordance with Sections 10.720 and 10.721. The approving authority may increase setbacks to mitigate impacts to adjacent properties.

(b) Restroom facilities shall be provided on site for patrons of the pod. Alternatives to on-site facilities may include recorded agreements with adjacent businesses located within five hundred feet of the property line. A sign shall be posted for patrons indicating where restrooms are available. Portable toilets are not permitted.

(c) Dumpster(s) shall be provided on site for business trash and screened in accordance with Section 10.781. Dumpster locations shall be accessible to the waste management company.

(d) If food storage buildings are constructed on site for use by the temporary mobile food vendors, the buildings shall be properly permitted and incorporated into the site plan for the site. Building permits are required for storage sheds, cargo containers, or other pre-fabricated structures when used on the premise.

(e) Membrane structures such as tents, canopies, or permanent structures may be used to provide shade or cover from weather for patrons on site. The size and material of the structure shall be provided on the site plan. The structures shall comply with applicable building and fire codes prior to installation. Temporary membrane structures in excess of 400 square feet used at the site for less than 180 days require a permit from the Fire Department.

(e) The plan shall identify the location of seating areas (including the layout of chairs and tables) and any accessory items or amenities such as fire pits.

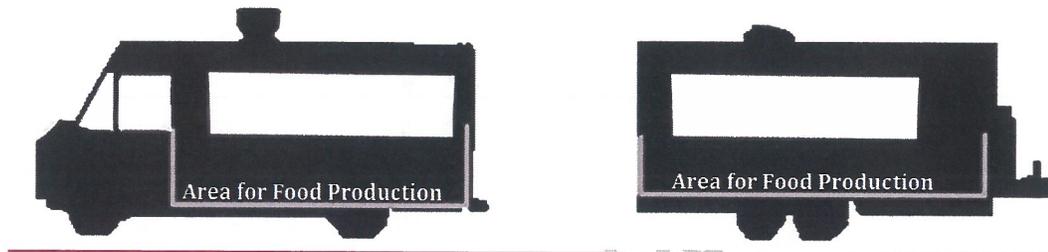
(g) An integrated pest control management plan shall be provided for the site (pests such as insects and rodents)

(G) Design Standards for Temporary Mobile Food Vendors within Pods.

(1) All temporary mobile food vendors shall be subject to the design standards listed below:

(a) The wheels and tongues shall remain on the temporary mobile food vendor. The tires must remain inflated and the unit/truck operable. No permanent skirting or base shall be constructed around the temporary mobile food vendor.

(b) The maximum length of the temporary mobile food vendor shall not exceed 20 feet. The length shall only include the area devoted to the production of food excluding things such as vehicle cabs, bumpers, trailer tongues, slide outs and trailer hitches. See the depiction below for measurement guidance.



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

(d) Food vendor truck awnings shall have a minimum of (7) feet of clearance between the ground and awning for safe pedestrian circulation.

(H) Utilities.

(1) The following utilities are required for temporary mobile food vendors located in daily pods:

(a) Temporary mobile food vendors shall have their daily need of water located on the truck/unit.

(b) No dumping of wastewater is permitted in the City's storm drain system, public streets, or directly onto pavement. Wastewater shall be disposed of at an approved off-site location.

(c) Connection to a temporary power source is permitted. Extension cords shall be covered or screened to prevent tripping hazards.

(2) The following utilities are required for temporary mobile food vendors located in a semi-permanent pod:

(a) Connection to sanitary sewer lines consistent with applicable state plumbing codes, and all wastewater discharged to the sanitary sewer is subject to the requirements identified in Chapter 11 of this Code.

(b) Connection to a site dedicated master water meter is required. The size, installation, and applicable fees shall be coordinated through the Medford Water Commission.

(c) Installation of a State of Oregon approved backflow device is required behind the master water meter. The location of the device to be coordinated with the Medford

Draft #5 – Mobile Food Vendor Pods and vending in the public right-of-way

Water Commission.

(d) Private water line extensions from the master water meter to each vendor are required per the Uniform Plumbing Code requirements.

(e) The installation of a pressure reducing valve (PRV) may be required if static water pressure is greater than 80 psi at the building.

(f) Connection to a permanent power source that is located underground. Overhead wires connected to the temporary mobile food vendor truck are not permitted. The use of stand-alone generators are prohibited.

(g) Generally, utilities shall be placed or otherwise screened, covered, or hidden from view of the public right-of-way to minimize visual impacts and prevent tripping hazards or other unsafe conditions.

(I) Parking.

(1) The following are minimum parking standards for food pods:

(a) One (1) parking space per temporary mobile food vendor. Existing parking spaces on site may be used.

(b) No minimum parking spaces required if the site is located within a quarter mile of a public parking lot.

(J) Signs.

(1) A sign permit is not required for the name of the business painted/placed on the temporary mobile food vendor.

(2) All other signs located on the site or attached to the temporary mobile food vendor shall be in accordance with the regulations in Article VI and the applicable zoning district.

(K) Lighting. Semi-permanent food pods shall install lighting to ensure a safe environment for customers and employees in accordance with Section 10.764.

(L) Operating Hours. Temporary mobile food vendors located in a daily pod must vacate the premise for at least six hours within a 24-hour period before returning to conduct business at the same location. The hours of operation for a semi-permanent pod shall be identified with the submittal materials and reviewed by the approving authority for impacts to surrounding property owners. The name and contact information of the person in charge of the pod shall be provided to the Business License Department in the event issues or questions arise.

(M) Permits and Fees.

(1) Proprietors of the temporary mobile food vendors shall obtain and maintain a current City Business License.

(2) Proprietors of the temporary mobile food vendors shall maintain all required licenses/permits to operate by Jackson County Environmental Health and any applicable State agency.

(3) Temporary mobile food vendors shall obtain an operational permit from the Fire Department.

(4) Within semi-permanent pods, structures and temporary mobile food vendors shall pay

Draft #5 – Mobile Food Vendor Pods and vending in the public right-of-way

applicable System Development Charges prior to issuance of applicable building permits.

(N) Submittal Requirements. A site plan drawn to scale shall be provided that outlines the standards above for daily pods. The submittal materials for a semi-permanent pod shall be in accordance with Section 10.200(J) and include the applicable provisions above.

(O) Exemptions.

(1) At an Event of Public Interest, temporary mobile food vendors per 10.840(D)(1) are exempt from the standards of 10.829A.

(2) On City-owned property and right-of-way (except as outlined in Section 10.829B), temporary mobile food vendors shall obtain a permit pursuant to Chapter 2, and are exempt from the standards of 10.829A.

(3) Vending within City parks and facilities shall be regulated through the Medford Parks, Recreation, and Facilities Management Department.

(P) Other Code Provisions. Proposals for mobile food vendor pods are permitted to use other applicable code provisions found in Chapter 10 in order to satisfy the development requirements noted above and address applicable criteria.

(Q) Optional Adjustment of Utility Standards. Applicants may seek approval of alternative methods of water delivery and wastewater disposal in semi-permanent pods. The Site Plan and Architectural Commission may approve an application for a semi-permanent pod that does not connect to sanitary sewer or a master water meter if the Commission can find the proposal conforms to the following criteria:

(1) The applicant has demonstrated the alternatives proposed will provide sufficient water and wastewater disposal needs to the temporary mobile food vendors of the development without being a detriment to the safety and welfare of the public.

10.829B Mobile Food Vending in the Public Right-of-Way

(A) Purpose. These regulations are intended to establish regulations to allow temporary mobile food vendors to operate at night in the public right-of-way within certain areas of the Central Business overlay of the City.

(B) Regulations. Temporary Mobile Food Vendors (self-contained trucks and trailers) may locate and sell food in the public right-of-way using on-street parking stalls under the following requirements:

(1) The length of the temporary mobile food vendor unit complies with Section 10.829A

(G)(b).

(2) Vending only occurs during the hours of 9:00 p.m. and 3:00 a.m. daily;

(3) Vending only occurs on the following streets:

a. Eighth Street (Oakdale Avenue to Riverside Avenue)

b. East Main Street (Oakdale Avenue to Hawthorne Street)

c. Sixth Street (Oakdale Avenue to Riverside Avenue)

Draft #5 – Mobile Food Vendor Pods and vending in the public right-of-way

- d. Central Avenue (Fourth Street to Tenth Street)
- e. Front Street (Fourth Street to Tenth Street)
- f. Bartlett Street (Fourth Street to Sixth Street & Main Street to Ninth Street)
- g. Evergreen Street Parking Lot (Fourth Street to Main Street and Eighth Street to Tenth Street)

- (4) The temporary mobile food vendor unit may occupy more than one on-street parking space;
- (5) Trash receptacles are provided for customers;
- (6) The noise standards in Section 10.752 are adhered to and the on-street vending does not cause a disturbance to residences;
- (7) Mobile food vendors obtain and pay for applicable licenses/permits (such as a City business license and County health permit) to operate;
 - a. Applicants must pay an on-street vending fee of \$300.00 for every ninety (90) days vending takes place on the street to the Business License Department.
- (8) No additional signs, tables or chairs are placed on the sidewalk; and
- (9) Power is provided by the vendor unless approval has been granted by the City of Medford. Extension cords or other similar devices shall be covered or screened to avoid tripping hazards.

(C)Violations. Violation of this section constitutes a violation. Every day in which the violation exists constitutes a separate violation.

TEMPORARY USES AND STRUCTURES

10.840(D)(3) Temporary Mobile Food Vendors, Mobile Food Vendor Pods, and Mobile Food Vending in the Public Right-of-Way. (See Sections 10.829A and 10.829B)

a. Temporary Food Vendors (Outdoor).

1. Application Requirements.

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

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

(a) Length of the temporary mobile food vendor unit (Measurement of the length of a mobile food vendor is explained in Figure 10.840—1).

(b) Location of the temporary food vendor unit on the site.

(c) Paved vehicular access, including driveway location(s).

(d) Off street vehicular parking spaces.

(e) A trash receptacle located within ten (10) feet of the temporary food vendor unit.

(f) Dimensions of the area to be occupied by the temporary food vendor

Draft #5 – Mobile Food Vendor Pods and vending in the public right-of-way

- _____ unit, including any table(s), seating, and other exterior items, if applicable;
- _____ and
- _____ (g) Location of utility connections, if any.

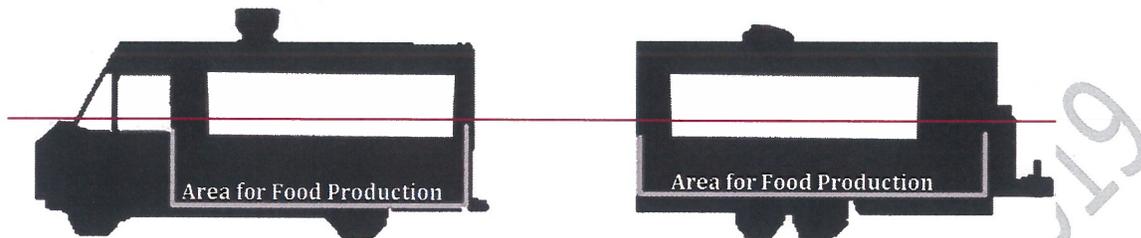


Figure 10.840-1: The length of a mobile food vendor shall only include the length of the area devoted to the production of food excluding things such as vehicle cabs, bumpers, trailer tongues, slide outs and trailer hitches.

2. Standards.

i. Locational and Size Standards.

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

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

_____ (1) The exterior length shall not exceed 16 feet (See Figure 10.840-1 for
_____ measurement guidance).

_____ (2) Outdoor equipment shall include seating, tables, grills, and
_____ other items used for preparing food or accommodating guests.

_____ (c) In all other zones:

_____ (1) The exterior length shall not exceed 20 feet (see Figure 10.840-1 for
_____ measurement guidance).

_____ (2) An additional 170 square feet is allowed for outdoor equipment.
_____ Outdoor equipment shall include seating, tables, grills, and other
_____ items used for preparing food or accommodating guests.

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

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

ii. General Standards.

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

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

_____ (c) Required parking spaces or access to required parking spaces shall not be

Draft #5 – Mobile Food Vendor Pods and vending in the public right-of-way

- ~~displaced or obstructed.~~
- ~~(d) The temporary food vendor unit shall be located outside any required setbacks.~~
- ~~(e) Attached awnings are permitted if smaller than the size of the temporary food vendor unit.~~
- ~~(f) The temporary food vendor unit and all outdoor equipment shall be located on an improved surface.~~
- ~~(g) Temporary food vendors shall obtain an operational permit from the Fire Department.~~
- ~~(h) Any utility connections require a building permit from the Building Safety Department.~~

PC Recommendation 08/22/2019

Agenda & Minutes

City of Medford



When available, the full agenda packet may be viewed as a PDF file by clicking the "Attachments" button and selecting the file you want to view.

Agendas are posted until the meeting date takes place. Minutes are posted once they have been approved.

Mayor & Council [\(View All \(Agendas.asp?SectionID=542&CCBID=0\)\)](#)

City Council Study Session Agenda & Minutes

Minutes

Thursday, August 10, 2017

[View Agenda](#)

Attachments

AGENDA

August 10, 2017

12 Noon

City Hall, Medford Room

411 West 8th Street, Medford, Oregon

1. Food Trucks

2. Transportation System Plan Goals & Objectives Review

MINUTES

August 10, 2017

12 Noon

City Hall, Medford Room
411 West 8th Street, Medford, Oregon

The Medford City Council Study Session was called to order at 12:00 noon in the Medford Room of Medford City Hall on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Clay Bearson, Kay Brooks*, Tim Jackle, Kevin Stine and Kim Wallan

Deputy City Manager Kelly Madding; City Attorney Lori Cooper; Deputy City Recorder Winnie Shepard; Planning Department Director Matt Brinkley

Councilmembers D'Alessandro, Gordon, and Zarosinski were absent.

*Arrived as noted.

Transportation System Plan Goals & Objectives Review

Planning Director Matt Brinkley provided an overview of the vision, goals, objectives and actions of the Transportation System Plan (TSP), noting:

- Future projects are determined using the TSP
- Provided draft vision statement

*Councilmember Brooks arrived.

Goals:

- Goals are very broad and vague; used to determine: where we are going; what we are going to do; what we want to achieve
- Goals were reviewed by Joint Transportation Subcommittee, Planning Commission and the Site Plan and Architectural Commission
- TSP's three main goals:
 - Plan, manage and invest comprehensively and strategically
 - Improve access for walking and biking to public places, especially schools, parks, employment centers, commercial areas, and other public facilities

- Increase the number of walkable, bikeable mixed-use, transit oriented, and supportive neighborhood while promoting connectivity to the existing neighborhoods
- Objective to reduce discretionary spending by 50%

Mr. Brinkley requested Council's answers to the questions in his memo before August 31, 2017.

Council feedback:

- Downtown parking:
 - Lots are full and all parking permits have been sold; parking fund is not part of the general fund
 - Land is either used for parking or commerce which causes difficulty
 - Issue with business employees using street parking instead of parking garages
- Sharrows are not considered as multi-modal

Mr. Brinkley explained that bicycle projects are part of the TSP and Council will review each section of the TSP as it is completed and then prioritized by Council; he estimated the first list would be distributed September 14, 2017.

- Most residents do not live in walking or biking distance from services in Medford; we need to serve those without close proximity to services
- Reduce the number of objectives under each goal

Food Trucks

Mr. Brinkley provided a background on food truck ordinances, noting:

- Concerns received regarding the use of trucks within the public right-of-way include:
 - Safety for vehicle and pedestrian traffic
 - Adequate refuse containers
 - Facilities for customer use, specifically restrooms
 - Sales competition with "brick and mortar" businesses

The specific locations, operating hours and operational requirements are currently

outlined in Municipal Code Section 6.350 regarding sales on public property; Mr. Brinkley noted that revisions could be made within the Municipal Code or the Land Development Code.

Council feedback:

- Concerns from business owners regarding competing businesses in front of their brick and mortar businesses
- Increasing access to food, art and music creates our downtown culture
- Alba Park is a possible option for food truck parking
- Councilmembers disagreed on whether to modify the Municipal Code or the Land Development Code
 - Code changes do not require a public hearing; Land Development Code changes do require a public hearing
 - Planning Commission drafts proposed revisions to the Land Development Code and conducts a public hearing before making any recommendations to Council
 - Appeals of the Land Development Code are conducted through the Unified Appeal Board and are appealable all the way up to the Land Use Board of Appeals
 - Appeals of the Municipal Code are handled through staff; similar to a business license appeal
 - Planning Commission is the custodian of the long range planning and development of our downtown
 - Municipal Code could require a review by the Planning Commission and a public hearing, without modifying the Land Development Code
 - Could extend hours of operation from 9:00 p.m. to 4:00 a.m.

Deputy City Manager Kelly Madding asked for clarification of Council's direction. After discussion, Council preferred the topic added the August 17, 2017 meeting agenda for consideration of whether the food carts would be allowed within the public right-of-ways.

The meeting adjourned at 1:15 p.m.

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Agenda & Minutes

City of Medford



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Mayor & Council ([View All \(Agendas.asp?SectionID=542&CCBID=0\)](#))

City Council Joint Study Session with Planning Commission Agenda & Minutes

Minutes

Monday, September 18, 2017

AGENDA

September 18, 2017

Medford City Hall, Medford Room

411 West 8th Street, Medford, Oregon

- 10. Introductions
- 20. Discussion Item
- 20.1 DCA-17-104 Food Truck in public right-of-way
- 20.2 DCA-17-062 Transitional Housing Amendment
- 30. Adjournment

MINUTES



September 18, 2017

Medford City Hall, Medford Room

411 West 8th Street, Medford, Oregon

The City Council Study Session was called to order at 12:06 p.m. in the Prescott Room of the Medford Police Department on the above date with the following members and staff present:

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

Planning Commissioners Dave Culbertson, Alex Poythress, Joe Foley, David McFadden, Patrick Miranda, Mark McKechnie, E.J. McManus; Bill Mansfield; Deputy City Manager Kelly Madding; City Attorney Lori Cooper; Senior Assistant City Attorney Eric Mitton; Planning Director Matt Brinkley; Principal Planner Carla Paladino; Parks & Recreation, Facilities Director Rich Rosenthal; Planner II Kyle Kearns; Deputy City Recorder Winnie Shepard

Councilmembers Kay Brooks, Tim D'Alessandro, Dick Gordon, Kevin Stine and Michael Zarosinski and Planning Commissioner Jared Pulver were absent.

Food Trucks in public right-of-way

Principal Planner Carla Paladino provided a historical overview noting the modifications:

- Various amended chapters
- Hours of operation specified
- Location for trucks within the Central Business District or expanded areas
- Proposed fee structure
 - Business license plus additional \$300 for truck to use multiple locations; \$400 total
 - Additional \$400 fee for private property and public right-of-way; \$700 total

Council/Commission comments

- Chapter 6 is amended, not Chapter 10



- Licensing fees seem unfair to brick and mortar businesses
- Food trucks aren't aesthetically pleasing all around town
- No threat to brick and mortar businesses as these are open after hours
- Shouldn't allow right in front of existing businesses
- Trailers aren't permitted as they generally are larger and take more than one parking space
- Possibly allow in parks versus spread out on every block
 - Parks have limited vendor locations; agreements in place; insurance requirements, etc.
 - Allowed vendors in parks for the past several years; specific areas within certain parks; limited number are allowed; monthly fee required; hours are dawn to dusk
- Need structure regarding the designated areas
- Somehow eliminate first come, first served
- Vendors should be vetted and self-contained; can't have access to city services or running lines to buildings

Planning Director Matt Brinkley clarified Council requested exact locations for food trucks and clarification on how the vendors will be decided.

Transitional Housing Amendment

Planner II Kyle Kearns spoke regarding Transitional Housing and provided an overview of Council's comments from August 31 study session.

- Planning Commission's key comments
 - requested additional review time
- Outlined the hearing schedules for the various items

Council/Commission comments

- Need to find adequate housing for people; Hope Village is still substandard housing



- Substandard is relative; Hope Village is better than many homeless and it serves as a stepping stone, providing upward mobility
- Difficult to determine number of homeless people in our area
- Warming/cooling shelter is a big topic that needs extra work; needed to protect the public
- We should move forward in separating the project into two individual projects
 - Code amendment regarding warming shelters
 - Code amendment regarding transitional housing
- Slowly move forward with transitional housing regulations
- Consideration should be given for case by case developments

Deputy City Manager Kelly Madding stated she met with church staff regarding the warming shelter. At this point, the church needs improvements to meet the building and fire regulations. In addition, the Church staff preferred to be open specific days versus open during certain temperatures because of the need for staff volunteers.

Mayor recommended breaking down the topic to address one issue at a time. Mr. Brinkley clarified that staff will move forward with the warming/cooling shelter Code amendment and separate the transitional housing portion.

The meeting adjourned at 1:15 p.m.

Winnie Shepard
Deputy City Recorder



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Minutes

April 11, 2019
Medford Room, Medford City Hall
411 West 8th Street, Medford, Oregon

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

Mayor Gary Wheeler; Councilmembers Clay Bearson, Kay Brooks (via phone, then in person at 6:20 p.m.), Tim D'Alessandro, Dick Gordon, Kevin Stine, Michael Zarosinski (arrived at 6:09 p.m.); City Manager Brian Sjothun, City Attorney Lori Cooper, Deputy City Recorder Winnie Shepard

Councilmembers Alex Poythress and Eric Stark were absent.

Food Truck

Planning Director Matt Brinkley sought Council direction regarding the draft regulations for food trucks in the right-of-way and whether staff should pursue changing the Code to permit food pods on private property.

During an August 10, 2017 study session, Council requested staff research various aspects of allowing food trucks in the right-of-way on specific downtown streets. The following regulations were included in the draft Code language presented:

- These potential locations were identified: 8th Street, Main Street, Central Avenue, Front Street, Bartlett Street and Evergreen parking lot
- Allows 100 square feet of outdoor equipment (tables and chairs)
- Food trucks could be open from 10 p.m. to 2:30 a.m.
- Business license fees would range from \$100 to \$700 to cover the staff processing expenses for building and planning departments and possibly code enforcement

Mr. Brinkley also outlined the following information regarding food pods:

- Allows trucks to remain on site
- Provides more amenities for customers than a single food truck or cart
- Could potentially have restroom facilities for customers
- Locations would be processed through site plan
- City could impose SDC fees for vendors
- Locations would most likely access City utilities

Mr. Brinkley recommended finalizing the regulations for food trucks in the right-of-way, before moving forward with food pods.

Comment/Questions:

- Current requires trucks to be self-contained; food pods would allow access to city power
- Add an hour to the proposed opening and closing time
- Specific locations will not be assigned; first come, first served
- Should include a specific time for set up; current parking requirements would limit their set up to 4:00 p.m. at the earliest
- Vendors should not impede customer/business parking for businesses during day hours
- Most downtown restaurants close by 10 p.m.

Medford City Council Study Session Minutes
April 11, 2019

Council discussed whether to impose restrictions on the location or hours of food trucks, including:

- Whether to allow carts/trucks within close proximity to brick and mortar restaurants
- Potential loss of customer parking spaces to food trucks/carts
- Trucks/carts could offer similar food at lower prices, due to lack of overhead
- Whether multiple trucks/carts in the right-of-way caused unfair competition or was a good business model

There were no objections to staff moving forward with the food truck code. Mr. Brinkley advised the topic will be considered by the Planning Commission before returning to Council for approval.

Council also had no objections to staff pursuing code allowing food pods.

The meeting adjourned at 6:34 p.m.



Winnie Shepard, CMC
Deputy City Recorder



Minutes

From Study Session on June 24, 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

Joe Foley, Vice Chair
David Culbertson
Bill Mansfield
David McFadden
E. J. McManus

Staff Present

Carla Paladino, Principal Planner
Eric Mitton, Deputy City Attorney

Commissioners Absent

Patrick Miranda, Excused Absence
Mark McKechnie, Chair, Excused Absence
Jared Pulver, Excused Absence
Jeff Thomas, Unexcused Absence

Subject:

20.1 DCA-17-104 Food Trucks in the Public Right of Way and Food Pods

Carla Paladino, Principal Planner reported that City food truck regulations go back to the 1980s. The Code recently changed in 2017 that clarified truck size and measurements. There was a City Council and Planning Commission Joint Study Session in 2017 to discuss food trucks in the Right of Way.

Staff is proposing Right of Way vending:

- Permitted in the Central Business and Historic District only.
- Allow on street vending from 9:00 p.m. to 3:00 a.m.

Commissioner McMarius asked, was there any discussion about during the day on weekends? Ms. Paladino reported discussion was specific to nights. Since the food pods are already happening on private property there may not be that need.

Commissioner Culbertson commented there is parking enforcement on weekdays until 5:00 p.m.

Ms. Paladino stated that on street vending could be loud and impact sidewalks. At night is different because a lot of stores are closed and it is geared for specific events and activities still occurring downtown.

Eric Mitton, Deputy City Attorney reported that at a previous study session someone raised a concern about competing too much with brick and mortar restaurants.

Commissioner Culbertson stated that 9:00 p.m. to 3:00 a.m. is after the majority of the brick and mortar restaurants close. Bars will be opened. Is the City in a position to consider restraining a trade? If someone wants to have a mobile vending as opposed to a brick and mortar, who is to say that mobile vendor needs to be in a bricks and mortar. That is not the City's position. The City's position is if someone wants to provide a service people use it. If people do not use it or like it they will not be in business.

Commissioner Mansfield commented people that own real property in the business section of town like to rent their property. By letting people use the right-of-way for free is competing with those landlords. The City is competing with free enterprise.

Commissioner Culbertson commented they have to have a permit to park on the street. Commissioner Mansfield responded that fee is insignificant. It is too small to make a significant difference.

Commissioner Culbertson reported that the Planning Department just increased their wholesale fees. Maybe this is one of the fees that needs to be reconsidered.

Vice Chair Foley stated that the chart in the staff report shows the hours of the restaurants and bars downtown. Most of the hours do not conflict with the brick and mortars. There is not a huge overlap between the brick and mortar at night.

Commissioner Culbertson asked Commissioner Mansfield if his position is that the food vending trucks should not be allowed on the street; find private property only. Mr. Mansfield responded that is his position.

- Provide trash receptacle
- No seating unless as part of a sidewalk café permit
- Designated streets only

Proposed Street for Night Vending:

- 8th Street
- Main Street
- Central Avenue
- Front Street
- Bartlett Street
- Evergreen Parking Lot

Commissioner McFadden asked, is this for night vending and not the food pods? Ms. Paladino stated this is for on-street vending at night.

Commissioner Culbertson commented that Bartlett Street in front of the university building is incredibly narrow. It may not be accessible.

Commissioner McFadden suggested a section close to the Holly Theater.

Commissioner Culbertson asked, for some of the downtown businesses, instead of parking in the garage does the City sell an annual permit for parking on-street long term? Mr. Mitton stated that staff is working on a code change. There used to be an option that if one received a ticket they could convert it to a permit for longer parking. There is a limited number of spaces for long term permits. There is a wait list for those spaces. The current parking permit fees are \$10 to \$40 a month depending on the exact terms.

Vice Chair Foley does not think it is a bad idea along with a business license to require an on-street parking permit only good for 9:00 p.m. to 3:00 a.m. on the proposed streets.

Ms. Paladino asked, like an annual parking permit fee? Vice Chair Foley stated monthly or quarterly. The City is going to have an expense because Code Enforcement will have to check on these vendors for code compliance and \$100 a year will not cover that.

Daily pods are one or more mobile food vendors on private property during daily operating hours. Semi-Permanent pods are one or more mobile food vendors on private property on a 24 hour basis. They would be allowed in all Commercial zones, I-L, I-G, and P-1 zones.

For daily pods if the site is paved currently the City does not have a review process. Staff could do a Type 1 or administrative staff review. Currently they have their lease with the property owner, set-up and leave. The City only regulates them getting a business license.

Semi-Permanent pods will be a Type III – Site Plan and Architectural Commission review or Landmarks and Historic Preservation Commission review. They will show where the trucks will be parked, landscaping, lighting, utilities, structures, seating, etc.

Commissioner Culbertson asked, if they came before the Site Plan and Architectural Commission will they be required to improve a piece of property that was not previously if they are going to create semi-permanent pods? Ms. Paladino replied, yes. It is no different than a new building being built.

Mr. Mitton reported that storage overnight and utility hook-ups is a trigger for the semi-permanent pods. Trucks can still be recycled every week if wanted but it is like the food court at the mall. The food court has restaurants coming in and out on a regular basis as the business fails. The food court itself is the permanent.

The site standards (Semi-Permanent)

- Paved or concrete surface
- No obstructions to:
 - Walkways, landscaping, parking, fire equipment / access, easement or vision clearance
- Comply with buffer yards, landscaping and setbacks
- 10 foot separation required between food vendors, parked vehicles, and combustible materials

Vice Chair Foley asked, how did staff come up with the 10 feet? Ms. Paladino stated that came from the Fire Department comments.

- Control for trip hazards (cords, hoses, etc.)
- Submit a pest control management plan
- Restrooms required
- Trash Bins, Recycling Bins, and Dumpsters required
- Other structures on site need proper permits
- Identify seating areas and other accessory items

Vendor Truck Design Standards

- Trucks must be self-contained, maintained, and ready-to-move

Commissioner McFadden has concerns with the wording of "ready-to-move". Ms. Paladino stated the wording could be changed.

- Maximum size is 16 feet and 20 feet
- Business License, Operational and Health Department permits required
- SDCs apply to Semi-Permanent Pods

Commissioner Mansfield stated that the City has always called their business tax a business license. It is a misnomer. There is nothing license about it. It is not regulatory in any way. It should be named a business tax. The evil of it is that the average citizen considers once a person displays a business license the City has endorsed that business.

Mr. Mitton disagrees. The City does shut down businesses if they do not comply with the law related to their business.

Commissioner McFadden asked, did the Police have comments on this subject? Ms. Paladino reported the Police Department was not too excited with the on-street vending but they said okay.

Commissioner McManus asked, would the food trucks have to pay SDCs? Ms. Paladino responded that the property owner applying for the proposal when applying for a building permit for storage or restroom will trigger SDC's for the number of truck units.

Utilities:**Daily Pods**

- Water on the truck
- Wastewater to be disposed of properly
- Temporary power connection permitted

Semi-Permanent Pods

- Connection to water and sanitary sewer required
- Connection to power required
- No generators permitted

Parking Requirements

- One parking space per food truck
- No minimum if site located within a 1/4 mile of a public parking lot

Commissioner McManus has concerns with the 10 foot buffer between food trucks. It seems to be very challenging to not only enforce it but opportunities to have a 10 foot distance between the trucks. Ms. Paladino commented that she would clarify with the Fire Department of side to side or front and back.

Ms. Paladino asked, should the daily pods have some kind of review like the ones at the post office? Commissioner McManus has concerns with the daily food pod by Sky Oaks on Bartlett. They change where they put their trailer and it seems the patrons are getting closer to 4th Street. They should have a setback.

Mr. Mitton mentioned he emailed Ms. Paladino regarding grease traps. Ms. Paladino reported she needs to talk with Public Works again.

Ms. Paladino will update the amendment and send it out to approximately 20 food truck vendors to get their perspective. This will come before the Planning Commission on Thursday, July 25, 2019.

30. Adjournment

The meeting was adjourned at 12:39 p.m.



Submitted by:

Terri L. Richards

Recording Secretary



Exhibit G



Estimated Street, Sanitary Sewer Collection and Treatment System Development Charges (SDCs)

Food Truck Pod

1,500 SF Restaurant & 4 Food Trucks

Requested By: Carla Paladino Date Prepared: 7/15/2019 Prepared By: Jodi K Cope

FEE and/or CREDIT (e.g., Square Footage, Unit Type, Acres, Students, Plumbing Fixtures, Beds or Rooms)	SDC Type			
	Street (Arterial/Collector)	Sanitary Sewer Collection (City of Medford)	Sanitary Sewer Treatment	Storm Drain
FEE: 4 Food Trucks (800 SF Total)	\$13,734	\$1,243	\$1,918	Based on impervious area at a rate of \$652.56/3,730 square feet. To be determined during review of building permit.
FEE: 1,500 SF Restaurant/Bar/Restrooms	\$25,569	\$2,331	\$3,596	
Total Estimated	\$39,303	\$3,574	\$5,514	TBD
*Estimated Fees =	\$48,391			TBD

*Estimation of fees is based upon pre-Building Application information provided by the Applicant. Fees are subject to change upon submittal of individual Building

For all other potential fees please contact the following:

- City of Medford Building Department: 541-774-2350
- City of Medford Planning Department: 541-774-2380
- Medford Water Commission: 541-774-2430
- City of Medford Parks Department: 541-774-2400

Exhibit H



Estimated Street, Sanitary Sewer Collection and Treatment System Development Charges (SDCs)

Food Truck Pod

1,500 SF Restaurant & 4 Food Trucks

Requested By: Carla Paladino **Date Prepared:** 7/15/2019 **Prepared By:** Jodi K Cope

FEE and/or CREDIT (e.g., Square Footage, Unit Type, Acres, Students, Plumbing Fixtures, Beds or Rooms)	SDC Type			
	Street (Residential/Local)	Sanitary Sewer Collection (City of Medford)	Sanitary Sewer Treatment	Storm Drain
FEE: 4 Food Trucks (800 SF Total)	\$10,667	\$1,243	\$1,918	Based on impervious area at a rate of \$652.56/3,730 square feet. To be determined during review of building permit.
FEE: 1,500 SF Restaurant/Bar/Restrooms	\$19,860	\$2,331	\$3,596	
Total Estimated	\$30,527	\$3,574	\$5,514	TBD
*Estimated Fees =	\$39,615			TBD

**Estimation of fees is based upon pre-Building Application information provided by the Applicant. Fees are subject to change upon submittal of individual Building*

For all other potential fees please contact the following:

- City of Medford Building Department: 541-774-2350
- City of Medford Planning Department: 541-774-2380
- Medford Water Commission: 541-774-2430
- City of Medford Parks Department: 541-774-2400

City of Medford

200 South Ivy Street, Medford, OR 97501
cityofmedford.org

541-774-2100

P:\Research\Food Truck Pod - Carla Paladino\Food Truck Pod (PC Request) SDC Fee Estimate (low order street).xlsx



Medford Fire-Rescue Land Development Report

Exhibit I

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 6/3/2019
Meeting Date: 6/5/2019

LD File #: DCA17104

Planner: Carla Paladino

Applicant: City of Medford

Project Location: N/A

ProjectDescription: A code amendment to revise Chapters 2, 6, and 10 of the Municipal Code to permit temporary mobile food vendors to sell from the street (the public right-of-way) at night and add provisions for mobile food vendors on public and private property.

Specific Development Requirements for Access & Water Supply

Table with 3 columns: Reference, Comments, and Description. Contains detailed amendments to fire code sections 6.330, 6.350, 10.829, and a new section I regarding mobile food vendors.

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.

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.

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



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 30, 2019

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

RE: Development Code Amendment – Mobile Food Vendor Pods and Vendors in the right-of-way at night – various City maintained road.
Planning File: DCA-17-104

Dear Carla:

Thank you for the opportunity to comment on a development code amendment to revise chapters 2, 6 and 10 of the Municipal code to permit temporary mobile food vendors to sell from the street (the public right-of-way) at night and add provisions for mobile food vendor pods on public and private property located in various locations. Jackson County Roads has the following comments:

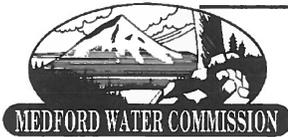
1. Please contact the Oregon Department of Transportation for comments.
2. We would like to be notified of future development proposals, as county permits may be required.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Chuck DeJanvier'.

Chuck DeJanvier, PE
Construction Engineer



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: DCA-17-104

PARCEL ID: N/A

PROJECT: A code amendment to revise Chapters 2, 6, and 10 of the Municipal Code to permit temporary mobile food vendors to sell from the street (the public right-of-way) at night and add provisions for mobile food vendors on public and private property. Planner: Carla Paladino.

DATE: June 5, 2019

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

CONDITIONS OF PROPOSED "TEMPORARY MOBILE FOOD VENDOR" DEVELOPEMENT

1. Each "Food Cart" site (Tax Lot) is required to Install of one (1) "Master" water meter. The "Master Meter" shall be sized accordingly, based on number of proposed "Food Carts" going to be installed, and anticipated water consumption. Water Meter installation will be required, and shall be coordinated, and paid for at the Medford Water Commission.
2. "Private" water line extensions to each "Food Cart" site are required. "Private" water line extensions from the "Master" water meter to each mobile Food Cart/Stand shall be per Uniform Plumbing Code requirements.
3. Installation of a State of Oregon approved Backflow Device is required behind the above Conditioned "Master" water meter to protect the "public" water lines from potential contamination. Backflow Device to be installed inside of an accessible utility box located on the Tax Lot being developed. Backflow Device Box to be located in a safe location and protected from potential vehicular damage.
4. Please revise the language on page 11 under Utilities, Item 2B to read "Connection to site dedicated 'Master' water meter is required." (See Condition 1 above)
5. Consider adding a comment regarding water pressure, specifically for the Downtown area which exceeds 80 psi. The Uniform Plumbing Code requires the installation of a pressure reducing valve (PRV) if "static" water pressure is greater than 80psi at the building.

Carla G. Paladino

From: Stephanie Card <heartandbowltruck@gmail.com>
Sent: Friday, August 30, 2019 6:10 PM
To: Carla G. Paladino
Subject: Semi Permanent Food Pod Suggestions

<EXTERNAL EMAIL>

Carla,

Thank you so much for sending me the draft material. I really appreciate the opportunity to participate in this important endeavor. I have read through the draft and find it to be very well done. I have some questions and some suggestions that I would like to share with you.

In my travels I have seen a number of different kinds of food pods and most semi permanent food pods that I've seen utilize portable bathroom facilities with hand washing stations. I would recommend that this be allowed in Medford. I fear that the cost of constructing permanent bathroom facilities would prevent anyone from creating a semi permanent pod in Medford.

Another suggestion that I have based on other pods I've seen is that the majority of food trucks have water delivered and grey water picked up by mobile services thereby eliminating the need for water and sewer hookups.

If we could get these suggestions added as options it would be much more encouraging for those trying to create semi-permanent pods in Medford.

I would be happy to show you around our food pod and discuss this in person with you if you have time.

Thanks,

Stephanie Card
Owner, Heart and Bowl Truck
541-646-1012

**PLANNING COMMISSION
MINUTES (DRAFT/EXCERPT)**



MEDFORD
OREGON

August 22, 2019

5:30 P.M.

Medford City Hall, Council Chambers

411 West 8th Street, Medford, Oregon

The regular meeting of the Planning Commission was called to order at 5:30 PM in the Medford City Hall, Council Chambers, 411 West 8th Street, Medford, Oregon on the above date with the following members and staff in attendance:

Commissioners Present

- Mark McKechnie, Chair (left at 7:15 p.m.)
- Joe Foley, Vice Chair
- David Culbertson (left at 7:05 p.m.)
- Bill Mansfield
- David McFadden
- E.J. McManus
- Jeff Thomas

Staff Present

- Kelly Evans, Assistant Planning Director
- Carla Paladino, Principal Planner
- Eric Mitton, Deputy City Attorney
- Alex Georgevitch, City Engineer
- Debbie Strigle, Recording Secretary
- Dustin Severs, Planner III
- Steffen Roennfeldt, Planner III

Commissioner Absent

- Patrick Miranda, Excused Absence
- Jared Pulver, Unexcused Absence

10. **Roll Call**

20. **Consent Calendar / Written Communications** (voice vote). None.

30. **Approval or Correction of the Minutes from August 8, 2019 hearing**

30.1 The minutes for August 8, 2019, were approved as submitted.

40. **Oral Requests and Communications from the Public**. None.

50. **Public Hearings**

50.8 DCA-17-104 A code amendment to Chapters 2, 6, and 10 of the Municipal Code to permit temporary mobile food vendors to sell from the street (the public right-of-

way) and add provisions for mobile food vendor pods. Applicant: City of Medford; Planner, Carla Paladino.

Carla Paladino, Principal Planner reported that the Development Code Amendment approval criteria can be found in the Medford Land Development Code Section 10.218(B). The applicable criteria were addressed in the staff report and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Paladino gave a staff report.

Commissioner McFadden asked, what City standards are in place for selling other items (i.e. hats, blankets, etc.) than food? Ms. Paladino responded that the special use regulations break down the temporary mobile units such as food and medical vendors. As things occur they have been added to the code.

Vice Chair Foley stated that in the right-of-way they can only take one parking space. How will that work? He is thinking of the Buttercloud truck. Ms. Paladino stated that was a comment that came from Public Works. She has not measured a space but they may be larger than 20 feet.

Vice Chair Foley supports additional fees.

Vice Chair Foley asked, how is the City going to ensure the mobility of the trucks and semi-permanent pods? What mechanisms will be in place to enforce that? Ms. Paladino responded that there are design standards. It will be up to the property owner how they manage it.

Mr. Mitton reported that Vice Chair Foley's questions are dealt with Code Enforcement on a complaint basis.

Ms. Paladino stated that the semi-permanent food pods are a fixture on that lot. If they are connected to utilities they are probably not moving.

Commissioner McManus agrees with the fees especially with the food trucks in the right-of-way. A right-of-way cleaning fee would be appropriate downtown. He is concerned with the size of trucks in the right-of-way. Trucks can average 28 feet with the combustible tanks in the back. Is the intent of a food trailer to unhook and leave it for those hours? Some of the trailers draw some of their power from the vehicle. Ms. Paladino replied yes. She can clarify that language before it goes to the City Council.

Commissioner McManus thinks the 10 feet clearance is ambiguous. He sees challenging from a code enforcement perspective. Ms. Paladino showed the Fire Department's regulations. It is a radius of 10 feet.

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

Motion: 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-17-104 to the City Council per the staff report dated August 15, 2019, including Exhibits A through K and recommendations made from tonight's discussion.

Ms. Paladino summarized the comments. The Commission would like to forward in the recommendation that fees be adjusted specifically for the on-street and maybe for more than that. The on-street vending encroachment of the space. If there is a car and trailer they can take more than one space. The 10 foot radius for separation.

Commissioner Mansfield commented that his objection is twofold. This creates a cluttered appearance. His principal problem is the unfairness that is created when permitting these people to use all right-of-way at a low cost. He realizes there is a business tax paid. They do not have to pay the real property taxes and the brick and mortar investment that the other legitimate business owners do. For that reason he is voting no.

Moved by: Commissioner McFadden
McManus

Seconded by: Commissioner

Roll Call Vote: Motion passed, 3-2-0, with Commissioner Mansfield and Commissioner Thomas voting no.

Submitted by:

Terri L. Richards
Recording Secretary

Mark McKechnie
Planning Commission Chair

Approved: September 12, 2019



AGENDA ITEM COMMENTARY

DEPARTMENT: Finance

AGENDA SECTION: Public Hearings

PHONE: (541) 774-2030

MEETING DATE: September 19, 2019

STAFF CONTACT: Ryan Martin, CFO/Deputy City Manager

COUNCIL BILL 2019-105

A resolution adopting the second Supplemental Budget for the 2019-21 biennium.

SUMMARY AND BACKGROUND

Council is requested to consider a second supplemental budget for the 2019-21 biennium which will affect five departments and four funds.

The total impact is a \$2,180,192.50 increase in appropriations for the 2019-21 biennium. ORS 294.471 provides for a Supplemental Budget process. This supplemental budget is being presented in a public hearing due to the State Forfeitures Fund increasing appropriations by more than 10%. When this occurs, a public hearing is required.

PREVIOUS COUNCIL ACTIONS

On June 6, 2019, City Council approved Resolution 2019-45 adopting the 2019-21 Biennium Budget.

On August 1, 2019, City Council approved Resolution 2019-78 adopting the first Supplemental Budget for the 2019-21 Biennium.

ANALYSIS

Police Department

Supplemental Budget

The Police Department is requesting a supplemental budget to appropriate unanticipated revenue from several sources as follows:

- Grant from the Oregon-Idaho High Intensity Drug Trafficking Area (HIDTA) program in the amount of \$3,000 for the purchase of Naloxone. Naloxone (Narcan) is a medication administered by first responders which is a safe and effective antidote for opioid overdoses. This grant will be used to purchase sixty-four individual dosages of Narcan.
- Anonymous donation of \$2,500 for the purchase of protective vests or cooling vests for the K9 program. The donation, received on July 22, 2019, was administered through Charles Schwab Charitable Foundation.
- Insurance payments totaling \$22,662 for two motor vehicle crashes involving police vehicles. City officers were not at fault in either instance, and the other parties' insurance has paid the City for the financial loss.
- State forfeiture proceeds received since July 1, 2019 in the amount of \$125,000; due to the uncertainty of this revenue, no forfeiture revenue was budgeted. Funds will be used as follows:



AGENDA ITEM COMMENTARY

- \$30,000 to repair and maintain all Medford Area Drug and Gang Enforcement (MADGE) and Illegal Marijuana Enforcement Team (IMET) vehicles
- \$25,000 for MADGE and IMET small equipment for drug enforcement activities
- \$20,000 for MADGE and IMET investigator's clothing for use during marijuana destruction operations
- \$50,000 for a replacement MADGE vehicle.

Financial Impact to Budget:

Revenue:

- \$3,000 increase to HIDTA Reimbursement (Fund 100)
- \$2,500 increase to Donations (Fund 100)
- \$22,662 increase to Damage Claims (Fund 100)
- \$125,000 increase to State Forfeiture-Miscellaneous Revenue (Fund 202)

Expenses:

- \$3,000 increase to MADGE Operating Tools & Materials (Fund 100)
- \$2,500 increase to Patrol's Small Equipment (Fund 100)
- \$20,092 increase to Administrative Motive Equipment (Fund 100)
- \$2,570 increase to Administration Support Damage Police Vehicles (Fund 100)
- \$75,000 increase to Job Ledger Projects M&S (Fund 202)
- \$50,000 increase to Job Ledger Project Capital Outlay (Fund 202)

Appropriation Transfer

The Police Department is requesting an appropriation transfer for the purchase and upfitting of two 2019 Dodge Chargers. These vehicles were budgeted in Fiscal Year 2019 and the Purchase Order for the acquisition of the vehicles was issued in March 2019. Due to availability constraints by the manufacturer, the vehicles were not received until August 2019 and the Fiscal Year 2019 budgeted funds remained unspent.

Financial Impact to Budget:

\$60,000 increase to Police Motive Equipment (Fund 100)
\$60,000 decrease to Contingency (Fund 100)

Parks, Recreation and Facilities

The Parks, Recreation and Facilities Management Department is requesting a supplemental budget to appropriate unanticipated revenue in the amount of \$1,395. The funds were received from a responsible party's insurance company for damages incurred in June 2019 at the Evergreen Parking Garage where the driver accidentally backed into, and damaged, a small rail designed to keep pedestrians out of the path of vehicles.



Financial Impact to Budget:

\$1,395 increase to Damage Claims Revenue (Fund 701)
\$1,395 increase to Building Maintenance (Fund 701)

Public Works

Public Works is requesting an appropriation transfer to pay Storm Drain SDC credits in amounts higher than anticipated at the time the budget was prepared.

Financial Impact to Budget:

\$100,000 increase to Capital Improvement Project-General (Fund 522)
\$100,000 decrease to Contingency (Fund 522)

Mayor and Council

Mayor and Council is requesting a supplemental budget to appropriate unanticipated revenue from the Medford Urban Renewal Agency (MURA) which is reimbursing the City for earnest money paid on behalf of MURA for two land purchases.

Financial Impact to Budget:

\$40,000 increase to Revenue-MURA (Fund 100)
\$40,000 increase to Land (Fund 100)

Finance

Finance is requesting a supplemental budget to appropriate unanticipated revenue from the Medford Urban Renewal Agency (MURA) to reflect debt payments of Fiscal Year 2019 property tax revenues.

Financial Impact to Budget:

\$1,985,635.50 increase to Revenue-MURA (Fund 100)
\$1,985,635.50 increase to Transfers to MURA (Fund 100)

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The proposed resolution will increase appropriations. Transfers between funds are as follows:

Fund	Existing Appropriations	New Appropriations
100	\$ 60,000	\$ 2,053,797.50
202	\$ 0	\$125,000
522	\$ 100,000	\$ 0
701	\$0	\$1,395



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. 2019-105

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

SECTION 2. 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 September, 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: September 19, 2019

Date **September 19, 2019**

Explanation of Requested Transfer: See AIC

Account Number	Description	Project Number	Debit	Credit
1000000-4310112	MADGE/HIDTA Revenue	PHI0088100-4105		3,000.00
1002122-6302214	Job Ledger Project M&S	PHI0088100-4105	3,000.00	
1002110-6404004	Motive Equipment		60,000.00	
1001590-6909099	Contingency			60,000.00
1000000-4610301	Donations Revenue			2,500.00
1002120-6302432	Patrol/Small Equipment		2,500.00	
1000000-4710103	Damage Claims Revenue			22,662.00
1002110-6404004	Motive Equipment		20,092.00	
1002111-6302510	Damage Police Vehicle		2,570.00	
2020000-4710108	State Forfeiture/Misc Revenue			125,000.00
2022122-6302214	Job Ledger Project M&S		75,000.00	
2022122-6404100	Job Ledger Project Capital Outlay		50,000.00	
7010000-4710103	Damage Claims Revenue			1,395.00
7011910-6302522	Building Maintenance		1,395.00	
5223380-6505100	CIP General		100,000.00	
5221590-6909099	Contingency			100,000.00
1000000-4411020	Revenue-MURA Loan			2,025,635.50
1001110-6404001	Land		40,000.00	
1001521-6707901	Transfer to MURA		1,985,635.50	
TOTALS			2,340,192.50	2,340,192.50

Ryan Menter
 Chief Financial Officer

Approved by

Brian Sp...
 City Manager



AGENDA ITEM COMMENTARY

DEPARTMENT: City Manager
PHONE: (541) 774-2000
STAFF CONTACT: Brian Sjothun, City Manager

AGENDA SECTION: City Manager's Report
MEETING DATE: September 19, 2019

SUMMARY AND BACKGROUND

Staff is requesting consideration by the Council to create a Charter Review Committee through a motion and establishing membership as detailed in the analysis section of this commentary.

PREVIOUS COUNCIL ACTIONS

On August 22, 2019, Council held a study session and reviewed the potential need and options for reviewing the Charter for the City of Medford. Council directed staff to present the options outlined in this document for further consideration.

On May 16, 2019, Council directed staff to research and present to Council information about the process to review the Charter.

ANALYSIS

Staff presented options for Council consideration in regards to the need and process for reviewing the Charter at the August 22, 2019 study session. Staff believes that the direction provided at the study session is as follows:

- Council agrees that there should be a review of the Charter.
- Establishment of a Charter Review Committee will be through a motion and be ad-hoc and not a formal resolution.
- Charter Review Committee Appointments (9 total members plus 2 Council Liaison) will be as follows:
 - One representative from each Ward through applications received from the current Planning, Transportation, Parks and Recreation, Housing Advisory, and Water Commissions, and Police and Budget Committees.
 - One representative each from business, non-profit, education, healthcare and housing/building development categories.
 - Two Council Liaisons

If Council approves of the process outlined, staff will immediately begin to solicit applications for consideration along with identifying the Council Wards for which they live. Staff has developed the following timeline:

- Week of September 23 – Advertise for applications
- Mid-October – Provide applications to Council for review
- November 7 – Council appoints Charter Review Committee
- November – Review Committee begins



- January – Review Committee submits recommendations to Council
- February 6, 2020 – Public Hearing on proposed changes to Charter
- February 20, 2020 – Council approves Resolution with ballot questions
- February 29, 2020 – Deadline to file with the Jackson County
- May 19, 2020 – Primary Election

Council will need to select two members to serve as liaison for the Charter Review Committee. The expectation is that the liaisons would meet with the Mayor and other Council Members to gain feedback on potential items to consider changing in the Charter.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None

TIMING ISSUES

The deadline for consideration for the May 19, 2020 Primary Election will drive the timeline for this process. The Council does have the option of moving back the timeline for the General Election in November.

COUNCIL OPTIONS

Approve motion to form Charter Review Committee and members.

Approve motion that modifies the staff outlines and recommendations.

Provide staff with additional direction and move item to a future Council meeting.

STAFF RECOMMENDATION

Staff recommends the formation of a Charter Review Committee and membership as outlined in the analysis section.

Staff also recommends Council appoint two members to serve as liaisons to this committee. Nominations can be made at this meeting or at the next Council meeting.

SUGGESTED MOTION

I moved to create a Charter Review Committee consisting of membership as outlined in this agenda item commentary and direct staff to begin the recruitment process.

EXHIBITS

Exhibit A – Minutes from August 22, 2019 Study Session

Exhibit B – Charter Review Memorandum of August 22, 2019

CITY COUNCIL STUDY SESSION MINUTES



MEDFORD
OREGON

August 22, 2019

6:00 P.M.

Medford City Hall, Medford Room
411 W. 8th Street, Medford, Oregon

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

Mayor Gary Wheeler; Councilmembers Kay Brooks (arrived 6:10 p.m.), Tim D'Alessandro, Dick Gordon, Alex Poythress, Eric Stark, Kevin Stine, Michael Zarosinski (arrived at 6:05 p.m.); City Manager Brian Sjothun, Deputy City Manager Eric Zimmerman, City Attorney Lori Cooper, Deputy City Recorder Winnie Shepard

Councilmember Clay Bearson was absent.

Charter Review

City Manager Brian Sjothun provided a brief history of the review and revisions to Medford's Charter; the last revision was more than 20 years ago.

It is common for cities to periodically review and revise their Charter using a standard or ad hoc review committee. If the City Council chose to establish a review committee, Mr. Sjothun proposed the following options for member appointment:

- **Option A – Use the current boards and commissions process**
 - Citizens complete an application, are interview and appointed by the City Council
 - Equal representation from each Ward
 - Appoint at least two Council Liaison members
- **Option B – Use boards and commissions application process**
 - Citizens complete an application, are interview and appointed by the City Council
 - One citizen member from each Ward
 - Appoint two Council Liaison members
 - Special Categories (one from each)
 - Business, Non-Profit, Education and Health Care
- **Option C – Appoint members from existing boards and commissions with Council Liaisons**
 - Appoint standing members from Planning, Transportation, Budget, Parks and Recreation, Housing, Police and Water
 - Appoint two Council Liaison members

Mr. Sjothun advised that Charter amendments require voter approval and each revision is listed separately on the ballot.

Council did not object to a review of the Charter.

Council Comments/Questions:

Councilmember Stine preferred each Councilmember and the Mayor select one person from their ward (9 representatives) or Mayor and each Ward's Councilmembers could appoint one member (5 representatives) without applications or interviews.

Mr. Sjothun advised that most of the cities he researched included Charter reviews within their Code. He recommended holding public meeting or hearings to allow citizen input and that Council provide direction to members during a study session.

Councilmember D'Alessandro preferred Option C as Council has interviewed most of the standing members and then appoint a few community members to create a committee of about eight to 10 members.

Councilmember Stark suggested combining Option C with Option B and limit the citizen members to those with specific experience.

Councilmembers Stark and D'Alessandro requested a formal interview process to ensure qualified people.

Mr. Sjothun suggested that staff create a Ward map noting the applicants' residences to guarantee representation from every Ward.

After discussion, Mayor Wheeler clarified that Council would like:

- One representative from each Ward to be selected from current Planning, Transportation, Budget, Parks and Recreation, Housing, Police and Water members (combination of Options B and C)
- Recruit citizens to serve as business, non-profit, education, healthcare and housing/building development representatives; and
- Two Councilmembers
- Committee created through a resolution

Mr. Sjothun clarified that appointing a member from each of the above commissions/committees, plus one from each Ward, plus two Councilmembers would create a review committee of 13 members.

Council then indicated they did not necessarily need one representative from each commission/committee referenced. It was most important to have at least one representative from each Ward to be selected from those commissions/committees.

Councilmember Stark recommended the Councilmembers from each Ward select a representative from the listed commissions/committees. This would create four positions, then a representative from each Ward which would not necessarily be selected from the existing commissions/committees. This would create a committee of 10, with the two non-voting Councilmembers.

Councilmember Brooks suggested all applicants apply and be considered; Council could select representatives for the five areas.

Councilmember Gordon recommended all applicants have at least two years of experience with City government. Restricting applicants to standing commissions/committees and those with specific backgrounds would eliminate qualified applicants, such as former Councilmembers, Mayors and community leaders. He agreed with Councilmember Stine that each Councilmember select members, but preferred that each potential member be considered and appointed through a formal vote of the Council.

Mr. Sjothun clarified that Council was directing staff to:

- Prepare a formal resolution for the second meeting in September
- Resolution would include these parameters for eligibility
 - Current member of a the committees/commissions mentioned
 - Include two members from each Ward

Councilmember Poythress did not prefer regularly scheduled reviews of the Charter; the Charter should be reviewed and revised as needed.

Mayor Wheeler noted that Council hadn't reviewed the Charter as a group.

Mr. Sjothun to bring the matter back to the Council during the September 19 meeting, with an Agenda Item Commentary in the City Manager's report.

Legislative Review

State Lobbyist Cindy Robert provided an overview of the ending Legislative Session. Representative Kim Wallan was present and provided input during the update. Ms. Robert answered briefly outlined the topics in her report:

- Corporate Tax Increase
- Paid Family and Medical Leave
- Plastic Bag and Straw Bans
- Clean Diesel
- Rent Control



MEMORANDUM

To: Mayor and Council
From: Brian Sjothun, City Manager
Study Session Date: August 22, 2019
Subject: Charter Review

COUNCIL DIRECTION

Staff is seeking Mayor and Council direction on review of the Charter for the City of Medford.

- Mayor and Council to review the following information
 - History of Medford Charter Review
 - Establishing Charter Review Committee and Duties
 - Appointment of Members
 - Referral to Voters

PRESENTATION OUTLINE

- Review of Staff Research and Options – Brian Sjothun
- Discussion and Direction – Mayor and Council

PREVIOUS STUDY SESSIONS AND G-3 MEETINGS ON THE TOPIC

- Council directed staff at the May 16 meeting to research and present to Council information about the process to review the Charter.

BACKGROUND

History of Medford Charter Review

Staff has compiled as complete of a list as possible regarding past Charter amendments. The establishment of the Medford Charter was approved in 1885 and there have been 19 amendments (Exhibit A). The last amendment was approved by voters in November 2000 increasing the Transient Lodging Tax to 9%.

In 2002, there was a failed attempt by a group to have the following placed on the ballot for change to the Charter:

RE: Charter Review

Study Session Date: August 22, 2019

“Shall Charter require voter approval for city agreements with state and federal governments for state highway projects affecting traffic flow, road design, capacity, or function?”

Below is a link to a list of 76 local government charter amendments in Oregon that have been on the ballots in the most recent years.

https://ballotpedia.org/Local_charter_amendments_on_the_ballot

Charter Review Time Guidelines

There are no set guidelines of when a City should review their Charter with the exception of a few organizations that have established such review. The League of Oregon Cities and the National League of Cities provide recommendations on the process for Charter review, but time between reviews is up to the organization.

Some examples of other cities are as follows:

- Sherwood – Every six years
- Portland – “From time to time, but no less frequently than every 10-years
- Central Point – Every 10-years (contained within the Charter)
- Ashland – As needed, last review as 2005
- Vancouver, WA. – Every five years
- Gresham – As needed, last review and changes 2011-12
- Bend – As needed, last review and changes 2017-18
- Roseville, CA – Every 10-years (currently under the process)

Establishing Charter Review Committee and Duties

“Membership on a charter review committee is accepting responsibility for leadership in the most important single civic effort that any community can undertake. The duty of leadership is to find the highest attainable level of improvement, not just a token advance. Statesmanlike compromise is simply a means to this end.” Guide for Charter Commission, National League of Cities.

Council has several options in establishing the committee and duties. One excellent example is provided by the City of Sherwood in that a Resolution was passed creating a City Charter Review Committee and an additional Resolution is adopted which appoints members of, and liaison to, the City Charter Review Committee. As part of the Resolution appointing members, there is an additional exhibit that details the expectation of the committee.

Staff has utilized the Sherwood example and modified for Council consideration as follows:

- Exhibit B – Creating a Charter Review Committee
- Exhibit C – Appointing Members of, and Liaison to, The City Charter Committee

In these examples, staff has left the amount of time between review of the Charter up for Council discussion and direction. Obviously, Council has the discretion and authority to simply create the Charter Review Committee outside of adding this to the Medford Municipal Code. If Council chooses this route, staff recommends that Council establish directions similar to those outlined in the Expectations of the City Charter Review Committee document as detailed in Exhibit D.

Appointment of Members to the Committee

This is another area where discretion is provided to the Mayor and Council on how to appoint. Examples from other cities shows that at-large members are interviewed and appointed by the Mayor with other cities choosing an open process with consensus on choosing members much like our current Boards and Commission selections.

In completing research with other cities, staff is recommending one of the two options listed below with the Mayor and Council interviewing candidates.

- Option A:
 - Follow Boards & Commissions application process
 - Equal representation from each Ward
 - Appoint two Council Liaison members
- Option B:
 - Application process
 - One citizen members from each Ward
 - Appoint two Council Liaison members
 - Special Categories (one from each)
 - Business
 - Non-Profit
 - Education
 - Health Care
- Option C:
 - Appoint committee from existing Boards & Commissions
 - One member from each of the following:
 - Planning Commission
 - Transportation Commission
 - Budget Committee

RE: Charter Review

Study Session Date: August 22, 2019

- Parks & Recreation Commission
- Housing Advisory Commission
- Police Advisory Committee
- Medford Water Commission
- Appoint two Council Liaison members

Direction would be provided to the committee members through the appointed Council Liaison members who will have discussed possible Charter changes with your colleagues.

Referral to the Voters

All proposed amendments to the Charter must be approved by the Council via a resolution and then referred to the Medford voters. There are two elections in 2020 that would provide the Council an opportunity to place any amendments before the voters.

- May 19, 2020 - Primary Election
- November 3, 2020 - General Election

Jackson County has not established ballot filing dates for either of these elections at the time of this study session.

Multiple Proposed Amendment Changes to Charter

The Council could choose to seek more than one amendment to the existing Charter. In this case, each of the changes can be its own ballot question and thus not an all or nothing question to the voters.

Staff Recommendation

Staff recommends the following for Council consideration and direction on this item:

- By resolution, Council creates a Charter Review Committee
 - Adopt a review of the Charter every six years or when needed
 - Adopt Expectations of the City Charter Review Committee
 - Adopt one of the three options presented for Committee members

EXHIBITS

- Exhibit A - Charter Amendments
- Exhibit B - Creating a Charter Review Committee
- Exhibit C - Appointing Members of, and Liaison to, The City Charter Committee
- Exhibit D - Expectations of the City Charter Review Committee

Thank you,
Brian Sjothun - City Manager