



Medford City Council Meeting

Revised Agenda

May 18, 2017

12:00 Noon AND 7:00 P.M.

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

Mayor's Youth Advisory Commission Student Government Day

10. Roll Call

Employee Recognition

20. Approval or Correction of the Minutes of the May 4, 2017 Regular Meeting

30. Oral Requests and Communications from the Audience

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

30.1 Landmarks & Historic Preservation Commission Awards and Update by Scott Henselman

40. Consent Calendar

50. Ordinances and Resolutions

60. Public Hearing

60.1 COUNCIL BILL 2017-46 A resolution authorizing the City Manager to proceed with the sale of surplus City-owned real property consisting of .23 acres located on the south side of East Main Street at the intersection of Crater Lake Avenue, to Rogue Community Health.

70. Council Business

80. City Manager and Other Staff Reports

80.1 Quarterly Economic Development update from SOREDI by Colleen Padilla

80.2 Quarterly Financial Report by Alison Chan

80.3 Council Meeting Format Change

90. Propositions and Remarks from the Mayor and Councilmembers

90.1 Proclamations issued:

Kids to Parks Day – May 20, 2017

National Public Works Week – May 21 – 27, 2017

90.2 Further Council Committee Reports

90.3 Further remarks from Mayor and Councilmembers

100. Adjournment to the Evening Session

EVENING SESSION

7:00 P.M.

Roll Call

110. Oral Requests and Communications from the Audience

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

120. 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.

120.1 Consideration of an appeal of an administrative decision regarding the sidewalk and curb ramp fronting Wolf Run and Eagle Trace.

120.2 COUNCIL BILL 2017-47 An ordinance amending section 10.337 of the Medford Municipal Code to permit marijuana production, the growing of field crops, and the manufacture of sugar or confectionary products in the Heavy Commercial (C-H) zoning district. (DCA-17-014) Land Use, Legislative

130. Ordinances and Resolutions

140. Council Business

150. Further Reports from the City Manager and Staff

160. Propositions and Remarks from the Mayor and Councilmembers

160.1 Further Council committee reports

160.2 Further remarks from Mayor and Councilmembers

170. Adjournment



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.1

www.ci.medford.or.us

DEPARTMENT: City Manager
PHONE: (541) 774-2009
STAFF CONTACT: Kelly Madding, Deputy City Manager

AGENDA SECTION: Public Hearing
MEETING DATE: May, 18, 2017

COUNCIL BILL 2017-46

A resolution authorizing the City Manager to proceed with the sale of surplus City-owned real property consisting of .23 acres located on the south side of East Main Street at the intersection of Crater Lake Avenue, to Rogue Community Health.

SUMMARY AND BACKGROUND

On August 2, 2007 the City of Medford entered into a lease agreement with Community Health Center for property described as Township 37 Range 1W Section 30AC tax lot 3300 and 3500, totaling approximately 0.4 acres and located on the south side of East Main Street at its intersection with Crater Lake Avenue. The term of the lease is for 25 years, commencing on September 1, 2007. The annual rental rate is \$100.00 annually. After the sixth year of the lease, or September 1, 2014, the lease payments increase annually based upon the change in the US City Average (all items, all consumers) Consumer Price Index.

Most notably the terms of the lease required the Community Health Center to “immediately apply for all permits and pave and stripe the parking lot to the standards of the Public Works Department and Medford Land Development Code, as applicable.” This has not been done, and the lease payments ceased.

Beginning in September of 2016 Rogue Community Health, previously the Community Health Center, began discussions with the City to acquire the property described as Township 37 Range 1W Section 30AC tax lot 3300, which is approximately .23 acres (herein referred to as the “subject property”). Please note the discussion did not include property described as Township 37 Range 1W Section 30AC tax lot 3500. At that time of those discussions the City did not have a policy on the disposal of real property.

PREVIOUS COUNCIL ACTIONS

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

Medford Municipal Code Section 2.197(2) classifies real property owned by the City as follows:

2) Classification

Real property owned by the City is classified as stated below. At the time of a proposed sale of real property by the City, the City Manager or the Manager’s designee shall determine the classification of the property.

- A. Substandard Undeveloped Property. Lots or parcels without structures that are not of minimum buildable size for the zone in which they are located or that cannot be developed for other reasons;
- B. Standard Undeveloped Property. Lots or parcels without structures that are of minimum or greater buildable size for the zone in which they are located and that can be developed;
- C. Developed Property. Lots or parcels of any size with structures;
- D. Special-Case Property. Any real property that, notwithstanding subsections (A), (B), and (C) of this section, was acquired by the City subject to an agreement restricting the use, transfer, or disposition of the property.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.1

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Per the attached findings by the Planning Department, the subject property is considered "Standard Undeveloped Property." In addition, the Public Works Director has made the finding that there is no future City use for the parcel. As such, there are Council options as to the disposal of this property. The applicable options, related to selling City-owned properties, are summarized below:

Option 1 - MMC Section 2.197(4)(A-I)

1. Public hearing and City to consider the sale of a property;
2. If Council considers property to be surplus, they can decide whether to offer the property for sale and establish minimum acceptable terms;
3. Council may require an appraisal or use fair market value to determine value, and may direct property to be listed with an agent or property may be sold by bid; and
4. City Manager is authorized to approve the sale if the minimum acceptable terms by the Council are met.

Option 2 - MMC Section 2.197(K)

1. Public hearing and City to consider the sale of a property;
2. If Council considers property to be surplus, they can decide to sell property to a certain non-profit organization for nominal consideration;
3. Council may use a Request for Proposal process to solicit proposals for sale of surplus property to non-profit entities; and
4. Properties sold to such organizations must be used for the purposes of the organization. Title to the property shall revert back to the City if the property is used in violation of the restriction. Non-profit organizations which may acquire property from the City in this manner include organizations that principally provide educational, recreational, medical, or social services to the public.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

According to Jackson County assessment records the subject property's real market value is \$105,120. An appraisal of the subject property has not been conducted. No financial discussions have taken place between the City and Rogue Community Health.

The property was purchased with Public Works funds, as such whatever remuneration the City receives from the disposal of the subject property shall return to the Public Works program.

TIMING ISSUES

Rogue Community Health has entered into negotiations to purchase the property they are currently leasing; property described as Range 37 Township 1W Section 30AC tax lot 8400 on the corner of East Main and Myrtle Street. However, Rogue Community Health's Board of Directors has authorized the purchase of the East Main/Myrtle Street property only if they can acquire the subject property. Rogue Community Health has expressed an interest in closing on both properties in May, 2017.

COUNCIL OPTIONS

Approve, modify or deny the resolution or motion.

STAFF RECOMMENDATION

Staff recommends selling the subject property for a nominal consideration to Rogue Community Health. Staff also recommends three conditions of sale:



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.1

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1. The subject property shall be paved to meet City standards for parking lots as contained in MMC Chapter 10;
2. The driveway access from East Main to the subject property be eliminated consistent with Public Works Department standards within 60 days of the transfer of the property; and
3. A tree preservation plan be developed and executed for the existing tree on the northwest corner of the property until such time as Rogue Community Health or their successors applies for a land use permit for future development at 900 East Main Street.

Please note that tax lot 3500 is not part of this request and may be part of another real property disposal process in the future.

SUGGESTED MOTION

I move that the property identified as tax lot 3300 is deemed surplus to the City's needs and authorize the City Manager or City Manager's designee to approve the sale of the property to Rogue Community Health if the terms of the Council are met.

EXHIBITS

Resolution

Ordinance 2017-43

Medford Planning Department Findings

Aerial Map

Site Plan (expired)

2007 Lease Agreement between City of Medford and Community Health Center

Jackson County Assessment Information

RESOLUTION NO. 2017-46

A RESOLUTION authorizing the City Manager to proceed with the sale of surplus City-owned real property consisting of .23 acres located on the south side of East Main Street at the intersection of Crater Lake Avenue, to Rogue Community Health.

WHEREAS, the City has conducted a public hearing pursuant to ORS 221.725; and

WHEREAS, the City Council determines that the real property consisting of .23 acres located on the south side of East Main Street at the intersection of Crater Lake Avenue which is Tax Lot 3300, is surplus to the needs of the City of Medford; now, therefore,

BE IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON, that the City Manager is hereby directed to proceed with the sale of City-owned real property consisting of .23 acres located on the south side of East Main Street at the intersection of Crater Lake Avenue, to Rogue Community Health.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

ORDINANCE NO. 2017-43

AN ORDINANCE adding section 2.197 to the Medford Municipal Code pertaining to real property.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

2.197 Real Property.

(1) This code section provides procedures and standards for the disposal of real property by the City.

(2) Classification

Real property owned by the City is classified as stated below. At the time of a proposed sale of real property by the City, the City Manager or the Manager's designee shall determine the classification of the property.

A. Substandard Undeveloped Property. Lots or parcels without structures that are not of minimum buildable size for the zone in which they are located or that cannot be developed for other reasons;

B. Standard Undeveloped Property. Lots or parcels without structures that are of minimum or greater buildable size for the zone in which they are located and that can be developed;

C. Developed Property. Lots or parcels of any size with structures;

D. Special-Case Property. Any real property that, notwithstanding subsections (A), (B), and (C) of this section, was acquired by the City subject to an agreement restricting the use, transfer, or disposition of the property.

(3) Disposal of Substandard Undeveloped Property.

The City Manager or the Manager's designee is authorized to sell substandard undeveloped property by direct negotiation with an adjoining property owner. The City Manager or Manager's designee may, but is not required to, use a real estate broker to assist the transaction.

(4) Disposal of Standard Undeveloped Property and Developed Property.

A. Any proposed sale of standard undeveloped property or developed property shall be set for a hearing before the Council. The Council may consider the sale of multiple properties at the hearing.

B. The City Recorder shall cause notice of the hearing to be published once in a newspaper of general circulation in the City at least five days prior to the hearing describing the property proposed for sale. Notice shall also be mailed to property owners within 200 feet of the subject property.

C. Public testimony shall be solicited at the hearing to determine if a sale of the property or any portion of it is in the public interest.

D. After the hearing, the Council shall decide whether to offer the property for sale and shall establish minimum acceptable terms. The Council may consider appraisal(s) or other evidence of market value in establishing the minimum acceptable terms. The

Council may decide to offer the property for sale only if it determines that the property is surplus to the City's needs.

E. The City shall obtain an appraisal or other evidence of market value before concluding any sale to a private entity. No appraisal is required for property which has a fair market value of less than \$100,000, but other evidence of market value of such properties must be provided prior to sale to a private entity.

F. If a sale is authorized by the Council, it may direct that the property be listed with the City's real estate agent of record or direct that it be sold by bids. If sale is to be by a bidding process, a notice soliciting sealed bids shall be published at least once in a newspaper of general circulation in the City at least two weeks prior to the bid deadline date. The notice shall describe the property to be sold, the minimum acceptable terms of sale, the person designated to receive bids, the last date bids will be received, and the date, time, and place that bids will be opened.

G. The City Manager or Manager's designee is authorized to approve the sale of the property if the minimum acceptable terms set by Council are met.

H. If one or more bids are received at or above the minimum acceptable terms, the highest bid shall be accepted and the City Manager or Manager's designee shall complete the sale.

I. If no acceptable bids are received, the Council may:

- 1. Accept the highest bid among those received;**
- 2. Direct staff to hold another sale, with the same or amended minimum terms;**
- 3. Direct the property to be listed with the City's real estate agent of record, or if the City does not have a real estate agent of record, with a local real estate broker on a multiple listing basis;**
- 4. Decide to keep the property.**

J. Notwithstanding the provisions of this section, the Council may adopt, after public notice and hearing, a resolution establishing a procedure for the sale of individual parcels of a class of City-owned real properties, or any interest in the properties, under a single program established within the City for the sale of that class of properties. The City may thereafter sell any parcel under that adopted procedure in lieu of the procedure established in this section, as allowed by state statute.

K. Notwithstanding the provisions of this section, the Council may authorize, after public notice and hearing, sale or lease of property not needed for a public purpose to certain non-profit organizations for nominal consideration. The Council may use a Request for Proposal process to solicit proposals for sale or lease of surplus property to non-profit entities. Properties sold or leased to such organizations must be used for the purposes of the organization and not for commercial business, trade, or manufacturing. If the properties are used in violation of this restriction, title to the property shall revert back to the City or the lease shall be terminated. Non-profit organizations which may acquire or lease property from the City in this manner include organizations that principally provide educational, recreational, medical, or social services to the public.

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(5) Broker Selection.

The City may retain a real estate broker of record or retain real estate brokers on a case-by-case basis.

(6) Transfer of an Interest Other Than Fee Title.

The transfer of an interest in real property by the City is not a sale of surplus real property if the City retains title to the property. The City may transfer an easement or other interest in real property less than fee title.

(7) Transfer to Governmental or Non-Profit Entity.

The City Council may authorize transfer of real property of any type to another governmental entity or to a nonprofit entity, with or without consideration, for so long as the property is used for public purposes by the entity to which it is transferred. The agreement shall provide for return of the property to the City if the property is no longer used by the transferee for public purposes.

(8) Special-Case Property.

The City shall comply with all agreements and restrictions applicable to special-case property. The City may transfer special-case property following any of the applicable procedures provided by this chapter, subject to the restrictions imposed by deed or agreement. If the deed or agreement provides a procedure for transfer by the City, the City may transfer the property as provided by the deed or agreement.

(9) Exchange of Real Property.

A. The City Council may authorize the trade or exchange of real property with other governmental entities or with private parties.

B. The City shall exchange real property with private entities only if the City receives at least equivalent value for the property it transfers. Payments may be made to compensate for any imbalance in the value of the property exchanged.

C. For exchanges with private entities, the City shall require or obtain an appraisal or other evidence of market value if the value of the property transferred by the City or received by the City exceeds \$100,000.

D. In determining the relative value of the properties exchanged, in addition to the factors normally considered in determining the value of property, the City may consider the following factors:

1. Whether the property is adjacent to or otherwise enhances the value of other property the City owns.
2. The suitability of the property for City use.
3. Whether the transfer of the property being transferred by the City to a private party will result in a benefit to the City or community. Potential benefits may include allowing more cohesive development of an area, providing needed housing or employment opportunities, or increasing the City's tax base.

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(10) Procedures for Specific Types of Properties.

The Council may by resolution establish procedures for the sale of specific types or categories of real property that differ from the procedures required by this chapter.

PASSED by the Council and signed by me in authentication of its passage this 20 day of April, 2017.

ATTEST: s/Karen M Spoons
City Recorder

s/Gary H. Wheeler
Mayor

APPROVED April 20, 2017.

s/Gary H. Wheeler
Mayor

NOTE: Matter in **bold** is new.



MEMORANDUM

Subject City owned property at E Main Street x Crater Lake Avenue
To Kelly Madding, Deputy City Manager
From Kelly Akin, Assistant Planning Director
Date May 5, 2017

PURPOSE

The purpose of this memorandum is to determine the development capacity for the subject lot, which is located on the south side of E Main Street at the southerly terminus of Crater Lake Avenue. (371W30AC3300)

Site Data

GLUP Designation: SC (Service Commercial)
Zoning: C-S/P (Service Commercial and Professional Office)
Acreage: 0.23 (68.37 x 146.5 = 10,016.205 square feet)
Improvements: The site is unimproved and appears to be covered in gravel. There is a significant Cedar tree located near the northwesterly property corner.
Current Use: Vacant, but used for parking.

Medford Municipal Code Section 2.197

Staff has analyzed the site and identified it as Standard Undeveloped Property as described in Medford Municipal Code Section 2.197(2)(B).

(2) Classification

Real property owned by the City is classified as stated below. At the time of a proposed sale of real property by the City, the City Manager or the Manager's designee shall determine the classification of the property.

Subject: City owned property at E Main Street x Crater Lake Avenue (371W30AC3300)

May 5, 2017

B. Standard Undeveloped Property. Lots or parcels without structures that are of minimum or greater buildable size for the zone in which they are located and that can be developed;

The site is currently undeveloped, but could be developed. There is sufficient area to construct a building and meet the development standards contained in Medford Land Development Code Articles IV and V, including setbacks, landscaping, parking and access. This site meets this classification.

:ka

371W30AB12400

371W30AB12300

371W30AB11900

Crater Lake Ave

E Main St

Myrtle St

ROGUE
HEALTH
CENTER

371W30AG8400

371W30AC3300

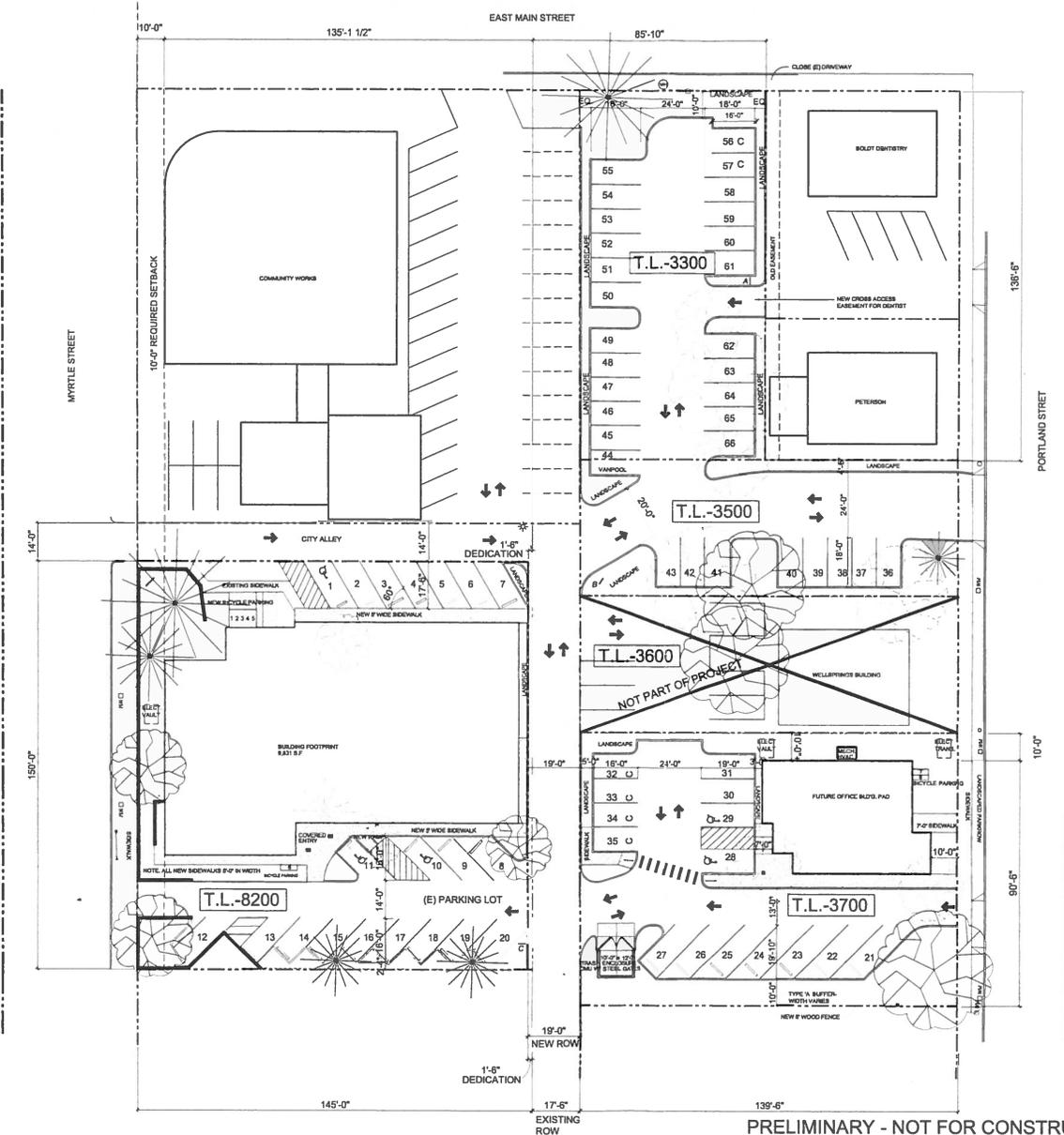
371W30AC3200

CITY
OWNED

371W30AC3400

CITY OWNED

371W30AC3500



PRELIMINARY - NOT FOR CONSTRUCTION

DIRECTIONAL SIGNAGE

- a1 DO NOT ENTER
- b1 COMMUNITY HEALTH CENTER
- c1 EXIT

NOTE: PAINT DIRECTIONAL ARROWS ON PAVING WHERE SHOWN

ASSESSOR'S MAP 371W30AC TL 3700,8200,8400
 TL 8200 AREA: .5 ACRES(21,750 S.F.)
 PROPOSED BUILDING FOOTPRINT: 9,831 S.F.
 PERCENTAGE OF LOT COVERAGE: 45%

TL 3700 AREA: .29 ACRES(12,614 S.F.)
 PROPOSED BUILDING FOOTPRINT: 2,140 S.F.
 PERCENTAGE OF LOT COVERAGE: 17%

- 66 TOTAL VEHICLE PARKING SPACES
- 4 ADA SPACES
- 8 BICYCLE PARKING SPACES
- OWNED BY CHC
- LEASED BY CHC
- TREE TO BE REMOVED

SITE PLAN
 SCALE 1"=20'-0"(24X36)
 SCALE 1"=40'-0"(11X17)



DRAWING TITLE

JOB NO.: 09-027
 DATE: 20 APR 11
 SCALE: 1"=20'-0"
 DRAWN:

1.1

COMMUNITY HEALTH CENTER
 REMODEL, ADDITION & NEW ADMINISTRATION BUILDING
 ASSESSOR'S MAP 371W30AC TL 3700 & 8200
 20 PORTLAND AVE. & 17 MYRTLE STREET MEDFORD, OR
 Community Health Center

Peg Crowley 1.541.842.7706



(541) 488 8200
 545 A Street
 Ashland, OR
 97520

20 APRIL 2011

**CITY OF MEDFORD
AGREEMENT PROCESSING CONTROL RECORD**

I. INITIATING DEPARTMENT: COMPLETE SECTIONS I & II

INITIATING DEPARTMENT: Deputy City Manager DATE: 6/25/07
 APCR PREPARED BY: John W. Hoke Deputy City Manager DEPT HEAD: [Signature]
NAME TITLE SIGNATURE
 AGREEMENT OR CONTRACT TITLE: Ground Lease Amendment
 AGREEMENT OR CONTRACT PURPOSE: Lease of parcels to Community Works, Inc for parking - 25yr. lease
Community Health Center
 CONTRACT PARTIES: City of Medford and Community Works, Inc Community Health Center

OPTIONS TO RENEW

CONTRACT TERM BEGIN: 8/01/07 END: 7/31/32 1 YEAR 2 YEAR MORE THAN 2 YEARS
(PROJECTIONS ARE ACCEPTABLE)
 DATE OF COUNCIL ACTION: ~~7/05/07~~ 8/2/07
 OTHER GOVERNMENT(S) AFFECTED: None
 WHO PREPARED THE AGREEMENT OR CONTRACT: John Huff, City Attorney for the City of Medford
 FINANCIAL IMPACT: \$1,200 per year plus payment of taxes
 BUDGET ACCOUNT NUMBER: N/A
 BUDGET PROJECT NUMBER (if applicable): N/A BOLI: YES NO

II. CHECK 'YES' TO ALL APPLICABLE SECTIONS BEFORE ROUTING TO RECORDER'S OFFICE FOR FURTHER PROCESSING (NO ACCEPTABLE FOR AGREEMENTS WITH OTHER GOVERNMENTAL ENTITIES)

	YES	NO	N/A
FUNDING IS AVAILABLE <small>(DEPARTMENTS MUST CERTIFY UNENCUMBERED RESOURCES ARE AVAILABLE TO FULLY FUND THE CONTRACT)</small>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
COMPETITVELY SOLICITED	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
OTHER PARTY HAS EXECUTED	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PERFORMANCE BOND OR OTHER SECURITY IS ATTACHED	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
INSURANCE CERTIFICATE(S) ATTACHED	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
LEGAL DESCRIPTIONS BEEN RECEIVED AND CHECKED	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

OTHER COMMENTS _____

PROVIDE TWO (2) COPIES OF COMPLETED APCR AND ATTACH TWO (2) COPIES OF AGREEMENT TO BE SIGNED

III. CITY RECORDER:
 DATE RECEIVED 6/26/07 APCR NO. 187-07 DATE ROUTED 6/26/07

IV. LAW DEPT: _____ DATE 6/28/07
 RETURN TO CITY RECORDER

V. CITY MANAGER: _____ DATE _____
 RETURN TO CITY RECORDER

VI. ACTION RECORD:
 CITY COUNCIL ACTION DATE 7/5/07 ORDINANCE NO. 2007-173
 MAYOR/CITY MANAGER/DEPT HEAD EXECUTION DATE 8/2/07
 CITY RECORDER COMPLETION DATE 8/2/07

DISTRIBUTION: ORIGINAL: City Recorder's Office DEPT RETURNED TO: CMO

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
8/7/2007

PRODUCER (541)482-0831 FAX: (541)488-5851

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

shland Insurance Inc
85 A Street Suite 1
Medford, OR 97504

INSURERS AFFORDING COVERAGE

NAIC #

INSURER A: Mutual of Enumclaw

14761

INSURER B:

INSURER C:

INSURER D:

INSURER E:

Community Health Center Inc
9 Myrtle Street

Medford, OR 97504

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSURED	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
1 X	GENERAL LIABILITY	NC18143	3/14/2007	3/14/2008	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person) \$ 10,000
					PERSONAL & ADV INJURY \$ 1,000,000
					GENERAL AGGREGATE \$ 2,000,000
					PRODUCTS - COMP/OP AGG \$ 2,000,000
					GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS				
	<input type="checkbox"/> NON-OWNED AUTOS				
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	<input type="checkbox"/> ANY AUTO				OTHER THAN EA ACC \$
					AUTO ONLY: AGG \$
	EXCESS/UMBRELLA LIABILITY				EACH OCCURRENCE \$
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE \$
	<input type="checkbox"/> DEDUCTIBLE				\$
	<input type="checkbox"/> RETENTION \$				\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				E.L. EACH ACCIDENT \$
	If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - EA EMPLOYEE \$
	OTHER				E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
 arking Lot: 37 1W 30 AC TL 3300 & 3500 on the South Side of East Main st and its intersection with Crater Lake Ave.,
 Medford OR
 City of Medford is listed as an additional Insured

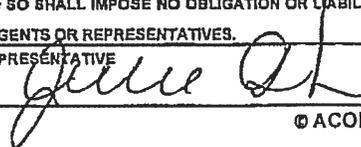
CERTIFICATE HOLDER

City of Medford
 Attn: City Manager
 411 West 8th St.
 Medford, OR 97501

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE



LEASE

THIS LEASE made and entered into this 2nd day of August, 2007, by and between CITY OF MEDFORD (hereinafter "Lessor") and COMMUNITY HEALTH CENTER, Inc (hereinafter "Lessee"),

In consideration of the mutual covenants and agreements herein contained, the parties hereto agree as follows:

DESCRIPTION OF PREMISES

Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor, for the term, at the rental, and upon the conditions set forth herein, those certain Premises described as 37 1W 30 AC TL 3300 & 3500, (hereinafter the "Premises"), a quarter-acre more or less, located on the south side of East Main Street at its intersection with Crater Lake Avenue, all located in the city of Medford, Oregon.

TERM OF LEASE

The term of this Lease shall be for twenty-five (25) years. Said term shall commence on the 1st day of September 2007. Said term shall end at midnight on the 30th day of August 2032, unless sooner terminated or renewed pursuant to any provision hereof.

RENT

Lessee shall pay Lessor as rental, during said term, the annual rental of One Hundred Dollars (\$100.00) per month, payable in advance, on the 5th day of each month throughout the term of the Lease. The rent has been established to reflect the savings below market rent resulting from lessee's exemption from taxation.

Beginning on the anniversary date of the commencement of the lease going into its sixth year, the lease payment shall increase annually. The increase shall be the change in the December to December US City Average (all items, all consumers) Consumer Price Index.

RENEWAL OPTION

If the lease has not been terminated, and is not in default when the option is exercised or when the renewal term is commenced, Lessee shall have the option to renew this lease for a term of twenty-five (25) years.

The option may be exercised by written notice to Lessor given not less than 90 days before the

last day of the expiring term. Giving such notice shall be sufficient to make the lease binding for the renewal term without further act of the parties.

The terms and conditions of the lease for the renewal term shall be identical with the original term except that Lessee will no longer have any option to renew this lease.

TERMINATION, DEFAULT AND REMEDIES

Termination

During the first five years of this lease, Lessor may terminate only for tenant's default. After the completion of the fifth year, Lessor may terminate this lease for any reason upon 90 days written notice.

Lessor's Rights and Remedies on Default:

Lessor may only terminate this lease upon ninety (90) days written notice in the event of material breach by the Lessee of the terms and conditions stated herein. Material breach includes, but is not limited to, situations in which Lessee's interest, or any part of its interest, in this Lease is assigned or transferred, either voluntarily or by operation of law, except with Lessor's consent, or any other violation of the Covenants of Lessee specified herein.

In addition to any other remedy Lessor may have by operation of law, Lessor shall have the right without any further demand or notice, to re-enter the Premises and eject all persons from the Premises, using all necessary force to do so, and either:

A. Declare this Lease at an end, or

B. Without terminating this Lease, relet the Premises, or any part of the Premises, as the agent and for the account of Lessee upon such terms and conditions as Lessor may deem advisable, in which event the rents received on such reletting shall be applied first to the expenses of such reletting and collection, including necessary renovation and alterations of the Premises, reasonable attorneys' fees, any real estate commission paid, and thereafter to payment of all sums due or to become due Lessor under the Lease, and if a sufficient sum shall not be thus realized to pay such sums and other charges, Lessee shall pay Lessor any deficiency monthly, notwithstanding Lessor may have received rental in excess of the rental stipulated in this Lease in previous or subsequent months, and Lessor may bring an action therefore as such monthly deficiency shall arise.

Lessee shall allow any such re-entry without hindrance, and Lessor shall not be liable in damages for any such re-entry, or be guilty of trespass or forcible entry.

C. It is expressly understood that the rights hereinabove provided, shall be deemed cumulative and nonexclusive and that the Lessor may exercise any other right or remedy which the Lessor may have at law or in equity under the statutes and the laws of the State of Oregon.

Lessee Rights and Remedies:

2 – LEASE City of Medford and Community Health Center, Inc.

Lessee may terminate this lease for any reason upon thirty (30) days written notice to Lessor. Such notice of termination shall not constitute a breach of this lease and Lessee shall not be liable in damages therefore.

USE OF PREMISES

Lessee shall use the leased premises for parking lot purposes, incidental to its public benefits purposes.

COVENANTS OF LESSEE

Lessee covenants and agrees to perform the following:

(a) To pay all rent promptly when due.

(b) To immediately apply for all permits and pave and stripe the parking lot to the standards of the Public Works Department and Medford Land Development Code, as applicable.

(c) Not to commit or allow any strip or waste of any part of the leased Premises.

(d) To defend and indemnify Lessor, Lessor's agents and employees, and to hold them forever harmless from any and all claims and demands whatever for injuries to persons or property arising from or in any way connected with the possession or use of the said Premises by Lessee, Lessee's employees, agents and licensees at any time during the lease term and to reimburse Lessor, Lessor's agents and employees, for any and all costs and expenses, including attorneys' fees, arising out of or in any way connected with any and all such claims or demands. Lessor shall have no liability to Lessee for any injury, loss, or damage caused by third parties or by any condition of the premises except to the extent caused by Lessor's negligence or breach of duty under this lease.

(e) Lessee, at the expiration or sooner termination of this Lease, or any extension or renewal hereof, will quietly and peacefully vacate and deliver the within Premises to Lessor in as good and tenantable condition as the same are at the beginning of this Lease, reasonable wear and tear and damage by fire or other unavoidable casualties alone excepted.

(f) If Lessee holds over after the expiration of the term of this Lease, and shall not have agreed in writing with Lessor upon the terms and provisions of a new lease prior to such expiration, Lessee shall remain bound by all of the terms and provisions hereof, except that tenancy shall be from month to month.

(g) Lessee will keep the leased Premises free and clear of all liens for labor and/or materials performed or furnished to Lessee at said Premises.

(h) Lessee shall not use or occupy the Premises in violation of applicable laws, rules or regulations of the United States, State of Oregon, or any other public authority, and Lessee's continued

use or occupancy of any portion of the Premises in violation of such law, rule or regulation, after ten (10) days written notice from Lessor to discontinue any such use or occupation, shall at the option of Lessor constitute a breach of this Lease.

(i) Lessee acknowledges the premises located therein to be in good order and condition. Lessee agrees to maintain said premises and property in the same condition, order and repair as they are at the commencement of this lease. Lessee agrees to make no alterations or improvements to or upon said Premises without first obtaining the written consent of Lessor and said alterations or improvements shall be made at Lessee's expense. Lessee shall have no right to make any alterations to the premises at the expense of the Lessor. The Lessor shall have no responsibility whatsoever to make any repairs to the premises during the term of this lease, regardless of the cause of any damage or deterioration. Upon termination of this lease, all alterations, additions and improvements shall at once become part of the Premises and belong to Lessor, unless the terms of the applicable consent provide otherwise. Lessor may, upon termination of the lease, require Lessee to remove certain improvements, alterations and additions, and upon receipt of notice of specific improvements, alterations and additions to be removed, Lessee shall remove the same and restore the Premises to the condition that existed at the commencement of the lease.

(j) Lessee assumes complete responsibility to maintain the trees, grass, shrubbery and other landscaping in good condition at its own expense.

(k) Lessee shall pay for all services or utilities used on the Premises during the lease term.

(l) Lessee shall pay any and all special service fees, charges or taxes imposed by the City of Medford, County of Jackson, State of Oregon, or other governmental authority arising from Lessee's use or occupancy of the premises, or seek an exemption therefrom pursuant to statute.

(m) Lessor and its agents shall have access to all leased grounds for inspection at all times. Lessor's right of inspection is solely for the purpose of ensuring compliance with this lease.

TAXES AND OTHER EXPENSES

Lessee shall reimburse Lessor, within fifteen (15) days after notice from Lessor, for any real property taxes Lessor is required to pay on the premises during the lease term. Lessor is aware that it may be too late for Lessee to obtain an exemption for tax years 2006-2007. Lessee shall be responsible for doing whatever is necessary to obtain an exemption from assessment and obligation for payment of real property taxes, on this property, pursuant to ORS 307.166. Ordinarily the premises would be exempt from assessment for real property taxes so long as this property is used for municipal purposes pursuant to ORS 307.090.

4 – LEASE City of Medford and Community Health Center, Inc.

SUBROGATION OF CLAIMS

Anything to the contrary in this lease notwithstanding, neither party, nor its officers, directors, employees, agents or invitees, shall be liable to the other party or to any insurance company (by way of subrogation or otherwise) insuring the other party for any loss or damage to any building, structure or other tangible property, when such loss is caused by any of the perils which are or could be insured against under a standard policy of full replacement cost insurance for fire, theft and all risk coverage, or losses under worker's compensation laws and benefits, even though such loss or damage might have been occasioned by the negligence of such party, its agents or employees (this clause shall not apply, however, to any damage caused by intentionally wrongful actions or omissions); provided, however, that if, by reason of the foregoing waiver, either party shall be unable to obtain any such insurance, such waiver shall be deemed not to have been made by either party. Each party shall give the other party notice at any time when it is unable to obtain insurance with such a waiver of subrogation and the foregoing waiver shall be effective until thirty (30) days after notice is given. Each party represents that its current insurance policies allow such waiver.

COMPREHENSIVE LIABILITY INSURANCE

Lessee shall keep and maintain in force, at Lessee's expense, a policy or policies of comprehensive liability insurance, written by an insurer authorized to do business in Oregon and satisfactory to Lessor, insuring Lessee and Lessor (and such other persons, firms, or corporations as are designated by Lessor) against liability, costs and expenses, including counsel fees, for injury to or death of persons or damage to property arising out of or in any manner connected with the above described Premises, improvements thereon, or the operations or activities of the Lessee, Lessee's invitees, licensees or any other persons thereon. The limit of liability of such insurance shall not be less than One Million Dollars (\$1,000,000) for injury to one or more persons, and One Hundred Thousand Dollars (\$100,000) for property damage, and Lessee shall arrange for Lessor to be provided with certificates of such coverage, including in each instance appropriate endorsement to the effect that Lessor shall be provided with not less than ten (10) days advance notice of cancellation or nonrenewal.

ASSIGNMENT AND SUBLETTING

Lessee shall not assign or sublet this Lease or any of Lessee's rights hereunder without written consent of Lessor. Lessee may not charge a fee for parking on the leased premises.

COVENANTS REGARDING HAZARDOUS MATERIAL

Lessor covenants that Lessor is not aware of any environmental contamination on the Premises. Lessor agrees to indemnify and defend Lessee against any claims made against Lessee because of environmental contamination to the Premises existing prior to occupancy of the Premises by Lessee.

Lessee covenants that Lessee will not allow any gasoline, oil, or other chemicals or hazardous materials to contaminate the property or subsurface soil, and to immediately remove any contaminated materials and to thereafter restore the Premises and to indemnify and defend Lessor against any and all claims made against Lessor on account of any hazardous materials placed upon the Premises by Lessee or Lessee's invitees or licensees.

Lessee agrees to comply with any and all governmental regulations, state, federal, or municipal, regarding hazardous materials. The covenants of this paragraph shall survive any termination or expiration of this lease.

WAIVER

One or more waivers by either party of any covenant or condition shall not be construed as a waiver of a subsequent breach of the same or any other covenant or condition. Lessor's consent to or approval shall not be deemed to waive or render unnecessary Lessor's consent to or approval of any subsequent similar act by Lessee.

NOTICES

All notices required hereunder shall be given to the parties herein at their addresses provided below unless and until advised by the parties of a change in such address:

Lessor

City Manager
411 W. 8th Street
Medford, OR 97501

Lessee

Community Health Center, Inc.
Director
19 Myrtle St
Medford, OR 97504

Any notice required or permitted under this lease shall begin to run on the date such notice is delivered, if properly sent, postage prepaid by certified or registered mail addressed to the address first given in this lease, or to such other address as may be specified from time to time by each of the parties in writing. Notice shall be construed as delivered as of the postmark date of sender's mail receipt form.

SUCCESSOR INTERESTS

The covenants, conditions and terms of this agreement shall extend to and be binding upon and inure to the benefit of the heirs, personal representatives, assigns and successors in interest of the parties hereto, provided, however, that nothing contained in this paragraph shall alter the restrictions hereinabove contained relating to assignment.

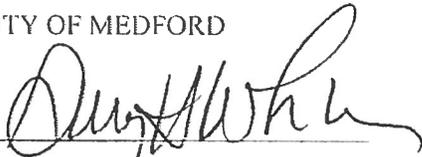
GENDER

In construing this agreement it is understood that the Lessor may be more than one person and that Lessee may be more than one person; that if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that generally all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first hereinabove written.

LESSOR

CITY OF MEDFORD



Gary H. Wheeler, Mayor

LESSEE

COMMUNITY HEALTH CENTER, INC.

By , MPH
Its Executive Director

Account Sequence	Map TL Sequence	Assessment Year 2016 ▾	Print Window	Close Window
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Assessment Info for Account 1-036414-1 Map 371W30AC Taxlot 3300
Report For Assessment Purposes Only Created May 04, 2017

Account Info		Tax Year 2016 Info		Land Info	
Account	1-036414-1	Pay Taxes Online		Tax Code	49-01
Map Taxlot	371W30AC 3300	Tax Report	Details	Acreage	0.23
Owner	MEDFORD CITY OF	Tax History	Details	Zoning	
Situs Address		Tax Code 49-01		Land Class	
MAIN ST E MEDFORD	R	Tax Rate	16.0437	UNK 0.23 Ac	
Mailing Address	MEDFORD CITY OF CITY HALL	District Rates	Details	Property Class	980
	MEDFORD OR, 97501	District Amounts	Details	Stat Class	000
Appraiser	37	Tax Rate Sheet	Details	Unit ID	157558-1
				Maintenance Area	6
				Neighborhood	000
				Study Area	00
				Account Status	ACTIVE
				Tax Status	Non-Assessable
				Sub Type	NORMAL

Sales Data (AS 400)

Value Summary Detail (For Assessment Year 2016)

Market Value Summary (For Assessment Year 2016)

Code Area	Type	Acreage	RMV	M5	MAV	AV
49-01	LAND	0.23	\$ 105,120	\$ 105,120	\$ 0	\$ 0
Value History Details			Total: \$ 105,120	\$ 105,120	\$ 0	\$ 0

Improvements

Images / Plans

Image type	Item Number	Image Files
RESIDENTIAL	1	1 PDF

Exemptions / Special Assessments / Notations / Potential Liability

Notations

Description	Tax Amount	Year Added	Value Amount
ADD/ REMOVE EXEMPTION		2011	

Location Map



[Close Window](#)

[Print Window](#)



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.3

www.ci.medford.or.us

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

AGENDA SECTION: City Manager's Report
MEETING DATE: May 18, 2017

SUMMARY AND BACKGROUND

On the February 2, 2017 Council Officers' Agenda, the topic of desired ending time for the noon Council meeting was discussed. Ideas regarding moving along the meeting in order to be completed by an arbitrary deadline of 1:15 p.m. was also discussed.

This item was reported to the Council at the February 2, 2017 noon meeting. There was general consensus from the Council for staff to bring back a proposal for consideration to potentially move all of Council business to an evening meeting and to eliminate the noon meeting.

PREVIOUS COUNCIL ACTIONS

Through contacting past Council and Mayors, the best estimate is that the noon meeting was established in the 1970's and that the intent was for the Council to move through ordinances and resolutions in a timely fashion.

ANALYSIS

The time commitment for each individual Council member has changed greatly since the inception of the noon meeting. There have been an increase in the amount of Commissions/Boards and Committee meetings where a Council member serves as liaison or voting board member. The proposed changes for Council consideration is to assist members in management of time and personal schedules.

Council Meeting Option – Elimination of Noon Meeting

Proposed start – September 2017

Proposed Schedule

5:00 p.m. – Council Officers Meeting

5:30 p.m. – Council meal

6:00 p.m. – Council begins

- Recognitions, Community Group Reports
- Public Hearings
- Public Comments
- Resolutions and Ordinances, Council Business, City Manager Report, Committee Reports

Public hearings are date and time specific. By having these items as close to the 6:00 p.m. advertised start time for the meetings, all public notifications can be listed as 6:00 p.m. In addition, staff is analyzing the requirements for public hearings and there is a potential for a reduction in the number of such hearings.

In the event that there are no public hearings scheduled, all other items will move up in the schedule and will be properly noticed.

Staff has contacted representatives from: McLoughlin Middle School, SOREDI, Travel Medford and Rogue Disposal about the potential changes. Each group has indicated that the change would not be an impact to their schedules. McLoughlin Middle School has indicated that this would help with parents and family members being able to attend the recognition without having to miss work.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.3

www.ci.medford.or.us

Study Session Options

Option A: Elimination of the noon study sessions and move to one session per month on the 2nd Thursday beginning at 6:00 p.m. with a targeted end time of 8:00 p.m.

Council Officers would be held at 5:00 p.m. and meal would begin at 5:30 p.m.

Staff would schedule multiple topics for each study session that would consist of the following time frame:

- 20 minutes
- 40 minutes
- 60 minutes

The subject time would serve as a guideline which includes both staff presentation along with Council discussion/direction. Staff would look to schedule no more than 80-100 minutes of estimated time for the subjects at each study session. This should allow for ample time for Council to provide direction on the items being presented.

The fourth Thursday of each month can be utilized for special and time sensitive subjects.

Staff understands that the Planning Commission holds their meetings on the same night as the proposed study session change. However, we might be able to save some funding by coordinating meals for both groups. The Planning Commission can also hold their meals in the Alba Room while Council has their meal in the Medford Room.

Option B: Retain the current noon study sessions on the 2nd and 4th Thursday of each month. Limit the amount of items presented in order to be completed by 1:15 p.m.

Medford Urban Renewal Board

There will still be a need to accommodate a potential monthly meeting for this board.

Option A: Hold on the 3rd Thursday of each month at noon.

Option B: Hold on the 3rd Thursday of each month, after the conclusion of the Council meeting.

Option C: Hold on a Tuesday or Wednesday evening at 6:00 p.m.

The suggestion for Option A is based on the ability for the Board to move quickly through the agenda as there are currently very few action items for the Board to consider.

Option C is based on the availability of the Council Chambers for both these evenings.

Code Changes Needed

If Council so chooses to enact any of the proposed changes or changes suggested by Council, there will or could need to be updates to the following sections of the Medford Municipal Code:

- 2.005 – Meeting Time
- 2.040 – Agenda
- 2.045 – Consent Calendar
- 2.080 – Study Sessions

A summary of each are contained in an email from Lori Cooper as part of the exhibits provided for this item.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.3

www.ci.medford.or.us

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Staff estimates that there will be some savings in regards to meal costs, as there are certain evening meetings that provide meals for Council/Staff. Savings could be realized in moving to one study session per month along with combining with the Planning Commission.

TIMING ISSUES

There is no immediate timing issue other than staff will prepare all the necessary code changes for Council consideration at the July 6 meeting. This will also allow for additional time to notify the public of the changes.

COUNCIL OPTIONS

Changes to meeting times and structure for Council meetings, Study Sessions and Medford Urban Renewal Board meetings or continue with the current meeting times and structure with no changes.

STAFF RECOMMENDATION

This item has been discussed with department directors as well as other staff that would be impacted with the elimination of the noon meeting. Staff is in support of recommending the following:

- Elimination of the noon meeting.
- Study Session – Option A.
- MURA Board Meetings – Options A or B.

SUGGESTED MOTION

Based on the discussion and direction provided by Council to staff.

EXHIBITS

Council Officers Meeting Notes from February 2, 2017
Council Minutes from February 2, 2017
Email dated May 9, 2017



Meeting Notes

February 2, 2017

11:00 a.m.

Mayor's Office—City Hall, Room 310
411 West Eighth Street, Medford, Oregon

Present: Mayor Gary Wheeler; Council President Michael Zarosinski, Council Vice President Tim Jackle, Councilmember Tim D'Alessandro; City Manager Brian Sjothun; City Attorney Lori Cooper; City Recorder Karen Spoons

Regional Mental Health Care – Tim D'Alessandro

Councilmember D'Alessandro was concerned about the decisions of Jackson County and the CCO pertaining to mental health and the impact to the City. He stated the insurance company is running the show. City Manager Sjothun commented that mental health can be added to the lobbyist list. He also noted that Police has major issues with the warming shelter; Police will see if there are any needs for additional services for the homeless in areas such as Alba Park.

State Legislative Agenda – Michael Zarosinski

The proposed agenda will be handed out to Council today.

Council Meeting Agendas – Michael Zarosinski

Councilmember Zarosinski questioned what the desired ending time for the Noon meeting is; Manager Sjothun stated he would like to have the meeting completed by 1:15 p.m. Options were discussed:

- Perhaps one Noon meeting a month
- Certain items, such as McLoughlin students, employee awards, reports from outside entities, etc., need to stay on a Noon meeting
- Staff provides more information on the AIC to reduce the need for questions
- Council encouraged not to engage in conversation under Oral Requests (discussed under previous Council Officers meetings)
- Move more items to consent
- Council can limit input in order to stay within schedule
- The evening meeting could be moved to 5:30 p.m.
- Some citizens cannot come to a Noon meeting although the elderly don't like to drive at night

Kid Time – Mayor Wheeler

Kid Time has expressed an interest in leasing the Carnegie Building (they have about 6,000 visitors a month). If we open it up, other people will be interested as well. Manager Sjothun noted the Police Conference Room is available for City use and is more accessible than the Carnegie. He discussed surplus property and an RFP for leasing Carnegie.

70.2 Council Agenda

Councilmember Zarosinski noted that Council Officers have discussed moving more items to evening meetings.

70.3 Judge and Pro Tem

Mayor Wheeler spoke regarding Judge Haberlach's recommendations for the Municipal Court Pro Tem positions.

Motion: Confirm Mayor Wheeler's appointment of William Haberlach of Municipal Court Judge and James Wickre, Jason Broesder, John Blackhurst, Damian Idiart and Janice Watson as Municipal Court Pro Tem Judges.

Moved by: Clay Bearnson

Seconded by: Mike Zarosinski

Councilmember Stine questioned the compensation for Pro Tem Judges; Ms. Chan noted the Judge has a long-term contract and the pro tem judges are considered temporary.

Roll call: Councilmembers Bearnson, Brooks, D'Alessandro, Gordon, Jackle, Stine, Wallan, and Zarosinski voting yes.

Motion carried and so ordered.

80. City Manager and Other Staff Reports

80.1 Quarterly Financial Report by Alison Chan

Finance Director Alison Chan presented highlights of the Quarterly Financial Report and highlighted several items. Councilmember Bearnson questioned the funding; Ms. Chan noted the portfolio will shrink when projects are taking place.

80.2 IPMC/Receivership update by Sam Barnum

Building Director Sam Barnum presented an update on the IPMC process on blighted homes and Building Code violations; noting that 28 letters were recently mailed to property owners regarding violations. Staff will present a list to Council for receivership approval in March.

*Councilmember D'Alessandro left the meeting.

Mr. Barnum explained the first step in the IPMC process is to attempt to get compliance; property owners who do not respond may go to receivership. Councilmember Jackle questioned the findings for properties entering receivership. Mr. Sjothun stated the first receivership could begin in March; any questions you would have before that could be brought to staff.

*Councilmember Bearnson left and returned to the dais.

Councilmember Brooks questioned provisions for those who cannot afford repairs; Mr. Barnum noted the City does not have anything to offer financially but will work with people who call for assistance.

*Councilmember Wallan left the dais.

Councilmember Gordon questioned if there were additional boarded-up houses; Mr. Barnum noted there are three vacant, boarded-up houses remaining.

Brian N. Sjothun

From: Lori J. Cooper
Sent: Tuesday, May 9, 2017 11:47 AM
To: Brian N. Sjothun
Subject: Code Sections Re Council Meetings

Brian – Pasted in below are the code sections which would/may need to be amended in order to eliminate the noon Council session or to make any other changes to study session/meeting times set forth in the code.

Let me know if you want me to draft a more detailed memo with suggested code amendments.

Lori

2.005 Meeting Time

Unless the council sets a different date and time for a particular meeting, the council shall meet at 12:00 noon and 7:00 p.m. on the first and third Thursdays of each month in the council chambers. At the evening session, if business is not finished by 10:00 p.m., the mayor shall adjourn the meeting, unless a majority of the councilmembers present vote to continue in session. Unfinished business shall automatically be placed on the next regular council agenda, unless the council specifies a different time for consideration of such items. On holidays, the council shall meet on the Thursday next following the holiday.

2.040 Agenda

The manager shall prepare an agenda of the business to be presented at a regular council meeting. Agenda items should be submitted at the time determined by the city manager per Administrative Regulation. The agenda shall be prepared in accordance with section 2.050. Councilmembers and the mayor shall endeavor to have subjects they wish considered submitted in time to be placed on the agenda. The manager may set public hearings for noon sessions of the City Council, taking into consideration legal timelines and the number of pending public hearings.

2.045 Consent Calendar

In order to make more efficient use of meeting time, the manager shall place all ordinances, resolutions and requests for minute approval which are routine in nature and concerning which no debate is expected on a "consent calendar" to be considered at the noon session. Any item placed on the consent calendar shall be removed at the request of the mayor or a councilmember prior to the time a vote is taken on the consent calendar items. All remaining items on the consent calendar shall be disposed of by a single motion "to adopt the consent calendar," which shall not be debatable. Adoption of the consent calendar shall be by the affirmative vote of all councilmembers present at the time the vote is taken and shall have the same effect as a separate vote for each item. If there are dissenting votes, each item on the consent calendar shall be voted upon separately in the usual manner.

2.050 Order of Business

The order of business at council meetings shall be as follows:

- (1) Noon session.
 - (a) Roll call.
 - (b) Approval or correction of the minutes of the preceding meeting.
 - (c) Oral requests and communications from the audience.
 - (d) Consent calendar.
 - (e) Items removed from the consent calendar, if any.
 - (f) Ordinances and resolutions.
 - (g) Council business.
 - (h) Manager and staff reports.
 - (i) Propositions and remarks from councilmembers.
 - (j) Adjournment to evening session.

(2) Evening session.

- (a) Roll call.
- (b) Oral requests and communications from the audience.
- (c) Public hearings.
- (d) Ordinances and resolutions.
- (e) Council business.
- (f) Further reports from the Manager and staff.
- (g) Propositions and remarks from the Mayor and councilmembers.
- (h) Adjournment.

2.080 Study Sessions

- (1) Council public study sessions shall be held on each Thursday when there is not a regular city council meeting at 12:00 noon in City Hall. Any study session may be canceled at the discretion of the City Manager, unless the session was specifically requested by the council. If a meeting falls on a holiday, it shall not be held.
- (2) A quorum is not required for a study session and members are not under any obligation to attend.
- (3) The purpose of a study session shall be for councilmembers to informally receive background information on city business and to give councilmembers an opportunity to ask questions and to express their individual views.
- (4) Particular cases involving quasi-judicial decisions shall not be discussed at study sessions.
- (5) No decision shall be made and no vote shall be taken at any study session, except on a point of order.
- (6) The agenda for a study session shall be made up by the City Manager and distributed at least 24 hours in advance. The council may, at any regular meeting, direct the City Manager to schedule appropriate matters which the council wants discussed at study sessions. However, appropriate non-agenda items may be discussed if a majority of members present agree.
- (7) Minutes of each study session shall be kept by the City Recorder or Deputy Recorder and filed in the Recorder's office. Council approval of such minutes is not required.
- (8) The study session agenda shall be posted in City Hall and made available to interested persons including news media which have requested notice at least 24 hours prior to the meeting.

(9) The rules contained in this section may not be suspended.

Lori J. Cooper
City Attorney
411 W. 8th
Medford, OR 97501
(541) 774-2020



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 120.1

www.ci.medford.or.us

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

AGENDA SECTION: Public Hearings
MEETING DATE: May 18, 2017

PUBLIC HEARING

SUMMARY AND BACKGROUND

On March 15, 2017, a letter was sent to David and Elahe Young informing them that the sidewalk and curb ramp fronting Wolf Run and Eagle Trace (Map and Tax Lot 371W-23CC-2600) are defective and need to be repaired. Mr. and Mrs. Young are appealing as they disagree with the finding reached by the Public Works Department.

PREVIOUS COUNCIL ACTIONS

None for this property.

ANALYSIS

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

The defective sidewalk offsets at this address range from approximately 1-6/8" to 2", which exceed ADA standards. There is also standing water at a curb ramp that is not in compliance with ADA standards.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None

TIMING ISSUES

None

COUNCIL OPTIONS

Approve, modify, or deny the appeal.

STAFF RECOMMENDATION

Staff recommends denial of the appeal.

SUGGESTED MOTION

I move to deny the appeal of an administrative decision regarding the defective sidewalk and curb ramp at Wolf Run and Eagle Trace (Map and Tax Lot 371W-23CC-2600).

EXHIBITS

Appeal Letter
Notification of Defective Sidewalk and Curb Ramp
Photos

March 21, 2017.

Medford City Recorder
411 West 8th Street
Medford, Oregon 97504

Dear City Recorder,

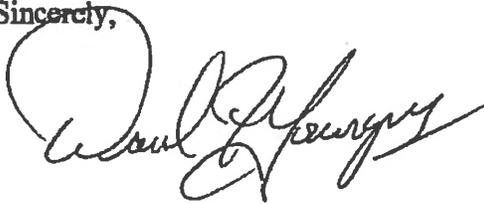
I have enclosed a letter dated March 15, 2017 from Lorraine Peterson, Public Works Business Manager, directing that I must provide a "written request" to the Medford City Recorder within 10 days of her March 15 letter to me to request a hearing before the Medford City Council to appeal the demand from the Public Works Department to repair a sidewalk at the address she gives in the letter.

Therefore, I hereby appeal for a hearing before the Medford City Council as I "disagree with" the finding reached by Public Works Department upon which the March 15, 2017 demand letter is based and which letter is copied to you with this appeal.

Would you kindly inform me of the date and time and place of the City Council Meeting and what is the protocol for my appearance to make my appeal. Would you please mail the same to me at the address below and also confirm that this letter of appeal was received by you "within ten (10) days of" the March 15, 2017 letter from Lorraine Peterson to me.

I greatly appreciate your time and attention in this matter.

Sincerely,



David F. Young MD
348 S. Modoc Ave
Medford, Oregon 97504

RECEIVED
MAR 24 2017
CITY OF MEDFORD
CITY RECORDER'S OFFICE



Continuous Improvement Customer Service

**PUBLIC WORKS DEPARTMENT:
ENGINEERING & DEVELOPMENT**

CITY OF MEDFORD
200 S. IVY STREET, 2nd FLOOR
MEDFORD, OREGON 97501
www.ci.medford.or.us

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

March 15, 2017

David and Elahe Young
1309 NE Sixth St
Grants Pass, OR 97526

RE: Defective Sidewalk at Wolf Run and Eagle Trace, (371W-23CC-2600), Case # 17-874

Dear Mr. and Mrs. Young,

We have received a complaint regarding the condition of the sidewalk abutting property owned by you at the above location, including the curb ramp at the corner.

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

The sidewalk and curb ramp in question must be repaired to current American With Disabilities Act (ADA) standards within 30 days of this letter. A copy of the standards for curb ramps is included with this letter. If you need more than 30 days to complete the repairs, a one-time 90-day extension may be granted by the Public Works Director. A written request or email needs to be submitted to the Engineering Division of Public Works at the above address briefly explaining the basis for your request, within 10 days of receiving this notice. This is the only notice you will receive. If the curb ramp is not repaired in 30 days or by the end of the extension period, the City may hire a contractor to do the work with the costs being assessed to you. These costs would include payments to the contractor plus a 25% administrative fee.

A permit is required and can be obtained from the Engineering Division office at 200 S Ivy St. 2nd floor, or from the City of Medford's Public Works homepage at www.ci.medford.or.us.

Right to Appeal

If you disagree with our determination that the sidewalk and/or curb ramp are defective, you may appeal for a hearing before the City Council. A written request must be mailed to the City Recorder at 411 W. 8th St., Medford, OR 97501 within ten (10) days of receipt of this letter. The request needs to include your reason for opposing the repair of the curb ramp.

Please call 541-774-2100 if you have any questions or would like our inspector to contact you.

Sincerely,

Lorraine Peterson
Public Works Business Manager







CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 120.2

www.ci.medford.or.us

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

AGENDA SECTION: Public Hearings
MEETING DATE: May 18, 2017

COUNCIL BILL 2017-47

An ordinance amending section 10.337 of the Medford Municipal Code to permit marijuana production, the growing of field crops, and the manufacture of sugar or confectionary products in the Heavy Commercial (C-H) zoning district.

SUMMARY AND BACKGROUND

The proposal is a citizen request to consider permitting indoor marijuana production (growing) in the Heavy Commercial (C-H) zoning district. Indoor marijuana production is currently permitted in all of the industrial zoning districts and none of the commercial zoning districts. Other proposed changes include allowing the growing of field crops and vegetables/melons and the making of sugar and confectionary products in the C-H district. The Planning Commission initiated the code amendment on January 26, 2017. (DCA-17-014)

PREVIOUS COUNCIL ACTIONS

The City Council has approved two marijuana related code amendments in Chapter 10 of the Municipal Code. The following ordinances were approved in 2015 and 2016.
Ordinance 2015-104 (Marijuana products and related businesses)
Ordinance 2016-143 (Retail sales of marijuana)

ANALYSIS

The proposal tries to evaluate whether to allow the indoor production of marijuana in the Heavy Commercial (C-H) zoning district or if there are inherent conflicts with other permitted uses in that zone that need to be considered. The growing of marijuana was originally not considered in the C-H zoning district because its non-marijuana counterpart (agricultural crop production) was also not permitted in that zoning district. When the first ordinance was written to regulate marijuana-related businesses the life cycle of the marijuana plant was compared to the life cycle of a tomato plant. This comparison helped identify uses and where they should be permitted and maintained consistency between where non-marijuana related businesses and marijuana-related businesses are permitted. In order to remain consistent, similar non-marijuana related uses (such as agricultural production and food manufacturing specifically sugar and confectionary products) are also identified to be permitted in the C-H zoning district.

A detailed analysis of the proposal is provided in the Commission report.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve, modify or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance permitting marijuana production and other non-marijuana related uses in the Heavy Commercial zoning district.

EXHIBITS

Ordinance
Commission Report

ORDINANCE NO. 2017-47

AN ORDINANCE amending section 10.337 of the Medford Municipal Code to permit marijuana production, the growing of field crops, and the manufacture of sugar or confectionary products in the Heavy Commercial (C-H) zoning district.

SECTION 1. Section 10.337 of the Medford Code is amended to read as follows:

10.337 Uses Permitted in Commercial and Industrial Zoning Districts.

SIC USE ZONING DISTRICT
 O. USES NOT CLASSIFIED. This major group includes uses not covered in the Standard Industrial Classification (SIC) Manual, 1987 Edition.

*** C-S/P C-N C-C C-R C-H I-L I-G I-H

003	Marijuana-related business									
	Type (as termed in State Law)	SIC Equivalent								
0031	Production	013, 016	X	X	X	X	X Ps	Ps	Ps	Ps
0032	Processing	205-207	X	X	X	X	Ps	Ps	Ps	Ps

A. AGRICULTURE DIVISION

01 AGRICULTURAL PRODUCTION-CROPS. This major group includes farms, orchards, greenhouses, nurseries, etc., primarily engaged in the production of crops or plants, vines, bulbs, flower seeds, and vegetable seeds, trees (excluding forest operations), sod farms, mushroom cellars, cranberry bogs.

			C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
--	--	--	-------	-----	-----	-----	-----	-----	-----	-----

011	Cash Grains		X*	X*	X*	X*	X*	X*	X*	X*
013	Field Crops, Except Cash Grains		X*	X*	X*	X*	X*1	P	P	P
016	Vegetables and Melons		X*	X*	X*	X*	X*1	P	P	P

C-S/P C-N C-C C-R C-H I-L I-G I-H

019	General Farms, Primarily Crop	X*	X*	X*	X*	X*	P	P	P
-----	-------------------------------	----	----	----	----	----	---	---	---

"1" = Production allowed in the zone when conducted inside an enclosed structure.

D. MANUFACTURING DIVISION

20 FOOD AND KINDRED PRODUCTS. This major group includes establishments manufacturing or processing foods and beverages for human consumption and certain related products such as meat and fish products, manufactured ice, chewing gum, and prepared foods except vegetable and animal fats and oils.

C-S/P C-N C-C C-R C-H I-L I-G I-H

206	Sugar and Confectionary Products	X	X	X	X	XP	P	P	P

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2017.

ATTEST: _____
 City Recorder

 Mayor

APPROVED _____, 2017.

 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.



COMMISSION REPORT

to City Council for a Class-A legislative decision: Development Code Amendment

Project Marijuana Production in the Heavy Commercial zoning district
File no. DCA-17-014
To Mayor and City Council *for 05/18/2017 hearing*
From Planning Commission via Carla Angeli Paladino, Long-Range Planning
Reviewer Matt Brinkley, AICP CFM, Planning Director
Date May 11, 2017

BACKGROUND

Proposal

A legislative amendment to revise the permitted use table in Section 10.337 to permit marijuana production and other related businesses in the Heavy Commercial (C-H) zoning district. **(See Exhibit A for Findings, See Exhibit B for proposed text)**

History

In December 2016, the City Council approved an ordinance that permitted the retail sales of marijuana in three commercial zoning districts. Prior to the hearing, two citizens spoke to the Council about adding the production of marijuana in the heavy commercial zoning district to the amendment. The citizens were directed to speak with the Planning Department staff about the process for initiating a text amendment.

A letter from Brett and Trina Helfrich dated December 7, 2016, was received by the Planning Department. **(See Exhibit C)** They requested the City consider amending the code to allow the production of marijuana in the heavy commercial zoning district. They own warehouse space in the heavy commercial district but are unable to accommodate requests from interested parties to use the facilities because the use is currently prohibited.

The Planning Commission discussed the request during a January study session and initiated the code amendment on January 26, 2017. Staff drafted language and discussed the proposal at a subsequent study session with the Planning Commission in March.

The Planning Commission voted 4-2-1 to recommend approval of the amendment on April 13, 2017. There was no discussion from the Commissioners who voted against the amendment as to why it should be denied. Commissioner Mansfield indicated that Commissioner Pulver had voiced reasons to him about why this use should not be permitted, but he was uncomfortable sharing those reasons for Commissioner Pulver who was not at the hearing.

The findings in support of this amendment are contained in Exhibit A at the end of this report.

Related projects

DCA-15-104 Marijuana products and related businesses (Ordinance 2015-104)
 DCA-15-104 Retail sales of marijuana (Ordinance 2016-143)

Authority

This proposed plan authorization is a Class-A 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 §§10.102–122, 10.164, and 10.184.

ANALYSIS

The existing marijuana-related business table identifies which uses are permitted (Ps) and prohibited (X) in the different commercial and industrial zoning districts.

			C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
003	Marijuana-related business									
	Type (as termed in State Law)	SIC Equivalent								
0031	Production	013	X	X	X	X	X	Ps	Ps	Ps
0032	Processing	205-207	X	X	X	X	Ps	Ps	Ps	Ps
0033	Wholesale	512, 516, 519	X	X	X	X	Ps	Ps	Ps	Ps
0034	Laboratory	873	Ps	X	Ps	Ps	Ps	Ps	X	X

			C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
0035	Dispensary	549,591	X	X	Ps	Ps	Ps	X	X	X
0036	Retail	549,591	X	X	Ps	Ps	Ps	X	X	X

When provisions were being drafted in 2015 to address marijuana uses, the life cycle of the marijuana plant was compared to the life cycle of a tomato plant. In what zoning district is it permitted to grow, process, and sell tomatoes and make similar provisions to allow those uses for marijuana-related businesses in the same districts. The table above notes the equivalent Standard Industrial Classification (SIC) code as it relates to non-marijuana related uses to cross reference the comparison. It also serves as a quick reference guide to identify those other uses.

For the current request to permit producing (growing) marijuana in the heavy commercial zoning district, the SIC codes were again reviewed to compare uses and where they are and are not permitted. The growing of marijuana is compared to field crops (SIC 013). Currently, the code does not permit field crops or any other type of plant to be grown in the commercial zoning districts unless the property is within the Exclusive Agricultural overlay district. The proposal would modify the table to permit growing marijuana in the heavy commercial zoning district, as well as allowing field crops and vegetables/melons to be grown. The growing of all of these crops is required to be conducted inside an enclosed building. The proposed changes are shown below.

			C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
003	<u>Marijuana-related businesses</u>									
0031	Production	013, 016	x	x	x	x	xPs	Ps	Ps	Ps
013	Field Crops, Except Cash Grains		X*	X*	X*	X*	X*1	P	P	P
016	Vegetables and Melons		X*	X*	X*	X*	X*1	P	P	P

"1" = Production allowed in the zone when conducted inside an enclosed structure

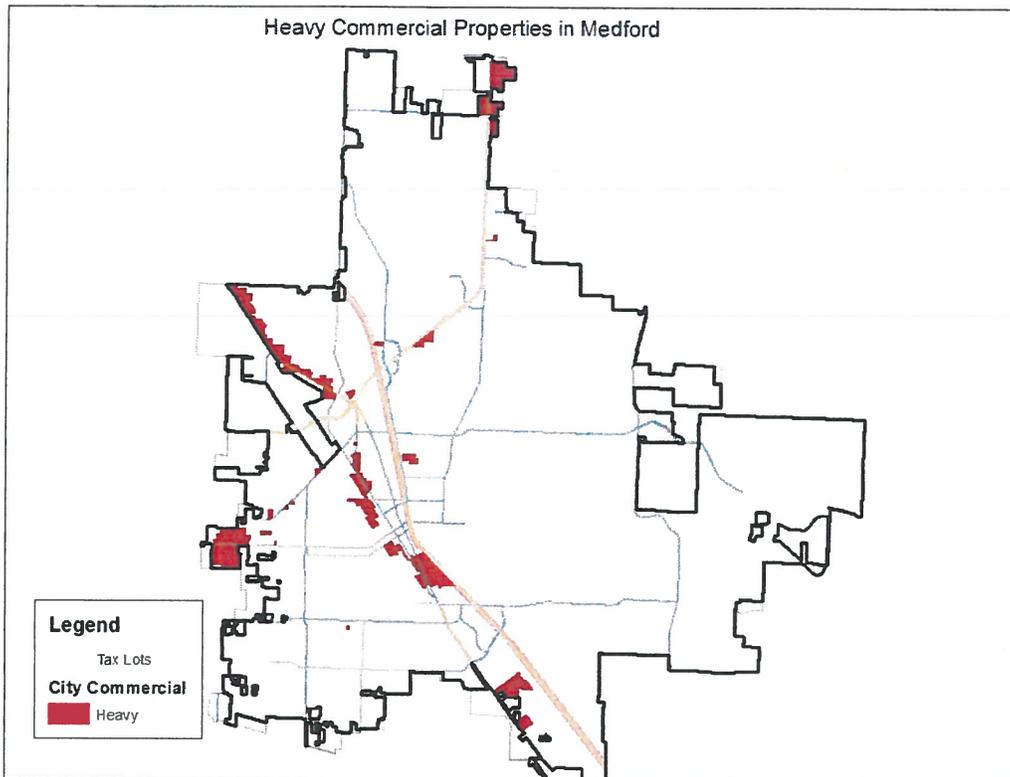
In reviewing the proposed changes above, other uses have been questioned. For example if someone is interested in making edibles or oils with marijuana, the code indicates that processing is permitted in the heavy commercial and all of the industrial zoning dis-

tricts. The SIC equivalent noted under processing is 205-207. However when reviewing the 205-207 SIC codes, bakery products are allowed in the heavy commercial zoning district while sugar and confectionary products and fats and oils are not permitted uses in that zoning district. Since the code was being amended regarding production, it was decided to review these inconsistencies as well and propose changes.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
205	Bakery Products	X	X	X	X	P	P	P	P
206	Sugar and Confectionary Products	X	X	X	X	X P	P	P	P
207	Fats and Oils	X	X	X	X	X	P	P	P

The original proposal included changing 207 to a permitted use along with 206 in the C-H zoning district. The Planning Commission was not in favor of that change when the draft was discussed at their study session in March so the text was amended. Their concern was that a large scale manufacturer (such as a peanut oil producer) would locate in this zoning district and unintended impacts such as noise or odor would occur and that compatibility issues would be a problem.

The main focus of this amendment is to evaluate if producing (growing) marijuana should be permitted in the heavy commercial zoning district. Heavy commercial zoning is found along major roadway corridors like Highway 99, Riverside, Crater Lake Highway, and West Main. There are approximately 500 properties zoned Heavy Commercial in the city limits. The types of uses existing within this zoning district include businesses such as mini-storage facilities, multi-family residences, small automobile dealerships, and news stations.



An original concern with permitting this use in the heavy commercial zoning district is due to the fact that this zone also allows the construction of multi-family residences. Would this change create a conflict of uses? Is there a chance that a parcel would house both an indoor grow in a warehouse and residences? It is unknown if this would happen in the future but the amendment creates the potential for it to occur. On the other hand, indoor growing is permitted in all of the industrial zoning districts and there are many instances where this zoning is adjacent to residentially zoned properties. Is this potential conflict of uses any different than the one that can occur currently between indoor grows in industrial zones and adjacent residential properties? Hopefully, the answer is no.

The special use regulations found in Section 10.839 exist to try and mitigate any potential conflicts. These regulations require marijuana businesses to be conducted inside secure, enclosed structures. No offensive odor shall emanate from the structure or property. Such standards exist so the use does not adversely impact surrounding property owners. The Code Enforcement Division was contacted to seek out the number of complaints filed on indoor marijuana grows in 2016. The answer provided was zero. **(See Exhibit J)**

The proposed changes also help level the playing field for non-marijuana related uses. Equivalent uses currently prohibited would now be permitted if the amendment is ap-

proved. The conventional way of growing crops or other methods such as hydroponics could make their way into the Medford market.

The code amendment was requested by Medford business owners who own property zoned Heavy Commercial and who want to provide building space for the growing of marijuana. In reviewing this request, other similar non-marijuana-related uses were reviewed in order to make like comparisons and ensure similar type uses are permitted in the same zoning district. The proposed changes provide new economic opportunities for property owners with Heavy Commercial zoning.

RECOMMENDATION

The Planning Commission recommends adopting the proposed amendment based on the analyses, findings, and conclusions in the Commission Report dated May 11, 2017, including Exhibits A through J.

EXHIBITS

- A Findings and Conclusions
- B Proposed amendment
- C Letter from Brett and Trina Helfrich dated December 7, 2016
- D Fire Department comments dated March 20, 2017
- E Public Works – Engineering Department comments dated March 21, 2017
- F Medford Water Commission comments dated April 14, 2017
- G Planning Commission study session minutes (January 9, 2017)
- H Planning Commission study session minutes (March 27, 2017)
- I Planning Commission public hearing minutes (April 13, 2017)
- J Code Enforcement comments dated April 5, 2017

CITY COUNCIL AGENDA: MAY 18, 2017

Exhibit A

Findings and Conclusions

The criteria that apply to code amendments are in Medford Municipal Code §10.184(2). 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:

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

Findings

The amendment can be considered a direct benefit to those working in the marijuana industry and those property owners with properties zoned heavy commercial. The proposal, if approved, would permit new uses in this zoning district that are not currently permitted. The new uses are both marijuana related and non-marijuana related which helps keep the code consistent and balances where similar uses are permitted.

Conclusions

The proposed changes will modify the code to allow new uses within the heavy commercial zoning district. This may provide new business opportunities for property owners and expands where certain uses are allowed in the City. This criterion is satisfied.

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

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

Findings

The following goals, policies, and implementation measures are from the Economy Element.

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(c): Provide incentives for businesses that produce value-added products to expand or locate in the community.

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

Conclusions

The marijuana industry was not envisioned when the Economy Element was adopted by City Council, but the related business activities do fit within the goal of promoting economic growth. This criterion is satisfied.

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

Findings

The proposal was provided to the Department of Land Conservation and Development and referral agencies for comments. The Fire and Public Works Departments and the Medford Water Commission formally forwarded no comment memos to the Planning Department on this topic. **(See Exhibits D, E, and F)** No other comments were received on the amendment.

Conclusions

The proposal was provided to applicable referral agencies per code requirements. No specific changes or comments have been received on the amendment. This criterion is satisfied.

3. *Public comments.*

Findings

The amendment was initiated by a property owner in Medford. Two study sessions were held with the Planning Commission to discuss the amendment and a change to the proposal was made based on feedback received. **(See Exhibits G and H)** Opportunities for public comment were provided during the Planning Commission hearing **(See Exhibit I)**. Additional testimony will be taken during the City Council hearing as well.

Conclusions

Trina Helfrich testified in favor of the proposal during the Planning Commission meeting. No additional public input has been received for this proposal to date. Opportunities to comment on the amendment will be afforded the community during the City Council hearing. This criterion is satisfied.

4. *Applicable governmental agreements.*

Findings

The amendment does not affect any known governmental agreements.

Conclusions

This criterion is not applicable as no governmental agreements are affected by the proposal.

Exhibit B

Proposed amendment

Deleted text is ~~struck through~~; added text is underlined/bold

Section 10.337

SIC	USE	ZONING DISTRICT
-----	-----	-----------------

O. USES NOT CLASSIFIED. This major group includes uses not covered in the Standard Industrial Classification (SIC) Manual, 1987 Edition.

			C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
003	Marijuana-related businesses									
	Type	<i>SIC equivalent</i>								
0031	Production	013, <u>016</u>	X	X	X	X	Ps	Ps	Ps	Ps
0032	Processing	205-207	X	X	X	X	Ps	Ps	Ps	Ps
0033	Wholesale	512, 516, 519	X	X	X	X	Ps	Ps	Ps	Ps
0034	Laboratory	873	Ps	X	Ps	Ps	Ps	Ps	X	X
0035	Dispensary	549, 591	X	X	Ps	Ps	Ps	X	X	X
0036	Retail	549, 591	X	X	Ps	Ps	Ps	X	X	X

See section 10.839 for regulations on marijuana-related businesses.

A. AGRICULTURE DIVISION

01 AGRICULTURAL PRODUCTION-CROPS. This major group includes farms, orchards, greenhouses, nurseries, etc., primarily engaged in the production of crops or plants, vines, bulbs, flower seeds, and vegetable seeds, trees (excluding forest operations), sod farms, mushroom cellars, cranberry bogs.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
011	Cash Grains	X*	X*	X*	X*	X*	X*	X*	X*
013	Field Crops, Except Cash Grains	X*	X*	X*	X*	X* <u>1</u>	P	P	P
016	Vegetables and Melons	X*	X*	X*	X*	X* <u>1</u>	P	P	P
017	Fruits and Tree Nuts	X*	X*	X*	X*	X*	P	P	P
018	Horticultural Specialties	X*	X*	X*	X*	X*	P	P	P

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
019	General Farms, Primarily Crop	X*	X*	X*	X*	X*	P	P	P

"1" = Production allowed in the zone when conducted inside an enclosed structure

D. MANUFACTURING DIVISION

20 FOOD AND KINDRED PRODUCTS. This major group includes establishments manufacturing or processing foods and beverages for human consumption and certain related products such as meat and fish products, manufactured ice, chewing gum, and prepared foods except vegetable and animal fats and oils.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
201	Meat Products	X	X	X	X	X	P	P	P
202	Dairy Products	X	X	X	X	P	P	P	P
203	Preserved Fruits and Vegetables	X	X	X	X	X	P	P	P
204	Grain Mill Products	X	X	X	X	X	P	P	P
205	Bakery Products	X	X	X	X	P	P	P	P
206	Sugar and Confectionary Products	X	X	X	X	X <u>P</u>	P	P	P
207	Fats and Oils	X	X	X	X	X	P	P	P

Exhibit C

Letter from Brett and Trina Helfrich

Eads Investments, LLC
845 S. Riverside Ave. Medford, OR 97501
(541)772-7122 endsinvestments@gmail.com

December 7, 2016

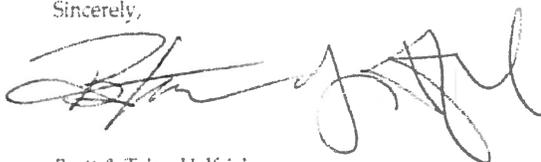
Kelly Akin
Principal Planner
Lausmann Annex
200 S. Ivy St.
Medford, OR 97501
Kelly.akin@cityofmedford.org

Dear Kelly,

We are writing to implore the city council to reconsider the marijuana production restrictions for the C-H zoning in the city of Medford. We are a locally based business that owns property and warehouse space in the C-H zone adjacent to downtown Medford. However, in our particular location, we are more segregated from the other commercial or retail businesses in our zoning. Our warehouses are located down an alley and run partially along I-5. With the ever-changing climate in the cannabis industry we have several interested parties for production but are unable to accommodate the existing requests due to this restriction on production. We can potentially lease to all other marijuana related business without the restriction. In our opinion some of those would carry a higher liability and would still have the same outcome with several hundred pounds or plants on the property.

Please let us know what further steps would need to be taken to try and amend the restrictions on the zoning. We look forward to working with you.

Sincerely,



Brett & Trina Helfrich
Eads Investments, LLC

Exhibit D

Fire Department comments

Carla G. Paladino

From: Greg G. Kleinberg
Sent: Monday, March 20, 2017 10:54 AM
To: Carla G. Paladino
Subject: DCA-17-014 Fire Comments

Carla,

Medford Fire-Rescue has no position regarding this code change.

Thank You,

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

Exhibit E

Public Works Department comments



Continuous Improvement Customer Service

CITY OF MEDFORD

Date: 3/21/2017
File Number: DCA-17-014

PUBLIC WORKS DEPARTMENT STAFF REPORT

Development Code Amendment – Marijuana production in Heavy Commercial

- Project:** A code amendment to revise the permitted use table in Section 10.337 to permit marijuana production and other related businesses in Heavy Commercial (C-H) zoning district.
- Applicant:** City of Medford (Citizen Initiated)
- Planner:** Carla Angeli Paladino, Principle Planner, Long Range Division

Public Works has no comments on the proposed amendment.

Exhibit F

Medford Water Commission comments

Carla G. Paladino

From: Rodney L. Grehn
Sent: Friday, April 14, 2017 11:45 AM
To: Carla G. Paladino
Subject: DCA-17-014 - MWC Response

Carla,

MWC has no comment on this application.

Thanks,

Rodney L. Grehn, P.E.
Staff Engineer
Medford Water Commission
200 S. Ivy St. Rm. 177
Medford, Oregon 97501
Direct: 541-774-2448
Fax: 541-774-2555
Email: Rodney.Grehn@cityofmedford.org

Exhibit G

Planning Commission Study Session

Minutes 1/9/2017 (excerpt)

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

Commissioners Present

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

Staff Present

Matt Brinkley, Planning Director
Kelly Akin, Principal Planner
Eric Mitton, Senior Assistant City Attorney
Carla Paladino, Planner IV

20.2 GF-16-159 Code Amendment initiation request: Marijuana production in C-H zone

At the December 1, 2016 City Council meeting, two citizens spoke under the oral requests and communications portion of the agenda. Both were interested in Council reviewing the code to allow marijuana production in the Heavy Commercial zoning district.

On December 7, 2016, a letter was received from Brett and Trina Helfrich, business owners with property and warehouse space in the Heavy Commercial zoning district near downtown Medford. They have received requests from customers looking for space to grow marijuana. As the code is currently written, production is not a permitted use in that zoning district and they are unable to accommodate the requests of those interested parties.

In October 2015, the code was amended to include marijuana related uses such as production, processing, wholesale, laboratory and dispensaries. Special use regulations were also adopted outlining specific conditions related to marijuana uses. In December 2016, the code was amended again to permit retail sales of marijuana in designated zoning districts.

The production (growing) of marijuana was permitted in all the industrial zoning districts and prohibited in all of the commercial zoning districts to mirror where other crop production is permitted in the code.

Commissioner Mansfield asked what was the reason it was excluded to begin with? Ms. Paladino reported that field crops are not allowed in commercial areas unless it is in the Exclusive Agricultural overlay. Growing marijuana mirrored those uses.

In researching other cities Central Point allows for cultivation in all residential and commercial industrial zones but they must be indoors. Ashland does not allow it in commercial zoning districts but does allow it in industrial zones. Ms. Paladino could not find anything allowing production in Roseburg. Phoenix allows cultivation in the commercial highway zoning district.

Vice Chair McFadden asked where is the dividing line between production and processing? Kelly Akin, Principal Planner, stated that production is defined as planting, cultivating, growing or harvesting or drying leaves or flowers. Processing is processing, compounding, conversion into products, concentrates or extracts. Marijuana related businesses conduct operations inside secure enclosed structures. No production, processing, storage or sales conducted outside. No odors. Trespasser glare of lighting. Then it talks about hazardous fencing, etc.

Commissioner Culbertson reported that dealing with a lot of the marijuana growers outside the city limits, they are really constrained, with some of the regulations. They are hauling water from the City of Medford because they cannot use the well water; they get caught. They are only supposed to use irrigation rights. They are only supposed to be in an agricultural zone. They are limited to 40,000 square feet. If OLCC changes it they may be able to go to 80,000 square feet of plant-able production under one license, which they are planning on doubling it. 40,000 square feet is quite a bit. That is roughly 100 plants on a 10 x 10 lot; just under one acre. When looking at the water volume quantity that a plant or production demands, it is high. There is a lot of water needed. There is also a lot of power that is needed. The light depth is when they turn the lights on for 12 hours and off for 12 hours. They can take a nine month growing season and in an indoor controlled capacity shrink it to 3 months and get the same production. They can get four full crops on indoor grow whereas, outdoor grow is one crop. There are some serious efficiencies that they can gain. Commissioner Culbertson knows of one building downtown that has a grandfathered water right, high volume tap with 660 power going to the building with air controlled four floors, 1000 square feet per floor. It would be the most insane vertically integrated grow production in downtown. It is in C-H zoning district. It is his opinion allowing marijuana production in C-H zoning districts is a bad idea. It is a very poor idea to allow growing inside the City. Processing is a different thing. (After the meeting, Commissioner Culbertson reviewed the zoning

map for the location he described above and the property is in the industrial zoning district not commercial.)

Vice Chair McFadden stated that in the long term could a building become unusable for anything else but for marijuana.

Matt Brinkley, Planning Director, stated that looking at this for the City of Phoenix several years ago that issue did come up. They had several indoor grows that had just started up without any review and in both cases those buildings suffered serious long term damage. One had to be gutted in order to be reused. The other building still reeks of marijuana which was an issue for the property owner since they had files in the building. An indoor grow can be more efficient, hence more profitable. Indoor grows are willing to pay a premium for space.

Commissioner Mansfield shares Commissioner Culbertson's views for the same reason. He heard mentioned the economic development; he submits respectively economic development should not be a consideration to good planning. Everybody wants to make money.

Commissioner Pulver is opposed to the change being discussed. The Eads warehouse is not commercial in nature. The warehouse market is constrained. There is excessive demand partially driven by marijuana related uses.

Commissioner Foley agrees with the Commissioner Pulver about having buildings that are in a zone that is not right for them but they are where they are. He is concerned about allowing it in all commercial zones. The unintended consequences could be huge. Is there any other way to work this besides rezoning? Is there any other option available to allow along the line of a conditional use permit certain requests? Ms. Paladino reported that if the Commission wants to go the conditional use route they could.

Ms. Akin stated there are three options; permitted, conditional and not permitted.

Ms. Paladino reported that if the Commission wants to initiate the code amendment it will be presented to the Planning Commission at their Thursday, January 26, 2017, meeting and they can say no at that time.

Exhibit H

Planning Commission Study Session Minutes 3/27/2017 (excerpt)

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

Commissioners Present

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

Staff Present

Matt Binkley, Planning Director
Kelly Akin, Assistant Planning Director
Kevin McConnell, Deputy City Attorney
Carla Paladino, Principal Planner

Commissioners Absent

Patrick Miranda, Chair, Excused Absence
Jared Pulver, Unexcused Absence

20.1.1 DCA-17-014 – Code Amendment Draft Review – Marijuana Production in Heavy Commercial

Carla Paladino, Principal Planner reported that in December 2016, two citizens spoke to the City Council and asked that they consider allowing the production of marijuana in the Heavy Commercial zoning district.

A letter was received from Brett and Trina Helfrich owners of property off of Riverside between I-5 and Riverside in the Heavy Commercial zoning district. They have been approached by people in the cannabis industry looking for space to grow.

The Planning Commission had an initial study session on January 9, 2017, to hear the request. The text amendment was initiated by the Planning Commission on January 26, 2017.

The Code currently allows for production or growing marijuana in all the industrial zoning districts. Last year the Medford voters voted down allowing marijuana production outdoors in residential zones. Marijuana grown on residential properties must be done indoors. This piece of the marijuana law is found in Section 5 of the Municipal code.

The proposed change would amend the code to allow production in the Heavy Commercial zoning district. The special use regulation in Section 10.839 would apply (must be conducted in a secure and enclosed structure, no offensive odor may emanate from the property).

If allowing marijuana growing at a minimum it should allow vegetables and melons, and field crops are similar to marijuana (field crops include cotton, tobacco, sugarcane, Irish potatoes, hops and yams). Currently, these uses could only be grown indoors unless they have the Exclusive Agricultural overlay. If it is permitted to process marijuana in the Heavy Commercial zoning district (this could include making food/edibles or extraction for oils). Other such uses that are not marijuana related should be allowed as well.

Vice Chair McFadden is concerned with fats and oils. Ms. Paladino stated that staff was relating the oil to a smaller scale similar to olive oil and diffusers. She will check into that before the hearing.

Commissioner Foley is confused why fats and oils are included. Ms. Paladino reported that under the SIC codes 205 Bakery Products, 207 Sugar and Confectionary Products and 207 Fats and Oils the thought was, if allowing marijuana production to include baked goods and making oil products, why shouldn't they allow other users?

Kevin McConnell, Deputy City Attorney, clarified that the City does not allow OLCC license marijuana production in residential zones. They are talking about Measure 91 home grows of four plants and any medical marijuana grows that are allowed under State law.

Commissioner Foley commented that the testimony at the Planning Commission meeting was open to a conditional use permit. Should that be considered versus just allowing it? Ms. Paladino reported that was discussed in the early stages. From a staff perspective it cannot meet the criteria.

Commissioner Foley stated that he is talking about a conditional use permit as it relates to an exception for heavy commercial. Looking at it just for that zone. Ms. Paladino reported that heavy commercial allows to build residentially.

Ms. Paladino stated that something could be added to the special use regulation section about not having the same use on the same property or a buffer. It could be simple seeing what happens and if it gets denied it is denied.

The Planning Commission hearing date is Thursday, April 13, 2017, with a recommendation to the City Council. City Council will hear this in May. If the Planning Commission is not comfortable with this they can make a recommendation for something different or just say no they do not want that.

Vice Chair McFadden commented that there was an odor issue with this inclusion. Is there a solution to the odor issue? Ms. Paladino reported that currently the special use regulation that any marijuana production is not allowed to emanate odors to neighbors. Those are addressed through code complaints.

Matt Brinkley, Planning Director, stated that there are filtration systems that are reported to work.

Mr. McConnell reported that the big local marijuana producers have heavy duty filtration systems. He visited one on for a potential code violation several months ago and he could not smell marijuana from the outside. They had thousands of plants. Inside was not as bad as thought to be. There is a device called a nasal ranger to detect odors.

Commissioner McKechnie stated that originally he was in favor of a conditional use permit for any of the marijuana uses. It seemed that staff thought if it had to have a conditional use permit, it was dead unless, there is something that can be done with the conditional use permit process that would allow some sort of flexibility. It gave some control over the process without killing it.

Commissioner McKechnie stated that heavy commercial allows more intense uses than light industrial. Is there a size limitation on heavy commercial versus light industrial? Kelly Akin, Assistant Planning Director, stated that in heavy commercial there are two things to discuss. The minimum lot area in heavy commercial is 7,000 square feet. The zone change criteria has locational criteria for heavy commercial. It states that it has to abut on an arterial street or highway. May abut I-G, I-L or any of the commercial zones which would include the neighborhood commercial zone. Ordinarily considered to be unsuitable abutting any residential and industrial zones.

Commissioner Culbertson asked, would they have the ability to submit an application for a zone change to the GLUP map changing it to an industrial zone? Ms. Akin replied, potentially. It depends on the criteria to amend the GLUP map. Commissioner Culbertson stated that a pathway exists. They would have to go through the steps. They are asking to change the pathway to not have them go through a zone change and a GLUP alteration. Ms. Akin replied that is correct.

Commissioner McKechnie stated that everything else is allowed in heavy commercial except indoor growing.

Ms. Akin stated that when they went through the process, it is handy to have that second equivalent that ended up being adopted into the text. They considered marijuana to be tomatoes. Staff carried the SIC codes all the way through. Ms. Paladino talked about having to change the other agricultural items being permitted in production in the C-H zone. Staff classified as marijuana in the SIC codes that are not currently permitted.

Commissioner Culbertson agrees with the changes; it is filling the gap. He agrees with Vice Chair McFadden on the concerns about the fats and oils. How far do we go on additional products? The request for the amendment is only on growing.

Ms. Akin reported that on the fats, oil, and confectionary when staff contemplated the processing they listed the three SIC codes 205, 206, and 207 but for some reason only bakeries are permitted. Currently, candy production is not allowed in the C-H zone.

Commissioner McManus suggested having a category of consumables.

Commissioner McKechnie suggested omitting fats and oil.

Commissioner McManus asked, if the conditional use permit process is considered does the conditional use permit stay with the property and the entity? Ms. Akin replied that it runs with the land.

Commissioner McManus asked, are there cities with active marijuana production that have more of an objective approach? Ms. Paladino stated that Ashland does not allow production in commercial zones. Phoenix allows production it is highway commercial zones. Central Point may be repealing some of their marijuana laws so she does not want to use them as baseline. She can get more examples.

Mr. Brinkley reported that Phoenix has special standards for all of the cannabis businesses. There is no conditional use permit but they have a special business license and have to comply with the special standards. There is limitation on the size of the facility and separation of the facilities one from another so you do not end up with concentration.

Commissioner Mansfield reported that he has disqualified himself from this subject.

Commissioner Foley asked, should they consider something that does not run with the land for conditional use? Mr. Brinkley asked, does the Code allow imposing a condition like that on a conditional use permit? Ms. Akin reported that it does not expire once the use is established. It runs with the land.

Commissioner McKechnie asked, why can't it run with the use?

Commissioner Culbertson stated that some of the conditional use permits should have retraction language stating if they go out of business or transfer those should dissipate and go back to the original zoning.

Vice Chair McFadden asked, how is a planned unit development terminated? Ms. Akin reported that it takes a Planning Commission action. All land use actions run with the land.

Ms. Akin stated that the point of a conditional use permit is to mitigate impacts.

Commissioner Culbertson asked Mr. McConnell legally he does not think one would be able to impose retroactive enforcement if language was created that conditional use permits now have some sort of sunset or it goes with that particular business. Mr. McConnell stated that he agrees with that without doing any research. If there was sunset language, how would the title report reflect that? It runs with the land so there would have to be a notice to people of their rights and potential liabilities.

Commissioner Mansfield stated that he agrees with Mr. McConnell. He does not think you could do a conditional use permit to a certain person or corporation. It runs with the land. He does not think the law would permit it.

Mr. Brinkley reported that is the same issue they run into with a legally non-conforming use. That does not show up in a title report. Staff has the same issues with planned unit developments.

Commissioner Culbertson stated that in real estate transactions any buyer will have to do due diligence on the property for a particular business use. If it is regular residential they are not going to question it because the residential zoning is going to be there. If someone applies for a City of Medford business application, they are going to want the file pulled and find out what they can and cannot do for their business use. In the due diligence period they should be researching that. He does not see in the title reports anything of public record. A business application is not of public record.

Commissioner Mansfield reported that he wished they would stop calling it a business license, it is a business tax. There are no regulatory provisions whatsoever, except as a checkpoint to make sure one is following the zoning requirements.

Ms. Paladino clarified moving forward. The chart would be amended to remove permitting production of fats and oils in the C-H zoning. The remaining changes would be provided to the Commission on the 13th for their consideration.

Vice Chair McFadden asked about internal discussion of better copies for the agenda packets. Ms. Akin stated that will be discussed with staff. Staff provides for the Site Plan and Architectural Commission pdfs separately from the agenda and staff can do it for the Planning Commission which they have done several times in the past. It was not well received but staff will do it on huge projects. Vice Chair McFadden stated that it would be nice if there was some way of imbedding a link.

Exhibit I

Planning Commission Draft Hearing Minutes 4/13/2017 (excerpt)

Commissioners Present

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

Staff Present

Matt Brinkley, Planning Director
Kelly Akin, Assistant Planning Director
Kevin McConnell, Deputy City Attorney
Alex Georgevitch, City Engineer
Debbie Strigle, Recording Secretary
Carla Paladino, Principal Planner
Dustin Severs, Planner II

Commissioners Absent

Jared Pulver, Excused Absence

50.2 DCA-17-014 A code amendment to revise the permitted use table in Section 10.337 to permit marijuana production and other related businesses in the Heavy Commercial (C-H) zoning district. (City of Medford, Applicant)

Carla Paladino, Principal Planner, reported that the approval criteria can be found in the Medford Land Development Code Section 10.184 (2). There are five criteria that have been addressed in the staff report in detail. They are found to be either satisfied or not applicable. There are copies of the criteria on the entrance table in Council Chambers for those in attendance. Ms. Paladino reviewed the history, the citizen initiated request, the proposed changes and compliance with the criteria.

The Public Hearing was opened.

a. Trina Helfrich, 853 S. Riverside Avenue, Medford, Oregon, 97501. Ms. Helfrich reported that she is present this evening in support of the recommendation of the City Planning Department for the code amendment change on the permitted uses in the heavy commercial zone.

Commissioner Mansfield stated that he has already expressed his view about marijuana; he opposes it. For that reason he doubts his ability to make a proper vote in terms of good planning on this matter. He expects to not vote on this matter. He commented on Ms. Paladino's comment that the goals include commercial benefit but he does not con-

sider commercial benefit to be a legitimate consideration in determining whether or not good planning exists.

Commissioner Mansfield reported that Commissioner Pulver contacted him a few days ago indicating what he considers a principal argument against granting this matter. Commissioner Mansfield is not expressing any opinion because he is not capable of doing that because of his biases. Commissioner Mansfield indicated to Commissioner Pulver that he would move to postpone consideration of this matter.

Motion: Postpone consideration of this matter until the Thursday, May 11, 2017, Planning Commission meeting.

Moved by: Commissioner Mansfield

Seconded by: Vice Chair McFadden

Vice Chair McFadden asked if Commissioner Mansfield was stating that in his opinion this is a significant argument which the Planning Commission is taking on faith they have not heard yet. Commissioner Mansfield stated that he is not taking any position on whether Commissioner Pulver's position is whether he agrees or not. He does not have an opinion. He is simply making a motion to postpone on his behalf so that he can present that position.

Commissioner Culbertson asked, was Commissioner Pulver at the study session? Commissioner Foley reported that Commissioner Pulver was not at the study session.

Commissioner Culbertson stated that he was sorry Commissioner Pulver was not at that study session to be able to voice his opinions or here tonight to voice his opinions.

Commissioner Foley asked, assuming that the Planning Commission moves this forward, will it go to the City Council to adopt this matter or not? Chair Miranda stated that is correct.

Commissioner Foley stated that the minutes from the Planning Commission meeting where the concerns were raised but not specified would be part of the record.

Chair Miranda reported that if Commissioner Pulver wanted his concerns heard he could attend that City Council meeting and voice his concerns.

Commissioner McManus commented that if it was necessary to consider it now, Commissioner Pulver could have submitted it in written form if he was unable to attend this meeting.

Commissioner Culbertson stated that having a secondary opportunity for Commissioner Pulver to speak on this issue at the City Council meeting is more than ample time for him to voice his concerns. This body should move this issue forward.

Roll Call Vote: Motion failed, 1-5-1, with Commissioner Culbertson, Commissioner Foley, Commissioner McKechnie, Commissioner McManus and Chair Miranda voting no and Vice Chair McFadden abstaining.

Second motion: The Planning Commission recommends adopting the proposed amendment based on the analyses, findings, and conclusions in the Commission Report dated April 6, 2017, including Exhibits A through F.

Moved by: Commissioner Culbertson Seconded by: Commissioner McKechnie

Commissioner Foley asked, has the Planning Commission sufficiently recorded Commissioner Pulver's concerns? Chair Miranda replied, yes. It has been recorded that Commissioner Pulver has a concern. The specifics are unknown. Commissioner Pulver can submit his concern in writing or he can attend the City Council meeting and speak to it as a citizen, not as a member of the Planning Commission.

Commissioner Mansfield stated that the reason he is not expressing Commissioner Pulver's view is because he could not express it properly.

Roll Call Vote: Motion passed, 4-2-1, with Commissioner Foley and Vice Chair McFadden voting no and Commissioner Mansfield abstaining.

Exhibit J

Code Enforcement Comments

Carla G. Paladino

From: Jill M. Hatten
Sent: Wednesday, April 05, 2017 8:57 AM
To: Carla G. Paladino
Subject: FW: Marijuana Grows in Medford

No large grow complaints in 2016, do you want complaints of any marijuana grow?

From: Jeanne Burrows [<mailto:BurrowJB@jacksoncounty.org>]
Sent: Wednesday, April 05, 2017 7:54 AM
To: Jill M. Hatten
Subject: RE: Marijuana Grows in Medford

No, I do not have any major complainants were large scale grows were within the City Limits.

Jeanne Burrows BPSST# 08055
Medford Area Drug and Gang Enforcement
219 S Ivy St
Medford OR 97501
(541) 618-1917
fax (541) 618-1928

From: Jill M. Hatten [<mailto:Jill.Hatten@cityofmedford.org>]
Sent: Tuesday, April 4, 2017 3:39 PM
To: Jeanne Burrows <BurrowJB@jacksoncounty.org>; Kelli W. Daves <Kelli.Daves@cityofmedford.org>
Subject: Marijuana Grows in Medford

Did we have any complaints last year on any large scale marijuana grows in the city limits of Medford?

Jill M Hatten

Crime Analyst
Tactical Information Unit
Medford Police Department
411 W 8th St
Medford, OR 97501
(541)774-2270 - Monday through Thursday
(541)840-4780 - Cell
(541)618-1734 - Fax