



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

05/21/2012

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Medford Plan Amendment
DLCD File Number 002-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, June 01, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Praline McCormack, City of Medford
Gordon Howard, DLCD Urban Planning Specialist
Josh LeBombard, DLCD Regional Representative
Katherine Daniels, DLCD Farm/Forest Specialist

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

MAY 14 2012

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Medford**

Local file number: **DCA-11-128**

Date of Adoption: **5/3/2012**

Date Mailed: **5/10/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 2/28/2012

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Consideration of a proposed Class "A" legislative amendment of the Medford Land Development Code (Chapter 10 of the Municipal Code) to amend the Exclusive Agricultural (E-A) Overlay designation which preserves existing agriculture and agriculture uses through zoning. The amendment allows specific uses as conditional uses, makes definitions related to agriculture consistent with the proposed amendment, makes criteria more clear and consistent, and changes the process to apply the E-A Overlay.

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached". Does the Adoption differ from proposal? Yes, Please explain below:

City Council made one change to the ordinance to make the E-A Overlay available as a Zone Change to any property if the use on the property is agriculture (see Section 10.360[B]).

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. 002-12 (19214) [17042]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Jackson County, 1000 Friends of Oregon, Medford Irrigation District

Local Contact: **Praline McCormack, Planner II** Phone: (541) 774-2380 Extension: 2397
Address: **200 S. Ivy Street, 2nd Floor** Fax Number: **541-618-1708**
City: **Medford** Zip: **97501-** E-mail Address: **praline.mccormack@cityofmedford.org**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 30, 2011

ORDINANCE NO. 2012-59

AN ORDINANCE amending Sections 10.012, 10.227, 10.314, 10.360 and 10.361, and adding Section 10.362 to the Medford Code pertaining to overlays and conditional use permits.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

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

10.012 Definitions, Specific.

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

* * *

Agriculture. ~~Agriculture shall mean~~ (The use of the land for agricultural purposes, including farming, pasturage, horticulture, floriculture, viticulture, and the necessary accessory uses for **preparing, and storing agricultural products produce**; provided, however, that the operation of any such accessory use shall ~~be incidental to~~ **coincide with that of** normal agricultural activities; and, provided further, that the above uses shall not include the operation of a dairy, hog farm, or a feed lot or other commercial feeding of animals. **Agriculture is classified as either intensive or passive per Section 10.804(1).**

Agricultural Building. A structure ~~located on a farm~~ **associated with agriculture** and used in the **agricultural** operations ~~of such farm~~ for the storage, maintenance or repair of ~~farm~~ machinery and equipment **required of the operations**; or for the raising, **and** harvesting ~~and selling~~ of crops; or in the feeding, breeding, management ~~and sale of~~, or the ~~production~~ of, livestock, poultry, furbearing animals or honeybees; ~~or for dairying and sale of dairy products~~; or any other agricultural or horticultural use or animal husbandry; or any combination thereof, including the preparation and storage of products raised on such farm ~~land for man's~~ **human or use and animal use and disposal by marketing or otherwise, except for the operation of a dairy, hog farm, feed lot, or other commercial feeding of animals.**

Agricultural Building does not include:

- (a) a dwelling;
- (b) a structure used ~~for a purpose other than growing plants in which persons perform more than 144 man-hours of labor a week in which 10 or more persons are present at any one time unless for growing plants~~;
- (c) a structure regulated by the state fire marshal pursuant to ORS Chapter 476;
- (d) a ~~place~~ **structure** used by the public; ~~or~~
- (e) a structure ~~subject to Sees. 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations enacted thereunder (ORS 456.917) located in a floodplain requiring flood insurance per Sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968);~~
- (f) a structure for on-site product sales as defined herein; or
- (g) a small winery as defined herein.

* * *

Farm. Land used for **agriculture, as defined herein**, the primary purpose of obtaining a profit in money by raising, harvesting and selling of crops ~~excepting commercial feed lots, hog farms, poultry and dairy farms.~~

~~Farm use includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise.~~

* * *

Local agricultural area. The area within 125 miles of the Medford Urban Growth Boundary.

* * *

On-Site Farm Product Sales. The on-site promotion, marketing and retail sales of crops, farm products or livestock grown on the farm on which the product sales are taking place, or other farms in the local agricultural area, as defined herein.

* * *

Small Winery. A facility that produces wine, with a maximum annual production of 50,000 gallons, including but not limited to areas used for production, shipping and distribution, wholesale and retail sales, tasting, crushing, fermenting, blending, aging, storage, bottling, administrative functions and warehousing.

* * *

SECTION 2. Section 10.227 of the Medford Code is amended to read as follows:

10.227 Zone Change Criteria.

* * *

(f) For zone changes to apply or remove the overlay zones (Limited Industrial, Exclusive Agricultural, Freeway, Southeast, Historic) the criteria can be found in the applicable overlay section (Sections 10.345 through 10.413).

* * *

SECTION 3. Section 10.314 of the Medford Code is amended to read as follows:

10.314 Permitted Uses in Residential Land Use Classification.

* * *

“C” = Conditional Use; permitted subject to approval of a Conditional Use Permit. (See Article II, Sections 10.246-10.250.)

* * *

“EA” = Permitted Use ~~if in~~ **only when within** an EA (Exclusive Agriculture) overlay district.

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PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section
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**6. NONRESIDENTIAL
SPECIAL USES**

* * *	EA	EA	EA	EA	EA	EA	EA	EA	10.360-361
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(g)(i) Agriculture,
Agricultural Building,
Livestock, Farm, or
Ranch

(g)(ii) Conditional Agriculture-Related Activities (On-Site Farm Product Sales, Small Winery, Public/Private Events)	EA/C	EA/C	EA/C	EA/C	EA/C	EA/C	EA/C	EA/C	10.362
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* * *

SECTION 4. Section 10.360 of the Medford Code is amended to read as follows:

10.360 Exclusive Agricultural Overlay District, E-A.

A. **Purpose:** The E-A overlay district is intended to provide a land use classification within an urban environment area that:

(1) which allows for the preservation of agriculture and agricultural lands uses through zoning. ~~Lands containing the E-A overlay maybe removed from this district pursuant to applicable Comprehensive Plan policies.~~

B. **Criterion for Application of E-A:** At the request of the property owner, the City may apply the E-A overlay to a parcel(s) having EFU (Exclusive Farm Use) zoning if the use on the parcel(s) is agriculture, as defined herein.

C. **Criterion for Removal of E-A:** The E-A overlay may be removed utilizing Class C zone change procedures. For removal of the E-A overlay, the property owner must certify that all agriculture and agriculture-related uses not otherwise permitted by the underlying zoning district have been terminated by the date of application for removal of the E-A overlay, and shall not be considered legal nonconformities.

SECTION 5. Section 10.361 of the Medford Code is amended to read as follows:

10.361 Permitted Activities and Development Standards, E-A.

Development and improvements within an E-A overlay district shall be restricted to: agricultural

buildings.

- A. Agricultural buildings and other improvements directly related to farming.
- B. Property line adjustments.
- C. New construction or remodeling of one single-family dwelling and accessory dwelling unit per existing parcel.

SECTION 6. Section 10.362 of the Medford Code is added to read as follows:

10.362 Conditional Activities and Development, E-A

A. Within an E-A overlay district the following activities and development require a conditional use permit:

(1) On-site farm product sales and/or small wineries, subject to the following:

(a) In residential zoning districts, on-site farm product sales and/or small wineries are only permitted within the Exclusive Agricultural (E-A) Overlay with an approved Conditional Use Permit.

(b) On-site farm product sales may include outdoor sales, such as a roadside table, or in a structure, such as a farm stand or store.

(c) Structures intended for on-site farm product sales are not permitted for occupancy as a residence or for activity other than the sale of crops, farm products or livestock.

(d) Structures intended for a small winery are not permitted for occupancy as a residence or for activity other than the production, shipping and distribution, wholesale and retail sales, tasting, crushing, fermenting, blending, aging, storage, bottling, administrative functions and warehousing.

(e) The site contains or proposes a vineyard and/or farm of at least fifteen (15) contiguous acres that grows or produces wine and/or other farm products.

(f) The farm product sales and/or small winery and associated improvements are located at least one hundred (100) feet from any property line with parcels not having the E-A overlay.

(g) May include sales of items related to the promotion of wine and/or farm products, the sale of which is incidental to the retail sale of wine and/or farm products.

(2) Food and/or wine tasting, vineyard and/or farm tours, educational activities, classes, wine dinners, pumpkin patches, corn mazes, hay rides, and other similar activities conducted for the purpose of promoting wine and/or farm products.

(3) Public or private events or gatherings, such as weddings, banquets, and concerts.

(4) A commercial kitchen for preparing food for activities (1-3) above.

B. In conjunction with the conditional activities in an E-A overlay, the following noise and sign standards apply:

(1) In the case of such activities where there will be sound amplification, the property owner shall first obtain a Special Events Permit and Neighbor Approval of Noise Permit through the City Manager's office.

(2) Signs in accordance with Section 10.1500, Signs in Neighborhood Commercial District, may be permitted, excluding electronic message signs.

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PASSED by the Council and signed by me in authentication of its passage this 3 day of May, 2012.

ATTEST: Glenda Wilson
City Recorder

[Signature]
Mayor

APPROVED May 3, 2012.

[Signature]
Mayor

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



City of Medford
Agenda Item Commentary

Item No.:

Meeting Date:

Page:

May 3, 2012

1 of 1

SUBJECT:

An ordinance amending Chapter 10 (Land Development Code) of the Medford Municipal Code, Sections 10.012, 10.227, 10.314, 10.360, and 10.361, and adding new Section 10.362 to revise the Exclusive Agriculture (E-A) Overlay to allow on-site farm product sales, small wineries, food and/or wine tasting, vineyard and/or farm tours, educational activities, classes, wine dinners, pumpkin patches, corn mazes, hay rides, and other similar activities conducted for the purpose of promoting wine and/or farm products, public or private events or gatherings, such as weddings, banquets, and concerts, and commercial kitchens as conditional uses subject to obtaining a Conditional Use Permit; to make definitions related to agriculture consistent with the proposed amendment; and to change the process through which the City may apply the E-A Overlay. (Land Use, Legislative)

INITIATOR:

City of Medford

STAFF INFO. SOURCE:

James E. Huber, A.I.C.P., Planning Director
Praline McCormack, Planner II
File No. DCA-11-128

FISCAL IMPACT/SOURCE:

N/A

RECOMMENDATION:

Adopt the ordinance.

VISION STATEMENT/COUNCIL GOAL:

Growth Management, Vision Statement: "The City is a leader in regional efforts to manage growth in the Bear Creek Valley and cooperates with other jurisdictions to enhance livability, protect agricultural land uses at the urban fringe, and preserve open space within and between communities."

BACKGROUND & KEY ISSUES:

On July 21, 2011, Emily Mostue, representing the Carpenter family/Dunbar Farms, addressed the City Council and submitted a letter and a draft code amendment to vastly amend the E-A Overlay in order to market wine and farm products at the farm, currently zoned SFR-4 (Single-Family Residential). The Carpenter property is the only location presently having the E-A Overlay. Development and uses within the E-A Overlay are restricted to agricultural buildings and farm uses. The City Council directed staff to review the proposal and bring forward a recommendation. Staff has worked with the Carpenter family to iron out the issues surrounding the proposal. Issues include: potential impacts of the proposed activities and development on abutting residences, agricultural buffering requirements, site development standards, and whether the City should promote expansion of agriculture and farm uses in the City limits. Staff believes that the current proposal adequately addresses these issues while providing a means for property with the E-A Overlay to have expanded farm-related opportunities.

On April 12, 2012, the Planning Commission held a public hearing and voted 5 to 2, with two abstentions, to recommend adoption of the amendment.

EXHIBITS:


Staff Report to City Council dated April 24, 2012, including Exhibits A – J



CITY OF MEDFORD

PLANNING DEPARTMENT

STAFF REPORT: LAND DEVELOPMENT CODE AMENDMENT

Date: April 24, 2012
To: City Council for May 3, 2012 Hearing
From: Praline McCormack, Planner II
Reviewer: Suzanne Myers, A.I.C.P., , Principal Planner
Subject: Exclusive Agriculture (E-A) Overlay Code Amendment (DCA-11-128)

BACKGROUND

Proposal: To amend the Exclusive Agriculture (E-A) Overlay zone in the *Medford Land Development Code*, Chapter 10, Articles I, II, III, and V of the Municipal Code to:

- Allow specific uses as conditional uses on parcel(s) with an E-A Overlay zone: on-site farm product sales, small wineries, food and/or wine tasting, vineyard and/or farm tours, educational activities, classes, wine dinners, pumpkin patches, corn mazes, hay rides, and other similar activities conducted for the purpose of promoting wine and/or farm products, public or private events such as weddings, banquets and concerts, a commercial kitchen for preparing food for these activities;
- Make definitions related to agriculture consistent with state law and with the proposed amendment;
- Make E-A Overlay criteria more clear and consistent; and
- Change the process through which a property owner in the future may apply for the E-A Overlay from a zone change application accepted at any time to a request from the property owner only at the time of annexation.

(See Exhibit A for the proposed amendment.)

History: On July 21, 2011, Emily Carpenter Mostue and Karen Allan, acting on behalf of the Carpenter family and Dunbar Farms, addressed the City Council and submitted a letter and a draft code amendment to vastly amend the E-A Overlay (Exhibit B).

Working with the Community to Shape a Vibrant and Exceptional City

Lausmann Annex • 200 South Ivy Street • Medford OR 97501
Phone (541)774-2380 • fax (541)618-1708
www.ci.medford.or.us

They requested that the City Council consider amending the Code to provide relief from development standards for the E-A Overlay. They are seeking the Code amendment because they would like to start selling and marketing their wine and/or farm products on the farm to make the products more easily available to the public, and to improve the economic viability of the farm. Development and uses within an E-A Overlay are currently restricted to agricultural buildings and uses. City Council directed staff to review the proposal and bring forward a recommendation on the request (Exhibit C).

Dunbar Farms is zoned SFR-4/E-A (Single-Family Residential - 4 units per acre, E-A Overlay) and is the only property in the City limits that has the E-A Overlay. The purpose of the E-A Overlay is to allow existing farms within the City to continue operations until such time the owners wish to discontinue farming. It allows uses that are not otherwise permitted in the City such as the keeping of livestock. It requires new urban development to provide agricultural buffering where it abuts the E-A Overlay, similar to what would be required were the property zoned County EFU (Exclusive Farm Use).

The Carpenter's proposal included the following:

- Allow building(s) that are not agricultural buildings, such as a wine tasting room, a farm stand, and a commercial kitchen.
- Allow retail sales of wine and farm products.
- Allow public and private events, such as weddings, banquets, wine dinners, and concerts.
- Allow exceptions from the application of City standards (paving, parking, etc.) in order to retain the rural character of the farm.
- Allow signage that is permitted in the Neighborhood Commercial (C-N) zone.

They based the proposal primarily on the Oregon Revised Statutes (ORS) governing tasting rooms and farm stands in EFU zones, which, in most cases, are located outside of urban growth boundaries. Similar uses can be found at Seven Oaks Farm outside Central Point and Hillcrest Orchard/Roxy Ann Winery located just east of Dunbar Farms (but outside of Medford's Urban Growth Boundary).

Planning staff met with Ms. Mostue on several occasions to discuss the proposed amendment. After receiving comments from other departments, including Public Works, Fire, Water, and Building Safety, it became clear that exempting development outright from standards that are often required by state and federal regulations would not be the best approach. It may be possible for the property owners to address development standards by applying for an Exception to the standards that are at issue.

In the interest of consistency, fairness, mitigating noise and traffic impacts that could result from the proposed uses, and giving neighbors the opportunity to voice any concerns, staff recommends that the proposed activities be permitted subject to an approved Con-

ditional Use Permit. Conditional uses are assessed for potential adverse impacts and, typically, mitigation measures are developed to address the impacts. For example, when in a residential zone, if a property owner wants to rent out three to five guest rooms or open a child day care center, school, church, government facility or park, or erect a wireless communication structure they must apply for a Conditional Use Permit. Staff recommends that the proposed activities and development be subject to the same process.

The Planning Commission discussed this amendment in a Study Session on February 27, 2012 (Exhibit D). On April 12, 2012, the Planning Commission held a public hearing and voted 5 to 2, with two abstentions, to recommend adoption (Exhibit I).

Authority: The Planning Commission is authorized to recommend and the City Council to approve amendments to the Medford Land Development Code, Chapter 10 of the Municipal Code, under Sections 10.102, 10.110, 10.111, 10.122, 10.180, 10.181, and 10.183.

Criteria: Medford Land Development Code 10.184(2)

ANALYSIS OF PROPOSED AMENDMENT

Section 10.012, Definitions

The proposed amendment revises, deletes, or adds definitions to make them consistent with the proposal. The list of what an Agricultural Building (which does not require building permits) does not include comes from ORS 455.315.

Section 10.227, Zone Change Criteria

As overlays are revised to make the criteria more clear and consistent, they will be added to this list. So far we have revised the overlays that are listed in this section.

10.314, Permitted Uses in Residential Land Use Classifications

Adds Agricultural Building to (g)(i).

Subsection (g)(ii) lists the uses that would be permitted with an approved Conditional Use Permit: On-Site Farm Product Sales, Small Winery, and Public/Private Events.

10.360 Exclusive Agricultural Overlay District, E-A

The purpose of the E-A Overlay district is to provide a land use classification within an urban area that allows for the preservation of agriculture and agricultural uses through zoning. Currently, any property owner can request the E-A Overlay at any time through a Zone Change application. The proposed amendment changes this so that in the future, the E-A Overlay will only be available at the property owner's request at the time of annexation if the parcel(s) is zoned EFU and if the use on the parcel(s) is agriculture.

In order to remove the E-A Overlay, the amendment proposes that the property owner certify that all agriculture and agriculture-related uses have been terminated by the date of application for removal and such uses shall not be considered legal nonconformities.

Section 10.361, Permitted Activities and Development, E-A

Within the E-A Overlay, outright permitted development and improvements would be restricted to agricultural buildings and other improvements related to farming, property line adjustments, and new construction or remodeling of one single-family dwelling and accessory dwelling unit per existing parcel.

New Section 10.362, Conditional Activities and Development, E-A

Staff is proposing that within the E-A Overlay, activities and development requiring an approved Conditional Use Permit include on-site farm product sales, small wineries, food and/or wine tasting, vineyard and/or farm tours, educational activities, classes, wine dinners, pumpkin patches, corn mazes, hay rides, public or private events or gatherings such as weddings, banquets, and concerts, and a commercial kitchen. Staff is proposing these as conditional uses in order to evaluate potential impacts and to give neighboring residents an opportunity to voice their opinion at a public hearing.

The vineyard and/or farm must be at least fifteen (15) acres in size to allow any of these uses, and the farm product sales and/or small winery must be located at least one hundred (100) feet from any property line with parcels not having the E-A Overlay in order to buffer some of the noise and other impacts originating from the conditional uses.

For activities where there will be sound amplification, the property owner must first obtain a Special Events Permit and a Neighbor Approval of Noise Permit. There is no fee associated with either of these permits. Lastly, per the proposal, a farm with an approved Conditional Use Permit may install signs as permitted in the C-N (Neighborhood Commercial) zone, except electronic message signs.

APPROVAL CRITERIA COMPLIANCE

10.184 Class 'A' Amendment Criteria.

10.184 (2). Land Development Code Amendment.

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

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

Findings: The proposed amendment creates an opportunity for sale of farm products directly to consumers by farms located within the City limits, thereby offering consumers access to fresh, nutritious food. This also may result in fewer automobile trips, thereby reducing associated air pollutants and contributing to the general health and welfare of Medford's residents.

Staff is currently working with Jackson County on a Healthy Communities Assessment. As part of that Assessment, staff produced a map that shows existing and proposed supermarkets offering fresh produce (Exhibit E). The map reveals that there are fewer markets on the east side of Medford. Dunbar Farms, the only farm in the City that currently has the E-A Overlay, is located on the east side of Medford.

Lastly, the proposed amendment could lead to agriculture-related educational and recreational opportunities within the City. Medford has a rich agricultural heritage. The preservation of that heritage contributes to a sustainable, healthy community. The proposed amendment supports and may improve the economic viability of Dunbar Farms, a 102-year old family farm.

Conclusion: Criterion 10.184 (2)(a) is satisfied.

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

CRITERION 10.184 (2)(1) Conformity with applicable Statewide Planning Goals and Guidelines.

Findings: The following demonstrates conformity with the applicable Statewide Planning Goals:

1. Citizen Involvement:

Goal 1 requires the City to have a citizen involvement program that sets the procedures by which a cross-section of citizens will be involved in the land use planning process, including participation in the revision of the Comprehensive Plan and Land Development Code. Goal 1 requires providing an opportunity to review proposed amendments prior to the public hearing, and any recommendations must be retained and receive a response from policy-makers. The rationale used to reach land use policy decisions must be available in the written record. The City of Medford has an established citizen involvement program consistent with Goal 1 that includes review of proposed Land Development Code amendments by the Citizens Planning Advisory Committee, the Planning Commission, and the City Council. Affected agencies and interested persons are also invited to review and comment on such proposals, and hearing notices are published in the local newspaper. This process has been adhered to in the proposed amendment. The document was made available for review on the City of Medford website and at the Planning Department. The Citizens' Planning Advisory Committee discussed the proposal. It was considered by the Planning Commission and the City Council during televised public hearings.

2. Land Use Planning:

Goal 2 requires the City to adopt a Comprehensive Plan, which must include identification of issues and problems, inventories, and other factual information for each applicable Statewide Planning Goal, and evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. Comprehensive plans must state how the Statewide Planning Goals are to be achieved. The plan must contain specific implementation strategies that are consistent with and adequate to carry out the plan, and which are coordinated with the plans of other affected governmental units. Implementation strategies can be management strategies such as ordinances, regulations and project plans, and/or site or area-specific strategies such as construction permits, public facility construction, or provision of services. Comprehensive plans and implementation ordinances must be reviewed and revised on a periodic cycle to take into account changing public policies and circumstances. This proposed ordinance is an implementation strategy designed to balance the goal to preserve agriculture with the need to maintain compatibility with urban development.

3. Agricultural lands:

Goal 3 requires that agricultural lands outside of Urban Growth Boundaries (UGB) be preserved and maintained for farm use. Medford's E-A Overlay was created to accomplish this within the UGB and City limits when a property owner wishes to continue farming after annexation. The proposed amendment is intended to temporarily preserve agricultural lands by making them more economically viable.

4. Forest Lands: Does not apply.

5. Natural Resources, Scenic and Historic Areas, and Open Spaces: Does not apply.

6. Air, Water, and Land Resources Quality: Does not apply.

7. Areas Subject to Natural Hazards: Does not apply.

8. Recreation Needs: Does not apply.

9. Economic Development:

Goal 9 requires that cities provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. The proposed amendment promotes agriculture and makes fresh food more readily available to consumers. The proposed amendment is intended to make agriculture more economically viable by expanding the various activities that may be permitted, including agri-tourism.

10. Housing:

Goal 10 requires cities to provide for the housing needs of the citizens of the state. Medford's Housing Element of the Comprehensive Plan was updated in 2010. The housing needs analysis contained therein indicated that, over the next twenty (20) years, Medford will need additional residential land. Undeveloped land in the UGB is included in the City's Buildable Land Inventory. The underlying zoning for the property with the current E-A Overlay is single-family residential zoning. Yet, the property is not likely to develop until such time that the farm use is no longer viable and/or until development pressure becomes great. In this manner, urban development of land with an E-A Overlay is delayed on an interim basis even though the land is still considered available for housing development in the City's inventory.

11. Public Facilities and Services: Does not apply.

12. Transportation:

Goal 12 requires cities to provide and encourage a safe, convenient and economic transportation system. A farm in the City offering fresh produce directly to the consumer could have a positive impact on the transportation system as shorter trips by automobile would be necessary to obtain said goods.

13. Energy Conservation: Does not apply.

14. Urbanization:

Goal 14 requires cities to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The City's E-A Overlay helps provide for an orderly and efficient transition from rural farming to urban land uses. Upon annexation, existing farming may continue for an indefinite period of time, but the ultimate intent is to urbanize, and the property must be considered part of the City's Buildable Land Inventory.

Note: Goals 15–19 apply only to other regions of the State.

Conclusion: Criterion 10.184 (2)(b)(1) is satisfied.

CRITERION 10.184 (2)(b)(2). Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.

Findings: The findings below demonstrate conformity with the goals and policies of the Comprehensive Plan considered relevant to the decision:

Economic 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.

The code amendment offers increased opportunities for economic viability for farms located within the City limits.

Urbanization Element, Urban Growth Management Agreement, #10: Land within the urbanizable area which currently supports a farm use, as defined by ORS 215.203, shall be encouraged, through zoning and appropriate tax incentives, to remain in that use for as long as is "economically feasible" for the property owner.

The code amendment encourages continued farming and provides increased opportunities for economic feasibility on farms located within the City limits.

Conclusion: Criterion 10.184 (2)(b)(2) is satisfied.

CRITERION 10.184 (2)(b)(3). Comments from applicable referral agencies regarding applicable statutes or regulations.

The findings below respond to comments from applicable referral agencies regarding applicable Statutes or regulations:

Comment: Public Works indicated that they prefer property requesting the E-A Overlay to provide the agricultural buffering, not adjacent residential parcels at the time of development. In addition, they were concerned over language in 10.361(C). (Exhibit F)

Findings: No change has been made to the agricultural buffering requirements because the standards would be impractical for any farm to comply with. Proposed language in 10.361(C) previously stated that, in the E-A Overlay, new construction or remodeling could occur that was consistent with the underlying zone. This has been revised to address Public Works' concern by stating that only new construction of one dwelling and accessory dwelling unit can occur in the E-A Overlay.

Conclusion: Criterion 10.184 (2)(b)(3) is satisfied.

CRITERION 10.184 (2)(b)(4). Public comments.

The findings below respond to comments from 1,000 Friends of Oregon received April 12, 2012 regarding the proposed amendment. (Exhibit J)

Comment: Provide a definition of "incidental" in the definition of Agriculture, Section 10.012, to avoid future questions and potential conflicts.

Findings: Language in the definition of Agriculture has been revised to clarify that accessory uses such as preparing and storing agricultural products should coincide with normal agricultural activities.

Comment: Retain the Conditional Use Permit process as proposed by staff.

Findings: No change to proposed amendment.

Comment: Consider whether it is truly in the best interests of the City to allow future application of the E-A Overlay zone, and, if not, then sunset this provision and grandfather those that already have it until they remove it.

Findings: No change to proposed amendment. This is a policy issue; however, it is not expected that many farm owners will wish to annex to the City while they are still actively farming.

Conclusion: Criterion 10.184 (2)(b)(4) is satisfied.

CRITERION 10.184 (2)(b)(5). Applicable governmental agreements.

Findings: The City's Urban Growth Management Agreement (UGMA) with Jackson County addresses protection of agriculture in and abutting the UGB. Staff is not proposing any changes that affect that agreement.

Conclusion: Criterion 10.184 (2)(b)(5) is satisfied.

Citizens Planning Advisory Committee (CPAC) Review:

CPAC discussed the proposed amendment at a meeting on March 13, 2012 (Exhibit G), and deferred voting on a recommendation until after they have reviewed the Staff Report. As of the date of this Staff Report, CPAC has not voted on a recommendation.

RECOMMENDED ACTION

Based on the findings and conclusions that all of the approval criteria are either met or are not applicable, the Planning Commission voted to recommend that the City Council adopt DCA-11-128 per the Staff Report dated April 24, 2012, including Exhibits A through J

EXHIBITS

- A** Proposed Code Amendment
- B** Letter and Draft Code Amendment from Emily Carpenter Mostue and Karen Allan dated July 21, 2011
- C** City Council Meeting Minutes of July 21, 2011
- D** Planning Commission Study Session Minutes of February 27, 2012
- E** Map of Grocery Stores in Medford dated March 1, 2012
- F** Memo from City Engineer dated March 8, 2012
- G** CPAC Meeting Minutes of March 13, 2012
- H** Vicinity Map
- I** Draft Minutes from Planning Commission Public Hearing of April 12, 2012
- J** Letter from 1,000 Friends of Oregon dated April 12, 2012

PLANNING COMMISSION AGENDA: April 12, 2012
CITY COUNCIL AGENDA: May 3, 2012

Exhibit A

Exclusive-Agriculture (E-A) Overlay Amendment DCA-11-128

Bold copy indicates an addition; ~~Struck through copy~~ indicates a deletion.

10.012 Definitions, Specific.

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

~~Agriculture. Agriculture shall mean~~ The use of the land for agricultural purposes, including farming, pasturage, horticulture, floriculture, viticulture, and the necessary accessory uses for **preparing, and** storing **agricultural products** produce; provided, however, that the operation of any such accessory use shall ~~be incidental to~~ **coincide with** that of normal agricultural activities; and, provided further, that the above uses shall not include the operation of a dairy, hog farm, ~~or a feed lot or other commercial feeding of animals.~~ **Agriculture is classified as either intensive or passive per Section 10.804(1).**

~~Agricultural Building. A structure located on a farm~~ **associated with agriculture** and used in the **agricultural** operations ~~of such farm~~ for the storage, maintenance or repair of farm machinery and equipment **required of the operations**; or for the raising, **and** harvesting ~~and selling of~~ crops; or in the feeding, breeding, management ~~and sale of~~, or the production of, livestock, poultry, furbearing animals or honeybees; ~~or for dairying and sale of dairy products;~~ or any other agricultural or horticultural use or animal husbandry; or any combination thereof, including the preparation and storage of products raised on such ~~farm~~ **land** for ~~man's~~ **human or** use ~~and animal use and disposal by marketing or otherwise,~~ **except for the operation of a dairy, hog farm, feed lot, or other commercial feeding of animals.**

Agricultural Building does not include:

- (a) a dwelling;
- (b) a structure used for a purpose ~~other than growing plants in which persons perform more than 144 man hours of labor a week in which 10 or more persons are present at any one time~~ **unless for growing plants**;
- (c) a structure regulated by the state fire marshal pursuant to ORS Chapter 476;
- (d) a ~~place~~ **structure** used by the public; ~~or~~
- (e) a structure ~~subject to Sees. 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations enacted thereunder (ORS 456.917)~~ **located in a floodplain requiring flood insurance per Sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968);-**
- (f) a structure for on-site farm product sales as defined herein; or
- (g) a small winery as defined herein.

Exhibit A

Farm. Land used for ~~agriculture, as defined herein~~ the primary purpose of obtaining a profit in money by raising, harvesting and selling of crops ~~excepting commercial feed lots, hog farms, poultry and dairy farms.~~

~~Farm use includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise.~~

Local agricultural area. The area within 125 miles of the Medford Urban Growth Boundary.

On-Site Farm Product Sales. The on-site promotion, marketing and retail sales of crops, farm products or livestock grown on the farm on which the product sales are taking place, or other farms in the local agricultural area, as defined herein.

Small Winery. A facility that produces wine, with a maximum annual production of 50,000 gallons, including but not limited to areas used for production, shipping and distribution, wholesale and retail sales, tasting, crushing, fermenting, blending, aging, storage, bottling, administrative functions and warehousing.

10.227 Zone Change Criteria.

(f) For zone changes to apply or remove the -overlay zones (Limited Industrial, Exclusive Agricultural, Freeway, Southeast, Historic), the criteria can be found in the applicable overlay section (Sections 10.345 through 10.413).

10.314 Permitted Uses in Residential Land Use Classification.

“C” = Conditional Use; permitted subject to approval of a Conditional Use Permit. (See Article II, Sections 10.246-10.250.)

“EA” = Permitted Use ~~if in~~ **only when within** an EA (Exclusive Agriculture) overlay district.

6. NONRESIDENTIAL SPECIAL USES

Exhibit A

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section
(g)(i) Agriculture, Agricultural Building, Livestock, —Farm, or Ranch	EA	EA	EA	EA	EA	EA	EA	EA	10.360-361
(g)(ii) Conditional Agriculture-Related Activities (On-Site Farm Product Sales, Small Winery, Public/Private Events)	EA/C	EA/C	EA/C	EA/C	EA/C	EA/C	EA/C	EA/C	10.362

10.360 Exclusive Agricultural **Overlay District**, E-A.

A. Purpose: The E-A **overlay** district is intended to provide a land use classification within an urban ~~environment area~~ **that:**

(1) ~~which~~ ~~allows~~ for the preservation of **agriculture and** agricultural ~~lands~~ ~~uses~~ through zoning.

~~—Lands containing the E-A overlay may be removed from this district pursuant to applicable Comprehensive Plan policies.~~

B. Criterion for Application of E-A: At the request of the property owner, the City may **apply the E-A overlay upon annexation of a parcel(s) having EFU (Exclusive Farm Use) zoning if the use on the parcel(s) is agriculture, as defined herein.**

C. Criterion for Removal of E-A: The E-A overlay may be removed utilizing Class C zone change procedures. For removal of the E-A overlay, the property owner must certify that all agriculture and agriculture-related uses not otherwise permitted by the underlying zoning district have been terminated by the date of application for removal of the E-A overlay, and shall not be considered legal nonconformities.

10.361 ~~Permitted Activities and Development Standards~~, E-A.

~~Development and improvements~~ within an E-A overlay district shall be restricted to: ~~agricultural buildings.~~

A. Agricultural buildings and other improvements directly related to farming.

B. Property line adjustments.

C. New construction or remodeling of one single-family dwelling and accessory dwelling unit per existing parcel.

10.362 **Conditional Activities and Development**, E-A

A. Within an E-A overlay district the following activities and development require a conditional use permit:

Exhibit A

- (1) On-site farm product sales and/or small wineries, subject to the following:
 - a) In residential zoning districts, on-site farm product sales and/or small wineries are only permitted within the Exclusive Agricultural (E-A) Overlay with an approved Conditional Use Permit.
 - b) On-site farm product sales may include outdoor sales, such as a roadside table, or in a structure, such as a farm stand or store.
 - c) Structures intended for on-site farm product sales are not permitted for occupancy as a residence or for activity other than the sale of crops, farm products or livestock.
 - d) Structures intended for a small winery are not permitted for occupancy as a residence or for activity other than the production, shipping and distribution, wholesale and retail sales, tasting, crushing, fermenting, blending, aging, storage, bottling, administrative functions and warehousing.
 - e) The site contains or proposes a vineyard and/or farm of at least fifteen (15) contiguous acres that grows or produces wine and/or other farm products.
 - f) The farm product sales and/or small winery and associated improvements are located at least one hundred (100) feet from any property line with parcels not having the E-A overlay.
 - g) May include sales of items related to the promotion of wine and/or farm products, the sale of which is incidental to the retail sale of wine and/or farm products.
 - (2) Food and/or wine tasting, vineyard and/or farm tours, educational activities, classes, wine dinners, pumpkin patches, corn mazes, hay rides, and other similar activities conducted for the purpose of promoting wine and/or farm products.
 - (3) Public or private events or gatherings, such as weddings, banquets, and concerts.
 - (4) A commercial kitchen for preparing food for activities (1-3) above.
- B. In conjunction with the conditional activities in an E-A overlay, the following noise and sign standards apply:**
- (1) In the case of such activities where there will be sound amplification, the property owner shall first obtain a Special Events Permit and Neighbor Approval of Noise Permit through the City Manager's office.
 - (2) Signs in accordance with Section 10.1500, Signs in Neighborhood Commercial District, may be permitted, excluding electronic message signs.

ROCKY KNOLL, LLC
dba DUNBAR ORCHARDS
dba DUNBAR FARMS
711 E. MAIN STREET, SUITE 10
MEDFORD, OR 97504
(541) 773-2800
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FOR HAND DELIVERY

July 21, 2011

Honorable Gary Wheeler
Mayor, City of Medford
Medford City Hall
411 West 8th Street
Medford, OR 97501

Members of the City Council
City of Medford
411 West 8th Street
Medford, OR 97501

Exclusive Agricultural Overlay District

Dear Mr. Wheeler and City Council Members:

Our farm has been in the Carpenter family since 1909. We are celebrating the farm's recent designation as an official Oregon Century Farm. Portions of the farm are within the city limits. The Planning Commission recently approved the addition of an exclusive agricultural overlay for one parcel on the farm.

The exclusive agricultural overlay district is designed to allow for the preservation of agricultural lands through zoning. Development within an EAO district is currently restricted to agricultural buildings.

The Carpenter family, through Rocky Knoll, LLC, which owns the farm, would like to request that the City amend the City Code to provide an alternative development standard for the exclusive agricultural overlay district. The alternative would be to allow a building that is not exclusively an agricultural building in which a farm or winery in an exclusive agricultural overlay district could market wine and/or farm products to the public in order to make such products readily accessible to the public and to increase the viability of the farm. The Carpenter farm produces wine grapes which are made into wine, hay, vegetables, grains, eggs, livestock and other crops and farm products. It would significantly improve the economic viability of the farm if we could market and sell direct to the public our wine and other farm products, other agricultural products from the local agricultural area, and some supplemental products in a sustained manner.

Such marketing would include a wine tasting room and facility for selling produce, vegetables, grain, and other farm products.

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Honorable Gary Wheeler
Members of the Medford City Council
July 21, 2011
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An addition to the exclusive agricultural overlay district, as we propose, would be in keeping with the current interest in locally produced food. It would allow access to local food without requiring either the food or the purchasers to travel long distances.

Such an addition would also help implement the proposal that Medford develop itself as the center of the food and wine industry in the region as proposed in November of last year by Mais Rivers, consultant on the Commons Redevelopment Project.

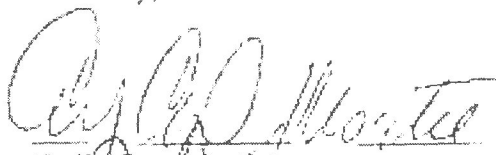
In order to assist in consideration of such a proposal we have enclosed a more detailed outline with suggested language to add to the exclusive agricultural overlay portion of the Medford Code. The language would continue to allow agricultural buildings in an exclusive agricultural overlay district but would also allow as an alternative a tasting room or farm stand. The suggested language is adapted from Oregon state laws relating to wineries and farm stands in exclusive farm use zones, and from proposed legislation with respect to wineries and farm stands. The City might apply such language to agricultural enterprises within its borders.


We propose a limit on income from non-agricultural products to be 25% of gross sales and also request that there be some flexibility in the application of some City standards to retain a rural character for sales and events on a farm. We request that the City allow signs for a tasting room/farm stand in accord with City Code Section 10.1509, Signs in Neighborhood Commercial District.

Our goal is to develop a diversified farm, in terms of crops, economic inlets and benefit to the community. We intend to utilize the farm for such activities as sales and serving of wine products, sales and preparation of farm products, events that utilize and focus on farm products, and education activities for both adults and children.

We respectfully request that the City consider modifying the City Code to allow the alternative of a tasting room/farm stand within an exclusive agricultural overlay district. We also ask that the City expedite the process so that we may be able to begin operating a tasting room/farm stand as soon as possible.

Sincerely,


Emily Carpenter Mostac


Karen C. Allan

July 21, 2011

Supplement to Letter to Mayor and City Council Members

The Carpenter Family, through Rocky Knoll, LLC, is asking the Medford City Council to amend the Exclusive Agriculture (EA) overlay provisions of the City Code. The Code currently allows agricultural buildings. We request an amendment to the Code to allow a building, other than an agricultural building, to be used as a tasting room and/or farm stand.

Rocky Knoll, LLC, suggests the attached language for the City to consider. The current Code allows only agricultural buildings in an EA overlay district. The proposed language would maintain the current provisions with respect to agricultural buildings, and would also allow an additional type of building, either a separate building or a portion of an agricultural building, to be available for public use for the selling of agricultural products grown on the farm operation and other farm operations in the local agricultural area, as defined in the proposed language, for the tasting and selling of wine, and for some events including food service featuring the agricultural products and wine produced in conjunction with the farm operation. The proposed language has been derived from ORS chapter 215 regarding tasting rooms and farm stands in Exclusive Farm Use (EFU) areas and also from proposed legislation with respect to tasting rooms and farm stands. The language has been adapted for smaller scale operations that might occur within the City.

Buildings or portions of buildings available for public use would be subject to building and safety code regulations. Rocky Knoll, LLC, requests that application of some of the City's normal requirements with respect to public access to be modified to maintain a rural character with respect to a tasting room/farm stand.

As an example, a gravel road and parking area could be in keeping with the rural character of a farm. We propose that a reasonable road and parking spaces be provided, but not to the extent of a standard urban level, so long as neighbors and adjoining property owners are not negatively impacted.

The proposed language provides for a 15 acre vineyard or farm as the basis for a tasting room/farm stand, while recognizing that additional parcels may be part of the farm operation. The language also includes the limitation that no more than 25% of the income from the tasting room/farm stand operation may come from sale of items other than wine and other farm products derived from the local agricultural area.

In the attached proposed language, the existing ordinance language is in bold, with the proposed additional language in standard type.

10.361 Development Standards, E-A

- A. **Development within an E-A overlay district shall be restricted to agricultural buildings.**
- B. Notwithstanding the above, within an E-A overlay district, a farm may establish and operate a tasting room/farm stand open to the public on the following conditions:
- (1) The farm is an operating farm that produces wine and/or other farm products, and the farm owns or leases an on-site vineyard and/or farm of at least 15 contiguous acres.
 - (2) A tasting room/farm stand subject to these provisions may:
 - (a) Market and sell wine and farm products produced in conjunction with the farm operation and wine and farm products from the local agricultural area, including but not limited to sales and marketing of such wine and farm products; wine tastings and events; wine club activities; wine dinners; vineyard tours; farm tours; educational activities with respect to wine, farm operation, and farm products; and similar activities conducted for the primary purpose of promoting and selling such wine and farm products;
 - (b) Sell food and beverages, prepared as provided in subsection (5) of this section, featuring wine and/or farm products as identified in subsection (2)(a) above, and served in conjunction with the sale and marketing of such wine and/or farm products;
 - (c) Market and sell items directly related to the sale and promotion of wine and farm products, the sale of which is incidental to the retail sale of wine and farm products, including:
 - (A) Items related to the consumption of wine or farm products and gift items; and
 - (B) Wine and farm products other than from the local agricultural area;
 - (C) Food and beverages not from the local agricultural area.
 - (d) Provide services, including private events, hosted by the winery/farm stand or patrons of the winery/farm stand, at which wine and/or farm products as identified in subsection (2)(a) above are featured, that:

- (A) Are directly related to the sale or promotion of wine and/or farm products, as identified in subsection (2)(a) above;
 - (B) Are incidental to the retail sale of wine or farm products on-site; or
 - (C) Are limited to twenty-five (25) days or fewer in a calendar year.
- (e) As used in this section, "local agricultural area" refers to Jackson County and adjacent counties.
- (f) Operate in a freestanding building or in a portion of an agricultural building.
- (3) The gross income from the sale of items and services under subsections (2)(c) and (2)(d) of this section to the extent they are not specifically directed to the marketing and sale of wine and/or farm products identified in subsection (2)(a) above, may not exceed 25% of the gross income from the retail sales of the tasting room/farm stand.
- (4) A tasting room/farm stand may provide on-site retail floor space for the purposes specified in this section.
- (5) A tasting room/farm stand may include a commercial kitchen the use of which is limited to the preparation of food and beverages:
- (a) Required by rule of the Oregon Liquor Control Commission or to be available when wine is served on the licensed premises or customarily served with the tasting of wine.
 - (b) Principally utilizing and featuring wine and/or farm products identified in subsection (2)(a) above; or
 - (c) For on-site consumption at catered events permitted under this section.
- (6) With respect to the limited number of public and private events featuring wine and/or farm products, including facility rentals and celebratory events, the City may require mitigation to minimize off-site impacts of public or private events authorized by this section and to provide for compatibility of the events with activities on neighboring properties.

- (7) Standards imposed on the siting and development of a tasting room/farm stand shall be adapted to maintain the rural character of the farm and shall be applied principally for the purpose of limiting demonstrated conflicts with accepted farming practices on adjacent lands and impact on neighboring property owners;
- (8) Signs are permitted in accordance with section 10.1500, Signs in Neighborhood Commercial District.

MINUTES OF THE MEDFORD CITY COUNCIL MEETING
411 W 8th Street, Medford

July 21, 2011

The meeting was called to order at 12 00 in Council Chambers, Medford City Hall, 411 W 8th Street, Medford with the following members and staff present

Mayor Gary Wheeler, Councilmembers Al Densmore, Greg Jones, Karen Blair, Dick Gordon, John Michaels (*left as noted), Bob Strosser, Chris Corcoran and James Kuntz (*left as noted)

City Manager Michael Dyal, Deputy City Manager Bill Hoke, City Attorney John Huttli, City Recorder Glenda Wilson

Employee Recognition

Employees from the Finance, Police and Public Works departments were recognized for their years of service

New Employees

Lyndee Stidham, Development Services Support Technician – Public Works, Nicholas Bakke, Engineering Technician III - Public Works, Anthony Patsel, Public Works Laborer – Public Works, Bonnie Huard, Risk Manager – Finance, Michael Smelser, Community Service Officer – Police, and Jeffrey Cook, Police Officer – Police were introduced to the council

20 Approval or correction of the minutes of the July 7, 2011 regular meeting

There being no corrections or amendments, the minutes were approved as presented

30 Oral requests and communications from the audience

30 1 6th Annual Friends of Medford Parks & Recreation Awards

Brian Sjothun, Parks & Recreation Director addressed the council and recognized award winners in four categories

Youth Individual or Group – Megan Brown

Business – Yogurt Hut and owners George and Susan Orrego

Community Service Group – Kohl's Care Program – Tiffany Welch

Individual – Lane and Rene Forncrook



30 2 Emily Mostue, 612 Pierce Road, Medford representing Dunbar Farms addressed the council to request that the council consider amending the Medford Code to provide an alternative development standard for the exclusive agricultural overlay district This would allow for their farm to market wine and/or farm products to the public in order to make such products readily accessible to the public and to increase the viability of the farm She noted that Dunbar Farms has recently been designated as an official Oregon Century Farm She provided the council with copies of a detailed outline of the code amendment and requested that the council expedite the process to that they can begin operating a tasting room/farm stand as soon as possible

Motion Direct staff to review and bring forward a recommendation on the request

Moved by Bob Strosser

Seconded by Dick Gordon

Roll Call Councilmember Bob Strosser, Dick Gordon, Chris Corcoran, Karen Blair, Al Densmore, Greg Jones, James Kuntz and John Michaels voting yes

Motion carried and so ordered

40 Consent calendar

Mr Huttli noted item 40 7 has been pulled by staff and will be brought back to the council at a later date

40 1 COUNCIL BILL 2011-125 A resolution reversing the Finance Director's denial and directing issuance of a taxi driver identification card to Robert Gatlin

40 2 COUNCIL BILL 2011-126 A resolution reversing the Finance Director's denial and directing issuance of a taxi driver identification card to Thomas Cregan

C
DCA-11-128



MINUTES
PLANNING COMMISSION STUDY SESSION
February 27, 2012

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

Commissioners: Tim Jackle (arrived at 12:08), Brita Entenmann, Daniel Bunn, Robert Tull, Michael Zarosinski, Bill Christie, Norm Nelson and David McFadden.

Staff: Suzanne Myers, Bianca Petrou, Praline McCormack, John Adam, Kelly Akin, Terri Rozzana and Lori Cooper.

Guests: Bob Neatham, Jim Maize, Emily Mostue, David Mostue and Curtis Folsom.

Subject: Exclusive Agriculture (E-A) Overlay Zone Amendments

Chair Jackle would be arriving late; therefore, Vice Chair Nelson chaired the meeting.

Praline McCormack, Planner II, stated that on July 21, 2011, Emily Mostue, acting on behalf of the Carpenter family and Dunbar Farms, addressed the City Council and submitted a letter and a draft code amendment. She requested that the Council consider amending the Code to provide alternative development standards for the Exclusive Agriculture (E-A) overlay district. She is seeking the Code amendment because they would like to start selling and marketing their wine and/or farm products to make their products easily available to the public, and to increase the economic viability of the farm. Development and uses within an E-A overlay are currently restricted to agricultural buildings and uses.

Ms. McCormack stated that Ms. Mostue is proposing to allow buildings that are not agricultural buildings; such as a wine tasting room, a farm stand, and a commercial kitchen; allow retail sales of their wine and farm products; allow public and private events such as weddings, banquets, wine dinners, concerts; exception from the application of City standards (unpaved access road and parking spaces, reduced parking requirements) in order to retain the rural character of the farm; and allow signage that is permitted in the Neighborhood Commercial (C-N) zone.

Ms. McCormack discussed the amendment 10.360 Exclusive Agricultural. First of the changes is that staff is adding the provision making it clear how to apply and remove all overlays. Currently, a property owner can apply for the E-A overlay but staff is proposing to change that. An applicant can only request the E-A overlay at time of annexation and would have to show they are currently farming in order to get the overlay. If they want to remove it, they would have to show that their agriculture uses have been terminated by the dates they had applied for the E-A removal.

On 10.361 the staff proposal is to add development and improvements within an E-A overly district restricted to: a) Agricultural buildings and other improvements directly relating to farming; b) Property Line Adjustments; and c) New construction or remodeling of one single-family dwelling and accessory dwelling unit per existing parcel as permitted by the underlying zone.

Staff is proposing adding a new Section 10.362 Conditional Activities and Development within the E-A. These include the uses the Mostue's are proposing: 1) On-site farm product sales and/or small wineries, subject to the following: a) The site is limited to fifteen acres; b) Structures will be at least one-hundred feet from any property line; c) Sales may include items related to the promotion of wine and/or farm products, the sale of which is incidental to the retail sale of wine and/or farm products. Ms. McCormack continued that the amendment would include allowing conditionally food and/or wine tasting, vineyard and/or farm tours, educational activities, classes, wine dinners, pumpkin patches, corn

mazes, hay rides, and other similar activities conducted for the purpose of promoting wine and/or farm products; public or private events or gatherings using farm products, such as weddings, banquets, and concerts; a commercial kitchen for preparing food for the small winery and/or public or private events. In conjunction with the conditional activities where there will be sound amplification, the property owner shall first obtain a Special Events Permit and Neighborhood Approval of Noise Permit through the City Manager's Office. The Mostue's are requesting signs in accordance with Section 10.1500, Signs in Neighborhood Commercial District.

Commissioner Nelson asked how large is the Mostue's current overlay? Ms. Mostue answered that the small one they just put the E-A overlay on is seven acres but it is adjacent to a piece of property that is approximately sixty-five acres that also has the E-A overlay.

Commissioner Nelson referred to 10.360 (2) "Mitigates impacts caused by the close proximity of urban uses and agricultural uses by requiring agricultural buffering and irrigation runoff measures". It is his opinion that it puts an erroneous cause for the buffering area on the urban uses. The cause really is the E-A uses. He suggested changing that to make sure it clearly states that. Ms. McCormack stated that is the way it is currently. Any urban uses abutting E-A or EFU are required to provide buffers.

Bianca Petrou, Assistant Planning Director, stated that the purpose of this amendment is to protect agriculture use. When staff first came up with buffering standards, the idea was to protect the agricultural use from the urban uses.

Commissioner McFadden reported that the expectation is that the urban area is growing toward the undeveloped areas outside of the urban growth boundaries. We protect that area that has no option but to be agricultural. In this particular case since it is annexed into the City of Medford where normally development is expected that may not be what is needed to cover it.

Ms. Petrou replied that staff would need to insert wording to the affect that the requirement for agricultural buffering converts to the agricultural use upon annexation.

Commissioner Nelson commented that some of the operations listed would require a conditional use permit. Commissioner Nelson also reported that Mr. Neathamer had a question. Mr. Nelson inquired whether Chair Jackle would resume chairing the study session. Chair Jackle replied no, he had a conflict with this application.

Mr. Neathamer reported that this issue is an agricultural use, has been, and continues to be an agricultural use. The farming practice has not changed.

Commissioner McFadden commented that he sees Commissioner Nelson's point and he also sees the reason to leave it as is.

Commissioner McFadden inquired whether further definition of small is necessary. Ms. McCormack replied that is in the definition of small winery. It limits it to a maximum annual production.

Ms. Petrou commented that it would be limited by the conditional use permit. At that point it would be presented at a public hearing and an actual proposal for the use. The Commission could apply a limit at that time.

Commissioner Zarosinski asked that if the applicant requested two hundred-fifty events a year, would the Commission edit that; how would that be handled? Ms. McCormack reported that other agencies would send their comments based on the two hundred-fifty events a year request, weigh the options and either the Commission would approve or deny the request.

Commissioner Tull commented that once it is put into a conditional use permit venue then you are talking about a public hearing where neighbors who could be adversely impacted, or think they could be, have an opportunity to provide testimony to support some sort of condition placed on the

permission. Using the conditional use permit process, allows the Commission to individualize the consideration rather than doing a blanket kind of limitation at this point when things are not very informative.

Commissioner Tull stated that he has a concern in the definition of on-site farm product sales with reference to livestock. He is not sure whether that is part of the interest the applicants have. It seems to him in a situation that is essentially already delineated as urban, though special, that there would probably not be a place for livestock sales. He would be interested to hear from the applicant.

Ms. McCormack responded that the current definition of an agricultural building states that it involves the sale of dairy products, livestock, poultry, furbearing animals or honeybees that is currently permitted.

Commissioner Tull reported that he is wondering whether that is appropriate in a situation that has been essentially zoned urban. His concern is whether an animal husbandry and livestock component is appropriate.

Ms. Mostue stated that she does not see them doing a formal livestock sale. But they certainly would buy and sell animals because that is a part of operating a farm on an individual basis.

Commissioner Tull replied that her document expressed interest in having a place where neighboring agricultural interests could bring items for sale to local consumers but he would hate to have their property developed as a place where people bring their livestock in order to be sold.

Mr. Mostue commented that it could be revised to say animal products and that would be fine.

Ms. Mostue stated they do not want to be in livestock sales.

Ms. Petrou reported that she wants to make sure that caution is taken. This language already exists and this E-A Overlay can apply to not just this property. It has to be kept in mind how this will apply to other property that comes in.

Commissioner Tull stated that another concern he has is that we need to make sure that we separate out a conditional use permit application over a permit to do something or an event.

Commissioner Nelson replied that is clear in the way staff has written the Code.

Ms. McCormack commented that is what a conditional use permit is. It is the use of the land.

Ms. Petrou reported that conditions can be applied. You include limits. If they exceed those they would have to modify the original conditional use permit.

Commissioner Nelson inquired whether the buildings would be subject to Site Plan and Architectural Commission review. Ms. McCormack said they would.

Commissioner Nelson asked, referring to Ms. McCormack's cover letter that the issue was brought forward regarding paving or not to pave; has that issue be resolved? Ms. McCormack replied that the City will require paving in order to meet air quality standards. Ms. Mostue could then appeal that condition of approval to City Council and try to persuade them to overturn that condition.

Ms. Mostue replied that their goal is to keep it unpaved. They are trying to keep it as a farm and feels like a farm when people come to visit.

Commissioner Tull stated that he is very pleased that the Mostue's are taking this initiative and bringing it to the City in this way. It is his opinion that what the Mostue's have done and can do with their property is important. It is a City asset and he is ready to be supportive of their efforts.

Commissioner Nelson commented that the Commissioners need to keep in mind that this was annexed and partially rezoned with the plan to eventually develop it.

Commissioner Tull replied that will come. There are subsequent generations that will think this through again.

Commissioner Zarosinski inquired whether this was a general Code amendment or the Mostue's project.

Commissioner Nelson replied a Code amendment.

Ms. Petrou stated this applies to anything with an E-A overlay and anything that obtains the E-A overlay in the future.

Commissioner Nelson asked Lori Cooper, Deputy City Attorney, whether Chair Jackle's earlier statement regarding he had a conflict of interest and this being a legislative issue, does he still have a conflict of interest?

Chair Jackle replied that goes back to Commissioner Zarosinski's question; are we amending the general code or are we talking about this project? Ms. Cooper replied that it just affects this property. Chair Jackle reported that legislative items can be so specific to a given piece of property that they take on a quasi judicial quality.

Commissioner Tull asked Ms. McCormack whether she anticipated significant revisions before it is brought back to the Commission, could they see it sometime soon on their agenda, and does it come back on the consent calendar? Ms. McCormack replied according to the Commission's comments today it could be presented to the Planning Commission soon at a public hearing.

Ms. Mostue made a comment regarding the conditional use permit. She understands the requirement and understands why the Commission wants to look at it individually, but from their perspective, it is a timing issue that creates a lot of difficulty. They have been working on this since July of 2010. They received the E-A overlay in January 2011 then it went to Council with the Mostue's draft code amendment on July 21, 2011 and now they are here, February 2012 and they still have not made sufficient progress from where they were in July. The conditional use puts them being able to do this that much further in the future. The Mostue's have considered increasing the acres necessary in order to be able to do a farm stand which would reduce the number of other farms that may be in the same circumstance. For example, when the Mostue's went through the E-A overlay process and part of that was to notify anyone within two hundred feet. Four people were notified and one of those being the Mostue's. She is asking whether there is any way to move this along faster than going through this process and the conditional use process.

Commissioner Tull commented that he thought this process is well along now. Assuming this will come back to the Planning Commission soon he does not see anything that delays it coming back to them through the public hearing process and establishing this Code amendment that allows the Mostue's to approach us immediately with a conditional use permit application that begins to get specific in terms of things they want to do and the Commissions opportunity to clarify conditions that exist.

Mr. Mostue stated that one of the problems is that farming is an entire different business style in the sense that you have to plan for the year and the decisions regarding planting. With a conditional use permit it takes one hundred-twenty days for finalization.

Commissioner McFadden reported that he is not sure staff is not further along in that time period when you consider possible Site Plan and Architectural Commission review, possible Engineering and Building reviews.

Commissioner Nelson stated that as far as planting crops right now he sees no reason why they cannot plant. They already have the E-A overlay. Bear in mind that the Mostues are in an urban setting. They are in the UGB and that states to him that they have to comply with the City Code. This is bringing them more into the process.

Commissioner Tull commented that the Mostues already have their agricultural uses established. There is nothing holding that up. They are a farm property even though they are within the City. In terms of conditional use permits, it would be for the uses that are additional and beyond their basic agricultural use of the property. We are not talking about whether the Mostues can plant grapes or alfalfa. We are talking about the understandings that the City would want to have with the Mostues that would allow their planning of public events, building accessory buildings that would facilitate development of their products and sale of them. That will take some time but he does not see it standing in the way of their normal established agricultural procedures running a good farm.

Mr. Mostue stated that it seems events are one of the biggest issues and they are willing to forgo for approximately a year pending the conditional use. It is of no particular importance in their business plan. The farm stand and being able to allow people to come to the farm and purchase from the farm stand as well as staff direct sales is what they are founding most of it upon as well as being able to serve wine i.e. wine tasting. It is those uses in particular that hopefully would be outside the conditional use or at least could be allowed to happen in a shorter time frame, meaning this year. They are prepared with facilities, infrastructures and plans to implement that. No events of any sort. That is what they are looking for. If they know they can at least in some time frame within this growing season being able to implement that, they will be able to make choices this year that are essential for cash flow.

Commissioner Nelson reported that the problem the Commission has now is that they have no process to do this at this time. The Planning Commission, staff or City Council does not have the authority without a process.

Mr. Mostue replied that the conditional use portion of this could not apply to that component and that component could be passed in a time frame that would allow it of this year.

Commissioner Tull stated that the Commission has to take care of the amendment to the Code that will facilitate these things.

Ms. McCormack commented that what the Mostues are asking for is to have the farm stand and wine tasting as a permitted use instead of a conditional use and larger events as part of a conditional use.

Commissioner Tull inquired whether staff had a problem with the request.

Ms. Petrou commented that the memo dated February 23, 2012 with its exhibits is staffs recommendation.

Commissioner Tull asked whether the farm stand and the retail sales facility would be a permitted use?

Ms. Cooper replied as a conditional use permit.

Ms. McCormack stated that the reasoning behind that is that it is going from an underlying SFR zone and adding a retail component that is not normal for a SFR zone. Staff felt there needed to be an impact analysis as well as a public hearing process for the neighbors.

Commissioner Tull asked does staff not want to have that become a permitted use within the ordinance? Ms. McCormack replied that is correct because the impacts would not be examined and the public would not have an opportunity to comment.

Commissioner Tull reported that now we are moving beyond the Mostues property. We are talking about what sort of system we establish for dealing with agricultural uses that are within the City whose ever they are.

Mr. Mostue stated that in their original proposal which they offered as a suggestion for the Code was to allow it to be a permitted use that did not require the conditional use permit. They were not aware of the conditional use permit. Hearing more about it he thinks it applies adequately and properly to the events component. The way in which they structured it originally was that the fifteen acres, which was borrowed from Oregon State County Land Use laws pertaining to tasting rooms, so that there was a qualifier to say that this has to be a legitimate farm in the sense that you have to have some acreage under cultivation.

Commissioner Nelson stated that the Commission was getting into public hearing deliberation and discussion. He did point out that to make a permitted use the Commission needs to go through a Code amendment.

Commissioner Bunn inquired when did the Mostue's need a to know by since they were trying to compress the time? Mr. Mostue replied within the next two months.

Suzanne Myers, Principal Planner stated that staff could get it to City Council possibly as early as late May.

Ms. Petrou commented that once it is approved by City Council the Planning Department can take an application. It takes forty-five days to get it to a public hearing.

Commissioner Nelson reported that the process is that the Code amendment would go before the Planning Commission as a public hearing as soon as possible, then City Council as soon as possible and then the Planning Commission would consider the conditional use permit application unless the Mostues appealed. It would be a done deal if the Planning Commission approved the conditional use permit application.

Commissioner Tull inquired what happens if the Mostues have a conditional use permit application at the front counter in two or three weeks that is being reviewed and processed by staff even as the Commission and City Council take the necessary steps to get the Code amended that would allow the application?

Ms. Petrou responded that staff is not going to take an application for something that cannot be processed. Staff is processing the Code amendment. It still requires that once you receive an application that can be approved, it has to be sent to other agencies for their comments, notices, etc. need to go out for a public hearing. Staff is not going to hold it up. It is not staff processing that holds it up it is the process that one has to go through for a conditional use permit.

Commissioner Tull stated that he is asking whether the review and approval process for a conditional use permit can be initiated prior to this amendment being finalized.

Ms. Petrou asked whether Commissioner Tull means could staff accept a conditional use permit, call it complete and start the process. The problem with that is that staff sends it out to other agencies asking for their comments on something that there is no Code for. They cannot look at it and say here is what it states.

Chair Jackle responded that the Commission has done PUDs that have been dependent on the underlying zone change.

Commissioner McFadden commented that those were items already part of the Code.


Commissioner Jackle commented that you accept an application that is dependent on something else happening.

Ms. Petrou replied that staff determines whether an application is complete. Once it is deemed complete a time frame is set in motion that needs to be adhered too. For staff to call something complete when the Code amendment is not done makes it to where staff is taking a risk.

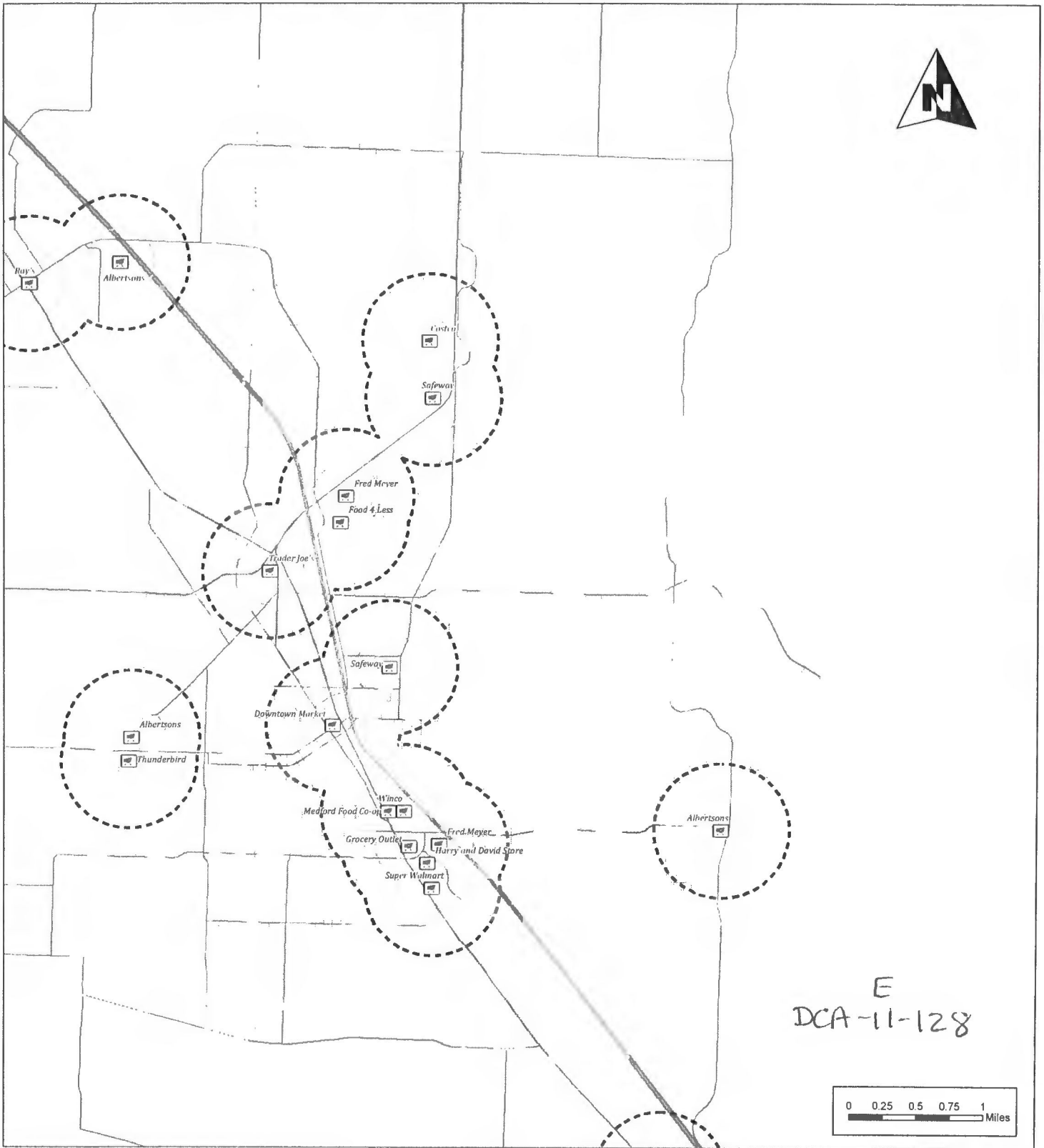
Ms. Petrou stated that she will leave it to the Legal Department to inform staff whether they can deem an application complete when we have findings addressing a Code that does not exist.

Commissioner Tull asked the Mostues that when they approached the Council back in July what sort of reception did they receive? Ms. Mostue replied unanimous approval.

The meeting was adjourned at 1:03 p.m.


Submitted by:
Terri L. Rozzana, Recording Secretary

Grocery Stores *in Medford*



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-  Grocery Store
-  1/4 mile Buffer @ Grocery Store
-  Urban Growth Boundary
-  1/2 mile Buffer @ Grocery Store



Date: 3.1.12



**CITY OF MEDFORD
INTER-OFFICE MEMORANDUM**

RECEIVED

MAR 08

PLANNING DEPT.

Date: March 8, 2012
To: Praline McCormack, Planning Department
From: ^{LB} Larry Beskow, City Engineer
Subject: DCA 11-128, Exclusive Agricultural Overlay Code Amendment

I have reviewed the subject Code Amendment, dated February 27, 2012, and have the following two comments on the proposed amendment:

1. 10.360 (A) (2): Within the City, I don't believe that a residential zoned parcel, which is adjacent to another residential zoned parcel with an E-A Overlay should be the one providing the buffer. It should be required that the residentially zoned parcel, wanting the E-A Overlay be the parcel providing the buffer.
2. 10.361 (C): This section is limiting construction or remodeling of one SFR and ADU per existing parcel, but then says, "...as permitted by the underlying zoning." If the underlying zoning is SFR 10 through MFR 30, more than one SFR is allowed on a single parcel. This appears to conflict with the original statement. Planning may want to consider removing, "...as permitted by the underlying zoning" from this section of the code amendment.

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DCA-11-128



MINUTES
Citizens Planning Advisory Committee Meeting
March 13, 2012

The regular meeting of the Medford Citizens Planning Advisory Committee was called to order at 5:30 p.m. in the Medford Room of City Hall on the above date with the following members and staff in attendance:

10. Roll Call

Members Present

Bruce Spence, Chair
Dan Bell, Vice Chair
Gerry Anderson, Secretary
Christine Lachner
Curtis Folsom

David McFadden
Hugh Hohe
Joel Marks
Karen Blair

Members Not Present

Christopher Chadwick, Chuck Haddock
EJ Fordyce, Eli Matthews, Jim Howe
Guests: Bob Biondini, Fran Wolfe

Staff Present

Carly Guillory

20. Minutes

20.1 Minutes of the February 28, 2012 meeting were approved as revised: add Jim Howe to "Members Not Present" list.

30. Guest Speaker

30.1 Guests Bob Biondini and Fran Wolfe presented a proposal prepared by their neighborhood association: the Minnesota-Geneva neighborhood. The proposal makes changes to Medford Land Development Code Section 10.337 to remove SIC 8361 from the permitted uses in a C-S/P zoning district. Standard Industrial Classification (SIC) 8361 is "Residential Care." Mr. Biondini explains that the purpose of this proposal is to prevent future methadone clinics from locating near residential neighborhoods. Staff provides the following two items of feedback: (1) those treated at methadone clinics or residential care facilities may be characterized as a "protected class;" and (2) uses defined under the SIC 8361 "residential care" are permitted in residential neighborhoods. Staff asks guests if any mitigation measures would help the two uses (clinic and residential) coexist. The answer: no. Members discuss experience working with homeless in the community and possible state regulations regarding residential care facilities. Mr. Biondini explains that his intention is to work with Bianca Petrou, Assistant Planning Director and Jim Huber, Planning Director, to refine the proposal.

40. Staff Report, Upcoming Study Sessions and Public Hearing Topics

40.1 Staff Report: No report.

40.2 Planning Commission: No report.

40.3 City Council: Staff reminds the committee that they sent a recommendation to the City Council on DCA-11-130 to approve the proposal to repeal the airport sign code amendment.

40.4 Committees and Subcommittees. PUD Neighborhood Meetings Subcommittee. Mr. Anderson reports that no comments have been received from committee members.

50. Old Business

50.1 CPAC Goals. Members discuss latest version (January 11, 2012), and decide to add to March 27, 2012 for adoption.

60. Comprehensive Plan and Land Development Code Review

60.1 No discussion.

70. New Business

70.1 Liberty Park. No discussion.

70.2 Standard Industrial Classification (SIC) Code versus Alternatives. No discussion.

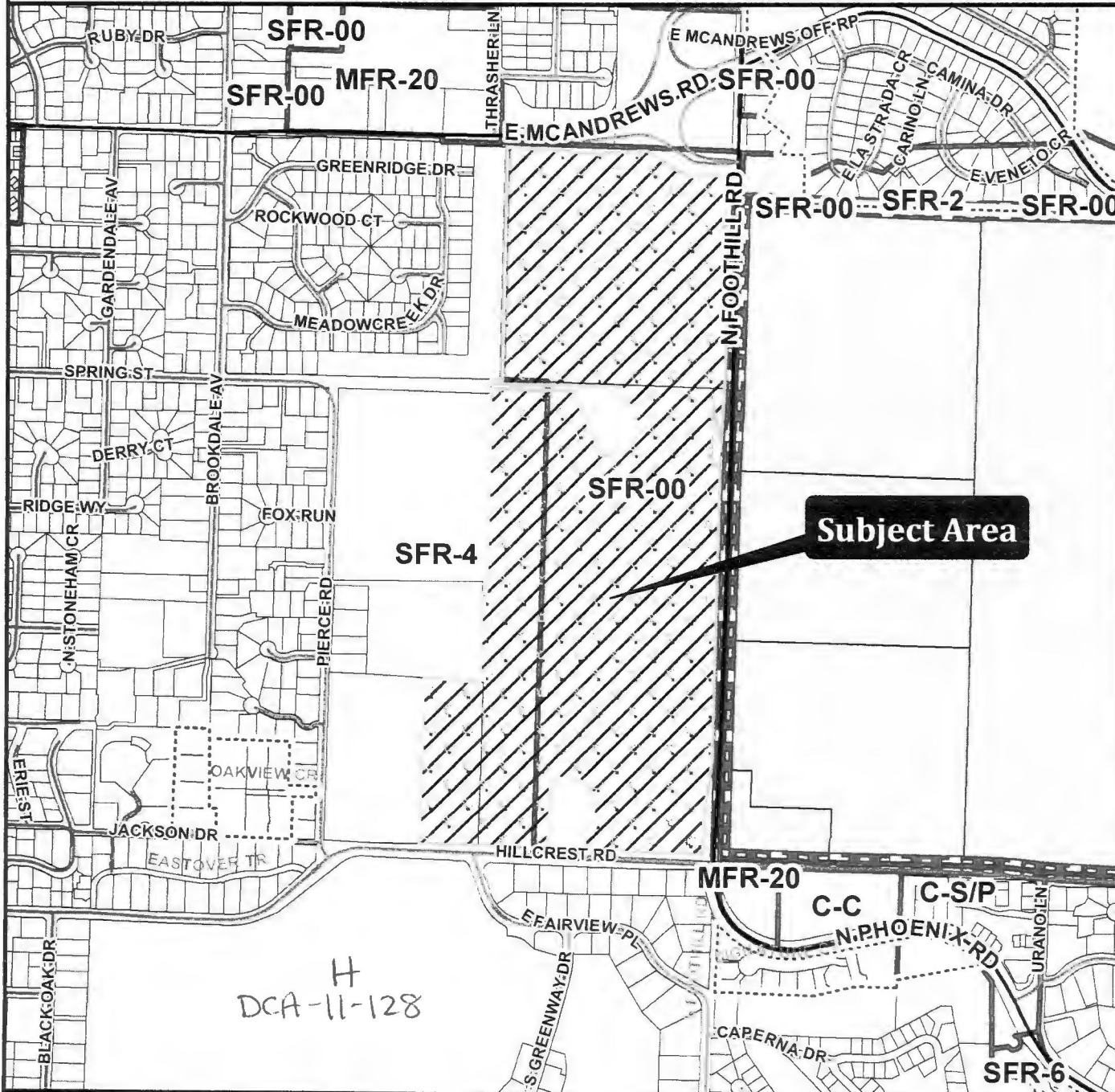
80. Applications and Referrals

80.1 DCA-11-128. Staff summarizes proposal stating that this amendment would allow properties with the Exclusive Agriculture (E-A) overlay designation to have farm stands and small wineries. Members discuss the property on the northwest corner of Hillcrest and Foothills Road. The property is currently believed to be zoned SFR-00 and SFR-4, both residential zoning districts. Mr. Anderson asks for a copy of the staff report. This items is scheduled for Planning Commission on April 12, 2012.

90. General Discussion

100. Adjournment The meeting was adjourned at 7:32 PM. Submitted by: Carly Guillory, Planner

DCA 11-128









Application Name/Description:
**Large Farm E-A Overlay
 Code Amendment**

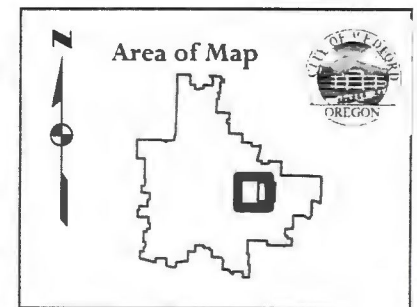
Proposal:
**Land Development
 Code Amendment**

File No.:
DCA-11-128

Applicant:
City of Medford

Map/Taxlots:
**371W21C TL 2700
 371W21D TL 102
 371W21A TL 1500**

	Subject Area
	Medford Zoning
	UGB
	Tax Lots
	E-A Overlay
	City Limits



Chair Jackle informed the audience that Agenda item 50.4 LDP-11-108 Consideration of tentative plat review for a three lot partition on 1.86 acres located on the southeast corner of West McAndrews Road and North Ross Lane within a C-C (Community Commercial) zoning district. Reager Street LLC, Applicant; (CSA Planning Ltd., Agent) will be continued tonight and no decision will be made.

Commissioner McFadden inquired whether a question regarding 50.4 appropriate at the present time. Ms. Cooper replied that a question on the continuance would be appropriate but a question on application and the staff report is premature. Commissioner McFadden replied that it is regarding something he did not see in the staff report. His understanding is that there is a Citizens Planning Advisory Committee (CPAC) action on the property and he did not see any inclusion of those issues in the packet. Kelly Akin, Senior Planner stated that could be discussed when the Commission gets to that agenda item. Mr. Jackle was just informing the audience if they were waiting for that particular agenda item. Commissioner McFadden asked that there would be a good chance that material would be available at that meeting because he did not see it in tonight's meeting materials and that made him nervous. He is not sure it has to be but he believes it ought to because it affects the property.

Chair Jackle recused himself stating that he had a conflict and would not be voting on Agenda item 50.2. He turned the meeting over to Vice Chair Nelson.

Commissioner McFadden stated that he misspoke. He did not mean CPAC he meant Site Plan and Architectural Commission (SPAC) report.

Vice Chair Nelson proceeded with the next agenda item.

New Business

* 50.2

DCA-11-128 Consideration of a proposed Class "A" legislative amendment of the Medford Land Development Code (Chapter 10 of the Municipal Code) to amend the Exclusive Agricultural (E-A) Overlay designation which preserves existing agriculture and agriculture uses through zoning. The amendment proposes to:

- Allow specific uses (on-site farm product sales, small wineries, food and/or wine tasting, vineyard and/or farm tours, educational activities, classes, wine dinners, pumpkin patches, corn mazes, hay rides and other similar activities conducted for the purpose of promoting wine and/or farm products, public or private events or gatherings, such as weddings, banquets and concerts, and commercial kitchens) as conditional uses (subject to an approved Conditional Use Permit) on parcel(s) with an E-A Overlay designation;
- To make definitions related to agriculture consistent with the proposed amendment;
- To make E-A Overlay criteria more clear;
- To change the process through which the City may apply the E-A Overlay.

City of Medford Applicant.

Bianca Petrou, Assistant Planning Director, presented the Exclusive Agricultural (E-A) Overlay amendment background, main issues regarding the amendment, summarize the proposal, describe the planning process to date, address the approval criteria and conclude with staffs recommendation.

Commissioner Tull stated that he is strongly in favor of this proposal as it relates to the Dunbar farms. He would like staffs assurance that this is not a closed proposition as the

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DCA-11-128

Dunbar farms. He would like staffs assurance that this is not a closed proposition as the urban growth boundary expands and bring other properties into the City that have been agricultural properties that this provision can be applied and where can it be applied. Ms. Petrou responded that it can be applied if Exclusive Farm Use (EFU) land is currently being farmed and they request being included in the City that can also request the E-A Overlay. Commissioner Tull asked if it has to be currently farmed. Ms. Petrou replied that the way it reads now is that one could not be annexed into the City and then change it to the E-A Overlay. Commissioner McFadden asked, or does it have to be essentially farm use zoned and not used agriculturally? Ms. Petrou commented that it has to show that it is currently being farmed. Commissioner Tull stated that presents a problem because we have around us a number of properties that were orchards and still maintain and EFU status but they are fallow at this point. They are not being farmed. In some cases in anticipation of being brought into the City. If circumstances arouse that made it profitable to reinstitute an act of farming activity and also bring that property into the City for eventual urbanization, are we going to run up against a blockage because someone would argue that it has not been an active farm for three years or twenty years or whatever? Ms. Petrou replied that the primary purpose of bringing land into the urban growth boundary is for it to be urbanized. If someone intends to farm their land we would not bring it into the urban growth boundary but sometimes we have brought EFU land into the urban growth boundary. If they are going to request annexation into the City odds are they are going to be certain they want to develop the property, otherwise, why would they want to be brought into the City? The intent of being in the City is to provide urban development. Commissioner Tull commented that at least to provide that option, looking long term. Ms. Petrou stated that this land needs to be counted as part of the buildable land inventory. It would severely limit what could be developed in the City if we have many residential or commercial lands come into the City. Remember, the purpose of state wide planning is to protect agricultural land but also to provide land for development. Commissioner Tull stated that as we talk about our urban growth boundaries, we are talking about at least a twenty year horizon of land supply. Someone who has land that is part of a commercial agricultural operation, could they not wish to come into the urban growth boundary because that is a twenty year horizon and their operations are shorter term than that. He simply does not want the Commission to adopt something that is going to restrict or exclude possibilities that could service well in the future in terms of maintaining some agricultural viability at the same time providing for effective urbanization. If we are talking about possible farm land within the City that has commercial and economic development value, this prospective needs to be kept as broad as it can.

Vice Chair Nelson stated his concern that it seems like the Planning Department and the Planning Commission exists to plan the urban development of the City. It seems to him that this is a reversal of that and worst yet it is creating another situation where there is a large piece of property that will be undeveloped for however many years. An example of this is the Rogue Valley Country Club. It is a large piece of land that has blocked circulation through the eastern section of town and this is adding to that blockage. It is his opinion that this is contrary to the major mission of the Planning Department and Commission which is to plan the urban growth of the City of Medford. Also, Ms. Petrou stretched the point regarding her discussion of Planning Goal number fourteen in urbanization. He believe Ms. Petrou go very creative in how that applies to this particular application. He would like Ms. Petrou to calm his nerves with respect to his original comment about urban planning which this is reverse urban planning. In this case there is land in the urban growth boundary, it has been annexed and it has partially been zoned SFR-4. Ms. Petrou reported that explains why the recommendation is that the E-A Overlay from now on not be applied to land already in the City and zoned. We do not want to go backwards. We want to move

forward. If it is in the urban growth boundary it is clearly intended for urban development. Vice Chair Nelson asked how can that rule be applied to future additions where this cannot be applied to the existing one? Ms. Petrou replied that this is already in the City, zoned and directed by the City Council to prepare an amendment. Vice Chair Nelson stated that his concern is that a rule will apply here that will not be applied towards future EFU land brought into the urban growth boundary and eventually annexed. Ms. Petrou commented that everything in the proposal will apply. If EFU land is brought into the City and request the E-A Overlay this amendment will apply. In the future, an applicant would not be able to be annexed into the City and revert back to farming. Vice Chair Nelson stated that the City Engineering Department suggested that the buffering standards be reversed with respect to this application. The burden to provide buffering is on this property. Ms. Petrou replied that the Commission could make that recommendation and forward it to City Council.

Commissioner McFadden stated that he is having the same concerns that Vice Chair Nelson has. It is lovely but it is a step back. The Planning Commission does not tell people what to do with their property. There are criteria and rules that need to be followed. The concern is the ownership property right. Ms. Petrou stated that if staff saw a need to start allowing land that is in the City to revert to agricultural uses, this amendment can be changed. At this point, in Oregon, it is appropriate. An urban growth boundary is to contain urban growth and make it more efficient for providing public facilities such as streets, sewer, water, etc.

Commissioner Tull commented that we need to think very broadly about what appropriate urban uses of land are. Not all land that is urbanized has to have something built on it. It may very well serve appropriate urban uses in terms of quality of life and economic development and not have any houses on it at all. It may be a school site, park, reserved area for some purpose we do not know of yet but generations from now may be glad the land was protected for urban use and development. We need to be very open to what urbanization of our city really means.

The public hearing was opened and the following testimony was given.

- a. Kirk Evans, 4240 Cherry Lane, Medford, Oregon, 97504. Mr. Evans testified that his issues apply to the current and next agenda items. The farm idea is a great idea. It is a great thing to live in spaces where everything is not developed. Mr. Evans testified in support of the proposal and trying to keep it open ended as possible. It is nice to live where people are growing food and you can get your local food.
- b. Emily Mostue, 612 Pierce Road, Medford, Oregon, 97504. Ms. Mostue stated that she was present representing the Carpenter Family. She thanked staff for putting this together knowing it has been a long effort and encouraged the Commission for their support of the amendment. Ms. Mostue responded as to why they are in the City. Land to the east of Pierce Road was brought into the City by the request of the City. There was a peninsula along Spring Street that was outside the City and the City wanted that in the City limits. Residents on Spring Street were not anxious to come into the City limits. Ms. Mostue's understand was that a peninsula could remain isolated but if it was a closed off island it had to be part of the City. The City requested Ms. Mostue's father put that part of his property into the City which then closed off that island and made it part of the City. In return it was zoned SFR-4. It was not their choice to be in the City and they would not be in the City today if that was not the case. They did request to have the eastern part of their property brought into the City only because they want it under one jurisdiction.

- c. Greg Holmes, P. O. Box 2442, Grants Pass, Oregon, 97528, Southern Oregon Planning Advocate for 1000 Friends of Oregon. Mr. Holmes reported that he had written testimony that he will submit when finished speaking. He stated that he is mostly in favor of this amendment. There are two separate sets of issues. One is the clarification of what is allowed or permitted in the E-A Overlay. The other issue is applying the E-A Overlay to new lands that do not currently have it now. Clarification is important. Staff did a good job of explaining the Conditional Use Permit requirement. This is a residential zone that the property is in and surrounded on several sides by residential properties. It is important for the City to keep control of the type, frequency, and scale of the activities and events that are permitted. He also encouraged keeping the conditional use requirements. Mr. Holmes stated he had concerns regarding the definition of "Agriculture" in Section 10.012 states that uses "shall be incidental to that of normal agricultural activities." The term "incidental" is not defined in the ordinance as amended. Mr. Holmes asked what an "incidental" use was. How much activity can an entity do and still have it qualify as an "incidental" use? One of the original drafts had language in it that discussed limits on how much income these "incidental" uses could produce. He suggested consideration of including that definition in the adopted proposal to avoid future conflict whether one is complying with the conditional use permit or not. There are examples of the definition in the Oregon Revised Statutes regarding uses on agricultural land or uses at wineries. Mr. Holmes reported that 1000 Friends of Oregon strongly support the control clarifications portion of the amendment.

Mr. Holmes continued regarding expansion to other properties. Vice Chair Nelson brought up an item that concerns 1000 Friends of Oregon as well. The purpose of the urban growth boundary is for providing land for future urbanization for the City. The lands that the E-A Overlay applies for are zoned residential. As pointed out in the staff report, when you do an analysis for a future urban growth boundary expansion, you must count all of the land that is in the urban growth boundary that is zoned potentially for residential in the calculations when figuring how much more land it will expand into. If there is potentially hundreds of acres of land that the owners have no intention of developing but are farming inside the city limits that means you have fewer hundreds of acres, as a practical matter, be able to urbanize in the future. That means again an urban growth boundary analysis will have to be done that much sooner. The practical result of that in the end if those operations remain in agriculture is that it will be expanding further out into farmland around the periphery of the City rather than developing within the current boundaries. The easy solution to all of this is if the owners want to keep this in agriculture, leave it out of the City. Problem solved. He is not suggesting that happen with the piece that already has this E-A Overlay, it is there. He believes it needs to be clarified what is allowed there but for the future consider whether it is a good policy for the City to be bringing land in when the intent of the owners is clearly agricultural use.

Mr. Holmes summarized that 1000 Friends of Oregon recommend keeping the conditional use permit process, provide a definition for "incidental", and consider the option of apply these changes to the existing E-A Overlay areas but restricting or eliminating the possibility of applying that to future lands instead, leaving those lands out of the City if that is the intent of the owner to keep farming.

The public hearing was closed.

Motion: Based on the findings and conclusions that all of the approval criteria are either met or are not applicable, forward a favorable recommendation for adoption of DCA-11-128 to the City Council per the Staff Report dated April 5, 2012, including Exhibits A through H.

Moved by: Commissioner Tull Seconded by: Commissioner Christie

Vice Chair Nelson suggested and is not making the change now but Mr. Holmes brought up an issue that should be reviewed is, that if someone is brought into the urban growth boundary and they want to continue farming, then they should be left out of the urban growth boundary in the first place and go somewhere else for a urban growth boundary amendment. This may make this Code amendment a one land amendment. He agrees with Mr. Holmes that it would be a waste of urban growth boundary land. Commissioner McFadden reminded Vice Chair Nelson that when the Commission had their meetings a few years ago regarding increasing the urban growth area and the Regional Problem Solving program, that the Council Chambers was inundated full of people who lived around the City who had other uses for their property, now many of them farm uses, everyone seemed to be "chomping at the bit" to put that behind them. This is not that example. It is his opinion that in most cases it will be an issue. He is not saying not to address it. He does not think it will come up very often. Vice Chair agreed. Ms. Petrou commented that staff is currently working on an urban growth boundary amendment.

Roll Call Vote: Motion passed, 5-0-2, with Vice Chair Nelson and Chair Jackle abstaining.

Vice Chair Nelson turned the meeting back over to Chair Jackle.

- 50.3 **LDS-12-004/E-12-005** Consideration of a request for tentative plat approval for Summerfield at Southeast Park Phases 14 through 21, a 219-lot residential subdivision on approximately 78.10 gross acres located south of Cherry Lane and east of Lone Oak Drive within an SFR-4/SE (Single Family Residential-4 units per acre/Southeast Overlay) zoning district. The request includes an Exception to the standards for the permitted length of a residential lane. Crystal Springs Development/Mahar Homes Inc., Owner; (CSA Planning Ltd., Agent)

Sandra Johnson, Planner II, read the land division and exception criteria and gave a staff report.

Chair Jackle inquired whether this application was identical to the plat that expired. Ms. Johnson replied yes.

Commissioner McFadden asked whether Sun Leaf Lane was referred to in all the plans as Sun Leave Avenue. He assumes Ms. Johnson referred it to a Lane only for that portion to have the designation of Lane. Ms. Johnson replied that there is a portion named Sun Leaf Avenue and a smaller portion of that street is Sun Leaf Lane. Commissioner McFadden stated that the maps he has also shows that portion as Sun Leaf Avenue. Ms. Johnson replied that the street plan showed it as Sun Leaf Avenue but on the plat it shows Sun Leaf Lane. Commissioner McFadden stated for clarity of people for the Fire Department and everyone else, since it is a continuation of the Avenue, it may have the city designation of a Lane, but to avoid confusion call it Sun Leaf Avenue. Ms. Johnson stated that she had not received comment from the address technician with the City but she can certainly check into that. Commissioner McFadden stated that he also did not see cross sections for the lane part of Sun Leaf in terms of parking allowed on one side. Ms. Johnson replied that on street parking would be limited to one side which would be the north side. The interior lots would have to access Sun Leaf Lane and the corner lots would have an option

Commissioner Nelson inquired whether all of the approval conditions were the same as they were in 2006 or if staff added new ones. Ms. Johnson replied there are a few items that are different. The requirement to adjust the property line is different. It was not anticipated in



133 SW Second Ave, Suite 201 • Portland, OR 97204 • (503) 497-1000 • fax (503) 223-0073 • www.friends.org
Southern Oregon Office • PO Box 2442 • Grants Pass, OR 97528 • (541) 474-1155 • fax (541) 474-9389
Willamette Valley Office • 220 East 11th Avenue, Suite 5 • Eugene, OR 97401 • (541) 653-8703 • fax (503) 575-2416
Central Oregon Office • 115 NW Oregon Ave #21 • Bend, OR 97701 • (541) 719-8221 • fax (866) 394-3089

April 12, 2012

Praline McCormack
Planning Department
City of Medford. Lausmann Annex
200 South Ivy Street
Medford, OR 97501

RECEIVED
APR 12 12
11:28 AM

Subject: File No. DCA-11-128

Dear Ms. McCormack:

Thank you for the opportunity to provide these comments in response to the city of Medford's "request for comments" regarding amendments to the Land Development Code sections regarding the Exclusive Agricultural (E-A) Overlay designation, File No. DCA-11-128. 1000 Friends of Oregon is a nonprofit, charitable organization dedicated to working with Oregonians to enhance our quality of life by building livable urban and rural communities, protecting family farms and forests, and conserving natural and scenic areas.

The proposed amendments can generally be broken into two broad subject areas: clarifying what is allowed on lands with the E-A overlay, and the process by which land that does not currently have that designation can obtain it. 1000 Friends of Oregon supports the portions of this proposed amendment that provide definition and clarity for what activities and events are allowed, but urges the Commission be cautious about how and whether additional land should be granted this status.

These issues are addressed in more detail below.

Clarifying What Events and Activities are Allowed in the E-A Overlay is Important:

We fully support the amendments insofar as they provide this clarity. We offer the following specific observations.

First, it is critical to recognize that the amendment will create or allow new commercial activities within residentially zoned neighborhoods. It is entirely appropriate for the city to retain control over the type, frequency, and scale of these activities and events through the Conditional Use Permit process. It will be in the best interests of the city and surrounding residents, and will decrease the likelihood of future conflict, if the checks that process provides are left in place. We support the requirement that future activities and events be subject to the Conditional Use process as proposed by Staff.

J
DCA 11-128

Second, while it may be desirable to enhance the viability of farms in and near the urban area, care should be taken so that the commercial activities allowed in these zones not provide unfair business advantages to owners of those operations at the expense of existing businesses within the city. We recommend that the provisions adopted, whether as proposed or otherwise, be reviewed to ensure that this is not an unintended consequence of these amendments.

Finally, the definition of "Agriculture" in the provided in section (10.012) states that accessory uses "shall be incidental to that of normal agricultural activities." The term "incidental" does not appear to be defined in the ordinance as amended. For events on land zoned Exclusive Farm Use and for uses permitted at wineries, "incidental" is typically defined as producing income not to exceed 25 percent of the total income generated on the farm (or winery). We recommend including a definition of "incidental" in the amendment so that there is no question in the future as to what might be allowed under the overlay designation.

Expansion of the Exclusive Agricultural Overlay District May Work Against Medford's Best Interests:

The purpose of bringing land into the Urban Growth Boundary (UGB) and subsequently annexing it into the city is to provide the land needed for efficient urbanization as the city population grows.

The underlying zoning for the land where this overlay designation may be applied in the future is residential. This land is presumably being brought into the UGB to meet Medford's future residential land needs. As pointed out in the staff report (at page 81 of your packet), all land in the UGB that is zoned residential must be considered as available for residential development when the analysis is done to determine how much new land can be brought into the UGB.

Medford is currently in the process of conducting such an analysis. This process is involved, and it takes time. The land currently with this overlay designation must be counted as part of the land that is available for residential development. However, if this land will in fact NOT be available for development during the next 20 years because it is being farmed or otherwise, then Medford will have to go through the UGB amendment process again sooner. If Medford adds possibly hundreds more acres with this designation in the future, it will be that much sooner that the city will have to go through the UGB process again in the future.

The simplest solution to this problem is to leave land that is planned for agricultural use in the future outside of the city limits and potentially outside of the UGB.

We recommend that the Planning Commission and City Council carefully consider whether or not the expansion of this overlay zone is in the best interests of the city. If it is determined that it is not, the amendment can be modified to retain the provisions clarifying what is allowed where the zone currently exists, but to prohibit the application to new lands in the future.

Conclusions and Recommendations:

In summary, we support the amendments proposed with the following clarifications and caveats:

1. Retain the Conditional Use process as proposed by staff;
2. Provide a definition of "incidental" to avoid future question and potential conflict;
3. Consider whether it is truly in the best interests of the city to allow future application of this overlay zone—and if not then sunset this provision and grandfather those that already have it until they remove it

I plan to be at the Planning Commission hearing on April 12, 2012, and will be happy to answer any questions at that time.

Please place these comments in the record for this proceeding, and inform me at the Grants Pass address above of decisions or further actions regarding this issue.

Respectfully,



Greg Holmes
Southern Oregon Planning Advocate
1000 Friends of Oregon

CC: Josh LeBombard, DLCD

MINUTES MEDFORD CITY COUNCIL MEETING

May 3, 2012

The meeting was called to order at 12:00 noon in Council Chambers, City Hall, 411 W. 8th Street, Medford, OR with the following members and staff present.

Mayor Gary Wheeler; Councilmembers Dick Gordon, Karen Blair, Greg Jones, Bob Strosser, Al Densmore, John Michaels and Chris Corcoran (*left the meeting as noted).

City Manager Pro Tem Bill Hoke; City Attorney John Huttli; City Recorder Glenda Wilson

Introduction of the McLoughlin Students of the Month

Rick Parsagian, Assistant Principal updated the council on the school activities and introduced the students of the month.

Employee Retirement

Mike Osterman, Water Reclamation Division Supervisor, Public Works was presented with a retirement plaque.

20. Approval or correction of the minutes of the April 19, 2012 regular meeting

There being no corrections or amendments the minutes were adopted as presented.

30. Oral requests and communications from the audience

30.1 Thelma Thomson, 1303 Sunset Ave., Medford addressed the council and noted she would like to serve on a board or commission.

30.2 Helen Courtwright, 1122 Sunset Ave., Medford addressed the council and requested city support to grade the road in front of her home. Mayor Wheeler recommended Ms. Courtwright speak with the Public Works staff regarding the issue. Councilmember Michaels noted the issue regarding local access streets was brought forward at a previous meeting. Councilmember Corcoran noted that a staff member will contact Ms. Courtwright and get further information regarding her situation.

40. Consent calendar

None

50. Items removed from consent calendar

None

60. Ordinances and resolutions

60.1 COUNCIL BILL 2012-55 An ordinance authorizing execution of a Telecommunications Contract in the amount of \$1,721,500 with Emergency Communications of Southern Oregon for police and fire dispatch services for the fiscal year 2012-13.

Motion: Adopt the ordinance.

Moved by: Bob Strosser

Seconded by: Greg Jones

Councilmember Corcoran questioned the savings of consolidation that have been realized. Police Chief Tim George noted that there is a savings of approximately \$55,000 over the biennial budget. Other savings and improvements include location of dispatch in a seismically sound facility and the improved communications with all the public safety responders within the Rogue Valley. Councilmember Gordon questioned the potential to develop a special taxing district for dispatch services and Chief George noted that this is being discussed at the executive committee and budget committee.

Roll Call: Councilmembers Bob Strosser, Greg Jones, Karen Blair, Dick Gordon, Al Densmore, John Michaels and Chris Corcoran voting yes.

Ordinance 2012-55 was duly adopted.

60.2 COUNCIL BILL 2012-56 An ordinance authorizing exemption from competitive bidding and the purchase of a SWAT armored vehicle in the amount of \$260,000 from Lenco, Inc.

Motion: Adopt the ordinance.

Moved by: Chris Corcoran

Seconded by: Dick Gordon

Chief George displayed a photo of the armored vehicle that is to be purchased.

Roll Call: Councilmembers Chris Corcoran, Dick Gordon, Karen Blair, Greg Jones, Bob Strosser, Al Densmore and John Michaels voting yes.

Ordinance 2012-56 was duly adopted.

70. City Manager and other staff reports

70.1 Quarterly Governmental Relations update from SmithWest Co.

Chris Smith, SmithWest Co. addressed the council and provided an update on activities including irrigation water agreement, transportation bills under discussion and concerns regarding the Metropolitan Planning Organization language. This issue needs to be addressed as soon as possible before Congress comes back into session next week. He would like direction from the Council on this issue.

Motion: Direct the Mayor and City Council officers to send a letter to the congressional committee members working on the bill regarding Metropolitan Planning Organizations.

Moved by: Al Densmore

Seconded by: Chris Corcoran

Councilmember Densmore spoke to his motion. He requested that a study session also be set to discuss this issue and other transportation bill issues. Mr. Hoke noted a study session has been scheduled for May 17th at 5:45 p.m.

Roll Call: Councilmembers Al Densmore, Chris Corcoran, Karen Blair, Dick Gordon, Greg Jones, John Michaels and Bob Strosser.

Motion carried and so ordered.

70.2 Update on Hearts with a Mission by Kevin Lamson

Mr. Lamson addressed the council and provided his quarterly report and statistics on the services provided by Hearts with a Mission. Councilmembers discussed with Mr. Lamson the statistics and how the youth are referred into the shelter. Councilmember Gordon spoke to the financial information that Mr. Lamson distributed at the last meeting and encouraged him to get assistance in setting up an accounting system.

70.3 Mr. Hoke read a thank you to the Police Chief for his participation in the Southern Oregon Chapter of the American Red Cross Heroes Breakfast.

70.4 Mr. Hoke read a letter from the Director of the FBI recognizing the Medford Police Department and Detectives for their assistance in an FBI investigation. Spoke highly of the Medford Police Detectives and the work they do in the community.

80. Propositions and remarks from the Mayor and Councilmembers

80.1 Proclamations issued:

Bike to Work Week, May 14-18, 2012

National Preservation Month, May 2012

ALS Awareness Month, May 2012

National Tourism Month, May 2012

80.2 Further Council committee reports.

- a. Councilmember Corcoran requested a topic be taken out of order and council concurred. Councilmember Corcoran questioned if fifteen minutes is an adequate amount of time for the interviews for the Ward 2 Councilmember vacancy. He requested council discuss on this topic. Councilmember Michaels noted he felt that at least one-half hour should be set aside. Councilmember Strosser felt that the council could take additional time if necessary to communicate with the individuals outside of the interview process. Councilmember Gordon felt this issue could be taken up after the interviews are done this evening and then if there is a need to do more would be taken up.

*Councilmember Corcoran left the meeting.

- b. Councilmember Strosser reported on the Water Commission meeting.
- c. Councilmember Michaels reported on the Parks & Recreation Commission meeting.
- d. Councilmember Densmore reported that a map has been distributed to the Council regarding topic that came up at the last Metropolitan Planning Organization (MPO) meeting. This map outlines the urbanized areas that would be eligible to create a MPO. This is part of the discussion that the Council needs to address at their study session on May 17th. He noted ODOT is beginning to pursue if these new MPO's need to be started. The MPO policy committee discussed this issue and options to address this issue.
- e. Councilmember Blair reported on the Rogue Valley Council of Government meeting and discussion of the regional solutions team who will have a physical office in Medford to enhance communications.
- f. Councilmember Blair reported on the Landmarks and Historic Preservation Commission meeting and celebration of Historic Preservation month. She noted that revisions to the Middleford parking structure were reviewed by the committee. Councilmember Michaels questioned if the revisions were substantial and if the council needed to see these revisions. Councilmember Blair noted that what the Landmarks Commission saw were minimal - largely having to do with color, signage, mesh coverings.

80.3 Further remarks from Mayor and Councilmembers.

- a. Councilmember Strosser addressed the Council regarding Boards & Commission liaison position vacancies. He noted he would like to move Karen Blair from alternate to primary on the Landmarks & Historic Preservation Commission; appoint Greg Jones as the alternate for Water Commission and the remaining positions held by former Councilmember Kuntz would be left vacant until a new Councilmember is appointed.
- b. Councilmember Strosser addressed the recent Council appointment of Bruce Abeloe to the Parking Commission and that it has been determined that he is not eligible for that position as he does not have a business in the downtown district. Councilmember Strosser noted that there is one other applicant, Phyllis Nelson, who has been interviewed and one applicant, Scott Henselman, who has not been interviewed. Councilmember Strosser requested council direction on how to proceed. Councilmembers discussed the options and requested that this topic be brought back at the evening session.

90. **Adjournment to Evening Session**

The meeting adjourned to the evening session at 1:45 p.m.

The evening session was called to order at 7:00 p.m. in Council Chambers, City Hall, 411 W. 8th Street, Medford with the following members and staff present.

Mayor Gary Wheeler; Councilmembers Dick Gordon, Karen Blair, Greg Jones, Bob Strosser, Al Densmore, John Michaels and Chris Corcoran.

City Manager Pro Tem Bill Hoke; City Attorney John Huttli; City Recorder Glenda Wilson

110. Oral requests and communications from the audience

None

120. Public hearings

120.1 A public hearing to consider an Oregon Liquor Control Commission (OLCC) Liquor License application for Pub Ink, 404 East Main Street, Medford Oregon 97501.

Police Chief Tim George provided a staff report and noted that per Medford Code 8.825 and ORS 471.313 the Police Department is recommending that the Council forward an unfavorable recommendation as the applicant, Mr. Jeffery Rahenkamp, was convicted of Prostitution and theft in the second degree.

Public hearing opened.

1. Matt Fawcett, 243 S. Holly St, Medford, attorney representing Mr. Rahenkamp addressed the Council and noted that Mr. Rahenkamp is a resident of Medford and owns and operates Phat Kat Tattoo Parlor. He has had no violations at this business. He is planning to take over the property that was formerly the Osprey Brew Pub. He noted that the OLCC has given him a favorable recommendation. He reserved five minutes for rebuttal.
2. Jeffrey Rahenkamp, 36 S. Riverside, Medford spoke to the prostitution conviction and admitted he had made a mistake. He has worked to put his life back together and his family is here to support him.

Councilmember Michaels spoke to the key issue of running a liquor establishment is the ability of good judgment. He requested Mr. Rahenkamp speak to how his judgment has improved and why the council should support his request.

Mr. Rahenkamp noted he made a poor decision but he has move forward positively since that one incident. He has committed himself to the downtown and has purchased property. He admitted to a lack of judgment but can speak to the work he has done since and that his shop is adhering to Oregon Health Department regulations and has not had a violation of any sort from them.

3. Gene Rahenkamp, 3065 Kingsgate Circle, Medford addressed the council and spoke in support of his son's efforts to open this new business.
4. Gena LeMert, 815 Lake Ridge Dr., Klamath Falls addressed the council in support of Mr. Rahenkamp and what he has accomplished with his business.
5. Kathleen Rahenkamp, 3065 Kingsgate Circle, Medford spoke in support of her son and the accomplishments he has made.

Public hearing closed.

Mr. Huttli spoke to the code language and suggested that the Council motion will be to sustain or not sustain and what type of recommendation to send to the OLCC.

Mayor Wheeler acknowledged that he closed the public hearing and Mr. Fawcett had requested rebuttal time. Mr. Fawcett declined the rebuttal time as there were no new issues raised.

Motion: Forward a favorable recommendation to the OLCC for Pub Ink.
Moved by: Chris Corcoran Seconded by: Greg Jones

Councilmember Corcoran questioned if there was any grounds that Chief George could set with the applicant that would make Chief George comfortable with the recommendation. Chief George noted that the City does not have any authority over the licensing body (OLCC) and that any probationary requirements would need to be administered by OLCC. Once the liquor license is issued then OLCC is in charge. The only grounds that the Police Department would be able to work under are law and city ordinance violations such as a nuisance issue.

Councilmember Strosser questioned the validity of the statement that OLCC has already made a decision for recommendation as this has not been the historic process. Councilmember Gordon spoke to the OLCC process being different and his desire to see this item tabled until clarification from OLCC on their recommendation and process could be obtained. Councilmember Michaels expressed concern with the motion as serving alcohol is a very different environment and he did not hear where the applicant had any experience in the food/bar industry.

Motion: Table decision until May 17, 2012 meeting.
Moved by: Dick Gordon Seconded by: John Michaels
Roll Call: Councilmembers Dick Gordon, John Michaels, Karen Blair, Al Densmore, Greg Jones, Chris Corcoran and Bob Strosser voting yes.
Motion carried and so ordered.

Councilmembers concurred that they would like to hear from the OLCC regarding their decision before the next meeting.

120.2 COUNCIL BILL 2012-57 An ordinance amending Sections 10.230, 10.270, 10.381 and 10.426 and repealing Sections 10.437, 10.446, 10.452, and 10.453 of the Medford Code pertaining to block lengths. (DCA-11-099) (Land Use, Legislative)

Planning Director Jim Huber addressed the council and provided a staff report. He stated that this amendment is proposed to meet Goals, Policies and Strategies identified by the City of Medford Comprehensive Plan, to continue City efforts to reduce motor vehicle miles traveled and to satisfy Statewide Planning Goals. This amendment addresses the Transportation System Plan implementation strategy directing adoption of block length standards. This amendment establishes a framework that gives more predictability regarding where streets will be required by the City while assuring a system of well-connected streets will be developed in the future. Mr. Huber noted that staff and the Planning Commission are recommending adoption of this amendment.

Councilmembers requested information regarding where these standards would apply as the City is already built up and Mr. Huber noted primarily it will affect new developments and future Urban Growth Boundary area development.

Public hearing opened.
None
Public hearing closed.

Motion: Adopt the ordinance.
Moved by: John Michaels Seconded by: Al Densmore
Roll Call: Councilmembers John Michaels, Al Densmore, Karen Blair, Dick Gordon, Greg Jones, Bob Strosser and Chris Corcoran voting yes.
Ordinance 2012-57 was duly adopted.

- 120.3 COUNCIL BILL 2012-58 An ordinance amending Sections 10.012, 10.314, and 10.836 of the Medford Code pertaining to residential care homes and facilities. (DCA-11-125) (Land Use, Legislative)

Planning Director Jim Huber provided a staff report and noted that this item was included in a previous presentation to the council on March 1, 2012 and at that time council requested further information on this section of the amendment. Based on the study session held on April 12, 2012 the council directed that this item be brought back to the council for formal consideration. Adoption of this ordinance will bring the Medford Code in compliance with State Law and Fair Housing requirements. Staff is recommending adoption.

Public hearing opened.

None

Public hearing closed.

Motion: Adopt the ordinance.

Moved by: Chris Corcoran

Seconded by: John Michaels

Roll Call: Councilmembers Chris Corcoran, John Michaels, Karen Blair, Greg Jones, Dick Gordon and Bob Strosser voting yes. Councilmember Al Densmore voted no.

Ordinance 2012-58 was duly adopted.

- 120.4 COUNCIL BILL 2012-59 An ordinance amending Sections 10.012, 10.227, 10.314, 10.360, and 10.361 and adding Section 10.362 to the Medford Code pertaining to overlays and conditional use permits. (DCA-11-128) (Land Use, Legislative)

Bianca Petrou, Deputy Planning Director addressed the council and reviewed the code modification required. This modification will currently only affect one parcel within the City, the Dunbar Orchards property. Ms. Petrou noted there were four issues to be addressed: potential impacts of the proposed activities and development on abutting residences, agricultural buffering requirements, site development standards, and whether the City should promote expansion of agriculture and farm uses in the City limits. Staff believes that the current proposal adequately addresses these issues while providing a means for property with the E-A Overlay to have expanded farm-related opportunities. Staff and the Planning Commission recommend adoption.

Public hearing opened.

1. Judson Parsons, 490 95th Ave. NE, Salem OR addressed the council in support of this ordinance.

2. Emily Mostue, Dunbar Orchards addressed the council and requested their support of this ordinance.

Public hearing closed.

Motion: Adopt the ordinance as amended to allow the E-A Overlay to be applied at anytime if there is an existing agricultural use.

Moved by: Greg Jones

Seconded by: Bob Strosser

Councilmember Gordon question application of the E-A Overlay at any time versus at time of annexation. Ms. Petrou noted that when land is annexed it is intended to be developed for urban uses.

Roll Call: Councilmembers Greg Jones, Bob Strosser, Dick Gordon, Karen Blair, Al Densmore, John Michaels and Chris Corcoran voting yes.

Ordinance 2012-59 was duly adopted.

130. Ordinances and resolutions

None

140. Further reports from the City Manager and staff

None

Council took Oral Comment out of order.

- 110.1 Patricia Peterson, 2425 Hammel Rd., Eagle Point addressed the council regarding her small working farm outside of Shady Cove and that she has been trying to get a loan modification from Bank of American. It has been an ongoing process for three years and now the Bank has sold her farm without any notification. She is requesting any assistance or information on where she can get assistance to deal with this issue.

Councilmember Michaels suggest she contact Representative Sal Esquivel has he recently mentioned this same action and thought there was a law passed to address this issue. Mr. HuttI provided some additional court system options.

150. Propositions and remarks from the Mayor and Councilmembers

- 150.1 Further Council committee reports.
None

- 150.2 Further remarks from Mayor and Councilmembers.
a. Councilmembers discussed the opening for the City Councilmember Ward 2 position and concurred on making the appointment at this time.

Roll Call:

Corcoran: Eli Matthews
Blair: Eli Matthews
Densmore: Eli Matthews
Gordon: Eli Matthews
Jones: Eli Matthews
Michaels: Eli Matthews
Strosser: Eli Matthews

Results: Eli Matthews received seven votes; Ben Truwe, Clay Bearnson and Matt Krunglevich received zero votes.

Eli Matthews was appointed to serve as Ward 2 Councilmember for a term ending 12/31/2012. Mr. Matthews will be sworn in at the May 17th council meeting.

- 150.3 Parking Commission Vacancy
Councilmembers discussed the vacant position on the Parking Commission and requested that staff re-advertise the opening and that they would then interview any applicants.

160. Adjournment

There being no further business the meeting adjourned at 9:36 p.m.

The proceedings of the City Council meeting were recorded and are filed in the City Recorder's office. The complete agenda of this meeting is filed in the City Recorder's office.

Glenda Wilson
City Recorder

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DEPARTMENT
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