



Oregon

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: July 15, 2015
Jurisdiction: City of Medford
Local file no.: DCA-15-052
DLCD file no.: 009-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 07/14/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 44 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE	
File No.:	009-15 {23768}
	7/14/2015
Received:	7/13/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Medford

Local file no.: **DCA-15-052**

Date of adoption: 7/9/15

Date sent: 7/14/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 4/28/15

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

Yes. The proposed amendment notice included five text amendments. Text amendment number five, to remove the sunset clause at 10.146 for portable storage containers, has not yet been adopted and will return to Council for further review.

Local contact (name and title): Aaron Harris, Planner II

Phone: 541.774.2380

E-mail: aaron.harris@cityofmedford.org

Street address: 200 S. Ivy

City: Medford

Zip: 97501-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

- 10.012 - Definitions, Specific
- 10.146 - Referral Agencies, Distribution
- 10.337 - Uses Permitted in Commercial and Industrial Zoning Districts
- 10.667 - Security for Public Improvements

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE NO. 2015-75

AN ORDINANCE amending Sections 10.012, 10.146, 10.337, 10.667 and 10.840 of the Medford Code pertaining to uses in commercial and industrial zoning districts, procedures, and protocol in the land use permitting process.

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:

* * *

Brewery–Public House – An establishment where beer is brewed and served on site. The use requires a brewery–public house license issued by the State of Oregon (ORS 471.200).

* * *

SECTION 2. Section 10.146 of the Medford Code is amended to read as follows:

10.146 Referral Agencies, Distribution.

This Chapter employs the use of referral agencies for the review of those plan authorizations indicated below, as shown on the Schedule which follows:

* * *

Referral agencies may be asked to review certain proposals not indicated on the Schedule if, in the judgment of the Planning Director, the agency may have an interest in the proposal. **Additional referral agencies may be notified at the discretion of the Planning Director.**

* * *

SECTION 3. Section 10.337 of the Medford Code is amended to read as follows:

10.337 Uses Permitted in Commercial and Industrial Zoning Districts.

* * *

34 **FABRICATED METAL PRODUCTS.** This major group includes establishments engaged in fabricating ferrous and nonferrous metal products such as metal cans, tinware, hand tools, cutlery, general hardware, nonelectric heating apparatus, fabricated structural metal products, metal forgings, metal stamping, ordnance products (except vehicles and guided missiles) and a variety of metal and wire products not classified elsewhere.

* * *

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
* * *									
342	Cutlery, Hand Tools, and Hardware	X	X	X	X	XP	P	P	P
* * *									

* * *

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

		C-/SP	C-N	C-C	C-R	C-H	I-L	I-G	I-H
581	Eating and Drinking Places								
* * *									
5819	Brewery–Public House	X	X	P	P	P	P	X	X

* * *

SECTION 4. Section 10.667 of the Medford Code is amended to read as follows:

10.667 Security for Public Improvements

A. Security: The developer shall file with the agreement in Section 10.666, to secure full and faithful performance thereof, one (1) or a combination of the following:

* * *

(3) An irrevocable letter of credit, or assignment of deposit or loan disbursement agreement from a bank or savings and loan association, redeemable at a location within ~~city limits~~ **the State of Oregon. Any security that is not redeemable within Medford city limits shall include assurance that it is redeemable by US Mail, delivery service, or electronic means, including but not limited to, fax or e-mail.** The security shall be in an amount approved by the City Engineer as sufficient to cover the cost of the improvements, engineering, inspection and incidental expenses, and must be approved by the City Attorney as to form. Such security arrangements may provide for reduction of the amount in increments as improvements are completed and approved by the City Engineer. However, the number of reductions or disbursements and the amount of retainage required shall be at the discretion of the City Engineer.

* * *

SECTION. 5. Section 10.840 of the Medford Code is amended to read as follows:

10.840 Temporary Uses and Structures.

* * *

~~(6) Portable Storage Containers. (This section (6) effective through June 30, 2015.)~~

~~(a) Applicability~~

~~1. A temporary Portable Storage Container permit is required for placement of any portable storage container with the following exceptions:~~

~~i. Truck trailers parked on a street for 24 hours or less;~~

ii.—Portable storage containers that will remain on a property for no more than five days;

iii.—Portable storage containers that have been approved as a permanent portion of an approved site plan; and

iv.—Portable storage containers used for primary use businesses in the following Standard Industrial Classification (SIC) groupings: 15, 16, 17, 40 and 42 (see Section 10.337).

2.—When a temporary Portable Storage Container permit is required, placement of portable storage containers, as defined herein and as a temporary use, is permitted only on private property in C-R, C-H, I-L, I-G and I-H zoning districts.

3.—Portable storage containers shall not be placed within the public right of way, except as permitted in Chapter 6 of this Code.

4.—Temporary Portable Storage Container permits will only be issued for the use of temporary portable storage containers as a periodic, intermittent, or recurring use accessory to a permitted primary use.

(b) Location Standards

1.—In no case shall storage containers be located in required yards, landscape areas, open space, retention basins, drive aisles, required parking spaces and loading areas, fire lanes, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and development.

2.—Portable storage containers shall be placed outside of required setback areas and shall be placed a minimum of 10 feet from all property lines.

3.—The placement of portable storage containers shall comply with Section 9.520, Conditions for Temporary Structures, with the exception that only a 30-day extension shall be available.

4.—Portable storage containers shall be placed on a surface consistent with Section 9.550, Parking Lot Specifications.

5.—Whenever possible portable storage containers should be screened from view from public rights of way and neighboring properties by placing the containers out of view behind existing structures and/or by placing the containers out of view behind existing landscaping.

6.—Portable storage containers must be in good repair with no visible damage, rust, or graffiti.

7.—Applicant is encouraged to acquire portable storage containers of similar color to existing structures on the property and of similar color to each other.

(c) Time and Number Limitations

1.—A maximum of one temporary Portable Storage Container permit may be issued per individual primary use during any 12-month period. A temporary Portable Storage permit shall allow for the placement of portable storage containers for a period of no more than 90 days. One 30-day extension may be granted subject to Section 9.520.

2.—A maximum of 20 storage containers shall be allowed for an individual primary use.

(d) Application Requirements

1.—To obtain a temporary Portable Storage Container permit, an application must be filed with the Planning Department on a form provided a minimum of 60 days prior to the proposed

placement date of such containers. The application shall include the appropriate filing fee, the information required on the form, and the following information and materials:

- i. The proposed number of portable storage containers.
- ii. The proposed use of the storage containers.
- iii. The proposed size of the storage containers.
- iv. Property owner signature.
- v. A site plan (to scale) showing the proposed location of the portable storage container(s) in relation to existing buildings, required yards, landscape areas, open space, retention basins, drive aisles, required parking spaces, loading areas, and fire lanes. The site plan shall also demonstrate compliance with Subsections 10.840.D(6)(b)2-5 and (c)2.
- vi. The proposed amount of time, include start date and end date, that the portable storage container(s) will be on the property.

(e) Permit Process

1. The permit application will be routed for review for compliance with this Code by City departments, including: Fire, Building Safety, Police, Engineering, Code Enforcement, Planning, and any other department that may have an interest in this type of permit application.

2. Within 30 days of filing a complete application, the permit application will be approved or denied. If the permit application is found to be in compliance with the standards of this Code, the permit application will be approved and a permit issued to the applicant.

3. If the permit application is found to not be in compliance with the standards of this Code, the permit application will be returned to the applicant with a letter indicating the reasons the application was not approved. The applicant will be allowed to modify the permit application and resubmit it for reconsideration two times without repayment of the application fee.

PASSED by the Council and signed by me in authentication of its passage this 29 day of July, 2015.

ATTEST: [Signature]
Deputy City Recorder

[Signature]
Mayor

APPROVED July 9, 2015.

[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

Planning Department

Working with the community to shape a vibrant and exceptional city

COMMISSION REPORT

to City Council for a Class-A legislative decision: **Code amendment**

Project Spring Cleaning Amendments

File no. DCA-15-052

To Mayor and City Council

for 07/02/2015 hearing

From Planning Commission *via* Aaron Harris, Long-Range Planning

Reviewer John Adam, Senior Planner

Date June 25, 2015

BACKGROUND

Proposal

A legislative amendment to (1) allow the use “Brewery–Public House” in the C-C, C-R, C-H, and I-L zoning districts, (2) to allow a new industrial category in the C-H zoning district, (3) to grant staff the authority to add referral agencies to the Schedule of Referral Agency Distribution, (4) to modify 10.667(A)(3) Security for Public Improvements language and protocol, and (5) to remove the sunset clause for Portable Storage Containers at 10.840(6) (Exhibit B).

History

The Planning Department has identified five minor code changes to improve the Medford Land Development Code. Updating the allowable uses in commercial and industrial zoning districts supports Goal 5, Objective 5.1 of the City’s Strategic Plan. The remaining changes are intended to increase the efficiency of existing protocol.

The amendments were initiated by the Planning Department in its continuing series of “code scrubs” as recommended in the Horizon Centre report. The Planning Commission held a study session on 05/11/2015. The Planning Commission held a hearing on 06/11/2015 and voted 6–0 to recommend adoption to Council. The findings in support of this amendment are contained in Exhibit A at the end of this report.

Authority

This proposed plan authorization is a Class-A legislative amendment of Chapter 10 of the Municipal Code. The Planning Commission is authorized to recommend, and the City

Council to approve, amendments to Chapter 10 under Medford Municipal Code §§10.102–10.122, 10.164, and 10.184.

ANALYSIS

City of Medford’s Code does not currently allow for the use “brewery–public house,” (known popularly as “brewpub”). An existing brewery–public house is located at 44 South Central Avenue and a new brewery–public house is proposed at 315 East Fifth Street. Planning Commission has determined that the use is compatible and ought to be permitted in the C-C, C-R, and C-H commercial zoning districts in addition to the I-L industrial zone. The use requires a brewery–public house license issued by the State of Oregon (Exhibit B). During the 06/11/2015 hearing, the Planning Commission recommended that cider and wine manufacture should also be allowed at locations that allow for the use brewery–public house.

Medford Municipal Code §10.337, Use Table 34, lists the permitted types of “Fabricated Metal Product” manufacture by zoning district. Within this use table, code currently allows two subtypes of that category in the Heavy Commercial (C-H) zoning district: “Plumbing and Heating, Except Electric” and “Fabricated Structural Metal Products.” The first one allows manufacture of plumbing and heating fixtures, the second one allows manufacture of barge sections, bridge sections, and railroad car tracks—a fairly broad range of manufacturing scale and intensity between the two subtypes. Staff noticed that the subtype “Cutlery, Hand Tools, and Hardware” is not allowed. Since it is of comparable intensity to “Plumbing and Heating” it seemed rational to include it as a permitted used in the C-H zoning district.

The Schedule of Referral Agency Distribution at §10.146 identifies which agencies staff is required to notify for each type of land use action. The proposed amendment simplifies this process by providing the Director with authority to notify additional agencies as necessary (Exhibit B).

Medford Municipal Code §10.667(A)(3), Security for Public Improvements, gives developers three options to provide a security for public improvements. One option is, “An irrevocable letter of credit, or assignment of deposit or loan disbursement agreement from a bank or savings and loan association, redeemable at a location within city limits.” Developers have complained that this language is too restrictive. The amendment provides developers with increased flexibility by allowing this form of security to be provided if redeemable at a location *within the State of Oregon* (Exhibit B). During the 06/11/2015 hearing, City Attorney John HuttI requested that additional language be added to the amendment to assure that any security not redeemable at a location with Medford city limits shall be redeemable by US Mail, delivery service, or electronic means, including but not limited to, fax or e-mail.

Medford Municipal Code §10.840(6), Portable Storage Containers, is an existing provision that allows the temporary use of portable storage containers on private property in specified commercial and industrial zoning districts. It was adopted with a clause to sunset the provision on June 30, 2015. The code section was introduced in August 2014, and only Walmart has utilized the provision. There were no complaints associated with the code section. This is an opportunity to consider removal of the sunset clause (Exhibit B).

RECOMMENDATION

The Planning Commission recommends adopting the proposed amendment based on the analyses, findings, and conclusions in the Commission Report dated June 25, 2015, including Exhibits A through D.

EXHIBITS

- A Findings and Conclusions
- B Proposed Amendments
- C Minutes, Planning Commission
- D Referral agency comments

CITY COUNCIL AGENDA: July 2, 2015

Exhibit A

Findings and Conclusions

Applicable criteria

Code amendment criteria are in Medford Municipal Code §10.184(2).

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

- a. *Explanation of the public benefit of the amendment.*

Findings

Amendments No. 1 and No. 2 update Medford Municipal Code §10.337 to allow the use Brewery–Public House at Use Table 58 and the use category Cutlery, Hand Tools and Hardware at Use Table 34. Downtown Medford already contains a number of bars and a brewery–public house. The brewery–public house’s level of activity is comparable to the surrounding bars and not of an industrial scale. Brewery–public houses are burgeoning in popularity. Amendments No. 3–5 help streamline procedures and revise existing protocol to provide developers with greater flexibility in the land use permitting process.

Conclusions

Amendments No. 1 and No. 2 add diversity to the downtown area and improve the consistency of allowed uses in the City’s commercial and industrial zoning districts. Amendments No. 3–5 simplify land use processes for both staff and applicants.

- b. *The justification for the amendment with respect to the following [five] factors:*

1. *Conformity with applicable Statewide Planning Goals and Guidelines.*

Findings

Staff finds that we have an acknowledged comprehensive plan that implements the Goals. Conformity with the Comprehensive Plan is examined and established under criterion 10.184(2)(b)(2), following.

Conclusions

Based on conformity with the Comprehensive Plan, the amendment conforms with the Statewide Planning Goals and Guidelines.

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

Findings

The goals noted below identify some of the broad categories addressed with the Development Code changes.

Economic Element, Goal 1: 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.

Economic Element, Policy 1-2: The City of Medford shall encourage the redevelopment of underutilized employment sites.

Economic Element, Policy 1-3: The City of Medford shall, as appropriate under the Goal above, support the retention and expansion of existing businesses.

Implementation 1-3(a): Adopt code amendments that encourage the development of existing sites.

Conclusions

The proposed amendments broadly address some of the goals and policies of the Comprehensive Plan and will make the Development Code more user-friendly. Amendments No. 1 and No. 2 encourage the redevelopment of underutilized employment sites and encourage the development of existing sites by increasing the number of allowable uses in commercial zoning districts. Criterion 10.184(2)(b)(2) is satisfied.

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

Findings

The proposed code amendment was sent to referral agencies on April 9, 2015. The Planning Department has not received any comments on the proposal from these agencies (Exhibit D).

Conclusions

Referral agencies have no objections. Criterion 10.184(2)(b)(3) is satisfied.

4. *Public comments.*

Findings

The code amendment was posted on the City website on January 6, 2015 and no comments have been received from the public. A study session was held by the Planning Commission on May 11, 2015 to discuss the text amendment proposal (Exhibit C).

Conclusions

The Planning Department has not received any outside public comments on the proposal. Criterion 10.184(2)(b)(4) is satisfied.

5. *Applicable governmental agreements.*

Findings

No governmental agreements apply to the proposed code amendment.

Conclusions

Criterion 10.184 (2)(b)(5) does not apply.

Exhibit B

Proposed amendment

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

Amendment One: Brewery–Public House

10.012 Definitions, Specific

Brewery–Public House – An establishment where beer is brewed and served on site. The use requires a brewery–public house license issued by the State of Oregon (ORS 471.200).

* * *

10.337 Uses Permitted in Commercial and Industrial Zoning Districts

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

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
581	Eating and Drinking Places								
5814	- with entertainment	X	X	P	P	P	X	X	X
5815	- without entertainment	P	P	P	P	P	Ps	Ps	Ps
5816	- with outdoor eating	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps
5817	Temporary Food Vendors	Ps	Ps	Ps	Ps	Ps	Ps	Ps	X
5818	Small Food Vendors	Ps	Ps	Ps	Ps	Ps	Ps	Ps	X
<u>5819</u>	<u>Brewery–Public House</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>

The special use section references for:

Establishments in the industrial zones: 10.822.

Establishments with outdoor eating areas: 10.833.

Temporary Food Vendors: 10.857.

Small Food Vendors: 10.823.

Amendment Two: Addition to Use Table 34

10.337 Uses Permitted in Commercial and Industrial Zoning Districts

34 FABRICATED METAL PRODUCTS. This major group includes establishments engaged in fabricating ferrous and nonferrous metal products such as metal cans, tinware, hand tools, cutlery, general hardware, nonelectric heating apparatus, fabricated structural metal products, metal forgings, metal stamping, ordnance products (except vehicles and guided missiles) and a variety of metal and wire products not classified elsewhere.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
341	Metal Cans and Shipping Containers	X	X	X	X	X	X	P	P
342	Cutlery, Hand Tools, and Hardware	X	X	X	X	<u>P</u>	P	P	P
343	Plumbing and Heating, Except Electric	X	X	X	X	P	P	P	P
344	Fabricated Structural Metal Products	X	X	X	X	P	P	P	P
345	Screw Machine Products, Bolts, etc.	X	X	X	X	X	X	P	P
346	Metal Forgings and Stampings	X	X	X	X	X	X	P	P
347	Coating, Engraving, and Allied Services	X	X	X	X	X	P	P	P
348	Ordnance and Accessories, Nec	X	X	X	X	X	X	P	P
349	Misc. Fabricated Metal Products	X	X	X	X	X	X	P	P

Amendment Three: Referral Agency Distribution

10.146 Referral Agencies, Distribution

This Chapter employs the use of referral agencies for the review of those plan authorizations indicated below, as shown on the Schedule which follows:

- A. Major Comprehensive Plan Amendment
- B. Land Development Code Amendment
- C. Minor Comprehensive Plan Amendment
- D. Annexation, except as provided in Section 10.199
- E. Vacation
- F. Zone Change, Major and Minor
- G. Conditional Use Permit
- H. Exception
- I. Planned Unit Development
- J. Land Division
- K. Site Plan and Architectural Review
- L. Transportation Facility Development
- M. Historic Review

Numerical references in the Schedule refer to the following:

1. When the proposal is within, abutting, or affecting the referral agency's jurisdiction.
2. When the proposal is within, or abutting the Airport Approach or Airport Radar Overlay Districts.
3. When the proposal includes new buildings or building additions that are within the referral agency's jurisdiction.
4. When the proposal is within the Southeast Overlay District and in a Parks or Schools land use category on the Southeast Plan Map.
5. When the proposal is within or abutting a Greenway General Land Use Plan Map designation.

Referral agencies may be asked to review certain proposals not indicated on the Schedule if, in the judgment of the Planning Director, the agency may have an interest in the proposal. Additional referral agencies may be notified at the discretion of the Planning Director.

Amendment Four: Security for Public Improvements

10.667 Security for Public Improvements

A. Security: The developer shall file with the agreement in Section 10.666, to secure full and faithful performance thereof, one (1) or a combination of the following:

(1) A surety bond executed by a surety company authorized to transact business in the State of Oregon, or

(2) Cash, or

(3) An irrevocable letter of credit, or assignment of deposit or loan disbursement agreement from a bank or savings and loan association, redeemable at a location within ~~city limits~~ the State of Oregon. Any security that is not redeemable within Medford city limits shall include assurance that it is redeemable by US Mail, delivery service, or electronic means, including but not limited to, fax or e-mail. The security shall be in an amount approved by the City Engineer as sufficient to cover the cost of the improvements, engineering, inspection and incidental expenses, and must be approved by the City Attorney as to form. Such security arrangements may provide for reduction of the amount in increments as improvements are completed and approved by the City Engineer. However, the number of reductions or disbursements and the amount of retainage required shall be at the discretion of the City Engineer.

Amendment Five: Portable Storage Containers

10.840 Temporary Uses and Structures

(6) Portable Storage Containers. ~~(This section (6) effective through June 30, 2015.~~

Exhibit C

Minutes, Planning Commission, 6/11/2015

Excerpt

50.2 DCA-15-052 Five amendments to Chapter 10 of the Municipal Code: to allow brewpubs in commercial districts; to allow small-scale metal fabrication in the Heavy Commercial district; to permit administrative changes to agency referral list; to accept securities from any bank in the state; and to remove the sunset clause from outdoor portable storage containers. City of Medford is the applicant.

Mr. Harris reviewed the five amendments. He read the approval criteria and gave a staff report.

Mr. Huttli stated that additional wording for the security for public improvements should include “where a letter of credit is on a bank outside of the city limits such bank shall allow facsimile, e-mail or other electronic submission of letter of credit.”

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

a. Raul Woerner, CSA Planning Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504-9173. Mr. Woerner talked about the brewery–public house stating that he recommends allowing the brew pubs in the neighborhood commercial as a conditional use rather than not allowing it at all. These facilities should also be able to produce wine and cider.

Commissioner McKechnie asked if wineries were on the list of acceptable SIC codes or is it not associated with this? Mr. Harris replied that the license that would be required to obtain for a brewery also allows for wine and cider. Staff can change the proposal to include the additional uses.

Chair McFadden asked if staff had reviewed allowing them in residential zones. Kelly Akin, Principal Planner, reported that the Exclusive Agricultural Overlay has some provisions for wine tasting and other items associated with wineries.

Ms. Akin addressed Mr. Woerner’s recommendation of conditional use permits stating that there are two criteria for conditional use permits. Only one of them needs to be met. The first is that there are no significant impacts and the second is that the use is in the public interest. Although there may be impacts they can be mitigated through a list of nine or ten conditions. It may be difficult to meet either of those criteria.

Commissioner Pulver asked Commissioner McKechnie that in his suggestion did it include the sale of ciders and wine or the manufacture of both as part of the use that is being added? Commissioner McKechnie reported to produce the wine. Part of that would be a limitation on where it is located and how much wine they are producing.

Mr. Harris stated that there are limitations on the number of gallons being produced. There is also a manufacturing limitation selling to another licensee.

The public hearing was closed.

Motion: The Planning Commission initiates the amendment, adopts the findings as recommended by staff, and directs staff to prepare a Commission Report based on the Staff Report dated June 1, 2015, including Exhibits A through C.

Moved by: Commissioner McKechnie

Seconded by: Commissioner Pulver

Roll Call Vote: Motion passed, 6–0.

Minutes, Planning Commission

Study Session, 5/11/2015

Excerpt

1. DCA-15-052 “Spring Cleaning” 2015 code amendment

John Adam, Senior Planner reported that for the last several years’ staff has been doing housekeeping amendments on a regular basis. The current Code does not allow brew pubs in downtown.

Aaron Harris, Planner II, reported that staff is presenting four code amendments at the June 11, 2015, Planning Commission meeting. The amendments are intended to: 1) Allow the use “Brewery-Public House” in all commercial zoning districts except the C-S/P; 2) Allow a new industrial use in the C-H zoning district; 3) Grant staff the authority to add referral agencies to the schedule of referral agency distribution; and 4) Modify Section 10.667(A)(3) Security for Public Improvements language and protocol.

1. Brewery-Public House – An establishment where beer is brewed and served on site. A brewery-public house requires a brewery public-house license issued by the State of Oregon and is subject to all conditions set forth in ORS 471.200.

This will permit retail sales of malt beverages, wine, and cider both on and off premises. It also permits wholesale sales to other OLCC licensees if the license holder produced 5,000 barrels or less of malt beverages in the preceding calendar year.

Chair McFadden asked what is the difference with this use from a tavern? Mr. Harris replied that it allows brewing beer on-site.

Commissioner McKechnie asked why did staff decide not to include brewery-public house in Commercial Service Professional (C-S/P) zoning districts? Mr. Harris replied because of the nature of the use. Commissioner McKechnie stated that eating and drinking establishments are allowed in Commercial Service Professional zones. He does not see a problem with allowing a brewery-public house in a Commercial Service Professional zone.

Commissioner Pulver asked if there were certain criteria that have to be met when determining which zone. Mr. Harris replied that it is open for discussion. Commissioner

Pulver stated that it is his opinion that it makes more sense to allow brewery-public houses in light industrial zones more than neighborhood commercial because they are manufacturing the product on site. Mr. Adam replied that staff did not work with any specific criteria.

Commissioner McKechnie reported that drinking places are already allowed in the zoning districts and a brewery is a drinking place.

Vice Chair Miranda stated that the state regulates whether or not it is a pub or not based on its volume. If it reaches a certain volume, it is not commercial, it is industrial. He can see it in a C-S/P zone.

Alex Georgevitch, Transportation Manager, stated that Public Works does not get involved in the presented table. They do get involved in the transportation impacts of this table. C-S/P zones in the past have been argued by the development community that it is a different zone. It is a confined end zone which is unique in Public Works' system. The development community successfully argued that they should have less trip associated with them. If there is going to be additional uses then those trips will go back up. C-S/P has primarily been office type of developments

2. Allow a new industrial use in the C-H zoning district. This is an addition to Use Table 34 that is Fabricated Metal Products. The proposed use is cutlery, hand tools, and hardware in the C-H zoning district.

Commissioner Pulver asked if this came from a citizen request? Mr. Adam stated that someone asked the question and when research was being done staff looked at the uses and determined that it should be allowed in C-H zone.

3. Modify Section 10.667(A)(3) Security for Public Improvements language and protocol. The language would read "(3) An irrevocable letter of credit, or assignment of deposit or loan disbursement agreement from a bank or savings and loan association, redeemable at a location within the State of Oregon." This provides developers with greater flexibility and addresses developer complaints.

Chair McFadden stated that it is his opinion that the developers had concerns regarding the security without costing so much. Mr. Georgevitch reported that the cost is different than this particular amendment. It is a different issue. The dilemma with the cost of the security is based on the construction cost. The reason this was brought up is the expiration date of the bond and the redeemable location.

4. Grant staff the authority to add referral agencies to the schedule of referral agency distribution. This process is for simplification.

Vice Chair Miranda stated that this is at the discretion of staff that an agency can be added but not removed. Does that imply that once an agency is added, it becomes permanent, or added just for that notification? Bianca Petrou, Assistant Planning Director replied that it is just for that particular notification.

Exhibit D

Referral Agency Comments