



Oregon
Theodore R. Kulungoski, 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

7/19/2010

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 014-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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, July 30, 2010

This amendment was not submitted to DLCD for review prior to adoption pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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
Gloria Gardiner, DLCD Urban Planning Specialist

<paa> N

FORM **2****DLCD****Notice of Adoption**

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

<input type="checkbox"/> In person	<input type="checkbox"/> electronic	<input type="checkbox"/> mailed
DEPT OF JUL 12 2010 LAND CONSERVATION AND DEVELOPMENT For Office Use Only		
DATE STAMP		

Jurisdiction: **City of Medford**Local file number: **DCA-10-037**Date of Adoption: **7/1/10**Date Mailed: **n/a**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☐ Yes ☒ No Date:☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☒ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

An ordinance amending Chapter 10 of the Medford Municipal Code by amending Sections 10.012 and 10.857(9) relating to temporary food vendors to increase the permitted size of a temporary food vendor unit to 170 square feet, except if within the Historic Preservation Overlay Zone and the Central Business District where the maximum size would remain at 128 square feet.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **n/a**to: **n/a**Zone Map Changed from: **n/a**to: **n/a**Location: **City-wide**

Acres Involved:

Specify Density: Previous: **n/a**New: **n/a**

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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...

45-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. _____

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

Local Contact: **Praline McCormack, Planner II**

Phone: **(541) 774-2380** Extension:

Address: **200 S. Ivy Street, Room 240**

Fax Number: **541-774-2564**

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 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, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

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

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

ORDINANCE NO. 2010-161

AN ORDINANCE amending Sections 10.012 and 10.857 in Chapter 10 of the Medford Code pertaining to the permitted size of temporary food vendor units.

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.

* * *

Temporary Food Vendor. Any kiosk, shed, shelter, trailer, vehicle, wagon, or other similar device which is used for the purpose of preparing, processing, or converting food for immediate consumption as a drive-in, ~~drive-through~~, curb, or walk-up service that remains in or on any one site or tax lot for less than 24 hours **on any calendar day. Temporary shall mean that all equipment must be removed from the site at the end of the vendor's business day.**

* * *

SECTION 2. Section 10.857 of the Medford Code is amended to read as follows:

10.857 Temporary Use of Movable Structures and Vehicles.

The following temporary uses of movable structures or vehicles are allowed:

* * *

(9) Temporary Food Vendors.

A. "Temporary food vendor" means any kiosk, shed, shelter, trailer, vehicle, wagon, or other similar device which is used for the purpose of preparing, processing, or converting food for immediate consumption as a drive-in, ~~drive-through~~, curb, or walk-up service that remains in or on any one site or tax lot for less than a ~~continuous~~ 24 hours **on any calendar day. Temporary shall mean that all equipment must be removed from the site at the end of the vendor's business day.**

B. Temporary food vendors ~~shall be~~ are permitted in the C-S/P, C-N, C-C, C-H, C-R, I-L, and I-G zoning districts **and are** subject to the following standards:

(1) **Within the Central Business District and the Historic Preservation Overlay, the exterior length and width dimensions of the temporary food vendor unit ("temporary unit") when multiplied shall be no more than 128 square feet, including any slide-outs, and excluding trailer tongue, and bumper. Outdoor equipment such as tables and chairs shall not be permitted.**

(2) **In all other zones, the exterior length and width dimensions of the temporary food vendor unit ("temporary unit") when multiplied shall be no more than 170 square feet, including any slide-outs, and excluding trailer tongue, and bumper. An additional 170 square feet is allowed for outdoor equipment as long as it complies with (9) below.**

(3) Attached awnings are permitted as long as they are no larger than the temporary unit and are intended for weather protection for customers.

(4) All applications for temporary units shall be subject to administrative review and action by the Planning Director (see Section 10.135), or by a person designated by the Planning Director to make such review, and applicants shall obtain a business license upon approval of the administrative permit.

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

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

(7) Permits must be obtained for signage according to zoning district per Sections 10.1000 through 10.1810. Signs painted on trucks and trailers do not require a sign permit per Section 10.1022.

(8) The applicant shall submit a copy of the current registration for the temporary unit.

(9) No temporary unit shall displace required parking spaces or access to required parking spaces, nor be located within any required setbacks.

(10) The temporary unit and all outdoor equipment shall be located on an improved surface (i.e., asphalt or concrete).

(11) Temporary units in public parks must obtain a Vendor Permit from the Parks and Recreation Department per Section 10.857(4) while also complying with the standards and criteria contained herein.

(12) Outdoor food vendors shall comply with the Fire Department's Outdoor Food Vendor Safety Checklist.

(13) Any utility connections (electric, water, sewer or natural gas) require a building permit from the Building & Safety Department.

C. For the administrative review, the applicant shall submit a site plan drawn to scale, including the dimensions of the temporary unit. The site plan shall show the following items:

~~(1) The applicant shall submit a site plan drawn to scale to the Planning Department with the~~

(1) Location of temporary unit on the site, including dimensions of the temporary food vendor unit ("temporary unit") dimensions to confirm compliance with this section.

(2) Paved vehicular access (i.e., asphalt or concrete) including driveway location, and off-street parking spaces on the lot.

(3) A trash receptacle, located within ten (10) feet of the temporary unit.

(4) Dimensions of the area to be occupied by the unit, including any table(s), seating, and other exterior items, if applicable.

(5) Location of utility connections, if any.

~~(2) The exterior length and width dimensions of the temporary unit, when multiplied, shall enclose no more than 128 square feet.~~

~~(3) The temporary unit shall be located on an improved surface (i.e., asphalt or concrete).~~

~~(4) The temporary unit shall be located no closer than 100 feet from another such unit.~~

~~_____ (5) If the temporary unit is located on or adjacent to a privately owned walkway, the minimum remaining unobstructed walkway width shall be six (6) feet.~~

~~_____ (6) A trash receptacle shall be located within ten (10) feet of the temporary unit.~~

~~_____ (7) All food must be in a ready to eat condition when sold.~~

PASSED by the Council and signed by me in authentication of its passage this July day of July, 2010.

ATTEST:

Glenda Owens
City Recorder

Oliver White
Mayor

APPROVED

July 1, 2010.

Oliver White
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:

July 1, 2010

1 of 1

SUBJECT:

An ordinance amending Chapter 10 of the *Medford Municipal Code* by amending Sections 10.012, and 10.857(9) relating to temporary food vendors to increase the permitted size of a temporary food vendor unit to 170 square feet, except if within the Historic Preservation Overlay Zone and the Central Business District where the maximum size would remain at 128 square feet. (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-10-037

FISCAL IMPACT:

N/A

RECOMMENDATION:

Adopt the ordinance for Option #2.

BACKGROUND & KEY ISSUES:

In January 2010 an amendment regarding temporary food vendors, which are units located on private property and not in the public right-of-way, was presented to City Council and was not adopted (DCA-09-084). On May 6, 2010 at the request of Trevor and Sharon Wittmers of Rogue BBQ, the City Council directed staff to bring back the code amendment for Council's consideration.

Currently, the code states that units can be no more than 128 square feet. The Wittmers suggest that not increasing the maximum size in the Downtown, which includes the Historic Preservation Overlay Zone and the Central Business District, would address the concerns the Council expressed at the January hearing. Staff is presenting two options for consideration. The first option maintains the size of units within the (city-wide) Historic Preservation Overlay Zone to 128 square feet while increasing the size in all other zones to 170 square feet with an additional 170 square feet for outdoor equipment. The second option maintains the size of units within the (city-wide) Historic Preservation Overlay Zone and the Central Business District to 128 square feet while increasing the size in all other zones to 170 square feet with an additional 170 square feet for outdoor equipment. Staff also recommends removal of the 100-foot distance requirement between vendors.

A Request for Comments was sent on May 11, 2010 to all affected agencies and interested parties. No comments were received. On June 10, 2010, the Planning Commission voted 8 to 0 to forward a favorable recommendation to City Council for adoption of DCA-10-037 Option #2 including the removal of the 100-foot buffer requirement, finding that the approval criteria are met.

Changes to the code can be found in summary form on pages 3 and 4 of the Staff Report.

EXHIBITS:

Staff Report to City Council dated June 18, 2010, including Exhibits A – K



CITY OF MEDFORD

PLANNING DEPARTMENT

STAFF REPORT

Date: June 18, 2010

To: City Council

Reviewed By: Suzanne Myers, A.I.C.P., Principal Planner *sm*

By: Praline McCormack, Planner II *pm*

Subject: Temporary Food Vendor Code Amendment (DCA-10-037)
City of Medford, Applicant

BACKGROUND

Proposal

Consideration of a proposed Class "A" legislative amendment of the *Medford Land Development Code* to revise Section 10.012 in Article I relating to the definition of a temporary food vendor and Section 10.857(9) in Article V relating to temporary food vendors to increase the permitted size of a temporary food vendor unit, except if within the Historic Preservation Overlay Zone and/or the Central Business District.

Background

This Code amendment pertains to temporary food vendor units on private property. In January 2010 an amendment regarding temporary food vendors was presented to City Council and was not adopted (DCA-09-084) (Exhibit C). On May 6, 2010 at the request of Trevor and Sharon Wittmers of Rogue BBQ (Exhibit D), the City Council directed staff to bring back the code amendment for Council consideration (Exhibit E).

Currently, the code states that units can be no more than 128 square feet. The Wittmers' have a temporary food vendor unit that is 170 square feet in size, and are under a moratorium on enforcement of size until this is brought back to Council. The Wittmers suggest that not increasing the maximum size in the Downtown would address the concerns the Council expressed at the January hearing.

Procedures to Date

This proposed amendment was initiated by City Council on May 6, 2010 (Exhibit E).

- May 11, 2010 a Request for Comments was sent out to all affected agencies and interested parties, as well as posted on the Planning Department's website.
- June 8, 2010 the proposal was reviewed by the Citizens' Planning Advisory Committee (Exhibits H and I).
- June 10, 2010 the proposal was reviewed by City Council in a Study Session (Exhibit J).

- June 10, 2010 at a public hearing the Planning Commission voted 8 to 0 to forward a favorable recommendation for Option 2 to City Council (Exhibit K).
- July 1, 2010 the City Council will hold a public hearing.

Format of Legislative Amendment

The attached Exhibits "A" and "B" provide the proposed code revision language. Words to be deleted are ~~struck through~~ and words to be added are **bold**.

Criteria

Medford Land Development Code, Class "A", Action and Decision Time, Section 10.164:

"Following completion of a recommendation by the advisory agency (Planning Commission), the request shall be scheduled for a public hearing. **The decision of the approving agency (City Council) shall be based upon the application, the evidence, comments from the referral agencies, and compliance with the Statewide Planning Goals and Guidelines and with this code and the Comprehensive Plan.**" [emphasis added]

Medford Land Development Code, Application Form, Section 10.182:

"An application containing the following information shall be prepared by the City:

- (1) Identification of all applicable Statewide Planning Goals and Guidelines.
- (2) Identification and explanation of the goals and policies of the Comprehensive Plan considered relevant to the decision.
- (3) Statement of the facts relied upon in rendering the decision, if any.
- (4) Explanation of the justification for the decision based on the criteria, standards, and facts."

ISSUES/ANALYSIS

Overview of Amendment

As you will note in Exhibits A and B, Staff is presenting two options for consideration.

The first option (Exhibit A) limits the size of temporary food vendor units located within the Historic Preservation Overlay Zone to 128 square feet. In all other zones temporary food vendor units are proposed to increase to 170 square feet with an additional 170 square feet for outdoor equipment. Even though the Wittmers suggested limiting the size of vendor units in only the downtown Historic Overlay Zone, Staff recommends that the size should be limited in all applicable Historic Overlay Zones due to the City's commitment to the preservation of historic properties. Per Exhibit G, the downtown portion of the Historic Overlay Zone can be roughly described as being bounded on the north by 4th Street, on the south by 8th Street, on the west by Oakdale Avenue, and on the east by Riverside Avenue. In addition to the Downtown Historic District, there are other Historic Districts located in the City. Most of these Districts are residential, and therefore not applicable to this amendment as temporary food vendors are only

allowed in commercial and light/general industrial zones. However, the South Oakdale Historic District is applicable because there are some commercially zoned properties in that District.

The second option (Exhibit B) limits the size of temporary food vendor units located within the Historic Preservation Overlay Zone and the Central Business District to 128 square feet. In all other zones temporary food vendor units are proposed to increase to 170 square feet with an additional 170 square feet for outdoor equipment. Per Exhibit F, the Central Business District can be roughly described as being bounded on the north by Jackson Street, on the south by 10th Street, on the west by Oakdale Avenue, and on the east by I-5 (area outlined in blue in Exhibit F).

Neither option would allow the additional area for outdoor equipment.

Staff also recommends the removal of the 100-foot required spacing distance between vendors city-wide. First, it is hard to track. Second, the number seems arbitrary and it is hard to explain what it really accomplishes. Third, in the downtown there are few lots that have room for a temporary food vendor unit, and this requirement makes it even more difficult to find a lot to establish a temporary food vendor business.

All of the other changes remain the same from the original temporary food vendor code amendment (DCA-09-084) and are summarized below.

Summary of Changes

- 10.012 – Definition of Temporary food vendor:
 - Language allowing drive-through service was stricken.
 - Also, “for less than a continuous 24 hours” was changed to “for less than 24 hours on any calendar day.”
 - Language was added that all equipment must be removed from the site at the end of the vendor’s business day.
- 10.857(9)(A) – Definition of Temporary food vendor was revised to reflect the changes noted above.
- 10.857(9)(B) – Standards:
 - For the Historic Preservation Overlay Zone and/or the Central Business District, the maximum size of temporary food vendor units will remain at 128 square feet with no additional outdoor space for equipment. In all other zones, the maximum size of temporary food vendor units is proposed to increase to 170 square feet plus an additional 170 square feet of outdoor area for equipment.
 - Added language that attached awnings are permitted as long as they are no larger than the temporary unit and are intended for weather protection for customers.
 - Added language that applications for temporary food vendor unit (business licenses) are subject to administrative review by the Planning Director, or designee.
 - The width of unobstructed walkway was changed from six (6) feet to five (5) feet to correspond with the required width for pedestrian walkways per Section 10.775.

- Added language that signage requires a sign permit. Per current code standards:
 - Signage painted on a vendor unit or awning will not require a sign permit.
 - Signs smaller than three square feet in area are exempt from sign permits, and a vendor is permitted to have as many as four of these small signs.
 - A-frame, or portable signs, require a sign permit, and cannot be placed in the public right-of-way.
- We will now require a copy of the unit's current registration (which will confirm its size).
- Added language that no temporary unit can displace required parking spaces or access to such spaces, nor be located within any required setbacks.
- Added language that temporary food vendors can sell in public parks with a Vendor Permit from the Parks Department.
- Added language that outdoor food vendors shall comply with the Fire Department's Outdoor Food Vendor Safety Checklist.
- Removed language about units not being located any closer than 100 feet from another such unit.
- Added language that any utility connections require a building permit.
- Added language that the site plan must indicate location of utility connections, if any.

COMMENTS RECEIVED

The Citizens Planning Advisory Committee has submitted a memo to City Council (Exhibit I). They recommend approval of Option 1 allowing vendors outside the Historic Overlay Zone to be a maximum of 170 square feet in size as well as the city-wide removal of the 100-foot distance requirement between vendors.

FINDINGS OF FACT

Compliance with Statewide Planning Goals and Guidelines

This criterion has been met.

Upon investigation, it has been determined that Goal 1 of the Statewide Planning Goals applies to the proposed amendment.

GOAL 1: CITIZEN INVOLVEMENT - To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The City of Medford has an established citizen involvement program consistent with Goal 1 that includes review of proposed legislative *Medford Land Development Code* amendments by the Citizens Planning Advisory Committee, the Planning Commission, and the City Council in study sessions, regular meetings, and public hearings. Affected agencies and interested persons are also invited to review and comment on such proposals, and meeting and hearing notices are

published in the local newspaper. This process has been adhered to in the development of the proposed amendment.

The draft document was prepared by Staff and made available for review by the public (via the internet), affected agencies, departments, and interested persons. The Citizen's Planning Advisory Committee (CPAC) reviewed the amendment at a regular meeting on June 8, 2010. The City Council reviewed the amendment at a Study Session on June 10, 2010. The Planning Commission reviewed the amendment at a public hearing on June 10, 2010 making a recommendation to the City Council. The City Council will conduct an appropriately noticed legislative public hearing on the proposal on July 1, 2010.

In accordance with Statewide Planning Goal 1, the City of Medford has an established citizen involvement program and followed it to provide opportunities for citizens to be involved in the development of the proposed ordinance. The general public, the media, affected agencies, the Citizens Planning Advisory Committee, the Planning Commission and City Council were all involved in the development of this proposal, as per that program. The City followed the process in Medford's acknowledged *Comprehensive Plan* and *Medford Land Development Code*. In conclusion, the process followed for this amendment is consistent with Statewide Planning Goal 1.

Compliance with Goals and Policies of the *Comprehensive Plan*

This criterion has been met.

Upon investigation, it has been determined that none of the Comprehensive Plan Goals and Policies are applicable to this action as this amendment simply applies to temporary food vendors.

Compliance with *Land Development Code*

This criterion has been met.

It has been determined that the proposed amendment complies with the *Land Development Code* in that temporary food vendors are still permitted in the City, simply the size of the units and the procedures that the City follows are being changed. In addition, the procedures for a Class "A" amendment to the *Land Development Code* have been complied with.

CONCLUSION

The applicable criteria have been met as per this Staff Report including the facts, evidence, comments, compliance with Statewide Planning Goals and Guidelines, compliance with the *Comprehensive Plan*, and compliance with the *Land Development Code* which have been addressed herein.

Given the limited size of lots within the Central Business District, and the City's commitment to the preservation of historic properties, Staff recommends Option 2 (Exhibit B) limiting the size of

temporary food vendor units in both the Central Business District and Historic Preservation Overlay to 128 square feet.

The Medford Planning Commission, at their meeting of June 10, 2010 voted to forward a favorable recommendation for Option #2 for DCA-10-037 by a vote of 8 to 0.

RECOMMENDED ACTION

Approve the ordinance adopting Option 2 for DCA-10-037, per the Staff Report dated June 18, 2010, including Exhibits A through K.

EXHIBITS

Exhibit A	Draft Amendment, Option 1 dated June 18, 2010
Exhibit B	Draft Amendment, Option 2 dated June 18, 2010
Exhibit C	Excerpt of Minutes from January 21, 2010 City Council meeting
Exhibit D	Memo from Trevor and Sharon Wittmers to City Council dated May 4, 2010
Exhibit E	Excerpt of Minutes from May 6, 2010 City Council meeting
Exhibit F	Map of Downtown Medford Zoning & Overlays dated August 11, 2009
Exhibit G	Map of Medford Historic Districts dated September 20, 2007
Exhibit H	Excerpt of Draft Minutes from June 8, 2010 Citizen Planning Advisory Committee Meeting
Exhibit I	Memo from Citizen Planning Advisory Committee to City Council dated June 9, 2010
Exhibit J	Minutes from June 10, 2010 City Council Study Session
Exhibit K	Excerpt of Draft Minutes from June 10, 2010 Planning Commission hearing

PLANNING COMMISSION AGENDA:	June 10, 2010
CITY COUNCIL AGENDA:	July 1, 2010

TEMPORARY FOOD VENDOR CODE AMENDMENT - DCA-10-037
DRAFT – OPTION #1

ARTICLE I

10.012 Definitions, Specific.

Temporary Food Vendor. Any kiosk, shed, shelter, trailer, vehicle, wagon, or other similar device which is used for the purpose of preparing, processing, or converting food for immediate consumption as a drive-in, ~~drive-through~~, curb, or walk-up service that remains in or on any one site or ~~tax~~-lot for less than 24 hours **on any calendar day. Temporary shall mean that all equipment must be removed from the site at the end of the vendor's business day.**

ARTICLE V

10.857 Temporary Use of Movable Structures and Vehicles.

The following temporary uses of movable structures or vehicles are allowed:

(9) Temporary Food Vendors.

A. "Temporary food vendor" means any kiosk, shed, shelter, trailer, vehicle, wagon, or other similar device which is used for the purpose of preparing, processing, or converting food for immediate consumption as a drive-in, ~~drive-through~~, curb, or walk-up service that remains in or on any one site or ~~tax~~-lot for less than ~~a continuous~~ 24 hours **on any calendar day. Temporary shall mean that all equipment must be removed from the site at the end of the vendor's business day.**

B. Temporary food vendors ~~shall be~~ permitted in the C-S/P, C-N, C-C, C-H, C-R, I-L, and I-G zoning districts **and are** subject to the following standards:

(1) **Within the Historic Preservation Overlay, the exterior length and width dimensions of the temporary food vendor unit ("temporary unit") when multiplied shall be no more than 128 square feet, including any slide-outs, and excluding trailer tongue, and bumper. Outdoor equipment such as tables and chairs, shall not be permitted.**

(2) **In all other zones, the exterior length and width dimensions of the temporary food vendor unit ("temporary unit") when multiplied shall be no more than 170 square feet, including any slide-outs, and excluding trailer tongue, and bumper. An additional 170 square feet is allowed for outdoor equipment as long as it complies with (9) below.**

(3) **Attached awnings are permitted as long as they are no larger than the temporary unit and are intended for weather protection for customers.**

(4) **All applications for temporary units shall be subject to administrative review and action by the Planning Director (see Section 10.135), or by a person designated**

by the Planning Director to make such review, and applicants shall obtain a business license upon approval of the administrative permit.

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

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

(7) Permits must be obtained for signage according to zoning district per Sections 10.1000 through 10.1810. Signs painted on trucks and trailers do not require a sign permit per Section 10.1022.

(8) The applicant shall submit a copy of the current registration for the temporary unit.

(9) No temporary unit shall displace required parking spaces or access to required parking spaces, nor be located within any required setbacks.

(10) The temporary unit and all outdoor equipment shall be located on an improved surface (i.e., asphalt or concrete).

(11) Temporary units in public parks must obtain a Vendor Permit from the Parks and Recreation Department per Section 10.857(4) while also complying with the standards and criteria contained herein.

(12) Outdoor food vendors shall comply with the Fire Department's Outdoor Food Vendor Safety Checklist.

~~(13) The temporary unit shall be located no closer than 100 feet from another such unit.~~

(134) Any utility connections (electric, water, sewer or natural gas) require a building permit from the Building & Safety Department.

C. For the administrative review, the applicant shall submit a site plan drawn to scale, including the dimensions of the temporary unit. The site plan shall show the following items:

~~(1) The applicant shall submit a site plan drawn to scale to the Planning Department with the~~

(1) Location of temporary unit on the site, including dimensions of the temporary food vendor unit ("temporary unit") dimensions to confirm compliance with this section.

(2) Paved vehicular access (i.e., asphalt or concrete) including driveway location, and off-street parking spaces on the lot.

(3) A trash receptacle, located within ten (10) feet of the temporary unit.

(4) Dimensions of the area to be occupied by the unit, including any table(s), seating, and other exterior items, if applicable.

(5) Location of utility connections, if any.

~~(2) The exterior length and width dimensions of the temporary unit, when multiplied, shall enclose no more than 128 square feet.~~

~~(3) The temporary unit shall be located on an improved surface (i.e., asphalt or concrete).~~

~~(4) The temporary unit shall be located no closer than 100 feet from another such unit.~~

~~(5) If the temporary unit is located on or adjacent to a privately owned walkway, the minimum remaining unobstructed walkway width shall be six (6) feet.~~

~~(6) A trash receptacle shall be located within ten (10) feet of the temporary unit.~~

~~(7) All food must be in a ready-to-eat condition when sold.~~

TEMPORARY FOOD VENDOR CODE AMENDMENT - DCA-10-037
DRAFT – OPTION #2

ARTICLE I

10.012 Definitions, Specific.

Temporary Food Vendor. Any kiosk, shed, shelter, trailer, vehicle, wagon, or other similar device which is used for the purpose of preparing, processing, or converting food for immediate consumption as a drive-in, ~~drive-through~~, curb, or walk-up service that remains in or on any one site or ~~tax~~-lot for less than 24 hours **on any calendar day. Temporary shall mean that all equipment must be removed from the site at the end of the vendor's business day.**

ARTICLE V

10.857 Temporary Use of Movable Structures and Vehicles.

The following temporary uses of movable structures or vehicles are allowed:

(9) Temporary Food Vendors.

A. "Temporary food vendor" means any kiosk, shed, shelter, trailer, vehicle, wagon, or other similar device which is used for the purpose of preparing, processing, or converting food for immediate consumption as a drive-in, ~~drive-through~~, curb, or walk-up service that remains in or on any one site or ~~tax~~-lot for less than a ~~continuous~~ 24 hours **on any calendar day. Temporary shall mean that all equipment must be removed from the site at the end of the vendor's business day.**

B. Temporary food vendors ~~shall be~~ permitted in the C-S/P, C-N, C-C, C-H, C-R, I-L, and I-G zoning districts **and are** subject to the following standards:

(1) **Within the Central Business District and the Historic Preservation Overlay, the exterior length and width dimensions of the temporary food vendor unit ("temporary unit") when multiplied shall be no more than 128 square feet, including any slide-outs, and excluding trailer tongue, and bumper. Outdoor equipment such as tables and chairs shall not be permitted.**

(2) In all other zones, the exterior length and width dimensions of the temporary food vendor unit ("temporary unit") when multiplied shall be no more than 170 square feet, including any slide-outs, and excluding trailer tongue, and bumper. An additional 170 square feet is allowed for outdoor equipment as long as it complies with (9) below.

(3) Attached awnings are permitted as long as they are no larger than the temporary unit and are intended for weather protection for customers.

(4) All applications for temporary units shall be subject to administrative

review and action by the Planning Director (see Section 10.135), or by a person designated by the Planning Director to make such review, and applicants shall obtain a business license upon approval of the administrative permit.

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

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

(7) Permits must be obtained for signage according to zoning district per Sections 10.1000 through 10.1810. Signs painted on trucks and trailers do not require a sign permit per Section 10.1022.

(8) The applicant shall submit a copy of the current registration for the temporary unit.

(9) No temporary unit shall displace required parking spaces or access to required parking spaces, nor be located within any required setbacks.

(10) The temporary unit and all outdoor equipment shall be located on an improved surface (i.e., asphalt or concrete).

(11) Temporary units in public parks must obtain a Vendor Permit from the Parks and Recreation Department per Section 10.857(4) while also complying with the standards and criteria contained herein.

(12) Outdoor food vendors shall comply with the Fire Department's Outdoor Food Vendor Safety Checklist.

~~(13) The temporary unit shall be located no closer than 100 feet from another such unit.~~

(134) Any utility connections (electric, water, sewer or natural gas) require a building permit from the Building & Safety Department.

C. For the administrative review, the applicant shall submit a site plan drawn to scale, including the dimensions of the temporary unit. The site plan shall show the following items:

~~(1) The applicant shall submit a site plan drawn to scale to the Planning Department with the~~

(1) Location of temporary unit on the site, including dimensions of the temporary food vendor unit ("temporary unit") dimensions to confirm compliance with this section.

(2) Paved vehicular access (i.e., asphalt or concrete) including driveway location, and off-street parking spaces on the lot.

(3) A trash receptacle, located within ten (10) feet of the temporary unit.

(4) Dimensions of the area to be occupied by the unit, including any table(s), seating, and other exterior items, if applicable.

(5) Location of utility connections, if any.

~~(2) The exterior length and width dimensions of the temporary unit, when multiplied, shall enclose no more than 128 square feet.~~

~~(3) The temporary unit shall be located on an improved surface (i.e., asphalt or concrete).~~

~~(4) The temporary unit shall be located no closer than 100 feet from another such unit.~~

~~(5) If the temporary unit is located on or adjacent to a privately owned walkway, the minimum remaining unobstructed walkway width shall be six (6) feet.~~

~~(6) A trash receptacle shall be located within ten (10) feet of the temporary unit.~~

~~(7) All food must be in a ready to eat condition when sold.~~

130. Public hearings

130.1 COUNCIL BILL 2010-17 An ordinance amending Chapter 10 of the Medford Code by amending Sections 10 012 and 10.857 pertaining to temporary food vendors. (Land Use, Legislative) (DCA-09-084)

Jim Huber, Planning Director provided a staff report on the proposed amendments. He noted the amendment is to revise the definition of a temporary food vendor and modify standards pertaining to a temporary food vendor. He provided an overview of the process undertaken to bring this to council and noted that this originated by a citizen request. Staff and Planning Commission recommend approval with a revision removing reference to 10.857(9) B(2) which requires a building safety permit for the awnings as a permit is not required.

Councilmembers raised questions regarding the use of parking spaces for the temporary food vendors, liability issues and how this would affect public parks. Mr. Huber responded to the questions and noted that the Parks & Recreation Department regulates if food vendors are permitted in parks. Councilmember Gordon questioned the signage and need for menus, which are often changed, be allowed in some manner.

Public hearing opened.

- 1 Cree Riggs, 5575 Table Rock Road, Central Point and owner of The Yellow Submarine Sandwich Shop, addressed the council and explained she thought that this ordinance was regarding the sidewalk vendors but still wanted to present information that may pertain to these vendors. She spoke to the need to provide a level playing ground for businesses and felt the Temporary Food Vendors and Sidewalk Vendors are given advantages over business within buildings.
- 2 Ben Tesser, 3475 Springhill Road, Lafayette California, property owner of Yellow Submarine Sandwich Shop building, addressed the council and noted confusion regarding the various classes of food vendors. He spoke in objection to the ordinance allowing these vendors and presented a comparison of requirements between a small food vendor and the temporary food vendor. He noted that there are less restrictions and requirements for the temporary food vendor and it seems unfair.

Public hearing closed

Motion: Deny the ordinance.

Moved by: Chris Corcoran

Seconded by: Greg Jones

Councilmembers discussed the code amendment.

Roll Call: Councilmembers Corcoran, Densmore, Gordon, Jones, Kuntz, Strosser, Stout and Truwe voting yes

Motion carried and Ordinance 2010-17 failed.

140. Ordinances and resolutions

None.

150. Further reports from the City Manager and staff

150.1 U.S. Cellular Community Park Economic Impact Report
Item has been postponed.

150.2 Parks & Recreation Accreditation Program
Item has been postponed.

150.3 History Book Author Request for Proposal:
Glenda Owens, Assistant to the City Manager, addressed the council and updated the council on the response to the RFP. She reported one response was received from the Southern Oregon Historical Society in the amount of \$6,478.00 and that the review committee is recommending awarding the contract to the respondent. Ms. Owens also reported that if council chooses to move forward with this project, additional funding will need to be transferred from General Fund Contingency to cover this unbudgeted item.

CITY OF MEDFORD
EXHIBIT # C
File # DCA-10-37

RECEIVED

MAY - 6 2010

PLANNING DEPT.

TO: Medford Mayor, City Manager, & City Council Members

DATE: May 4, 2010

SUBJECT: Ordinance amending Chapter 10 of the *Medford Municipal Code* by amending Sections 10.012 and 10.857 (9) pertaining to temporary food vendors.

PURPOSE: We would like to request that you review the recommendations made by the Planning Commission again and consider our recommendation for changing the Municipal Code regarding Temporary Food Vendors.

Refer to supporting documents/videos:

- Staff Report to the City Council dated January 11, 2010, including Exhibits A-J presented by the Planning Commission.
- City Council Meeting Video – January 21, 2010 – Evening Meeting
- City Council Meeting Video – August 6, 2009 – Day Meeting

We recently received a notice from the Planning Commission that the requested size increase for temporary food vendors was denied per the city council meeting on January 21, 2010.

Unfortunately, we were unaware that the planning commission would be addressing the city council regarding the change requested at that meeting. However, we most likely would not have been able to attend due to the recent surgery that Trevor had late December, but at least one of us would have made every effort to do so had we known. The holidays and his surgery had kept us quite busy. We have since reviewed the video of that council meeting and would like to offer the following comments and information in response to the concerns and comments made by council members.

TWO KEY ISSUES TO ADDRESS:

- 1) The focus of the comments and concerns shared by both the public who spoke and the City Council were all on the downtown area of Medford. The public comments were mostly focused on protecting their turf and directed toward Street Vendors and not on the Temporary Food Vendors.
- 2) To our knowledge, the current code was not enforced prior to August 6th nor has it been after February 6th to date (May 4th) regarding the size and distance of vendors.

COMMENTS REGARDING THE KEY ISSUES:

- On August 6, 2009 the city council approved a 6-month non-enforcement of the above mentioned code time period to allow time to review the code and get the Planning Commission's input and recommendations to change or not change the code (plus to allow us to comply with our contract with Harry and David.) The "grace" time period was up on February 6, 2010.
- The Planning Commission did as requested by the city council and came up with their recommendations. They recommended approval of the new size limit and made some other recommendations or clarifications on the temporary food vendor code. Their process included notification of 14 agencies, the CPAC and MLDC process, and the general public.

CITY OF MEDFORD

EXHIBIT # D

File # DCA-10-37

Apparently, none of the code change recommendations or clarifications that were submitted by the Planning Commission regarding municipal code 10.857 were approved to my knowledge. It appeared that all of their research, CPAC, and public notice, etc. were all for not due to the size issue and downtown area concern.

- The City Council voted on January 21, 2010 to not allow any temporary food vendors larger than 128 sf anywhere in the city. All of the discussion was focused on the downtown area and it appears the decision was made primarily on that premise alone.
- The street vendors are in the downtown location mostly due to the college campuses that provide heavy sidewalk traffic. Most of the clientele for the street vendors are students, teachers/professors, and business people looking for “fast food” (pick-up and go) and not a “sit down” dining experience environment.
- A business chooses its location based on what it knows at the time. Current competition and supportive type of businesses in the area. New businesses may have come in the mean time – the same or similar type of business. Unless we choose a location that specifically spells out in a legal agreement how many of each type of business can be in that location/property area we just have to deal with it as it comes. Obviously, each time more similar businesses move in, the pie gets divided up more among them. However, competition is just part of the American way and it can make or break a business as well as help to improve the market place.

It is our understanding per recent TV ads that there are now over 30 business establishments that provide food in the downtown area. However, we will presume that you have no intent to limit the number of restaurants/businesses providing food downtown.

- If we recall correctly, the people who bought the Yellow Submarine were employees of the business when it was up for sale. We will then presume that they knew there had been and would continue to be street vendors around that location, but they chose to buy the business anyway. Plus the property owner for the Yellow Submarine building apparently has decided to allow 2 or possibly more food establishments to compete against each other within the property he owns on the same street. We believe at one time the Yellow Submarine was the only food establishment on that side of the block. Then the library went in with a coffee shop inside of it just across the street in one direction from them and then pizza and bagel shop came in next to them and now O's is across the street in another direction, etc., etc. Bear Creek Plaza just added one more hamburger establishment to that complex...all right next to each other and adding to the competition for other food establishments in the same complex. It is all part of the ever changing dynamics and competition that is part of an ever changing city. By the way, the Yellow Submarine could adapt and also establish a street vendor presence if they would like...under the same name or another one. Or, perhaps they could open up the outside seating area and sell from there, or even change their menu to appeal to the clientele buying from street vendors. “If you can't beat them, join them.”
- Small businesses are the life blood of most cities and we need to encourage and support them. Mellelo's and Dutch Brothers both started as street vendors. Other street vendors and temporary food vendors may someday establish more permanent businesses in our area, too, if they are given the chance to develop their business on an incremental basis.

Our business plan calls for expansion to more locations, restaurants, and other product lines. Some of what we would like to do if/when we are able could potentially bring a lot of jobs to Southern Oregon.

We appreciate the fact that the city council is concerned about the safety of our citizens and the revitalization of the downtown area. We echo your sentiments and concerns, but that is not the focus area we tried to address. We tried to get that message across at the first city council meeting we attended on August 6th and in the paperwork submitted. It is mostly about private property not located in the “downtown” area.

FACTS:

- The City of Medford is approximately 22 square miles and with a population of over 80,000 in just the city – and a population in the metropolitan area of over 200,000.
- There are currently over 200 commercial building spaces for lease/rent and/or for sale in the Medford/Jackson Co. area (and growing).
- Many businesses have closed, many are looking to relocate out of state (due to Prop 66 & 67 and other reasons), and many are on the verge of closing.
- Business owners are all looking for creative ways to bring in more or some income for their idle property.
- Property owners are looking for tenants, either temporary or long term to help ease the burden of paying their bills on their empty buildings and/or property. As you know, property values are decreasing but property taxes and other costs are not.

REBUTTAL INFORMATION REGARDING COUNCIL MEMBER COMMENTS:

1) We do pay taxes, fees, etc.

System Development Charges (SDCs) -- We paid over \$1500 in RV Sewer fees - SDC for our commissary kitchen. – One time charge...per business.

Fees – City of Medford Business License - \$100 Kitchen and \$100 Mobile Unit

Permits - City Building Permits - \$2300

Health Department – Commissary Kitchen License and Mobile Unit License.

\$280 – Commissary Kitchen (reduced by the county health dept from \$400/yr due to current economic climate which was greatly appreciated.)

\$420 – Mobile Unit

Taxes – Personal Property Taxes – not billed yet for this year. Taxed on personal property over \$15,000 in value.

Street food vendors and temporary food vendors must work out of a licensed commissary kitchen per the Jackson County/State health department. So, if they are renting or leasing a commissary kitchen, the property owner more likely than not passes on their taxes and fees to the tenant renting or leasing space in their monthly charge for the space. So they do indirectly help pay taxes and/or SDC charges.

Plus we supported several local businesses to establish our commissary kitchen.....plumber, electrician, refrigeration, sheet metal and sheetrock, etc. – not to mention the large amount of kitchen equipment we purchased & the mobile trailer we bought and equipped this last year (mostly from local businesses or private parties.) **Over \$60,000 worth of services and equipment** were bought this last year to establish our business in Medford.

2) We carry the full amount of liability insurance required plus appropriate amount of hazard insurance.

3) We were the only one to offer comments regarding changing the code and now it is perceived that the change would only be for one business.

- Only one other business came to represent their interest and offer input and because they were from downtown, nothing can be changed for anyone else. It's time to revitalize and support the rest of Medford, too.
- The change would favorably impact any currently operating that are not in compliance with the code and they would not need to be shut down. Do you really want to shut down those businesses?
- Apparently the 14 agencies had no issues they wished to address and therefore had no concerns regarding the code change...and no comments to offer.
- We spoke with Chad at the Jackson County Health Department (who covers inspection of the mobile units and commissary kitchens) and he never personally received the notification and is unaware if it was ever received, but welcomes any questions or concerns the council may want to address and encourages a phone call to him. (He noted that the health department has no size restrictions. By the way, they have no time limits on mobile units either...but they do need to have a plan review after 30 days.)
- Those operating illegally are either ignorant of the code and/or chose to not bring attention to themselves by trying to change the code.
- The general public offered no comments because they either did not see or hear about the information in the media or were indifferent to it one way or another (with the exception of the Yellow Submarine and their landlord.)

4) Some appeared to have a distain for the vendors and would not like to see any further expansion or would like to review it to see if you are doing the right thing to allow them at all.

- Both the stationary versus mobile units have advantages and disadvantages. Plus the cost factor for stationary may be cost prohibitive for someone trying to do a start-up and/or seasonal type of business. We all have to start with what we can afford and are willing to risk ... large or small. Why would you want to shut down these "small businesses" who are trying to make a living in this difficult economic time period?

5) Many local businesses welcome these types of vendors to be on their property.

- They are the business owners and we believe that they will not purposely make decisions that would impact their business negatively, e.g. allow too large of a unit to be on their property, risk public safety, utilize their required business parking spaces needed, etc. We would think all of it would be addressed in a conversation and/or lease agreement in order to allow the unit on their property. They are seeking more income revenue any way they can get it, too.

RECOMMENDATIONS

Keep the code as is with the 3 types of food units (small food, street and temporary vendors) but make the following change for temporary and small food vendors for different areas of the city:

- No change to current code within the downtown historic district designated area (shown on a map).
- Approve the recommendations made by the Planning Commission regarding the municipal code for Temporary Food Vendors on private property outside the downtown historic district area.

MINUTES OF THE MEDFORD CITY COUNCIL MEETING

May 6, 2010

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

Mayor Gary Wheeler; Councilmembers Ben Truwe, Dick Gordon, Jill Stout (*left as noted), James Kuntz, Al Densmore, Bob Strosser and Greg Jones.

Councilmember Chris Corcoran was absent.

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

Introduction of the McLoughlin Middle School Students of the Month

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

20. Approval or correction of the minutes of the April 15, 2010 regular meeting

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

30. Oral requests and communications from the audience

* 30.1 Trevor and Sharon Wittmers, Rogue BBQ, 4633 Eagle Trace Drive, Medford addressed the council and requested that the code amendment for temporary food vendors be reconsidered by the council. Mr. Wittmers noted that there has not been any enforcement for vendors who have vending facilities that are out of code regarding the size. Ms. Wittmers thanked the Planning Commission and staff for their work in reviewing the code and bringing forward the recommendation for the amendments.

Motion: Direct staff to bring back the code amendment for council consideration and to extend the moratorium on enforcement of size for temporary food vendors until this is brought back to council.

Moved by: Bob Strosser

Seconded by: Ben Truwe

Roll Call: Councilmembers Bob Strosser, Ben Truwe, Al Densmore, Dick Gordon, Greg Jones, James Kuntz and Jill Stout voting yes.

Motion carried and so ordered.

30.2 Apple Smith, 515 Pennsylvania Ave. Medford addressed the council regarding the issues being experienced with rats. She expressed concerned about reports of poison being put into the sewers to eliminate the rats and wanted to know how local residents can address this issue when many are financially strapped. Councilmember Truwe noted that rat traps are available for free from Jackson County Vector Control. Ms. Smith also requested information regarding a bike safety fair in conjunction with Bike to Work week and Councilmember Jones invited her to attend the Bicycle and Pedestrian Advisory Committee meeting on Tuesday to discuss this further.

30.3 Jackie Agee, representing the Jackson County Community Services Consortium addressed the council and requested financial support by the council for the Project Homeless Connect event which will be held on June 25th at the Medford armory. Project Homeless Connect is a collaborative effort between service providers, government agencies, private sector and the general community to serve people experiencing homelessness. She noted that more effort is being focused on prevention during the upcoming event as the current economic situation has many individuals on the brink of homelessness. She requested the council consider a Title Sponsorship at \$1,500. Councilmember Strosser requested information regarding budget funds that might be available for this purpose and City Manager Dyal noted that will be researched and information will be brought forward at the evening meeting.



30.4 Alec Miller representing Southern Oregon Regional Economic Development, Inc. addressed the council and requested council endorsement for a grant to expand the Nursing Program at RCC/SOU. He spoke to the benefits of this expansion in providing skilled nursing staff and additional employment opportunities

EXHIBIT # E





File # DCA-10-37






Downtown Medford Zoning & Overlays

LEGEND

-  Central Business District Overlay
-  Historic Overlay

Zoning

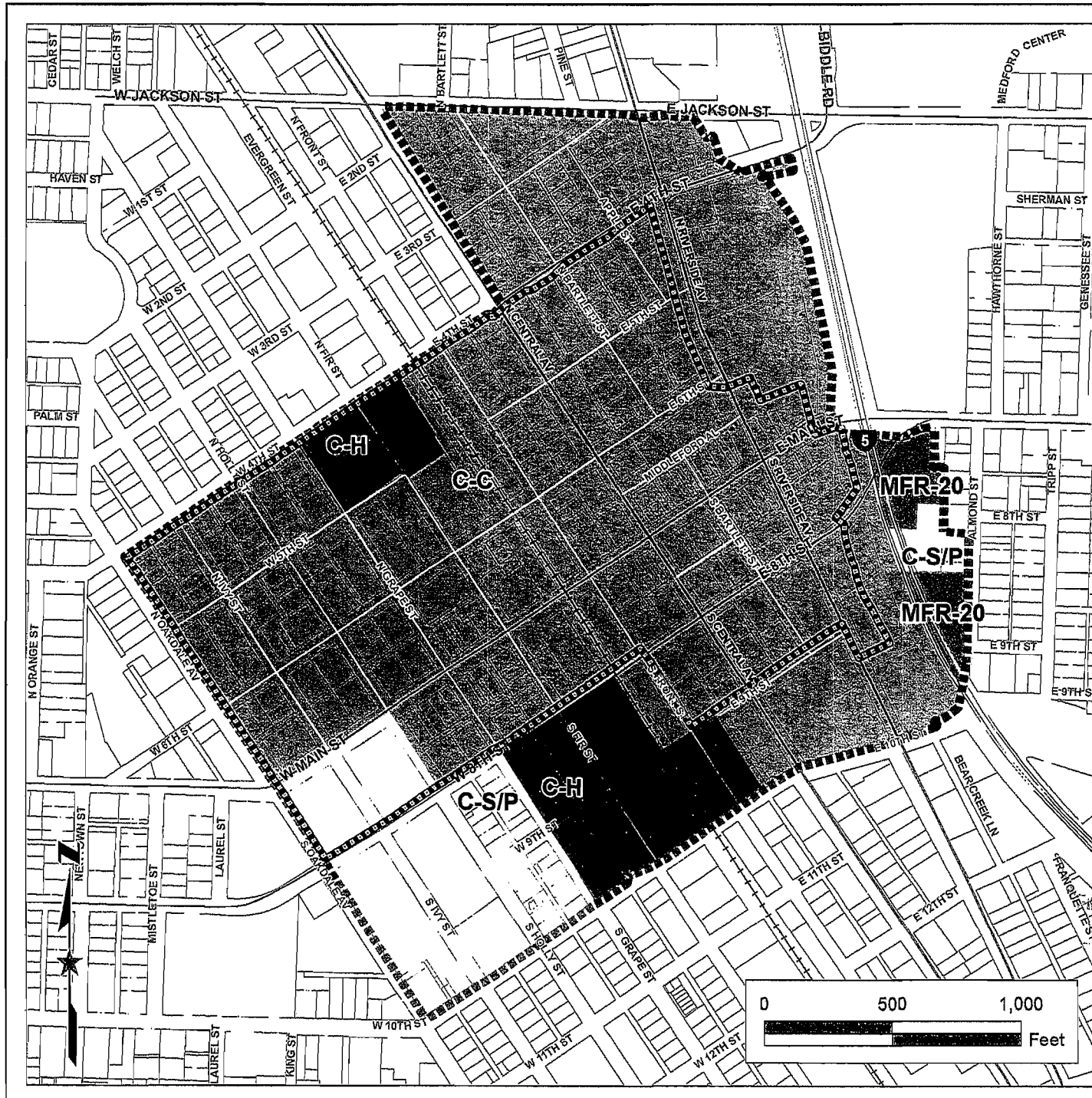
-  MFR-20
-  C-H
-  C-C
-  C-S/P

-  Tax Lots
-  Freeway
-  State Highway
-  Major Road
-  Street

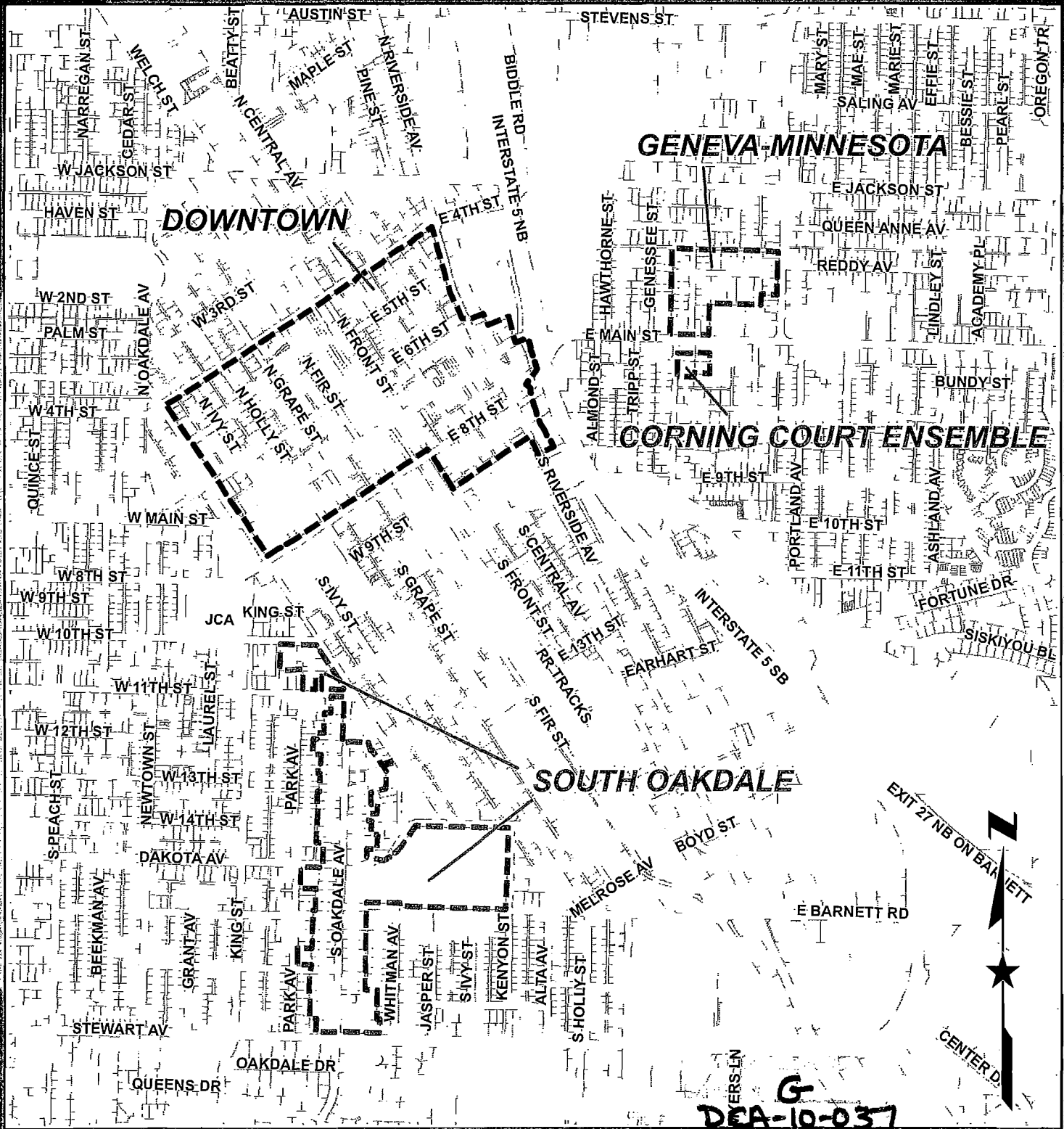
CITY OF MEDFORD
DCA-10-037



8.11.09



MEDFORD HISTORIC DISTRICTS



LEGEND



Commercial Historic District



Residential Historic District



Taxlots



Map produced on 9/20/07



40 Old Business.

40.1 Cost of Growth
No report.

40.2 CPAC Brochure:
No report.

40.3 Chamber of Commerce Map of Medford and Surrounding Jackson County Regions.
No discussion.

50 New Business.
No new business.

60 Applications and Referrals

60.1 Temporary Food Vendor Code Amendment

Staff provided background: City Council denied a previous temporary food vendor proposal that allowed for all vendors to be a maximum 170 square feet in size. This previous code amendment was requested by a food vendor in Medford. Since that denial, a different mobile food vendor approached City Council asking that all units outside the downtown core be allowed to be 170sf (instead of the 128sf specified currently in the code). With this request, Council directed staff to bring forth a second proposal.

Discussion included questions such as: Why are chairs and tables not proposed to be permitted downtown? Some recommended the code be flexible and less restrictive, others felt temporary food vendors ought not be permitted at all. Discussion included recommendations to allow for a centralized location downtown for vendors. Some felt small businesses are those that revitalized the economy. Others asked how much it costs to obtain all certifications and licenses to become a temporary food vendor. David McFadden pointed out that the Transportation System Plan may include strategies for traffic reduction that include temporary food vendors.

Motion I: Recommend to City Council that all temporary food vendors be permitted to be a maximum 170 square feet in size.

Moved By: Joel Marks Seconded By: Gerald Anderson

Vote: Motion fails, 6-6, 0 abstentions.

CPAC discussed the failed motion and felt that if vendors are on private property, that they ought to be 170 square feet in size.

Motion II: Recommend to City Council that the 100-foot buffer requirement be removed from the code.

Moved By: Christine Lachner Seconded By: Joel Marks

Vote: Motion passes, 11-0, 1 abstentions.

CITY OF MEDFORD
EXHIBIT # H
File # DCA-10-037

CPAC discussed that the 100-foot buffer requirement ought to be removed from the code to provide for an equitable situation. In other words, CPAC feels that the vendors ought to participate in a free market, and that the market will dictate where vendors choose to locate.

Motion III: Recommend to City Council support for Option 1: allowing temporary food vendors inside the Historic District to be a maximum of 128 square feet in size and allowing vendors outside the Historic District to be a maximum 170 square feet in size.

Moved By: Bruce Spence Seconded By: Joel Marks

Vote: Motion passes, 7-4, 1 abstentions.

Discussion: CPAC stated that vendors in the Historic District ought to be a maximum 128 square feet due to the aesthetic nature of the Historic District.

60.2 LDP-10-039/E-10-040

Chair Curtis Folsom explains the application. Bruce Spence asks about pad lots. Chair Folsom explains that pad lots, when in the code, allowed for multiple building lots within on tax lot. In this case there are three homes (pads) on one tax lot. Karen Blair recommends that all owners of this tax lot agree to losing a portion of the common area. Ms. Blair further questions infill strategies and asks whether the existing infrastructure will handle increased density. Staff reminds CPAC that pad lot were removed from the code as a result of various negative consequences of pad lots, and suggest that pad lots may not be an effective or positive infill strategy for residential development at this point. CPAC asks if should make a motion. Staff recommends CPAC wait for the staff report as only the applicant's proposal was included in the agenda tonight. Hugh Hohe asks for a blown up copy of the assessor's map.

70 General Discussion

Jim Howe reminds CPAC that staff emailed information regarding a seminar to be held this Thursday at the library. The seminar topic is *transparency in government*.

80 Adjournment

The meeting was adjourned at 7:29 PM.

Submitted by: Carly Meske, Planner II



CITY OF MEDFORD: CITIZENS PLANNING ADVISORY COMMITTEE

DATE: June 9, 2010
TO: Medford City Council
FROM: Citizens Planning Advisory Committee
SUBJECT: Temporary Food Vendor Code Amendment (DCA-10-037)

PURPOSE

The Citizens Planning Advisory Committee (CPAC) has discussed the proposed temporary food vendor code amendment and presents the following memorandum to the Medford City Council. The purpose of this memorandum is to: (1) recommend approval of allowing temporary food vendors outside the Historic District to be a maximum 170 square feet in size; and (2) recommend removal of the 100-foot buffer requirement between vendors.

ANALYSIS

The proposed temporary food vendor code amendment includes two options for the consideration of City Council. Option one proposes that temporary food vendors in the Historic District be permitted to be a maximum 128 square feet, and that all vendors outside the Historic District be permitted to be a maximum 170 square feet in size. Option two proposes that temporary food vendors in the Historic District and Central Business District be permitted to be a maximum 128 square feet, and that all vendors outside the Historic District and Central Business District be permitted to be a maximum 170 square feet in size.

CPAC discussed the draft code amendment at their June 8, 2010 meeting. During CPAC's discussions, various suggestions were made. As a result, CPAC passed two motions recommending approval of option one, and recommending the removal of the 100-foot buffer requirement. CPAC discussed allowing the market to influence the location of temporary food vendors, rather than code. Additionally, CPAC finds that temporary food vendors ought to remain 128 square feet and under in the Historic District due to the aesthetic nature of the Historic District.

CONCLUSION

CPAC recognizes that allowing temporary food vendors is vital to the revitalization of Medford's economy. All of the citizens of Medford benefit in some way from this revitalization. CPAC looks forward to working with the City Council to ensure that future economic development is fiscally responsible and does not jeopardize an otherwise bright future of our great city.

CITY OF MEDFORD
EXHIBIT # **I**
File # **DCA-10-037**

Medford City Council Study Session
June 10, 2010

The meeting was called to order at 12:00 p.m. in the Medford Room at City Hall, 411 W. 8th Street, Medford with the following members present.

Mayor Gary Wheeler; Councilmembers Chris Corcoran, James Kuntz, Bob Strosser, Jill Stout, Greg Jones and Dick Gordon.

1. Hebert Citizen Survey: Glenda Owens, Assistant to the City Manager, provided an overview of the survey project. Ms. Owens reviewed specific information regarding the survey results and noted that 83.8% of the survey respondents supported expansion of the outreach efforts by the City. It was noted that the most important sources of information are local television channels, local newspaper and local radio. The City Newsletter (utility bill insert) and the Parks & Recreation Community Connections program guide were also well used resources. Community identified values, beliefs and priorities were safe neighborhoods, quality education, accessible hospital/health care, local employment opportunities, financially balanced government, family oriented community and accountable city leaders. Ms. Owens reported that the Community Outreach Plan will be presented in July.
2. Urbanization Policy: John Adam, Planner IV, addressed the council and presented information regarding the proposed update to the Comprehensive Plan and related Land Development Code. He noted that staff is recommending simplification of the policy by updating references to the state statutes, rules and Goal 14. Other housekeeping changes are proposed. The amendments will be brought before the Council at the 6/17 council meeting. Councilmember Gordon expressed concern regarding the time delay of annual amendments and how that might cause delays in application processing. Councilmember Jones questioned if Jackson County would object to quarterly review and Mr. Adam noted that there have not been any applications on this topic in recent history but this could be looked at if an application was received.
- * 3. Temporary Food Vendors: Jim Huber, Planning Director addressed the council and provided background on the issue. He wanted to provide clarity and noted that temporary food vendors are not sidewalk vendors. He provided an overview of the code amendments that were presented to the Council in January 2010. He noted that Rogue BBQ has requested the council reconsider the text amendment with the exception of downtown district. Planning Commission will be hearing this item at their regular meeting this evening and then it will be brought to council for consideration.

Meeting adjourned at 12:40 p.m.

Glenda Owens

Glenda Owens, City Recorder

DCA-10-037

Mr. Beskow responded that Public Works would object to the request for a dead-end street due to access for safety vehicles, and the limitation of circulation.

Chair Nelson commented that economics is not one of the criteria that can be considered.

The public hearing was closed.

Motion: Adopt the Final Order of approval per the Staff Report dated June 10, 2010, including Exhibits A-1 through J, and the change that Lots 32 and 33 could be connected to the existing storm drainage system.

Moved by: Commissioner McFadden Seconded by: Commissioner Tull

Commissioner Tull expressed that it was in the best interest of the community as a whole to make streets as connected as possible, for access for emergency vehicles and to minimize vehicle miles traveled. He indicated his support of the motion.

Roll Call Vote: Motion passed, 8 – 0

50.4 DCA-10-037 Consideration of a Glass "A" major legislative amendment of the Medford Land Development Code to revise Section 10.857(9) in Article V relating to temporary food vendors to increase the permitted size of a temporary food vendor unit, except if within the Central Business District or the Historic Preservation Overlay Zone. City of Medford, Applicant

Suzanne Myers, Principal Planner, presented a Staff Report with two options. Staff recommended that the Commission choose the option to limit the size of the temporary food vendor units to 128 square feet within the Historic Preservation Overlay Zone and Central Business District.

Commissioner Locke asked what were the City Council's facts supporting denial. Ms. Myers indicated that concern about unfair competition with area restaurants was raised at a public hearing. Commissioner Locke asked if a competitive factor is something the Commission would consider. Ms. Myers responded that it is a policy issue related to economic development. Commissioner Locke conveyed that he does not feel that competitive impact is a factor that should influence the Planning Commission.

There was discussion about the Citizen's Planning Advisory Committee (CPAC) recommendation. Ms. Myers noted that CPAC expressed concern about the aesthetic issues in the Historic District. Commissioner McFadden indicated that he had attended the meeting, and the first motion was for both the Central Business and the Historic District, and was a 6 to 6 tie vote. The Committee was able to agree upon just the Historic District.

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

- a) Sharon & Travis Wittmers, 4633 Eagle Trace Drive, Medford, OR 97504. Ms. Wittmers thanked the Planning Commission for all the work put in. She explained that she had requested the amendment to be reviewed again because at the City Council meeting, the focus was placed on street vendors, not temporary food vendors. She suggested to limit the size of the units allowed in the downtown area, but increase the size for the rest of the city.

Ms. Wittmers indicated that they are hopeful the amendment will be approved.

Commissioner McFadden agreed with Ms. Wittmer's comment about the misunderstanding of downtown street vendors versus temporary food vendors.

The public hearing was closed.

Motion: Forward a favorable recommendation to the City Council for DCA-10-037, per the Staff Report dated June 1, 2010, including Exhibits A through F, and to limit the size of temporary food vendor units in both the Central Business District and Historic Preservation Overlay to 128 square feet.

Moved by: Commissioner McFadden Seconded by: Commissioner Hokanson

Commissioner Locke cited point of order and asked why the amendment was being heard again before the Planning Commission when they had already held a public hearing and provided a favorable recommendation to the City Council. Commissioner Nelson responded that in effect, it is a new application with modifications.

Roll Call Vote: Motion passed 8 – 0

- 50.5 **DCA-10-005** Consideration of a Class "A" Major legislative amendment of the *Medford Land Development Code*, adding sections 10.390 through 10.394 to support implementation of the West Main Neighborhood Circulation Plan and associated land use planning. The code amendment includes provisions and criteria for reduced right-of-way width for lower order streets, reduced setback requirements for pre-existing structures, and reduced building setback requirements and off-street parking requirement credit for development utilizing on-street diagonal parking. City of Medford, Applicant

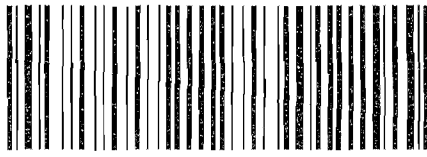
Item 50.5 was heard in conjunction with Item 50.1

- 50.1 **CP-09-009** Consideration of a Class 'A' Major Legislative amendment of the Medford Comprehensive Plan Neighborhood Element by establishment of a conceptual circulation plan map and policies for the West Main Transit Oriented District (TOD) area, approximately 450 acres located generally west of Columbus Avenue, east of the urban growth boundary, south of the Stonefield Way alignment and north of the Meadows Lane alignment, including, but not limited to, neighborhoods surrounding W. McAndrews Road, N. Ross Lane, W. Main Street, Oak Grove Road, and Lozier Lane. The proposed plan seeks to support development of a multi-modal transportation system that will provide safe and efficient routes for pedestrians, bicycles, transit users and motor vehicles. City of Medford, Applicant

Desmond McGeough, Planner II, presented a Staff Report. Staff recommended that the Commission forward a favorable recommendation to the City Council for DCA-10-005 and CP-09-009.

Discussion:

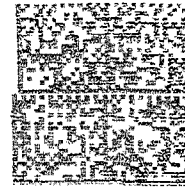
Commissioner McFadden asked staff's analysis of the plan's areas in conflict. He indicated that he firmly believes that the map is a conceptual plan and is in no way considered a hard and fast plan of where roads will go. He asked if staff analyzed the conflict areas identified, and if the plan could go forward with those alignments removed. Mr. McGeough noted that many of the alignments would be lost in the plan if the connections in conflict were removed. It would probably result in widening the



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City Of Medford
Planning Department
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Medford, OR 97501

ATTN: Plan Amendment Specialist
Dept. of Land Conser. & Develop.
635 Capitol St. NE, Ste. 150
Salem, Or 97301-2540



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