



Oregon  
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

07/02/2013

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 004-13

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. This amendment was submitted without a signed ordinance.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, July 16, 2013

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

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

Cc: Carly Guillory, City of Medford  
Gordon Howard, DLCD Urban Planning Specialist  
Josh LeBombard, DLCD Regional Representative

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FORM **2****DLCD****Notice of Adoption**☐ In person ☐ electronic ☐ mailed**DEPT OF**

JUN 27 2013

**LAND CONSERVATION  
AND DEVELOPMENT**

For Office Use Only

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Medford**Local file number: **DCA-12-074**Date of Adoption: **6/20/2013**Date Mailed: **6/24/2013**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 04/10/2013☐ 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".

The proposed Land Development Code revisions include two elements: (1) Adding language allowing temporary mobile medical services for animals and humans and temporary mobile nonprofit services; and (2) Updating and reorganizing the entire temporary use provisions into one code section. (These address a variety of uses from carnivals to Christmas tree sales to temporary real estate sales offices.)

Does the Adoption differ from proposal? Yes, Please explain below:

The time the temporary mobile units can be located without moving was changed from 24 hours to 48 hours.

Plan Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Zone Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Location: \_\_\_\_\_ Acres involved: \_\_\_\_\_

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable statewide planning goals:

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

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing? ☒ Yes ☐ NoIf no, do the statewide planning goals apply? ☐ Yes ☐ NoIf 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:

None

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Local Contact: **Suzanne Myers**

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

Address: **200 S. Ivy Street**

Fax Number: - -

City: **Medford**

Zip: **97501**

E-mail Address:

**suzanne.myers@cityofmedford.org**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

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

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

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



## *CITY OF MEDFORD*

# PLANNING DEPARTMENT

### STAFF REPORT - LAND DEVELOPMENT CODE AMENDMENT

**Date:** May 16, 2013  
**To:** City Council for June 6, 2013 Hearing  
**From:** Carly Guillory, Planner II  
**Reviewer:** Suzanne Myers, A.I.C.P., Principal Planner  
**Subject:** Mobile Medical Services and Nonprofit Vendors (DCA-12-074)

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### BACKGROUND

#### **Proposal:**

Consideration of a proposed legislative amendment of Medford Municipal Code sections 10.012, 10.031, 10.337, 10.378, and 10.859, repealing sections 10.841-10.843, 10.845-10.851, 10.857, and 10.858, and replacing section 10.840 to revise the Land Development Code to allow temporary mobile units that provide medical services to humans or animals; to allow temporary mobile units for nonprofit organizations; and to make housekeeping revisions to the current temporary uses provisions (City of Medford, Applicant).  
(See Exhibit A.)

#### **History:**

On February 2, 2012, City Council heard an appeal of the denial of the business license for Speedy Vets. The business license was denied because the Medford Land Development Code (MLDC) does not currently allow mobile veterinary services. At this meeting, the Council voted to temporarily allow the business license (with use restricted to 10:00 AM to 1:00 PM, every other Saturday, at 3811 Crater Lake Highway), and asked staff to bring forward a MLDC amendment proposal to allow such a use.  
(See Exhibit B.)

Staff's analysis of this issue began with the evaluation of mobile veterinary services. According to Oregon Administrative Rule 875 and Oregon Revised Statute 686, a veterinary "mobile clinic" is defined as "a vehicle, including but not limited to a camper, motor home, trailer, or mobile home, used as a veterinary medical facility. A mobile clinic is not required for house calls or farm calls." As found by the OAR and ORS, only the veterinarian is regulated, not the business. Required for mobile clinics is simply that the vet be licensed and said license be displayed for verification upon client request. Therefore, there are currently no state regulations on: (1) how close a mobile vet can be to an established brick-and-mortar vet; (2) disposal; (3) length of time at one location, etc.

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A mobile use already permitted in the MLDC, temporary food vendors, requires compliance with such regulations as: permitted location, time and length of occupancy at a location, and size of unit. As such, it first appears that regulating mobile veterinary services similarly to the regulation of mobile food vendors makes sense. However, code regulations usually address a business category more holistically, and the code could allow a broader range of services than just veterinary services, such as: bookmobiles, mobile donation centers, blood drive mobile units, or eyeglass repair services, already permitted in commercial and industrial zoning districts to be mobile as well.

Staff developed the following options, all of which followed these basic principles: the mobile unit can be permitted at a specific location on private property, time spent at the location shall be less than 24 hours, and the mobile unit shall meet maximum size requirements.

Option 1: Allow mobile veterinary services in all commercial and industrial zoning districts.

Option 2: Allow mobile medical services for humans and animals, and all services by non-profit organizations in all commercial and industrial zoning districts.

Option 3: Allow all services already permitted in the commercial or industrial zoning district to be mobile as well.

The Planning Commission discussed these options at their June 25, 2012 study session (See Exhibit C.), and suggested moving forward with a code amendment proposal to allow mobile medical services for humans and animals and all services by nonprofit organizations (Option 2). Some Planning Commissioners did express concern at the time about including all services by nonprofit organizations rather than just medically-related services. However, many non-profit mobile units are currently in use, such as the Goodwill donations trucks, and staff felt it important to address such units.

**Authority:**

A Land Development Code Amendment is a Class 'A' legislative decision. The Planning Commission is authorized to recommend and the City Council to approve amendments to Medford Land Development Code, Chapter 10 of the Municipal Code, under Sections 10.102, 10.110, 10.111, 10.122, 10.180, 10.181, and 10.183.

**Review Criteria:**

Medford Land Development Code Section 10.184(2)

**ANALYSIS OF PROPOSED AMENDMENT**

The proposed amendment includes the following two elements:

1. Add language to the code allowing temporary mobile medical services and temporary mobile nonprofit services.
  - a. Vendors are defined as providing a service.
  - b. If retail is present, it must be accessory to the primary service use.

- c. The size and locational standards are modeled after the temporary food vendor section.
- 2. Reorganize the entire temporary use provisions into one section.
  - a. This reorganization eliminates eleven (11) sections, and places all into Section 10.840.
  - b. Oregon's Model Code and Bend's Land Use Code were used as references.
  - c. The temporary use section is proposed to be divided into five categories:
    - i. Seasonal and Short Term Events
      - (a) Events of Public Interest
      - (b) Christmas Tree Sales
      - (c) Live Crab Sales
    - ii. Temporary Real Estate Sales Office, Model Home, Contractor's Office and/or Construction Equipment Shed
      - (a) Real Estate Sales Office
      - (b) Model Home
      - (c) Contractor's Office and/or Construction Equipment Shed
    - iii. Temporary Mobile Vendors
      - (a) Food Vendor
      - (b) Medical Services Vendor (new)
      - (c) Nonprofit Services Vendor (new)
    - iv. Temporary Residential Uses of Movable Structures/Vehicles
      - (a) Existing Movable Structures/Vehicles
      - (b) Conventions
      - (c) City-Sponsored Recreation Programs
      - (d) Temporary Shelter
    - v. Temporary Governmental Agency Use of Movable Structures/Vehicles.
  - d. Within each category are the existing types of temporary uses already permitted in the code, along with the proposed services vendors in (iii).

## **APPROVAL CRITERIA COMPLIANCE**

### **10.184(2) - Class 'A' Amendment Criteria - Land Development Code Amendment.**

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

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

**Findings:** The intent of the original business license applicant was for the City to allow mobile veterinary service vendors to locate on sites near similar existing uses, such as pet stores. As testified by Dr. Steven Bernard of Speedy Vets, he intended to target customers who do not have a regular veterinarian, and to provide services such as low-cost vaccinations, preventative medications, and micro-chip implants. (See Exhibit B.) This type of business provides a public benefit.

Expanding the amendment to include human medical services also provides a public benefit by fostering opportunities for customers to be serviced via mobile units in locations convenient to daily activities. Secondly, the proposed amendment creates an opportunity for nonprofit organizations to provide services in a mobile capacity. Services

such as a blood bank or donation station will be clearly permitted under this amendment. Lastly, the proposal updates and organizes the temporary uses section, making the language easier to understand, interpret, and implement.

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

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

**Criterion 10.184(2)(b)(1). Conformity with applicable Statewide Planning Goals and Guidelines.**

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

**1. Citizen Involvement:**

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

**2. Land Use Planning:**

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

**3. Agricultural lands:** Does not apply.

4. **Forest Lands:** Does not apply.

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

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

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

8. **Recreation Needs:** Does not apply.

9. **Economic Development:**

The amendment is in response to a public request to allow an existing veterinarian to conduct veterinary services in a mobile unit at various sites throughout the City. The amendment is intended to provide an opportunity for local economic growth by allowing medial and service providers and nonprofit organizations to conduct limited services in a mobile capacity.

10. **Housing:** Does not apply.

11. **Public Facilities and Services:** Does not apply.

12. **Transportation:**

A mobile services vendor may have a positive impact on the transportation system as fewer trips by automobile may be necessary to obtain services. For those patrons that drive to such vendors, they are more likely to be "pass by" trips rather than destination trips; therefore, the number of trips may not be increased.

13. **Energy Conservation:** Does not apply.

14. **Urbanization:** Does not apply.

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

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

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

**Findings:** Upon investigation, it has been determined that none of the Comprehensive Plan Goals and Policies are specifically applicable to this action.

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

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

**Findings:** No comments were received from referral agencies.

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

**Criterion 10.184(2)(b)(4). Public comments.**

**Findings:** No comments were received from the public to date.

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

**Criterion 10.184(2)(b)(5). Applicable governmental agreements.**

**Findings:** No governmental agreements apply to the proposed code amendment.

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

**RECOMMENDED ACTION**

Based on the findings and conclusions that all of the approval criteria are either met or are not applicable, the Planning Commission voted at their meeting of May 9, 2013 to forward a favorable recommendation for adoption to the City Council per the Staff Report dated May 16, 2013 including Exhibits A through D.

**EXHIBITS**

- A** Land Development Code Amendment Proposal dated May 16, 2013
- B** City Council Minutes of February 2, 2012
- C** Planning Commission Study Session Minutes of June 25, 2012 and April 8, 2013
- D** Draft Planning Commission Hearing Minutes of May 9, 2013

**PLANNING COMMISSION AGENDA:** May 9, 2013  
**CITY COUNCIL AGENDA:** June 6, 2013

## EXHIBIT A

### Land Development Code Amendment Proposal

This code amendment is organized into four sections:

1. New Language (page 2);
2. Reorganization of Temporary Uses Section (page 4);
3. Associated Amendments/Housekeeping Changes (page 11);
4. Deletion of Temporary Use Sections Now Consolidated (page 15);

#### **New Language**

This portion contains the new proposed language allowing mobile medical services vendors and mobile nonprofit services vendors in commercial and industrial zoning districts, except Heavy Industrial.

#### **Reorganization of Temporary Use Sections**

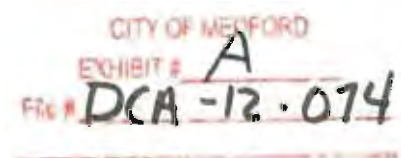
This portion illustrates the consolidation of existing Sections 10.841-858 into one section number. Section 10.840 is titled *Temporary Uses and Structures*, and contains standards for the following: events of public interest; Christmas tree sales; live crab sales; temporary real estate sales offices; model homes; contractor's offices/sheds; temporary food vendors; temporary mobile medical service, nonprofit services vendors; temporary residential use and governmental agency use of movable structures and vehicles. This amendment proposes to position the existing content into a manageable, understandable format and reflect current City practices.

#### **Associated Amendments/Housekeeping Changes**

This portion contains those changes to Chapter 10 necessary as a result of the proposed new language and reorganization of the temporary uses sections. Changes include addition of new definitions and updates to code section references.

#### **Deletion of Temporary Use Sections Now Consolidated**

This portion illustrates the sections deleted as part of the consolidation of Sections 10.841-858 into one section number (10.840).



**New Language Only**

Section 10.840 Temporary Uses and Structures  
Temporary Medical Services Vendors and Temporary Nonprofit Vendors

**10.840 Temporary Uses and Structures**

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

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

(3) Temporary Mobile Vendors.

b. Temporary Medical Services (Human or Animal) Vendors and Temporary Nonprofit Vendors (Outdoor).

1. Application Requirements.

- i. A business license pursuant to Chapter 8 shall be required.
- ii. In addition to the business license requirements of Chapter 8, the applicant shall submit a site plan drawn to scale, indicating the following:
  - (a) Dimensions of the temporary vendor unit.
  - (b) Location of temporary vendor unit on the site.
  - (c) Paved vehicular access, including driveway location(s).
  - (d) Off street vehicular parking spaces.
  - (e) Location of utility connections, if any.

2. Standards.

- i. Locational and Size Standards:
  - (a) Temporary vendors shall be permitted in the following zoning districts: C-S/P, C-N, C-C, C-H, C-R, I-L, and I-G.
  - (b) When within both the Central Business (C-B) and Historic Preservation (H) Overlays, the exterior length and width of the temporary vendor unit, when multiplied, shall be no more than 128 square feet, including any slide-outs, and excluding trailer tongue and bumper.
  - (c) In all other zoning districts, the exterior length and width of the temporary vendor unit, when multiplied, shall be no more than 300 square feet, including any slide-outs, and excluding trailer tongue and bumper.
- ii. General Standards.
  - (a) If the temporary vendor unit is located on or adjacent to a privately-owned walkway, the minimum remaining unobstructed walkway width shall be five (5) feet.
  - (b) The temporary vendor unit shall be located on an improved surface.

- (c) Required parking spaces or access to required parking spaces shall not be displaced or obstructed.
- (d) The temporary vendor unit shall be located outside any required setbacks.
- (e) Attached awnings are permitted if smaller than the size of the temporary vendor unit.
- (f) Outdoor equipment such as tables and chairs shall not be permitted.
- (g) Any utility connections require a building permit from the Building Safety Department.

<p align="center"><b>Reorganization of the Temporary Uses Sections</b> Consolidating Sections 10.841-858 into one Section 10.840</p>
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**10.840 Temporary Uses and Structures.**

**B. Purpose.**

The purpose of this section is to accommodate reasonable requests for interim, temporary, or seasonal uses and structures within the City.

**C. Applicability.**

In addition to the provisions of this section, the following other licenses and permits may apply:

- (1) Permits for use of City-owned property and public right-of-way, pursuant to Chapter 2 and Chapter 6;
- (2) Business license provisions of Chapter 8;
- (3) Building permit provisions of Chapter 9; and
- (4) Sign permit provisions of Article VI of this Chapter 10.

**D. General Provisions.**

- (1) Temporary uses and structures are characterized by their short-term or seasonal nature, and by the fact that permanent improvements associated with the temporary use are not made to the site.
- (2) Temporary uses and structures are permitted only as expressly provided in this Code.
- (3) The principal use or structure, together with any temporary uses or structures, shall not jointly exceed the development standards contained in Article V.
- (4) No signs in connection with a temporary use shall be permitted except in accordance with the provisions of Article VI.
- (5) Nothing contained in this section is intended to authorize the placement or use of movable structures or vehicles without all necessary permits first being obtained.
- (6) Removing the wheels or setting the movable structure or vehicle on posts or footings shall not exempt the movable structure or vehicle from the provisions of this section.

**E. Types of Temporary Uses and/or Temporary Structures.**

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

- (1) Seasonal and Short-Term Events of Public Interest on Private Property.

a. Events of Public Interest.

1. Application Requirements.

A business license pursuant to Chapter 8 shall be required, except for events of public interest sponsored by, and located at, a public or private school.

2. Standards.

- i. An event of public interest is permitted in the following zoning districts: C-C, C-R, C-H, or any industrial zoning district, except, if the event is sponsored by an institutional use located in a residential zone, the event may be located at its facilities.
- ii. The maximum length of the event shall be 30 days.
- iii. The event shall be confined to the dates specified on the business license, if applicable.
- iv. No temporary structures or equipment shall be located within 200 feet of any dwelling on property not associated with the event.
- v. Permanent or temporary lighting shall be installed in compliance with applicable electrical permits and inspections from the Building Safety Department.
- vi. The site shall be cleared of all debris at the closing of the event and cleared of all temporary structures within ten (10) days after the closing of the event.
- vii. Adequate vehicular and bicycle parking shall be provided. It is the responsibility of the applicant to guide traffic to these parking areas and to prevent patrons from unlawful parking.
- viii. Traffic control arrangements required by the Police Department in the vicinity shall be made by the applicant.

b. Christmas Tree Sales.

1. Application Requirements.

A business license pursuant to Chapter 8 shall be required.

2. Standards.

- i. Christmas tree sales is permitted in any commercial or industrial zoning district on private property, and shall not be located within the public right-of-way.
- ii. The clear view of intersecting streets standards of Section 10.735 shall be met.
- iii. The maximum length of display and sales shall be 45 days in any calendar year.
- iv. Each lot occupied by temporary Christmas tree sales shall be limited to one (1) temporary movable structure or vehicle if entirely self-contained or if lawful sanitation facilities on the lot are available to the occupants.

c. Live Crab Sales.

1. Application Requirements.

A business license pursuant to Chapter 8 shall be required.

2. Standards.

- i. Live crab sales is permitted in any commercial or industrial zoning district on private property and shall not be located within the public right-of-way.
- ii. The clear view of intersecting streets standards of Section 10.735 shall be met.
- iii. The maximum length of display and sales shall be 45 days in any calendar year.
- iv. Each lot occupied by temporary live crab sales shall be limited to one (1) temporary movable structure or vehicle if entirely self-contained or if lawful sanitation facilities on the lot are available to the occupants.
- v. Discharges resulting from activities associated with the sale of live crab shall not be allowed to flow into the storm drain system, but shall be directed into the sanitary sewer system in accordance with City and State standards.

(2) Temporary Real Estate Sales Office, Model Home, or Contractor's Office and/or Construction Equipment Shed.

a. Temporary Real Estate Office Standards.

1. A temporary real estate sales office shall be located within the boundaries of the subdivision or tract of land where the real property is to be sold.
2. The property used for a temporary sales office shall not be permanently improved for that purpose.
3. The temporary sales office shall not contain sleeping or cooking accommodations.
4. The temporary sales office shall be removed upon completion of the development.

b. Temporary Model Home Standards.

1. A model home may be used as a temporary real estate sales office.
2. The model home shall be located within the boundaries of the subdivision or tract of land where the real property is to be sold.
3. The model home shall be a permanent structure that meets all applicable code and permit requirements.

c. Temporary Contractor's Office and/or Construction Equipment Shed Standards.

1. A temporary contractor's office and/or construction equipment shed is permitted in any zoning district where the use is incidental to a construction project.
2. The temporary contractor's office and/or construction equipment shed shall be removed upon completion of the construction project.

3. Only one (1) temporary office and one (1) temporary shed shall be permitted per project site.
4. The temporary office and/or shed shall not include sleeping or cooking accommodations.

(3) Temporary Mobile Vendors.

a. Temporary Food Vendors (Outdoor).

1. Application Requirements.

- i. A business license pursuant to Chapter 8 shall be required.
- ii. In addition to the requirements of Chapter 8, the applicant shall submit a site plan drawn to scale indicating the following:
  - (a) Dimensions of the temporary food vendor unit.
  - (b) Location of the temporary food vendor unit on the site.
  - (c) Paved vehicular access, including driveway location(s).
  - (d) Off-street vehicular parking spaces.
  - (e) A trash receptacle located within ten (10) feet of the temporary food vendor unit.
  - (f) Dimensions of the area to be occupied by the temporary food vendor unit, including any table(s), seating, and other exterior items, if applicable; and
  - (g) Location of utility connections, if any.

2. Standards.

i. Locational and Size Standards.

- (a) Temporary food vendors are permitted in the following zoning districts: C-S/P, C-N, C-C, C-H, C-R, I-I., and I-G.
- (b) When within both the Central Business (C-B) and Historic Preservation (H) Overlays:
  - (1) The exterior length and width, when multiplied, shall be no more than 128 square feet, including any slide-outs, and excluding trailer tongue and bumper.
  - (2) Outdoor equipment, such as tables and chairs, shall not be permitted.
- (c) In all other zones:
  - (1) The exterior length and width, when multiplied, shall be no more than 170 square feet, including any slide-outs, and excluding trailer tongue, and bumper.
  - (2) An additional 170 square feet is allowed for outdoor equipment.

- (d) On City-owned property and right-of-way, temporary food vendor units shall obtain a permit pursuant to Chapter 2, and are exempt from the standards of 10.840(D)(3).
    - (e) At an Event of Public Interest, temporary food vendors per 10.840(D)(1) are exempt from the standards of 10.840(D)(3).
  - ii. General Standards.
    - (a) If the temporary food vendor unit is located on or adjacent to a privately-owned walkway, the minimum remaining unobstructed walkway width shall be five (5) feet.
    - (b) All food must be in a ready-to-eat condition when sold.
    - (c) Required parking spaces or access to required parking spaces shall not be displaced or obstructed.
    - (d) The temporary food vendor unit shall be located outside any required setbacks.
    - (e) Attached awnings are permitted if smaller than the size of the temporary food vendor unit.
    - (f) The temporary food vendor unit and all outdoor equipment shall be located on an improved surface.
    - (g) Temporary food vendors shall comply with the Fire Department's Outdoor Food Vendor Safety Checklist.
    - (h) Any utility connections require a building permit from the Building Safety Department.
- b. Temporary Medical Services (Human or Animal) Vendors and Temporary Nonprofit Vendors (Outdoor).
  - 1. Application Requirements.
    - i. A business license pursuant to Chapter 8 shall be required.
    - ii. In addition to the business license requirements of Chapter 8, the applicant shall submit a site plan drawn to scale, indicating the following:
      - (a) Dimensions of the temporary vendor unit.
      - (b) Location of temporary vendor unit on the site.
      - (c) Paved vehicular access, including driveway location(s).
      - (d) Off street vehicular parking spaces.
      - (e) Location of utility connections, if any.

## 2. Standards.

### i. Locational and Size Standards:

- (a) Temporary vendors shall be permitted in the following zoning districts: C-S/P, C-N, C-C, C-H, C-R, I-L, and I-G.
- (b) When within both the Central Business (C-B) and Historic Preservation (H) Overlays, the exterior length and width of the temporary vendor unit, when multiplied, shall be no more than 128 square feet, including any slide-outs, and excluding trailer tongue and bumper.
- (c) In all other zoning districts, the exterior length and width of the temporary vendor unit, when multiplied, shall be no more than 300 square feet, including any slide-outs, and excluding trailer tongue and bumper.

### ii. General Standards.

- (a) If the temporary vendor unit is located on or adjacent to a privately-owned walkway, the minimum remaining unobstructed walkway width shall be five (5) feet.
- (b) The temporary vendor unit shall be located on an improved surface.
- (c) Required parking spaces or access to required parking spaces shall not be displaced or obstructed.
- (d) The temporary vendor unit shall be located outside any required setbacks.
- (e) Attached awnings are permitted if smaller than the size of the temporary vendor unit.
- (f) Outdoor equipment such as tables and chairs shall not be permitted.
- (g) Any utility connections require a building permit from the Building Safety Department.

## (4) Temporary Residential Uses of Movable Structures and Vehicles.

### a. Existing Movable Structures and Vehicles.

Existing movable structures and vehicles regularly used or occupied on February 2, 1961, or in lawful regular use and occupancy on the property at the time of annexation are permitted.

### b. Conventions.

Members of an established organization are permitted to occupy movable structures or vehicles for temporary use on private property at a convention or other like-activity subject to the following:

1. The maximum length of stay shall be one (1) week.
  2. The members of the organization shall be responsible for policing the area used and for correcting any violation of State or City health or safety regulations. Violations of any of these regulations will result in eviction.
- c. City-Sponsored Recreation Programs.  
Movable structures or vehicles utilized temporarily as part of City-sponsored recreation programs, such as swim meets and softball tournaments may be permitted subject to the following:
1. A permit shall be obtained from the Parks and Recreation Department pursuant to Chapter 2.
  2. Any applicable permits from the Building Safety Department, pursuant to Chapter 9, shall also be obtained.
- d. Temporary Shelter.  
When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a recreational vehicle located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following:
1. A building permit for the temporary shelter shall be obtained from the Building Safety Department, pursuant to Chapter 9.
  2. Required water and sanitary facilities shall be provided.
  3. The maximum length of the permit shall be six (6) months, but may be extended for a period not to exceed 60 days in the event of circumstances beyond the control of the owner.
  4. Application for the extension shall be made at least 15 days prior to expiration.
- (5) Temporary Governmental Agency Use of Movable Structures and Vehicles.  
Governmental agencies may temporarily use a movable structure or vehicle pursuant to Chapter 9.

### Associated Amendments/Housekeeping Changes

The following changes are a result of the addition of a new type of mobile vendor and a consolidation of section numbers. Underlined copy indicates an addition; ~~struck through~~ copy indicates a deletion

1. 10.012: Add definitions for Event of Public Interest, Temporary Mobile Medical Services Vendor, and Temporary Mobile Nonprofit Vendor.

#### 10.012 Definitions, Specific.

**Event of Public Interest.** A carnival, circus, rodeo, animal show and/or rides, and other occasional amusement, sporting event, or show held in a parking lot, stadium, athletic field, arena, auditorium, or similar permanently established place of assembly.

**Temporary Mobile Medical Services Vendor.** Any kiosk, shed, shelter, trailer, vehicle, wagon, or other similar movable structure which is used for the purpose of providing medical services to humans and/or animals as a walk-up service that is conducted completely within the structure, and that remains in or on any one site or lot for less than 24 hours on any calendar day.

**Temporary Mobile Nonprofit Vendor.** Any kiosk, shed, shelter, trailer, vehicle, wagon, or other similar movable structure which is used by a registered nonprofit organization for the purpose of providing a walk-up service that is conducted completely within the structure, and that remains in or on any one site or lot for less than 24 hours on any calendar day.

2. 10.031: Update reference to Temporary Uses and Structures section

#### 10.031 Exemptions from the Development Permit Requirement.

\*\*\*

C. The following uses do not require a development permit:

\*\*\*

(6) Temporary uses as identified in ~~Article V~~, Section 10.840 ~~10.841-10.858~~,  
"Temporary Uses and Structures."

3. 10.314: Update reference to special use or other code section

#### 10.314 Permitted Uses in Residential Land Use Classification.

PERMITTED USE IN RESIDENTIAL ZONING DISTRICTS	SFR- 00	SFR- 2	SFR- 4	SFR- 6	SFR- -10	MFR- -15	MFR- 20	MFR- -30	Special Use or Other Code Section(s)

<b>1. SINGLE-FAMILY RESIDENTIAL</b>									
*****									
(d) Temporary Shelter	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	<del>10.851</del> 10.840
*****									
<b>6. NONRESIDENTIAL SPECIAL USES</b>									
*****									
(i) Temporary Contractor's Office and/or Construction Equipment Shed	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	<del>10.849</del> 10.840
(j) Temporary Model Home	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	10.840
(jk) Temporary Real Estate Office	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	<del>10.850</del> 10.840
(kl) Wireless Communication Support Structure	Cs	Cs	Cs	Cs	Cs	Cs	Cs	Cs	10.824
(lm) Wireless Communication Facilities, other than Support Structure	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	10.824

4. 10.337: Update references to Temporary Uses and Structures section

#### 10.337 Uses Permitted in Commercial and Industrial Zoning Districts

#### G. RETAIL TRADE

#### 52 BUILDING MATERIALS & GARDEN SUPPLIES.

\*\*\*\*\*

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
*****									
5261	Christmas Tree Sales	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps

The Special use reference for the sale of Christmas trees corresponds with Temporary Use Section ~~10.848~~ 10.840 Temporary Uses and Structures.

\*\*\*\*\*

**54 FOOD STORES.**

\*\*\*\*

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
****									
<b>5421</b>	Live Crab Sales	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps

The special use reference for the sale of live crab corresponds with ~~Temporary Use Section 10.848~~ 10.840 Temporary Uses and Structures.

\*\*\*\*

**58 EATING AND DRINKING PLACES.**

\*\*\*\*

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
****									
<b>5817</b>	Temporary Food Vendors	Ps	Ps	Ps	Ps	Ps	Ps	Ps	X

The special use reference for:

\*\*\*\*

Temporary Food Vendors: ~~10.857~~ corresponds with Section 10.840 Temporary Uses and Structures.

\*\*\*\*

5. 10.378: Update references to Temporary Uses and Structures section

**10.378 Special Standards for Commercial Center (7A and 7B), S-E.**

\*\*\*\*

**I. Outdoor Uses.**

Except as provided in (a) through (c), all uses, activities, sales, merchandise, and the stockpiling and storage of equipment and materials shall be entirely within an enclosed building. The following uses may be outside an enclosed building:

- Outdoor eating areas pursuant to Section 10.833 and sidewalk cafes in the public right-of-way pursuant to Section 10.358(c);
- Temporary outdoor sales of merchandise pursuant to Section 10.831;
- Temporary uses and structures pursuant to Sections ~~10.841 through 10.858~~ 10.840;
- Parks, playgrounds, greenways, outdoor performing arts facilities, outdoor sports facilities, plazas, pedestrian malls, and news racks in conformance with Chapter 6 of the Code.

---

**10.859 Location and Use of Movable Structures or Vehicles Outside of Mobile Home, Parks  
or Manufactured Dwelling, or Recreational Vehicle Parks**

- c. No person shall use or occupy, or rent or offer for rent, a house trailer, mobile home, trailer coach, travel trailer, manufactured dwelling, recreational vehicle, or other similar movable structure or vehicle within the city at any location other than a mobile home park, a manufactured dwelling park, or a recreational vehicle park, as defined in this Code, operating under a conditional use permit, ~~as defined in this code~~, except as allowed in Section 10.840(D)(4) Temporary Shelter, and Section 10.900 Manufactured Housing Dwellings on individual lots.

**Deletion of Temporary Uses Sections Now Consolidated**

Sections 10.841-858 are now consolidated into one Section 10.840.

Most provisions remain, and are simply moved into Section 10.840.

**~~TEMPORARY USES. (10.841–10.858)~~**

**~~10.841– Authorization.~~**

~~Temporary uses are permitted only as expressly provided in sections 10.841 through 10.858.  
[Amd. Sec. 6, Ord. No. 2001-166, Sept. 6, 2001.]~~

**~~10.842– Temporary Use Certificate Required.~~**

~~No temporary use shall be established unless a temporary use certificate evidencing the compliance of such use with the provisions of this section and other applicable provisions of this code shall have first been complied with.~~

**~~10.843– Use Limitations.~~**

~~(1) The principal use or structure, together with any temporary uses or structures, shall not jointly exceed the development standards contained in Article V.~~

~~(2) No signs in connection with a temporary use shall be permitted except in accordance with the provisions of Article VI.~~

**~~10.845– Particular Temporary Uses Permitted.~~**

~~The following are temporary uses which are subject to the following specific regulations and standards, in addition to the other requirements specified in this ordinance.~~

**~~10.846– Carnival or circus.~~**

~~(1) Permitted in C-C or C-G district or any industrial district.~~

~~(2) Conditional use subject to section 10.246, Conditional Use Permits, when conducted in conjunction with a school or on lands designated Regional Service and the General Land Use Plan Map.~~

~~(3) Maximum length of permit shall be thirty (30) days.~~

~~(4) No structure or equipment within two hundred (200) feet of any abutting residential dwelling or accessory structure.~~

**~~10.847– Additional Regulations.~~**

~~A carnival or circus, and events of public interest shall be subject to the following unless otherwise provided above.~~

~~(1) Documentation from the Jackson County Health Department that adequate arrangement for temporary sanitary facilities has been made.~~

~~(2) No permanent or temporary lighting shall be installed without an electrical permit and inspections.~~

~~(3) All uses shall be confined to the dates specified in the permit.~~

~~(4) Hours of operation shall be confined to those specified in the permit.~~

~~(5) The site shall be cleared of all debris at the end of the special event and cleared of all~~

~~temporary structures within thirty (30) days after the closing event. A cash bond for a minimum of twenty five (25) dollars and not to exceed five thousand (5,000) dollars shall be posted or a signed contract with a disposal firm shall be required as a part of the application for a temporary use certificate to insure that the premises will be cleared of all debris during and after the event. An additional cash bond for a minimum of twenty five (25) dollars and not to exceed five thousand (5,000) dollars shall be posted with the City to insure the repair of any damage resulting to any public right of way as a result of the event.~~

~~(6) Public parking for the exclusive use of the facility shall be provided, and a stabilized drive to the parking area shall be maintained. It shall be the responsibility of the applicant to guide traffic to these areas and to prevent patrons from unlawful parking.~~

~~(7) Traffic control arrangements required by the City of Medford Police Department in the vicinity at major intersections shall be arranged by the applicant.~~

~~10.848 Christmas Tree and Live Crab Sales.~~

~~(1) Permitted in any commercial or industrial district on private property and not within the public right of way.~~

~~(2) Maximum length of permit for display and open lot sales shall be forty five (45) days in any calendar year.~~

~~(3) See Section 10.857(2) regarding the temporary use of a movable structure or vehicle.~~

~~(4) Discharges resulting from activities associated with the sale of live crab shall not be allowed to flow into the storm drain system, but shall be directed into the sanitary sewer system in accordance with City and State standards.~~

~~[Amd. Sec. 2, Ord. No. 2011-53, Mar. 17, 2011.]~~

~~10.849 Contractor's office and Construction Equipment Sheds.~~

~~(1) Permitted in any district where use is incidental to a construction project. Office or shed shall not include sleeping or cooking accommodations.~~

~~(2) Maximum length of permit shall be one (1) year.~~

~~(3) Office or shed shall be removed upon completion of construction project.~~

~~(4) Only one office or shed shall be permitted per project site.~~

~~10.850 Real Estate Sales Office.~~

~~(1) Permitted in any district for any new subdivision approved in accordance with this code. The office may not contain sleeping or cooking accommodations. A model home may be used as a temporary sales office.~~

~~(2) Maximum length of permit shall be one (1) year for each phase of the subdivision.~~

~~(3) Office shall be removed upon completion of the development of the subdivision.~~

~~10.851 Temporary Shelter.~~

~~(1) When fire or natural disaster has rendered a single family residence unfit for human habitation, the temporary use of a mobile home located on the single family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations.~~

~~(2) Required water and sanitary facilities must be provided.~~

~~(3) Maximum length of permit shall be six (6) months, but the Planning Department may extend the permit for a period or periods not to exceed sixty (60) days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least fifteen (15)~~

days prior to expiration of the original permit.

~~(4) The mobile home shall be removed from the property upon issuance of any occupancy permit for the new or rehabilitated residence. The applicant shall be required to provide express consent and authorization to the City to remove the shelter at the owner's expense upon termination of the permit.~~

#### **~~10.857 Temporary Use of Movable Structures and Vehicles.~~**

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

~~(1) Those regularly used or occupied on February 2, 1961, or in lawful regular use and occupancy on property at the time of its annexation into the city; or~~

~~(2) Those lawfully in use on licensed Christmas tree lots, or for licensed live crab sales, if they are entirely self contained or there are lawful sanitary facilities on the lot available to the occupants. The period of such use shall not exceed forty five (45) days in any calendar year and shall be limited to one for each licensed lot; or~~

~~(3) Those occupied by the members of an established organization, for temporary use, in a convention or other like activity where the organization has received a permit from the city on application submitted not less than two weeks prior to the use. No permit shall be granted for a period exceeding four (4) days, or be renewed beyond four days, without the further approval of the city. Named members of the organization, specified on the permit application, shall be responsible for policing the area used and for correcting any violation of state or city health or safety regulations. The permit shall also specify the maximum number of movable structures or vehicles and the arrangement thereof. Violation of any condition of the permit shall constitute grounds for revocation; or~~

~~(4) Those utilized temporarily as part of a city sponsored recreation program, such as swim meets and softball tournaments, where the organization has received a permit from the Medford Parks and Recreation Department. The Parks and Recreation Department shall issue such permit, if it finds that the site is large enough that sanitary facilities and essential services will be adequate, and that no damage to park facilities shall occur; and that such use is essential to the success of the event or tournament. No permit shall be granted for a period exceeding three (3) days nor shall such permits be renewed beyond three days, without the approval of the Parks and Recreation Department. Members of the organization specified on the permit application shall be responsible for policing the area used in conjunction with the activity and for correcting any violation of state or city health or safety regulations. The permit shall also specify the maximum number of movable structures or vehicles and the arrangement thereof. Violation of any condition of the permit shall constitute grounds for revocation; or~~

~~(5) Those for temporary use by governmental agencies. As used herein, the term temporary use shall mean for a period not to exceed three calendar months. Nothing contained in this section is intended to authorize the placement or use of movable structures or vehicles without all necessary permits first being obtained; or~~

~~(6) Contractors' Offices and Construction Equipment Sheds for temporary use at a construction site as per Section 10.849; or~~

~~(7) Temporary Shelters as per section 10.851; or~~

~~(8) Temporary business quarters during construction of permanent offices; or~~

~~(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, curb, or walk-up service that remains in or on any one site or lot for less than 24 hours on any calendar day. Temporary shall mean that all equipment must be removed from the site at the end of the vendor's business day.~~

~~B. Temporary food vendors 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) Location of temporary unit on the site, including dimensions of the temporary unit 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.~~

~~{Added, Sec. 2, Ord. No. 2000-88, May 4, 2000; Amd. Sec. 7, Ord. No. 2001-166, Sept. 6, 2001; Amd. Sec. 2, Ord. No. 2010-161, July 1, 2010; Amd. Sec. 3, Ord. No. 2011-53, Mar. 17, 2011.}~~

~~**10.858 Removal of Wheels from Movable Structures or Vehicles.**~~

~~Removing the wheels or setting the movable structures or vehicles on posts or footings shall not exempt the movable structures or vehicles from the provisions of Section 10.857.~~

~~{Added, Sec. 3, Ord. No. 2000-88, May 4, 2000.}~~

## MINUTES OF THE MEDFORD CITY COUNCIL MEETING

February 2, 2012

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

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

Councilmember John Michaels was absent.

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

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 January 19, 2012  
There being no corrections the minutes were approved as presented.

30. Oral requests and communications from the audience

40. Consent calendar

50. Items removed from consent calendar

60. Ordinances and resolutions

60.1 COUNCIL BILL 2012-17 An ordinance authorizing the City's participation in the U.S. Communities Government Purchasing Alliance.

Motion: Adopt the ordinance.

Moved by: Bob Strosser

Seconded by: Greg Jones

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

Ordinance 2012-17 was duly adopted.

60.2 COUNCIL BILL 2012-18 A resolution appointing representatives to voting positions as City representative(s) on boards and commissions.

Motion: Adopt the ordinance.

Moved by: Bob Strosser

Seconded by: Chris Corcoran

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

Resolution 2012-18 was duly adopted.

## 70. Public Hearings

### \* 70.1 Consideration of an appeal of an administrative decision regarding the denial of a Business License for Speedy Vets. \*

Alison Chan, Finance Director addressed the council and provided the background on the hearing of the denial of this business license. She noted that the business license was denied as this is not allowed per Municipal Code pertaining to mobile vendors.

Bianca Petrou, Assistant Planning Director addressed the council to respond to different code sections pertaining to mobile food services and services provided at personal residences.

Public hearing opened.

Dr. Steven Bernard, Speedy Vets, addressed the council and reviewed his proposal requesting to be allowed three hours per day every other Saturday. The unit is self-contained and the primarily serve individuals who do not normally take their pets to the vet. They provide services including microchip implants and other general services. They currently employ two individuals.

Mayor Wheeler noted that Dr. Bernard had been his vet for years. Councilmember Strosser noted he also had utilized services from Dr. Bernard.

Councilmember Gordon questioned where the trailer would be stored when not in use and if they would need utility hookups. Dr. Bernard noted the trailer would be stored on private property and that it was a fully self-contained unit and would not require any hookups.

Councilmember Corcoran questioned the services to be provided and Dr. Bernard noted they would be provided low cost vaccinations, preventative medications and micro-chip implants. Dr. Bernard noted that most of their customers do not have a regular vet and they will also be referring customers to local vets.

Public hearing closed.

Councilmember Gordon express concern regarding the existing code language and suggested that this be reviewed to bring the code current with today's issues and services. He questioned staff regarding any possible method to allow this use. Bianca Petrou, Assistant Planning Director noted that the Municipal Code does not allow this use. She noted this is considered an itinerant business and the City does not allow this type of business with the exception of Christmas tree lots and live crab sales.

Motion: Direct staff to review code and bring forward a recommendation;

Moved by: Bob Strosser

Seconded by: Greg Jones

Councilmembers discussed the motion further and questioned how to address the appeal.

Motion withdrawn.

Motion: Affirm the decision of the Finance Director and stay the enforcement of that decision; during the stay allow Speedy Vets to operate from 10:00 a.m. to 1:00 p.m. every other Saturday at 3811 Crater Lake Highway until such time as staff brings back an amended ordinance to address temporary vendors.

Moved by: Dick Gordon

Seconded by: Al Densmore

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

Motion carried and so ordered.

#### 80. City Manager and other staff reports

80.1 Mr. Hoke reported that the Police Department has received State Accreditation from the Oregon Accreditation Alliance.

80.2 Mr. Hoke reported that Police Lt. Brett Johnson has been selected to attend the FBI Academy.

80.3 Ms. Hill, Asst. to the City Manager II addressed the council and provided an update on the Chamber Leadership community project.

#### 90. Propositions and remarks from the Mayor and Councilmembers

90.1 Proclamations issued:

None

90.2 Further Council committee reports.

a. Councilmember Strosser reported on the Water Commission meeting and noted that the water level at Willow Lake is good and the spring flows are average.

b. Councilmember Strosser reported on the Traffic Coordinating Committee meeting.

90.3 Further remarks from Mayor and Councilmembers.

None

#### 90. Adjournment to Executive Session

Executive session pursuant to ORS 192.660(2)(e) to conduct deliberations with persons designated by the Council to negotiate real property transactions and ORS 192.660(2)(d) to conduct deliberations with persons designated by the Council to carry on labor negotiations.

The meeting adjourned to Executive Session at 1:06 p.m.

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

Glenda Wilson  
City Recorder



**MINUTES**  
**PLANNING COMMISSION STUDY SESSION**  
**June 25, 2012**

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

Commissioners: Daniel Bunn, Michael Zarosinski, Bill Christie, Robert Tull (arrived at 12:05 p.m.), David McFadden, Norm Nelson and Tim Jackle.

Staff: Jim Huber, Suzanne Myers, John Adam, Carly Guillory, Kelly Akin, Terri Rozzana and Lori Cooper.

Subject: 1. CP-10-004 – Regional Plan Element and Agricultural Buffering Standards  
DCA-12-038 – Agricultural Buffering Standards

2. Development Code Amendment: Mobile Veterinary Services

**1. CP-10-004 – Regional Plan Element and Agricultural Buffering Standards**  
**DCA-12-038 – Agricultural Buffering Standards**

John Adam, Planner IV, stated that the Planning Commission has seen the Regional Plan Element and Agricultural Buffering Standards before. He expanded the handouts to the full version because we had been waiting to include changes that came from the County Planning Commission that they voted on and were recommended by the Land Conservation and Development Commission (LCDC). That comes in the performance indicators later in the text beginning on Page Fifty-One of the City of Medford Regional Plan Element, draft 2012-06-14. There were minimal changes and the majority of the changes did not affect Medford. There was an increase in the City's density commitment over the fifty year period. The first section of the Plan goes over the conclusions, goals and policies. Mr. Adam added this after Suzanne Myers, Principal Planner, pointed out that there is nothing that expressly states what the City's goals and subsequent policies are that are derived from the conclusions. Since these exist in the Regional Plan it would be easier if they are included in the Comprehensive Plan. The next pages go into great detail about the selection of the Urban Reserve. Beginning on page fifty-one, it goes into detail about performance indicators which are the obligations of the City, County and other cities of the Regional Plan.

Ms. Myers added that those are items that will primarily affect the Urban Growth Boundary expansion process. There will be new rules that will need to be followed that are not currently adopted.

Chair Jackle reported for the record that Commissioner Tull had joined the meeting at 12:05 p.m.

Mr. Adam continued that several additions were on page fifty-five. These changes were recommended to LCDC by their staff and LCDC added them. Section 4.1.17, Parkland is when the Urban Growth Boundary amendments take place; staff needs to follow the requirements of the Oregon Administrative Regulations (OAR) showing that the parkland is needed. The complaint from 1000 Friends during the process was that far more parkland was identified than what cities generally have. Section 4.1.18, Slopes relates to when staff was calculating unbuildable lands it used a percentage slope lower than what is required. The future urban growth boundary amendments will be required to utilize the definition of buildable land as those lands with a slope of less than twenty-five percent.

Mr. Adam referred to Appendix C, Urban Reserve Management Agreement stating that this agreement has been agreed upon between the City of Medford and Jackson County for the joint management of

**DCA-12-07**

the Medford Urban Reserve. The Public Works Department is pleased with how it lays out road maintenance requirements on the County's behalf and what the City's reciprocal requirement is.

Commissioner Nelson asked what was the process going forward? Mr. Adam responded that the County quickly turned it around at their Planning Commission level. The County Board of Commissioners will consider the changes on Wednesday, June 27, 2012 and potentially could adopt it. Then it falls to all the cities involved. The Medford Planning Commission is scheduled on July 12, 2012 for a public hearing regarding the Comprehensive Plan amendment to adopt the Regional Plan Element.

Ms. Myers stated that the City Council hearing date is August 16, 2012. Each of the cities has to go through what Medford is doing.

Commissioner Nelson commented that after this the cities will adopt their share. Mr. Adam confirmed. Commissioner Nelson asked what if one city states they cannot do this: is it a dead issue? Mr. Adam replied yes. Commissioner Nelson asked whether there were any cities that were in that position; has Mr. Adam heard negative feedback? Mr. Adam replied yes there has been some negative feedback. Eagle Point had some misunderstandings about the density commitments. There was negative testimony about the agricultural buffering in Talent.

Ms. Myers reported that notices have been sent to all property owners within the urban reserve areas regarding both the Planning Commission hearing date and the City Council hearing date.

Mr. Adam stated that if all cities get their information in on time, LCDC will have a hearing for acknowledgement in November.

Commissioner Nelson asked when will the Commission begin discussions on the urban growth boundary expansion? Jim Huber, Planning Director replied that he did not believe there was very much to discuss at this point.

#### **DCA-12-038 – Agricultural Buffering Standards**

Mr. Adam reported that the first section of this item is the existing standards with revisions. The only changes that staff is making are several text changes, to differentiate this from the ones that apply in the urban reserve areas adopted through RPS, and these that apply in the current urban growth boundary. Also, consolidating them under a single section number. Under Section 10.802 at the last Planning Commission discussion regarding agricultural buffering standards there were questions regarding the applicability. It was determined that these standards apply to the development permit applications: (a) Land Division; (b) Planned Unit Development; (c) Conditional Use Permit; and (d) Site Plan and Architectural Review, where proposed urban development is within the urban reserve established in the Regional Plan Element and abuts land zoned Exclusive Farm Use (EFU) and the outer edge of the urban growth boundary.

Commissioner McFadden inquired whether there was a way not to do the agricultural buffering if the next property that was outside the current urban growth boundary was eventually coming into the City. Mr. Adam replied no.

Commissioner McFadden asked is it possible that if you have a common property buffer and have the adjoining house, you could theoretically go from a small zoning lot at some point and when the buffer goes away, you could end up with an above average lot for the zoning or an excessive lot for the zoning? Mr. Adam asked if the question was about the common area being parceled among the lots that abut it? Commissioner McFadden replied yes that he is thinking it would happen like a vacation. If the buffer went away, it would be handled like a street vacation, where the adjoining property would grow by that amount. Kelly Akin, Senior Planner, stated that if it is commonly held, the property owners association would need to vote to do that because they own the property. That in its self could be a process. As far as property line adjusting, staff does not have the ability to create something that

exceeds or is below the standards of the Code. It is not something that the City holds so it could not be vacated back. There would have to be an action to subdivide it. Another thing that if it is a wide property, one hundred feet, the standard single family residential lot is ninety. That is the minimum for the Code. What is more likely to happen, if the urban growth boundary moves, the street would appear on the other side, and then they would be divided. Again, the homeowners association would have to coordinate participation to do that.

## **2. Development Code Amendment: Mobile Veterinary Services**

Carly Guillory, Planner II, reported that on February 2, 2012, City Council heard an appeal on the denial of the business license for Speedy Vets. The business license was denied because the Medford Land Development Code does not currently allow mobile veterinary services in the city limits. Council voted to temporarily allow the business license, and requested that staff bring forward a Land Development Code amendment to allow such a use. The Medford Land Development Code currently regulates temporary mobile uses. Temporary food vendors serving ready to eat food; Christmas tree sales; and vendors selling live crab are permitted on private property, and must comply with various design standards, such as size of the mobile unit. Staff's analysis of this issue began with the evaluation of mobile veterinary services. As found by the Oregon Administrative Rule and Oregon Revised Statutes, only veterinarians are regulated, not the business. Required for mobile clinics is simply that the veterinarian be licensed and said license be displayed for verification upon client request. Looking at mobile vendors more holistically, it appears the code could allow more than just veterinary services, such as book mobiles, mobile donation centers, blood drive mobiles, or eye glass repair services. Staff gave four options for code amendment following basic principles: the mobile unit can be permitted for a location, on private property, and the mobile shall meet maximum use size requirements. The location and time spent at each location shall be restricted as well. Option One: Allow mobile veterinary services in all commercial and industrial zoning districts. Option Two: Allow mobile medical services for humans and animals, and non-profit organizations in all commercial and industrial zoning districts. Option Three: Allow all services already permitted in the commercial or industrial zoning district to be mobile as well. Option Four: Allow all retail and services already permitted in the commercial and industrial zoning districts.

Commissioner Nelson asked that when City Council heard this in February, was the intention of Speedy Vets to make house calls? Ms. Guillory reported that Dr. Bernard of Speedy Vets testified that he would be in a self contained unit to serve primarily those who do not currently take their pets to a veterinarian. He will implant micro chips and other general services at one location somewhere in the City. He did not mention house calls specifically. Mr. Huber, Planning Director stated this is not intended to preclude or enable house calls. It is to allow them to go to commercial and industrial sites. Ms. Myers replied that staff looked at it in terms similar to the temporary food vendor where they state the site when they get their license. Staff looks at their site plan that is tied to its location.

Commissioner Tull asked if there is a distinction between a business license for a peddler versus a mobile food vendor? Does the person that drives an ice cream truck through the neighborhoods in the evening have a different kind of coverage in City ordinances than a person on a particular corner every morning?

Commissioner McFadden asked at what point is it different than the satellite television vans that use city streets for their business but do not pay franchise taxes? He is not sure that they even have a city business permit.

Chair Jackle replied that the only reason this is being asked of the Planning Commission to comment is because it is not about the mobile part it is about parking and conducting business in a semi mobile fashion within a particular zone without brick and mortar.

Commissioner Christie stated that his concern is who actually regulates a non brick and mortar operation, especially a veterinarian. Mr. Huber asked besides the land use aspect? Commissioner Christie replied yes. Mr. Huber stated that it depends on what it is. Lori Cooper, Deputy City Attorney

asked like the cleanliness, etc.? Probably the state would regulate that. Commissioner Christie stated that the Health Department does the mobile food vendors. Brick and mortar is set up to certain specifications and conditions, whereas, this one, there are none from what he saw on Saturday. Mr. Huber stated that gets to the heart of these issues. These mobile businesses are competing with the brick and mortar businesses. Their position is that they had to pay system development charges, monthly utilities, taxes on the property, etc. The flip side is these types of businesses that go to companies do it voluntarily and probably are charged rent. They are not going to fit on every site because maybe there is not enough room, poor access or something. It is a choice. That is why staff gave the most narrow option, limiting it to just the veterinary services, but he thinks Council wants something broader, to option four being the widest; open to all retail and services, which is the extreme. Mr. Huber commented on Option Two stating that medical services for humans is referring to the motor units for imaging that go up and down the coast that are parked in a spot for months. The non-profit organizations such as Goodwill sitting in a parking lot; are they legal or not legal? Those are items behind the thinking of Option Two.

Commissioner Tull reported that there has been some discussion with the Southern Oregon Humane Society on having mobile capability to provide veterinary and adoptive services by locating at various places in the City.

Mr. Huber stated going back to the food vendor parallel, staff did regulate that in the sense that one has to get signed off that the owner concurs to be on their property and cannot use required parking.

Commissioner Tull asked if it was assumed that the location must be on private property, they are not locating on the street? Mr. Huber replied that is correct. Unlike some of the food vendors that are on the sidewalks.

Ms. Myers stated that temporary food vendors are required to leave the site. That could be a requirement for this if the Commissioners thought that to be important.

Chair Jackle stated that he would be inclined to go with Option Two. For the reasons Mr. Huber pointed out. Unless the people in Option Three and Four are willing to pay a similar system development charge or utility charge, it is not fair to open retail and service to other people who are having the same impact on the facility if they are doing the same volume of sales in a trailer as in a small retail footprint. He does not have a problem with non profit organizations conducting medical services because they are already paying system development charges.

Commissioner Tull stated that he would support Option Two if it were amended to read that it applies to non profit organizations providing such medical services. He does not want to have Option Two be construed to apply to any non profit organization that might want to set up a site and do whatever it does. It seems to him that this was brought to the City by an organization or a person wanting to provide medical services for animals and pet owners. He has no problem with that nor does he have a problem with this applying to non profit organizations like the Humane Society if we can say that is what is intended rather than something huge under the umbrella services. He urges that Option Two be amended so that the second part refers to non profit organizations offering comparable medical services.

Chair Jackle stated that he would agree with that and would like language added that if staff believes the Goodwill and Lions Club drop off sites are out of compliance that would be incorporated into Option Two.

Commissioner Tull commented that seems to address a different kind of problem. This arouse because of someone's willingness to provide mobile services specifically for animals and their owners. Let's address that problem specifically. If someone wants to come in and raise questions about other kinds of organizations and how the City permits them, fine. Let's not solve a problem that is not before us at this point.

Commissioner Zarosinski asked if there was an existing use currently such as sale of clothing, televisions and toys, it is a mobile service; the way he understands what Commissioner Tull is saying is that they are not valid? Commissioner Tull responded that they would not be covered by this particular provision. Commissioner Zarosinski asked what provision would it be covered by? Commissioner Tull commented by whatever exists at this point that allows it. Ms. Myers replied that if they are there now, they are illegal unless they are a temporary food vendor or crab sales. Mr. Huber stated they are a fact of life but not permitted. Commissioner Tull responded that problem also needs to be solved. He does not see the need for that move in order to meet this need. If it needs to be broader then language needs to be included that states when referring to non profit organizations it is referring to all of them. The more specific the more control we have over the situation.

Chair Jackle commented that his concern is if staff thinks there is a problem with Goodwill and others of the like, the problem is before the Planning Commission and should be solved. There are hosts of uses that probably never come forth.

Commissioner Nelson stated that his concern is if this keeps getting done use by use, it is going to end up with a lot of Code amendments as people come forward wanting to mobilize their business. He is worried about making this for only medical uses for humans and animals. He believes the same restrictions that apply to the food vendors should apply to this. He is convinced that Option Two is the best plus the modification Commissioner Tull made.

Commissioner Bunn reported that he would go for Option Two.

Commissioner Zarosinski replied that Option Two was fine.

Commissioner McFadden commented that he agrees with keeping the scope as small as possible and letting it grow as people exercise their creative nature to figure out what they can do in a business. If that fits into Option Two then certainly non profits should be included.

Commissioner Tull asked whether all non profits; if this should be construed to cover Goodwill, Lions Club and book mobiles or is that problem not being solved yet?

Chair Jackle stated that his agreement is with Commissioner Tull's version; the Commissioner Tull amendment to Option Two.

The meeting was adjourned at 1:06 p.m.



Submitted by:

Terri L. Rozzana, Recording Secretary



**MINUTES**  
**PLANNING COMMISSION STUDY SESSION**  
**April 8, 2013**

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

Commissioners: Tim Jackle, Norman Fincher, Robert Tull, Patrick Miranda, Brita Entenmann, David McFadden and Michael Zarosinski.

Staff: Bianca Petrou, Suzanne Myers, Carly Guillory, Praline McCormack, Kelly Akin, Terri Rozzana, Larry Beskow and Lori Cooper.

Guests: Adam Mueller, Systems Administrator, Technology Services

Subject:

1. DCA-12-074 Temporary Uses and Vendors Code Amendment
2. CP-11-007 Initiation of Limited Services Overlay Elimination

Chair Jackle stated that Adam Mueller, Systems Administrator, Technology Service was in attendance to answer any questions that the Commissioners may have regarding their iPads.

Commissioner Miranda asked about the capability of printing from the iPad. Mr. Mueller responded that the City does not currently have the capability of printing from the iPad. The devices can print using an AirPrint enabled printer connected to the same Wi-Fi network but the City does not have any of those systems.

Kelly Akin, Principal Planner, reported that the Parks and Recreation Commission has been tasked with naming the park blocks at the Lithia Commons. The Resolution states that they need to form a subcommittee composed of a member from several groups. One of those groups named in the Resolution is the Planning Commission. This subcommittee will make recommendations to the Parks and Recreation Commission. Ms. Akin asked if any Commissioners would be interested in participating in this process. The subcommittee will most likely hold one or two meetings that will be noticed and held either at the Santo Center or the Carnegie Building. The meetings would start around 5:30 p.m. and would be approximately an hour in length. Commissioner Fincher agreed to be on the naming committee.

**1. DCA-12-074 Temporary Uses and Vendors Code Amendment**

Carly Guillory, Planner II, reported that on February 2, 2012, City Council heard an appeal on the denial of the business license for Speedy Vets. The business license was denied because Medford Land Development Code does not currently allow mobile veterinary services in the city limits. At that meeting, City Council voted to temporarily allow the business license and requested that staff bring forward a Medford Land Development Code amendment to allow the use. Staff developed four options that were presented to the Planning Commission at their June 25, 2012 study session. The Planning Commission made a recommendation that the code amendment remain specific to mobile medical service only allowing mobile veterinary services in all commercial and industrial zoning districts. Staff consulted the City Manager and City Council, and received direction to move forward with a code amendment to allow all medical services for humans, animals and non-profit organizations. There are three elements to the proposal: 1) add mobile vendor language; 2) reorganize temporary use section; and 3) update all references.

CITY OF MEDFORD  
EXHIBIT C-2  
DCA-12-074

Commissioner Tull stated that Ms. Guillory mentioned in her presentation that the vendor needs to provide a site plan. What is involved in that with something mobile? Ms. Guillory replied that the vendor would provide the dimensions of the mobile unit, where on site the unit is located, locations of trash receptacles and outdoor equipment. It is a matter of identifying that the unit is not going to displace required parking or be located in a required driveway.

Commissioner Tull asked if it is assumed that the unit will be in the same place each time it is utilized? Ms. Guillory replied yes.

Commissioner Tull asked if a non-profit organization wanted to be in different locations on different weekends, how would that site plan requirement work out? Ms. Guillory stated they would need to provide one per site.

Praline McCormack, Planner II, stated that they would need a different business license for each site and a site plan for each site.

Commissioner Tull suggested that the amendment needs to include language that requires documentation be provided giving permission to utilize whatever site, public or private to the vendor.

Commissioner Miranda stated that he does not see how a government agency should be able to dictate what transpires between two business owners. That would be their agreement. If they applied and received a permit but they have not agreed with the property owners for that use then they may be using the City's approval to go back to the property owner and negotiate. They may not have that agreement going into it, but they may have it afterwards. He does not see as a government regulation they have to make that agreement.

Commissioner Tull asked how does this relate to established public uses like the farmer's market? If a non-profit organization wanted to put a mobile unit adjacent to or involved with the farmer's market, how does that coordinate?

Bianca Petrou, Assistant Planning Director, responded that the Grower's Market needs a conditional use permit. If the non-profit organization was part of the conditional use permit then it would be permitted. If they come in separate to locate near it then they would need to get their own business license.

Commissioner Tull asked whether there is anything in the Code that restricts the possibility of someone agreeing with the organizers of the Grower's Market that they can have an area for their mobile unit?

Kelly Akin, Principal Planner, stated that the Code states that the Grower's Market is an association of five or more local agriculturalists organized for the purpose of providing a single location for the sale of locally grown produce and crafts directly to the consumer.

## **2. CP-11-007 Initiation of Limited Services Overlay Elimination**

Praline McCormack, Planner II, gave a brief background for the new Commissioners on the Limited Services Overlay and how it came into being. The Limited Service Area designation was created in 1975 because some new areas within the City were not economically serviceable with Category A Public Facilities. The designation was created in order to provide notice to those concerned that the area was subject to development restrictions even though it had City zoning in many cases. In 1983 the designation was applied to the Lone Pine/Foothills area due to lack of water facilities and in 1984 the designation was applied in Southwest Medford due to traffic issues and lack of storm drainage facilities. The Southwest Limited Service Area was removed in 1994. The Lone Pine/Foothill Limited Service Area remains although water facilities are now available in that area. The Limited Service Area designation needs to be removed. The new area that the Limited Service Area designation would apply is lacking sewer service. Staff believes that the Limited Service Area designation has become redundant. A number of procedures have been adopted that serve the same purpose as the Limited



**MINUTES**  
**Planning Commission Meeting**  
**May 9, 2013**

The regular meeting of the Medford Planning Commission was called to order at 5:30 p.m. in the Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Tim Jackle, Chair  
Robert Tull, Vice Chair  
Bill Christie  
Norman Fincher  
David McFadden  
Patrick Miranda  
Michael Zarosinski

Staff

Jim Huber, Planning Director  
Bianca Petrou, Assistant Planning Director  
Suzanne Myers, Principal Planner  
Lori Cooper, Deputy City Attorney  
Larry Beskow, City Engineer  
Terri Rozzana, Recording Secretary  
Carly Guillory, Planner II  
Desmond McGeough, Planner II

Commissioners Absent

**10. Roll Call**

**20. Consent Calendar/Written Communications.**

- 20.1 **LDP-13-024/E-13-025** Final Order for a request for tentative plat review for a two lot partition and an Exception to the required lot width on a 1.44 acre parcel located between Riverside Avenue and Court Street near the intersection of Crater Lake Highway and North Pacific Highway within a C-C (Community Commercial) zoning district. T. J. O'Brian, LLC, Applicant; (Maize & Associates, Inc., Agent).

Motion: Adopt the consent calendar.

Voice Vote: Motion passed, 7-0.

**30. Minutes.**

- 30.1 The minutes for April 25, 2013, were approved as submitted.

**40. Oral and Written Requests and Communications.** None.

Chair Jackle stated that tonight's hearings were legislative and Lori Cooper, Deputy City Attorney, would not need to read the Quasi-Judicial Statement. Ms. Cooper confirmed Chair Jackle's statement.

**50. Public Hearing.**

**New Business**

- 50.1 **DCA-12-074** Consideration of a proposed legislative amendment of Medford Municipal Code sections 10.012, 10.031, 10.337, 10.378, 10.840, and 10.859, and repealing sections 10.841-10.843, 10.845-10.851, 10.857, and 10.858 to revise the Land Development Code to allow temporary mobile units that provide medical services to humans or animals; to allow temporary mobile units for nonprofit organizations; and to make housekeeping revisions to the current temporary uses provisions. (City of Medford, Applicant).

CITY OF MEDFORD  
DISTRICT #  
**DCA-12-074**

Carly Guillory, Planner II, gave a brief history; direction received from City Council, proposal summary, read the approval criteria and reviewed the findings.

Commissioner Zarosinski asked what was the final length of the mobile unit in the Code? Ms. Guillory replied three hundred square feet for mobile units outside of the downtown area. Mobile units in the central business and historic districts are to be one hundred twenty eight square feet.

The public hearing was opened and there being no testimony, the public hearing was closed.

Motion: Based on the findings and conclusions that all of the approval criteria are either met or are not applicable, forward a favorable recommendation for adoption to the City Council per the Staff Report dated May 2, 2013, including Exhibits A through C.

Moved by: Commissioner McFadden      Seconded by: Commissioner Miranda

Voice Vote: Motion passed, 7-0.

- 50.2      **DCA-13-030** Consideration of a proposed legislative amendment of Medford Municipal Code sections 6.730, 10.012, 10.247, 10.287, 10.746, 10.780, 10.796, and 10.797 to revise Land Development Code provisions pertaining to landscaping and irrigation in commercial, industrial, institutional and multiple-family development, and open space tracts in subdivisions, to reduce water use and waste through water-conserving landscaping design. (City of Medford, Applicant).

Desmond McGeough, Planner II, gave a staff report and read the amendment criteria. Mr. McGeough noted that the Site Plan and Architectural Commission voted at their meeting on Friday, May 3, 2013, to recommend that the requirement for a licensed professional prepare landscaping and irrigation plans only apply when the landscaping areas exceed 1500 square feet on a site. He showed how this wording would appear in the proposal. Mr. McGeough recognized Committee members Dave Searcy, Laura Hodnett, Pete Young and John Galbraith who were in the audience and would be able to answer any questions the Commissioner's might have.

Commissioner McFadden thanked Mr. McGeough for his presentation and thanked the Committee for their time and effort spent on this Code amendment.

Commissioner McFadden commented that during the presentation Mr. McGeough mentioned development CC&R's and that single-family residential was included, yet everything else is aimed at multiple-family residential and commercial. Was it a misstatement to include that it would affect CC&R's on residential areas? Mr. McGeough replied that the proposal indicates it is the only provision in the entire document that is applicable to residential. It applies equally to single-family residential CC&R's. This applies to future CC&R's.

Commissioner McFadden inquired whether it was a fair assumption that the Committee would be in favor of eliminating current street tree designs for developments that require street trees because of the soil volume ratio that was presented tonight. Mr. McGeough replied that in terms of the soil volume requirement there needs to be enough area under the tree for the soil to support it. If one was to get additional parking spaces within a commercial development the Committee has suggested that structural soils be placed in

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