



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

09/30/2013

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 006-13

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, October 16, 2013

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

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

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

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

<paa> N



FORM 2

DLCD

Notice of Adoption

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

☐ In person ☐ electronic ☐ mailed

DATE STAMP

DEPT OF

SEP 27 2013

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Medford**

Local file number: **DCA-12-056**

Date of Adoption: **09/05/13**

Date Mailed:

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 06/06/13

☐ 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".

Ordinance amending Land Development Code to eliminate the requirement for dual reviews of commercial/industrial/multi-family development within Historic Overlay Zones with a delayed effective date of December 1, 2013. Affected Sections 10.031, 10.051, 10.061, 10.132, 10.136, 10.146, 10.251, 10.253, 10.254, 10.259, 10.261, 10.285, 10.432, 10.485, 10.501, 10.712, 10.732, 10.743, 10.747, 10.801, 10.823, 10.824, 10.833, 10.837, 10.878, and 10.897, and creating new Sections 10.262 and 10.263.

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

Added a revision to Section 10.146 to add Historic Review to the Referral Agency Distribution. Removed changes to Section 10.790. Sections 10.262 and 10.263 are new sections to be added, not amendments to existing Sections.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
☒ ☒ ☐ ☐ ☒ ☐ ☐ ☐ ☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

006-13 (19885) [17623]

DLCD file No. _____

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

Heart of Medford, The Chamber of Medford/Jackson County, Site Plan and Architectural Commission,
Landmarks and Historic Preservation Commission

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

Phone: (541) 774-2380 Extension: 2397

Address: **200 S. Ivy Street, 2nd Floor**

Fax Number: 541-774-2564

City: **Medford**

Zip: **97501**

E-mail Address: **praline.mccormack@cityofmedford.org**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 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.

ORDINANCE NO. 2013-131

AN ORDINANCE amending Sections 10.031, 10.051, 10.061, 10.132, 10.136, 10.146, 10.251, 10.253, 10.254, 10.259, 10.261, 10.285, 10.432, 10.485, 10.501, 10.712, 10.732, 10.743, 10.747, 10.801, 10.823, 10.824, 10.833, 10.837, 10.878, and 10.897 of the Medford Code and adding Sections 10.262 and 10.263 to eliminate the requirement for dual reviews of commercial/industrial/multi-family development within Historic Overlay Zones with a delayed effective date of December 1, 2013.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 10.031 of the Medford Code is amended to read as follows:

10.031 Exemptions from the Development Permit Requirement.

* * *

C. The following uses or developments do not require a development permit.

(1) Parking lots and parking lot additions, when not associated with building construction required to be reviewed by the Site Plan and Architectural Commission, ~~unless located within a Historic Overlay~~ **except any parking lot or parking lot additions located within a Historic Overlay requires Historic Review.**

(2) Construction of a new building if it does not increase motor vehicle trip generation by more than ten (10) average daily trips, ~~unless located within a Historic Overlay~~, **in which case, Historic Review is required for all new construction.**

(3) A building addition similar to the existing building in architectural style and exterior building materials and that is no more than a 20 percent or 2,500 square-foot increase in gross floor area, whichever is less, ~~unless located within a Historic Overlay~~, **in which case, Historic Review is required for all building additions and exterior alterations.**

* * *

(8) Detached single-family residential development on a lot within a final platted land division or on an otherwise legally created lot, ~~unless located within a Historic Overlay~~, **in which case, Historic Review is required for all single-family residential development.**

* * *

SECTION 2. Section 10.051 of the Medford Code is amended to read as follows:

10.051 Appeals.

A. Any person with standing may appeal to the City Council any Type "C" or "D" decision of an approving authority (Planning Commission, Site Plan and Architectural Commission, **Landmarks and Historic Preservation Commission**, and Planning Director) which approves conditionally, approves, or disapproves a development permit, or plan authorization, as per Section 10.102, Plan Authorizations, of this chapter, by filing a written notice together with the requisite filing fee with the city recorder within fourteen (14) days after notice of the development permit or plan authorization approval or disapproval by the approving authority is mailed.

* * *

SECTION 3. Section 10.061 of the Medford Code is amended to read as follows:

10.061 Duty to Enforce.

The approving authority (~~Planning Commission, Site Plan and Architectural Commission, and Planning Director~~) or City Council, on appeal, shall refuse approval of any development permit application not in conformity herewith, and subject to the provisions of state law. All officials, departments, officers, and employees of the city vested with the authority to issue permits or certificates shall not issue any such permits or certificates which conflict with any provisions of this chapter, or which purport to authorize or permit the development of any land where compliance with all applicable provisions of this chapter have not been met. Any such permit or authorization which may be issued in conflict herewith shall be void and of no force or effect.

* * *

SECTION 4. Section 10.132 of the Medford Code is amended to read as follows:

10.132 Authority of the Site Plan and Architectural Commission.

(1) **Approval Authority of Site Plan and Architectural Commission.** The Site Plan and Architectural Commission is hereby designated as the approving authority for the following plan authorizations:

	Plan Authorization	Class
1.	Exceptions	"C"
2.	Site Plan and Architectural Review	"C"

(2) **Other Powers of Site Plan and Architectural Commission.** The Site Plan and Architectural Commission shall have the power to adopt design guidelines. Such guidelines may be general or specific in nature and shall be in the form of suggested approaches intended to aid applicants in preparation, presentation and implementation of development proposals in compliance with the City of Medford Comprehensive Plan and implementing ordinances. Guidelines shall be advisory and shall not limit applicants to a single approach.

SECTION 5. Section 10.136 of the Medford Code is amended to read as follows:

10.136 Authority of the Landmarks and Historic Preservation Commission.

The Landmarks and Historic Preservation Commission is hereby designated as the approving authority for the following plan authorizations:

Plan Authorization	Class
Historic Review, except Minor Historic Review permitted in Section 10.408	'C'
Exceptions	'C'

For the purposes of this section, the definitions, rules, and procedures of Sections 10.401 through 10.408 shall apply.

(+) A. Historic Review shall include:

(a) **1. Historic Preservation Overlay Changes.** Review and investigation of any historic resource in the City of Medford that may have historic significance; initiation of proceedings to

change the extent of the Historic Preservation Overlay; decisions on applications to change to the extent of the Historic Preservation Overlay; and preparation of findings substantiating or refuting the historic significance of the resource.

(b)2. Exterior Alteration and/or New Construction Review. Consideration of proposed exterior alteration and/or new construction within an Historic Preservation Overlay.

(c)3. Demolition and/or Relocation Review. Consideration of proposed demolition or relocation within an Historic Preservation Overlay, and authorization of either delayed or immediate issuance of a demolition or relocation permit.

(d)4. Consideration of Appeals of Minor Historic Review Decisions. Should an applicant disagree with a Minor Historic Review decision made by the Planning Director, the applicant may appeal such decision to the Landmarks and Historic Preservation Commission consistent with the requirements of this Code.

(2)B. Other powers and duties of the Landmarks and Historic Preservation Commission may include:

(a)1. To study proposed Comprehensive Plan and Land Development Code amendments relating to historic preservation, and submit recommendations regarding such proposals to the Planning Commission and City Council.

(b)2. To institute and support programs and projects that further the historic preservation policies of the City of Medford.

(c)3. To adopt approval criteria for Minor Historic Review of alterations of roofing materials, exterior colors, or sign face design for an existing sign within Historic Preservation Overlay Districts. Such criteria shall be consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Places* as applicable.

(d)4. To adopt design guidelines for new construction and exterior alternations within an Historic Preservation Overlay. Such guidelines may be general or specific in nature and shall be in the form of approaches intended to aid applicants in preparation, presentation, and implementation of development proposals that comply with the Medford Comprehensive Plan and implementing ordinances. Guidelines shall be advisory and shall not limit applicants to a single approach.

(e)5. To adopt approval criteria and/or design guidelines for signage within the Historic Preservation Overlay. Such criteria or design guidelines may authorize signs that differ from the standards of Article VI when necessary to meet historic compatibility and preservation goals.

SECTION 6. Section 10.146 of the Medford Code is amended to read as follows:

10.146 Referral Agencies, Distribution.

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

* * *

M. Historic Review

* * *

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

///

SCHEDULE OF REFERRAL AGENCY DISTRIBUTION

CITY DEPTS.	A	B	C	D	E	F	G	H	I	J	K	L	M
CITY DEPTS.													
Building Safety	X	X	X	X	X	X	X	X	X	X	X		X
City Attorney	X	X	X	X	X	X	X	X	X	X	X	X	X
City Manager	X	X	X	X									
Engineering Division	X	X	X	X	X	X	3		X	X	X	X	X
Fire	X	X	X	X	X	X	3		X	X	X		X
Parks & Recreation	X	X	X	X	X	X	3		X	X	X		X
Parks Director	4	4	4	4	4	4	4	4	4	4	4	4	4
Planning	X	X	X	X	X	X	X	X	X	X	X	X	X
Police	X		X	X	X	X			X	X	X		X
Public Works	X	X	X	X	X	X	3		X	X	X		X
AGENCY	A	B	C	D	E	F	G	H	I	J	K	L	M
Water Commission	X	X	X	X	X	X	3		X	X	X	X	X
OTHER AGENCIES													
LHPC*	1	1	1		1	1	1	1	1	1	1	1	
CPAC*	X	X	X										
Cable Television Co.			X	X	X	X	3		X	X	X	X	X
City of Central Point	1	1	1	1	1	1	1	1	1	1	1	1	
City of Phoenix	1	1	1	1	1	1	1	1	1	1	1	1	
DLCD*	X	X	X										
DSL*							5	5	5	5	5	5	
Garbage Company				X	X								
Jackson Co. Health Dept				X						X			
Jackson Co. Planning	X	X	X					1	1		1		
MID*	1		1	1	1		3		1	1			
Natural Gas Company			X	X	X	X	3		X	X	X	X	X
ODFW*							5	5	5	5	5	5	
ODOT*	X		1	1		1	3		1	1	1	1	
Power Company			X	X	X	X	3		X	X	X	X	X

CITY DEPTS.	A	B	C	D	E	F	G	H	I	J	K	L	M
RRVID*	1		1	1	1		3		1	1			
RV- Medford Airport* Airport*	1		1			1	2	2	2	2	2		
RVS*	1		1	1	1	1	3		1	1	1		1
RVTD*	X		1	1	1	X	3		1	1	X	X	X
Medford 549C Schools	1		1	1		1	3		1	1			
Superintendent	4	4	4	4	4	4	4	4	4	4	4	4	
Phoenix-Talent Schools	1		1	1		1	3		1	1			
Superintendent	4	4	4	4	4	4	4	4	4	4	4	4	
Telephone Company			X	X	X	X	3		X	X	X	X	X
U. S. Post Office									X	X	X	X	X
Urban Renewal Agency			1		1	1	1	1	1	1	1	1	1
Water Districts	1		1	1		1			1	1			

*Acronyms:

CPAC	Citizens Planning Advisory Committee
DLCD	Department of Land Conservation and Development (State Oregon)
DSL	Department of State Lands (Oregon)
LHPC	Landmarks and Historic Preservation Commission
MID	Medford Irrigation District
ODFW	Oregon Department of Fish and Wildlife
ODOT	Oregon Department of Transportation
RRVID	Rogue River Valley Irrigation District
RV- Medford Airport	Rogue Valley-International Medford Airport
RVS	Rogue Valley Sewer Services
RVTD	Rogue Valley Transportation District

SECTION 7. Section 10.251 of the Medford Code is amended to read as follows:

10.251 Application, Exception.

The purpose of Sections 10.251 to 10.253 is to empower the approving authority (~~Planning Commission/Site Plan and Architectural Commission~~) to vary or adapt the strict application of the public improvement and site development standards as contained in Article III, Sections 10.349 through 10.361, and 10.370 through 10.385, as well as Articles IV and V of this chapter. Exceptions may be appropriate for reasons of exceptional narrowness or shape of a parcel; for reasons of exceptional topographic conditions, extraordinary and exceptional building restrictions on a piece of property; or if strict applications of the public improvement or site development standards in the above-referenced Articles would result in peculiar, exceptional, and undue hardship on the owner.

///

///

SECTION 8. Section 10.253 of the Medford Code is amended to read as follows:

10.253 Criteria for an Exception.

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority (~~Planning Commission/Site Plan and Architectural Commission~~) having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

(1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The **approving authority** ~~Planning Commission/Site Plan and Architectural Commission~~ shall have the authority to impose conditions to assure that this criterion is met.

* * *

SECTION 9. Section 10.254 of the Medford Code is amended to read as follows:

10.254 Expiration of an Exception.

Within one (1) year following the final order date, substantial construction on the development shall be completed, or if a use, the use shall have commenced operation. If a request for an extension is filed with the ~~P~~planning ~~D~~department within one (1) year from the approval date of the final order, the approving authority (~~Planning Commission, Site Plan and Architectural Commission~~) may, upon written request by the applicant, grant a single extension of the expiration date for a period not to exceed one (1) year from the expiration date of the final order. An extension shall be based on findings that the facts upon which the exception was first approved have not changed to an extent sufficient to warrant refiling of the exception. An exception directly related to another plan authorization, such as an exception which was filed concurrently with the other plan authorization, and/or an exception which is integrally intertwined with and necessary to the development or use authorized by the other plan authorization, shall expire when the related plan authorization expires.

SECTION 10. Section 10.259 of the Medford Code is amended to read as follows:

10.259 Historic Review, Conditions of Approval.

In approving an Historic Review application, the Landmarks and Historic Preservation Commission may impose conditions necessary to ensure compliance with the standards of this Code and the criteria in Section 10.258, **and to otherwise protect the health, safety and general welfare of the surrounding area and community as a whole. These conditions may include, but are not limited to the following:**

- (1) **Limiting the number, height, location and size of signs;**
- (2) **Requiring the installation of appropriate public facilities and services and dedication of land to accommodate public facilities when needed;**
- (3) **Limiting the visibility of mechanical equipment through screening or other appropriate measures;**

- (4) Requiring the installation or modification of irrigated landscaping, walls, fences or other methods of screening and buffering;
- (5) Limiting or altering the location, height, bulk, configuration or setback of buildings, structures and improvements;
- (6) Requiring the improvement of an existing, dedicated alley which will be used for ingress or egress for a development;
- (7) Controlling the number and location of parking and loading facilities, points of ingress and egress and providing for the internal circulation of motorized vehicles, bicycles, public transit and pedestrians;
- (8) Requiring the retention of existing natural features;
- (9) Modifying architectural design elements including exterior construction materials and their colors, roofline, fenestration and restricting openings in the exterior walls of structures;
- (10) Restricting the height, directional orientation and intensity of exterior lighting.

SECTION 11. Section 10.261 of the Medford Code is amended to read as follows:

10.261 Historic Review Approval, Expiration.

A. Approval of a Historic Review application shall take effect on the date the final order for approval is signed, unless appealed, and ~~Historic Review approvals shall expire within two (2) years following the date of the final order unless work on the authorized improvement or construction has begun or an extension of time has been issued. Upon written request submitted prior to expiration of the two (2)-year approval, the Landmarks and Historic Preservation Commission may grant an extension not to exceed one (1) year from the effective date.~~ Within two (2) years following the effective date, substantial construction must have occurred or an extension of the approval shall be necessary. If a request for an extension of a Historic Review application approval is filed with the Planning Department within two (2) years from the effective date, the Landmarks and Historic Preservation Commission may grant an extension not to exceed one (1) additional year if based upon findings that the facts upon which the Historic Review application was first approved have not changed to an extent sufficient to warrant re-filing of the application.

B. When it is the developer's intent to complete an approved project in phases, the approving authority may authorize a time schedule for the issuance of building permits for a period exceeding two (2) years, but in no case shall the total time period for the issuance of building permits be greater than five (5) years without having to re-submit a new application for Historic Review. Phases developed after the passage of two (2) years from approval of the Historic Review application shall be required to modify the plans if necessary to avoid conflicts with changes in the *Comprehensive Plan* or this chapter.

SECTION 12. Section 10.262 of the Medford Code is added to read as follows:

10.262 Major Revisions or Amendments to Historic Review Approval.

Major revisions or amendments to plans approved through Historic Review shall require re-application.

SECTION 13. Section 10.263 of the Medford Code is added to read as follows:

10.263 Issuance of Building Permits, Consistent with Historic Review Approval.

A. All applications for a building permit, wherein Historic Review has been required, shall be consistent with the plans as approved and all conditions of approval imposed thereon and shall be accompanied by an accurate and correct plan.

B. Security for Completion of Public Improvements: If all required public improvements, as specified in the conditions of Historic Review approval, have not been satisfactorily completed before issuance of a building permit, the developer shall enter into a written agreement (provided by the City) to secure full and faithful performance thereof, according to Sections 10.666 and 10.667(A) respectively.

SECTION 14. Section 10.285 of the Medford Code is amended to read as follows:

10.285 Application, Site Plan and Architectural Review.

A. Purpose. The Site Plan and Architectural Review process is established in order to provide for review of the functional and aesthetic adequacy of development and to assure compliance with the standards and criteria set forth in this chapter for the development of property as applied to the improvement of individual lots or parcels of land as required by this code. Site Plan and Architectural Review considers consistency in the aesthetic design, site planning and general placement of related facilities such as street improvements, off-street parking, loading and unloading areas, points of ingress and egress as related to bordering traffic flow patterns, the design, placement and arrangement of buildings as well as any other subjects included in the code which are essential to the best utilization of land in order to preserve the public safety and general welfare, and which will encourage development and use of lands in harmony with the character of the neighborhood within which the development is proposed.

B. Site Plan and Architectural Review is required for:

~~of all~~ Projects which are not exempted from the a Development Permit process as stated in pursuant to Section 10.031, Exemptions to the Development Permit Requirement except that exterior alterations to a building or site and new construction in a Historic Overlay shall require Historic Review pursuant to Section 10.256, but shall not require Site Plan and Architectural Review.

C. Site Plan and Architectural Review applications shall be submitted to the Planning Department prior to the application for a building permit. ~~The Site Plan and Architectural Review process is established in order to provide for review of the functional and aesthetic adequacy of development and to assure compliance with the standards and criteria set forth in this chapter for the development of property as applied to the improvement of individual lots or parcels of land as required by this code.~~

~~Site Plan and Architectural Review considers consistency in the aesthetic design, site planning and general placement of related facilities such as street improvements, off-street parking, loading and unloading areas, points of ingress and egress as related to bordering traffic flow patterns, the design, placement and arrangement of buildings as well as any other subjects included in the code which are essential to the best utilization of land in order to preserve the public safety and general welfare, and which will encourage development and use of lands in harmony with the character of the neighborhood within which the development is proposed.~~

SECTION 15. Section 10.432 of the Medford Code is amended to read as follows:

10.432 Street Improvement, Deferred.

* * *

(2) Financial Deposit. When street improvements are deferred, the developer shall deposit with the City of Medford a financial deposit acceptable to the City in the amount of 125 percent of the City Engineer's estimate of the costs for the deferred street improvements, in lieu of the developer constructing the street improvements. This financial deposit shall be deposited with the City prior to the recordation of the Final Plat for land partitions, or prior to submittal of building permit applications for **other approved** projects. ~~subject to review by the Site Plan and Architectural Commission.~~

* * *

SECTION 16. Section 10.485 of the Medford Code is amended to read as follows:

10.485 Storm Drainage Requirements.

* * *

C. When a proposed development may adversely impact a storm drainage system, the City Engineer may recommend to the approving authority (~~Planning Commission or Site Plan and Architectural Commission~~) that the developer have prepared by a registered engineer, a Storm Drainage Plan for review and approval prior to final action on the plan authorization.

* * *

SECTION 17. Section 10.501 of the Medford Code is amended to read as follows:

10.501 Sidewalk Specifications.

* * *

(2) Other material. Other materials such as bricks or flagstone may be used for aesthetic effects where approved by the ~~Site Plan and Architectural Commission~~ **approving authority** or as otherwise provided in Section 10.358, Central Business District. Such material will have flat surfaces suitably finished for sidewalk use. Materials submitted shall be comparable in strength to concrete and shall be placed with suitable mortar to provide a permanent, maintenance-free sidewalk.

* * *

~~The Site Plan and Architectural Commission and Planning Commission~~ **approving authority** may approve curvilinear or meandering sidewalks for aesthetic purposes or for other reasons such as topography or to avoid existing trees. Where approved, such sidewalks shall tie to adjacent property lines in such a manner as to allow standard sidewalk construction on that property.

* * *

SECTION 18. Section 10.712 of the Medford Code is amended to read as follows:

10.712 Townhouse Dwellings.

* * *

In addition to the site development standards specified herein, townhouse development shall be identified as such on both the tentative and final plats for the project. Except when the tentative plat is in conjunction with a PUD, the tentative plat shall be accepted for review only after the project has received approval from the ~~Site Plan and Architectural Commission~~ **approving authority**. At the time of recording of the final plat, Covenants, Conditions, and Restrictions (CC&Rs) shall be approved by the city and recorded. The recorded CC&Rs shall provide:

* * *

SECTION 19. Section 10.732 of the Medford Code is amended to read as follows:

10.732 Fencing of Lots.

(1) Fencing located within the front yard setback area of all zones, except the MFR zone, shall not exceed three (3) feet in height when measured from the grade of the street centerline. When within a MFR zone, a fence shall not exceed three (3) feet in height when located within ten (10) feet of a street right-of-way unless otherwise approved by the ~~Site Plan and Architectural Commission~~ **approving authority**.

* * *

SECTION 20. Section 10.743 of the Medford Code is amended to read as follows:

10.743 Off-Street Parking Standards.

* * *

(3) Exceptions to Required Off-Street Parking for Non-Residential Uses. The ~~a~~**Approving a**Authority (~~Site Plan & Architectural Commission / Planning Commission~~) may allow exceptions to the number of parking spaces in Table 10.743-1 for specific uses without complying with Section 10.251 if they find that the applicant's detailed description of the proposed use demonstrates that the number of needed parking spaces is less than the minimum required or more than the maximum allowable based upon one or both of the following:

* * *

SECTION 21. Section 10.747 of the Medford Code is amended to read as follows:

10.747 General Provisions, **Bicycle Parking.**

* * *

Any building expansion ~~or change of occupancy~~, or any new construction ~~that requires Site Plan and Architectural Commission review~~, (excluding two-family and three-family dwellings), shall bring the property into conformance with the Bicycle Parking and Storage Regulations. For building expansions, the additional required bicycle parking improvements shall be related to the expansion only.

* * *

SECTION 22. Section 10.801 of the Medford Code is amended to read as follows:

10.801 Agricultural Buffering in Non-Urban Reserve Areas.

* * *

B. Applicability.

(4) Site Plan and Architectural ~~Commission Review~~ or **Historic Review** where the action being sought will result in the construction of one or more buildings intended for human occupancy as dwellings or for business purposes.

SECTION 23. Section 10.823 of the Medford Code is amended to read as follows:

10.823 Small Food Vendors.

* * *

(2) Small food vendors shall be permitted in the C-S/P, C-N, C-C, C-H, C-R, I-L, and I-G zoning districts and subject to the following standards:

A. The exterior length and width dimension of the small food vendor unit ("unit"), when multiplied, shall enclose no more than 128 square feet. If the unit exceeds 128 square feet, the application must be reviewed and approved by either the Site Plan and Architectural Commission or the **Landmarks and Historic Preservation Commission** as a standard restaurant under this chapter and is not subject to these provisions.

* * *

SECTION 24. Section 10.824 of the Medford Code is amended to read as follows:

10.824 Wireless Communication Facilities.

* * *

D. Design Standards.

* * *

(2) General Requirements:

* * *

(h) Any proposal that has elements that deviate from the standards of (f) and/or (g) above may be approved by the Site Plan and Architectural Commission or **Landmarks and Historic Preservation Commission** through a Class "C" plan authorization, based upon evidence showing that the standards cannot otherwise be met and that the degree of relief approved by the ~~Site Plan and Architectural~~ said Commission, is the minimum necessary to allow for facility operation.

* * *

SECTION 25. Section 10.833 of the Medford Code is amended to read as follows:

10.833 Restaurants - Outdoor Eating Areas.

Outdoor eating areas shall be allowed for restaurants in all commercial and industrial zoning districts subject to the following:

* * *

(2) **Historic Review** or Site Plan and Architectural ~~Commission Review~~ as applicable and approval when the outdoor eating area includes seating for more than 15 patrons.

* * *

///

SECTION 26. Section 10.837 of the Medford Code is amended to read as follows:

10.837 Dwelling Units in Commercial Districts.

Dwelling Units shall be allowed in all commercial districts except the Neighborhood Commercial (C-N) zone subject to the dwelling type standards established for housing within the MFR-30 district. In addition, single family dwelling units shall be allowed in all commercial districts when attached to a commercial building and approved by the Site Plan and Architectural Commission **or Landmarks and Historic Preservation Commission as applicable**. In the Neighborhood Commercial (C-N) district single family and multiple family residential uses are permitted only when the total residential use is attached, accessory, and subordinate to the primary commercial use.

SECTION 27. Section 10.878 of the Medford Code is amended to read as follows:

10.878 Delegation of Authority, Mobile Home and Manufactured Dwelling Parks.

The Planning Commission may review and approve landscape plans and recreational area details as part of the conditional use permit review, or delegate the review of these features to the Site Plan and Architectural Commission **or Landmarks and Historic Preservation Commission as applicable**. Approval of any delegated review to ~~one of these Site Plan and Architectural Commissions~~ shall be subject to a Class "C" procedure as set forth in Article II.

SECTION 28. Section 10.897 of the Medford Code is amended to read as follows:

10.897 Conditions of Approval, Mobile Home and Manufactured Dwelling Parks.

The Planning Commission may include conditions of approval as listed for conditional use permits in Section 10.248, or for Site Plan and Architectural Commission approval as listed in Section 10.291, **or for Historic Review pursuant to Section 10.259**. The ~~Planning~~ Commission may also require more than a single access point onto public streets. The Commission can also require a warning statement, to be a part of the lease or rental agreement, notifying prospective tenants of adjacent agricultural uses pursuant to Section 10.801, Agricultural Buffering, or other land uses that may have an impact on residential development.

PASSED by the Council and signed by me in authentication of its passage this 5 day of September, 2013.

ATTEST: Karen M. Spoor
Deputy City Recorder

APPROVED September 5 2013

[Signature]
Mayor
[Signature]
Mayor

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

90. Adjournment to the evening session

Council adjourned to the evening session at 1:53 p.m.

EVENING SESSION

7:00 P.M.

The regular meeting of the Medford City Council was called to order at 7:00 p.m. in the Council Chambers of the Medford City Hall on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Karen Blair, Daniel Bunn, Chris Corcoran, Dick Gordon, Eli Matthews, John Michaels, Bob Strosser

City Manager Eric Swanson; Assistant City Manager Bill Hoke; City Attorney John Huttli; Deputy City Recorder Karen Spoonls

110. Oral requests and communications from the audience

- 110.1 Craig Stone, speaking on behalf of Dr. and Mrs. Gordon Dickerson and Dr. and Mrs. James Post, spoke about land they owned north of Cherry Lane along Aerial Heights Drive which they would like to have annexed in the City. Because efforts to extend municipal facilities (particularly sanitary sewers) to the area have not happened they would like an amendment to the code to permit septic systems within incorporated Medford subject to Department of Environmental Quality approval and the posting of security to ensure payment for future sewer line extensions/connections.

Councilmember Michaels requested staff input; Planning Director Huber stated that both Public Works and Planning Department did meet with Mr. Stone but this is more of a Public Works issue and what Mr. Stone is saying is correct. From a policy position the details are important and critical; all parties must know what is requested. Councilmember Michaels requested staff make a recommendation on how to move forward on this. City Manager Swanson noted that staff will evaluate and bring this back to Council.

Mr. Stone noted that the letter he presented brings forth suggestions on how the language can be written. Mayor Wheeler stated that this will come back to Council after receiving staff input.

60. Ordinances and resolutions (con't)

- 60.2 City Manager Swanson noted that he did receive the corrected amendment for 60.2 from Attorney Huttli. Councilmember Gordon noted that he had read it and was pleased with the language.

COUNCIL BILL 2013-128 An ordinance amending Sections 8.001, 8.003, and 8.015 of the Medford Code pertaining to business license requirements.

Motion: Move adoption of code modifications pertaining to denial of a business license.

Moved by: Chris Corcoran

Seconded by: Bob Strosser

Roll call: Councilmembers Blair, Bunn, Corcoran, Gordon, Matthews, Michaels, and Strosser voting yes. Ordinance #2013-128 was duly adopted.

120. Public hearings

- 120.1 COUNCIL BILL 2013-131 An ordinance amending Medford Code Sections 10.031, 10.051, 10.061, 10.132, 10.136, 10.146, 10.251, 10.253, 10.254, 10.259, 10.261, 10.285, 10.432, 10.485, 10.501, 10.712, 10.732, 10.743, 10.747, 10.801, 10.823, 10.824, 10.833, 10.837, 10.878, and 10.897 and creating new Sections 10.262 and 10.263 to eliminate the requirement for dual reviews of commercial/industrial/multi-family development within Historic Overlay Zones with a delayed effective date of December 1, 2013. (DCA-12-056)

Planning Director Huber presented the staff report noting that this will encourage revitalization and prevents dual review of both Site Plan and Architectural Commission (SPAC) and Landmarks and Historic Preservation Commission (LHPC) for commercial, industrial and multi-family as most of the downtown area has the Historic

Overlay. He presented a map showing the boundary of the downtown area noting that this covers most of that area. If adopted, LHPC will have oversight and permitting authority.

Councilmember Strosser questioned who did not agree with this change; Mr. Huber noted that it was Planning Commissioner Tim Jackle because there were no requirements on the LHPC for engineers, etc. Councilmember Gordon noted that we are all interested in streamlining the process; he expressed concern with the qualifications of people that are more specific to the professions involved with building vs. landmarks and was concerned with parking issues such as the Housing Authority who did not have parking requirements. He questioned how you would blend the expertise needed; that they still need to meet the same criteria and staff support will still need to be there. Mr. Huber noted the parking district may expand as well. Councilmember Corcoran noted that this is a lifetime of training and questioned fast tracking them for training; Mr. Huber stated that he thought they had that training at present. Mayor Wheeler thought this was a very good idea and there is more flexibility outside the area in question.

Public hearing opened.

1. Cathy DeWolfe, Chair of the LHPC, stated that they are in support of this and that this Commission will serve the City well with this change.

Public hearing closed.

Motion: Move to adopt the ordinance eliminating the requirement for dual review of development proposed within the City's Historic Overlay Zones.

Moved by: John Michaels

Seconded by: Bob Strosser

Councilmember Michaels questioned if we would have to change the responsibilities of the Commission; Mr. Huber noted that is why Mr. HuttI needed to read so many changes to the code. Council discussed the need to streamline and suggested moving forward with caution; Councilmember Blair, who is the liaison to this Commission, agreed.

Roll call: Councilmembers Blair, Bunn, Corcoran, Gordon, Matthews, Michaels, and Strosser voting yes.
Motion carried and so ordered.

130. Ordinances and resolutions

Attorney HuttI stated that council adopted Council Bill 2013-130 initiating the formation of an Economic Improvement District which set the public hearing for September 19, 2013. Staff requested this be reopened as the public hearing cannot be held September 19, 2013.

COUNCIL BILL 2013-130 An ordinance initiating the formation of an Economic Improvement District and setting a public hearing for September 19, 2013.

Motion: Move to reopen Council Bill 2013-130

Moved by: Bob Strosser

Seconded by: John Michaels

Roll call: Councilmembers Blair, Bunn, Corcoran, Gordon, Matthews, Michaels, and Strosser voting yes.

Motion carried and so ordered.

Motion: Move to amend Council Bill 2013-130 by removing the date of the September 19, 2013 public hearing.

Moved by: John Michaels

Seconded by: Bob Strosser

Roll call: Councilmembers Blair, Bunn, Corcoran, Gordon, Matthews, Michaels, and Strosser voting yes.

Motion carried and so ordered.

140. Further reports from the City Manager and staff

- a. City Manager Swanson noted that there is a handout from the Planning Department pertaining to the launching of a new website on Medford's history sponsored by the Landmarks and Historic Preservation Commission which was funded in part by a matching grant. He thanked the Planning Department for their work on this.

- b. Mr. Swanson stated that staff is moving forward regarding highway directional signs on I-5



CITY OF MEDFORD

AGENDA ITEM COMMENTARY

www.cityofmedford.org

Item No:

DEPARTMENT: Planning Department

PHONE: 541-774-2380

STAFF CONTACT: James E. Huber, AICP, Planning Director

AGENDA SECTION: [City Recorder]

MEETING DATE: September 5, 2013

COUNCIL BILL 2013-

Ordinance amending Medford Municipal Code Sections 10.031, 10.051, 10.061, 10.132, 10.136, 10.146, 10.251, 10.253, 10.254, 10.259, 10.261, 10.285, 10.432, 10.485, 10.501, 10.712, 10.732, 10.743, 10.747, 10.801, 10.823, 10.824, 10.833, 10.837, 10.878, and 10.897 and creating new Sections 10.262 and 10.263 to revise the Land Development Code to eliminate the requirement for dual reviews of commercial/industrial/multi-family development within Historic Overlay Zones with a delayed effective date of December 1, 2013 (City of Medford, Applicant).

ISSUE STATEMENT & SUMMARY:

Currently, both Site Plan and Architectural Review and Historic Review are required for certain commercial/industrial/multi-family development proposed within the City's Historic Overlay. Because of this requirement, each Commission conducts a partial review of these proposed projects. Finding that these dual reviews are inefficient and costly to both the City and the applicant, and that the Landmarks and Historic Preservation Commission ("LHPC") is capable of conducting Site Plan and Architectural Review (with the support of staff) at the same time as the Historic Review, the recommendation of staff and the Planning Commission is to amend the code to eliminate the requirement for this dual review within the City's Historic Overlay, and to give the LHPC the same approving authority as the Site Plan and Architectural Commission ("SPAC").

BACKGROUND:

The Planning Commission discussed the proposal at their July 23, 2012, and May 13, 2013, study sessions. On July 25, 2013, they held a public hearing and voted to recommend City Council approval. The Site Plan and Architectural Commission discussed the proposal at their April 5 and April 19, 2013, hearings and had no objections. The LHPC discussed the proposal at their May 7, 2013, hearing and they voted unanimously to accept the new responsibility.

A. Council Action History

Staff is working on code amendments to the Central Business District Overlay in an effort to ensure that the code accurately reflects the City Council's vision for the downtown, and promotes and encourages the revitalization trend that the downtown is beginning to experience. Much of the Central Business District also has the Historic Overlay. This is the first in a series of proposed code amendments related to the Central Business District Overlay that the City Council will be reviewing. The City Council briefly discussed the proposal at their May 30, 2013, study session.

B. Analysis

The intentions of this ordinance are to eliminate unnecessary procedures and streamline the development process for downtown projects by eliminating the requirement for dual reviews in the Historic Overlay, which will result in a more efficient and thorough review by the LHPC.



CITY OF MEDFORD

AGENDA ITEM COMMENTARY

www.cityofmedford.org

Item No:

C. Financial and/or Resource Considerations

There are minimal budgetary considerations associated with this amendment. If this ordinance is adopted, additional non-management staff may need to attend LHPC hearings, which occur at 5:45 p.m., so there may be some additional overtime for these evening meetings. Additionally, the Planning Department will be seeking to adjust the application fees for Historic Reviews to be commensurate with the type of review.

D. Timing Issues

If adopted, staff recommends that the ordinance become effective on December 1, 2013, to allow time to train the Landmarks and Historic Preservation Commission, staff and the public on the new provisions. Implementation may include holding a mock historic review hearing that incorporates site plan issues, and preparing internal policies.

STRATEGIC PLAN:

Theme: Healthy Economy

Goal 6: Maintain and enhance community livability.

Objective 6.2: Ensure that the City's codes enable developers and non-profit providers to meet the housing needs of the City of Medford.

Action 6.2a: Remove unnecessary local regulatory impediments to housing.

Objective 6.3: Encourage the continued revitalization of the downtown.

Action 6.3a: Remove unnecessary local regulatory impediments to downtown development and redevelopment activities.

Action 6.3b: Remove redundant design review and approval processes.

Goal 11: Provide efficient and state-of-the-art development application review.

Objective 11.1: Reduce development application cycle time.

COUNCIL OPTIONS:

1. Adopt the ordinance.
2. Modify the ordinance.
3. Remand the proposal to the Planning Commission for further consideration.
4. Deny the ordinance.

STAFF RECOMMENDATION:

Based on the findings and conclusions that all of the approval criteria are either met or are not applicable, staff recommends adoption of the ordinance eliminating the requirement for dual review of projects in the City's Historic Overlay.

SUGGESTED MOTION:

I move to adopt the ordinance eliminating the requirement for dual review of development proposed within the City's Historic Overlay.

EXHIBITS:

Staff Report for file DCA-12-56 dated August 21, 2013, including Exhibits A through F.
A copy of the City Council PowerPoint presentation is on file in the Planning Department.



CITY OF MEDFORD

PLANNING DEPARTMENT

STAFF REPORT – LAND DEVELOPMENT CODE AMENDMENT

Date: August 21, 2013

To: City Council for September 5, 2013 Hearing

From: Praline McCormack, Planner II

Reviewer: Suzanne Myers, AICP, Principal Planner

Subject: Elimination of dual reviews of commercial/industrial/multi-family development within Historic Overlays (DCA-12-056)
City of Medford, Applicant

BACKGROUND

Proposal: To amend the *Land Development Code*, Articles 1, 2, 4 and 5 to eliminate the requirement for dual reviews of commercial, industrial, or multi-family development proposed within a Historic Overlay (see Exhibit A) including:

- Adding language to clarify development that is or is not exempt from development permit (Section 10.031).
- Giving the Landmarks and Historic Preservation Commission the same approving authority as the Site Plan and Architectural Commission, including approving authority for Exceptions (Sections 10.051, 10.136, 10.259, 10.261, 10.262, 10.263, 10.285, 10.747, 10.801, 10.823, 10.824, 10.833, 10.837, 10.878, 10.897).
- Cleaning up language (Sections 10.061, 10.132, 10.146, 10.251, 10.253, 10.254, 10.285, 10.432, 10.485, 10.501, 10.712, 10.732, 10.743, 10.747, 10.878, 10.897).

History: Staff has begun work on amendments to the Central Business District Overlay in an effort to ensure that the Code reflects the City Council's vision for the downtown, and promotes and encourages the revitalization trend the downtown is beginning to experience. This is the first of several code amendments related to the Central Business District Overlay that City Council will be reviewing over the next few years.

Much of the downtown has a Historic Overlay (overlying the National Historic District). Therefore, when a commercial, industrial, or multi-family development is proposed downtown the development must be reviewed by both the Site Plan

"Working with the Community to Shape a Vibrant and Exceptional City"

Lausmann Annex • 200 South Ivy Street • Medford, Oregon 97501

Tel. 541.774.2380 • Fax 541.618.1708

www.ci.medford.or.us

and Architectural Commission ("SPAC") and the Landmarks and Historic Preservation Commission ("LHPC"). The additional time and expense involved in requiring these two reviews may negatively impact development. This amendment proposes to eliminate this duplicative review and expand the LHPC's authority to include site review at the same time as conducting the historic review.

For several reasons Staff believes this is the best alternative to having dual reviews. First, both bodies typically review site plans. Second, for projects downtown, development is usually property line to property line so there are fewer characteristics that fall under site plan review. The majority of downtown development does not involve street improvements, connectivity, off-street parking, or large areas of landscaping. Third, with the expertise of the LHPC, City Staff, referral agencies and advisory committees (such as the Bicycle and Pedestrian Advisory Committee), Staff believes the elimination of dual reviews will not result in less functional or unattractive development. In fact, a development may have better review because one commission will be thoroughly reviewing the entire project instead of two bodies each conducting a partial review of the project. Fourth, the approval criteria for site plan review are almost identical to the approval criteria for historic review in that they both require compatibility, and they both require compliance with other provisions of the Code. However, the approval criteria for historic review are more stringent than for site plan review because the development must be consistent with *The Secretary of the Interior's Standards for the Treatment of Historic Properties*. In addition, the LHPC has adopted *Design Guidelines for New Construction in The Downtown, June 2008*, whereas the design guidelines used for site plan review, *Design Guidelines and Review Process, July 2006*, are much less specific, and need to be updated.

Both site plan review and historic review are quasi-judicial processes. The SPAC mostly reviews new construction, and, in the Historic Overlay, there are fewer than a dozen undeveloped sites that could potentially require site plan review. In order to have the Historic Overlay, individual sites must be developed, and listed on the *National Register of Historic Places*. Therefore, these sites are much less likely to ever need site plan review but will require historic review for any exterior alterations. Lastly, there has never been a conflict between the outcome of historic review and site plan review.

If this proposed amendment is adopted, Staff will conduct training with the LHPC prior to implementation. A single staff report to the LHPC will reflect all of the information, analysis, and conditions that are currently found in the two reports for both site plan review and historic review.

Staff conducted Study Sessions with the Planning Commission on July 23, 2012 and May 13, 2013 (Exhibit B). The proposal was presented to the Site Plan and Architectural Commission at meetings on April 5, 2013 and April 19, 2013 and the Commission had no objections (Exhibit C). Staff also held a Study Session

with the Landmarks and Historic Preservation Commission on May 7, 2013 wherein the Commission unanimously voted to accept the responsibility for the site plan review provided prior training is provided (Exhibit D). Lastly, a Study Session was held with the City Council on May 30, 2013 (Exhibit E). The Planning Commission conducted a public hearing on July 25, 2013 and voted to recommend City Council approval.

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

Review Criteria: *Medford Land Development Code* Section 10.184(2)

APPROVAL CRITERIA COMPLIANCE

10.184 Class 'A' Amendment Criteria.

10.184 (2). Land Development Code Amendment.

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

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

Findings: The proposed changes eliminate the need for dual reviews of development proposed within a Historic Overlay. The purpose is to streamline the development process and remove unnecessary barriers where possible.

Conclusion: The proposed changes will result in faster and less costly industrial, commercial and multi-family development permits in the Historic Overlay. In turn, they will also result in less staff time processing applications and the time Site Plan and Architectural Commissioners spend reviewing development proposals will be reduced. 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. 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 will be 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, and this process was adhered to in the proposed amendment.

The Council finds that **Goals 3 & 4** do not apply in this matter.

5. *Natural Resources, Scenic and Historic Areas, & Open Spaces:* Goal 5 requires the City to adopt programs that protect natural resources and conserve scenic, historic, and open space resources for present and future generations. The locations, quality and quantity of these resources are to be inventoried. Historic areas are defined as lands with sites, structures and objects that have local, regional, statewide or national historical significance. The City of Medford has an adopted Environmental Element within the *Comprehensive Plan* that includes the required Goal 5 inventories. In addition, the *Land Development Code* has specific requirements for the designation of historic resources and the administration of various permits. The proposed code amendment does not adversely affect his-

torical resources. It streamlines the development permit process within the City's Historic Overlay zones, and adds site plan review to the Landmarks and Historic Preservation Commission's authority.

The Council finds that **Goals 6-8** do not apply in this matter.

9. *Economic Development.* Goal 9 requires the City's *Comprehensive Plan* policies to contribute to a stable and healthy economy. Such plans shall be based upon appropriate inventories in particular non-renewable resources. Medford's *Comprehensive Plan* complies with Goal 9. The proposed code amendment is intended to contribute to a stable and healthy economy by removing barriers, and streamlining the process regarding development in the City's Historic Overlay zones, including downtown.

10. *Housing.* Goal 10 requires the City to provide for the housing needs of the citizens of the State by inventorying buildable lands and adopting plans that encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Medford's households and allow for flexibility of housing location, type and density. The City of Medford has an adopted Housing Element within the *Comprehensive Plan* that includes the required Goal 10 inventories. In addition, the *Land Development Code* has specific requirements for density and types of housing. The proposed code amendment is intended to encourage and promote the development of needed housing units in Medford's downtown. It streamlines the development permit process within the City's Historic Overlay zones, and adds site plan review to the Landmarks and Historic Preservation Commission's authority.

The Council finds that **Goals 11-14** do not apply in this matter.

Goals 15-19 apply only to other regions of the State and are not evaluated here.

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.

Applicable *Comprehensive Plan* Goals, Policies, and Implementation Strategies:

ENVIRONMENTAL ELEMENT

ARCHAEOLOGICAL AND HISTORIC RESOURCES

GOAL: To preserve and protect archaeological and historic resources in Medford for their aesthetic, scientific, educational, and cultural value.

Policy 11-B: The City of Medford shall encourage and facilitate the preservation of Medford's significant historic resources by continuing to update and implement the Historic Preservation Ordinance in the *Land Development Code*.

Policy 11-E: The City of Medford shall continue to recognize the downtown City Center as the historic core of the city, and its historic attributes shall be a factor when developing programs for the downtown area.

Findings: The proposed amendment does not negatively affect the preservation of Medford's historic resources.

ECONOMIC OPPORTUNITIES

GOAL: *To actively stimulate economic development and growth that will provide opportunities to diversify and strengthen the mix of economic activity in the City of Medford.*

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

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

Findings: The proposed amendment removes economic and time barriers associated with development within Historic Overlay zones by eliminating the requirement for dual reviews of such development.

HOUSING

GOAL: *To provide for the housing needs of citizens of Medford.*

Policy 2: The City of Medford shall designate areas for residential development that are or will be conveniently located close to pedestrian, bicycle, and transit or high capacity transportation routes, community facilities and services, and employment to ensure that the benefits of public investment in those facilities are available to as many households as possible.

Implementation 2-B: Assess and remove unnecessary local regulatory impediments to downtown housing.

Findings: The proposed amendment eliminates the requirement for dual reviews within Historic Overlay zones, including downtown. Applications for proposed development will be less costly, and will be processed in a more timely fashion.

Conclusion: The proposed amendment satisfies implementation measures of the *Comprehensive Plan*. Criterion 10.184 (2)(b)(2) is satisfied.

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

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

Findings: No comments were received.

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

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

The findings below respond to public comments:

Findings: No comments were received.

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 on July 25, 2013 voted 7-1 to recommend adoption per the Staff Report dated August 21, 2013, including Exhibits A through F.

EXHIBITS

- A Proposed Code Amendment – dated August 15, 2013
- B Planning Commission Study Session Minutes (July 23, 2012 and May 13, 2013)
- C Site Plan and Architectural Commission Meeting Minutes (April 5, 2013 and April 19, 2013)
- D Landmarks and Historic Preservation Commission Study Session Minutes (May 7, 2013)
- E City Council Study Session Minutes (May 30, 2013)
- F Planning Commission Minutes, July 25, 2013

PLANNING COMMISSION AGENDA: JULY 25, 2013

CITY COUNCIL AGENDA: SEPTEMBER 5, 2013

Exhibit A

Elimination of Dual Review in Historic Overlay Code Amendment Staff Report

August 15, 2013

Bold text indicates an insertion

~~Strike through~~ text indicates a deletion

~~Double Strike through~~ text indicates language that has been moved

Double-underlined text indicates where the language was moved.

1. 10.031: Add language to indicate that development identified in this section is exempt from development permit, except if located within a Historic Overlay Zone which will require Historic Review.

10.031 Exemptions from the Development Permit Requirement.

A. An exemption from the development permit requirement does not exempt the use or development from compliance with the applicable standards of this chapter, including but not limited to access, parking, riparian protection, and landscaping.

B. Exemptions under this section do not apply to uses subject to a conditional use permit.

C. The following uses or developments do not require a development permit.

(1) Parking lots and parking lot additions, when not associated with building construction required to be reviewed by the Site Plan and Architectural Commission, ~~unless located within a Historic Overlay~~ **except any parking lot or parking lot additions located within a Historic Overlay requires Historic Review.**

(2) Construction of a new building if it does not increase motor vehicle trip generation by more than ten (10) average daily trips, ~~unless located within a Historic Overlay,~~ **in which case, Historic Review is required for all new construction.**

(3) A building addition similar to the existing building in architectural style and exterior building materials and that is no more than a 20 percent or 2,500 square-foot increase in gross floor area, whichever is less, ~~unless located within a Historic Overlay,~~ **in which case, Historic Review is required for all building additions and exterior alterations.**

* * *

(8) Detached single-family residential development on a lot within a final platted land division or on an otherwise legally created lot, ~~unless located within a Historic Overlay,~~ **in which case, Historic Review is required for all single-family residential development.**

* * *

2. 10.051: Add LHPC to the list of approving authority's decisions that are appealable to the City Council.

10.051 Appeals.

A. Any person with standing may appeal to the City Council any Type "C" or "D" decision of an approving authority (Planning Commission, Site Plan and Architectural

Exhibit A

Elimination of Dual Review in Historic Overlay Code Amendment Staff Report

August 15, 2013

Commission, **Landmarks and Historic Preservation Commission**, and Planning Director) which approves conditionally, approves, or disapproves a development permit, or plan authorization, as per Section 10.102, Plan Authorizations, of this chapter, by filing a written notice together with the requisite filing fee with the city recorder within fourteen (14) days after notice of the development permit or plan authorization approval or disapproval by the approving authority is mailed.

B. A person has standing if the person: (1) appeared in the initial proceedings orally or in writing; and (2) was entitled to a right of notice and hearing prior to the decision to be reviewed, or is aggrieved by the decision, or has interests adversely affected by the decision.

C. Class "E" Ministerial Decisions are final and, with the exception of Final PUD Plan applications (see 10.241(E)), are not appealable under the Medford Land Development Code or any other provision of the Medford Code.

- | | |
|----|---|
| 3. | 10.061: Eliminate specific approving authority names, and refer to them as a group. |
|----|---|

10.061 Duty to Enforce.

The approving authority (~~Planning Commission, Site Plan and Architectural Commission, and Planning Director~~) or City Council, on appeal, shall refuse approval of any development permit application not in conformity herewith, and subject to the provisions of state law. All officials, departments, officers, and employees of the city vested with the authority to issue permits or certificates shall not issue any such permits or certificates which conflict with any provisions of this chapter, or which purport to authorize or permit the development of any land where compliance with all applicable provisions of this chapter have not been met. Any such permit or authorization which may be issued in conflict herewith shall be void and of no force or effect.

Other than as above set forth, the Planning Director or his designee shall be the official responsible for the enforcement of this chapter.

- | | |
|----|--|
| 4. | 10.132: Add language to clarify subparagraph titles. |
|----|--|

10.132 Authority of the Site Plan and Architectural Commission.

(1) **Approval Authority of Site Plan and Architectural Commission.** The Site Plan and Architectural Commission is hereby designated as the approving authority for the following plan authorizations:

	Plan Authorization	Class
1.	Exceptions	"C"
2.	Site Plan and Architectural Review	"C"

(2) **Other Powers of Site Plan and Architectural Commission.** The Site Plan and Architectural Commission shall have the power to adopt design guidelines. Such

Exhibit A

Elimination of Dual Review in Historic Overlay Code Amendment Staff Report

August 15, 2013

guidelines may be general or specific in nature and shall be in the form of suggested approaches intended to aid applicants in preparation, presentation and implementation of development proposals in compliance with the City of Medford Comprehensive Plan and implementing ordinances. Guidelines shall be advisory and shall not limit applicants to a single approach.

5. 10.136: Add language that gives LHPC the same authority as SPAC to review Exceptions.

10.136 Authority of the Landmarks and Historic Preservation Commission.

The Landmarks and Historic Preservation Commission is hereby designated as the approving authority for the following plan authorizations:

Plan Authorization	Class
Historic Review, except Minor Historic Review permitted in Section 10.408	'C'
Exceptions	'C'

For the purposes of this section, the definitions, rules, and procedures of Sections 10.401 through 10.408 shall apply.

(1)A. Historic Review shall include:

~~(a)~~1. Historic Preservation Overlay Changes. Review and investigation of any historic resource in the City of Medford that may have historic significance; initiation of proceedings to change the extent of the Historic Preservation Overlay; decisions on applications to change to the extent of the Historic Preservation Overlay; and preparation of findings substantiating or refuting the historic significance of the resource.

~~(b)~~2. Exterior Alteration and/or New Construction Review. Consideration of proposed exterior alteration and/or new construction within an Historic Preservation Overlay.

~~(c)~~3. Demolition and/or Relocation Review. Consideration of proposed demolition or relocation within an Historic Preservation Overlay, and authorization of either delayed or immediate issuance of a demolition or relocation permit.

~~(d)~~4. Consideration of Appeals of Minor Historic Review Decisions. Should an applicant disagree with a Minor Historic Review decision made by the Planning Director, the applicant may appeal such decision to the Landmarks and Historic Preservation Commission consistent with the requirements of this Code.

(2)B. Other powers and duties of the Landmarks and Historic Preservation Commission may include:

~~(a)~~1. To study proposed Comprehensive Plan and Land Development Code amendments relating to historic preservation, and submit recommendations regarding such proposals to the Planning Commission and City Council.

Exhibit A

Elimination of Dual Review in Historic Overlay Code Amendment Staff Report

August 15, 2013

(b)2. To institute and support programs and projects that further the historic preservation policies of the City of Medford.

(e)3. To adopt approval criteria for Minor Historic Review of alterations of roofing materials, exterior colors, or sign face design for an existing sign within Historic Preservation Overlay Districts. Such criteria shall be consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Places* as applicable.

(d)4. To adopt design guidelines for new construction and exterior alternations within an Historic Preservation Overlay. Such guidelines may be general or specific in nature and shall be in the form of approaches intended to aid applicants in preparation, presentation, and implementation of development proposals that comply with the Medford Comprehensive Plan and implementing ordinances. Guidelines shall be advisory and shall not limit applicants to a single approach.

(e)5. To adopt approval criteria and/or design guidelines for signage within the Historic Preservation Overlay. Such criteria or design guidelines may authorize signs that differ from the standards of Article VI when necessary to meet historic compatibility and preservation goals.

6. 10.146: Add Historic Review to the list of plan authorizations and add a new column to the Schedule of Referral Agency Distribution for them. Also, add Landmarks and Historic Preservation Commission as a referral agency so that they can review projects within, abutting, or affecting a Historic Overlay.

10.146 Referral Agencies, Distribution.

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

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

Numerical references in the Schedule refer to the following:

- 1. When the proposal is within, abutting, or affecting the referral agency's jurisdiction.
- 2. When the proposal is within, or abutting the Airport Approach or Airport Radar Overlay Districts.

Exhibit A

Elimination of Dual Review in Historic Overlay Code Amendment Staff Report

August 15, 2013

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

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

SCHEDULE OF REFERRAL AGENCY DISTRIBUTION

CITY DEPTS.	A	B	C	D	E	F	G	H	I	J	K	L	M
CITY DEPTS.													
Building Safety	X	X	X	X	X	X	X	X	X	X	X		X
City Attorney	X	X	X	X	X	X	X	X	X	X	X	X	X
City Manager	X	X	X	X									
Engineering Division	X	X	X	X	X	X	3		X	X	X	X	X
Fire	X	X	X	X	X	X	3		X	X	X		X
Parks & Recreation	X	X	X	X	X	X	3		X	X	X		X
Parks Director	4	4	4	4	4	4	4	4	4	4	4	4	4
Planning	X	X	X	X	X	X	X	X	X	X	X	X	X
Police	X		X	X	X	X			X	X	X		X
Public Works	X	X	X	X	X	X	3		X	X	X		X
AGENCY	A	B	C	D	E	F	G	H	I	J	K	L	M
Water Commission	X	X	X	X	X	X	3		X	X	X	X	X
OTHER AGENCIES													
LHPC*	1	1	1		1	1	1	1	1	1	1	1	
CPAC*	X	X	X										
Cable Television Co.			X	X	X	X	3		X	X	X	X	X
City of Central Point	1	1	1	1	1	1	1	1	1	1	1	1	

Exhibit A

Elimination of Dual Review in Historic Overlay Code Amendment Staff Report

August 15, 2013

CITY DEPTS.	A	B	C	D	E	F	G	H	I	J	K	L	M
City of Phoenix	1	1	1	1	1	1	1	1	1	1	1	1	
DLCD*	X	X	X										
DSL*							5	5	5	5	5	5	
Garbage Company				X	X								
Jackson Co. Health				X						X			
Jackson Co. Planning	X	X	X					1	1		1		
MID*	1		1	1	1		3		1	1			
Natural Gas Company			X	X	X	X	3		X	X	X	X	X
ODFW*							5	5	5	5	5	5	
ODOT*	X		1	1		1	3		1	1	1	1	
Power Company			X	X	X	X	3		X	X	X	X	X
RRVID*	1		1	1	1		3		1	1			
RV- Medford Airport*	1		1			1	2	2	2	2	2		
RVS*	1		1	1	1	1	3		1	1	1		1
RVTD*	X		1	1	1	X	3		1	1	X	X	X
Medford 549C Schools	1		1	1		1	3		1	1			
Superintendent	4	4	4	4	4	4	4	4	4	4	4	4	
Phoenix-Talent Schools	1		1	1		1	3		1	1			
Superintendent	4	4	4	4	4	4	4	4	4	4	4	4	
Telephone Company			X	X	X	X	3		X	X	X	X	X
U. S. Post Office									X	X	X	X	X
Urban Renewal Agency			1		1	1	1	1	1	1	1	1	1
Water Districts	1		1	1		1			1	1			

*Acronyms:

CPAC	Citizens Planning Advisory Committee
DLCD	Department of Land Conservation and Development (State of Oregon)
DSL	Department of State Lands (Oregon)
LHPC	Landmarks and Historic Preservation Commission
MID	Medford Irrigation District
ODFW	Oregon Department of Fish and Wildlife
ODOT	Oregon Department of Transportation
RRVID	Rogue River Valley Irrigation District
RV- Medford Airport	Rogue Valley-International Medford Airport
RVS	Rogue Valley Sewer Services

Exhibit A

Elimination of Dual Review in Historic Overlay Code Amendment Staff Report

August 15, 2013

RVTD

Rogue Valley Transportation District

- | |
|--|
| 7. 10.251: Eliminate specific approving authority names, and refer to them as a group. |
|--|

10.251 Application, Exception.

The purpose of Sections 10.251 to 10.253 is to empower the approving authority ~~(Planning Commission/Site Plan and Architectural Commission)~~ to vary or adapt the strict application of the public improvement and site development standards as contained in Article III, Sections 10.349 through 10.361, and 10.370 through 10.385, as well as Articles IV and V of this chapter. Exceptions may be appropriate for reasons of exceptional narrowness or shape of a parcel; for reasons of exceptional topographic conditions, extraordinary and exceptional building restrictions on a piece of property; or if strict applications of the public improvement or site development standards in the above-referenced Articles would result in peculiar, exceptional, and undue hardship on the owner.

- | |
|--|
| 8. 10.253: Eliminate specific approving authority names, and refer to them as a group. |
|--|

10.253 Criteria for an Exception.

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority ~~(Planning Commission/Site Plan and Architectural Commission)~~ having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

- (1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The **approving authority** ~~Planning Commission/Site Plan and Architectural Commission~~ shall have the authority to impose conditions to assure that this criterion is met.
- (2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.
- (3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.
- (4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be

Exhibit A

Elimination of Dual Review in Historic Overlay Code Amendment Staff Report

August 15, 2013

suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

- | | |
|----|---|
| 9. | 10.254: Eliminate specific approving authority names, and refer to them as a group. |
|----|---|

10.254 Expiration of an Exception.

Within one (1) year following the final order date, substantial construction on the development shall be completed, or if a use, the use shall have commenced operation. If a request for an extension is filed with the ~~P~~lanning ~~D~~epartment within one (1) year from the approval date of the final order, the approving authority (~~Planning Commission, Site Plan and Architectural Commission~~) may, upon written request by the applicant, grant a single extension of the expiration date for a period not to exceed one (1) year from the expiration date of the final order. An extension shall be based on findings that the facts upon which the exception was first approved have not changed to an extent sufficient to warrant refiling of the exception. An exception directly related to another plan authorization, such as an exception which was filed concurrently with the other plan authorization, and/or an exception which is integrally intertwined with and necessary to the development or use authorized by the other plan authorization, shall expire when the related plan authorization expires.

- | | |
|-----|---|
| 10. | 10.259: Add language that gives LHPC the same authority as SPAC to impose conditions of approval. |
|-----|---|

10.259 Historic Review, Conditions of Approval.

In approving an Historic Review application, the Landmarks and Historic Preservation Commission may impose conditions necessary to ensure compliance with the standards of this Code and the criteria in Section 10.258, **and to otherwise protect the health, safety and general welfare of the surrounding area and community as a whole.** These conditions may include, but are not limited to the following:

- (1) **Limiting the number, height, location and size of signs;**
- (2) **Requiring the installation of appropriate public facilities and services and dedication of land to accommodate public facilities when needed;**
- (3) **Limiting the visibility of mechanical equipment through screening or other appropriate measures;**
- (4) **Requiring the installation or modification of irrigated landscaping, walls, fences or other methods of screening and buffering;**
- (5) **Limiting or altering the location, height, bulk, configuration or setback of buildings, structures and improvements;**
- (6) **Requiring the improvement of an existing, dedicated alley which will be used for ingress or egress for a development;**

Exhibit A

- (7) Controlling the number and location of parking and loading facilities, points of ingress and egress and providing for the internal circulation of motorized vehicles, bicycles, public transit and pedestrians;
- (8) Requiring the retention of existing natural features;
- (9) Modifying architectural design elements including exterior construction materials and their colors, roofline, fenestration and restricting openings in the exterior walls of structures;
- (10) Restricting the height, directional orientation and intensity of exterior lighting.

- | |
|---|
| 11. 10.261: Add language that gives historic review approvals that same length of time as site plan review approvals. |
|---|

10.261 Historic Review Approval, Expiration.

A. Approval of a Historic Review application shall take effect on the date the final order for approval is signed, unless appealed, and Historic Review approvals shall expire within two (2) years following the date of the final order unless work on the authorized improvement or construction has begun or an extension of time has been issued. Upon written request submitted prior to expiration of the two (2) year approval, the Landmarks and Historic Preservation Commission may grant an extension not to exceed one (1) year from the effective date. Within two (2) years following the effective date, substantial construction must have occurred or an extension of the approval shall be necessary. If a request for an extension of a Historic Review application approval is filed with the Planning Department within two (2) years from the effective date, the Landmarks and Historic Preservation Commission may grant an extension not to exceed one (1) additional year if based upon findings that the facts upon which the Historic Review application was first approved have not changed to an extent sufficient to warrant re-filing of the application.

B. When it is the developer's intent to complete an approved project in phases, the approving authority may authorize a time schedule for the issuance of building permits for a period exceeding two (2) years, but in no case shall the total time period for the issuance of building permits be greater than five (5) years without having to re-submit a new application for Historic Review. Phases developed after the passage of two (2) years from approval of the Historic Review application shall be required to modify the plans if necessary to avoid conflicts with changes in the *Comprehensive Plan* or this chapter.

Exhibit A

Elimination of Dual Review in Historic Overlay Code Amendment Staff Report

August 15, 2013

12. 10.262: Add language that gives the LHPC the same authority as SPAC to review and approve major revisions or amendments to previously approved plans.

10.262 Major Revisions or Amendments to Historic Review Approval.

Major revisions or amendments to plans approved through Historic Review shall require re-application.

13. 10.263: Add language similar to SPAC's that requires building permit applications to be consistent with historic review approvals.

10.263 Issuance of Building Permits, Consistent with Historic Review Approval.

A. All applications for a building permit, wherein Historic Review has been required, shall be consistent with the plans as approved and all conditions of approval imposed thereon and shall be accompanied by an accurate and correct plan.

B. Security for Completion of Public Improvements: If all required public improvements, as specified in the conditions of Historic Review approval, have not been satisfactorily completed before issuance of a building permit, the developer shall enter into a written agreement (provided by the City) to secure full and faithful performance thereof, according to Sections 10.666 and 10.667(A) respectively.

14. 10.285: Formatting changes - move purpose language to beginning of section and give each section a cite-able subparagraph designation. Also, add language to clarify that site plan review is required unless the project is located within a Historic Overlay which requires historic review.

10.285 Application, Site Plan and Architectural Review.

A. Purpose. The Site Plan and Architectural Review process is established in order to provide for review of the functional and aesthetic adequacy of development and to assure compliance with the standards and criteria set forth in this chapter for the development of property as applied to the improvement of individual lots or parcels of land as required by this code. Site Plan and Architectural Review considers consistency in the aesthetic design, site planning and general placement of related facilities such as street improvements, off-street parking, loading and unloading areas, points of ingress and egress as related to bordering traffic flow patterns, the design, placement and arrangement of buildings as well as any other subjects included in the code which are essential to the best utilization of land in order to preserve the public safety and general welfare, and which will encourage

Exhibit A

Elimination of Dual Review in Historic Overlay Code Amendment Staff Report

August 15, 2013

development and use of lands in harmony with the character of the neighborhood within which the development is proposed.

B. Site Plan and Architectural Review is required for:

~~of all p~~Projects which are not exempted from the a Development Permit process as stated in pursuant to Section 10.031, Exemptions to the Development Permit Requirement except that exterior alterations to a building or site and new construction in a Historic Overlay shall require Historic Review pursuant to Section 10.256, but shall not require Site Plan and Architectural Review.

C. Site Plan and Architectural Review applications shall be submitted to the Planning Department prior to the application for a building permit. ~~The Site Plan and Architectural Review process is established in order to provide for review of the functional and aesthetic adequacy of development and to assure compliance with the standards and criteria set forth in this chapter for the development of property as applied to the improvement of individual lots or parcels of land as required by this code.~~

~~Site Plan and Architectural Review considers consistency in the aesthetic design, site planning and general placement of related facilities such as street improvements, off-street parking, loading and unloading areas, points of ingress and egress as related to bordering traffic flow patterns, the design, placement and arrangement of buildings as well as any other subjects included in the code which are essential to the best utilization of land in order to preserve the public safety and general welfare, and which will encourage development and use of lands in harmony with the character of the neighborhood within which the development is proposed.~~

- | |
|---|
| 15. 10.432, 10.485, 10.501, 10.712, 10.732, and 10.743: Eliminate specific approving authority names, and refer to them as a group. |
|---|

10.432 Street Improvement, Deferred.

* * *

(2) Financial Deposit. When street improvements are deferred, the developer shall deposit with the City of Medford a financial deposit acceptable to the City in the amount of 125 percent of the City Engineer's estimate of the costs for the deferred street improvements, in lieu of the developer constructing the street improvements. This financial deposit shall be deposited with the City prior to the recordation of the Final Plat for land partitions, or prior to submittal of building permit applications for **other approved** projects subject to review by the ~~Site Plan and Architectural Commission~~.

10.485 Storm Drainage Requirements.

* * *

C. When a proposed development may adversely impact a storm drainage system, the City Engineer may recommend to the approving authority (~~Planning Commission or Site Plan and Architectural Commission~~) that the developer have prepared by a registered

Exhibit A

Elimination of Dual Review in Historic Overlay Code Amendment Staff Report

August 15, 2013

engineer, a Storm Drainage Plan for review and approval prior to final action on the plan authorization.

10.501 Sidewalk Specifications.

* * *

(2) **Other material.** Other materials such as bricks or flagstone may be used for aesthetic effects where approved by the ~~Site Plan and Architectural Commission~~ **approving authority** or as otherwise provided in Section 10.358, Central Business District. Such material will have flat surfaces suitably finished for sidewalk use. Materials submitted shall be comparable in strength to concrete and shall be placed with suitable mortar to provide a permanent, maintenance-free sidewalk.

* * *

The ~~Site Plan and Architectural Commission and Planning Commission~~ **approving authority** may approve curvilinear or meandering sidewalks for aesthetic purposes or for other reasons such as topography or to avoid existing trees. Where approved, such sidewalks shall tie to adjacent property lines in such a manner as to allow standard sidewalk construction on that property.

10.712 Townhouse Dwellings.

* * *

In addition to the site development standards specified herein, townhouse development shall be identified as such on both the tentative and final plats for the project. Except when the tentative plat is in conjunction with a PUD, the tentative plat shall be accepted for review only after the project has received approval from the ~~Site Plan and Architectural Commission~~ **approving authority**. At the time of recording of the final plat, Covenants, Conditions, and Restrictions (CC&Rs) shall be approved by the city and recorded. The recorded CC&Rs shall provide: * * *

10.732 Fencing of Lots.

(1) Fencing located within the front yard setback area of all zones, except the MFR zone, shall not exceed three (3) feet in height when measured from the grade of the street centerline. When within a MFR zone, a fence shall not exceed three (3) feet in height when located within ten (10) feet of a street right-of-way unless otherwise approved by the ~~Site Plan and Architectural Commission~~ **approving authority**.

* * *

10.743 Off-Street Parking Standards.

* * *

(3) **Exceptions to Required Off-Street Parking for Non-Residential Uses.** The ~~aApproving aAuthority (Site Plan & Architectural Commission / Planning Commission)~~ may allow exceptions to the number of parking spaces in Table 10.743-1 for specific uses without complying with Section 10.251 if they find that the applicant's detailed description of the proposed use demonstrates that the number of needed parking spaces is

Exhibit A

Elimination of Dual Review in Historic Overlay Code Amendment Staff Report

August 15, 2013

less than the minimum required or more than the maximum allowable based upon one or both of the following: * * *

16. 10.747: Add language to clarify section title, and add language to include historic review for development that requires a development permit.

10.747 General Provisions, Bicycle Parking.

* * *

Any building expansion ~~or change of occupancy~~, or any new construction ~~that requires Site Plan and Architectural Commission review~~, (excluding two-family and three-family dwellings), shall bring the property into conformance with the Bicycle Parking and Storage Regulations. For building expansions, the additional required bicycle parking improvements shall be related to the expansion only.

17. 10.801: Add language to require historic review of agricultural buffers where proposed development abuts or shares a property line with property that is zoned Exclusive Farm Use (EFU) or Exclusive Agriculture (EA).

10.801 Agricultural Buffering in Non-Urban Reserve Areas.

* * *

B. Applicability.

- (4) Site Plan and Architectural ~~Commission Review~~ **or Historic Review** where the action being sought will result in the construction of one or more buildings intended for human occupancy as dwellings or for business purposes.

18. 10.823: Add language to require historic review of small food vendors (**not temporary food vendors**) located within a Historic Overlay.

10.823 Small Food Vendors.

* * *

- (2) Small food vendors shall be permitted in the C-S/P, C-N, C-C, C-H, C-R, I-L, and I-G zoning districts and subject to the following standards:

A. The exterior length and width dimension of the small food vendor unit ("unit"), when multiplied, shall enclose no more than 128 square feet. If the unit exceeds 128 square feet, the application must be reviewed **and approved by either** the Site Plan and Architectural Commission **or the Landmarks and Historic Preservation Commission** as a standard restaurant under this chapter and is not subject to these provisions.

Exhibit A

Elimination of Dual Review in Historic Overlay Code Amendment Staff Report

August 15, 2013

19. 10.824: Add language to require historic review of wireless communication facilities located within a Historic Overlay.

10.824 Wireless Communication Facilities.

* * *

D. Design Standards.

* * *

(2) General Requirements:

(h) Any proposal that has elements that deviate from the standards of (f) and/or (g) above may be approved by the Site Plan and Architectural Commission **or Landmarks and Historic Preservation Commission** as through a Class "C" plan authorization, based upon evidence showing that the standards cannot otherwise be met and that the degree of relief approved by ~~the Site Plan and Architectural~~ **said** Commission, is the minimum necessary to allow for facility operation.

20. 10.833: Add language to require historic review of outdoor eating areas for more than 15 patrons if located within a Historic Overlay.

10.833 Restaurants - Outdoor Eating Areas.

Outdoor eating areas shall be allowed for restaurants in all commercial and industrial zoning districts subject to the following:

- (1) Compliance with all other provisions of this Chapter.
- (2) **Historic Review** or Site Plan and Architectural ~~Commission~~ **Review as applicable** and approval when the outdoor eating area includes seating for more than 15 patrons.
- (3) Where adjacent or abutting a residential zone, outdoor activity shall only be allowed between the hours of 8:00 a.m. and 9:00 p.m.

21. 10.837: Add language to require historic review of single family dwelling units attached to a commercial building within a Historic Overlay.

10.837 Dwelling Units in Commercial Districts.

Dwelling Units shall be allowed in all commercial districts except the Neighborhood Commercial (C-N) zone subject to the dwelling type standards established for housing within the MFR-30 district. In addition, single family dwelling units shall be allowed in all commercial districts when attached to a commercial building and approved by the Site Plan and Architectural Commission **or Landmarks and Historic Preservation Commission as applicable**. In the Neighborhood Commercial (C-N) district single family and multiple family residential uses are permitted only when the total residential use is attached, accessory, and subordinate to the primary commercial use.

Exhibit A

- | | |
|-----|--|
| 22. | 10.878 and 10.897: Add language to clarify section title, and to require historic review of mobile home and manufactured dwelling parks located within a Historic Overlay. |
|-----|--|

10.878 Delegation of Authority, Mobile Home and Manufactured Dwelling Parks.

The Planning Commission may review and approve landscape plans and recreational area details as part of the conditional use permit review, or delegate the review of these features to the Site Plan and Architectural Commission **or Landmarks and Historic Preservation Commission as applicable**. Approval of any delegated review to **one of these Site Plan and Architectural Commissions** shall be subject to a Class “C” procedure as set forth in Article II.

10.897 Conditions of Approval, Mobile Home and Manufactured Dwelling Parks.

The Planning Commission may include conditions of approval as listed for conditional use permits in Section 10.248, or for Site Plan and Architectural Commission approval as listed in Section 10.291, **or for Historic Review pursuant to Section 10.259**. The ~~Planning~~ Commission may also require more than a single access point onto public streets. The Commission can also require a warning statement, to be a part of the lease or rental agreement, notifying prospective tenants of adjacent agricultural uses pursuant to Section 10.801 **Agricultural Buffering**, or other land uses that may have an impact on residential development.



MINUTES
PLANNING COMMISSION STUDY SESSION
July 23, 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: David McFadden, Robert Tull, Daniel Bunn, Norm Nelson, Tim Jackle and Michael Zarosinski (arrived at 12:11 p.m.).

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

Subject:

1. Legal Training – Conflicts, Bias & Other Legal Issues
2. DCA-12-056 – Central Business Overlay Zone Functional Changes Code Amendment

1. Legal Training – Conflicts, Bias & Other Legal Issues

Lori Cooper, Deputy City Attorney, reported that it has been approximately two years since the Planning Commission has reviewed conflicts, bias and other legal issues. The handout is the same from two years ago because these items do not change; laws stay the same. The main point is that the Planning Commission's hearings are "quasi-judicial." Impartiality is imperative based on the evidence, testimony, and findings to support that decision. It is important to let the people in the audience have their say. It is a good idea to just let them talk even if ten people before them stated the same thing. Ms. Cooper stated that she wanted to spend most of her time discussing "ex parte contact" and bias. The Cherry Creek decision from LUBA discussed some ex parte contact issues finding against the City on a couple of them. She does not want to get into specifics because that case may be appealed and the City does not necessarily agree with LUBA's findings. The City did agree with the ones that LUBA found that there were no ex parte contacts or bias. The Housing Authority's Cherry Creek project was discussed at two City Council hearings. At the first one, seven Council members present and the Mayor disclosed ex parte contacts. They were getting barraged with emails and those emails were considered ex parte contacts but were not in the record that had been sent out to everybody before that hearing. They disclosed those contacts but did not go into detail; mainly that the people were in support or opposed to the project for a variety of reasons, traffic, school impact, etc. The attorney for the Housing Authority reported that these ex parte contacts were not disclosed in enough detail for someone to rebut them. That is the entire point of ex parte, disclosure. Ex parte means outside of the process. How you cure an ex parte contact is by disclosing it on the record. Then everyone at the hearing is privileged to what that information was that came to you in an ex parte manner. That way they have a chance to rebut. Ms. Cooper likes to think of an ex parte as a rule against one-sidedness. If a Commissioner gets contacted before a hearing about some project and comes to the hearing and discloses the substance of the conversation then the hearing can proceed and anyone who wants can rebut that information or add to it. The way the statute is written is that you must disclose an ex parte contact at the first opportunity to do so. That is why at the beginning of the public hearings the Chair always inquires if anyone has any ex parte contacts or conflicts of interest to disclose. Cherry Creek was remanded in order for City Council to reopen the hearing and hear what the ex parte contacts were and give the audience or anyone interested plus the other Council member that was absent at that one meeting a chance to consider that evidence. LUBA was specific in saying that an entire rehearing of the application would not be an essential part of the remedy. They do not have to reopen the Site Plan Architectural Commission record and discuss all the criteria but an adequate remedy is remand to the City that allows interested persons the opportunity to prepare and present evidence and arguments in response to the substance of conversations with inner members.

alternative that the property can be used for. The Code goes on to say that the Planning Commission can deny an application if it does not meet all the criteria including the facilities and services. Then it reads "...so long as there are other economically viable uses of the land which are allowed by the Chapter and by the existing zoning..." Commissioner Nelson asked who would do that? Mr. Huber gave the example that the Commission might deny a big multi-family project but they could still build a duplex or house. Ms. Cooper replied that would be an appeal. They would have to come back in and apply for a lesser use. Commissioner Nelson asked whether the Commission could unconditionally deny an application if they cannot justify the exaction? Mr. Cooper replied yes.

2. DCA-12-056 – Central Business Overlay Zone Functional Changes Code Amendment

Praline McCormack, Planner II, reported that staff has had issues relating to the functionality of the C-B Overlay zone such as parking, street standards, residential development, outdoor/temporary uses, duplicate commission review, permitted/non-permitted uses, drive-throughs, design standards, how to apply/remove the C-B Overlay, boundary issues such as where is the C-B is versus the City Center designation versus the Parking District; why they are not the same. How to provide incentives to encourage development downtown. Staff would like to amend the C-B Overlay for four reasons: 1) To simplify the Land Development Code; 2) To remove unnecessary provisions related to the downtown; 3) To take into account what is happening (or not happening) downtown; and 4) To eliminate barriers to smart growth downtown. Staff has broken down the amendments into "bite-sized" pieces and will work on these different pieces over the next several years to amend the overlay. Staff would like the Commissions input on these pieces. Particularly the first one, parking, that work will begin on immediately then moving forward. The amendment proposed on parking is: a) Clarify parking requirements, including for residential, for non-conforming uses, and for change of use; b) Consider not requiring parking for retail use and requiring parking for office and residential use only. Consider requiring parking for large buildings such as RCC and Lithia, in the future; c) Clarify bicycle parking requirements; and d) Consider increasing the distance for location of parking facilities. Currently parking must be on same lot, on abutting lot, or any lot within 250 feet.

Commissioner Tull wanted to make sure he understood the suggestion that retail outlets would not have parking obligations where as offices and residences would. Ms. McCormack replied yes. Commissioner Tull inquired how does that stand presently? Ms. McCormack responded presently it is very confusing. Suzanne Myers, Principal Planner stated that currently in the parking district there is no parking required. The parking district is a subset of the downtown that extends to the Railroad Tracks. At one time it was a taxing district where the City provided the parking in lots or structures. In 1994 they stopped charging them. Now it is confusing with the subset of the downtown that is a parking district and you do not have to provide parking. If you are outside of that it is unclear. Bianca Petrou, Assistant Planning Director, reported that it states vacant parcels have to provide parking according to Section 10.741 when they develop. It is silent on existing development. Staff has thought about do we really want to require buildings in the downtown to provide parking. Is that what we want in downtown? What one really wants to encourage for a downtown to be vibrant is a lot of buildings and people, not parking lots.

Commissioner Nelson asked whether there would be any conflicts with our Code and Urban Renewal? Mr. Huber responded that part of this came from Deputy City Manager, Bill Hoke regarding economic development. Questions are being received like the Holly Theater, JPR Building and Scan Design wanting to know what are the rules. He does not see it as conflicting with Urban Renewal. It is clarifying. Ms. Petrou commented that staff is working with Urban Renewal. There are layers of regulations on the downtown from Urban Renewal and the Code. Eventually everything should be in our Code, simplified and that everyone can understand it.

Ms. Myers reported that initially staff wants to amend the parking so that when development comes in we are ready. Straightening out the layers of designations can be done as a second project.

Commissioner Nelson suggested in regard to Section 5, Other, should be addressed sooner than later.

Chair Jackle asked why would retail not need any parking requirements but other commercial would? Is it because of the turnover on retail parking versus regular commercial parking that stay all day? Ms. McCormack replied that it would be office and residential versus retail. Offices have more employees that would need all day parking. Mr. Huber replied that this amendment proposal is a choice. You do not have to do it this way. A lot of downtown districts have it this way.

Ms. Myers inquired if the Commission wanted to go back to Section 5, Other regarding the duplicate process? Staff has been discussing adding it to the code amendment coming forward or having a separate code amendment. Commissioner Nelson responded that it could be a fairly simple one that can be brought forward. Commissioner Nelson asked Kelly Akin, Senior Planner if it is a problem for her to have two review processes? Ms. Akin stated that it is not a problem but it is double time. Surely the applicant is not happy doing the same thing twice. Mostly they are duplicate hearings. Site Plan Architectural Commission (SPAC) goes into more site detail than the Landmarks Historic Preservation Committee (LHPC). Ms. Myers commented that it is usually for new development. Generally, a remodel does not have to go through the SPAC review process. Ms. Akin agreed.

Commissioner Tull reported that he would like to know what kind of thinking staff had done to this point to Section 3, Residential Development. Taking into account what is happening or not happening downtown. How do you codify that kind of concern? Ms. McCormack reported that currently the Code requires eighty percent retail on the first floor. Mr. Huber added to be designated as a mixed use building. Ms. McCormack added with residential above. What would happen if some one wanted to mix that up and put a penthouse restaurant or something of that nature above? Currently the Code does not allow that. Commissioner Tull stated that essentially staff wants to build flexibility to the Code that does not exist there now. Ms. McCormack replied yes.

Mr. Huber reported that planners measure residential density by units. When one is downtown with zero lot lines and tall buildings, is unit the correct measurement? What do we care if it is a one bedroom, studio or two bedrooms, other than parking? We could go to a different standard of what they call a Floor Area Ratio. It is how much volume is there; size and shape of the building. That is thinking ahead. When it is a mixed use building with less than eighty percent ground floor, we do not know how to calculate density. So much of the square footage goes to retail then the rest at the MFR-30 standard. It is just a weird way to calculate it because you have the other use in it, what do you do with it? It is just odds and ends like that needing to be cleaned up.

Commissioner Tull stated that he appreciates staff wanting to do that kind of clean-up. His question really is how do you establish a Code which has your standards in it? Everyone knows what the rules are and you can come back and there is an answer rather than another question and build in the flexibility that is suggested by this Section 3. Essentially you are running a survey on your downtown on a continuing basis in trying to figure out what is happening and how you interpret the Code to facilitate it, accommodate it, make sure it does not happen or whatever the need may be. It sounds like a very different process than trying to establish the parking standards or the square footage standards. He believes there could be a good bit of discussion once staff comes forward with some ideas on how you build a Code that has that kind of flexibility. Mr. Huber replied that we could do it the way it is now being proposed in bite size pieces versus start from scratch. If we methodically stick with this approach we would get to where Commissioner Tull is talking about.

Commissioner Nelson reported that he does not think design standards should be in the Code. Standards should be clear enough to define what can and cannot happen in a certain area. Design Standards are so much detail that will change very rapidly with time. You would modify the Code all the time. He suggested having a code that sets the policy and then design standards that talk about the detail.

Ms. Petrou commented that you need something general stating what we want the area to look like. To her, that goes in the Comprehensive Plan. The standards go in the Code and those implement the Comprehensive Plan. Then there are the design guidelines that are not enforceable. You have to have a vision to write the standards to get there. We do not have the vision.

Commissioner Zarosinski asked Mr. Huber if he was familiar with the Commercial Building Standards in Grants Pass and how do they work? Mr. Huber replied that they do not prescribe a standard. They prescribe principles. The principles were pedestrian scale orientation, walk-ability, there are six or eight principals and then there is a prescriptive form you can follow. If you follow the checklist and turn in a site plan, it is administrative review. If you want to do something more creative or different but still comply with the principles, you go before the planning commission. It does not prescribe a specific architecture.

Larry Beskow, City Engineer, stated that he appreciates the discussion of not being too specific in the Code but the one thing that helps Engineering is being specific on certain things. When Medford Urban Renewal Agency (MURA) got started installing decorative street lighting downtown, about every year it changed. It makes it almost impossible for Engineering to keep inventory to maintain them. MURA created a street materials standard list. This is not currently in the Code so there is nothing binding. It would be a good idea to get this in the Code so that every developer is not trying to put his version of what the downtown should look like. He knows it is very specific but it helps Engineering in maintaining a certain theme and one inventory instead of five or six.

Chair Jackle commented that he hears a consensus of the Planning Commissioners that they would like staff to move forward getting into more specifics and bringing those back to the Planning Commission. It is a consensus of the group that they want to see some cleanup to the downtown codes.

Commissioner Tull stated that he appreciates the consultation beginning at this level this early in staff's process. It helps the Commission to understand how staff is thinking about it and where we are going. Hopefully it provides a level of citizen input, which the Commission is, to staff's work process. It is something that we need to be working at all the time.

The meeting was adjourned at 1:18 p.m.



Submitted by:

Terri L. Rozzana, Recording Secretary



MINUTES
PLANNING COMMISSION STUDY SESSION
May 13, 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, Bill Christie, Patrick Miranda and Michael Zarosinski.

Staff: Jim Huber, Bianca Petrou, Praline McCormack, Kelly Akin, Terri Rozzana and Lori Cooper.

Subject: 1. Proposed Code Amendment to eliminate duplicate reviews in the Historic Overlay
2. Request for Electronic Sign Code Amendment

1. Proposed Code Amendment to eliminate duplicate reviews in the Historic Overlay

Praline McCormack, Planner II, reported that the purpose of the study session is to discuss a proposed development code amendment to eliminate duplicate reviews in the Historic Overlays. Currently, in Historic Overlays an applicant has to apply for both historic review by the Landmarks and Historic Preservation Commission (LHPC) and the Site Plan and Architectural Commission (SPAC). Staff is proposing to eliminate the Site Plan and Architectural Commission review. This duplicative process results in additional time to go through two public hearing processes, and additional cost to the developer to submit two applications. The place where this duplicative review is most likely to occur is within the downtown. The Landmarks and Historic Preservation Commission would do both the historic and site plan review. The Site Plan and Architectural Commission approval criteria are very similar to the historic approval criteria. They both relate to the compatibility with adjacent development and compliance with the Code. The proposed code amendment will expand the Landmarks and Historic Preservation Commission's authority to include Site Plan and Architectural Review (SPAR) at the same time as conducting the Historic Review. The Landmarks and Historic Preservation Commission would also be granted authority to approve Exceptions to provisions of the Code because they may accompany SPAR applications, as well as authority to impose SPAR conditions of approval. LHPC decisions would continue to be appealable to the City Council. LHPC would be given the authority to extend approvals that are about to expire. Ms. McCormack reviewed the proposal with the LHPC and they unanimously voted in favor of it. They did indicate they would like training to implement their new authority. Staff will present them with a mock hearing of a development and go through the process with them. The proposal will go to referral agencies for comment, Planning Commission public hearing then to a City Council public hearing.

Chair Jackle has concerns with not knowing the qualifications of the LHPC. SPAC members have certain qualifications to be on that Commission such as architects, engineers and contractors. They have a skillset to evaluate those kinds of applications.

Commissioner Tull reinforced Chair Jackle's concerns. Those that have served on SPAC have been chosen because they bring experience, expertise or professional knowledge. He knows nothing about what qualifies someone to be on the Landmarks and Historic Preservation Commission. He is not sure the criteria that exist for that selection is going to provide the kind of skillset that has been important for the SPAC responsibility in the City.

Commissioner Fincher asked what was the original reason why both commissions were chosen in the first place and what has changed that might justify giving it all to the LHPC.

CITY OF MEDFORD

EXHIBIT # B-2 of 2

File # DCA-12-056

Kelly Akin, Principal Planner, stated that the LHPC was created in the 1980's and SPAC has been around a very long time. She is unsure of when they started. LHPC was an addition to the process. The reason for doing this code amendment is for effectiveness of staff time and applicant's time and resources. In the downtown LHPC is the primary reviewer. Most construction downtown is property line to property line. There is not a lot of site work.

Ms. Akin stated that the Landmarks and Historic Preservation Commissioner's qualifications are that they are historically interested people. Two of the Commissioners are specifically trained and there are downtown business people on the Commission. Their criteria come from the National Parks Service. The Secretary of Interior standards are required to apply. The compatibility criteria are more detailed.

Bianca Petrou, Assistant Planning Director, commented that staff still remains in creating the staff reports, making recommendation and apply the same conditions. It would be the same conditions presented to LHPC as to SPAC.

Commissioner Miranda asked whether the LHPC mostly review aesthetics and visual or do they review code revisions and legalities as well currently? Ms. Akin replied that one of their criteria is that it meets the standards of the Code.

Jim Huber, Planning Director, stated that in the downtown area there is greater building heights, zero setbacks, no parking on-site that is required, no landscaping requirements which is less to review. SPAC spends a lot of the time reviewing parking lot configurations, landscaping, shielding mechanical equipment and dumpsters. The LHPC looks at items in extraordinary detail such as historic periods, architectural style, color palettes, etc. SPAC and LHPC both are quasi-judicial decision making bodies.

Commissioner Zarosinski asked if there are historical guidelines for downtown? Ms. Akin replied yes. There are guidelines for new construction downtown and there are sign guidelines. There is a separate set of guidelines for residential.

Commissioner Tull commented that it seems to him that the assumption in a historic district is that there is something more at stake here than just code compliance and compatibility. It has been decided that some portions of the City have a value historically. The link to where we came from is important and that we want to make sure that those values are recognized and a review of whatever is proposed. His concern is new construction within the historic district. His impression is that the new construction that comes along has economic value from a development standpoint that is going to override concerns that are brought out of the historic perspective. If the historic district of the City represents a real value then there is work to do to maintain that perspective. It may be too easy for a specific retirement service business or a Lithia business to come and say history is not the real value it is economic development.

Commissioner Miranda stated that he likes the idea that if it is consolidated that LHPC can refer it to SPAC if there are items they are not comfortable with. It should not be a requirement but an avenue they can pursue if they choose.

Commissioner Tull commented that regarding our downtown there are two different perspectives. One is older buildings that have continuing value as far as this is Medford, here we are and have been and we want to preserve that even if it means that we are doing something new but trying to bring the character of it along.

Mr. Huber stated that staff would draft Commissioner Miranda's idea into the amendment.

Commissioner Christie commented that he would like to see things get simpler and easier but still maintain the control over what we are doing.

(Dan Thomas, Agent)

Motion: Adopt consent calendar item 20.2.

Moved by: Commissioner Bender

Seconded by: Commissioner Cooper

Roll Call Vote: Motion passed, 6-0-2, with Commissioners Dew and Neathamer abstaining.

30. Minutes.

30.1 The minutes for the March 15, 2013, meeting, were approved as submitted.

40. Oral and Written Requests and Communications. None

50. Public Hearings.

Old Business.

50.1 AC-12-029 Consideration of plans for Cherry Creek, a 100-unit apartment complex on 5.96 acres located on the northeast corner of Spring Street and North Berkeley Way within the MFR-20 (Multi-Family Residential – 20 dwelling units per acre) zoning district. Housing Authority of Jackson County, Applicant (Perkins Coie LLP – Michael Robinson, Agent). **(WITHDRAWN)**

50.2 AC-12-095 Consideration of plans for the construction of an assisted living facility comprised of two buildings containing a total of 52,688 square feet, on a parcel of 1.53 net acres, located on the north side of East Main Street approximately 120 feet east of Geneva Street, within the C-S/P (Service Commercial and Professional Office) zoning district. Alex Juaregui, Applicant, (Greg Hathaway, HKLC, LLC and David Evans, Ron Grimes Architects, PC, Agents).

Kelly Akin, Principal Planner, stated that the applicant had withdrawn the application. She stated that the proposed project is exempt from the requirement for a development permit and review by this Commission based on Medford Land Development Code Section 10.031 (C) (2). Ms. Akin said her understanding was that the applicant would be pursuing a building permit. City Council Member Gordon asked for more clarification. Kevin McConnell, Senior Assistant City Attorney, offered a more in-depth explanation.

60. **Written Communications. None.**

70. **Unfinished Business. None.**

80. **New Business. None.**

90. Report from the Planning Department.

90.1 Ms. Akin reported there would be business scheduled for the April 19, 2013, meeting.

90.2 The City's Strategic Plan and Ethics study session will be held April 19, 2013, beginning at 10:30 a.m. in the Medford Room.

90.3 Ms. Akin announced that the City Council had appointed Jennifer Jones to this Commission.

90.4 Ms. Akin commented that business projects in the Historic District downtown area are currently reviewed by both this Commission and the Landmarks and Historic Preservation Commission (LHPC). What is being proposed is the elimination of the secondary Site Plan and Architectural Commission review. She gave more explanation and asked the

CITY OF MEDFORD
EXHIBIT # C-1 of 2
File # DCA-12-056

Commissioners how they would feel about that change. Some of the Commissioners had the opinion that LHPC would be the better Commission to evaluate those types of applications.

100. Messages and Papers from the Chair. None.

110. Propositions and Remarks from the Commission.

110.1 Commissioner Dew remarked that if the Commission wanted to make any comments on what they heard and learned at the Water Conservation and Site Development study session they should do that by a formal motion. He noted there would be time to review the draft code and address any issues at the next regular scheduled meeting. This Commission could then forward any thoughts on to the Planning Commission.

120. City Council Comments. None.

130. Adjournment.

130.1 The meeting was adjourned at approximately 12:20 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Debbie Strigle
Recording Secretary

Robert J. Seibert
Chair, Site Plan and Architectural Commission

Approved: April 19, 2013

be removed on Ivy Street as well, and if not, why was Holly Street chosen? Mr. Wilkerson answered that the Fire Department required those spaces on Holly Street.

The public hearing was closed.

Chair Seibert asked Pete Young, Parks Department, to come and speak on the structural soils. Mr. Young stated he had looked at the spot the applicant was requesting and he thought that it would work. He said it would be complicated to increase the size of the beds and it is nearly adequate, so it might ultimately limit the size of the trees but feels it is a reasonable request. Mr. Young was specifically talking about the trees between the buildings.

Chair Seibert asked Mr. Beskow to come and speak on the sidewalk widths. Mr. Beskow stated that in the Central Business District overlay, the sidewalk widths are measured from face of curb not back of curb.

Motion: Adopt the Final Order for approval of AC-13-014, per the Staff Report dated April 12, 2013, including Exhibits A through T, and removing from Discretionary Requirement #1 the verbiage *"..and the full ten-foot width of the sidewalks along the three street frontages"*, amending Code Requirement #4 to read *"..specifying that the following items will be completed within eighteen (18) months of the date of the agreement.."*; and allow the exclusion of structural soils within the planter beds between the buildings as being acceptable.

Moved by: Commissioner King

Seconded by: Commissioner Neathamer

Roll Call Vote: Motion passed, 5-0.

Commissioners Dew and Bender resumed their seats on the Commission.

60. **Written Communications.** None.

70. **Unfinished Business.** None.

80. **New Business.** None.

90. **Report from the Planning Department.**

90.1 Ms. Akin welcomed new Commission members Jennifer Jones and Patrick Miranda.

90.2 Ms. Akin thanked former Commission member Brita Entenmann for her service.

90.3 Ms. Akin announced there was no business scheduled for either of the May meetings but there would probably be a meeting on June 7th.

90.4 Ms. Akin said that instead of having a joint study session regarding the duplication of Historic Review and Site Plan Review in the downtown historic districts, she would just keep the Commission posted on how that text amendment is progressing. She said if the Commission felt strongly about needing a joint study session to let her know.

90.5 Ms. Akin told the Commissioners who were not able to attend this morning's study session, which she had placed the documents at their seats.

100. **Messages and Papers from the Chair.** None.

The public hearing was closed.

Motion: Adopt the Final Order for Approval of HC-13-033, as per the Staff Report dated April 26, 2013, including Exhibits A through H, including the conditions contained therein.

Moved by: Commissioner Marmon

Seconded by: Commissioner Curler

Roll Call Vote: Motion passed 5 - 0.

60. Old Business.

- 60.1 Washington Elementary School Update – Commissioner Marmon announced that the plaque had been presented on Friday, May 3, 2013, at 1:45 p.m. The whole school was excited about receiving this award. She suggested that this project can be taken off the agenda as old business since it has now been completed. Ms. Helmer announced that Commissioner Marmon worked very hard to get some former students there. Mrs. Crawford, who represented a family whose four generations had attended the school, stood up and gave a wonderful speech.

Commissioner Curler gave an update on the website project. She announced that they had met with representatives from Project A on Friday with some printed concepts of website designs and they would return in a week to receive Committee approval. She said that they would make templates for the website, and the City Technical Services person would give them the training on how to use the templates. Ms. Helmer also announced that Commissioner Curler had worked extensively on the website. Vice Chair Sewell requested that this item be added to the future agendas instead of the Washington Elementary School Update.

- 60.2 Historic Preservation Awards – Ms. Helmer announced that the list of awards would need to be finalized at the next meeting since Chair de Wolfe was not in attendance. At last month's meeting she thought they had decided on the Sparta Building and the Holly Theatre for bronze plaques.

70. New Business and Announcements. None.

- 70.1 Proposed Code Amendment to eliminate duplicate reviews in Historic Overlay Zones Praline McCormack, Planner II, announced the reason for elimination of duplicate reviews to save time and money for the developers. Ms. McCormack said that the Commission would have expanded authority for site plan review, granting exceptions, imposing conditions of approval, extending approvals, and Public hearings might be televised. She discussed a handout comparing the Historic Review of the One West Main project with the Site Plan and Architectural Review. She explained the procedures for an amendment to the Code.

The Commissioners requested additional training. Commissioner Applen stated that as long as the Commission was given the same support as Ms. Helmer gives, there should not be a problem. Commissioner Curler asked if the hearings were to be televised every time. Ms. Myers, Principal Planner, stated that they should all either be televised or not televised. She said that the Site Plan and Architectural Review Commission meetings are televised as part of the public involvement process. Vice Chair Sewell asked if there would be any motions made tonight at the meeting regarding televised meetings. Ms. Myers said that the Commission could make recommendations to the City Council. Vice Chair Sewell requested a motion.

EXHIBIT # D

File # DCA-12-056

Motion: The Landmarks and Historic Preservation Commission meetings will not be televised.

Moved by: Commissioner White

Seconded by: Commissioner Applen

Roll Call Vote: Motion passed 5 - 0.

Vice Chair Sewell requested a motion on the Site Plan and Architectural Review amendment.

Motion: Accept the responsibility for the site plan and architectural review.

Moved by: Commissioner Curler

Seconded by: Commissioner Marmon

Friendly Amendment: Accept the responsibility for the site plan and architectural review if adequate training is provided to the Commission.

Moved by: Commissioner Curler

Seconded by: Commissioner Marmon

Roll Call Vote: Motion passed 5 - 0.

80. **Comments from Commissioners.** None.

90. **Report from the Planning Department.**

Ms. Helmer stated that the Summit-Fairmount neighborhood presentation for property owners with George Kramer, on May 1, 2013, at the Santos Community Center, turned out to be a great event with Mr. Kramer's PowerPoint presentation. She announced that around 25 property owners and some of the Commissioners with their spouses attended.

Commissioner Curler announced that she had been really impressed with his presentation and had driven through the neighborhood looking at the historic houses. Ms. Helmer announced that they now have several contacts in the neighborhood.

100. **City Council Comments.**

Councilperson Blair apologized that the Council Members were not able to attend the Summit-Fairmount neighborhood presentation since they were attending a budget meeting for the Medford Urban Renewal Agency.

She announced that some of the Council Members attended the Washington Elementary School plaque presentation.

Councilperson Blair stated that she had suggested the Commission review some of the Site Plan and Architectural Commission Meetings before making a decision. She said she found the Site Plan and Architectural Commission decisions to be very technical. All the Commission meetings are on the website and she thought all the meetings should be televised, even the study sessions, for the public.

She complimented Chair de Wolfe on the wonderful presentation at Washington School and announced that she had also given a great presentation at the City Council meeting.

City of Medford Oregon / Mayor & Council

When available, the full agenda packet may be viewed as a pdf file by scrolling to the bottom of the page and clicking on the icon.

[View Agenda](#)

Thursday, May 30, 2013

**Medford City Council Study Session
May 30, 2013**

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

Mayor Gary Wheeler; Councilmembers John Michaels, Karen Blair, Eli Matthews, Dick Gordon, Daniel Bunn, Bob Strosser, Al Densmore and Chris Corcoran.

Ideas for Central Business District Amendments: Planning Director Jim Huber addressed the Council and provided the background for the purpose of the work being done. The Medford Code should reflect the vision for the community. With the work that has been done in the downtown by the Medford Urban Renewal Agency and individual property owners it is anticipated that this trend of revitalization will continue. Therefore the Medford Code should promote and encourage this trend. He described some of the issues that affect the planning for downtown.

1. Overlay boundaries do not match.
2. Multiple zoning districts
3. Vague code provisions
4. Reliance on discretionary commission review vs. specific standards
5. Lack of site and building design standards
6. Parking district waives parking standards but not in lad dev code
7. What uses are allowed or prohibited.

He spoke to the Main Street boot camp recently held in Medford and the five most important design standards of zero front setback; percentage of front lot line coverage, ground floor transparency; regular rhythm of building entrances; and primary entrance opens on primary shopping street.

Mr. Huber spoke to cleaning up the Comprehensive Plan and Medford Code to eliminate duplicate review in historic overlay; clarify vague provisions; create site and building design standards; address multiple boundaries, zoning districts and permitted/prohibited uses. He noted that the first of these items, the duplicate review in Historic Overlay, will be presented to the Planning Commission in the next two months.

Sally Densmore, President of the Heart of Medford Association, provided an update on the development of the Economic Improvement District. She noted that it is anticipated to be brought before the Council in the near future. Ms. Densmore noted that the Economic Improvement District will assist with items such as landscaping, amenities, promotion, and special events

The meeting adjourned at 12:55 p.m.

Glenda Wilson
City Recorder

Site developed by Project A, using ActiveContent™ Technology.
If you have questions regarding the site, please contact the webmaster.
[Website & Privacy Policy.](#)

CITY OF MEDFORD
EXHIBIT # E
File # DCA-12-056



MINUTES
Planning Commission Meeting
July 25, 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
Bill Mansfield
Patrick Miranda
David McFadden
Alec Schwimmer

Staff

Jim Huber, Planning Director
Bianca Petrou, Assistant Planning Director
Suzanne Myers, Principal Planner
Kelly Akin, Principal Planner
Lori Cooper, Deputy City Attorney
Debbie Strigle, Recording Secretary
Praline McCormack, Planner II

Commissioners Absent

Michael Zarosinski, Excused Absence

10. Roll Call

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

20.1 **LDS-11-069** Consideration of a request for a one-year time extension of the tentative plat for Catie Ann Homes Subdivision, a four-lot residential subdivision located on a 0.63 acre parcel at 1124 Maple Park Drive at the intersection of Maple Park Drive and Silky Oaks Lane in an SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district. (Hoffbuhr & Associates, Inc., Agent).

Motion: Adopt the consent calendar.

Moved by: Commissioner McFadden

Seconded by: Commissioner Miranda

Voice Vote: Motion passed, 8-0.

30. **Minutes.**

30.1 The minutes for June 27, 2013, were approved as submitted.

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

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

50. **Public Hearing.**

New Business

50.1 **DCA-12-056** Consideration of an ordinance amending Chapter 10 Land Development Code Sections 10.031, 10.051, 10.061, 10.132, 10.136, 10.251, 10.253, 10.254, 10.259, 10.261, 10.262, 10.263, 10.285, 10.432, 10.485, 10.501, 10.712, 10.732, 10.743, 10.747, 10.790, 10.801, 10.823, 10.824, 10.833, 10.837, 10.878, and 10.897 to eliminate the requirement for dual review of commercial/industrial/multi-family development proposed within a Historic

CITY OF MEDFORD
EXHIBIT # F
File # DCA-12-056

Overlay by incorporating the Site Plan and Architectural Review into the Historic Review and giving the Landmarks and Historic Preservation Commission the same approving authority as the Site Plan and Architectural Commission, including approving authority for Exceptions (City of Medford, Applicant).

Praline McCormack, Planner II, gave a brief summary, reviewed the findings and conclusions and read the approval criteria.

Commissioner McFadden asked whether the budget forecast for the City of Medford included additional training for the Landmarks and Historic Preservation Commission? Ms. McCormack stated that there are plans to train the Landmarks and Historic Preservation Commission.

Commissioner McFadden stated that the Site Plan and Architectural Commission is comprised of people who are certain professionals in certain areas of expertise. Does this change institute the same type of conditions for memberships on the Landmarks and Historic Preservation Commission by requiring certain professional training or knowledge outside of what the City may give them? Ms. McCormack replied no, not at this time.

Commissioner Tull stated that he is not persuaded that this is the approach he would recommend to the problem the City is trying to solve. The Site Plan and Architectural Commission has been a very important functioning Commission within the City planning. He is reluctant to have any new development, whether it is in the downtown area or not, not receive the experience and expert appraisal and evaluation that the Site Plan and Architectural Commission offers. He also appreciates the work that the Landmarks and Historic Preservation Commission has done that needs to be encouraged and supported. If there are but a few properties within the designated downtown overlay area that, were they developed, would need Site Plan and Architectural Commission type of review then that needs to be stated. Let's also recognize that there are some properties that need some upgrading and more development that have historical value. He does not understand how we improve our situation by giving site plans responsibility for new development in downtown to the Landmarks and Historic Preservation Commission that has responsibility for the designation and preservation of older and historic properties

Commissioner Schwimmer asked whether the Site Plan and Architectural Commission were asked about their position with regard to the amendments. Ms. McCormack replied yes and they had no problem with the amendment.

Commissioner Schwimmer asked if there have been opportunities where the Landmarks and Historic Preservation Commission took a position that differed from the Site Plan and Architectural Commission with regard to review of any particular properties or have they been fairly consistent? Kelly Akin, Principal Planner, stated yes. In the duplicate review the Landmarks and Historic Preservation Commission goes first and then the Site Plan and Architectural Commission will follow. It has been Ms. Akin's experience that the Site Plan and Architectural Commission defer the items that are important to the Landmarks and Historic Preservation Commission which would be architecture. She does not recall ever seeing the Site Plan and Architectural Commission change any architectural features. Typically in the downtown construction is property line to property line so there is very little site review to be done. The criteria are very similar for both Commissions.

Commissioner Schwimmer asked what brought this to the forefront at this time? Ms. Akin stated that she has the fortune to staff all three of the Commissions that the Planning

Department staffs and the reviews are truly duplicative. She does not know that there is a benefit for reviewing the same thing by different bodies with different perspectives when the result does not change.

Commissioner Miranda stated that he sat on the Site Plan and Architectural Commission when they discussed this amendment. They did discuss several of the different topics regarding what was duplicative and where the expertise was. Although the expertise on the Site Plan and Architectural Commission may be different from the Landmarks and Historic Preservation Commission, it is his opinion, that the intent and integrity of the review will not be compromised.

Chair Jackle commented that he is not in favor of this solution to the problem. He would not want to avoid having a Site Plan and Architectural review of downtown development. If there is way to do a Historic Overlay with one fee for a consolidated review that happens between two bodies sequenced in time one would end up with a better product.

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

- a. Cathy de Wolfe, 427 Scottsdale Circle, Medford, Oregon, 97504. Ms. de Wolfe stated that she is the current Chair of the Landmarks and Historic Preservation Commission and was present tonight to state that the Landmarks and Historic Preservation Commission has discussed this topic at a recent meeting and endorsed the proposal for all the reasons staff has presented. With the provision of additional training, the Landmarks and Historic Preservation Commission would be able to undertake and provide a thorough and appropriate level of review that would be the same as a Site Plan and Architectural Commission review for any buildings within the Downtown Historic Overlay.

Ms. Akin responded to the consolidated review discussion stating that is effectively what happens. Presently there is an application in the queue that is scheduled to be heard August 6, 2013, by the Landmarks and Historic Preservation Commission and August 16, 2013, by the Site Plan and Architectural Commission. However, they are two distinct applications on two distinct 120-day tracks. It does present and issue when you have two separate bodies reviewing the same thing. From a practical standpoint it is awkward and inefficient.

Ms. Akin responded to the expertise discussion by stating that the Site Plan and Architectural Commission receives reports and analysis from City staff. The Landmarks and Historic Preservation Commission will receive that same level of analysis and input from staff.

Commissioner Tull reported that he is very favorably impressed by the confidence that staff has in the way these processes work and their judgment that this would be a right step for the City to take.

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 July 16, 2013, including Exhibits A through E.

Moved by: Commissioner Fincher

Seconded by: Commissioner Miranda

Commissioner Mansfield stated that he thought he understood Commissioner Tull to be debating in opposition to this because in certain instances would eliminate being considered

by the Site Plan and Architectural Commission. Now he thinks he hears Commissioner Tull voting in favor of this. Commissioner Mansfield defers to Commissioner Tull's expertise.

Commissioner Tull stated that Commissioner Mansfield heard correctly the concern that Commissioner Tull brought with him to this meeting. Now that he has heard staff's perspective on it, the confidence staff has in working with the procedure that is being proposed, how it is actually working and the kind of duplicative attention that some projects have received without there being any significant benefit by the duplication, he is ready to say his concerns have been responded to and he is ready to support the motion.

Voice Vote: Motion passed, 7-1, with Commissioner Jackle voting no.

60. **Report of Citizens Planning Advisory Committee.**

60.1 Commissioner McFadden reported that this will be his last Citizens Planning Advisory Committee report because to his understanding the Citizen's Planning Advisory Committee has been disbanded by the City.

70. **Report of the Site Plan and Architectural Commission.**

70.1 Commissioner Miranda reported that the Site Plan and Architectural Commission has not met since his last report. If it did he was not there.

80. **Report of the Joint Transportation Subcommittee.**

80.1 Commissioner Christie reported that the Joint Transportation Subcommittee had no agenda items so the meeting was cancelled.

90. **Report of the Planning Department.**

90.1 Kelly Akin, Principal Planner, stated that she will make sure that the report of the Citizens Planning Advisory Committee is taken off future agendas. The Comprehensive Plan amendment is moving through the system to change the citizen involvement element and has not been accomplished yet.

City Council had a special meeting on July 11, 2013. They had a study session on the Internal Study Areas related to the Urban Growth Boundary amendment project. City Council asked to meet with staff outside a study session that is being worked out by the Councilors and staff.

On July 18, 2013, City Council discussed the Larson Creek Greenway and their direction to staff was to continue to seek grant funding to improve the pathway along Larson Creek.

City Council has an appeal next week of the Old East Medford Neighborhood Association. It is an appeal of a Planning Director's decision. An applicant wanted to construct an assisted living facility at Main and Geneva street. The Director's decision was that it was exempt from Site Plan and Architectural Commission review so that it could go straight to building permit.

The Planning Commission's next study session scheduled for August 12, 2013, is cancelled. There is business tentatively scheduled for August 26, 2013. Staff will keep the Planning Commissioners posted on that meeting.

The Planning Commission has business scheduled through September 2013.

RD
RTMENT
TREET
501

CERTIFIED MAIL[®]



7010 2780 0000 5866 5656



U.S. POSTAGE PITNEY BOWES



ZIP 97501 \$ 008.57⁰
02 1W
0001380149 SEP 25 2013

DEPT OF

SEP 27 2013

LAND CONSERVATION
AND DEVELOPMENT

RETURN RECEIPT
REQUESTED

ATTN: PLAN AMENDMENT SPECIALIST
DEPT. OF LAND CONSERVATION AND
DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540