



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

12/12/2013

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 008-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, December 26, 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: Carla Angeli Paladino, City of Medford
Gordon Howard, DLCD Urban Planning Specialist
Josh LeBombard, DLCD Regional Representative

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

FOR DLCD USE
File No.: 008-13 (19984)
[17699]
Received: 12/5/2013

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

Jurisdiction: City of Medford

Local file no.: **DCA-13-083**

Date of adoption: 11/21/2013 Date sent: 12/05/2013

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

- Yes: Date (use the date of last revision if a revised Form 1 was submitted): 08/22/2013
 No

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

The original included expanded selection criteria that included residency, business ownership, and real property ownership. The PC recommended and CC approved a modification that only included residency (w/i City and UGB) and limited those selected who live outside the city limits to two members.

Local contact (name and title): Carla Angeli Paladino
Phone: 541-774-2395 E-mail: carla.paladino@cityofmedford.org
Street address: 200 S. Ivy Street City: Medford Zip: 97501

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

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

For a change to a comprehensive plan map:

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

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

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

- The subject property is entirely within an urban growth boundary
 The subject property is partially within an urban growth boundary

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

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

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

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

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

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

Medford Land Development Code: Sections 10.120 (Planning Commission), 10.123 (Planning Commission, Membership), 10.133 (Site Plan and Architectural Commission, Membership), 10.134 (Procedure of the Site Plan and Architectural Commission), 10.137 (Landmarks and Historic Preservation Commission, Membership), and 10.138 (Landmarks and Historic Preservation Commission Meeting Procedures)

For a change to a zoning map:

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

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

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

Overlay zone designation: . Acres added: . Acres removed:

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

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

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

ORDINANCE NO. 2013-167

AN ORDINANCE amending Sections 10.120, 10.123, 10.133, 10.134, 10.137, and 10.138 of the Medford Code pertaining to Commission residency requirements.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 10.120 of the Medford Code is amended to read as follows:

10.120 Planning Commission.

~~The Planning Commission membership shall, at a minimum, comply with the requirements of ORS 227.030 (Membership).~~ The Planning Commission shall have all powers set forth in ORS 227.090 (Powers and Duties of Commission) except as otherwise provided by ordinance of the City Council.

SECTION 2. Section 10.123 of the Medford Code is amended to read as follows:

10.123 Planning Commission, Membership.

(1) Number Appointed.

The Planning Commission shall consist of nine (9) voting members appointed by the Mayor and City Council.

(2) Length of Term.

All terms shall be for a period of four (4) years beginning on February 1 of each year with not more than three terms expiring in the same year.

(3) Position Appointments.

The Planning Commission members shall at a minimum comply with the requirements of Oregon Revised Statutes (ORS) 227.030 (Membership) as provided below or as amended:

(a) No more than two members of a city planning commission may be city officers, who shall serve as ex officio nonvoting members.

(b) No more than two voting members of the commission may engage principally in the buying, selling, or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that engages principally in the buying, selling or developing of real estate for profit.

(c) No more than two members shall be engaged in the same kind of occupation, business, trade or profession.

(4) Selection Criteria.

~~All members shall be residents of the City and if any member ceases to be a resident, his or her position shall become vacant.~~ **All members of the Commission shall either be residents of the City of Medford or Medford Urban Growth Boundary. No more than two members of the Commission shall be appointed who reside outside the Medford city limits. A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term.**

(5) Removal Terms.

A member may be removed by the Mayor and City Council, after a hearing, for misconduct or nonperformance of duty.

(6) Vacancy Replacement.

Any vacancy shall be filled by the Mayor and City Council for the unexpired term of the predecessor in the office.

(7) Quorum.

A quorum of the Planning Commission shall consist of five or more members.

SECTION 3. Section 10.133 of the Medford Code is amended to read as follows:

10.133 Site Plan and Architectural Commission, Membership.

(1) Number Appointed.

The Site Plan and Architectural Commission shall consist of nine (9) voting members appointed by the Mayor and City Council, as follows:

~~(1) Appointment Criteria.~~

~~———— (a) One (1) member shall be a Planning Commissioner nominated by the Planning Commission chairperson. One (1) member shall be a licensed architect, one (1) shall be a licensed professional engineer, one (1) shall be a licensed landscaping professional, and one (1) shall be a licensed contractor. When selecting persons to fill the remaining four (4) positions, preference should be given to applicants who have training or experience closely related to the licensed positions. The Site Plan and Architectural Commission may review the applications and may make recommendations to the Mayor and City Council regarding appointments.~~

~~———— (b) Members shall reside within the City of Medford. At the Mayor and City Council's discretion, an appointment to any of the four (4) professional/licensed positions may be an individual who, in lieu of having a valid license in the profession, possesses a comparable combination of skill, education, training and experience related to the respective professional licensing category.~~

(2) Length of Term. of Office.

Site Plan and Architectural Commissioner terms shall be for a period of four (4) years, with the exception of the member of the Planning Commission, whose initial term shall be for a period of two (2) years. Subsequent Planning Commissioner terms shall be for one (1) year if reappointed. Said terms shall begin on February 1 of each year with not more than two (2) terms expiring in the same year, exclusive of the Planning Commissioner.

(3) Position Appointments.

(a) One (1) member shall be a Planning Commissioner nominated by the Planning Commission chairperson.

(b) One (1) member shall be a licensed architect.

(c) One (1) member shall be a licensed professional engineer.

(d) One (1) member shall be a licensed landscaping professional.

(e) One (1) member shall be a licensed contractor.

When selecting persons to fill the remaining four (4) positions, preference should be given to applicants who have training or experience closely related to the licensed positions. At the Mayor and City Council's discretion, an appointment to any of the four (4) professional/licensed positions may be an individual who, in lieu of having a valid license in the profession, possesses a comparable combination of skill, education, training and experience related to the respective professional licensing category.

(4) Selection Criteria.

All members of the Commission shall either be residents of the City of Medford or Medford Urban Growth Boundary. No more than two members of the Commission shall be appointed who reside outside the Medford city limits. A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term.

(5) Removal Terms.

A member may be removed by the Mayor and City Council, after a hearing, for misconduct or nonperformance of duty.

(6) Vacancy Replacement.

Any vacancy shall be filled by the Mayor and City Council for the unexpired term of the member being replaced.

(7) Quorum.

A quorum of the Site Plan and Architectural Commission shall consist of five or more members.

SECTION 4. Section 10.134 of the Medford Code is amended to read as follows:

10.134 Procedure of the Site Plan and Architectural Commission.

Except as otherwise provided by law or this chapter, the Site Plan and Architectural Commission shall conduct its meetings in accordance with *Robert's Rules of Order, Newly Revised*. ~~excepting that a quorum shall be defined as five (5) or more members for purposes of this section.~~

SECTION 5. Section 10.137 of the Medford Code is amended to read as follows:

10.137 Landmarks and Historic Preservation Commission, Membership.

(1) Number Appointed.

The Landmarks and Historic Preservation Commission shall be made up of seven (7) voting members appointed by the Mayor and City Council.

~~(2) All Landmarks and Historic Preservation Commission members shall be residents of the City of Medford, and, if any member ceases to be a city resident, his/her position shall become vacant.~~

~~(3) The Planning Director or designee shall serve as an *ex-officio* member of the Landmarks and Historic Preservation Commission.~~

~~(4) All members of the Landmarks and Historic Preservation Commission shall have demonstrated positive interest, competence, or knowledge of historic preservation.~~

~~(5) A member of the Landmarks and Historic Preservation Commission may be removed by the Mayor and City Council, after a hearing, for misconduct or nonperformance of duty. Replacements shall be appointed by the Mayor and City Council for the remainder of the unexpired term.~~

(6) Length of Term.

All regular terms of members of the Landmarks and Historic Preservation Commission shall be for a period of four years, and shall begin on February 1, with not more than three terms expiring in the same year.

(3) Position Appointments.

All members of the Landmarks and Historic Preservation Commission shall have demonstrated positive interest, competence, or knowledge of historic preservation. The Planning Director or designee shall serve as an *ex-officio* member of the Landmarks and Historic Preservation Commission.

(4) Selection Criteria.

All members of the Commission shall either be residents of the City of Medford or Medford Urban Growth Boundary. No more than two members of the Commission shall be appointed who reside outside the Medford city limits. A Commissioner who ceases to meet the residency requirement during their term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term.

(5) Removal Criteria.

A member of the Landmarks and Historic Preservation Commission may be removed by the Mayor and City Council, after a hearing, for misconduct or nonperformance of duty. Replacements shall be appointed by the Mayor and City Council for the remainder of the unexpired term.

(6) Quorum.

A quorum of the Landmarks and Historic Preservation Commission shall consist of four or more members.

SECTION 6. Section 10.138 of the Medford Code is amended to read as follows:

10.138 Landmarks and Historic Preservation Commission, Meeting Procedures.

Except as otherwise provided by law or this Code, the Landmarks and Historic Preservation Commission shall conduct its meetings in accordance with rules as adopted by the commission., ~~except that a quorum shall be defined as four or more members.~~ The Landmarks and Historic Preservation Commission shall meet as

necessary to act on Historic Reviews in a timely manner. There shall be at least one meeting of the Landmarks and Historic Preservation Commission held each year, during the month of March.

PASSED by the Council and signed by me in authentication of its passage this 21 day of Nov., 2013.

ATTEST: /s/Glenda Wilson
 City Recorder

/s/Gary H. Wheeler
 Mayor

APPROVED Nov. 21, 2013.

/s/Gary H. Wheeler
 Mayor

NOTE: Matter in **bold** in an amended section is new. Matter ~~struck out~~ is existing law to be omitted.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: **120.2**

www.cityofmedford.org

DEPARTMENT: Planning Department

AGENDA SECTION: Public Hearings

STAFF CONTACT: James E. Huber, AICP, Planning Director **MEETING DATE:** November 21, 2013

STAFF PHONE: 541-774-2380

COUNCIL BILL 2013-167

An Ordinance amending Sections 10.120, 10.123, 10.133, 10.134, 10.137, and 10.138 of the Medford Code pertaining to Commission residency requirements.

ISSUE STATEMENT & SUMMARY:

The text amendment proposes to expand the residency criteria used in selecting a candidate to be appointed to the Planning Commission (PC), Site Plan and Architectural Commission (SPAC), and Landmarks and Historic Preservation Commission (LHPC). The current language states a member shall be a resident of the City of Medford. In January 2013, the City Council modified the residency requirements for the other City Commissions and Committees found in Chapter 2 of the Municipal Code. The provisions regarding the PC, SPAC, and LHPC are found in Chapter 10 and were omitted from the original ordinance in order to process the amendment through a formal land use decision process.

BACKGROUND:

The Planning Commission discussed the proposed text changes at their September 23, 2013, study session. On October 10, 2013, they held a public hearing and voted to recommend City Council approve the amendment with modifications.

A. Council Action History

On January 3, 2013, the City Council adopted Ordinance 2013-003 which amended the residency requirements for City boards and commissions found in Chapter 2 of the Municipal Code. It was noted that the residency requirements for PC, SPAC, and LHPC would be addressed at a later time through a separate action. Planning staff drafted the text amendment in August and received a recommendation from the Planning Commission in October.

B. Analysis

The current code indicates members appointed to the PC, SPAC, and LHPC must reside within the City of Medford. The staff proposal slightly modified the selection criteria approved by Council in January and proposed the following: 1) physical residency within the City of Medford and Urban Growth Boundary (UGB), 2) owner of fifty (50) percent or more of a business located within the City or UGB, or 3) owner of real property located within the City or UGB. The Planning Commission voted to recommend the residency requirement be modified to only include: physical residency within the City and UGB. They further recommended members appointed who live in the UGB be limited to only two members. The Planning Commission deleted the criteria related to business owner and real property owner because they felt that land use decision making which is the responsibility of these review bodies is different than advisory recommendations and questioned how committed non-residents, business owners, or property owners would be to the City.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

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C. Financial and/or Resource Considerations

The proposed amendment does not have any monetary requirements.

D. Timing Issues

There is no time constraint to decide on this amendment.

STRATEGIC PLAN:

Theme: Responsive Leadership

Goal 14: In an open and transparent manner effectively deliver municipal services that Medford citizens need, want and are willing to support.

Objective 14.5: Provide adequate opportunities for public input.

Action 14.5c: Encourage participation on City boards and Council commissions that reflect the diversity of the community.

COUNCIL OPTIONS:

1. Approve the ordinance. (Planning Commission recommendation).
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 as proposed by the Planning Commission.

SUGGESTED MOTION:

I move to approve the ordinance amending the residency requirements for members appointed to the Planning Commission, Site Plan and Architectural Commission, and Landmarks and Historic Preservation Commission.

EXHIBITS:

- 1) Proposed Ordinance
- 2) Staff Report for file DCA-13-083 dated October 21, 2013, including Exhibits A through H.
A copy of the power point presentation is on file in the Planning Department.



CITY OF MEDFORD

PLANNING DEPARTMENT

STAFF REPORT – LAND DEVELOPMENT CODE AMENDMENT

Date: October 21, 2013
To: City Council for November 21, 2013 hearing
From: Carla Angeli Paladino, Planner III
Reviewer: Suzanne Myers, AICP, Principal Planner
Subject: Commission(s) Residency Requirements Code Amendment (DCA 13-083)

BACKGROUND

Proposal: The proposal is to amend the Medford Land Development Code, Chapter 10, of the Municipal Code and the residency requirements for applicants appointed to the Planning Commission (PC), Site Plan and Architectural Commission (SPAC), and the Landmarks and Historic Preservation Commission (LHPC) similar to revisions for other City boards and commissions adopted by Ordinance 2013-003 approved by City Council on January 3, 2013.

Ordinance 2013-003 amended the residency requirements for other City commissions and committees located in Chapter 2 of the Municipal Code and omitted the three land use commissions for further action at a later time. The PC, SPAC, and LHPC membership requirements are found in Chapter 10 and require a formal development code amendment in order to modify the text.

The amendment proposes to expand the criteria used in selecting a candidate for one of the Commissions. Currently, the code requires a Commission member to reside within the City limits. The proposed language drafted by staff included the three options: residency, business ownership, or ownership of real property within the City and Urban Growth Boundary area. The Planning Commission recommended modifications to the proposal.

In addition, the amendment proposes to reformat the identified sections to make them consistent with one another. In addition, under the Planning Commission section, the requirements in the Oregon Revised Statutes regarding membership have been added.

History: City Council adopted Ordinance 2013-003 on January 3, 2013. The minutes from that meeting indicate the item was amended to remove code modifications to Chapter 10 and that a separate process would be initiated in order to complete the changes for the PC, SPAC, and the LHPC. The Planning Commission held a study session on September 23, 2013, and a public hearing on October 10, 2013.

“Working with the Community to Shape a Vibrant and Exceptional City”

Authority: A Land Development Code Amendment is a Class 'A' legislative decision. The Planning Commission is authorized to recommend and the City Council to approve amendments to 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 10.184(2)

APPROVAL CRITERIA COMPLIANCE

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

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

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

Findings: Satisfied. The proposal will provide for a wider range of applicants to choose from in the selection process for appointments to the Planning Commission, Site Plan and Architectural Commission, and the Landmarks and Historic Preservation Commission. The amendment will further the Comprehensive Plan and the Citizen Involvement Element by providing opportunities for a broader range of the public to participate in local government issues and projects. The City provides a broad spectrum of committees and commissions to volunteer on and it is the City's desire to expand the selection criteria for those appointed. The public benefit is achieved by allowing for wider participation by Medford residents and future residents living in the Medford Urban Growth Boundary.

Conclusion: The proposed amendment provides an increased public benefit for citizens wanting to participate in local government. Criterion 10.184(2)(a) is found to be 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: Satisfied. The following shows compliance with the applicable Statewide Planning Goals. The applicable goals addressed include Goal 1: Citizen Involvement and Goal 2: Land Use Planning. Goals 3-14 do not apply to this case and Goals 15-19 are not applicable to the City of Medford.

1. Goal 1 - Citizen Involvement:

The proposed amendment seeks to enhance the Citizen Involvement program of the City of Medford. The City's Comprehensive Plan outlines the Citizen Involvement program history established back in the 1970s. Today, the City engages direct citizen involvement with twelve committees, eleven commissions, and three boards that provide direction, recommendations, and decisions on a wide variety of issues and topics affecting the City. The proposed amendment will provide a wider set of criteria used in appointing citizens to these three commissions. With the approval of Ordinance 2013-003 in January, the majority of these committees and commissions were modified to

reflect the broader selection criteria. The current amendment will expand the criteria for the Planning Commission, Site Plan and Architectural Commission, and Landmarks and Historic Preservation Commission.

The City is in compliance with Goal 1 through a variety of means which engage citizen involvement and participation in the amendment process. Land Development amendments are initiated by the Planning Commission and/or City Council made up of citizens who are either appointed or elected to serve. A proposed amendment is distributed for further comment and feedback to a number of affected agencies, interested parties, and staff. The public is also invited to comment through the City website which provides an opportunity for persons to review the amendment and provide input to the Planning Department. Hearing notices are published in the Mail Tribune and posted on the City's website along with meeting agendas posted showing upcoming hearings and items under consideration. The review bodies (Planning Commission and City Council) that will consider and vote on the proposed amendment will hold televised public hearings to consider the matter providing additional opportunities for public engagement in the process. The above process has been or will be adhered to with this amendment process.

2. Goal 2 – Land Use Planning:

The City of Medford has an adopted Comprehensive Plan and Development Code that provide the basis for decisions and actions taken on land use matters. These documents identify compliance with the statewide planning goals, factual information, and policy choices that shape and guide the City. Periodically, modifications and changes to these documents are essential in order to remain up to date on current trends, changing policy, or circumstances.

The proposed amendment reflects a change in policy that will promote additional citizen engagement and further the goals and policies identified in the Comprehensive Plan and Land Development Code. A change to the Land Development Code is necessary and appropriate and maintains the City in compliance with statewide planning Goal 2.

Conclusion: The applicable Statewide Planning Goals and Guidelines specifically Goals 1 and 2 are met with this amendment. Criterion 10.184(2)(b)(1) is found to be satisfied.

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

Findings: Not Applicable. The Goals, Policies, and Implementation section of the Comprehensive Plan does not address specific goals or implementation measures for Citizen Involvement. The proposed amendment is consistent with the general guidelines and intent of the Citizen Involvement Element of the Plan but does not address anything specific.

Conclusion: The proposed amendment does not address any specific goals or policies of the Comprehensive Plan. Criterion 10.184(2)(b)(2) is found to be not applicable.

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

Findings: Satisfied. Prior to the Planning Commission hearing, four responses to the proposal were received. The City of Medford Public Works Department indicated they did not have any comments on the Code amendment. The proposed language was e-mailed to each member of the Planning Commission (PC), Site Plan and Architectural Commission (SPAC), and the Landmarks and Historic Preservation Commission (LHPC). Two Commissioners from the LHPC responded indicating support for the proposed amendment. One e-mail was received from City Councilor Dick Gordon regarding the proposal requesting some of the terms used in the amendment be defined.

Conclusion: The proposed amendment has been distributed to the applicable referral agencies for comments. The comments received thus far show support for the amendment. Criterion 10.184(2)(b)(3) is found to be satisfied.

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

Findings: Satisfied. The Planning Department has not received any outside public comments on the proposal.

Planning Commission Study Session

A study session was held with the Planning Commission to discuss the amendment on September 23, 2013. Concerns were raised by some of the Commissioners regarding the proposed language specifically the selection criteria that will allow a business owner or real property owner (who may not live in the City or Urban Growth Boundary) to qualify as a candidate for a position on one of the Commissions.

Planning Commission Recommendation

The Planning Commission held a public hearing regarding the text amendment proposal on October 10, 2013. The primary discussion regarding the proposal revolved around the addition of business owner and real property owner as new selection criteria. A majority of the Commission did not find that being a business owner or real property owner was appropriate for candidates appointed to the PC, SPAC, or LHPC based on their responsibilities and roles in making quasi-judicial decisions. In addition, it was discussed that a business owner or real property owner may not have the same level of commitment to the City's best interest and there was concern these candidates could live outside the City limits or Urban Growth Boundary. The Commission found it very important that candidates be residents of the City and recommended that no more than two members be appointed that live outside the Medford city limits and within the Urban Growth Boundary.

Conclusion: The code amendment was posted on the City website on September 4, 2013, and no comments were received from the public. A study session was held by the Planning Commission on September 23, 2013, to discuss the text amendment proposal. A formal hearing was held on October 10, 2013, and the Planning Commission made a recommendation on the proposal to be forwarded to the City Council for action. Criterion 10.184(2)(b)(4) is found to be satisfied.

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

Findings: Not Applicable. There are no governmental agreements that apply to the proposed code amendment.

Conclusion: The proposed amendment does not affect any governmental agreements. Criterion 10.184(2)(b)(5) is found to be not applicable.

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 October 10, 2013, voted 6-2 to recommend adoption of the amendment with modifications, including Exhibits A-H.

EXHIBITS:

- A** Modified Code Amendment, dated October 11, 2013
- B** Ordinance 2013-003 Adopted January 3, 2013
- C** E-mail from Commissioner Cathy de Wolfe, dated August 22, 2013
- D** E-mail from Commissioner Jeff Appen, dated August 27, 2013
- E** Comments from the Public Works Department, dated August 27, 2013
- F** E-mail from City Councilor Dick Gordon, dated September 3, 2013
- G** Planning Commission Study Session Minutes (September 23, 2013)
- H** Planning Commission Hearing Minutes (October 10, 2013)

CITY COUNCIL AGENDA: November 21, 2013

DCA 2013-083, Commission Residency Requirements, PC Recommendation

Tracked-changes key: Added text; ~~Deleted Text~~;

ARTICLE II - PROCEDURAL REQUIREMENTS

10.120 Planning Commission.

~~The Planning Commission membership shall, at a minimum, comply with the requirements of ORS 227.030 (Membership).~~ The Planning Commission shall have all powers set forth in ORS 227.090 (Powers and Duties of Commission) except as otherwise provided by ordinance of the City Council.

[Amd. Sec. 2, Ord. No. 5873, May 21, 1987.]

10.123 Planning Commission, Membership.

(1) Number Appointed.

The Planning Commission shall consist of nine (9) voting members appointed by the Mayor and City Council.

(2) Length of Term.

All terms shall be for a period of four (4) years beginning on February 1 of each year with not more than three terms expiring in the same year.

(3) Position Appointments.

The Planning Commission members shall at a minimum comply with the requirements of Oregon Revised Statutes (ORS) 227.030 (Membership) as provided below or as amended:

- (a) Not more than two members of a city planning commission may be city officers, who shall serve as ex officio nonvoting members.**
- (b) No more than two voting members of the commission may engage principally in the buying, selling, or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that engages principally in the buying, selling or developing of real estate for profit.**
- (c) No more than two members shall be engaged in the same kind of occupation, business, trade or profession.**

(4) Selection Criteria.

~~All members shall be residents of the City and if any member ceases to be a resident, his or her position shall become vacant.~~ **All members of the Commission shall either be residents of the City of Medford or Medford Urban Growth Boundary. No more than two members of the Commission shall be appointed who reside outside the Medford city limits.**

A Commissioner who ceases to meet the residency requirement during his/her term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term.

(5) Removal Terms.

A member may be removed by the Mayor and City Council, after a hearing, for misconduct or nonperformance of duty.

(6) Vacancy Replacement.

Any vacancy shall be filled by the Mayor and City Council for the unexpired term of the predecessor in the office.

(7) Quorum.

A quorum of the Planning Commission shall consist of five or more members.

[Amd. Sec. 4, Ord. No. 5820, March 19, 1987; Amd. Sec. 2, Ord. No. 6040, Jan. 7, 1988; Amd. Sec. 4, Ord. No. 7659, June 2, 1994; Amd. Sec. 1, Ord. No. 2011-06, Jan. 6, 2011.]

* * *

10.133 Site Plan and Architectural Commission, Membership.

(1) Number Appointed.

The Site Plan and Architectural Commission shall consist of nine (9) voting members appointed by the Mayor and City Council, ~~as follows.~~

(2) Length of Term.

Site Plan and Architectural Commissioner terms shall be for a period of four (4) years, with the exception of the member of the Planning Commission, whose initial term shall be for a period of two (2) years. Subsequent Planning Commissioner terms shall be for one (1) year if reappointed. Said terms shall begin on February 1 of each year with not more than two (2) terms expiring in the same year, exclusive of the Planning Commissioner.

(3) Position Appointments.

- (a) One (1) member shall be a Planning Commissioner nominated by the Planning Commission chairperson.
- (b) One (1) member shall be a licensed architect.
- (c) One (1) **member** shall be a licensed professional engineer.
- (d) One (1) **member** shall be a licensed landscaping professional.
- (e) One (1) **member** shall be a licensed contractor.

When selecting persons to fill the remaining four (4) positions, preference should be given to applicants who have training or experience closely related to the licensed positions. ~~The Site Plan and Architectural Commission may review the applications and may make recommendations to the Mayor and City Council regarding appointments.~~ At the Mayor and City Council’s discretion, an appointment to any of the four (4) professional/licensed positions may be an individual who, in lieu of having a valid license in the profession, possesses a comparable combination of skill, education, training and experience related to the respective professional licensing category.

(4) Selection Criteria.

~~Members shall reside within the City of Medford.~~ All members of the Commission shall either be residents of the City of Medford or Medford Urban Growth Boundary.

No more than two members of the Commission shall be appointed who reside outside the Medford city limits.

A Commissioner who ceases to meet the residency requirement during his/her term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term.

(5) Removal Terms.

A member may be removed by the Mayor and City Council, after a hearing, for misconduct or nonperformance of duty.

(6) Vacancy Replacement.

Any vacancy shall be filled by the Mayor and City Council for the unexpired term of the member being replaced.

(7) Quorum.

A quorum of the Site Plan and Architectural Commission shall consist of five or more members.

[Amd. Sec. 3, Ord. No. 6040, Jan 7, 1988; Amd. Sec. 6, Ord. No. 7659, June 2, 1994; Amd Ord. No. 2001-159, Sept. 6, 2001; Amd. Sec. 2, Ord. No. 2006-13, Jan. 5, 2006; Amd. Ord. No. 2007-99, June 7, 2007; Amd. Sec. 3, Ord. No. 2008-236, Nov. 20, 2008; Amd. Sec. 2, Ord. No. 2011-06, Jan. 6, 2011.]

10.134 Procedure of the Site Plan and Architectural Commission.

Except as otherwise provided by law or this chapter, the Site Plan and Architectural Commission shall conduct its meetings in accordance with *Robert’s Rules of Order, Newly Revised*, ~~excepting that a quorum shall be defined as five (5) or more members for purposes of this section.~~

[Amd. Sec. 3, Ord. No. 2006-13, Jan. 5, 2006.]

* * *

10.137 Landmarks and Historic Preservation Commission, Membership.**(1) Number Appointed.**

The Landmarks and Historic Preservation Commission shall be made up of seven (7) voting members appointed by the Mayor and City Council.

(2) Length of Term.

All regular terms of members of the Landmarks and Historic Preservation Commission shall be for a period of four years, and shall begin on February 1, with not more than three terms expiring in the same year.

(3) Position Appointments.

All members of the Landmarks and Historic Preservation Commission shall have demonstrated positive interest, competence, or knowledge of historic preservation. The Planning Director or designee shall serve as an *ex-officio* member of the Landmarks and Historic Preservation Commission.

(4) Selection Criteria.

~~All Landmarks and Historic Preservation Commission members shall be residents of the City of Medford, and, if any member ceases to be a city resident, his/her position shall become vacant.~~

All members of the Commission shall either be residents of the City of Medford or Medford Urban Growth Boundary. No more than two members of the Commission shall be appointed who reside outside the Medford city limits.

A Commissioner who ceases to meet the residency requirement during his/her term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term.

(5) Removal Criteria.

A member of the Landmarks and Historic Preservation Commission may be removed by the Mayor and City Council, after a hearing, for misconduct or nonperformance of duty. Replacements shall be appointed by the Mayor and City Council for the remainder of the unexpired term.

(6) Quorum.

A quorum of the Landmarks and Historic Preservation Commission shall consist of four or more members.

[Added, Sec. 2, Ord. No. 2006-199, Sept. 7, 2006; Amd. Sec. 3, Ord. No. 2011-06, Jan. 6, 2011.]

10.138 Landmarks and Historic Preservation Commission, Meeting Procedures.

Except as otherwise provided by law or this Code, the Landmarks and Historic Preservation Commission shall conduct its meetings in accordance with rules as adopted by the commission. ~~;~~ ~~except that a quorum shall be defined as four or more members.~~ The Landmarks and Historic Preservation Commission shall meet as necessary to act on Historic Reviews in a timely manner. There shall be at least one meeting of the Landmarks and Historic Preservation Commission held each year, during the month of March.

[Added, Sec. 3, Ord. No. 2006-199, Sept. 7, 2006.]

ORDINANCE NO. 2013-003

AN ORDINANCE amending Sections 2.427, 2.428, 2.429, 2.435, 2.437, 2.438, 2.439, 2.446, 2.447, 2.461, 2.472, 2.475, 10.123, 10.133 and 10.137 of the Medford Code pertaining to residency requirements for City boards and commissions.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 2.427 of the Medford Code is amended to read as follows:

2.427 Police Advisory Committee.

* * *

1. Police Advisory Committee Created.

(1) The Police Advisory Committee shall consist of the following 11 members: one ~~citizen~~ member from each ward (4); one (1) ~~citizen~~ member representing the 549 School District; one (1) ~~citizen~~ member representing the minority community; one (1) ~~citizen~~ member representing the faith based community; one (1) ~~citizen~~ member representing the business community; the Chief of Police; the Deputy Police Chief of Operations, and the Deputy Police Chief of Administration.

All members shall be appointed to serve two-year staggered terms.

(2) All ~~citizen~~ members shall meet the following qualifications: be a law abiding citizen with no felony convictions or convictions involving crimes of moral turpitude, be willing to commit to two years of services, be willing to serve as an advocate for the police department's outreach efforts and be willing to serve as an advocate on behalf of the community.

* * *

SECTION 2. Section 2.428 of the Medford Code is amended to read as follows:

2.428 Bicycle and Pedestrian Advisory Committee.

* * *

(2) The Bicycle and Pedestrian Advisory Committee shall consist of seven members, including a mix of persons representing pedestrian interests, cycling interests, and other non-motorized transportation modes. ~~Members shall be residents of the city. Members must maintain their city residence during the course of their terms to continue to hold office.~~ Members shall be appointed by the Mayor and City Council. Members shall be appointed to serve two-year terms, except that shorter terms may be used to stagger appointments so that the terms of four members expire one year and three members expire the following year. The Committee shall elect a Chairperson and Vice-Chairperson from among its members. The Committee shall adopt rules of procedure as necessary, and shall establish either a regular meeting date or rules of procedure under which a meeting may be called. Four members shall constitute a quorum. Members shall attend all meetings unless excused.

* * *

SECTION 3. Section 2.429 of the Medford Code is amended to read as follows:

2.429 Joint Transportation Subcommittee.

* * *

(2) The Joint Transportation Subcommittee shall consist of three members of the Planning Commission selected by the Planning Commission, and four ~~citizens of the city~~ **members-at-large** selected by the Mayor and City Council. Planning Commission members shall serve for the balance of their terms on the originating body and the ~~citizen~~ **members-at-large** may be appointed for staggered terms of up to four years. The JTS shall meet at least quarterly thereafter. A majority of the members shall constitute a quorum. The JTS shall select one of its members as chair and may select such other officers as it deems necessary.

* * *

SECTION 4. Section 2.435 of the Medford Code is added to read as follows:

2.435 Residence Requirements.

All members of City boards, commissions or committees shall meet a minimum of one of the following residency requirements unless specifically addressed otherwise in the Medford Code or State Statutes:

(1) Physical residency within the City of Medford Urban Growth Boundary.

(2) Owner of business located within the City of Medford Urban Growth Boundary.

(3) Owner of real property located within the City of Medford Urban Growth Boundary.

When a residence is a requirement for membership on a city board or commission, a member who ceases to ~~meet one of the above conditions~~ ~~be a resident of the city~~ during his term of office shall forfeit the office and a new member shall be appointed to serve the unexpired portion of the term.

SECTION 5. Section 2.437 of the Medford Code is amended to read as follows:

2.437 Multicultural Commission.

* * *

(2) The Multicultural Commission shall consist of seven members. ~~who must be residents of the city at large. Members must maintain their city residence during the course of their terms to continue to hold office.~~ The members shall be appointed by the Mayor and City Council for terms of three years, except that two of the initial members shall be appointed for terms of two years to assure that all appointments do not expire at the same time.

* * *

SECTION 6. Section 2.438 of the Medford Code is amended to read as follows:

2.438 Medford Arts Commission.

(1) The Medford Arts Commission shall consist of nine voting members and one nonvoting ex officio member, as follows:

(a) Voting members: ~~Nine members-at-large. residents of the city at large.~~

SECTION 7. Section 2.439 of the Medford Code is amended to read as follows:

2.439 Medford Housing and Community Development Commission.

(1) The Medford Housing and Community Development Commission shall consist of nine voting members as follows:

(a) Voting members: Nine ~~members residents of the city~~ at-large encouraging representation from each ward. Voting members of the Commission shall be appointed by the Mayor and Council for terms of three years.

SECTION 8. Section 2.446 of the Medford Code is amended to read as follows:

2.446 Public Parking in the Central Business District.

* * *

(b) There shall be a nine-member commission to advise the Council on downtown parking matters. Seven members shall be appointed by the Mayor and City Council chosen from persons who are owners or employees of businesses in the central business district or are ~~members residents~~ at-large. ~~of the City of Medford.~~ No more than one member of the committee shall be a ~~member resident~~ at-large. One member shall be appointed by Rogue Community College as their representative; and one member shall be appointed by Southern Oregon University as their representative.

SECTION 9. Section 2.447 of the Medford Code is amended to read as follows:

2.447 Parking Commission.

* * *

(2) The Commission shall consist of nine members. The Mayor and City Council shall appoint seven persons who are owners or employees of businesses in the Central Business District or ~~members residents~~ at-large. ~~of the City of Medford.~~ No more than one member may be a ~~member resident~~ at-large. In addition, there shall be one member who is appointed by Rogue Community College (RCC) as a representative, and one member who is appointed by Southern Oregon University (SOU) as a representative. All members shall be voting members.

* * *

SECTION 10. Section 2.461 of the Medford Code is amended to read as follows:

2.461 Medford Parks and Recreation Commission.

(1) The Medford Parks and Recreation Commission shall consist of ten voting members and one nonvoting ex officio member, as follows:

(a) Voting members: Nine ~~residents~~ ~~members of the city~~ at-large, and one youth member ~~resident of the city~~. The youth member shall retain membership so long as the member is in regular attendance at a high school during the school year which falls within the one-year term.

* * *

SECTION 11. Section 2.472 of the Medford Code is amended to read as follows:

2.472 Citizens Planning Advisory Committee.

* * *

~~(2) Membership on the Citizens Planning Advisory Committee shall be open on a participatory basis to all interested persons from Medford, nearby communities, and Jackson County. Efforts will be made to encourage and maintain an active membership representative of the diverse socio-economic and geographic variety present in our community.~~

(3) The Citizens Planning Advisory Committee shall adopt by-laws for implementing its purposes. CPAC shall meet on a regular basis in accordance with its by-laws. Meetings shall be conducted in accordance with Robert's Rules of Order. A quorum shall be five or more members. A meeting may be canceled for lack of a quorum. Special meetings may be called at the discretion of the chairperson.

* * *

SECTION 12. Section 2.475 of the Medford Code is amended to read as follows:

2.475 Unified Appeal Board, Membership.

* * *

(3) Five members appointed for two-year terms by the Mayor and City Council. These five members shall elect a chairman. ~~All members shall be residents of the city, and t~~ There must be one member from each of the following categories:

(a) A licensed general contractor.

(b) A licensed engineer.

(c) A licensed architect.

(d) A member of the business community of the city.

(e) A representative of the public not belonging to any of the foregoing categories.

* * *

SECTION 13. Section 10.123 of the Medford Code is amended to read as follows:

10.123 Planning Commission, Membership.

* * *

~~All members shall be residents of the City and if any member ceases to be a resident, his or her position shall become vacant.~~ A member may be removed by the Mayor and City Council, after a hearing, for misconduct or nonperformance of duty. Any vacancy shall be filled by the Mayor and City Council for the unexpired term of the predecessor in the office.

SECTION 14. Section 10.133 of the Medford Code is amended to read as follows:

10.133 Site Plan and Architectural Commission, Membership.

The Site Plan and Architectural Commission shall consist of nine (9) voting members appointed by the Mayor and City Council, as follows:

(1) Appointment Criteria.

(* * *

(b) ~~Members shall reside within the City of Medford.~~ At the Mayor and City Council's discretion, an appointment to any of the four (4) professional/licensed positions may be an individual who, in lieu of having a valid license in the profession, possesses a comparable combination of skill, education, training and experience related to the respective professional licensing category.

* * *

SECTION 15. Section 10.137 of the Medford Code is amended to read as follows:

10.137 Landmarks and Historic Preservation Commission, Membership.

(1) The Landmarks and Historic Preservation Commission shall be made up of seven (7) voting members appointed by the Mayor and City Council.

~~(2) All Landmarks and Historic Preservation Commission members shall be residents of the City of Medford, and, if any member ceases to be a city resident, his/her position shall become vacant.~~

~~(3)~~ (2) The Planning Director or designee shall serve as an *ex-officio* member of the Landmarks and Historic Preservation Commission.

~~(4)~~ (3) All members of the Landmarks and Historic Preservation Commission shall have demonstrated positive interest, competence, or knowledge of historic preservation.

~~(5)~~ (4) A member of the Landmarks and Historic Preservation Commission may be removed by the Mayor and City Council, after a hearing, for misconduct or nonperformance of duty. Replacements shall be appointed by the Mayor and City Council for the remainder of the un-expired term.

~~(6)~~ (5) All regular terms of members of the Landmarks and Historic Preservation Commission shall be for a period of four years, and shall begin on February 1, with not more than three terms expiring in the same year.

PASSED by the Council and signed by me in authentication of its passage this 3 day of January, 2013.

ATTEST: /s/Glenda Wilson
City Recorder

/s/Gary H. Wheeler
Mayor

APPROVED January 3, 2013.

/s/Gary H. Wheeler
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.

Carla G. Paladino

From: C DE*WOLFE <calicat8@msn.com>
Sent: Thursday, August 22, 2013 9:30 PM
To: Carla.Paladino@cityofmedford.org
Cc: Kathy Helmer
Subject: RE: DCA-13-083 Routing Memo

Carla -

I support the proposed changes in membership for the Landmarks and Historic Preservation Commission (LHPC).

Thank you,
Cathy de Wolfe
Chair, LHPC

From: kathy.helmer@cityofmedford.org
To: calicat8@msn.com; ddcurler@gmail.com; djmarmon5185@msn.com; eli.matthews@cityofmedford.org; J_Applen@charter.net; karen.blair@cityofmedford.org; kathy.helmer@cityofmedford.org; kelly.akin@cityofmedford.org; mellowdeejsg@gmail.com; nancy.abrahamson@cityofmedford.org; Scott@HenselmanRealty.com
Subject: FW: DCA-13-083 Routing Memo
Date: Thu, 22 Aug 2013 15:49:25 -0700

Commissioners,
Attached is a proposed Code Amendment which affects the requirements for whom can be a Commission member in the City of Medford. Please review. If you have any comments, you can send them through me or directly to Carla Paladino in the City Planning Department at Carla.Paladino@cityofmedford.org
Thanks.
Kathy

From: Nancy H Abrahamson [mailto:nancy.abrahamson@cityofmedford.org]
Sent: Thursday, August 22, 2013 3:14 PM
To: Winnie M Shepard; 'Alec M. Schwimmer'; 'Bianca L Petrou'; 'Cheryl A. Adams'; 'David McFadden'; 'Jim E Huber'; 'Kelly Akin'; 'Michael Zarosinski'; 'Norman Fincher'; 'Patrick Miranda'; 'Robert Tull'; 'Suzanne K Myers'; 'Terri Rozzana'; 'Tim Jackle'; 'William Christie'; 'Bob Neathamer'; 'Dick Gordon'; 'Eli G. Matthews'; 'Jeff Bender'; 'Jennifer Jones'; 'Mark Dew'; 'Nan King'; 'Robert J. Seibert'; 'Roy Cooper'; 'Abrahamson, Nancy'; 'Blair, Karen'; 'Cathy deWolfe'; 'Dawna Curler'; 'Diana Marmon'; 'Jeffrey Applen'; 'Kathy Helmer'; 'Melodee Sewell'; 'Scott Henselman'
Subject: DCA-13-083 Routing Memo

Nancy Abrahamson
Administrative Support Tech.
Medford Planning Department

CITY OF MEDFORD
EXHIBIT # C to CC report
File # DCA 13-083

Carla G. Paladino

From: Kathy C Helmer <kathy.helmer@cityofmedford.org>
Sent: Tuesday, August 27, 2013 8:28 AM
To: Carla G. Paladino
Subject: FW: FW: DCA-13-083 Routing Memo

Carla,
An LHPC Commissioner's comments on the DCA.

From: Jeff Applen [mailto:j_applen@charter.net]
Sent: Friday, August 23, 2013 12:31 PM
To: Kathy C Helmer
Subject: Re: FW: DCA-13-083 Routing Memo

Kathy, Sound reasonable. The individual needs to have some vested interest in our community it seems to me, and this covers that.

Jeff

On 8/22/2013 3:49 PM, Kathy C Helmer wrote:

Commissioners,
Attached is a proposed Code Amendment which affects the requirements for whom can be a Commission member in the City of Medford. Please review. If you have any comments, you can send them through me or directly to Carla Paladino in the City Planning Department at Carla.Paladino@cityofmedford.org
Thanks.
Kathy

From: Nancy H Abrahamson [mailto:nancy.abrahamson@cityofmedford.org]
Sent: Thursday, August 22, 2013 3:14 PM
To: Winnie M Shepard; 'Alec M. Schwimmer'; 'Bianca L Petrou'; 'Cheryl A. Adams'; 'David McFadden'; 'Jim E Huber'; 'Kelly Akin'; 'Michael Zarosinski'; 'Norman Fincher'; 'Patrick Miranda'; 'Robert Tull'; 'Suzanne K Myers'; 'Terri Rozzana'; 'Tim Jackle'; 'William Christie'; 'Bob Neathamer'; 'Dick Gordon'; 'Eli G. Matthews'; 'Jeff Bender'; 'Jennifer Jones'; 'Mark Dew'; 'Nan King'; 'Robert J. Seibert'; 'Roy Cooper'; 'Abrahamson, Nancy'; 'Blair, Karen'; 'Cathy deWolfe'; 'Dawna Curler'; 'Diana Marmon'; 'Jeffrey Applen,; 'Kathy Helmer'; 'Melodee Sewell'; 'Scott Henselman'
Subject: DCA-13-083 Routing Memo

Nancy Abrahamson
Administrative Support Tech.
Medford Planning Department

CITY OF MEDFORD
EXHIBIT # D to CC report
File # DCA 13-083

CITY OF MEDFORD
INTEROFFICE MEMORANDUM

TO: Carla Angeli Paladino, Planning Department

DATE August 27, 2013

FROM: Larry Beskow, ^{AB}Engineering Division of Public Works

SUBJECT: DCA-13-083 Commission Residency Requirements

The Public Works Department doesn't have any comments regarding the proposed Code amendments.

dh

Carla G. Paladino

From: Dick W Gordon <dick.gordon@cityofmedford.org>
Sent: Tuesday, September 03, 2013 5:59 PM
To: Carla Paladino
Cc: Jim Huber; Eric P. Swanson
Subject: Fwd: DCA-13-083 Routing Memo

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Carla. I'm responding to the Commission Residency Requirements memo which is a request for comments.

Please see string of emails below.

I would appreciate further review to determine if the word "owner" of a business or real property in determining residence needs defining in the code (2.435); and for the Parking Commission if the words "employee" and "business owner" needs to be clarified (2.446 & 2.447).

I have been involved for several years in appointments to various commissions, committees, boards, etc., and there have been problems occasionally with defining owners and employees.

Is an "owner": a stockholder, silent partner, absentee owner, minority owner (not participating in the business), trustee, member or board member of a lodge, or church, or YMCA, etc.?

Is a business owner for the Parking Commission include a business owner not located in the Central Business District, but provides services or goods to the Central Business District?

Can an "employee" for the Parking Commission be a person who is employed by a business located in the Central Business District, but they do not work in the Central Business District? Would they meet the Parking Commission membership requirements?

Thanks for your consideration. Dg

From Dick Gordon

Begin forwarded message:

From: "John R Hutt1" <john.hutt1@cityofmedford.org>
Date: August 26, 2013, 8:52:38 AM PDT
To: "Jim E Huber" <jim.huber@cityofmedford.org>, "Dick W Gordon" <dick.gordon@cityofmedford.org>
Cc: "Eric P. Swanson" <eric.swanson@cityofmedford.org>
Subject: RE: DCA-13-083 Routing Memo

There is not much in the Land Use arena to address this.

But in the ethics law ORS chapter 244 it defines "business with which the person is associated" as:

CITY OF MEDFORD
EXHIBIT # F to CC report
File # DCA 13-083

(b) Any publicly held corporation in which the person or the person's relative owns or has owned \$100,000 or more in stock or another form of equity interest, stock options or debt instruments at any point in the preceding calendar year;

(d) For public officials required to file a statement of economic interest under ORS 244.050, any business listed as a source of income as required under ORS 244.060 (3).

So one share of Lithia does not create any ethical issues under state ethics law.

My best guess at this point is that it would not create any material conflict under land use law so long as you do not own \$100,000 or more of stock and if you are not required to report the stock holding as a source of income on the annual statement of economic interest.

John

From: Jim E Huber [<mailto:jim.huber@cityofmedford.org>]

Sent: Monday, August 26, 2013 8:13 AM

To: Dick W Gordon

Cc: Eric P. Swanson; John R HuttI

Subject: Re: DCA-13-083 Routing Memo

Dick

those terms are not defined in the Land Development Code. I've included John on this e-mail so perhaps he can answer.

Jim Huber

From: "Dick W Gordon" <dick.gordon@cityofmedford.org>

To: "Jim Huber" <jim.huber@cityofmedford.org>

Cc: "Eric P. Swanson" <eric.swanson@cityofmedford.org>

Sent: Saturday, August 24, 2013 3:45:30 PM

Subject: Fwd: DCA-13-083 Routing Memo

Is there a definition of business owner and land owner?

If I owned one share of Lithia, I would be a business owner and land owner in the Medford UGB?????? Thanks. Dg

From Dick Gordon

Begin forwarded message:

From: Cheryl A Adams <cheryl.adams@cityofmedford.org>

Date: August 22, 2013, 3:30:47 PM PDT

To: michael.zarosinski@cityofmedford.org,
norman.finch@cityofmedford.org, patrick.miranda@cityofmedford.org,
william.christie@cityofmedford.org,

robert.tull@cityofmedford.org, tim.jackle@cityofmedford.org,

david.McFadden@cityofmedford.org, PMIRA@MSN.COM,

martin.lentz@cityofmedford.org, bob.neathamer@cityofmedford.org,

mark.dew@cityofmedford.org, nan.king@cityofmedford.org,

robert.seibert@cityofmedford.org, roy.cooper@cityofmedford.org,

jennifer.jones@cityofmedford.org, eli.matthews@cityofmedford.org, Dick Gordon <dick.gordon@cityofmedford.org>, Jeff Bender <jeff@orwarch.com>, Kevin McConnell <kevin.mcconnell@cityofmedford.org>, "Alec M. Schwimmer" <alec.schwimmer@cityofmedford.org>
Cc: Nancy H Abrahamson <nancy.abrahamson@cityofmedford.org>
Subject: Fwd: DCA-13-083 Routing Memo

Cheryl Adams | Office Administrator Planning Department| City of Medford | 541.774.2398



MINUTES PLANNING COMMISSION STUDY SESSION September 23, 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, David McFadden, Norman Fincher, Robert Tull, Bill Mansfield, Michael Zarosinski and Patrick Miranda.

Staff: Jim Huber, Bianca Petrou, Suzanne Myers, Terri Rozzana, Lori Cooper, John Adam and Carla Paladino.

Guest: Megan LaNier

Subjects:

1. CP-13-032 Proposed GLUP Map Amendment for Internal UGB Study Areas (UGB Amendment Project).
2. DCA-13-083 Proposed Code Amendment for Commissions Residency Requirements.

1. CP-13-032 Proposed GLUP Map Amendment for Internal UGB Areas (UGB Amendment Project).

Jim Huber, Planning Director, reported that there are two items on today's agenda. The first one is a continuation of discussion regarding Internal Urban Growth Boundary Study Areas (ISA's). This item will go to the next study session. Mr. Huber would like the group to spend approximately forty minutes on this agenda item and then go to Item number 2, Proposed Code Amendment for Commissions Residency Requirements. The Commissions are: Planning Commission, Site Plan and Architectural Commission and the Landmarks and Historic Preservation Commission.

Mr. Huber announced that the joint study session scheduled with the Planning Commission and the City Council on Thursday, October 10, 2013, has been canceled. The primary Councilor who was interested in this study session cannot make it that day. There is not a rescheduled date. Chances are it will be an evening study session on a Thursday evening.

Bianca Petrou, Assistant Planning Director, stated that staff has previously discussed with the Planning Commission qualitative criteria for the Internal Study Areas (ISA's). Maps were displayed and this is a precursor to doing the expansion for the urban growth boundary. Today's presentation is some qualitative criteria to use on deciding which vacant or re-developable sites should be considered for increased residential densities. The qualitative criteria presented today do not apply to commercial. The next step is a public hearing. Ms. Petrou encouraged the Planning Commissioners to think about how they want to do the public hearings. Staff thinks it will take at least two public hearings. They debated whether to present just residential at one public hearing and another public hearing to present commercial, but then they thought it might make sense that sometimes the commercial and residential are adjacent to each other. If the Commission decides to expand the residential it may take up some of the commercial area, so maybe it should be presented by areas. Should it be broken up for the east/west side then the north/south side? These are items to keep in mind when the criteria are presented.

John Adam, Planner IV, reported that the Planning Commission has seen the criteria one time before. Mr. Adam distributed maps showing tax lot scores. Today's presentation is the results of mapping the criteria as follows: 1) Parcelization; 2) Proximity to Elementary Schools; 3) Proximity to Grocery Stores; 4) Proximity to Transit Routes; 5) Higher-intensity Land Use Proximity; and 6) Total Average Score.

File # DCA 13-083

Commissioner Tull stated that it is his impression that they are dealing with much fewer sites than he recalls at previous study sessions, this seems awfully sparse. Mr. Adam reported that since this is just the residential it is going to look sparser.

Commissioner McFadden stated that everything is being based on current development. Does there need to be a procedure for input from RVTB regarding expanding bus routes in certain areas? Mr. Adam responded that it is a good idea to get input from RVTB regarding the feasibility of new routes. What does that entail or a written statement with respect to the individual ISA's?

Commissioner Tull asked if there was a way to take in some of the oldest neighborhoods of the City that can reasonably be expected to go through some upgrading transition in the next ten to twenty years? Mr. Adam asked if he was thinking about adding things to the Internal Study Areas? Commissioner Tull reported that neighborhoods with small lot consolidations are likely to take place in the foreseeable future. An example is on East Main Street with the Health Care Center. That used to be several lots of being consolidated into accommodating another facility. Seems to him there are neighborhoods on the west side that he expects to go through some significant transitions in Mr. Adam's lifetime.

Commissioner Mansfield asked Commissioner Tull, transitions into what? Commissioner Tull replied that is part of his question. In a residential area that is not a prime area if someone consolidated an entire block for smaller lots, it would not be unreasonable to think it would be developed for more dense residential development than it is now. If the purpose is to see where to accommodate the sort of population growth that has been originally projected and how much to expect to be accommodated in the present boundaries, it is his opinion that transition neighborhoods are a place that need to be looked at.

Commissioner McFadden stated that is against preserving the older neighborhoods that they do not become commercialized.

Commissioner Tull reported that part of the equation for him is that if the City does invest in some of its older neighborhoods and installs better streets, sidewalks, and a park or two, is that going to contribute to the maintenance of that neighborhood or is that going to contribute to the redevelopment of that neighborhood? Mr. Adam replied that the short answer is that the boat has sailed on that issue about looking at some of these neighborhoods. About three or more years ago maps of the Buildable Land Inventory were brought before the Planning Commission and they reviewed all around the City and those questions came up at that time. The Planning Commission essentially selected the 850 acres.

Commissioner McFadden stated that when he finished reading the staff report, it struck him as a boiler plate analysis, as the Commission gets on a lot of presentations. Staff knows the criteria, is fitting the items to the criteria and therefore can make a logical argument for it. He is going to rely on staff to come back and say where are the critical nexus points, where are the conflict points? Are there other criteria that needs to be added into this somehow so that they get the product they want or is there some decisional factor that he is not seeing that would give the Commission some say in terms of whether it is a good idea for these reasons? Mr. Adam replied that he thinks Commissioner McFadden is looking for something that can be done in drama but not in its' depository rights. Ultimately, it will be a recommendation from the Planning Commission to the City Council. They will have the final decision.

Commissioner Fincher asked if some of the locations would create more controversy than others? He is looking at the two McAndrews locations. The Commission just went through the process in litigation and the final result. He thinks if there is a public hearing and people testifying that group would take one entire night. Has staff taken into consideration the makeup of the neighborhoods around the ISA's and the level of anxiety created by it? Mr. Adam responded that staff looked at areas worth analyzing. Commissioner Fincher stated that he understands the political but didn't the City basically say they would not have more density in that area when they made the swap and arrangement? It would be like

we are almost changing the argument from before. Mr. Huber stated that this has been delayed for four or five months already and partly why that occurred was that staff wanted the City Council to see what staff was thinking. Staff was very forthright about saying this will generate a lot of controversy. In fact, they pointed out the "hot spots" and one is the Cherry Creek property. Staff took this to the City Council two times and walked them through it and made them aware that this will be a problem if Council Chambers are full of people who are against this is problematic to them. This is what they are getting into. City Council finally agreed to it. How that can be turned into a criterion is to just say neighborhood opposition is yea or nay. That was discussed and concluded that on everyone they will not be in favor.

Commissioner Mansfield asked Mr. Adam what was the purpose of the faux ISA? Chair Jackle stated that the Commission asked Mr. Adam to do a faux ISA.

Commissioner Mansfield asked Mr. Adam what was the Commission supposed to be deciding? Mr. Adam replied that the reason is that last time there was a question as to how do we get from these screening criteria to the findings? So he wanted to give an example where somebody could deconstruct and be able to visualize it. What staff is asking for today is, comments on the screening criteria? Could they be tightened up? Are there any changes they can make? There can be another study session scheduled on this or solicit more feedback if the Commission has had time to think about it. Mr. Adam perceives that maybe they don't and move forward to public hearings.

Chair Jackle asked if there was a question regarding topographical concerns? Mr. Adam stated that did come up but those areas were screened out with the exception on Coker Butte.

Commissioner Mansfield commented that on the question of density, he believes the entire Commission is committed to the idea of greater density. He certainly is. Is there anyone contesting it or policy views in opposition to that from City Council? Mr. Huber replied that there is concern of compatibility between higher density residential development and existing single family detached homes. City Council wants staff to look at some design standards for higher density developments to address compatibility.

Commissioner Tull stated, "Let's put it back in its larger context". The City has, in fact, committed itself by participating in the Regional Planning process and working things out with the State that we will over the next decade or two become a more densely populated City. We will do that with the intention of expanding the City no more than is necessary to accommodate the projected population. We are committed to being a more densely compacted City residentially. How that happens, how soon and where it happens is part of what we are dealing with here. He thinks it is quite proper for the Commission to rationalize this process as much as possible. Mr. Adam has been working on that and doing a good job.

Chair Jackle asked if the Housing Element increases density that much over historic densities? Mr. Huber replied that it is incremental. Suzanne Myers, Principal Planner stated that there was an increase between 1996 and 2009. Historic density overall went from 4 to 5 in twenty years. Mr. Adam replied that the projection in the Housing Element is 6.5. The 2010 to 2035 commitment to dwelling units per gross acre is 6.6 in the Regional Plan.

It was the consensus of the Commission to move forward to public hearings.

2. DCA-13-083 Proposed Code Amendment for Commissions Residency Requirements

Suzanne Myers, Principal Planner, reported that Carla Paladino is prepared to tell the Commission why staff is doing the proposed code amendment for Commissions Residency Requirements and what it will do. This is a direction from City Council. If the Commission is satisfied with the proposal it will be presented at their October 10, 2013 public hearing.

Carla Paladino, Planner III, reported that in January of 2013 City Council reviewed all the Boards and Commissions and wanted to update residency requirements for those appointed. The text now states

that the person applying shall live in the City. City Council wanted to update that and expand it so there are more options for people who owned property or a business in the city limits of Medford. This is procedural requirements for the Planning Commission, Site Plan and Architectural Commission and the Landmarks and Historic Preservation Commission. The proposed code would include physical residency within the City and the Urban Growth Boundary, owner of 50% or more of a business in the City and the Urban Growth Boundary and an owner of real property within the City and Urban Growth Boundary. In addition to that, to reformat the section to identify ORS language to the Planning Commission, membership sections are uniform and format is easier to read. This is scheduled for the Thursday, October 10, 2013, Planning Commission public hearing.

Commissioner McFadden asked if these criteria were being applied for City Council? Lori Cooper, Deputy City Attorney, replied "no". Appointments to City Council is in the City's Charter.

Chair Jackle commented that he does not see why they wanted to expand. Mr. Huber replied that they were not getting enough applicants.

Commissioner Miranda stated that it is his understanding that there is quite a bit of property in Medford that is owned by out-of-state corporations. Would they be included or excluded? Ms. Paladino replied she thought they would be included.

Mr. Huber reported that one of the most common questions during the interview is to talk about the requirements of the position and can the applicant meet those requirements.

Commissioner Mansfield stated that he is concerned with out-of-state corporations running our City. He will vote against anything that contains that.

Chair Jackle thanked Ms. Paladino for her presentation. What staff was tasked to write was well written. The Commissioners may vote no because they do not like what staff was requested to change. It has nothing to do with the text the Commissioners received.

Ms. Paladino asked if that was specifically for the business owner section? Chair Jackle responded that he liked the part regarding a quorum. He thinks there is a problem of not enough people applying for the Planning Commission and City Council is hoping this solves the problem but there is no way this is going to.

Commissioner Mansfield asked if there was statutory material that deals with the Planning Commission; are they instructive on any of this? Ms. Cooper replied not really. It does limit how many real estate professionals can be on the Commission. It does not say anything about residency.

Commissioner Tull stated that this is setting it up so that someone living in the City of Ashland who owns a business in downtown Medford can be appointed to the Planning Commission. He does not understand the point about business interests. The point that he finds that makes sense to him is people who are residents of the City and/or a resident in the Urban Growth Boundary.

Chair Jackle stated that the Planning Commission seems to be comfortable for this to be brought forward to a Planning Commission public hearing and they will move it forward one way or another. Ms. Paladino stated that it is scheduled for the Planning Commission public hearing on Thursday, October 10, 2013.

Ms. Myers reported that Chapter 2 language does not talk about 50% of a business but staff had to come up with something that defined a business owner. The 50% ownership of a business was just a number staff put in defining a business owner.

Commissioner Mansfield commented that the Planning Commission is against any part of qualifying by virtue of owning a business.

Commissioner Miranda stated that he does not care for the business portion at all. It gives potential control to somebody who does not have actual interest in the City of Medford other than the fact that they own property.

Ms. Cooper asked about no more than two members shall be engaged in the same kind of occupation, business, trade or profession. That is not a state law. Is it something staff is adding? Ms. Paladino reported that it is right out of the state statute.

Commissioner Tull stated that he picked up some reservations from Chair Jackle as to whether this is really an appropriate way to address the problem of having too few people interested in involving themselves personally in the business of the City. He also has that reservation. It seems to him that if they are having that kind of difficulty in finding people ready to work in the City's structure, then they need to look at the City and what they are offering people as opportunities to be of service and involve themselves. Maybe they are not doing a very good job of presenting opportunities for effective civic involvement.

The meeting was adjourned at 1:17 p.m.



Submitted by:

Terri L. Rozzana, Recording Secretary



MINUTES
Planning Commission Meeting
October 10, 2013

The regular meeting of the Medford Planning Commission was called to order at 5:38 p.m. in the Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Michael Zarosinski, Chair
Robert Tull, Vice Chair
Bill Christie
Norman Fincher
Bill Mansfield
David McFadden
Patrick Miranda
Alec Schwimmer

Staff

Bianca Petrou, Assistant Planning Director
Suzanne Myers, Principal Planner
Kelly Akin, Principal Planner
Lori Cooper, Deputy City Attorney
Terri Rozzana, Recording Secretary
Carla Paladino, Planner III

10. Roll Call

- 10.1 Vice Chair Tull stated that the first order of business the Planning Commission needs to designate one of the Commissioners to be the new Chairman of the Commission. He has the highest regard for Tim Jackle and his years of service as a Planning Commissioner and as Chairman of this Commission. The Commission needs to designate a new Chairperson. Vice Chair Tull declared it opened for nominations.

Commissioner Christie nominated Commissioner Zarosinski for Chair. Commissioner Miranda seconded the motion

Voice Vote: Motion passed 8-0

20. Consent Calendar/Written Communications.

- 20.1 **LDS-13-067** Final Order for a request for tentative plat approval of Anjou View Subdivision, 19-lot residential subdivision on 3.57 acres located at 1730 Thomas Road, approximately 591 feet north of Sunset Drive, within an SFR-6 (Single Family Residential – 6 dwelling units per gross acre) zoning district. Neuman Properties & Development (Applicant); Scott Sinner Consulting, Inc. (Agent).
- 20.2 **LDS-13-066** Final Order for a request for tentative plat approval of Cherry Meadows Subdivision, a 32-lot residential subdivision on 5.01 acres, located on the west side of Cherry Street approximately 400 feet north of Stewart Avenue within the SFR-10 (Single Family Residential – 10 units per acre) zoning district. David Patterson (Applicant); Nations Enterprises, LLC (Owner).
- 20.3 **LDP-13-071** Final Order for a request for tentative plat approval of a 3 lot partition on 1.36 acres extending between Sunset Avenue and Willow Brook Drive approximately 810 feet west of Orchard Home Drive within the SFR-6 (Single Family Residential – 6 units per acre) zoning district. Linda M. Bevard (Owner); Stephen M. Terry, Land Use Consultant (Agent).
- 20.4 **LDS-11-073** Consideration of a request for a time extension of the tentative plat for Marsha Meadows Subdivision, a 16-lot residential subdivision on two parcels totaling 2.45 acres

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EXHIBIT # H to CC report

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located on the north side of Sweet Road, approximately 232 feet east of North Ross Lane within a SFR-10 (Single-Family Residential – 10 units per acre) zoning district. Edward Fleming, Applicant.

Motion: Adopt the consent calendar.

Moved by: Commissioner McFadden Seconded by: Commissioner Fincher

Voice Vote: Motion passed, 8-0.

30. Minutes. None.

40. Oral and Written Requests and Communications.

40.1 Chris Hill, 1630 Spring Street, Medford, Oregon 97504. Ms. Hill spoke to the Commission about a City Code concerning the revision or termination of a Planned Unit Development (PUD). Section (B)(1) of Medford City Code 10.245 states: "Termination of a PUD shall not affect other land use actions taken by the City which concern the PUD property." This has been interpreted to mean that a zoning change associated with a PUD survives the termination of a PUD. Ms. Hill is requesting, as members of the Medford City Planning Commission, to begin the process of revising this section. Specifically, she is asking that if a PUD is terminated (when substantial development has not occurred) that the zoning be returned to its designation prior to the PUD. A PUD is a process of permitting development that does not strictly meet City Code in one or more areas. When the public becomes involved in supporting or opposing a PUD, they view the proposed development as a "package deal". Allowing a zoning change to survive a failed PUD is not giving the public opportunity for involvement in land use decisions. City and State laws require public input in land use decisions. Because a PUD allows exceptions to City Codes, a zoning change in a PUD could not meet Code; as part of a package deal this might be acceptable to the community. However, the same zoning change unassociated with a PUD might not be publically acceptable. The issue of zoning changes surviving PUDs deserves public review and reconsideration. With challenging economic times PUD failures may become more common. She looks forward to hearing from the Planning Commission regarding changing City Code 10.245 (B)(1) to specifically state that zoning changes associated with a PUD does not survive a failed PUD. Ms. Hill's written testimony submitted and entered into the record.

Chair Zarosinski stated that staff will review Ms. Hill's request.

Chair Zarosinski reported that not expecting any testimony, Lori Cooper, Deputy City Attorney, will not read the Quasi-Judicial Statement.

50. Public Hearing.

Continuance Request

50.1 **PUD-13-068/LDS-13-069** Consideration of a request for a revision to Spring Meadows Planned Unit Development and for tentative plat of phases 4 and 5, which includes 66 residential lots. The revision request includes changing La Conner Drive from a minor residential street to a residential lane, the reduction of one lot, and a request to remove a condition related to the reconstruction of the existing portion of Lucky Lane. The project is located on parcels totaling 15.73 acres and located west of the terminus of Archer Drive, and east of the terminus of Lucky Lane and Broadview Avenue, approximately 600 feet north of South Stage Road within a SFR-6/PD (Single Family Residential - 6 units per

acre/Planned Development) zoning district. Southwest Medford LLC (Applicant); CSA Planning, Ltd (Agent).

Chair Zarosinski stated that the applicant's agent is requesting to continue this item to the October 24, 2013, Planning Commission meeting.

Commissioner Mansfield asked Chair Zarosinski if it would be possible to save time by simply moving at this time that both matters be postponed to the requested dated?

Ms. Cooper reported that it would behoove the Commission to take them separately so that each item is separately called out and the public knows.

Motion: Continue PUD-03-068/LDS-13-069, as per the applicants request, to the October 24, 2013 Planning Commission meeting.

Moved by: Commissioner Mansfield Seconded by: Commissioner Miranda

Voice Vote: Motion passed, 8-0.

- 50.2 **ZC-13-065** Consideration of a request to add the EA (Exclusive Agriculture) zoning overlay on a 1.84 acre parcel located on the south side of Cherry Lane, approximately 180 feet east of Lone Oak Drive and at the southerly terminus of Mary Bee Lane, within the SFR-00/SE (Single Family Residential, one dwelling unit per parcel/Southeast Plan Overlay) zoning district. Adam and Regina Davis (Applicants).

Chair Zarosinski, stated that the applicant's agent is requesting to continue this item to the October 24, 2013, Planning Commission meeting.

Motion: Continue ZC-13-065, as per the applicants request, to the October 24, 2013 Planning Commission meeting.

Moved by: Commissioner Mansfield Seconded by: Commissioner Tull

Voice Vote: Motion passed, 6-0-2 with Commissioner Zarosinski and Commissioner Fincher abstaining.

New Business

- 50.3 **DCA-13-083** Consideration of a Class A – Land Development Code Amendment proposal to amend the Land Development Code Chapter 10, Article II related to residency requirements for applicants appointed to the Planning Commission, Site Plan and Architectural Commission, and the Landmarks and Historic Preservation Commission consistent with Ordinance No. 2013-003. City of Medford, (Applicant).

Carla Paladino, Planner III, read the Class 'A' amendment criteria and gave a staff report. Ms. Paladino suggested possible changes for consideration: 1) Remove criteria related to business owner and real property owner; and 2) Insert a cap on the number of Commissioners selected who live outside the city limits. Ms. Paladino pointed out that the study session minutes of September 23, 2013, in the agenda packet were draft minutes. Placed at the Commissioners places are the complete study session minutes that will replace Exhibit G.

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

Commissioner McFadden stated that he suspects staff's recommendation of possible changes for consideration was based on the Commission's previous study session. It boils down to appointments by the City Council however it is opened to a number of various people. He does not know if he has strong feelings one way or another as long as he relies on that. It seems to him this is being proposed because at times it is difficult to find people to serve on various Commissions. With all the contacts that the City Council has with the community it seems to him that it would not be such a difficult task. It is up to City Council to solve the problem. He is not sure making the Code changes will make a difference. He urges the City Council to look at the way they solicit people and the way they take personal responsibility for being a City Councilor in terms of this action.

Commissioner Mansfield reported that he understood from the Commission's previous study session that the consensus of most of the Commissioners was that they had no problem with the inclusion of people that lived in the urban growth boundary as being subject candidates for these positions but the Commission was opposed to opening it up to persons who own a parcel of property or owned a part of a business. Maybe he misunderstood or opinions have changed but his opinion remains the same. He has no problem opening it up to residents of the urban growth boundary. He does have a problem with qualifying persons simply because they own a parcel of real property in the City or own a piece of a business. That would open it up to people living out of the state or country. There is a philosophic problem with that in his mind and there is also a practical problem; it is going to reduce the number of people that are able to attend the meetings. He appreciates Commissioner McFadden's comment that it requires some intelligent application by the City Council. He believes the initial recommendation comes from the Planning Commission.

Chair Zarosinski commented that he agrees that was the sentiment at the study session.

Commissioner Tull stated that he thinks the Commission needs to consider the responsibility of those Commissions that are the focal point of this proposal. He greatly appreciates the effort being made by those who are on the Parks and Recreation Commission, Arts Commission, so on and so forth. The Planning Commission deals with land use issues not aesthetic issues. It makes decisions that are long lasting in terms of the shape and size of this City. It has a different kind of responsibility; a quasi-judicial responsibility that he does not think characterizes most of the Committees and Commissions to which this kind of criteria change might apply. The Site Plan and Architectural Commission has a different kind of responsibility than the Arts Commission. It is generically different in terms of how we conduct the business of the City. He recalls as well as Commissioner Mansfield that the Commission had some serious qualms in their study session about the issues raised by this proposal. A little sympathy expressed toward the dilemma that the City Council is faced with. He is not comfortable with the idea that they seat upon the Planning Commission, Site Plan and Architectural Commission or the Landmarks and Historic Preservation Commission people who are qualified to be there because they own property in the City. All the Commissioners are there because they all live here; a resident commitment that they have made. He is proud to be of service to the City in this way. If he lived in Colorado and owned an apartment here in Medford as an investment property he does not think he would have the same sense of this being his community and his City and the future here being something that is important to him personally. There was a suggestion in the staff report that if the Commission, as they propose this to the City Council, propose that no more than, whatever number of persons, be admitted to these Commissions based on these criteria; that only one person qualifies simply because they own a piece of property or are a part owner of a business here in the

community. If the Commission stated you cannot have more than two realtors or any profession then there is certainly a precedent for the Commission to state that no more than one or two people who qualify based on these criteria would be appointed to the Commission. He has less reservation about approaching the issue that way. He still does not feel comfortable with the notion that the pool of applicants that the City Council can consider are those who are property owners here no matter where they live or who have part ownership in a business. He really has some qualms about this. He thinks the Commission needs to think differently about membership on those Commissions that conduct business for the City on a quasi-judicial basis.

Commissioner Fincher stated that the City Council is an elected body and the Planning Commission gives them their endorsement to make decisions. They will have the foresight and thought process to make sure that it is someone who qualifies and has their best interest at heart for the City. He has no doubt that somebody from Colorado would not be appointed because it is a large time commitment. He has no problem if City Council was asking for a broader opportunity and number of people they can select from because they did an effective job of choosing the Planning Commissioners. Stating that a business owner or property owner has less interest than a citizen is a proper representation because their property is affected by decisions the Planning Commission makes. A business owner's business is affected by decisions made by the Planning Commission. To think they would only be operating in their own best desire he does not think would drive them to apply for that position.

The public hearing was closed.

Motion: Staff be instructed to prepare a new draft removing the criteria related to business owner and real property owner, leaving in the criteria that persons residing in the urban growth boundary may qualify.

Moved by: Commissioner Mansfield Seconded by: Commissioner Tull

Commissioner McFadden stated that he is wondering if Commissioner Mansfield meant by his motion to bring this back to the Planning Commission for subsequent votes by changing the language or whether the Planning Commission is sending this recommendation to City Council to include people within the urban growth boundary and not the other two categories.

Commissioner Mansfield replied the former.

Chair Zarosinski asked Commissioner Mansfield if his intentions were to move this forward tonight? Commissioner Mansfield stated that his intentions was to instruct staff to redraft the proposed legislation. He appreciates that the other way that Commissioner McFadden stated is a legitimate way also but that was not intended by his motion.

Commissioner Christie asked that the Planning Commission was not forwarding this to City Council tonight? Commissioner Mansfield replied that is the rest of his motion.

Commissioner Schwimmer stated that Counsel was present but he believes the proper procedure would be that the motion before the Commission is that they would not be modifying the amendment as presented, the Commission would have to vote on the motion as it is and not approve the motion, then ask staff to present a revised motion to vote on. He does not think the Commission can propose a new motion on their own.

Ms. Cooper replied that the Commission can do it either way. Typically what the Planning Commission has done is either recommend or not recommend that the City Council adopt the proposed ordinance or the Planning Commission can also say they recommend adoption with the following amended language. The amendment that Commissioner Mansfield is suggesting is not that difficult. She believes staff will probably be able to write that up and forward it to the City Council. She deferred it to staff to comment.

Commissioner Mansfield stated that the front of his motion was not to forward it to City Council at this point. He would like to see the new draft, read it for himself and determine whether he agrees with it. That is why he made the motion in the form that he did so that it could be redrafted and at a following meeting the Planning Commission can review it and then vote it up or down.

Commissioner Miranda commented that he is fairly confident that the City Council is competent enough to make the necessary decisions based on whatever staff presents them with.

Commissioner Fincher contended how is someone in the urban growth boundary, which would remain in the proposal, more suited for this position than someone who owns property within the boundaries or does business as a business owner within the City? He would contend that if the Planning Commission is going to remove the first two then they should also remove the urban growth boundary. He does not know that designation makes any more sense.

Chair Zarosinski stated that his feelings regarding physical residency is that there is a different type of commitment to the community. He believes that is sort of the thought process as far as leaving that in.

Commissioner McFadden asked staff if there was any reason why this proposal has to move forward tonight? Is there any urgency in moving it forward?

Ms. Paladino reported that there was no urgency to move it forward this evening. If the Commission would feel more comfortable having it being redrafted and sent back to the Commission, that is fine.

Commissioner Tull stated that in as much as staff has brought this to the Commission quite aware that there might be some alternative perspective on this and the Commission has discussed it at length in a study session and here tonight and can continue to, he does not see a need to postpone a decision on the substance of the proposal. He thinks they need to find out whether it is the majority judgment of the Commission that they delete from their recommendation to the City Council the criteria regarding a non-resident business owner and a non-resident real property owner. The Planning Commission needs to make the decision whether the Commission is accepting those criteria or not as the Commission sends the matter forward to the City Council. He thinks the Commission can decide that tonight. Having decided that perhaps the Commission would want to amend their recommendation in some way to allow consideration of a cap on a number of people who might be considered or appointed. That seems to him to be a different issue.

Commissioner McFadden reported that Commissioner Tull makes a valid point. He thinks Commissioner Tull should make it either a friendly amendment to add it to the current motion or not the entire package. Or maybe by making the friendly amendment a

Commissioner states that it is not a friendly amendment and the Commission takes a vote on whether or not to add a numbers requirement up front before going back to Commissioner Mansfield's motion.

Commissioner Tull asked if Commissioner Mansfield wanted to continue his motion which instructs staff to work on this some more before bringing it back to the Commission.

Commissioner Mansfield stated that his choice is to have it redrafted by staff and look at it again. If the majority of the Commission wishes not to do that but instead to forward the recommendation this evening then the Commission should vote no and get a new motion.

Chair Zarosinski reiterated Commissioner Mansfield's motion to not forward any recommendation at this time and have staff redraft language to exclude non-resident business and property owners and add people who physically reside in the urban growth boundary. This will be presented to the Planning Commission at a later date.

Roll Call Vote: Motion is denied, 2-6, with Commissioner Fincher, Commissioner McFadden, Commissioner Miranda, Commissioner Schwimmer, Commissioner Tull and Chair Zarosinski voting no.

Motion: Forward to the City Council the recommendation as posted with the exception that it be limited to two positions to fall under the new criteria.

Moved by: Commissioner Fincher Seconded by: Commissioner Miranda

Commissioner Mansfield stated just to understand the substance of the motion, it is to procedurally advance the recommendation as of tonight and substantively include property and business owners of a certain percentage as being qualified. Commissioner Fincher replied and limit that to no more than two positions. Commissioner McFadden added and urban growth boundary people as well. Commissioner Fincher replied that is correct as stated.

Roll Call Vote: Motion tied and fails, 4-4, with Commissioner Christie, Commissioner Mansfield, Commissioner McFadden and Commissioner Tull voting no.

Motion: The Planning Commission forward to the City Council a recommendation that the legislation be amended to include residents of the urban growth boundary as being qualified to sit on these Commissions. The recommendation would be to not permit business owners or property owners as such and would not make any changes about caps.

Moved by: Commissioner Mansfield Seconded by: Commissioner Tull

Commissioner Tull stated that he understands that Commissioner Mansfield's intentions are that the Commission send a recommendation forward to the City Council amending the City ordinance so that persons who are residents in the City and in the urban growth boundary can be considered eligible for appointment into the specific Commissions. Commissioner Mansfield replied, "bingo".

Commissioner Miranda commented that Commissioner Mansfield had indicated no cap. Commissioner Mansfield replied that he intentionally left out the cap.

Commissioner McFadden made a friendly amendment: That the Planning Commission amend the previous motion to say that no more than two members of the Commission at any one time shall be residents within the urban growth boundary.

Commissioner Christie replied that he agreed.

Commissioner Mansfield stated that he accepts the friendly amendment as the maker of the motion.

There were no objections to the friendly amendment.

Chair Zarosinski reiterated the motion that the Planning Commission forward a favorable recommendation for adoption to the City Council per the staff report dated September 30, 2013, including Exhibits A through G, without allowance for non-resident business or property owners and limiting the number of urban growth boundary residents to two on the Commission at any given time.

Roll Call Vote: Motion passed, 6-2, with Commissioner Fincher and Commissioner Schwimmer voting no.

60. Report of the Site Plan and Architectural Commission.

60.1 Commissioner Miranda reported that the Site Plan and Architectural Commission has not met since the last time the Planning Commission met.

70. Report of the Joint Transportation Subcommittee.

70.1 Commissioner Christie reported that the Joint Transportation Subcommittee has not had an agenda for many months.

80. Report of the Planning Department.

80.1 Kelly Akin, Principal Planner, congratulated Chair Zarosinski as being the new Chair for the Planning Commission.

Mr. Jackle was appointed as a City Councilor. He will be missed tremendously. He served on the Planning Commission since 2002. He was a three term member.

The Mayor at last week's City Council meeting read a proclamation for October being National Community Planning Month. Next Thursday the Planning Department will have a presence at the Grower's Market at the Armory on October 17, 2013. Also, on October 17, 2013, City Council is going to hear an appeal of a Site Plan and Architectural Commission decision. It is related to a project on Center Drive near Wal-Mart and Rogue Federal Credit Union regarding accesses.

The Planning Commission study session scheduled for Monday, October 14, 2013, has been canceled.

The Planning Commission has business scheduled for Thursday, October 24, 2013 and Thursday, November 14, 2013. As we come into the holiday season there is one meeting both in November and December. Typically those agendas are quite heavy.

Ms. Akin has stated on several different occasions that the Vista Point project was to be heard on October 24, 2013, and that was their drop dead deadline. She did a little math error and it is actually scheduled for November 14, 2013. She reported this because she

knows that a lot of the community is watching and she wants to make sure if they do not receive notice that is the reason why.

The November 28, 2013 Planning Commission meeting is canceled due to Thanksgiving.

Commissioner Tull asked if staff has any suggestions as to how this Commission might appropriately express their appreciation to Mr. Jackle and wish him well on the City Council. Is there an occasion when the Commission can do that or do they do it by letter or what? Ms. Akin replied that staff could prepare a letter if the Commission desires. Staff prepared a certificate for Mr. Jackle and delivered it today. Staff can prepare something for all the Commissioners to sign if they choose. Commissioner Tull stated that he thinks there needs to be a resolution from this Commission expressing its appreciation on their high regard and their best wisher for his new position responsibility. If Ms. Akin would be so kind as to draft something in that vein and bring it to the Commission so that they may all sign it. Ms. Akin replied certainly she will do that.

90. Messages and Papers from Chair of Planning Commission.

Chair Zarosinski stated that he will miss Tim Jackle most of all because now look at him. He will do the best he can as Chair. He would appreciate everyone's sense of humor and correction as needed, so please do not hesitate.

100. Remarks from the City Attorney.

100.1 Ms. Cooper welcomed Chair Zarosinski to his new position.

110. Propositions and Remarks from the Commission. None.

110.1 Commissioner Tull stated that he appreciates the support that Ms. Cooper provided this evening as the Commission made the transition.

Commissioner McFadden stated this is highly unusual and completely out of order probably and he should have thought about it earlier but Ms. Hill earlier gave a presentation and she is still in the audience. Would the Commission mind if he asked her to come forward so that he could address a question to her that he did not get to ask earlier. It was under oral communication so it should not be a problem. Chair Zarosinski replied certainly.

40.1 Taken out of Order

Commissioner McFadden stated that he appreciated Ms. Hill's thoughtful presentation of an issue to the Planning Commission. It has been an issue several of the Commissioners have had questions about themselves. The one point that sticks with him is her comment about substantial development. Does she have any feeling in terms of what she feels the limit of that might be as a definition as the Commission moves forward looking at this? Ms. Hill replied actually no she really does not. She thinks in some cases when there is zero development then it is clear cut. The City Attorney can probably answer this best but she imagines someplace substantial and some precedent case has been somewhat delineated. If you put in some minor streets, is that substantial development? She does not know and thinks it is case by case. Nothing else, she thinks it is in the Code now and does not know that the City previously has defined it in some way.

Ms. Cooper replied that she believes Ms. Hill is correct that it would be case by case. They have to look at the Code and may have defined substantial or have interpreted it with Site Plan and Architectural Commission applications and at the state law level and LUBA cases. These administrative bodies make the determination whether one was vested or not. Those parameters would need to be reviewed to figure that out.

Commissioner Mansfield stated he presumed that staff is aware that the Planning Commission consider this to be of sufficient interest that they will prepare a report for the Commissioners regarding Ms. Hill's recommendation and letting the Commission know what they think about it. He is trying to say that all the Commissioners think this is important enough and has sufficient merit to warrant further study.


Ms. Akin stated that procedurally staff could report what they think to the Commissioners. The Commission has the ability to initiate a text amendment if that is the Commission's desire. Ms. Akin recommended not initiating a text amendment at this time since the Commission does not have anything in front of them.

Commissioner Mansfield reported that he is not asking for that. He is simply requesting staff to study it further and report it to the Planning Commission. Ms. Akin commented yes.

120. Adjournment.

The meeting was adjourned at 6:45 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:


Terri L. Rozzana
Recording Secretary


Michael Zarosinski
Planning Commission Chair

Approved: October 24, 2013