



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/19/2013

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 012-12

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, April 02, 2013

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

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

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

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

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

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	MAR 14 2013
	LAND CONSERVATION AND DEVELOPMENT For Office Use Only

Jurisdiction: **City of Medford**Local file number: **DCA-12-088**Date of Adoption: **2/21/2013**Date Mailed: **3-8-13**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 12/7/12☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☒ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

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

Consideration of a proposed Class "A" legislative amendment of the Medford Municipal Code repealing Sections 8.205 and 8.260 pertaining to arcades and game machines, and repealing Sections 10.160, 10.762, 10.765, 10.766, 10.769, 10.770, 10.771, 10.818, 10.834 and 10.840, and amending Sections 10.012, 10.161, 10.337, 10.768, and 10.780 pertaining to various topics, including arcades, conflict of interest, drive-in theaters, air pollution, fire hazards, landscaping, and food vendors.

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

Based on comments received from Medford Fire Department we did not repeal Section 10.767, nor 10.768 (only last sentence was repealed). Also removed reference to a non-existent "Recommended Plant Material" document in Section 10.780.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

DCLD File No. 012-12 (19623) [17338]

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. _____

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

Medford Fire Department, Department of Environmental Quality - Medford Office

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

Phone: (541) 774-2380 Extension: 2397

Address: 200 S. Ivy Street, 2nd Floor

Fax Number: 541-774-2564

City: Medford

Zip: 97501-

E-mail Address:

praline.mccormack@cityofmedford.org

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

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

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

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

MINUTES OF THE MEDFORD CITY COUNCIL MEETING

February 21, 2013

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

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

Councilmember John Michaels was absent.

City Manager Eric Swanson; Deputy City Manager Bill Hoke; City Attorney John Huttli; City Recorder Glenda Wilson.

Employee Recognition

Employees from the Human Resources, Planning, Police, Fire and Public Works were honored for their years of service.

New Employees

Michelle McClenny, Financial Support Technician in the Finance Department was introduced.

Employee of the Quarter

Dennis Hart, Public Works Department was recognized as the Employee of the Quarter.

20. Approval or correction of the minutes of the February 7, 2013, regular meeting

There being no corrections or additions the minutes were approved as presented

30. Oral requests and communications from the audience

30.1 Energy Trust of Oregon Presentation

Cory Crebbin, Public Works Director introduced Thad Roth from the Energy Trust of Oregon. Mr. Roth addressed the Council and provided the background on the award of \$450,000 to the City for the completed in upgrades at the Water Reclamation Facility.

30.2 Brent Barry, President of the Alba Sister City Association addressed the Council and provided an update on activities to raise awareness of the Sister City program. He spoke to the "Taste of Alba" event that the Committee is planning for June 1, 2013 to be held at Vogel Plaza. The Association is requesting that the Council considered funding of this event as a Special Event.

30.3 Lynette O'Neal, Assistant to the City Manager addressed the Council and provided an update on the Chamber Leadership program. She reported that the Leadership group has identified this year's project which is to build a covered patio area and storage facility for equipment for the Hearts with a Mission organization. She noted that the project includes the development of a brick walkway that will notate donations made to the project.

30.4 Mark Milner, representing the Parking Commission addressed the Council and presented several issues for Council consideration. He spoke to the membership of the Commission and requested that the Council modify the Code to allow another "at-large" designation.

Motion: Direct staff to bring forward a code amendment as recommended by the Parking Commission pertaining to commission membership.

Moved by: Chris Corcoran

Seconded by: Eli Matthews

Roll Call: Councilmembers Chris Corcoran, Eli Matthews, Dick Gordon, Karen Blair, Daniel Bunn, Al Densmore and Bob Strosser voting yes.

Motion carried and so ordered.

Mr. Milner then addressed the Council regarding changing the time limits on Central Avenue between Eighth and Tenth Streets and on Ninth Street from Front Street to Riverside Avenue from one hour to two hours with Pay by Phone. Mr. Milner noted that the Commission has spoken to all the abutting business owners who unanimously agreed to this change.

Councilmembers questioned the need for additional signage and Lynette O'Neal, Assistant to the Deputy City Manager noted that there will be some additional signage required but that the new signs will be added primarily to existing poles. Ms. O'Neal noted that this change will make the rate similar to the rate for parking in Lots A and B which abut these streets.

Motion: Direct staff to move forward with the Parking Commission recommendation for two hour parking on Central Avenue from Eighth Street to Tenth Street and on Ninth Street from Front Street to Riverside Avenue.

Moved by: Al Densmore Seconded by: Chris Corcoran

Roll Call: Councilmembers Al Densmore, Chris Corcoran, Eli Matthews, Bob Strosser, Daniel Bunn, Karen Blair and Dick Gordon voting yes.

Motion carried and so ordered.

- 30.5 Seth King, Perkins Coie, LLP representing the Housing Authority of Jackson County addressed the Council regarding Agenda Item 60.3. He spoke to the agreement that is presented for adoption and that the Housing Authority is in support of the agreement. The Housing Authority encourages the Council to adopt the agreement. He spoke to the voluntary contribution by the Housing Authority that was increased based on the previous Council meeting.

Councilmember Gordon questioned what evidence can be considered in this issue. City Attorney John Huttli noted that this is a legislative matter and not subject to laws regarding the record or land use.

- 30.6 Dave and Mira Frohnmayer, 545 Spyglass Drive, Eugene addressed the Council and requested support of the Council for the agreement presented in Agenda Item 60.3.

- 30.7 Ron Norris, 1975 Bianca Court, Medford addressed the Council regarding the Cherry Creek issue. He spoke to the incompatibility of the Cherry Creek project and that the Housing Authority has unlimited funds to continue to fight this project. He feels that the neighborhood is being forced to accept this agreement as they are unable to continue to fight this issue. He spoke to the City's planning documents and establishment of codes that are in favor of special interests. He spoke to the need to assist and support neighborhood associations to bring forward and protect their unique natures.

- 30.8 Greg Jones, 2340 Greenbrook Dr., Medford addressed the Council and requested Council support and adoption of Agenda Item 60.3.

- 30.9 Mark Milner, addressed the council regarding Agenda Item 60.3 and expressed concerns about the impact on the downtown with the development of the proposed Housing Authority project at the 6th Street property. He is concerned about the impact this will have on parking for the downtown.

40. Consent calendar

- 40.1 COUNCIL BILL 2013-26 A resolution authorizing the transfer of \$7,500 from the City Manager Material & Services Account to the Parks & Recreation Material & Services Account for the banner program.
- 40.2 COUNCIL BILL 2013-27 An ordinance authorizing execution of an Intergovernmental Agreement with Rogue Community College to provide counseling and training for small business owners.
- 40.3 COUNCIL BILL 2013-28 An ordinance authorizing a Revocable Right-of-Way Permit to the property owner of 2503 Hillcrest Road to construct a new water service.
- 40.4 COUNCIL BILL 2013-29 An ordinance authorizing exemption from competitive bidding and authorizing purchase in the amount of \$122,766 to Ovivo USA, LLC, for the overhaul of the filter mechanism at the Regional Water Reclamation Facility.

Motion: Adopt the consent calendar.

Moved by: Al Densmore

Seconded by: Eli Matthews

Roll Call: Councilmember Al Densmore, Eli Matthews, Chris Corcoran, Dick Gordon, Karen Blair, Daniel Bunn and Bob Strosser.

Motion carried and the following council bills were duly adopted: 2013-26, 2013-27, 2013-28 and 2013-29.

50. Items removed from consent calendar

60. Ordinances and resolutions

60.1 SECOND READING COUNCIL BILL 2013-19 An ordinance authorizing execution of an Agreement between the City of Medford and the Medford Police Officers Association concerning wages, hours, fringe benefits, and other working conditions retroactive from July 1, 2012 through June 30, 2015.

Motion: Adopt the ordinance.

Moved by: Chris Corcoran

Seconded by: Bob Strosser

Roll Call: Councilmembers Chris Corcoran, Bob Strosser, Dick Gordon, Al Densmore, and Daniel Bunn voting yes. Councilmembers Karen Blair and Eli Matthews voting no.

Ordinance 2013-19 was duly adopted.

60.2 SECOND READING COUNCIL BILL 2013-20 An ordinance authorizing execution of an Agreement between the City of Medford and the Teamsters Local 223 representing Water Reclamation Division Operators concerning wages, hours, fringe benefits, and other working conditions retroactive from July 1, 2011 through June 30, 2014.

Motion: Adopt the ordinance.

Moved by: Al Densmore

Seconded by: Bob Strosser

Roll Call: Councilmembers Al Densmore, Bob Strosser, Dick Gordon, Daniel Bunn and Chris Corcoran voting yes. Councilmembers Karen Blair and Eli Matthews voting no.

Ordinance 2013-20 was duly adopted.

60.3 SECOND READING COUNCIL BILL 2013-25 An ordinance authorizing execution of a revised agreement settling a material difference in appraised value of properties pursuant to the Disposition and Development dated December 12, 2012.

City Attorney John HuttI spoke to the options before Council in considering this issue. He noted that this is not a land-use or legislative decision. This item, if approved, will follow normal processing of the land-use and development applications when submitted.

Motion: Adopt the ordinance.

Moved by: Dick Gordon

Seconded by: Al Densmore

Councilmember Corcoran noted he would be abstaining due to a potential conflict of interest as his employer's relationship with the applicant.

Councilmember Bunn spoke to the tremendous job done by staff in working with all parties to bring forward a compromise. City Attorney HuttI questioned if Councilmember Bunn had reviewed the Council executive session minutes and audio tapes regarding this matter and Councilmember Bunn noted he had.

Roll Call: Councilmembers Dick Gordon, Al Densmore, Bob Strosser, Daniel Bunn and Eli Matthews voting yes. Councilmember Karen Blair voted no. Councilmember Chris Corcoran abstained.

Ordinance 2013-25 was duly adopted.

70. City Manager and other staff reports

- 70.1 Quarterly Update from Southern Oregon Regional Economic Development, Inc.
Colleen Padilla, SOREDI addressed the Council and provided an update on the activities of the organization regarding business recruitment and retention. She spoke to the uniqueness of our region regarding the e-commerce business which is eleven times the national average for these types of businesses.

Councilmembers questioned what the City would need to do to ensure adequate technological infrastructure. Mr. Hoke responded and noted what steps have been undertaken to enhance and protect the existing infrastructure.

- 70.2 University of Oregon Sustainability Program
Jim Huber, Planning Director provided an update on the City's proposal to the University of Oregon Sustainability Program. He noted that the City proposal has been accepted by the University and staff will be meeting in March with University of Oregon representatives to further discuss implementation details.

80. Propositions and remarks from the Mayor and Councilmembers

- 80.1 Proclamations issued:
None

- 80.2 Boards & Commission Appointments.
a. Budget Committee: Three full term vacancies. Applicants are Heather Casey, Linda Clarkson, Steve Dickson, Ester Freeman, Ron Norris, Kirby Rider and Jeff Works.

Interview Committee recommendation is Ron Norris, Steve Dickson and Heather Casey.

Roll Call:

Karen Blair: Heather Casey and Steve Dickson
Daniel Bunn: Heather Casey, Steve Dickson and Ron Norris
Chris Corcoran: Heather Casey, Steve Dickson and Ron Norris
Al Densmore: Heather Casey, Steve Dickson and Ron Norris
Dick Gordon: Heather Casey, Steve Dickson and Ron Norris
Eli Matthews: Heather Casey, Steve Dickson and Ron Norris
Bob Strosser: Heather Casey, Steve Dickson and Ron Norris
Gary Wheeler: Heather Casey, Steve Dickson and Ron Norris

Results: Heather Casey and Steve Dickson received eight votes; Ron Norris received seven votes; Linda Clarkson, Ester Freeman, Kirby Rider and Jeff Works received zero votes. Heather Casey, Steve Dickson and Ron Norris were appointed to terms ending 1/31/2017.

- b. Hospital Facilities Authority Board: One vacancy. Applicants are Aaron Frymire and Ray Heysell.

Interview committee recommendation is Ray Heysell.

Roll Call:

Karen Blair: Ray Heysell
Daniel Bunn: Ray Heysell
Chris Corcoran: Ray Heysell
Al Densmore: Ray Heysell
Dick Gordon: Ray Heysell
Eli Matthews: Ray Heysell
Bob Strosser: Ray Heysell
Gary Wheeler: Ray Heysell

Results: Ray Heysell received eight votes and Aaron Frymire received zero votes. Ray Heysell was appointed to a term ending 1/31/2017.

- c. Multicultural Commission: One full term and one partial term vacancy. Applicants were Matthew Vorderstrasse and Michelle Wise.

Interview committee recommendation is Matthew Vorderstrasse for the full term vacancy and Michelle Wise for the partial term vacancy.

Motion: Appoint Matthew Vorderstrasse for a term ending 1/31/2016 and Michelle Wise for a term ending 1/31/2015.

Moved by: Al Densmore Seconded by: Chris Corcoran

Roll Call: Councilmembers Al Densmore, Chris Corcoran, Bob Strosser, Karen Blair, Dick Gordon, Eli Matthews, Daniel Bunn and Mayor Gary Wheeler voting yes.

Motion carried and so ordered.

80.3 Further Council committee reports

80.4 Further remarks from Mayor and Councilmembers.

90. Adjournment to Evening Session

The meeting adjourned to the evening session at 1:39 p.m.

EVENING SESSION

The meeting was called to order at 7:00 p.m. in Council Chambers, City Hall, 411 W. 8th Street, Medford with the following members and staff present.

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

City Manager Eric Swanson; Deputy City Manager Bill Hoke; Deputy City Attorney Lori Cooper; City Recorder Glenda Wilson.

110. Oral requests and communications from the audience

None

120. Public hearings

120.1 COUNCIL BILL 2013-30 An ordinance amending Sections 10.031, 10.337, 10.705, 10.824, and 10.830 of the Medford Code pertaining to public utility service facilities, including public safety communication towers. (DCA-11-038) (Land Use, Legislative)

Jim Huber, Planning Director addressed the Council and noted that the proposed revisions is brought forward based on Council direction to provide clarification and mitigate the ambiguity of the current code language pertaining to communication towers. He noted that the proposal meets all applicable criteria and the Planning Commission and staff recommend approval.

Public hearing opened.

None

Public hearing closed.

Councilmember Dick Gordon reported exparte communication during his campaign for re-election. Councilmember Bob Strosser reported exparte communication from a resident in the neighborhood who spoke to the need to have the public aware of these projects.

Motion: Adopt the ordinance.

Moved by: Daniel Bunn

Seconded by: John Michaels

Roll Call: Councilmembers Daniel Bunn, John Michaels, Dick Gordon, Al Densmore, Chris Corcoran, Eli Matthews, Karen Blair and Bob Strosser voting yes.

Ordinance 2013-30 was duly adopted.

- 120.2 COUNCIL BILL 2013-31 An ordinance repealing Sections 10.160, 10.762, 10.765, 10.766, 10.769, 10.770, 10.771, 10.818, 10.834, and 10.840, and amending Sections 10.012, 10.161, 10.337, 10.768, and 10.780 of the Medford Code pertaining to various topics, including arcades, conflicts of interest, drive-in theaters, air pollution, fire hazards, landscaping, and food vendors. (DCA-12-088) (Land Use, Legislative)

Jim Huber, Planning Director addressed the Council and noted that the proposed action in Agenda Item 120.2 and 120.3 are proposed to provide housekeeping of code and are related. He noted that the Planning Commission and staff recommend approval.

Public hearing opened.

None

Public hearing closed.

Motion: Adopt the ordinance.

Moved by: Chris Corcoran

Seconded by: Daniel Bunn

Roll Call: Councilmembers Chris Corcoran, Daniel Bunn, Dick Gordon, Karen Blair, Bob Strosser, Al Densmore, Eli Matthews and John Michaels voting yes,

Ordinance 2013-31 was duly adopted.

- 120.3 COUNCIL BILL 2013-32 An ordinance repealing Sections 8.205 and 8.260 of the Medford Code pertaining to arcades and game machines. (DCA-12-088)

Jim Huber, Planning Director provided a staff report. He noted that the staff recommends approval.

Public hearing opened.

None

Public hearing closed.

Motion: Adopt the ordinance.

Moved by: Bob Strosser

Seconded by: Eli Matthews

Roll Call: Councilmembers Bob Strosser, Eli Matthews, Dick Gordon, Karen Blair, Daniel Bunn, Al Densmore, John Michaels and Chris Corcoran voting yes.

Ordinance 2013-32 was duly adopted.

- 120.4 COUNCIL BILL 2013-33 A resolution approving a Substantial Amendment to the City of Medford's 2012-13 Action Plan for Housing and Community Development to reallocate Community Development Block Grant funds and to change scope of a project.

Jennifer Sparacino, Executive Support Specialist addressed the Council and provided an overview of the substantial amendment. She noted the Housing & Community Development Commission recommends approval.

Councilmember Strosser noted that he is a member of the Senior Center Board of Directors, receives no compensation and will be participating in this item.

Public hearing opened.

None

Public hearing closed.

Motion: Adopt the resolution.

Moved by: Bob Strosser

Seconded by: Daniel Bunn

Roll Call: Councilmembers Bob Strosser, Daniel Bunn, Dick Gordon, Karen Blair, Eli Matthews, John Michaels, Al Densmore and Chris Corcoran voting yes.

Resolution 2013-33 was duly adopted.

130. Ordinances and resolutions

130.1 COUNCIL BILL 2013-34 An ordinance authorizing execution of a Grant Agreement with the Medford Senior Center in the amount of \$129,985 in 2011 Community Development Block Grant funds for the Multi-zone Unit Replacement Project.

Motion: Adopt the ordinance.

Moved by: Chris Corcoran

Seconded by: John Michaels

Councilmember Strosser noted that he is a member of the Senior Center Board of Directors, receives no compensation and will be participating in this item.

Roll Call: Councilmembers Chris Corcoran, John Michaels, Bob Strosser, Al Densmore, Karen Blair, Dick Gordon, Eli Matthews and Daniel Bunn voting yes.

Ordinance 2013-34 was duly adopted.

130.2 COUNCIL BILL 2013-35 An ordinance authorizing execution of an Agreement with Kids Unlimited of Oregon in the amount of \$133,000 in 2012 Community Development Block Grant funds to demolish a dwelling and construction of a neighborhood center.

Motion: Adopt the ordinance.

Moved by: Bob Strosser

Seconded by: John Michaels

Roll Call: Councilmembers Bob Strosser, John Michaels, Al Densmore, Dick Gordon, Karen Blair, Eli Matthews, Daniel Bunn and Chris Corcoran voting yes.

Ordinance 2013-35 was duly adopted.

140. Further reports from the City Manager and staff

140.1 City Manager Eric Swanson noted that there is a free seminar being offered by the Seventh Day Adventist Church on March 3, 2013 from 1:00-3:00 regarding Emergency Preparedness.

150. Propositions and remarks from the Mayor and Councilmembers

150.1 Further Council committee reports.

- a. Councilmember Strosser reported on the Regional Rate Committee meeting and treatment of biosolids from Gold Hill.
- b. Councilmember Strosser reported on the Water Commission meeting. Water Conservation Assistance Grant program guidelines were discussed.
- c. Councilmember Michaels reported on the Parks and Recreation Commission meeting and the receipt of an update on the Coyote Trail organizations use of goats for weed control at U.S. Cellular Community Park. He spoke to the Commission discussion on how to move forward with completion of the U.S. Cellular Community Park fields.
- d. Councilmember Blair reported on the Parking Commission meeting and that the Parking Fund is operating in a positive cash flow. She reported that the Commission is in the early stages of investigation of the potential for diagonal parking in the downtown.
- e. Councilmember Densmore reported on the Chamber of Commerce board meeting and discussion of the TLT occupancy is up above expectations. Also discussed were legislative activities and areas of concern regarding the BOLI impacts on projects in enterprise zones.

Council discussed concerns regarding the potential legislation and noted that we will need to work with our legislative delegates and lobbyist to determine if the bill will even move forward.

150.2 Further remarks from Mayor and Councilmembers.

- a. Medford Urban Renewal Board Chair Dick Gordon addressed the Council and presented an award to Medford Urban Renewal Secretary John Michaels for his service as Secretary.
- b. Councilmember Strosser thanked Planning Director Jim Huber and the Planning Department for the work that they have accomplished.
- c. Councilmember Densmore reported on a joint meeting with Medford School District 549C representatives and discussion of a number of issues including security of school facilities and joint use of the parkland. The School District is interesting in master planning for the Jackson school site and warehouse property that the district is not utilizing.
- d. Councilmember Densmore reported that the Tree Committee would like to continue to be invited to the annual Boards & Commission luncheon and he proposed that this committee be grandfathered in and invited to attend.

Motion: Direct staff to include invitations to the members of the Tree Committee to the annual Boards & Commission luncheon as a grandfathered committee.

Moved by: Al Densmore Seconded by: John Michaels

Roll Call: Councilmembers Al Densmore, John Michaels, Karen Blair, Daniel Bunn, Chris Corcoran, Dick Gordon, Eli Matthews and Bob Strosser voting yes.

Motion carried and so ordered.

- e. Councilmember Michaels addressed the Council regarding the efforts expended by the Parks Department in securing sponsorships in support of the Recreation Programs. He expressed concern that the Council has not adopted any policies regarding sponsorships and he feels that this should be reviewed by the policy makers. Council discussed having a presentation from the Parks Commission on this issue.
- f. Mayor Wheeler reported on the work being done to revitalize the Holly Theater.
- g. Mayor Wheeler reminded the Council that the Medford Urban Renewal Agency board meeting for next Thursday has been cancelled.

160. Adjournment

There being no further business the meeting adjourned at 8:10 p.m.

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

Glenda Wilson
City Recorder

ORDINANCE NO. 2013-31

AN ORDINANCE repealing Sections 10.160, 10.762, 10.765, 10.766, 10.769, 10.770, 10.771, 10.818, 10.834 and 10.840 and amending Sections 10.012, 10.161, 10.337, 10.768 and 10.780 of the Medford Code pertaining to various topics, including arcades, conflicts of interest, drive-in theaters, air pollution, fire hazards, landscaping, and food vendors.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 10.012 of the Medford Code is amended to read as follows:

10.012 Definitions, Specific.

When used in this chapter, the following terms shall have the meanings as herein ascribed:

* * *

~~Arcade. Any place of business or premises in the city, excluding taverns and bars, which contains more than four (4) game machines which the general public can use or play for amusement for a consideration, either by depositing in any such machine money or paying therefor directly or indirectly.~~

* * *

SECTION 2. Section 10.160 of the Medford Code is hereby repealed:

~~10.160 Conflict of Interest.~~

~~A proponent or opponent of a proposal to be considered by the approving authority, or a member of the approving authority, may challenge the qualifications of a member of the approving authority to participate in the meeting or decision. A challenge must state facts in writing, by affidavit, relied upon by the submitting party relating to the person's bias, prejudgment, personal interest, or other facts from which the party has concluded that the member of the approving authority may be unable to participate and make a decision in an impartial manner. The written challenges shall be delivered by personal service to the city recorder not less than forty-eight (48) hours preceding the time set for the public hearing. The city recorder shall notify the person whose qualifications are challenged prior to the meeting. The challenge shall be incorporated in to the record of the meeting.~~

~~(1) Disqualification. No member of the approving authority shall participate in discussion of an application or vote on an application for any quasi-judicial action when any of the following conditions exist:~~

~~(a) Any of the following have a direct or substantial financial interest in the proposal: members of the approving authority or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the past two (2) years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.~~

~~(b) The member owns property within the area entitled to receive notice of the decision.~~

~~(c) For any other reason, the member has determined that participation in the decision cannot be in an impartial manner.~~

~~(2) Disclosure of Potential Conflict of Interest. Whether or not he is disqualified, a public official~~

~~shall disclose any potential conflict of interest as required by state law.~~

~~(3) Ex Parte Contacts. Approving authority members shall reveal any significant pre-hearing or ex-parte contacts with regard to any matter at the commencement of the public meeting on the matter. If such contacts have impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall abstain.~~

~~(4) Rights of Disqualified Members of the Approving Authority. An abstaining or disqualified member of the approving authority shall be counted if present for purposes of forming a quorum. A member who represents personal interests at a meeting may do so only by abstaining from voting on the proposal, vacating the seat on the approving authority and physically joining the audience, making full disclosure of his or her status and position at the time of addressing the approving authority.~~

~~If all members of the approving authority abstain or are disqualified, all members present after stating their reasons for abstention or disqualification shall by doing so be requalified and proceed to resolve the issues.~~

~~A member of the approving authority absent during the presentation of evidence in a quasi-judicial meeting may not participate in the deliberations or final decision regarding the matter of the meeting unless the member has reviewed all the evidence in the record to date including tapes of prior meetings.~~

SECTION 3. Section 10.161 of the Medford Code is amended to read as follows:

10.161 Public Hearing.

* * *

(3) Order of Procedure.

* * *

(b) Abstentions, Conflict of Interest and Challenges. **All members shall comply with ORS 244.120, 244.130, and 244.135 regarding actual or potential conflicts of interest.** Any member who is disqualified or wishes to abstain from participation in the hearing on a proposal shall identify the reasons for the record ~~and comply with the provisions of Section 10.160, Conflict of Interest,~~ and shall not thereafter participate in the discussion as a member or vote on the proposal. Any challenges to the impartiality shall also be decided at this time.

* * *

SECTION 4. Section 10.337 of the Medford Code is amended to read as follows:

10.337 Uses Permitted in Commercial and Industrial Zoning Districts.

78 MOTION PICTURES. This major group includes establishments providing and distributing motion pictures, exhibiting motion pictures, and furnishing services to the motion picture industry.

* * *

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///

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
781	Motion Picture Production & Services	X	X	P	P	P	P	P	P
782	Motion Picture Distribution and Services	X	X	P	P	P	P	P	P
783	Motion Picture Theaters	X	X	Ps	Ps	Ps	X	X	X
784	Video Tape Rental	P	P	P	P	P	X	X	X

The special use reference for Motion Picture Theaters corresponds to special use Section 10.818.

79 AMUSEMENT & RECREATION SERVICES. This major group includes establishments primarily engaged in providing amusement or entertainment on payment of a fee or admission charge, except motion picture theatres.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
791	Dance Halls, Studios, and Schools	X	P	P	P	P	X	X	X
792	Producers, Orchestras, Entertainers	X	X	P	P	P	X	X	X
793	Bowling Centers	X	X	P	P	P	X	X	X
794	Commercial Sports	X	X	P	P	P	P	P	C
799	Misc. Amusement, Recreational Services	X	Ps	Ps	Ps	Ps	Ps	Ps	X

The special use reference to Misc. Amusement, Recreational Services corresponds to special use Sections 10.813 and 10.834.

* * *

SECTION 5. Section 10.762 of the Medford Code is hereby repealed:

~~10.762 Air Pollution.~~

~~Any activity, operation, or device which causes, or tends to cause, the release of air contaminants into the atmosphere shall comply with the rules and regulations of the Department of Environmental Quality.~~

SECTION 6. Section 10.765 of the Medford Code is hereby repealed:

~~10.765 Fire and Explosion Hazards:~~

~~Activities involving the storage, use or manufacture of fire and explosive hazard materials shall be conducted in accordance with the City Fire Code.~~

SECTION 7. Section 10.766 of the Medford Code is hereby repealed:

~~10.766 Corrosive Materials.~~

~~The storage, utilization or manufacture of corrosive materials is permitted, subject to the provisions of the City Fire Code.~~

SECTION 8. Section 10.768 of the Medford Code is amended to read as follows:

10.768 Flammable Gases.

The storage, utilization or manufacture of flammable gases shall not exceed 250,000 standard cubic feet, exclusive of finished products in sealed portable containers. ~~Such portable containers shall be stored in fire resistive structures having an automatic fire extinguishing system, or if stored outdoors, no closer than 40 feet from all lot lines.~~

SECTION 9. Section 10.769 of the Medford Code is hereby repealed:

~~10.769 Flammable Solids.~~

~~The storage, utilization or manufacture of active to intense burning flammable solids shall be conducted within spaces having fire resistive construction of no less than two hours and protected with an automatic fire extinguishing system. Outdoor storage of such materials shall be no less than 25 feet from all lot lines.~~

SECTION 10. Section 10.770 of the Medford Code is hereby repealed:

~~10.770 Explosive Materials.~~

~~The manufacture of explosive material is prohibited. The storage or utilization of explosive material in excess of 100 pounds is prohibited.~~

SECTION 11. Section 10.771 of the Medford Code is hereby repealed:

~~10.771 Flammable Liquids.~~

~~The storage of flammable liquids in auto fueling stations shall be in accordance with the City Fire Code.~~

SECTION 12. Section 10.780 of the Medford Code is amended to read as follows:

10.780 General Landscape and Irrigation Requirements.

The purpose of the following landscape and irrigation standards is to help maintain the aesthetic quality of the entire community and the individual living experience of all citizens. Diversity of plant materials is encouraged for aesthetic and environmental reasons.

* * *

~~(7) For determining appropriate plants for specific uses, the Medford Parks and Recreation Department has a reference publication entitled Recommended Plant Materials that is available.~~

SECTION 13. Section 10.818 of the Medford Code is hereby repealed:

~~10.818—Drive-in Theaters.~~

- ~~(1) Drive-in theaters shall be located only on an arterial street (as designated by the arterial street map adopted by resolution of the City Council), and shall provide ingress and egress so designed as to minimize traffic congestion;~~
- ~~(2) Shall be so screened from a residential district or dwelling that any noise shall not disturb residents or prospective residents.~~
- ~~(3) Shall maintain signs and other lights in such a way as not to disturb neighboring residents, and~~
- ~~(4) Shall be so designed that the projection surface of the screen will be set back from and shall not be clearly visible from any street or highway.~~

SECTION 14. Section 10.834 of the Medford Code is hereby repealed:

~~10.834—Arcades.~~

~~Arcades, where allowed as a permitted use, shall be subject to the following standards:~~

- ~~(1) Adequate space shall be provided for each game machine so as to allow its use without over crowding. All game machines shall be provided with a minimum area equal to the size of the machine plus one (1) foot of unobstructed area on each side. Where machines are located along one side of an aisle, said aisle shall be a minimum of 66 inches in width and shall be unobstructed. When machines are located on both sides on any aisle, the aisle shall be not less than 90 inches in width and shall be unobstructed.~~
- ~~(2) There shall be a minimum of one supervisory employee in attendance eighteen (18) years of age or older during operating hours.~~
- ~~(3) Bicycle racks shall be provided within 25 feet of any arcade and shall provide a total of one bicycle stalls for every two games located within the arcade. Bicycle racks shall not be located in any required landscape area, entrances, exits, walkways to buildings, driveways, within any required parking space, public way, or in such a fashion as to obstruct any entrance or exit to any premises.~~
- ~~(4) No arcade shall be maintained or operated unless all portions of the interior of such arcade, except the restrooms thereof, are plainly visible from the outside of the building through unobstructed windows or glass doors. All windows and glass doors that provide a view of the interior of the premises shall remain unobstructed at all times. All entrances and interior areas shall be well lighted.~~
- ~~(5) There shall be attached to the business license for an arcade a sealed plan prepared by the applicant. The site plan shall identify thereon the following:~~
 - ~~(a) Floor plan for the arcade identifying the location, number, and type of game machines, and the distance between machines as required by ordinance.~~
 - ~~(b) Location and number of bicycle stalls.~~
 - ~~(c) Location and number of off-street parking.~~
 - ~~(d) Existing landscaped areas, walkways, and entrances and exits to adjacent buildings, driveways and public rights-of-way.~~

///

SECTION 15. Section 10.840 of the Medford Code is hereby repealed:

~~10.840 Amortization of Temporary Food Vendor and Small Food Vendor Units.~~

~~All Small Food Vendor units and Temporary Food Vendor units, previously approved as Mobile Food Units under MLDC 10.839, that exist prior to the effective date of this provision, and that do not meet the definition of a Temporary Food Vendor (10.857(9)), Small Food Vendor (10.823), or any other applicable provision of the Medford Land Development Code, may continue as a permitted use except that within twelve months of the effective date of this provision, all existing units shall meet the following requirements in addition to those requirements that applied at the time of the original approval:~~

~~(1) Systems Development Charges (SDC). Each site is subject to the following SDCs at a rate calculated for the actual square footage of the unit:~~

- ~~A. Street SDC for the Retail Category~~
- ~~B. South Medford Interchange SDC for the Retail Category~~
- ~~C. Sewage Treatment SDC for the Food Service Category~~
- ~~D. Sewer Collection SDC for the Food Service Category~~
- ~~E. Storm Drain SDC if applicable.~~

~~Payment of SDCs may be extended by the Finance Department for an additional six (6) months. No more than one extension shall be granted.~~

~~To the extent an existing unit has already paid some, or all of these SDCs, those payments shall be credited against this requirement.~~

~~(2) Utility Rates. All applicants will be required to pay all applicable water, sewer, storm drain, street utility or other applicable fees pursuant to the City of Medford Code.~~

~~(3) Vehicle Stacking. Applications shall be made to the Planning Department for review of vehicle stacking. Each unit shall have a minimum of 60 feet of vehicle stacking for each service window.~~

~~A. If the applicant is unable to meet a minimum of 60 feet stacking due to the current configuration of the unit on the site, the applicant may propose to move the unit, reconfigure the site, or offer other design modifications to meet the minimum 60 foot stacking requirement. Such remedies may include, but are not limited to, closing one service window, painting lanes on the site for circulation, and posting directional signs.~~

~~B. Stacking means the location in which vehicles await service as measured from the back edge of the sidewalk along the arterial or collector street to the service window as measured from the most direct driving route. Where the site abuts an unimproved arterial or collector street, the stacking distance is to be measured from a point ten (10) feet beyond the currently paved street. Where a unit is situated such that vehicles stack onto private property rather than directly from the public right of way, the 60 foot minimum does not apply.~~

~~C. If an applicant is unable to meet the 60 foot stacking requirement, the use will no longer be permitted and shall be removed within twelve (12) months of the effective date of this provision.~~

~~(3) Hold-downs. All existing units that are not placed on a permanent foundation shall be equipped with a hold-down device at each corner that secures the unit to the ground. Each hold-down device shall be approved by the Building Safety Department, and shall be capable of resisting at least 300-pound uplift force. Sufficient data shall be provided by the applicant to prove the adequacy of the hold-down device.~~

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

ATTEST: Glenda Wilson
City Recorder

[Signature]
Mayor

APPROVED Feb. 21, 2013.

[Signature]
Mayor

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

ORDINANCE NO. 2013-32

AN ORDINANCE repealing Sections 8.205 and 8.260 of the Medford Code pertaining to arcades and game machines.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 8.205 of the Medford Code is hereby repealed:

~~8.205 Definitions:~~

~~As used in Sections 8.205 and 8.260, the following terms shall mean:~~

~~(1) Game Machine. A coin-operated machine or device which, whether mechanical, electrical, or electronic, shall be ready for play by the insertion of a coin and may be operated by the public for use as a game, entertainment, or amusement, the objective of which is to achieve either a high or low score, which, by comparison to the score of other players whether playing concurrently or not, demonstrates relative skill or competence, or indicates in any other way competitive advantage of one player or team over another, regardless of skill or competence. The term "game machine" shall include devices such as pinball machines or any device which utilizes a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities.~~

~~(2) Location. Any place or premises in the city where a machine, pinball machine, or video game is available for play or use by the public.~~

~~(3) Pinball Machine. An amusement device which the public is permitted to play for a consideration and which is played by propelling one or more balls onto a field containing pins, holes, or bumpers.~~

~~(4) Video Game. All electronic game machines which the public is permitted to play for a consideration but does not include any type of pinball machine.~~

~~(5) Arcade. Any place of business or any premises in the city, excluding taverns and bars, which contains more than four game machines which the general public can use or play for amusement for a consideration, either by depositing in any such machine money or paying therefor directly or indirectly.~~

SECTION 2. Section 8.260 of the Medford Code is hereby repealed:

~~8.260 Arcade Regulations:~~

~~The operation of an arcade shall be subject to the following:~~

~~(1) Adequate space shall be provided for each game machine so as to allow its use without overcrowding. All game machines shall be provided with a minimum area equal to the size of the machine plus one (1) foot of unobstructed area on each side. Where machines are located along one side of an aisle, said aisle shall be a minimum of 66 inches in width and shall be unobstructed. When machines are located on both sides of any aisle, the aisle shall not be less than 90 inches in width and shall be unobstructed.~~

~~(2) There shall be a minimum of one supervisory employee in attendance eighteen (18) years of age or older during operating hours.~~

~~(3) Bicycle racks shall be provided within 25 feet of any arcade and shall provide a total of two bicycle stalls for each game located within the arcade. Bicycle racks shall not be located in any~~

~~required landscaped area, entrances, exits, walkways to buildings, driveways, within any required parking space, public way, or in such a fashion as to obstruct any entrance or exit to any premises.~~
(4) ~~No arcade shall be maintained or operated unless all portions of the interior of such arcade, except the restrooms thereof, are plainly visible from the outside of the building through unobstructed windows or glass doors. All windows and glass doors that provide a view of the interior of the premises shall remain unobstructed at all times. All entrances and interior areas shall be well lighted.~~

(5) ~~There shall be attached to the development permit application for an arcade a sealed plan prepared by the applicant. The site plan shall identify thereon the following:~~

~~(a) Floor plan for the arcade identifying the location, number, and type of game machines, and the distance between machines as:~~

~~(b) Location and number of bicycle stalls.~~

~~(c) Location and number of off street parking spaces.~~

~~(d) Existing landscaped areas, walkways, and entrances and exits to adjacent buildings, driveways, and public rights of way.~~

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

ATTEST:

Glenda Wilson
City Recorder

[Signature]
Mayor
[Signature]
Mayor

APPROVED Feb 21, 2013.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY
www.cityofmedford.org

Item No:

DEPARTMENT: Planning **AGENDA SECTION:** [City Recorder]
STAFF CONTACT: Praline McCormack, Planner II **MEETING DATE:** February 21, 2013
STAFF PHONE: 541-774-2397

COUNCIL BILL 2013-

Ordinance repealing Municipal Code sections 8.205 and 8.260 pertaining to arcades and game machines. [City Recorder will enter Ordinance or Resolution header written by Legal]

ISSUE STATEMENT & SUMMARY:

This Municipal Code Chapter 8 amendment has the objective of eliminating outdated or duplicative code provisions to streamline and keep it up-to-date. The proposal repeals provisions related to arcades and game machines that are outdated and unnecessary. This ordinance is a companion to a similar concurrent Chapter 10 amendment related to arcade provisions as well as to other outdated or duplicative provisions.

BACKGROUND:

The Planning Department developed this proposal and forwarded it for agency and public comment in December of 2012. The Planning Commission conducted a noticed public hearing on January 24, 2012, and voted to initiate the proposal and recommend City Council approval.

A. Council Action History

None.

B. Analysis

This proposal repeals provisions related to arcades and game machines that are outdated and unnecessary because the existence and operation of such facilities has changed greatly in recent decades. The amendment will make code administration related to new development more efficient and ease usability for the public and staff.

C. Financial and/or Resource Considerations

None.

D. Timing Issues

There are no deadlines to meet for this code amendment; it was initiated at staff's request and intended to streamline the Code and keep it up-to-date.

STRATEGIC PLAN:

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

COUNCIL OPTIONS:

1. Adopt the ordinance.
2. Amend the ordinance.
3. Remand the proposal to the Planning Commission for further consideration.
4. Do not adopt the ordinance.

STAFF RECOMMENDATIONS:

Staff recommends adoption of the ordinance as proposed, based on the finding that the code amendment approval criteria are satisfied.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY
www.cityofmedford.org

Item No:

SUGGESTED MOTION:

Move to adopt the ordinance amending the Municipal Code.

EXHIBITS:

Staff Report for file DCA-12-088, dated February 12, 2013, with exhibits attached.

Note that the Staff Report for this item is the same as the one for the companion ordinance amending Chapter 10, and is attached to the Agenda Item Commentary for that ordinance.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY
www.cityofmedford.org

Item No:

DEPARTMENT: Planning **AGENDA SECTION:** [City Recorder]
STAFF CONTACT: Praline McCormack, Planner II **MEETING DATE:** February 21, 2013
STAFF PHONE: 541-774-2397

COUNCIL BILL 2013-

Land Use, Legislative - Ordinance repealing Municipal Code sections 10.160, 10.762, 10.765, 10.766, 10.769, 10.770, 10.771, 10.818, 10.834 and 10.840, and amending Sections 10.012, 10.161, 10.337, 10.768 and 10.780 of the Land Development Code pertaining to various topics, including arcades, conflicts of interest, drive-in theaters, air pollution, fire hazards, landscaping, and food vendors.

[City Recorder will enter Ordinance or Resolution header written by Legal]

ISSUE STATEMENT & SUMMARY:

This Municipal Code Chapter 10 (Land Development Code) amendment has the objective of eliminating or amending code provisions to streamline and keep it up-to-date. The proposal repeals or amends provisions related to various topics, including arcades, conflicts of interest, drive-in theaters, air pollution, fire hazards, landscaping, and amortization of food vendors, that are outdated, unnecessary, unclear, or duplicative. This ordinance is a companion to a similar concurrent Chapter 8 amendment related to arcades and game machines.

BACKGROUND:

The Planning Department developed the proposal and forwarded it for agency and public comment in December of 2012. Modifications were made to the proposal based on comments from the Medford Fire Department. The Planning Commission conducted a noticed public hearing on January 24, 2012, and voted to initiate the proposal and recommend City Council approval.

A. Council Action History

None.

B. Analysis

The proposal repeals or amends the subject provisions because they have become outdated, unnecessary, unclear, or duplicative. The amendment will make code administration related to new development more efficient and ease usability for the public and staff, which is a strategy in the City's Economic Development Plan related to business retention and expansion.

C. Financial and/or Resource Considerations

None.

D. Timing Issues

There are no deadlines to meet for this code amendment; it was initiated at staff's request and is intended to streamline the Code and keep it up-to-date.

STRATEGIC PLAN:

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



CITY OF MEDFORD
AGENDA ITEM COMMENTARY
www.cityofmedford.org

Item No:

COUNCIL OPTIONS:

1. Adopt the ordinance.
2. Amend the ordinance.
3. Remand the proposal to the Planning Commission for further consideration.
4. Do not adopt the ordinance.

STAFF RECOMMENDATIONS:

Staff recommends adoption of the ordinance as proposed, based on the finding that the code amendment approval criteria are met.

SUGGESTED MOTION:

Finding that the code amendment approval criteria are met, I move to adopt the ordinance amending the Land Development Code.

EXHIBITS:

Staff Report for file DCA-12-088 dated February 12, 2013, with exhibits attached.



CITY OF MEDFORD

PLANNING DEPARTMENT

STAFF REPORT – LAND DEVELOPMENT CODE AMENDMENT

Date: February 12, 2013

To: Mayor and City Council for February 21, 2013 Hearing

From: Praline McCormack, Planner II *pm*

Reviewer: Suzanne Myers *sm*, AICP, Principal Planner

Subject: Elimination of Unnecessary Provisions Code Amendment (DCA-12-088)
City of Medford, Applicant

BACKGROUND

Proposal: To amend the *Municipal Code*, Chapter 8 and Chapter 10, Articles 1, 2, 3 and 5 to eliminate code provisions that are unnecessary (see Exhibits A and B) including:

- Outdated language regarding game machines and arcades (Sections 8.205 and 8.260).
- Outdated definition of arcade (Section 10.012).
- Language regarding conflict of interest that is covered by and may conflict with state law (Section 10.160).
- Adding language and reference to state statute regarding conflict of interest (Section 10.161).
- Outdated language regarding drive-in theaters (Sections 10.337 and 10.818).
- Outdated language regarding arcades (Sections 10.337 and 10.834).
- Language regarding air pollution that is administered by the Oregon Department of Environmental Quality (DEQ) (Section 10.762).
- Language regarding fire and explosion hazards, corrosive materials, flammable solids, explosive materials, and flammable liquids as they are covered by the adopted Fire Code in Chapter 7 (Sections 10.765, 10.766, 10.769, 10.770, and 10.771).
- Remove portion of language regarding flammable gases as it is covered by the adopted Fire Code (Section 10.768).
- Eliminate language referring to non-existent Recommended Plant Materials publication (Section 10.780).
- Eliminate unnecessary language regarding amortization of temporary food vendor and small food vendor units as it no longer applies (since 2002) (Section 10.840).

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

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History: Staff has been working to fix small problems and keep the code up-to-date with local, State and Federal regulations. This is another amendment along that same vein.

The Planning Commission conducted a noticed public hearing on January 24, 2013.

Authority: The City Council is authorized to approve amendments to *Medford Land Development Code*, Chapter 10 of the *Municipal Code* under Sections 10.102, 10.110, 10.111, and 10.122.

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

APPROVAL CRITERIA COMPLIANCE

10.184 Class 'A' Amendment Criteria.

10.184 (2).Land Development Code Amendment.

The City Council shall base its decision on the following criteria:

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

Findings: The proposed changes eliminate or revise language that is outdated or unnecessary including where it is duplicative of language found elsewhere in the Municipal Code or in State statute. The purpose is to keep the Code up-to-date and streamline it where possible.

Conclusion: The proposed changes will improve administration of the Development Code by making it as up-to-date as possible, and by eliminating duplicative provisions. The public and staff will have an easier time locating correct and applicable regulations. Criterion 10.184 (2)(a) is satisfied.

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

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

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

1. *Citizen Involvement:* Goal 1 requires the City to have a citizen involvement program that sets the procedures by which a cross-section of citizens will be involved in the land use planning process. The City of Medford has an established citizen involvement program consistent with Goal 1 that includes review of proposed Development Code Amendments by the Planning Commission, and the City Council. Affected agencies and

interested persons are also invited to review and comment on such proposals, and hearing notices are published in the local newspaper. This process has been adhered to in the proposed amendment. The amendment drafts were made available for review on the City of Medford website and at the Planning Department. It will be considered by the Planning Commission and the City Council during televised public hearings.

2. *Land Use Planning*: Comprehensive plans and implementation ordinances must be reviewed and revised on a periodic cycle to take into account changing public policies and circumstances.
3. *Agricultural lands*: Does not apply.
4. *Forest Lands*: Does not apply.
5. *Natural Resources, Scenic and Historic Areas, & Open Spaces*: Does not apply.
6. *Air, Water, and Land Resources Quality*: Does not apply.
7. *Areas Subject to Natural Hazards*: Does not apply.
8. *Recreation Needs*: Does not apply.
9. *Economic Development*: Does not apply.
10. *Housing*: Does not apply. The amendment will not have an impact on the supply of housing.
11. *Public Facilities and Services*: Does not apply. There will be no impact on Category A facilities.
12. *Transportation*: Does not apply. There will be no impact on transportation.
13. *Energy Conservation*: Does not apply. There is no expected effect on energy use.
14. *Urbanization*: Does not apply.

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

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

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

Findings: Staff finds that there is nothing in this amendment that rises to a policy level. It is a refinement of existing procedures and regulations, and can therefore be regarded as neutral with respect to this criterion.

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

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

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

Findings: The Medford Fire Department indicated in an email (Exhibit C) that they have no objections to the elimination of Sections 10.765, 10.766, 10.769, 10.770, and 10.771. However, they do not recommend eliminating Section 10.767 relating to Oxidizing Materials in order to limit risks to the community. The Fire Department also recommends eliminating the second sentence only in Section 10.768 regarding Flammable Gases. Lastly, in an email (Exhibit D) the Fire Department recommended that we seek comments from the Department of Environmental Quality (DEQ) regarding the elimination of Section 10.762. A request for comment was sent to DEQ, see their comment below. The Fire Department's suggested changes have been integrated into the draft amendment.

Findings: The Department of Environmental Quality indicated in an email (Exhibit E) that they had no objections to the proposed amendments.

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

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

Findings: There were no public comments.

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

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

Findings: No governmental agreements apply to the proposed code amendments.

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

RECOMMENDED ACTION

On January 24, 2013, the Planning Commission voted to initiate the proposal and based on the findings and conclusions that all of the approval criteria are either met or are not applicable, recommended adoption of DCA-12-088 per the Staff Report dated February 12, 2013, including Exhibits A through F.

EXHIBITS

- A Proposed Code Amendment – Chapter 8 dated 1/15/2013
- B Proposed Code Amendment – Chapter 10 dated 1/15/2013
- C Email from Medford Fire Department dated 12/20/2012
- D Email from Medford Fire Department dated 12/20/2012
- E Email from DEQ dated 1/8/2013
- F Draft Minutes from Planning Commission Hearing, 1/24/2013

PLANNING COMMISSION AGENDA: JANUARY 24, 2013

CITY COUNCIL AGENDA: FEBRUARY 21, 2013

Exhibit A

Elimination of Unnecessary Code Provisions Code Amendment (DCA-12-088) February 12, 2013
Staff Report

Code Amendment Proposal

Bold copy indicates an addition; ~~Struck through copy~~ indicates a deletion.

1. 8.205: Eliminate outdated definitions of game machines and arcades.

8.205 Definitions

~~As used in Sections 8.205 and 8.260, the following terms shall mean: (1) Game Machine. A coin-operated machine or device which, whether mechanical, electrical, or electronic, shall be ready for play by the insertion of a coin and may be operated by the public for use as a game, entertainment, or amusement, the objective of which is to achieve either a high or low score, which, by comparison to the score of other players whether playing concurrently or not, demonstrates relative skill or competence, or indicates in any other way competitive advantage of one player or team over another, regardless of skill or competence. The term "game machine" shall include devices such as pinball machines or any device which utilizes a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities. (2) Location. Any place or premises in the city where a machine, pinball machine, or video game is available for play or use by the public. (3) Pinball Machine. An amusement device which the public is permitted to play for a consideration and which is played by propelling one or more balls onto a field containing pins, holes, or bumpers. (4) Video Game. All electronic game machines which the public is permitted to play for a consideration but does not include any type of pinball machine. (5) Arcade. Any place of business or any premises in the city, excluding taverns and bars, which contains more than four game machines which the general public can use or play for amusement for a consideration, either by depositing in any such machine money or paying therefor directly or indirectly.~~

2. 8.260: Eliminate outdated, unnecessary language regarding arcades.

8.260 Arcade Regulations

~~The operation of an arcade shall be subject to the following:~~

- ~~(1) Adequate space shall be provided for each game machine so as to allow its use without overcrowding. All game machines shall be provided with a minimum area equal to the size of the machine plus one (1) foot of unobstructed area on each side. Where machines are located along one side of an aisle, said aisle shall be a minimum of 66 inches in width and shall be unobstructed. When machines are located on both sides of any aisle, the aisle shall not be less than 90 inches in width and shall be unobstructed.~~
- ~~(2) There shall be a minimum of one supervisory employee in attendance eighteen (18) years of age or older during operating hours.~~
- ~~(3) Bicycle racks shall be provided within 25 feet of any arcade and shall provide a total of two bicycle stalls for each game located within the arcade. Bicycle racks shall not be located in any required landscaped area, entrances, exits, walkways to buildings, driveways, within any required parking space, public way, or in such a fashion as to obstruct any entrance or exit to any premises.~~

EXHIBIT # A

File # DCA-12-088

Exhibit A

Elimination of Unnecessary Code Provisions Code Amendment (DCA-12-088) February 12, 2013
Staff Report

~~(4) No arcade shall be maintained or operated unless all portions of the interior of such arcade, except the restrooms thereof, are plainly visible from the outside of the building through unobstructed windows or glass doors. All windows and glass doors that provide a view of the interior of the premises shall remain unobstructed at all times. All entrances and interior areas shall be well lighted.~~

~~(5) There shall be attached to the development permit application for an arcade a scaled plan prepared by the applicant. The site plan shall identify thereon the following:~~

~~(a) Floor plan for the arcade identifying the location, number, and type of game machines, and the distance between machines as:~~

~~(b) Location and number of bicycle stalls.~~

~~(c) Location and number of off-street parking spaces.~~

~~(d) Existing landscaped areas, walkways, and entrances and exits to adjacent buildings, driveways, and public rights-of-way.~~

Exhibit B

Elimination of Unnecessary Code Provisions Code Amendment (DCA-12-088) February 12, 2013
Staff Report

Code Amendment Proposal

Bold copy indicates an addition; ~~Struck-through copy~~ indicates a deletion.

1. 10.012: Eliminate outdated, and unnecessary language regarding arcades.

10.012 Definitions, Specific.

~~Arcade. Any place of business or premises in the city, excluding taverns and bars, which contains more than four (4) game machines which the general public can use or play for amusement for a consideration, either by depositing in any such machine money or paying therefor directly or indirectly.~~

2. 10.160: Eliminate unnecessary language regarding conflict of interest which is covered by state statute.

~~10.160 Conflict of Interest.~~

~~A proponent or opponent of a proposal to be considered by the approving authority, or a member of the approving authority, may challenge the qualifications of a member of the approving authority to participate in the meeting or decision. A challenge must state facts in writing, by affidavit, relied upon by the submitting party relating to the person's bias, prejudgment, personal interest, or other facts from which the party has concluded that the member of the approving authority may be unable to participate and make a decision in an impartial manner. The written challenges shall be delivered by personal service to the city recorder not less than forty-eight (48) hours preceding the time set for the public hearing. The city recorder shall notify the person whose qualifications are challenged prior to the meeting. The challenge shall be incorporated in to the record of the meeting.~~

~~(1) Disqualification. No member of the approving authority shall participate in discussion of an application or vote on an application for any quasi-judicial action when any of the following conditions exist:~~

~~(a) Any of the following have a direct or substantial financial interest in the proposal: members of the approving authority or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the past two (2) years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.~~

~~(b) The member owns property within the area entitled to receive notice of the decision.~~

~~(c) For any other reason, the member has determined that participation in the decision cannot be in an impartial manner.~~

~~(2) Disclosure of Potential Conflict of Interest. Whether or not he is disqualified, a public official shall disclose any potential conflict of interest as required by state law.~~

Exhibit B

Elimination of Unnecessary Code Provisions Code Amendment (DCA-12-088) February 12, 2013
Staff Report

~~(3) Ex-Parte Contacts. Approving authority members shall reveal any significant pre-hearing or ex-parte contacts with regard to any matter at the commencement of the public meeting on the matter. If such contacts have impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall abstain.~~

~~(4) Rights of Disqualified Members of the Approving Authority. An abstaining or disqualified member of the approving authority shall be counted if present for purposes of forming a quorum. A member who represents personal interests at a meeting may do so only by abstaining from voting on the proposal, vacating the seat on the approving authority and physically joining the audience, making full disclosure of his or her status and position at the time of addressing the approving authority.~~

~~_____ If all members of the approving authority abstain or are disqualified, all members present after stating their reasons for abstention or disqualification shall by doing so be requalified and proceed to resolve the issues.~~

~~_____ A member of the approving authority absent during the presentation of evidence in a quasi-judicial meeting may not participate in the deliberations or final decision regarding the matter of the meeting unless the member has reviewed all the evidence in the record to date including tapes of prior meetings.~~

3. 10.161: Add language and cite state statute regarding conflict of interest, and eliminate reference to Section 10.160.

10.161 Public Hearing.

* * *

(b) Abstentions, Conflict of Interest and Challenges. **All members shall comply with ORS 244.120, 244.130, and 244.135 regarding actual or potential conflicts of interest.** Any member who is disqualified or wishes to abstain from participation in the hearing on a proposal shall identify the reasons for the record ~~and comply with the provisions of Section 10.160, Conflict of Interest,~~ and shall not thereafter participate in the discussion as a member or vote on the proposal. Any challenges to the impartiality shall also be decided at this time.

4. 10.337: Eliminate outdated reference to drive-in theaters in Section 10.818.

10.337 Uses Permitted in Commercial and Industrial Zoning Districts.

* * *

78 MOTION PICTURES. This major group includes establishments providing and distributing motion pictures, exhibiting motion pictures, and furnishing services to the motion picture industry.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
781	Motion Picture Production & Services	X	X	P	P	P	P	P	P

Exhibit B

Elimination of Unnecessary Code Provisions Code Amendment (DCA-12-088) February 12, 2013
Staff Report

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
782	Motion Picture Distribution and Services	X	X	P	P	P	P	P	P
783	Motion Picture Theaters	X	X	Ps	Ps	Ps	X	X	X
784	Video Tape Rental	P	P	P	P	P	X	X	X

~~The special use reference for Motion Picture Theaters corresponds to special use Section 10.818.~~

5. 10.337: Eliminate outdated reference to arcades in Section 10.834.

79 AMUSEMENT & RECREATION SERVICES. This major group includes establishments primarily engaged in providing amusement or entertainment on payment of a fee or admission charge, except motion picture theatres.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
791	Dance Halls, Studios, and Schools	X	P	P	P	P	X	X	X
792	Producers, Orchestras, Entertainers	X	X	P	P	P	X	X	X
793	Bowling Centers	X	X	P	P	P	X	X	X
794	Commercial Sports	X	X	P	P	P	P	P	C
799	Misc. Amusement, Recreational Services	X	Ps	Ps	Ps	Ps	Ps	Ps	X

~~The special use reference to Misc. Amusement, Recreational Services corresponds to special use Sections 10.813 and 10.834.~~

6. 10.762: Eliminate unnecessary provision administered by Department of Environmental Quality.

~~10.762—Air Pollution.~~

~~Any activity, operation, or device which causes, or tends to cause, the release of air contaminants into the atmosphere shall comply with the rules and regulations of the Department of Environmental Quality.~~

7. 10.765 and 10.766: Eliminate duplicative provisions that are covered in adopted Fire Code in Chapter 7.

Exhibit B

Elimination of Unnecessary Code Provisions Code Amendment (DCA-12-088) February 12, 2013
Staff Report

~~10.765 Fire and Explosion Hazards.~~

~~Activities involving the storage, use or manufacture of fire and explosive hazard materials shall be conducted in accordance with the City Fire Code.~~

~~10.766 Corrosive Materials.~~

~~The storage, utilization or manufacture of corrosive materials is permitted, subject to the provisions of the City Fire Code.~~

8. 10.768: Eliminate duplicative language found in Fire Code in Chapter 7.

10.768 Flammable Gases.

The storage, utilization or manufacture of flammable gases shall not exceed 250,000 standard cubic feet, exclusive of finished products in sealed portable containers. ~~Such portable containers shall be stored in fire resistive structures having an automatic fire extinguishing system, or if stored outdoors, no closer than 40 feet from all lot lines.~~

9. 10.769, 10.770, and 10.771: Eliminate duplicative provisions that are covered in adopted Fire Code in Chapter 7.

~~10.769 Flammable Solids.~~

~~The storage, utilization or manufacture of active to intense burning flammable solids shall be conducted within spaces having fire resistive construction of no less than two hours and protected with an automatic fire extinguishing system. Outdoor storage of such materials shall be no less than 25 feet from all lot lines.~~

~~10.770 Explosive Materials.~~

~~The manufacture of explosive material is prohibited. The storage or utilization of explosive material in excess of 100 pounds is prohibited.~~

~~10.771 Flammable Liquids.~~

~~The storage of flammable liquids in auto fueling stations shall be in accordance with the City Fire Code.~~

10. 10.780: Eliminate reference to non-existent document.

10.780 General Landscape and Irrigation Requirements

The purpose of the following landscape and irrigation standards is to help maintain the aesthetic quality of the entire community and the individual living experience of all citizens. Diversity of plant materials is encouraged for aesthetic and environmental reasons.

Exhibit B

Elimination of Unnecessary Code Provisions Code Amendment (DCA-12-088) February 12, 2013 Staff Report

~~(7) For determining appropriate plants for specific uses, the Medford Parks and Recreation Department has a reference publication entitled Recommended Plant Materials that is available.~~

11. 10.818: Eliminate outdated and unnecessary language regarding drive-in theaters.

~~10.818 Drive-in Theaters.~~

- ~~(1) Drive-in theaters shall be located only on an arterial street (as designated by the arterial street map adopted by resolution of the City Council), and shall provide ingress and egress so designed as to minimize traffic congestion,~~
~~(2) Shall be so screened from a residential district or dwelling that any noise shall not disturb residents or prospective residents.~~
~~(3) Shall maintain signs and other lights in such a way as not to disturb neighboring residents, and~~
~~(4) Shall be so designed that the projection surface of the screen will be set back from and shall not be clearly visible from any street or highway.~~

12. 10.834: Eliminate outdated and unnecessary language regarding arcades.

~~10.834 Arcades.~~

~~Arcades, where allowed as a permitted use, shall be subject to the following standards:~~

- ~~(1) Adequate space shall be provided for each game machine so as to allow its use without over crowding. All game machines shall be provided with a minimum area equal to the size of the machine plus one (1) foot of unobstructed area on each side. Where machines are located along one side of an aisle, said aisle shall be a minimum of 66 inches in width and shall be unobstructed. When machines are located on both sides on any aisle, the aisle shall be not less than 90 inches in width and shall be unobstructed.~~
~~(2) There shall be a minimum of one supervisory employee in attendance eighteen (18) years of age or older during operating hours.~~
~~(3) Bicycle racks shall be provided within 25 feet of any arcade and shall provide a total of one bicycle stalls for every two games located within the arcade. Bicycle racks shall not be located in any required landscape area, entrances, exits, walkways to buildings, driveways, within any required parking space, public way, or in such a fashion as to obstruct any entrance or exit to any premises.~~
~~(4) No arcade shall be maintained or operated unless all portions of the interior of such arcade, except the restrooms thereof, are plainly visible from the outside of the building through unobstructed windows or glass doors. All windows and glass doors that provide a view of the interior of the premises shall remain unobstructed at all times. All entrances and interior areas shall be well lighted.~~
~~(5) There shall be attached to the business license for an arcade a scaled plan prepared by the applicant. The site plan shall identify thereon the following:~~

Exhibit B

Elimination of Unnecessary Code Provisions Code Amendment (DCA-12-088) February 12, 2013 Staff Report

- ~~(a) Floor plan for the arcade identifying the location, number, and type of game machines, and the distance between machines as required by ordinance.~~
- ~~(b) Location and number of bicycle stalls.~~
- ~~(c) Location and number of off-street parking.~~
- ~~(d) Existing landscaped areas, walkways, and entrances and exits to adjacent buildings, driveways and public rights-of-way.~~

13. 10.840: Eliminate unnecessary language regarding amortization of temporary food vendor and small food vendor units.

~~10.840 Amortization of Temporary Food Vendor and Small Food Vendor Units.~~

~~All Small Food Vendor units and Temporary Food Vendor units, previously approved as Mobile Food Units under MLDC 10.839, that exist prior to the effective date of this provision, and that do not meet the definition of a Temporary Food Vendor (10.857(9)), Small Food Vendor (10.823), or any other applicable provision of the Medford Land Development Code, may continue as a permitted use except that within twelve months of the effective date of this provision, all existing units shall meet the following requirements in addition to those requirements that applied at the time of the original approval:~~

~~(1) Systems Development Charges (SDC). Each site is subject to the following SDCs at a rate calculated for the actual square footage of the unit:~~

- ~~A. Street SDC for the Retail Category~~
- ~~B. South Medford Interchange SDC for the Retail Category~~
- ~~C. Sewage Treatment SDC for the Food Service Category~~
- ~~D. Sewer Collection SDC for the Food Service Category~~
- ~~E. Storm Drain SDC if applicable.~~

~~Payment of SDCs may be extended by the Finance Department for an additional six (6) months. No more than one extension shall be granted.~~

~~To the extent an existing unit has already paid some, or all of these SDCs, those payments shall be credited against this requirement.~~

~~(2) Utility Rates. All applicants will be required to pay all applicable water, sewer, storm drain, street utility or other applicable fees pursuant to the City of Medford Code.~~

~~(3) Vehicle Stacking. Applications shall be made to the Planning Department for review of vehicle stacking. Each unit shall have a minimum of 60 feet of vehicle stacking for each service window.~~

~~A. If the applicant is unable to meet a minimum of 60 feet stacking due to the current configuration of the unit on the site, the applicant may propose to move the unit, reconfigure the site, or offer other design modifications to meet the minimum 60 foot stacking requirement. Such remedies may include, but are not limited to, closing one service window, painting lanes on the site for circulation, and posting directional signs.~~

~~B. Stacking means the location in which vehicles await service as measured from the back edge of the sidewalk along the arterial or collector street to the service window as measured from the most direct driving route. Where the site abuts an unimproved arterial or collector street, the stacking distance is to be measured from a point ten (10) feet beyond the currently paved street. Where a unit is situated such that vehicles stack onto private property rather than directly from the public right-of-way, the 60 foot minimum does not apply.~~

Exhibit B

Elimination of Unnecessary Code Provisions Code Amendment (DCA-12-088) February 12, 2013
Staff Report

~~C. If an applicant is unable to meet the 60 foot stacking requirement, the use will no longer be permitted and shall be removed within twelve (12) months of the effective date of this provision.~~

~~(3) Hold downs. All existing units that are not placed on a permanent foundation shall be equipped with a hold down device at each corner that secures the unit to the ground. Each hold down device shall be approved by the Building Safety Department, and shall be capable of resisting at least 300 pound uplift force. Sufficient data shall be provided by the applicant to prove the adequacy of the hold down device.~~

Praline M McCormack

From: Greg Kleinberg <greg.kleinberg@cityofmedford.org>
Sent: Thursday, December 20, 2012 4:53 PM
To: Praline M McCormack
Cc: Dave G Bierwiler; Gordon Sletmoe; Justin Bates; Jason Blount; Derek Zwagerman; Ralph Sartain; Karl Giepel; Samantha Metheny
Subject: Comments on DCA-12-088

Praline,

The Medford Fire Department has the following comments regarding proposed changes of hazardous material language in Chapter 10 of the Medford Code:

10.765 Fire and Explosion Hazards

Activities involving the storage, use or manufacture of fire and explosive hazard materials shall be conducted in accordance with the City Fire Code.

- This language is not needed and can be deleted as the Oregon Fire Code is adopted in 7.010 and deals with these issues.
- Additionally:
 - 7.023(16) already prohibits storage of explosives, explosive materials or fireworks within this jurisdiction
 - 7.023(17) already prohibits manufacturing of explosives, explosive materials or fireworks within this jurisdiction

10.766 Corrosive Materials

The storage, utilization or manufacture of corrosive materials is permitted, subject to the provisions of the City Fire Code.

- This language is not needed and can be deleted as the Oregon Fire Code is adopted in 7.010 and deals with these issues.

10.767 Oxidizing Materials

The manufacture of oxidizing materials is prohibited. The storage or utilization of oxidizing materials in excess of 500 pounds is prohibited.

- The Department recommends this section is **NOT** struck from the Medford Code. I believe the intention of the 500 pound threshold was to limit risk to the community.
- The worst case oxidizing material can undergo an explosive reaction due to contamination or exposure to thermal or physical shock and that causes a severe increase in the burning rate of combustible materials with which it comes into contact. Additionally, the oxidizer causes a severe increase in the burning rate and can cause spontaneous ignition of combustibles.

CITY OF MEDFORD

EXHIBIT # C

File # DCA-12-088

10.768 Flammable Gases

The storage, utilization or manufacture of flammable gases shall not exceed 250,000 standard cubic feet, exclusive of finished products in sealed portable containers. ~~Such portable containers shall be stored in fire~~

~~resistive structures having an automatic fire extinguishing system, or if stored outdoors, no closer than 40 feet from all lot lines.~~

- The Department recommends the first part of this section is **NOT** struck from the Medford Code. The second part is not needed and can be deleted as it is addressed in the adopted Oregon Fire and Building Codes based upon quantity. I believe the intention of the 250,000 cubic feet was to eliminate the possibility of a bulk flammable gas plant or facility within the City limits (example: propane. The current Fire Code restricts the quantity to a maximum of 2,000 gallons (71,300 CF) in heavily populated or congested areas, however, other flammable gases do not have such a restriction).
 - Examples include propane, hydrogen, acetylene, ammonia
-

10.769 Flammable Solids

~~The storage, utilization or manufacture of active to intense burning flammable solids shall be conducted within spaces having fire resistive construction of no less than two hours and protected with an automatic fire extinguishing system. Outdoor storage of such materials shall be no less than 25 feet from all lot lines.~~

- This language is not needed and can be deleted as the adopted Oregon Fire and Building codes deal with these issues.
-

10.770 Explosive Materials

~~The manufacture of explosive material is prohibited. The storage or utilization of explosive material in excess of 100 pounds is prohibited.~~

- This language is not needed and can be deleted as it is addressed in 7.023(16-17) which is more restrictive.
 - 7.023(16) prohibits storage of explosives, explosive materials or fireworks within this jurisdiction
 - 7.023(17) prohibits manufacturing of explosives, explosive materials or fireworks within this jurisdiction
 - Explosive materials as defined in ORS 480.200 includes, but is not limited to, dynamite, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters, but excludes fireworks, as defined in ORS 480.110 (1), black powder, smokeless powder, small arms ammunition, small arms ammunition primers and fertilizer, as defined in ORS 633.311.
-

10.771 Flammable Liquids

~~The storage of flammable liquids in auto fueling stations shall be in accordance with the City Fire Code.~~

- This language is not needed as the Oregon Fire Code is adopted in 7.010 and deals with these issues.
-

Let me know if you have any questions.

Thank You,

Greg Kleinberg
Fire Marshal

Praline M McCormack

From: Greg Kleinberg <greg.kleinberg@cityofmedford.org>
Sent: Thursday, December 20, 2012 5:02 PM
To: Praline M McCormack
Subject: DCA-12-088

Praline,

Regarding 10.762, you might want to check with DEQ to make sure it is OK to delete the language. I believe DEQ worked with the various jurisdictions to adopt their rules and regulations.

Thank You,

Greg Kleinberg
Fire Marshal
Medford Fire-Rescue
541-774-2317

CITY OF MEDFORD
EXHIBIT # D
File # DCA-12-088

Praline M McCormack

From: BECKER John <BECKER.John@deq.state.or.us>
Sent: Tuesday, January 08, 2013 2:41 PM
To: 'praline.mccormack@cityofmedford.org'
Subject: Repeal Of City Codes, File No. DCA-12-088

Praline. Thank you for contacting me regarding the City's plan to repeal provisions that appear to no longer be necessary in the Medford Land Development Code. With Sections 10.762 through 10.711 being duplicates of provisions contained in the Fire Code, and 10.762 being addressed by other ordinances, codes and regulations, I have no comment regarding your planned repeals. Thank you for the opportunity to comment.

John B. Becker
Regional Manager, Western Region, Medford Office, DEQ
541-776-6253
Becker.john@deq.state.or.us

CITY OF MEDFORD
EXHIBIT # E
File # DCA-12-088

Moved by: Commissioner McFadden Seconded by: Commissioner Tull

Voice Vote: Motion passed, 5-0.

→ 50.2

DCA-12-088 Consideration of a proposed legislative amendment of the Medford Municipal Code, Chapter 8 (Business), Sections 8.205 and 8.260, and Chapter 10 (Land Development Code), Sections 10.012, 10.160, 10.161, 10.337, 10.762, 10.765, 10.766, 10.768, 10.769, 10.770, 10.771, 10.780, 10.818, 10.834 and 10.840, to eliminate unnecessary provisions pertaining to various topics, including arcades, conflicts of interest, drive-in theaters, air pollution, fire hazards, landscaping, and food vendors (City of Medford, Applicant).

Praline McCormack, Planner II, gave a summary, approval criteria and conclusion.

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

Commissioner McFadden explained why the Commissioners were not discussing this batch of amendments. The Commissioners have discussed these in previous study sessions and have made their comments at those meetings. Staff has incorporated those comments into the recommendations.

Motion: Based on the findings and conclusions that all of the approval criteria are either met or are not applicable, initiate the amendment and forward a favorable recommendation for adoption of DCA-12-088 to the City Council per the Staff Report dated January 15, 2013, including Exhibits A through E.

Moved by: Commissioner McFadden Seconded by: Commissioner Entenmann

Voice Vote: Motion passed, 5-0.

60. Report of Citizens Planning Advisory Committee.

60.1 Commissioner McFadden reported that the Citizens Planning Advisory Committee has not been meeting for a while. He believes there is a meeting scheduled for February discussing the City's Strategic Plan with one of the City Council representatives. Commissioner McFadden urged anyone in the City of Medford interested in learning more about planning or has an issue that should be addressed to attend those meetings. It is a great place to learn how the process works in the City of Medford.

70. Report of the Site Plan and Architectural Commission.

70.1 Commissioner Entenmann reported that the Site Plan and Architectural Commission's last Friday meeting was cancelled.

80. Report of the Joint Transportation Subcommittee. None.

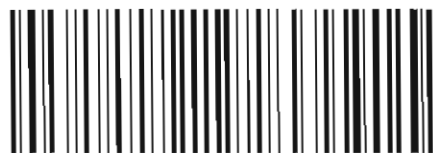
80.1 Commissioner Christie reported that the Joint Transportation Subcommittee meeting was cancelled due to no business.

90. Report of the Planning Department.

90.1 Kelly Akin, Senior Planner, reported that City Council last week heard an appeal on the Greyhound portal on The Commons Park Block II. Their decision was to remand it back to the Landmarks and Historic Preservation Commission. The Landmarks and Historic Preservation Commission will hear it in March.

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AND DEVELOPMENT**

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REQUESTED**

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