



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

06/09/2014

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 003-14

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, June 24, 2014

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: Joe Slaughter, City of Medford
Gordon Howard, DLCD Urban Planning Specialist
Josh LeBombard, DLCD Regional Representative

<paa> YA

DLCD FORM 2



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

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

Jurisdiction: City of Medford

Local file no.: **DCA-14-027**

Date of adoption: 5/15/14 Date sent: 5/22/14

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

Yes: Date (use the date of last revision if a revised Form 1 was submitted):

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Amending Medford Municipal Code, Chapter 10, Section 10.012 removing School definitions that conflict with the Standard Industrial Classification (SIC) groupings used in Section 10.337 and amending Section 10.337 to permit elementary and secondary schools in commercial zones with a CUP .

Local contact (name and title): Joe Slaughter, Planner II

Phone: 541-774-2385 E-mail: Joe.Slaughter@cityofmedford.org

Street address: 411 W. 8th Street City: Medford Zip: 97501

For a change to comprehensive plan text:

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

For a change to a comprehensive plan map:

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

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

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

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

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

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

If the change is a UGB amendment including over 50 acres by a city with a population greater than 2,500, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

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

If the change is an urban reserve establishment or amendment, indicate the number of acres, by plan designation, included in the boundary.

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

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

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

Chapter 10, Section 10.012 Definitions
Section 10.337 Uses Permitted in Commercial and Industrial Zoning Districts

For a change to a zoning map:

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

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

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

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

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

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

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

Signed ordinance, Minutes from City Council hearing 5/15/14, Agenda Item Commentary & Staff Report to City Council including all exhibits.

ORDINANCE NO. 2014-65

AN ORDINANCE amending Sections 10.012, 10.337, and Table 10.743-1 of the Medford Code pertaining to school zoning districts.

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:

* * *

~~School, business. A business enterprise, not a public or private school, offering instruction and training in a service or art, such as secretary, barber, but not including commercial trades or crafts.~~

~~School, commercial, trade, or craft. A business enterprise, not a public, private or business school, offering instruction and training in a trade such as welding, machinery operation/repair or other similar manual trades.~~

~~School, private. Schools for children over the age of five (5) years having a curriculum substantially equivalent to a public school.~~

~~School, public. A school operated by a public school district.~~

~~School, university/college. An institution of higher learning offering a course of general studies and facilities for teaching and research which is authorized to grant academic degrees, but not including business, commercial, trade, or craft schools.~~

* * *

SECTION 2. Section 10.337 of the Medford Code is amended to read as follows:

10.337 Uses Permitted in Commercial and Industrial Zones.

* * *

82 EDUCATIONAL SERVICES. This major group includes establishments furnishing formal academic or technical courses, correspondence schools, commercial and trade schools, and libraries, but not including job training.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
821	Elementary and Secondary Schools	X	X	X	X	X	X	X	X

* * *

SECTION 3. Table 10.743-1 of the Medford Code is amended to read as follows:

Table 10.743-1 – City of Medford Minimum and Maximum Parking Standards			
Land Use Category	Parking Standards are based on number of spaces per 1,000 Square Feet of Gross Floor Area (unless otherwise noted)		
	Minimum Number of Required Parking Spaces		Maximum Permitted Parking Spaces
	Central Business District C-B Overlay <i>(outside of Downtown Parking District)**</i>	All Other Zones	All Zones
School, College, University, Vocational, or other Educational Courses or Commercial Trade or Business	1.0 space per 3.6 students, plus 1.0 space per employee (including faculty) at largest capacity class attendance period	1.0 space per 3.3 students, plus 1.0 space per employee (including faculty) at largest capacity class attendance period	1.0 space per 2.6 students, plus 1.0 space per employee (including faculty) at largest capacity class attendance period
School, Elementary (Kindergarten – 8 th)	1.0 space per teacher and staff plus 1.0 space per 2.4 classrooms	1.0 space per teacher and staff plus 1.0 space per 2.2 classrooms	1.0 space per teacher and staff plus 1.0 space per 1.8 classrooms
School, Secondary (9 th – 12 th) Senior High	1.0 space per teacher and staff plus 1.0 space per 6 non-based students	1.0 space per teacher and staff plus 1.0 space per 5.5 non-based students	1.0 space per teacher and staff member plus 1 space per 4.4 non-based students

PASSED by the Council and signed by me in authentication of its passage this 15 day of May, 2014.

ATTEST: Glenda Wilson
City Recorder

[Signature]
Mayor

APPROVED May 15, 2014.

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.

MINUTES OF THE MEDFORD CITY COUNCIL MEETING
Mayor's Youth Advisory Commission Student Government Day

May 15, 2014

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

Mayor Gary Wheeler; Councilmembers Dick Gordon (*left and returned as noted), Daniel Bunn, Bob Strosser, Eli Matthews, Tim Jackle, John Michaels and Chris Corcoran (*left and returned as noted).

Councilmember Karen Blair was absent.

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

Mayor's Youth Advisory Commission members Sammy Elsdon; David Elson; Shane Bechtel; Grace Jovanovic; Clairra Cummings; Madigan Smith; Olivia Minor; Kaitlyn Smith; and Emily Eccelson.

Employee Recognition

Employees from Finance, Parks & Recreation and Police Departments were recognized for their years of service.

New Employees

Perry Tilton, WRD Operation in Training at the Public Works Water Reclamation Division was introduced.

Retirees

Suzanne Myers, Principal Planner in the Planning Department was recognized for her twenty-one years of service.

20. Approval or correction of the minutes of the May 1, 2014 regular meeting

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

30. Oral requests and communications from the audience

30.1 Travel Medford Quarterly Update by Anne Jenkins

Ms. Jenkins addressed the Council and provided an update on the travel and tourism industry in Medford. She reviewed the conferences attended by Travel Medford staff to promote tourism in our region as well as advertisements that will be produced in travel publications. Ms. Jenkins noted that Don Anway from the Neuman Hotel Group has been appointed to the Travel Oregon Commission.

30.2 Quarterly Update by Southern Oregon Regional Economic Development, Inc. by Ron Fox

Mr. Fox addressed the Council and provided an update on the economic development activities undertaken by SOREDI. He highlighted business recruitment, expansion and retention as well as regional activities.

30.3 Mayor Wheeler and MYAC Mayor Elsdon presented a proclamation Rebecca Pace regarding ALS Awareness Month, May 2014. Ms. Pace addressed the Council and spoke to the fundraising being done to raise awareness.

40. Consent calendar

40.1 COUNCIL BILL 2014-56 An ordinance authorizing acceptance and expenditure of a grant from the State of Oregon Parks and Recreation Heritage Program in the amount of \$12,000 and authorizing matching City of Medford in-kind staff time to be used for historic preservation activities.

40.2 COUNCIL BILL 2014-57 An ordinance awarding a contract in the amount of \$216,216.00 to Intermountain Slurry Seal, Inc., to perform micro surfacing on various city streets.

40.3 COUNCIL BILL 2014-58 An ordinance authorizing the execution of a Lease Agreement with Rogue Valley Children's Discovery Museum dba Kid Time Discovery Experience for five parking spaces in the amount of \$100 per month; fees waived for the first six months.

Motion: Adopt the consent calendar.

Moved by: Bob Strosser

Seconded by: John Michaels

Motion carried and the following Council Bills were duly approved: 2014-56, 2014-57 and 2014-58.

50. Items removed from consent calendar

60. Ordinances and resolutions

60.1 COUNCIL BILL 2014-59 An ordinance awarding a contract in the amount of \$742,270 to Straus & Seibert Architects, LLP, to provide design and engineering requirements for Fire Station 2, 3 and 4.

Motion: Adopt the ordinance awarding a contract in the amount of \$742,270 to Straus & Seibert Architects, LLP to provide design and engineering requirements for Fire Station 2, 3 and 4.

Moved by: Eli Matthews

Seconded by: Dick Gordon

Councilmember Corcoran recused himself from Agenda Items 60.1, 60.2 and 60.3.

Councilmember Matthews noted he was ex-officio on the scoring committee and felt the process was fair and equitable. He noted there was nothing that would affect his ability to participate on this item.

Brian Sjothun, Parks & Recreation Director addressed the Council and provided a staff report on Agenda Items 60.1, 60.2 and 60.3. He reviewed the history of the selection process under the Construction Manager/General Contractor. He reviewed the scoring criteria utilized for the architect/engineering contracts. Mr. Sjothun noted that energy efficient techniques will be included in the projects, but that due to the costliness of applying for LEED certification the City will not pursue certification. The City will be pursuing energy efficiency credits for the projects. He reviewed the process and opportunities for Council review of the project design.

Roll Call: Councilmembers Eli Matthews, Dick Gordon, Daniel Bunn, Tim Jackle, John Michaels and Bob Strosser voting yes. Councilmember Chris Corcoran abstained.
Ordinance 2014-59 was duly adopted.

60.2 COUNCIL BILL 2014-60 An ordinance awarding a contract in the amount of \$1,424,315 to ORW Architecture to provide design and engineering requirements for a new police station and secured parking structure.

Motion: Adopt the ordinance awarding a contract in the amount of \$1,424,315 to ORW Architecture to provide design and engineering requirements for a new police station and secured parking structure.

Moved by: Dick Gordon

Seconded by: John Michaels

Councilmember Strosser noted he was ex-officio on the scoring committee and felt the process was fair and equitable. He noted there was nothing that would affect his ability to participate on this item.

Councilmember Bunn noted he also served as ex-officio on the scoring committee and that there was nothing that would affect his ability to participate on this item.

Roll Call: Councilmembers Dick Gordon, John Michaels, Bob Strosser, Eli Matthews, Daniel Bunn, and Tim Jackle voting yes. Councilmember Chris Corcoran abstained.
Ordinance 2014-60 was duly adopted.

60.3 COUNCIL BILL 2014-61 An ordinance authorizing exemption from competitive bidding and awarding a Construction Manager/General Contractor contract to Adroit Construction; authorizing pre-construction services in an amount not to exceed \$32,500; authorizing construction in an amount not to exceed \$18,787,000 for a new police station and secured parking structure.

Motion: Adopt the ordinance authorizing an exemption from competitive bidding and awarding a Construction Manager/General Contractor contract to Adroit Construction; authorizing pre-construction services in an amount not to exceed \$32,500; authorizing construction in an amount not to exceed \$18,787,000 for a new police station and secured parking structure.

Moved by: Bob Strosser Seconded by: Eli Matthews

Councilmember Gordon noted that to avoid any appearance of impropriety he will be recusing himself from Agenda Items 60.3, 120.1 and 130.1.

*Councilmember Gordon left the meeting.

Brian Sjothun, Parks & Recreation Director addressed the Council and provided an overview of the Construction Manager/General Contractor (CMGC) process. He reviewed the scoring criteria. He noted that top scorer JE Dunn entered into negotiations and the City exercised its rights to end negotiations and selected second highest responder, Adroit Construction.

Councilmember Strosser noted he was ex-officio on the scoring committee and felt the process was fair and equitable. He noted there was nothing that would affect his ability to participate on this item.

Councilmember Bunn noted he also served as ex-officio on the scoring committee and that there was nothing that would affect his ability to participate on this item.

Roll Call: Councilmembers Bob Strosser, Eli Matthews, Daniel Bunn, John Michaels and Tim Jackle voting yes. Councilmember Chris Corcoran abstained.
Ordinance 2014-61 was duly adopted.

70. Council Business

*Councilmember Gordon returned to the meeting.

70.1 Councilmember Matthews announced that the Medford Forum program this month will highlight the Medford-Alba, Italy Sister City relationship. He will be on the program with Alba Sister City Chairperson Brent Barry and long-time Sister City supporter Doug Snider.

80. City Manager and other staff reports

80.1 Capital Improvement Project Update Report by Brian Sjothun, Parks & Recreation Director
Mr. Sjothun addressed the Council and provided an overview of the projects.

80.2 Mr. Elson noted that participants and a topic are needed for the KCMX Radio Spot on May 27 at 8:00 a.m.

80.3 Mr. Elson noted that the Medford Forum will be on May 22nd.

80.4 Mr. Elson reported that the Peace Officers Memorial was held this morning and had a good attendance. He noted that officers who have paid the ultimate price in protecting our community were honored.

80.5 Mr. Elson noted that on Monday, May 19th is the Elected Official's Emergency Management training class starting at 5:30 p.m. with a light supper and then the training will be at 6:00 p.m. He noted that elected officials from other communities will also be in attendance.

80.6 Mr. Elson noted that an updated Communication Outreach Plan will be included in the study session packet for the Council study session on May 22nd. There are two additional topics for that meeting, Special Events Funding Policy and Emergency Management 90-Day Plan.

80.7 Mr. Elson noted that the May 29th Council study session topic will be a report by ESCI on the Fire Services Cooperation study.

80.8 Mr. Elson requested an update on the medical marijuana court decision. John Huttli, City Attorney reported on the Circuit Court action taken and support of the City's position in revocation of the license for Mary Jane's Attic/Basement.

80.9 Mr. Elson recognized Chris Olivier who organized the Bike to Work breakfast.

90. Propositions and remarks from the Mayor and Councilmembers

90.1 Proclamations issued:

- Peace Officer's Memorial Day, May 15, 2014
- National Public Works Week, May 18-24, 2014
- ALS Awareness Month, May 2014

90.2 Further Council committee reports.

- a. Councilmember Gordon reported on Site Plan & Architectural Commission meeting and approval of Stewart Meadows design standards.
- b. Councilmember Strosser reported on the Water Commission meeting and discussion on the Ashland curtailment plan and drought impacts. Ongoing discussion regarding the water service agreements.

*Councilmember Corcoran left and returned to the meeting.

- c. Councilmember Strosser noted he had attended the Regional Rate Committee meeting.

90.3 Further remarks from Mayor and Councilmembers.

- a. Councilmember Matthews spoke to the Mayor's Youth Advisory Commission members in attendance at the meeting. The MYAC members introduced themselves. Mayor Wheeler thanked the students for attending.
- b. Mayor Wheeler noted that the Council would have a study session at 5:30 this evening to interview Site Plan & Architectural Commission applicants followed by the 6:00 Medford Urban Renewal Agency board meeting and a 7:00 City Council evening session.

100. Adjournment to the evening session

The meeting adjourned to the evening session at 1:33 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 (*left and returned as noted), Daniel Bunn, Bob Strosser, Eli Matthews, John Michaels and Chris Corcoran.

Councilmembers Tim Jackle and Karen Blair were absent.

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

110. Oral requests and communications from the audience

110.1 Kaci Hardey, 2500 Gould Ave., Medford addressed the Council regarding the award of the capital improvement contracts. She spoke to an article in the Mail Tribune regarding the protest filed S&B James. She expressed her concern regarding the award of the contract to a company at a higher price. She questioned if the Council is holding the selection committee responsible.

120. Public hearings

120.1 COUNCIL BILL 2014-62 A resolution denying a protest of the notice of intent to award a Construction Manager/General Contractor contract to Adroit Construction to construct improvements to Fire facilities.

Councilmember Gordon recused himself from this item as stated during the noon session.
Councilmember Corcoran recused himself from 120.1 and 130.1 due to a conflict of interest.

*Councilmember Gordon left the meeting.

City Attorney John HuttI provided a staff report. He reviewed the process for the procurement of services for this contract. He noted that the scoring committee reviewed the proposals based on the scoring criteria within the bid document. He reviewed the protest and City's response.

Public hearing opened.

Councilmember Matthews reported exparte contacts with Allen Purdey and Bob Mayer. He noted these contacts would not prohibit his ability to vote on this issue.

1. Jerry Shean, representing the appellant S&B James, addressed the Council and presented arguments on two issues, that the scoring was weighted and this was not explained before the submittal. He questioned why rates and expenses for the property control was important but not in this project. He spoke to the scoring for key personnel. The proposal required resumes and the percentage of time each key personnel would spend on the project. The Adroit document was missing this information but still rated higher than the S&B James submittal. Mr. Shean noted that information was gathered in the interview process but that was after the scoring was completed. He stated that the process was biased and there appeared to be favoritism.

Councilmembers questioned Mr. Shean's protest arguments and Mr. Shean requested the issue be remanded to the scoring committee. Councilmember Bunn spoke to the second issue and questioned if there was anything that prohibited the City from asking clarifying questions in the interview process. Mr. Shean noted asking questions to clarify information is different than adding information that was required in the proposal. Mr. Shean reserved time for rebuttal

2. Jeremy Vermilyea, representing Adroit Construction addressed the Council regarding the protest. He noted that his client concurs with Mr. HuttI's conclusions regarding the protest. He stated that the scoring process was fair. He spoke to the issue raised regarding the construction phase fees in that this is very hypothetical as this is the reason for the CMGC process to allow for reduction in design and construction costs. Contract amount proposed in 130.1 is different than on the spreadsheet shown by Mr. Shean. This is not a low bid contract process, but a process to provide the most advantageous outcome for the community. He noted that the only guaranteed cost is the pre-construction fees and Adroit's were the lowest. Mr. Vermilyea noted that any concern regarding the scoring method should have been addressed in the bid review meeting. He also spoke to the City's ability to waive a minor informality and his client believes the key personnel issue was such informality. He reserved time for rebuttal.
3. Jerry Shean noted that the respondent's attorney did not address arguments made in statement.

Councilmembers questioned staff regarding the scoring process issues.

Greg McKown, Facilities Management Supervisor, addressed the Council and noted that the scoring was done to develop a short list of two respondents for the interview process. He noted that the request for proposal spells out the scoring/evaluation of the proposals and then the interview process would be based on the same questions in the request for proposal. The question regarding the key personnel was addressed by Adroit in the interview process. He then provided the guidelines utilized by the scoring committee. The guidelines were developed to further remove the opportunity for a biased scoring to occur.

Mr. Huttli spoke to the request to remand this based on Mr. McKown presentation and that Council should give due consideration to the scoring committee. He noted that Mr. McKown's testimony shows that the scoring committee was not arbitrary or capricious.

4. Jerry Shean addressed the Council, requested Mr. McKown answer some questions regarding the scoring done before the interview and that one of the scoring committee members was not present at the interview. He stated this would have skewed the results.
5. Mr. Vermilyea suggested that being "nitpicky" is not helpful and spoke to several examples in the responses from the various companies where there were omissions and problems with submittals. He encouraged the Council to support the professional staff and the scoring process and deny the protest.

Councilmember Strosser requested Mr. McKown address the questions raised by Mr. Shean. Mr. McKown noted that the scoring was to create short list to reduce proposers to two firms. The interviews utilized the same scoring criteria, then scoring was finalized. He noted that the absence of the scoring committee member would not have changed the outcome of the scoring.

6. Mr. Vermilyea provided scoring sheet to clarify that the absence of the scoring committee member would not have affected the outcomes.

Public hearing closed.

Motion: Move to deny the protest.

Moved by: Bob Strosser

Seconded by: Daniel Bunn

Councilmember Strosser spoke to his motion and that there was substantial evidence that the effort to be consistent in the process was evident. Councilmember Bunn spoke to the motion and his support.

Roll Call: Councilmembers Bob Strosser, Daniel Bunn, Eli Matthews and John Michaels voting yes. Councilmember Chris Corcoran abstained.
Resolution 2014-62 was duly adopted.

Mayor Wheeler called a 10 minute recess.

Meeting was reconvened with same persons present at 8:32 p.m.

*Councilmember Gordon returned to the meeting.

120.2 CONTINUED From April 17, 2014

COUNCIL BILL 2014-47 An ordinance vacating an approximate 15 foot by 237-foot long strip of public right-of-way which is an alley extending between Quince Street and the alley between Rose Avenue and Quince Street, approximately 215 feet north of West Main Street. (SV-13-123) (Land Use, Quasi-judicial)

Kelly Akin, Principal Planner provided a staff report. Ms. Akin reviewed the approval criteria and findings for the vacation. She noted the Planning Commission and staff recommend approval.

Public hearing opened.

1. Craig Stone, CSA Planning addressed the Council regarding the issue and addressed the reservation of the utility easement. They have been unable to get confirmation from utility providers regarding this property. Reservation of easement is not a large issue as it shifts the burden to the utilities to prove.

Public hearing closed.

Motion: Adopt the ordinance vacating an approximate 15 foot by 237-foot long strip of public right-of-way which is an alley extending between Quince Street and the alley between Rose Avenue and Quince Street, approximately 215 feet north of West Main Street.

Moved by: Chris Corcoran

Seconded by: Daniel Bunn

Roll Call: Councilmembers Chris Corcoran, Daniel Bunn, Dick Gordon, Eli Matthews, John Michaels and Bob Strosser voting yes.
Ordinance 2014-47 was duly adopted.

- 120.3 COUNCIL BILL 2014-63 An ordinance amending Sections 10.012, 10.136, 10.256, and 10.258 and repealing Section 10.408 of the Medford Code pertaining to certain alterations to structures within Historic Preservation Overlay Districts. (DCA-13-129) (Land Use, Legislative)

Suzanne Myers, Principal Planner provided a staff report. She reviewed the proposed changes and approval criteria. The Landmarks and Historic Preservation Commission, Planning Commission and staff recommend adoption. Ms. Myers noted a typo on the Ordinance that needed to be corrected as it listed a wrong Municipal Code section.

Public hearing opened.

None

Public hearing closed.

Motion: Adopt the ordinance amending Sections 10.012, 10.136, 10.256, and 10.258 and repealing Section 10.408 of the Medford Code pertaining to certain alterations to structures within Historic Preservation Overlay Districts as corrected.

Moved by: Daniel Bunn

Seconded by: Eli Matthews

Roll Call: Councilmembers Daniel Bunn, Eli Matthews, Bob Strosser, John Michaels, Dick Gordon and Chris Corcoran voting yes.
Ordinance 2014-63 was duly adopted.

- 120.4 COUNCIL BILL 2014-64 An ordinance amending Sections 10.1010 and 10.1022 of the Medford Code pertaining to temporary signs. (DCA-14-011) (Land Use, Legislative)

Jim Huber, Planning Director provided a staff report and approval criteria. He reviewed the various types of signs that are governed by the Code. He spoke to addressing the impact with political campaign signs and would like to allow these without permit; address real estate signs in residential zone. HE noted that Planning Commission and staff recommend adoption.

Public hearing opened.

None.

Public hearing closed.

Motion: Adopt the ordinance amending Sections 10.1010 and 10.1022 of the Medford Code pertaining to temporary signs.

Moved by: Eli Matthews

Seconded by: Chris Corcoran

Roll Call: Councilmembers Eli Matthews, Chris Corcoran, Dick Gordon, Daniel Bunn, John Michaels and Bob Strosser voting yes.
Ordinance 2014-64 was duly adopted.

- 120.5 COUNCIL BILL 2014-65 An ordinance amending Sections 10.012, 10.337, and Table 10.743-1 of the Medford Code pertaining to school zoning districts. (DCA-14-027) (Land Use, Legislative)

Jim Huber, Planning Director provided a staff report and an overview of the proposed change of code language to allow schools in commercial zones. He discussed approval criteria and noted that the Planning Commission and staff recommend approval.

Public hearing opened.

1. Joe VonDoloski, 1794 E. Dutton Rd., Eagle Point Executive Director of the Logos Charter School, addressed the Council and requested the Council support the code amendment.
2. John Hamlin, 24 Crater Lake Ave., Medford addressed the Council and spoke in support of the amendment and the Logos Charter School.

Public hearing closed.

Motion: Adopt the ordinance amending Sections 10.012, 10.337, and Table 10.743-1 of the Medford Code pertaining to school zoning districts.

Moved by: Bob Strosser Seconded by: John Michaels

Councilmember Gordon requested clarification on definition of schools within the Medford Code.

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

Ordinance 2014-65 was duly adopted.

130. Ordinances and resolutions

130.1 COUNCIL BILL 2014-66 An ordinance authorizing exemption from competitive bidding and awarding a Construction Manager/General Contractor contract to Adroit Construction; authorizing pre-construction services in an amount not to exceed \$22,500; authorizing construction in an amount not exceed \$8,960,000 for improvements to Fire Stations 2, 3 and 4.

*Councilmember Gordon recused himself and left the meeting.

Motion: Adopt the ordinance authorizing exemption from competitive bidding and awarding a Construction Manager/General Contractor contract to Adroit Construction; authorizing pre-construction services in an amount not to exceed \$22,500; authorizing construction in an amount not exceed \$8,960,000 for improvements to Fire Stations 2, 3 and 4.

Moved by: Bob Strosser Seconded by: Daniel Bunn

Roll Call: Councilmembers Bob Strosser, Daniel Bunn, Eli Matthews and John Michaels voting yes. Councilmember Chris Corcoran abstained.

Ordinance 2014-66 was duly adopted.

*Councilmember Gordon returned to the meeting.

140. Council Business

140.1 Site Plan & Architectural Commission Appointment

Councilmember Bunn noted this would be held to the next meeting.

140.2 Councilmembers discussed the vacancy on the Housing & Community Development Commission. Glenda Wilson, Assistant to the City Manager provided background on the issues. She noted that this was discussed at the March 6th Council meeting where Commission member Linda Pincock addressed the Council. At that meeting, Ms. Pincock requested that the Commission be allowed to maintain status and see if they can address housing issues. Ms. Wilson noted that there is a vacancy on the Commission that the members would like to have filled as they are working on the 5-Year Consolidated Plan for the Community Development Block Grant funds.

Councilmember Michaels noted he would like to see a written recommendation from the Commission clarifying how they are or will address the housing needs. He would also like to see the City form a Housing Commission to address affordable housing and other issues. Ms. Wilson noted that at this time there is not staff in the Planning Department or City Manager's office to support a new committee.

Councilmember Bunn noted that the Commission is requesting that the status quo be held for one year and that the vacancy needs to be filled.

Motion: Move forward on filling the vacancy on the Housing & Community Development Commission.

Moved by: Dick Gordon Seconded by: John Michaels

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

Motion carried and so ordered.

Motion: Request written documentation from the Housing & Community Development Commission on their plan to address duties including affordable housing or recommendation to change their duties.

Moved by: John Michaels Seconded by: Dick Gordon

Roll Call: Councilmember John Michaels, Dick Gordon, Daniel Bunn, Eli Matthews, Bob Strosser and Chris Corcoran voting yes.

Motion carried and so ordered.

150. **Further reports from the City Manager and staff**

160. **Propositions and remarks from the Mayor and Councilmembers**

160.1 Further Council committee reports.

160.2 Further remarks from Mayor and Councilmembers.

- a. Councilmember Michaels noted he would like the Council to look at building standards and have Site Plan & Architectural Commission provide some recommendations.
- b. Councilmember Bunn noted that Josephine County has been boycotting the Rogue Valley Area Commission on Transportation meetings.

170. **Adjournment**

There being no further business the meeting adjourned 9:51 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



DEPARTMENT: Planning Department
PHONE: 541-774-2380
STAFF CONTACT: James E. Huber, AICP, Planning Director

AGENDA SECTION: [City Recorder]
MEETING DATE: May 15, 2014

COUNCIL BILL 2014-

Ordinance amending Medford Municipal Code Section 10.012 to remove School definitions that conflict with the Standard Industrial Classification (SIC) groupings used in Section 10.337, Section 10.337 to permit elementary and secondary schools in commercial zoning districts with an approved Conditional Use Permit, and Table 10.743-1 to match School groupings used in Section 10.337 (City of Medford, Applicant).

ISSUE STATEMENT & SUMMARY:

The Planning Department has been approached by two Medford charter schools with requests to locate their schools in commercial zones. Section 10.314 (Permitted Uses in Residential Land Use Classifications) allows for the placement of schools in residential zoning districts with a Conditional Use Permit. Section 10.337 (Uses Permitted in Commercial and Industrial Zoning Districts) does not allow for elementary and secondary schools in any of the commercial zoning districts. The Land Development Code anticipates that elementary and secondary schools are "neighborhood" schools. The reality is that education is changing and more schools are changing how and where they deliver instruction. Unlike traditional schools many charter schools are not designed to be within walking distance for students and are more likely to serve an entire region. These changes have caused the need for more facility options for schools. Currently elementary and secondary schools are only permitted in residential zoning districts with a Conditional Use Permit. The proposed amendment would allow any kind of elementary or secondary school (traditional public school, public charter school, private school, etc.) to locate in commercial zoning districts with a Conditional Use Permit.

BACKGROUND:

The Planning Commission discussed the proposal at their February 24, 2014, study sessions. On April 24, 2014, they held a public hearing and voted to recommend City Council approval.

A. History

Council has taken no previous action on this matter. A letter was sent to the City Manager, Mayor and City Council on January 29, 2014 from Joseph VonDoloski (Executive Director at Logos Charter School) concerning this matter.

B. Analysis

The proposed amendment is in response to the changing look of education in Oregon. This changing look includes changes in the proximity of students to the schools and where and how instruction is delivered. The ability for elementary and secondary schools to locate within commercial districts will help schools and school districts meet their needs for more facility options. Requiring a conditional use permit will help assure that any adverse impacts to commercial development are considered.

C. Financial and/or Resource Considerations

There are no budgetary considerations associated with this amendment.



D. Timing Issues

One of the charter schools that asked for the ability to locate within the commercial zoning district is anxious for this change to be adopted as soon as possible. They would like to be able to transition to a new location before the next school year begins.

STRATEGIC PLAN:

Theme: Healthy Economy

Objective 5.3: Collaborate with other agencies, non-profits, and educational institutions to prepare a workforce for the 21st century.

Goal 6: Maintain and enhance community livability.

COUNCIL OPTIONS:

1. Adopt the ordinance, which will allow elementary and secondary schools to locate within commercial zoning districts with a Conditional Use Permit.
2. Modify the ordinance.
3. Remand the proposal to the Planning Commission for further consideration.
4. Deny the ordinance.

STAFF RECOMMENDATION:

Based on the findings and conclusions that all of the approval criteria are either met or are not applicable, staff recommends adoption of the ordinance allowing elementary and secondary schools to locate within commercial zoning districts with a Conditional Use Permit.

SUGGESTED MOTION:

I move to adopt the ordinance allowing elementary and secondary schools to locate within commercial zoning districts with a Conditional Use Permit.

EXHIBITS:

Staff Report for file DCA-14-027 dated May 1, 2014, including Exhibits A through F.
A copy of the City Council PowerPoint presentation is on file in the Planning Department.



CITY OF MEDFORD

PLANNING DEPARTMENT

STAFF REPORT – LAND DEVELOPMENT CODE AMENDMENT

Date: May 1, 2014
To: Mayor and City Council for May 15, 2014 Hearing
From: Joe Slaughter, Planner II
Reviewer: Suzanne Myers, AICP, Principal Planner
Subject: Schools in Commercial Zoning Districts (DCA-14-027)
City of Medford, Applicant

BACKGROUND

Proposal: To amend Land Development Code Section 10.012 to remove School definitions that conflict with the Standard Industrial Classification (SIC) groupings used in Section 10.337, Section 10.337 to permit elementary and secondary schools in commercial zoning districts with an approved Conditional Use Permit, and Table 10.743-1 to match School groupings used in Section 10.337.

History: Section 10.314 (Permitted Uses in Residential Land Use Classifications) allows for the placement of schools in residential zoning districts with a Conditional Use Permit. Section 10.337 (Uses Permitted in Commercial and Industrial Zoning Districts) does not allow for elementary and secondary schools in any of the commercial zoning districts. The proposed amendment was brought about by two Medford charter schools that asked to locate within commercial districts.

Analysis: The Land Development Code anticipates that primary and secondary schools are “neighborhood” schools. The reality is that the face of education is changing. More and more schools are changing how and where they deliver instruction. As the attached recent article in the Mail Tribune shows, charter schools are growing, successful, and have one thing in common, the need for more facility options. Unlike traditional public schools, many charter schools are not designed to be within walking distance for neighborhood students. Most charter schools provide alternative teaching methods for students from an entire region. Logos, a charter school located in Medford, covers the greater Rogue Valley region; they, for example, have students from Cave Junction, Selma, Murphy, Wimer, Grants Pass, Rogue River, Gold Hill, Jacksonville, Talent, Phoenix, Eagle Point, Shady Cove, Prospect, and Ashland, as well as the Medford metropolitan area.

While many public and private schools continue to operate within the traditional

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paradigm, operating as neighborhood schools in residential districts, there is a growing diversity to how schools operate in Oregon. This diversification can be attributed in large part to charter schools. In 1992, Oregon became the thirty-eighth state to enact charter school law and now there are more than 100 public charter schools in Oregon, sponsored by 60 school districts and the State Board of Education, in 26 counties. In light of the increasing diversity of schools it is appropriate for the City of Medford to amend its code to allow for the siting of schools in a greater variety of zoning districts.

APPROVAL CRITERIA COMPLIANCE

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

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

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

Findings: The proposed amendment is in response to the changing look of education in Oregon. This changing look includes changes in the proximity of students to the schools and where and how instruction is delivered. The ability for elementary and secondary schools to locate within commercial districts will help schools and school districts meet their needs for more facility options. Requiring a conditional use permit will help assure that any adverse impacts to commercial development are considered.

Conclusion: The increased flexibility in the Land Development Code will provide schools and school districts the ability to increase the variety of education options at the elementary and secondary school level. This in turn benefits the public by improving the ability of individual students to find education at the elementary and secondary school level that best suits their individual learning styles. Criterion 10.184 (2)(a) is satisfied.

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

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

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

1. *Citizen Involvement:* Goal 1 requires the City to have a citizen involvement program that sets the procedures by which a cross-section of citizens will be involved in the land use planning process, including participation in the revision of the *Land Development Code*. Goal 1 requires providing an opportunity to review proposed amendments prior to the public hearing, and any recommendations must be retained and receive a response from policy-makers. The rationale used to reach land use policy decisions must be available in the written record. The City of Medford has an established citizen involvement program consistent with Goal 1 that includes review of proposed *Land Development Code* amendments by the Planning Commission, and the

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

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

Staff finds that Goals **3-10** do not apply in this matter.

11. *Public Facilities and Services:* Goal 11 requires the City to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development. The City of Medford has an adopted Public Facilities Element within the Comprehensive Plan that complies with Goal 11. The Public Facilities Element includes an analysis of school facilities needs which was coordinated with the local school districts. A more detailed discussion of compliance with the School portion of the Public Facilities Element of the Comprehensive Plan is provided below. The proposed code amendment is consistent with the public facilities planning required by Goal 11 because it helps to implement the Schools Section of the Public Facilities Element.

Staff finds that Goals **12-14** do not apply to this matter. Goals **15-19** apply only to other regions of the State and are not evaluated here.

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

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

Applicable Comprehensive Plan Goals, Policies, and Implementation Strategies:

**PUBLIC FACILITIES ELEMENT
SCHOOLS**

GOAL: To support excellent public education for Medford's citizens.

Policy 1-B: The City of Medford will cooperate with Medford 549C School District and Phoenix-Talent School District in providing public improvements and services needed to support adopted educational programs.

Findings: The proposed amendment supports this goal by making more property available to school districts for use as schools. This additional property allows for additional flexibility in school siting which in turn assists school districts in providing a wider variety of education options in Medford.

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

Findings: Satisfied. The proposed code amendment was sent to 12 City departments and outside referral agencies, including Medford School District 549C, Phoenix School District 4, Vibes Charter School, and Logos Charter School, on March 4, 2014. The Planning Department has since received correspondence from three of the referral agencies. The Planning Department received a phone call from Phoenix School District inquiring about the proposed amendment and any impacts it would have on the district. The District did not voice either opposition or support for the proposed amendment. The Planning Department has also received multiple correspondences from Logos Charter School. Logos is in full support of the proposed amendment. Letters received from the school's Executive Director and one of its board members are attached as Exhibits C and D.

Conclusion: The proposed amendment has been distributed to the applicable referral agencies for comments. Comments received are either neutral or in favor of the proposed amendment. Criterion 10.184(2)(b)(3) is found to be satisfied.

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

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

Conclusion: The code amendment was posted on the City website on March 13, 2014 and no comments have been received from the public. A study session was held by the Planning Commission on February 24, 2014 to discuss the text amendment proposal. Criterion 10.184(2)(b)(4) is found to be satisfied.

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

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

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

RECOMMENDED ACTION

Based on the findings and conclusions that all of the approval criteria are either met or are not applicable, on April 24, 2014 the Planning Commission voted 7 to 0 to initiate this

amendment and recommend adoption of DCA-14-027 per the Staff Report dated April 14, 2014, including Exhibits A through F.

EXHIBITS

- A Proposed Code Amendment, dated February 26, 2014;
- B Mail Tribune article: Education in Demand;
- C Letter received from Joseph VonDoloski, dated March 13, 2014;
- D Letter received from Mark VonHolle, dated March 13, 2014;
- E Minutes from Planning Commission Study Session of February 24, 2014; and
- F Planning Commission Meeting Minutes from April 24, 2014

PLANNING COMMISSION AGENDA: April 24, 2014

CITY COUNCIL AGENDA: May 15, 2014

Exhibit A

Schools in Commercial Districts Code Amendment (DCA-14-027)

Proposed Code Amendment – Schools in Commercial Districts

Article I

10.012 Definitions, Specific.

~~**School, business.** A business enterprise, not a public or private school, offering instruction and training in a service or art, such as secretary, barber, but not including commercial trades or crafts.~~

~~**School, commercial, trade, or craft.** A business enterprise, not a public, private or business school, offering instruction and training in a trade such as welding, machinery operation/repair or other similar manual trades.~~

~~**School, private.** Schools for children over the age of five (5) years having a curriculum substantially equivalent to a public school.~~

~~**School, public.** A school operated by a public school district.~~

~~**School, university/college.** An institution of higher learning offering a course of general studies and facilities for teaching and research which is authorized to grant academic degrees, but not including business, commercial, trade, or craft schools.~~

Article III

10.337 Uses Permitted in Commercial and Industrial Zones.

82 EDUCATIONAL SERVICES. This major group includes establishments furnishing formal academic or technical courses, correspondence schools, commercial and trade schools, and libraries, but not including job training.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
821	Elementary and Secondary Schools	XC	XC	XC	XC	XC	X	X	X
822	Colleges and Universities	P	P	P	p	P	P	X	X

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
823	Libraries	P	P	P	P	P	P	X	X
824	Vocational Schools	P	P	P	P	P	P	X	X
829	Schools & Educational Services, nec	P	P	P	P	P	P	X	X

Article V

Table 10.743-1 Minimum and Maximum Parking Standards

Table 10.743-1 – City of Medford Minimum and Maximum Parking Standards			
Land Use Category	Parking Standards are based on number of spaces per 1,000 Square Feet of Gross Floor Area (unless otherwise noted)		
	Minimum Number of Required Parking Spaces		Maximum Permitted Parking Spaces
	Central Business District C-B Overlay (outside of Downtown Parking District)**	All Other Zones	All Zones
School, College, University, Vocational, or other Educational Courses or Commercial Trade or Business	1.0 space per 3.6 students, plus 1.0 space per employee (including faculty) at largest capacity class attendance period	1.0 space per 3.3 students, plus 1.0 space per employee (including faculty) at largest capacity class attendance period	1.0 space per 2.6 students, plus 1.0 space per employee (including faculty) at largest capacity class attendance period
School, Elementary (Kindergarten – 8 th)	1.0 space per teacher and staff plus 1.0 space per 2.4 classrooms	1.0 space per teacher and staff plus 1.0 space per 2.2 classrooms	1.0 space per teacher and staff plus 1.0 space per 1.8 classrooms
School, Secondary (9 th – 12 th) Senior High	1.0 space per teacher and staff plus 1.0 space per 6 non-bused students	1.0 space per teacher and staff plus 1.0 space per 5.5 non-bused students	1.0 space per teacher and staff member plus 1 space per 4.4 non-bused students

Exhibit B
Schools in
Commercial
Districts Code
Amendment
(DCA-14-027)



COMING TOMORROW GIRLS BASKETBALL
South Medford play in the Class 6A state tournament with a clash against South Salem at Portland's Moda Center

A very sweet side note
Prepared foods, including cakes and cake pops, are on the menu at local growers markets



Mail Tribune

Wednesday, March 12, 2014 www.mailtribune.com

A la carte, Page 1C

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Education IN DEMAND

Charter school enrollment surges in Medford, which follows a U.S. trend

By TERESA THOMAS
Mail Tribune

Enrollment at Medford's three public charter schools has skyrocketed in recent years, with dozens of kids on waiting lists for a chance at an alternative education. In its first year, VIBES Public Charter School, hosted by Kids Unlimited, met its cap of 150 first-through third-grade students and has 14 kids on waiting lists. VIBES started the school year with 136 students.

Enrollment at Madrone Trail Public Charter School has tripled in the last seven years, from 75 students when it started in 2007 to 225 students today. Joseph Frodsham, the school's director, said there are 141 kids waiting for a spot in the K-8 school. Currently, there are only openings in three grades.

"We had a family we accepted the other day that has been on the waiting list for three years," he said.

Logos Public Charter School, now in its fourth year, has seen the biggest increase. The school opened in 2010 with 250 students and now boasts 925, only 75 students away from its cap.

"We are the largest charter school in the state that's not online," said Logos Executive Director Joe Vondolosi.

All three local charter schools operate under the umbrella of the Medford School District but have individual contracts for charters, school boards and budgets. They have no boundaries, allowing them to enroll students from neighboring cities and counties.

Medford schools Superintendent Phil Long said he didn't think charter schools were pulling students from the district's more traditional schools, where

"No two charter schools are exactly alike. Charter schools spring up in a community where there is a unique need."

Medford schools Superintendent Phil Long



From left, Logos Public Charter School eighth-grader Adria Tollefson, ninth-grader Logan Parr and eighth-grader Jared Wilcox work on their homework before classes.



enrollment was 13,574 last fall — up 3 percent from the year before. Instead, the charter schools are reaching out to home-school

Interest in charter schools surged during the 11-work-day teachers' strike in February, when frustrated parents began searching for alternatives for their children.

Logos teacher Brianne Faneli works with second-grader Micah Zinkel.

families and families outside the district who are interested in the schools' unique offerings, he said. "One of the benefits of charter

schools is that they bring more resources to families educating in our valley," he said.

Interest in charter schools surged during the 11-work-day teachers' strike in February, when frustrated parents began searching for alternatives for their children. Medford's enrollment dropped by 200 students that month as a result of the strike, Long told the School Board Monday night.

Once a student misses 10 days, his or her enrollment is withdrawn. Long said he thinks that many students

see CHARTER Page 6A

Woman run over after alleged deal turns sour

She's hospitalized in critical condition; two suspects are arrested

By RYAN PFEIL
Mail Tribune

A 20-year-old woman is in critical condition after being run over in the north Medford Fred Meyer parking lot Monday night, the result of what police said was a failed drug deal.

Police said Brittney Debler, now hospitalized at Asante Rogue Regional Medical Center, allegedly agreed to meet Andrew Daniel Arzner and Jerica Whittney Stinson, both 19, in the Fred Meyer parking lot, 2424 Crater Lake Highway, on Monday evening for a transaction involving opiate-based pain killers.

Arzner and Stinson are romantically involved, police said. The three allegedly conducted the transaction through the open window of the passenger door of Arzner's 1987 Toyota 4Runner. During the meeting, police said, Stinson took Debler's money and Arzner tried to flee.

"Debler counted out the money, gave it to them. They swiped the money and took off," said Lt. Mike Budeaux of Medford police. "It got out of control from there."

see DRUG Page 7A

Hefty cat that terrorized family will get therapy

The Oregon owners of a 22-pound housecat that trapped them in their bedroom after attacking their baby say they're not giving up on their pet and are getting it medical attention and therapy.

Two days after police arrived to subdue the 4-year-old part Himalayan cat, owner Lee Palmer of Portland said he's taking the feline to a veterinarian. A pet psychologist also is due at the house to see the cat, named Lux.

"We're not getting rid of him right now," Palmer said. "He's been part of our family for a long time."

see CAT Page 7A

State troopers step into law-enforcement void

Josephine County budget cuts already could be affecting highway monitoring in region

By SHAUN HALL
Grants Pass Daily Courier

The Oregon State Police is shouldering much of the law-enforcement load in rural Josephine County, where state troopers have become

the de facto sheriff's office on nights and weekends.

Newly released statistics show huge jumps in the state police workload in the county, since 80 of the sheriff's workforce of nearly 100 dep-

uties and support personnel were laid off two years ago because of budget cuts.

These days, the sheriff's office typically has patrol deputies on duty from 8 a.m. to 4 p.m. weekdays only. Calls for help — thefts, domestics, property line disputes, etc. — come in, but there are few deputies to go out.

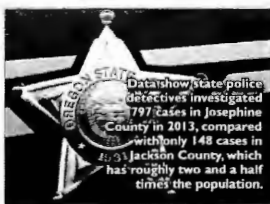
Into the void have stepped state

police, which recently sent five more troopers and a sergeant this way.

"The guys that are working nights and weekends have really had to do a lot more," state police Senior Trooper Josh Quick said.

The change in roles — troopers responding to calls formerly handled by deputies — might be having an

see VOID Page 7A



Data show state police detective investigated 797 cases in Josephine County in 2013, compared with only 148 cases in 2011. Jackson County, which has roughly two and a half times the population,

AP Photo

WEATHER

High 63
Low 38

For complete forecast, turn to Page 10A



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two minute FILM FESTIVAL

The Mail Tribune's fourth annual has gone live. Use your filmmaking skills to create a two-minute video — preferably one with a plot — and enter by 11:59 a.m. Wednesday, April 9.

See to learn details and upload your film. There's also a sample video to get you in the mindset. Questions can be directed to rpfeil@mailtribune.com.



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Election takes shape as 2014 filing deadline passes

By JONATHAN J. COOPER
The Associated Press

S.ALEM — Sixteen members of the Oregon Legislature aren't seeking re-election. Two will face primary challengers. And 24 won't have any opponent at all in the primary or general election.

The 2014 election took much clearer shape Tuesday as the deadline passed for people seeking office to declare their intentions.

Fifteen representatives and one senator did not file re-election paperwork. Most of them had already said they're retiring or seeking another office, but one was a surprise. Freshman Rep. Ben Unger, D-Hillsboro, said it was too difficult to balance legislative work with his full-time job as a political consultant.

Nineteen members of the House — 14 of them Democrats — will be running unopposed unless someone mounts a write-in campaign for their party's nomination. On the Senate side,

four Democrats and one Republican did not draw an opponent from either party. Most of the unopposed incumbents represent districts that would be unlikely to switch parties.

Two House Democrats are facing challengers from their own party in the May 20 primary. Joe Rowe is challenging Oregon and Washington and extend Portland's light-rail system into Vancouver, Wash.

Tom Sincic filed papers to run against Rep. Barbara Smith Warner of Portland. The Multnomah County Board of Commissioners selected Smith Warner over Sincic and another nominee in December to fill a vacant seat in the House.

One of the most contentious primaries will be in a mid-Wilamette Valley House district now represented by Rep. Kim Thatcher of Keizer, who is run-

ning for the state Senate. Fireworks have started already between conservative talk radio host Bill Post and business owner Barbara Jensen.

Post announced abruptly Monday that he's suspending his radio show to comply with

Federal Communication Commission rules and election laws. Jensen alleges that Post's show violated FCC rules requiring equal time for candidates.

U.S. Sen. Jeff Merkley and all five of Oregon's representatives in the U.S. House are seeking

re-election. Merkley faces two longshot Democrats and five Republicans. Conservative Dennis Linthicum is challenging Oregon's only Republican in Congress, District 2 Rep. Greg Walden, from the right.

Democratic Gov. John Kitzhaber will face a longshot primary challenger, Hongsicholou Diru of Salem. Six Republicans are vying for the gubernatorial nomination, led by state Rep. Dennis Richardson of Central Point.

Charter

from Page 1A

who didn't attend school during the strike have not re-enrolled and hopes enrollment will rebound quickly.

"If it were to continue, then we would need to look at our programs and staffing levels," he said.

In the last decade, charter school enrollment nationwide has risen by 225 percent, according to the National Alliance for Public Charter Schools.

Julie Evans, the district's charter school liaison, said the charter schools are required to meet state proficiency standards and administer the OAKS (Oregon Assessment of Knowledge and Skills) test.

However, because of waivers in their contracts, some charter schools have more flexibility in how they approach the curriculum, she said.

Long said the district is held accountable if one of its charter schools doesn't meet state standards. And charter school graduation rates are about the same as the district's rate, he said.

"No two charter schools are exactly alike," he added. "Charter schools spring up in a community where there is a unique need."

Logos targeted the area's homeschool population. Its slogan is "Home school with support."

Vondolowski said his school tailors programs to meet the individual needs of students and families. About 30 percent of LOGUS students take advantage of on-campus classes, particularly electives such as art and music, he said. The classes are offered one or two days a week by licensed teachers.

Teachers also come alongside homeschool parents to provide additional support, student assessment and one on one instruction. The school has 48 part-time and full-time teachers who meet with students in their homes for one hour every week. Full-time teachers have caseloads of 23 students, Vondolowski said.

"We work on getting parents directly involved with their children's education," he said. "We sit down with each family to assess where they are at and customize a program for them. Our motto is: 'What does this child need?'"

Through Logos, students also have the option to take classes online or through Rogue Community College for college credit.

"My niece is graduating this year with 90-plus college credits," Vondolowski said.

On Tuesday, several Logos students met with tutors at the school at 400 Earhart St. in Medford. Others sat on couches or gathered around tables to read or work on homework while waiting for a class to start.

Ninth-grader Logan Parr takes two classes — piano and science — at the school and others online.

While waiting for his classes to begin Tuesday, Parr rented a laptop from the school so he could work on his online assignments.

Parr attended Hillside Elementary School in Eagle Point through fifth grade, and his mom tried to home-school him in sixth grade. When that didn't work, she enrolled him in Logos. "It's great here," he said. "We love it, and it worked well for us."

Teacher Marcella Dungey visits Parr and his younger brother every Monday.

"She usually stays for an hour or two and helps us with our school stuff — math problems

that are hard or science questions," Parr said.

Eighth-grader Adria Tollefson, who was sharing a table with Parr, said she isn't taking any on-campus classes this quarter but has been meeting with one of the school's math tutors, as well as educational specialist Kelli Wilson Tollefson, who attended Hoover Elementary until her mom opted to home-school her and her sisters.

"The difference is that here you're not restricted to one curriculum, and there's not giant classes," she said.

Logos is classified as a "hybrid" school in that it offers online classes in addition to classes at a physical location. VIBES and Marjorie schools are both brick and mortar schools, serving students in a more traditional setting from one location.

VIBES opened last year with the promise of increasing academic instruction time specifically for students who were not meeting state benchmarks.

"The school offers 30 percent more instruction time than the rest of the district," said Tom Cole, executive director of Kids Unlimited.

School starts at 7:30 a.m. and ends at 3:30 p.m. and includes 90 minutes of reading and 90 minutes of math in the morning. In the afternoon, students can take art, music, culinary arts, Lego robotics, karate, taekwondo or other electives.

The school caters to first through third grade students but intends to add a grade each year up to the eighth grade, Cole said.

"Our goal is that students that finish here in the eighth grade transition really well to high school, confident that they can be successful in reading, math and sciences in what are designated as AP or Advanced Placement classes," he said.

Next year, VIBES' administration is planning to expand the school and add building kindergartens and a program for 2- and 3-year old kids, Cole said. On Track Inc. and the Family Nurture Center will assist with the toddler program.

However, these proposed changes have not been presented to the district for approval, and the school can't grow until its charter has been amended to reflect the changes, Cole said.

Madrone practices a Waldorf type of instruction that is more "in tune with the abilities of children at certain ages," Frodsham said. "In traditional schools, they push academics in areas and at ages that I think are inappropriate. In kindergarten, we don't teach our students to read. We teach them to play and get along."

Reading is taught in the first or second grade, depending on where the student is at, he added.

Students come from Central Point, Eagle Point, Ashland, Phoenix and Medford for this more hands-on approach to learning.

Frodsham says the school's contract allows there to be 30 students in a class, but the school prefers to maintain small classroom sizes, with fewer than 20 students in a kindergarten class and fewer than 25 students in the older classes.

"With the demand for Waldorf education, we could have two classes at every grade level, but we just don't have the classroom space to do that," he said.

Reach education reporter Teresa Thomas at 541-776-1487 or by email at thomas@mailtribune.com. Follow her at twitter.com/teresthomas.



Harry R. Kannasto
— Service Announcement —

A memorial service for Harry R. Kannasto, who passed away February 17, 2014, will be held at 1:00 p.m. Friday, March 14, 2014 at the First United Methodist Church of Ashland, Memorial gifts may be made to the SOU Foundation, 1250 Siskiyou Blvd., Ashland, OR 97520, designated to the Harry Kannasto Music Scholarship Fund.



William (Bill) Leroy Harris
May 18, 1930 — March 6, 2014

Bill Harris passed away March 6, 2014 peacefully at Providence Medford Medical Center. He was born in Buell, Idaho, the youngest of four children born to Roger and Alice Harris.

Bill's family moved to Medford, Ore. in 1936. They moved to Butte Falls in 1946 where Bill graduated in 1948. He married the love of his life, Mary Jo Harris, November 23, 1949. Three years later their first child, Pamela Rae Harris (Deville) was born. Two years later their second child was born, Roger Lee Harris. Bill and Mary Jo had another son who died shortly after he was born, Michael Leroy Harris. Bill spent his entire working career in timber including a short period of time in a mill and the rest as logger. During his 40 years of logging he worked for Medco, Plumley, and Cummings. He enjoyed deer hunting, a little fishing, and bowling. He was actively involved with community groups and boards during the 20 years he and Mary Jo lived in Butte Falls. Bill will be remembered for his witty sense of humor. He had a knack for summarizing a situation with a short sentence that left people smiling and shaking their head.

Bill is survived by daughter, Pam Deville (Phil), son Roger Lee Harris (Judith), five grandchildren: six great-grandchildren, and sister, Jo Deane.

Bill was preceded in death by his wife, Mary Jo; infant son, Michael Harris; father, Roger W. Harris; mother, Alice Harris; and sisters, Betty Barber and Harriet Tracy. There will be a private memorial for Bill. The family would like to thank all the staff at Alderwood Assisted Living in Central Point, Oregon for their dedicated support and love they showed to Bill the past 10 years.



Leora Babcock Small Bolsius
May 9, 1924 — March 10, 2014

Her smile, her love of family, life, dance, music and travel, and a continual sparkle in her eyes are the keepsakes and gifts of Leora Bolsius who passed from this life March 10, 2014.

She is survived by her older sister, Marjorie Plummer of North Scituate, R.I.; sons, David (Laurel) Coats, Donald (Premia) Coats, their children, Jennifer, Michael, Paul, and Alisa and spouses; and two great-grandchildren, Adriella and Lincoln.

Leora was born Leora Babcock Small May 9, 1924 in Chaplin, Conn. Babcock is a family name. She often told stories of her life as a little girl in the Connecticut and later the Providence, R.I. area and still had personal mementos of that time and place. Leora left Providence after meeting Merchant Marine David Coats during World War II. They dated, as they could at that time in our history, married and had two boys, David, Jr. and Donald, born in 1943 and 1944, respectively. Pictures of her wedding show her as a lovely bride in an elegant wedding gown with her new husband in his military best. Shortly after the war, the family moved to and lived in Luma, Penn. from 1944 until 1948. In the early 1950s they moved to and settled in San Mateo, Calif.

Leora and David later divorced and she married the Tucson, Ariz. artist and craftsman, Charles Bolsius, who in the 1930s, constructed and lived in an apartment complex which was incorporated into parts of a military complex known to this day as Fort Lowell, AZ. Ft. Lowell is now a National Historic Site.

Charles and Leora were often commissioned by area residents to design and make hand carved and assembled wood art and living pieces including tables, dressers, bed frames, chairs, and night stands. After Charles' death in the mid 1980s, Leora remained in the Tucson area where she volunteered with the local Eagles lodge and where she focused on her love of music, dance, and travel. She and friends took many ship cruises to ports and countries all around the world, having passed through the Panama Canal on no less than four separate occasions.

She moved from Tucson to Medford in 2007 where she stayed near her youngest son, Don and his wife Prem.

Obituaries



Donald A. Tavalero

Donald A. Tavalero entered Heaven surrounded by his family after a lengthy battle with leukemia on March 1, 2014. Donald was born May 5, 1926 in St. Helena, Calif. to Nicolas and Bertha Tavalero. He spent his early years on the family ranch in Fairfield, Calif. At 17 years old, Don went to Mare Island Shipyard as an apprentice to his older brother, Robert, in the foundry. He entered the U.S. Navy soon after and served in the Pacific during WWII. After leaving the Navy he returned to Mare Island, Calif. Donald earned his commercial pilot's license and kept up his love of flying. He later joined the Air Force Reserve and was called to duty in the Korean Conflict.

Donald worked at Red Top Dairy and became reacquainted with his future wife, Edith Crannell, whom he first met in the 2nd grade. Donald and Edith married June 5, 1949 in Vallejo, Calif. They celebrated 64 years of marriage in June of 2013. Donald leaves behind his son, Lance (Lucy) of Medford, Ore.; son, Scott (Sue) of Weed, Calif.; and their two children, "Grandpa's Favorite Grandchildren", Andrew of Weed, Calif. and Elizabeth of Ashland, Ore. There was never a doubt he loved his family.

Donald was a blood donor most of his life until 1993, after open heart surgery; he was told he could no longer donate. He donated well over 50 gallons of blood in his lifetime. He was a proud lifetime member of the NRA. He was a proud volunteer, he volunteered at Providence Hospital in Medford, Ore.; he was a disabled parking enforcer for the State of Oregon Police, he served on the Election Boards for over 15 years, he and Edith read to elementary students. Donald loved a great joke and loved people. He satisfied both of those loves with the love of his life, Edith. As Edith worked at Food and Friends, Donald volunteered, telling jokes and helping people.

Don was an avid waterfowl hunter in California and passed the love of hunting to his sons and grandson. He loved God, he loved his family and he loved his country. He was a true patriot. His family would like to thank Dr. Dibbs and all his staff at Southern Oregon Oncology for their kindness and caring and Dr. Van Valkenburg from Medford Medical Center.

Services will be held at 2:00 p.m. Friday, March 21, 2014 at the Westminster Presbyterian Church, 2000 Oakwood Drive, Medford. In lieu of flowers, the family asks for donations to Food and Friends or the Leukemia Lymphoma Society.



Frank John Fabrin

Frank John Fabrin passed away March 2, 2014. John was born December 9, 1926 in Pasadena, Calif. to Clarence and Edith Fabrin. John grew up in Pasadena, Oakland, and Berkeley, CA. John attended Pasadena Academy (now Pomona Nazarene University). He received his Bachelor's Degree in Bio-Chemistry from U.C. Berkeley and his Master's of Divinity from Nazarene Theological Seminary in Kansas City, MO. John played saxophone in the Cal Berkeley Marching Band, along with football and baseball. He served in the U.S. Navy from 1944 to 1946 and was stationed at Mare Island, San Diego and Pearl Harbor, Hawaii. While at Pearl Harbor he was also a lifeguard and enjoyed surfing with his longboard. John married Joyce Meggers December 29, 1960 in Santa Cruz, CA.

John, along with his brother, George, built the first A-Frame Cabin at Lake Tahoe in the 1950s. The Fabrin brothers were also instrumental, along with their parents, in developing an 85 acre horse and cattle ranch in the Santa Cruz mountains where they raised Polled Hereford Beef Cattle and Quarter Horses for over 50 years.

John pastored Nazarene Churches in Sundre and Calgary, Alberta, Canada as Music Pastor and organized a weekly radio program. He sang bass as part of a men's quartet on the radio program, "Showers of Blessing", along with playing the piano for over 70 years. He also pastored Nazarene Churches in China Town in San Francisco, Fremont (the developed and built the Nazarene Church in Fremont), and Selma, CA. He directed Children and Youth Camps for over 40 years and helped develop camps in Red Deer, Alberta, Canada, Santa Cruz, and in Central California.

John retired from the pastorate in 1989 and along with his wife, Joyce, moved to Central Point, OR, in 1993. He was a member of the Medford First Church of the Nazarene and was active with the Gospelaires Senior Adult Choir. John was also a part-time Chaplain at Rogue Valley Medical Center for five years. He was a member of the Kiwanis Club in California, John was an avid outdoorsman and loved hunting, fishing, camping, U.S. History, playing piano, saxophone, ukulele, and the banjo, Kona coffee, and Aloha and Pendleton shirts. Most of all, he loved ministering and serving the Lord. John was a man of integrity who put the Lord first in all he did and wouldn't think twice about helping someone out. He is survived by his wife, Joyce, and daughter, Jonalyn, both of Central Point, OR.

A memorial service will be held at 1:00 p.m. Saturday, March 15, 2014 at Medford First Church of the Nazarene 1974 E. McAndrews Road, Medford. Pastor Kevin Gowland will officiate. In lieu of flowers, Memorial Contributions can be made to Medford First Church of the Nazarene, Youth Camp Scholarship Fund.

"And we know that for those who love God, all things work together for good."

for those who are called according to His purpose"

— Romans 8:28

Exhibit C

Schools in Commercial Districts Code Amendment (DCA-14-027)



Logos Public Charter School
DOING THE ORDINARY EXTRAORDINARILY WELL
400 Earhart St • Medford OR, 97501

March 13, 2014

Michael Zaronsinki,
Chairman of the Planning Commission,
Lausmann Annex
200 South Ivy St
Medford, OR 97501

Dear Planning Commission,

I am writing to request your support in recommending amending Medford Municipal Code, Chapter 10 Section 10.012 and 10.337 to permit elementary and secondary schools in commercial zoning districts.

The SIC Code anticipates that primary and secondary schools are “neighborhood” schools. The reality is that the face of education is changing. More and more schools are changing how and where they deliver instruction. As the attached recent article in the Mail Tribune shows, charter schools are growing, successful, and have one thing in common, the need for more facility options. Logos, unlike traditional public schools, is not designed to be within walking distance for neighborhood students. Most charter schools provide alternative teaching methods for students from an entire region. Logos covers the greater Rogue Valley region; we, for example, have students from Cave Junction, Selma, Murphy, Wimer, Grants Pass, Rogue River, Gold Hill, Jacksonville, Talent, Phoenix, Eagle Point, Shady Cove, Prospect, and Ashland, as well as Medford metropolitan area. Logos is truly an “inter-county school”.

The primary goal addressed by Logos Public Charter School is to encourage the use of different and innovative learning methods. Logos is primarily “public school at home” providing a licensed (many with advanced degrees) teacher to go into the home school one hour per week per student to assist the home schooling parents. **We provide individualized education** for each student utilizing a multitude of various approved curriculums. Logos was provisionally accredited in May 2011 and fully accredited in May 2013. Logos provides the state required OAKS testing and our test score improvements were **overall** the highest in the Medford School District. Currently, Logos is developing an internship program with local businesses and RCC providing vocational training in conjunction with a high school diploma.

The current SIC code was written prior to the inception of charter schools, which were created in 1992. Oregon was the 38th state to enact a charter school law and now there are more than 100 public

charter schools in Oregon, sponsored by 60 school districts and the State Board of Education, in 26 counties.

All of the foregoing leads to our request for a change in SIC Code in order to be in compliance with city code. Logos Public Charter School opened its doors in the fall of 2010 to about 150 students. Since that time, we have grown to over 900 students. Our growth has resulted in a larger number of teachers and an increase in administrative personnel. We simply have outgrowth our existing facility. With a change in SIC Code designation, Logos can consider moving to a facility that will better accommodate our needs. Our present facility, while adequate for a student population of 300 – 400, is woefully inadequate for enrollment of 900 – 1200 students and faculty.

We would very much welcome you or your staff to visit Logos to see the school in operation. I would also be very willing to meet with you to explain in more detail why Logos is significantly different in structure and nature from neighborhood primary and secondary schools.

Sincerely,

Joseph VonDoloski
Executive Director

Exhibit D

Schools in Commercial Districts Code Amendment (DCA-14-027)

March 13, 2014

Michael Zaroninski,
Chairman of the Planning Commission
Lausmann Annex
200 South Ivy St
Medford, OR 97501

Re: Medford Municipal Code Amendment Request

Dear Chairman Zaroninski and Planning Commission Members,

My wife and I are the proud parents of two straight 'A' Logos Public Charter School students. We are most pleased with the high-quality learning opportunities provided by Logos. I am privileged to serve as a very engaged community leader, including as a member of the Logos board of directors. I am writing to request your support in recommending amending Medford Municipal Code, Chapter 10 Section 10.012 and 10.337 to permit elementary and secondary schools in commercial zoning districts. The SIC Code anticipates that primary and secondary schools are "neighborhood" schools. As you know, the face of education is changing.

As highlighted within the February 12, 2014 (front page, above the fold) Mail Tribune story, "Charter school enrollment surges in Medford, which follows a U.S. trend". Charter schools are growing, successful, and as such are in great need for more facility options. Logos is not designed to be within walking distance for neighborhood students as intended by traditional schools. Most charter schools provide alternative teaching methods for students from an entire region. Logos serves students from the majority of our communities in both Jackson and Josephine counties. Logos is truly an "inter-county community school".

Logos is succeeding with our primary goal to encourage the use of innovative learning methods. Logos is fundamentally "public school at home" providing a licensed and well qualified teacher to go into the home school one hour per week per student to assist the home schooling parents. Logos provides individualized education for each student utilizing a multitude of various approved curriculums. Logos provides the state required OAKS testing and our test score improvements were overall the highest in the Medford School District. Currently, Logos is also developing an internship program with local businesses and RCC providing vocational training in conjunction with a high school diploma. Also, the Sustainable Valley Technology Group is coordinating Tech-Talks with all local high schools, including Logos.

The current SIC code was written prior to the inception of charter schools, which were created in 1992. Oregon was the 38th state to enact a charter school law and now there are more than 100 public charter schools in Oregon, sponsored by 60 school districts and the State Board of Education, in 26 counties. As you know, the City of Medford recently set a well-publicized precedence by permitting the highly regarded Kids Unlimited organization to establish and operate a charter school through their Vibes program in a commercial zone, which I am in complete agreement with. Considering the number of students actually in regular attendance, I believe the Vibes program may in fact operate a bit closer to a traditional school than the Logos program, which means Logos should have an equal or lesser impact on a commercial zone.

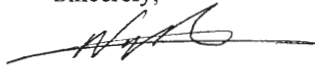
Logos Public Charter School opened its doors in the fall of 2010 to about 150 students. Since that time, we have grown to over 900 students. Logos is now the largest public charter school in the state of Oregon. Logos growth has resulted in a larger number of teachers and an increase in administrative personnel. With a change in

SIC Code designation, Logos can consider moving to a facility that will better accommodate our needs. Our present facility, while adequate for a student population of 300 – 400, is woefully inadequate for enrollment of 900 – 1200 students and faculty. All things considered, we believe a change in SIC Code in order to be in compliance with city code is a most reasonable and a very timely request.

Logos will be pleased to host a visit by you or your staff if you would like to see the school in operation. If necessary, I will also be very pleased to participate in a meeting with you and your staff and Logos Executive Director, Joe VonDoloski, to share in greater detail why Logos is significantly different in structure and nature from traditional neighborhood primary and secondary schools.

Please do not hesitate to contact me if you have any questions regarding this information.

Sincerely,



Mark VonHolle

Logos Public Charter School – Board Member
R.A. Murphy Construction, Inc. – Director of Business Development
SORED I – Immediate Past Board President
Sustainable Valley Technology Group – Co-Founder and Immediate Past Board President
Chamber of Medford / Jackson County – Immediate Past Board Member
Governor Kitzhaber’s Regional Solutions Advisory Team – Team Member

Exhibit E

Schools in Commercial Districts Code Amendment (DCA-14-027)

Minutes from February 24, 2014 Planning Commission Work Session

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

Commissioners: Michael Zarosinski, Robert Tull, Norman Fincher, Bill Christie, Alec Schwimmer, Patrick Miranda, David McFadden, Paul Shoemaker and Bill Mansfield.

Staff: Jim Huber, Bianca Petrou, Suzanne Myers, Kelly Akin, Kathy Helmer, Praline McCormack, Joe Slaughter and Lori Cooper.

Guest: Cathy de Wolfe, Landmarks and Historic Preservation Commission, Chair.

3. Schools in Commercial Zones Code Amendment.

Joe Slaughter, Planner II, reported that the schools in commercial zones came from a request from a charter school to locate on a commercially zoned piece of property. The dynamics of this particular school could possibly already be permitted in commercial zones but that may open them up to some risk in purchasing property. Staff took a look at the possibility of permitting, with a conditional use permit, charter schools on commercial zoned properties or in commercial districts. Staff took it a step further and looked at the possibility of any kind of schools to be located in commercial zoning districts with a conditional use permit which would be in line with what is already permitted in residential zoning districts with a conditional use permit.

Commissioner Schwimmer asked that right now that use is not permitted? Mr. Slaughter replied it is not. There is no ability to have a primary or secondary schools on commercially zoned properties.

Commissioner Miranda asked if there was some logic behind that restriction originally? Ms. Akin stated that traditionally schools are walking schools where they do not bus. Typically, one would see an elementary school in a neighborhood where children could walk. The school systems are changing. It may not be as viable or important as it used to be that they are sited in those types of areas.

Commissioner Schwimmer asked if there was any down side? Commissioner Christie stated the noise factor and the atmosphere. One could have anything in there. Putting a school in with it, who is going to restrict the noise factor coming out of a manufacturing plant or a trucking company? With a manufacturing plant or trucking company there and then a school comes in, immediately there is a noise factor and would want them shut down.

Commissioner Mansfield commented that when you move to a nuisance you have no complaint. Commissioner Christie replied that you should not.

Ms. McCormack stated that another consideration is that certain businesses or clinics may not be located within a certain distance of schools.

Ms. Akin commented that if the property itself is owned by a nonprofit they are removed from the tax

roll.

Mr. Slaughter stated that to clarify, staff is looking to open up the commercial properties not the industrial properties.

Chair Zarosinski stated that he has a concern with certain commercial uses that are clearly incompatible and once the conditional use permit is permitted then that limits someone else and their ability to do business in a commercial area. Does that make schools incompatible?

Mr. Huber asked Mr. Slaughter to explain the Not Elsewhere Classified (NEC) in the SIC Code. There is a cluster of schools that are already permitted in commercial zones under the NEC subcategory.

Mr. Slaughter reported that NEC is not the primary or secondary schools. It would be beauty schools, trade schools, etc. They can target the same age group as high school but by their nature, the kinds of classes and education they provide they are not elsewhere classified. Those types are permitted on commercial property. The school staff is looking at is primarily an online distance charter school. The building would be used as the administrative offices for the school but they would also have orientations, teacher education and meetings with students and families. There would be some traditional schooling that would occur but that would be the smaller part of it. There might be some ability to already permit this particular use in the zone but again that could end up just like the LUBA appeal that happened with the methadone clinic. It could be challenged because there is no actual process for staff to say this is the approval. They could buy the building, move in then be challenged later on whether or not they could be there. It opens them up to some risk obviously.

Commissioner Miranda stated that he is not a big fan of blanket exclusions or blanket exceptions. If you make them too general or too broad, then you limit them. He is opposed to keeping anything in place that actually says no straight up. It should be reviewed and looked at and consideration should be given. From what he is hearing that is not even a possibility.

Commissioner Shoemaker mentioned Hedrick Middle School on East Jackson. It transitions from commercial right into residential. He believes there is a grocery store that shares a fence with the field at Hedrick.

Commissioner McFadden commented that the store is across the street and the school was there first.

Chair Zarosinski asked if any of the Commissioners had an objection of this coming forward to the Planning Commission? Several Commissioners commented no.

Commissioner McFadden stated that he is concerned about planning for future residential and commercial land. Does the inclusion of multi acreage properties change any of the planning issues? He does not think so and does not see a downside on this code amendment.

Ms. Myers commented that in a sense Commissioner McFadden is right that in the buildable lands and the land allocated for housing does accommodate the public uses and one of them is public schools. She does not think all future public schools are likely to end up in commercial zones.

Exhibit F

Schools in Commercial Districts Code Amendment (DCA-14-027)

Minutes from April 24, 2014 Planning Commission Meeting:

The regular meeting of the Medford Planning Commission was called to order at 5:32 p.m. in the Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Michael Zarosinski, Chair

Robert Tull, Vice Chair

Bill Christie

Norman Fincher

Bill Mansfield

David McFadden

Paul Shoemaker

Staff

Suzanne Myers, Principal Planner

Lori Cooper, Deputy City Attorney

Alex Georgevitch, Transportation Manager

Terri Rozzana, Recording Secretary

John Adam, Planner IV

Joe Slaughter, Planner II

Praline McCormack, Planner II

Commissioners Absent

Alec Schwimmer, Excused Absence

Patrick Miranda, Excused Absence

50. Public Hearing.

New Business

50.1 DCA-14-027 Consideration of an ordinance amending *Medford Municipal Code*, Chapter 10 (*Land Development Code*) Section 10.012 removing School definitions that conflict with the Standard Industrial Classification (SIC) groupings used in Section 10.337, amending Section 10.337 to permit elementary and secondary schools in commercial zoning districts with an approved Conditional Use Permit, and amending Table 10.743-1 to match School groupings used in Section 10.337. (City of Medford, Applicant).

Joe Slaughter, Planner II, summarized the proposal, read the approval criteria and presented the proposed findings and a recommendation.

Commissioner McFadden stated that not too long ago the Commission reviewed the long range planning documents from School District 549C. Will these changes require other public or private schools to submit the same to the City for inclusion in the City's Comprehensive Plan documents? Mr. Slaughter replied that Charter schools are sponsored by a local district as well as the State. Charter schools are a part of the local educational opportunities. Mr. Slaughter does not see the need to amend the City's Comprehensive Plan Element to deal with each and every school. It is focused to deal with the two largest school districts.

Suzanne Myers, Principal Planner reported that the reason for the inclusion in the Comprehensive Plan is in response to state statutes that talk about coordination with school districts over a certain size. Small private schools would not fall into that category.

Chair Zarosinski asked what specific type of elementary schools would be appropriate in a commercial district? Mr. Slaughter replied that in this case the request was dealing specifically with Charter schools. Traditional schools remain traditional. Charter schools in nature are intended to be somewhat different and afford opportunities for a different educational approach. Because of that they serve a larger geographic area. Also, because of how instruction is delivered, students do not have to come to school every day or ever. because it can be done online or teleconferencing. In some cases teachers go to the student's home and meet with them on occasion as opposed to students going to class on a regular basis. Charter schools operate like a business because they have staff and are operating out of a location that the students might not be at on a regular basis. This amendment does not only apply to Charter schools, any school could locate in a commercial zone.

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

Joe VonDoloski, 1794 E. Dutton, Eagle Point, Oregon, 97524-7985. Mr. VonDoloski stated that he is the Executive Director of Logos Charter School. Logos is the largest Charter school in the state. They are going into year four of operation. The Mail Tribune article, included in the agenda packet, alluded that schools in the 21st Century are changing. Logos does not bus students or need to be within walking distance in a neighborhood, this is coupled with the lack of available buildings in residentially zoned areas. They are requesting that the Planning Commission support this amendment. They believe the conditional use permit process will account for any noise or atmosphere concerns, and certain businesses or clinics that are not able to be located within certain distances from schools as well. The schools are already permitted in commercial zones under the SIC Code. They are simply asking that potential locations have the option for review and consideration that similar schools have such as Hedrick on East Jackson that shares a fence with a grocery store. In no way are all future public schools likely to end up

in commercial zones. They are simply requesting some flexibility in locating land and/or a facility in which to locate.

The public hearing was closed.

Motion: Based on the findings and conclusions that all of the approval criteria are either met or are not applicable, initiate this amendment and forward a favorable recommendation for adoption to the City Council per the Staff Report dated April 14, 2014, including Exhibits A through E.

Moved by: Commissioner McFadden Seconded by: Commissioner Fincher

Commissioner Mansfield stated that the public is seriously divided on the question of whether or not Charter schools are in the public interest. There are people that are very opposed to it and of course obviously there are people that are in favor of it. Apparently the majority are in favor of it because that is the legality. Charter schools are now embedded in our state law whether some of us like it or not. He does not think it is appropriate for the Commission to debate the question of whether or not Charter schools are in the public interest or not. He plans to vote for this because he believes that battle has been completed. Assuming that it is legal and it is, he thinks the Commission needs to cooperate and accommodate their need.

Chair Zarosinski stated that since this is voting on including a conditional use permit process, he is fine with that. There are certain uses in commercial areas that he does not think are appropriate with schools. He is going to vote for it, not necessarily that all schools that come through will be in favor of, but simply for the option.

Roll Call Vote: Motion passed, 7-0.

DRD
DEPARTMENT
STREET
7501



7010 2780 0000 5866 5724



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

DEPT OF

JUN 05 2014

LAND CONSERVATION
AND DEVELOPMENT