



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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

Date: 09/19/2014
Jurisdiction: City of Medford
Local file no.: DCA-14-028
DLCD file no.: 004-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 09/18/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us

DLCD FORM 2



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

FOR DLCD USE
DEPT OF
File No.: SEP 18 2014
Received: AND CONSERVATION AND DEVELOPMENT

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-14-028**

Date of adoption: 8/21/14

Date sent: ~~8/28/14~~ **9/15/14**

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): 3/5/14 NoIs 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:

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

Phone: 541-774-2385 E-mail: Joe.Slaughter@cityofmedford.orgStreet 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 10.840 Temporary Uses and Structures; and Section 10.1022 Exemptions to Sign Permits

For a change to a zoning map:

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

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.

Ordinance, Minutes from City Council hearing 8/21/14, Agenda Item Commentary & Staff Report to City Council including all exhibits.

Reflects Updated
Articles 1, 5 & 6

ORDINANCE NO. 2014-104

AN ORDINANCE amending Sections 10.012, 10.840, and 10.1022 of the Medford Code pertaining to portable storage containers, effective through June 30, 2015.

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:

Portable Storage Containers. A portable, weather-resistant receptacle designed for storage or shipment, utilized or intended to be utilized for the storage of household goods, wares, building materials, merchandise, and similar items. "Portable Storage Containers" shall include all shipping containers, cargo containers, tractor trailers (with or without wheels), and other like items not intended to be placed on a permanent foundation.

SECTION 2. Section 10.840 of the Medford Code is amended to read as follows:

10.840 Temporary Uses and Structures.

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

(6) **Portable Storage Containers.** (This section (6) effective through June 30, 2015.)

(a) Applicability

1. A temporary Portable Storage Container permit is required for placement of any portable storage container with the following exceptions:

- i. Truck trailers parked on a street for 24 hours or less;
- ii. Portable storage containers that will remain on a property for no more than five days;
- iii. Portable storage containers that have been approved as a permanent portion of an approved site plan; and

iv. Portable storage containers used for primary use businesses in the following Standard Industrial Classification (SIC) groupings: 15, 16, 17, 40 and 42 (see Section 10.337).

2. When a temporary Portable Storage Container permit is required, placement of portable storage containers, as defined herein and as a temporary use, is permitted only on private property in C-R, C-H, I-L, I-G and I-H zoning districts.

3. Portable storage containers shall not be placed within the public right-of-way, except as permitted in Chapter 6 of this Code.

chapter.

(87) Change of face. Where an existing sign is modified by change of message or design on the sign face, without any change to size or shape of the sign framework or structure. In Historic Preservation Overlay Zoning Districts, only the message may be changed without Historic Review.

(98) Window Signs. Signs located in windows, if they are mounted or painted upon the inside of windows within all commercial or industrial zoning districts.

(109) These types of Temporary Signs, which are in addition to any of the signs in subsections 1-8 above:

(a) Holiday Displays. Decorations or displays celebrating the occasion of traditionally accepted patriotic or religious holidays.

(b) Real Estate Signs. Signs erected on private property for the period of time that a site or structure is for sale, lease or rent. In all residential zones such signs shall be limited to six (6) square feet in area and a maximum height of six (6) feet. In all commercial and industrial zones such signs shall be limited to thirty-two (32) square feet in area. Temporary real estate signs shall be limited to one (1) sign per frontage.

(c) Political Campaign Signs. Signs erected on private property no earlier than eight (8) weeks prior to any federal, state or local election and removed no later than seven (7) days after the applicable election. In all residential zones such signs shall be limited to six (6) square feet in area and a maximum height of six (6) feet per sign. In all commercial and industrial zones such signs shall be limited to thirty-two (32) square feet in area per sign.

(d) All other Temporary or Portable Signs require a permit.

PASSED by the Council and signed by me in authentication of its passage this 21 day of August, 2014.

ATTEST: Glenda Wilson
City Recorder

[Signature]
Mayor
[Signature]
Mayor

APPROVED August 21, 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.

vi. The proposed amount of time, include start date and end date, that the portable storage container(s) will be on the property.

(e) Permit Process

1. The permit application will be routed for review for compliance with this Code by City departments, including: Fire, Building Safety, Police, Engineering, Code Enforcement, Planning, and any other department that may have an interest in this type of permit application.

2. Within 30 days of filing a complete application, the permit application will be approved or denied. If the permit application is found to be in compliance with the standards of this Code, the permit application will be approved and a permit issued to the applicant.

3. If the permit application is found to not be in compliance with the standards of this Code, the permit application will be returned to the applicant with a letter indicating the reasons the application was not approved. The applicant will be allowed to modify the permit application and resubmit it for reconsideration two times without repayment of the application fee.

SECTION 3. Section 10.1022 of the Medford Code is amended to read as follows:

10.1022 Exceptions to Permit Requirements.

The provisions of Article VI shall not apply to:

* * *

(3) Signs on Temporary Portable Storage Containers permitted through Section 10.840.D(6), provided all of the following conditions are adhered to:

(a) The primary purpose of such vehicle or equipment is not the display of signs.

(b) Signs are painted upon or applied directly to an integral part of the vehicle or equipment (the "sign" is a regular part of the portable storage container). Hanging banners, roof signs and/or attached sign structures are not allowed.

(c) Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of a business/or use. (This section (3) effective through June 30, 2015.)

(43) Signs not exceeding three (3) square feet in area located in a commercial or industrial zone not to exceed four (4) signs for each business frontage.

(54) Signs not exceeding six (6) square feet in area and an overall height of six (6) feet in the Single-Family Residential Zoning Districts - (SFR 2, 4, 6, 10) and the Multiple-Family Residential Districts - (MFR 15, MFR 20, MFR 30), not to exceed two (2) signs per parcel.

(65) National and State flags. National and state flags shall be flown and displayed in a manner whereby they are not construed as attraction-gaining devices to advertise a product or use, or in a manner to otherwise draw attention of the traveling public to an establishment or sales office. Such displays shall conform to the criteria established in House Document 209 of the 91st Session of Congress.

(76) Signs Located in the Interior of any Building. Signs located in the interior of any building or within an enclosed lobby or court of any group of buildings, which are designed and located to be viewed by patrons only. Such signs may be illuminated and are not subject to the provisions of this

4. Temporary Portable Storage Container permits will only be issued for the use of temporary portable storage containers as a periodic, intermittent, or recurring use accessory to a permitted primary use.

(b) Location Standards

1. In no case shall storage containers be located in required yards, landscape areas, open space, retention basins, drive aisles, required parking spaces and loading areas, fire lanes, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and development.

2. Portable storage containers shall be placed outside of required setback areas and shall be placed a minimum of 10 feet from all property lines.

3. The placement of portable storage containers shall comply with Section 9.520, Conditions for Temporary Structures, with the exception that only a 30-day extension shall be available.

4. Portable storage containers shall be placed on a surface consistent with Section 9.550, Parking Lot Specifications.

5. Whenever possible portable storage containers should be screened from view from public rights-of-way and neighboring properties by placing the containers out of view behind existing structures and/or by placing the containers out of view behind existing landscaping.

6. Portable storage containers must be in good repair with no visible damage, rust, or graffiti.

7. Applicant is encouraged to acquire portable storage containers of similar color to existing structures on the property and of similar color to each other.

(c) Time and Number Limitations

1. A maximum of one temporary Portable Storage Container permit may be issued per individual primary use during any 12-month period. A temporary Portable Storage permit shall allow for the placement of portable storage containers for a period of no more than 90 days. One 30-day extension may be granted subject to Section 9.520.

2. A maximum of 20 storage containers shall be allowed for an individual primary use.

(d) Application Requirements

1. To obtain a temporary Portable Storage Container permit, an application must be filed with the Planning Department on a form provided a minimum of 60 days prior to the proposed placement date of such containers. The application shall include the appropriate filing fee, the information required on the form, and the following information and materials:

i. The proposed number of portable storage containers.

ii. The proposed use of the storage containers.

iii. The proposed size of the storage containers.

iv. Property owner signature.

v. A site plan (to scale) showing the proposed location of the portable storage container(s) in relation to existing buildings, required yards, landscape areas, open space, retention basins, drive aisles, required parking spaces, loading areas, and fire lanes. The site plan shall also demonstrate compliance with Subsections 10.840.D(6)(b)2-5 and (c)2.

Thursday, August 21, 2014

MEDFORD CITY COUNCIL MEETING

August 21, 2014

EVENING SESSION

The evening session 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, Daniel Bunn, Bob Strosser, Eli Matthews, John Michaels, Tim Jackle and Chris Corcoran.

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

110. Oral requests and communications from the audience

110.1 Ada Conner-Coash, representing Roots & Wings Child Development, addressed the Council and requested that the Council consider changing of the amount of utility fees that their organization is being required to pay. They would like to be assessed based on the number of students, as is done for public schools.

Motion: Direct staff to report back on utility fees for preschools.

Moved by: Daniel Bunn Seconded by: John Michaels

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

Motion carried and so ordered.

120. Public hearings

120.1 COUNCIL BILL 2014-103 An ordinance amending Sections 8.003 and 8.004 of the Medford Code pertaining to appeals of business license and taxi driver identification card denials and revocations.

Lori Cooper, Deputy City Attorney provided a staff report. She noted the amendment will provide for streamlining of the appeal process based on Council direction at a study session.

Councilmember Gordon requested definition of "imminent threat to life or property" and Ms. Cooper noted that if this was to be invoked, each case would be reviewed by the Legal staff. Councilmember Gordon questioned what the fee for the appeal would be and Ms. Cooper noted that would come forward under a separate agenda item.

Public hearing opened.

None

Public hearing closed.

Motion: Adopt the ordinance modifying the Medford Code Chapter 8 pertaining to appeals of business license and taxi drive identification card denials and revocations; provided no appeal be delayed due to lack of established fee schedule.

Moved by: Bob Strosser Seconded by: Daniel Bunn

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

Ordinance 2014-103 was duly adopted.

120.2 COUNCIL BILL 2014-104 An ordinance amending Sections 10.012, 10.840, and 10.1022 of

the Medford Code pertaining to portable storage containers. (DCA-14-028) (Land Use, Legislative)

John Adam, Senior Planner, addressed the Council and provided a staff report. He provided the history of the request for these containers at some retailers who use them for storage during the holiday season. This is currently not allowed by the Medford Code. Planning Commission held several study sessions to consider options to address this request. A summary of standards was developed. He reviewed the criteria for approval and noted that the Planning Commission is recommending adoption of the ordinance.

Public hearing opened.

1. John McBride, representing Wal-Mart, 5615 Crater Lake Hwy., Medford, addressed the Council and noted that they are happy with the code amendment and requested that the Council waive the 60 day permit filing restriction this year.

2. Shawn Gillespie, 455 Lozier Lane, Medford, spoke to the code requirement and suggested that if this was allowed that the containers be not unsightly.

Public hearing closed.

Councilmember Bunn questioned if this was address by Site Plan & Architectural Commission when reviewing the application for Wal-Mart. Councilmember Jackle noted that the issue was discussed and was either stipulated to by the applicant or the applicant was able to address within their comments. He expressed concern that this is an end around the Site Plan & Architectural Commission approval process.

Motion: Deny the ordinance.

Moved by: Tim Jackle

Seconded by: John Michaels

Councilmember Jackle express concern about creating a discretionary land use decision that affects few structures in Medford. Feels this should be noticed to the abutting property owners, this is a land use decision. He spoke to history of Council reacting to specific requests and that this needs to be addressed in a broader context. He noted he feels this needs more study.

Councilmember Gordon expressed concern that as the Christmas season is coming up quickly that the Council needs to provide some opportunity for the business and community to address this issue this year.

Councilmembers discussed the issue as it could affect land use and have a broader impact. Discussion about the potential to include a sunset to accommodate the current year and allow staff time to further study the issue and bring forward options for the future.

Councilmember Jackle withdrew his motion.

Motion: Adopt the ordinance amending the Medford Code Chapter 10 pertaining to portable storage containers with a sunset of June 30, 2015.

Moved by: Dick Gordon Seconded by: Bob Strosser

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

Ordinance 2014-104 was duly adopted as amended.

120.3 COUNCIL BILL 2014-105 A resolution approving plans, with modifications, to improve Lozier Lane between West Main Street and Stewart Avenue and Prune Street from Lozier Lane to Vick Lane. (TF-14-050) (Land Use, Quasi-judicial)

Joe Slaughter, Planner IV addressed the Council and provided a staff report. He noted that this project will widen Lozier Lane from West Main St. to Steward Ave. to include a continuous center left0turn lane, two travel lanes, bike lanes and sidewalks on each side, and will include construction of curb and gutter, underground drainage improvements, street lighting, and signal modifications at the Lozier Lane/W. Main Street intersection. The project will also improve Prune Street from Lozier Lane to Vick lane where it is currently barricaded, to include paving and installation of curbs,

gutters, planter strips and sidewalks on both sides. Once Prune St. is improved, it will be permanently re-opened and used as a detour to facilitate Lozier Lane construction. This project is the second phase of a larger project that will eventually provide for a north-south major collector from Garfield to OR 238.

Mr. Adam noted that the street alignment has been optimized to "best fit" the neighborhood with the sole aim to minimize impacts on adjacent homes; specifically, by maximizing the distance between the new street improvements and adjacent homes. He described the proposed exceptions to the City standards. He noted that the Bicycle and Pedestrian Advisory Committee reviewed the proposal and is recommending approval with the addition of bicycle lane route markers along the improved section of Lozier Lane from W. Main St. to Stewart Avenue. The Planning Commission and Bicycle and Pedestrian Advisory Committee recommend approval with the modifications recommended by them be taken into consideration by the Engineering staff.

Councilmembers question jurisdiction of these streets and Mr. Adam noted that Mr. Crebbin could address this under the public hearing.

Public hearing opened.

1. Cory Crebbin, Public Works Director addressed the Council. He spoke to the fiscal impacts and that the Council has already approved the project within the adopted Transportation System Plan in 2003. He noted that funding for the project is provided through the Congestion Mitigation and Air Quality and Federal Aid Surface Transportation Program specifically for this project. He noted that the recommendation of the Planning Commission to work with property owners to address driveway issues is supported by the Public Works staff. He noted that the center median may not be practical and that roadside turn outs recommended can be addressed. In regards to the Bicycle & Pedestrian Advisory Committee recommendation for "candlesticks" this is not a favored solution as where these are installed the street cannot be swept. He noted that this is a joint project with Jackson County and that he will recommend that the City take jurisdiction once the improvements are completed.

2. Egar Hee, representing Siskiyou Bicycle Club and a member of the Bicycle & Pedestrian Committee spoke in favor of the plan and bike lanes. He requested that the Council keep the bicycle lanes at 4 foot from the edge of the gutter apron to allow for the safety of bicyclists.

3. Mike Mayne, Chair of Bicycle & Pedestrian Advisory Committee, requested that the Council support the protected bike lanes.

Councilmember Matthews reported exparte communication with owners of 2230 W. Prune Street and this will not affect his ability to participate on this issue.

4. Eric West, 794 Lozier Lane Baptist Church, requested the Council approve of additional access driveway to their property to all access to the ballpark and parking behind the church.

5. Mark Bartholomew, 717 Murphy Road, Medford representing the property owner of 945 Lozier Lane, addressed the Council in support of the project in general. However, he is requesting the Council address the removal of access for his client to the back of his property. With the additional width of the new street section this will make the driveway too short for most cars and they would like to keep the carport access on the other side of the property.

6. Shawn Gillespie, 455 Lozier Lane, Medford addressed the Council and noted he agrees with the scope of the project but was opposed to the elimination of landscaping along Lozier as it provides sound barrier. He is also opposed to the planter strip and to losing his secondary driveway. Feels Columbus should be improved before Prune improvements.

7. Rob Enderlin, 715 Lozier Lane, Medford feels that the width of the project is imposing is too wide and requested that the second access remain to allow access to his barns behind his home and also to the second property he owns.

8. Ron Harris, 582 Lozier Lane, Medford spoke in opposition to the removal of his access as this will

limit his driveway from a half circle to a hammerhead. He noted three units use the driveway and this will create a safety issue for drivers and will not improve the property.

9. Gregory Martin, 629 Lozier Lane, Medford spoke to the removal of his access due to the existing driveways.

10. Layodie Rasmussen, addressed the Council and noted she was the person who requested the barricades on Prune Street be put in to eliminate individuals speeding down the street. She expressed concern with the removal of a tree in her property and concern for her safety with the removal of the barricades and the improvement. She would like to have sidewalk on one side only.

11. Mark McQueen, 300 Medford Heights Lane, Medford spoke in support of the plan but is opposed to the removal of the access from his property at the corner of Lozier Lane and W. Main St. onto Lozier lane.

12. Don Kelly, 2235 W. Prune St., Medford addressed the Council regarding the park strips and he would like to not have these installed on Prune St. He noted that the improvement of Lozier Lane is needed.

13. Connie Day, 903 Lozier Lane, Medford addressed the Council and spoke to the traffic on Lozier Lane that makes pulling out dangerous. She is opposed to the improvement of the street, they like the quaint lane and suggested that the Council use the funds elsewhere. She questioned how this improvement will affect her property taxes as she is on a fixed income.

14. Robert Rice, 734 S. Holly St., Medford addressed the Council regarding spoke to the difficulty in getting onto Lozier Lane.

15. Cory Crebbin, under rebuttal, addressed the Council, spoke to drawings that were provided to the property owners to help understand the project scope. He noted that Public Works does not object to removal of park strips on Prune Street. He noted that the existing private improvements on Prune Street are in the public right of way. Regarding the additional accesses requests, all parking areas such as church need to be paved. He noted that the funding for this project cannot be spent on any other project. He spoke to staff recommending shared access for two properties as a method to reduce the number of driveways onto Lozier Lane. He noted that the large tree at end of Prune St. has been address by the elimination of the planter strip in that area. He spoke to the removal of the driveway from the 7-11 Store on the corner of W. Main St. and Lozier Lane.

Council discussion with Mr. Crebbin on how to accommodate individual requests. Discussion of stipulating that those with standing be allowed their requests for the additional access.
Public hearing closed.

Motion: Adopt the resolution authorizing the Lozier Lane and Prune Street improvements with the modifications recommended by the Planning Commission and the Bicycle and Pedestrian Advisory Committee to be taken into consideration by the Engineering staff; additionally Public Works shall be authorized to provide improvements to private driveways in connection with the project; and furthermore, that the planter strips on Prune Street be removed from the plan.

Moved by: Daniel Bunn Seconded by: Bob Strosser

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

Resolution 2014-105 was duly adopted.

Motion: Direct staff to work with the property owners with standing on this TF (Council or Planning public hearings) to address driveway conflicts.

Moved by: Daniel Bunn Seconded by: Bob Strosser

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

Motion carried and so ordered.

Mayor declared a 10 minute recess.

Meeting reconvened with same persons present.

Motion: Continue the meeting until the end of the agenda.

Moved by: Bob Strosser Seconded by: Daniel Bunn

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

Motion carried and so ordered.

120.4 COUNCIL BILL 2014-106 A resolution denying a protest of the notice of intent to award a contract to Chrysalis Government Solutions, LLC, for the Enterprise Resource Planning Project.

Alison Chan, Finance Director provided a staff report. She noted that the City had published a Request for Proposal (RFP) for an Enterprise Resource Planning (ERP) consultant to help the City document current and desired business processes, publish a request for proposal for an enterprise resource project solution, evaluate the responses, negotiate a contract and provide project management for the implementation. Five consultants responded to the ERP Consultant RFP. The evaluation committee scored the responses which resulted in intent to award to Schafer Consulting. A protest following the initial intent to award. As a result of the protest, the City withdrew its intent to award and published Addendum 3 to the ERP Consultant RFP. Addendum 3 clarified the scope of work, solicits a fixed price for services, and adds a requirement for an onsite visit by the three finalists selected by the evaluation committee. The onsite visit was added to help the evaluation committee determine whom they believe will work best with City staff. Addendum 3 responses were limited to and received from the same five original responders. The evaluation committee scored and selected three finalists for interview. Following the interviews, chrysalis Government Solutions received the highest score and was notified of the intent to award the contract to them. Schafer Consulting protested the intent to award.

Public hearing opened.

None

Public hearing closed.

Motion: Adopt the resolution denying the protest.

Moved by: John Michaels Seconded by: Bob Strosser

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

Resolution 2014-16 was duly adopted.

130. Ordinances and resolutions

130.1 COUNCIL BILL 2014-107 An ordinance awarding a contract in the amount of \$244,830 to Chrysalis Government Solutions, LLC, to provide consulting services for the Enterprise Resource Planning Project.

Motion: Adopt the ordinance awarding a contract in the amount of \$244,830 to Chrysalis Government Solutions, LLC to provide consulting services for the Enterprise Resource Planning Project.

Moved by: John Michaels Seconded by: Daniel Bunn

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

Ordinance 2014-107 was duly adopted.

130.2 COUNCIL BILL 2014-108 A resolution adopting a seventh Supplemental Budget for the 2013-15 biennium.

Alison Chan, Finance Director provided a staff report.

Motion: Adopt the resolution adopting a seventh Supplemental Budget for the 2013-15 biennium.

Moved by: Chris Corcoran Seconded by: Eli Matthews

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

Resolution 2014-108 was duly adopted.

130.3 COUNCIL BILL 2014-109 A resolution adopting a fee for appeals of business license and taxi driver identification card denials and revocations.

Motion: Adopt the resolution adopting a fee for appeals of business license and taxi driver identification card denials and revocations.

Moved by: Daniel Bunn Seconded by: Bob Strosser

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

Resolution 2014-109 was duly adopted.

140. Council Business

150. Further reports from the City Manager and staff

150.1 Quarterly Financial Report by Alison Chan
Deferred to the September 4, 2014 Council meeting.

160. Propositions and remarks from the Mayor and Councilmembers

160.1 Further Council committee reports.

a. Councilmember Corcoran reported on the Southern Oregon Regional Economic Development, Inc. board meeting. He noted that they will be working on a comprehensive economic development strategy and that Bill Hoke will be a part of the committee.

b. Councilmember Gordon reported on the Site Plan & Architectural Commission meeting.

160.2 Further remarks from Mayor and Councilmembers.

170. Adjournment

There being no further business, this Council meeting adjourned at 10:19 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.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No:

www.cityofmedford.org

DEPARTMENT: Planning Department

AGENDA SECTION: [City Recorder]

PHONE: 541-774-2380

MEETING DATE: August 21, 2014

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

COUNCIL BILL 2014-

Ordinance amending Municipal Code Section 10.012, to create a definition for Portable Storage Containers, amend Section 10.840 to permit Portable Storage Containers as a temporary use in C-R, C-H, I-L, I-G, and I-H zoning districts, and to amend 10.1022 to exempt certain signs associated with temporary portable storage containers from needing a sign permit (City of Medford, Applicant).

ISSUE STATEMENT & SUMMARY:

The use of portable storage containers (shipping containers, detached tractor trailers, etc.) in commercial zones has been a recurring issue for the past several years, appearing annually around the holiday season. Large retailers have used these containers for additional storage space. For example, Walmart uses portable storage containers for the storage of layaway items. However, the Code does not allow portable storage as a temporary use.

BACKGROUND:

At the July 24, 2014 Planning Commission hearing the Commission took testimony, discussed the proposal, and voted 5-0 to recommend City Council approval of the proposed amendment with special consideration given to the application timing issue for the upcoming holiday season.

A. History

In 2013 Walmart asked to be permitted to use truck trailers and/or storage containers for temporary storage during the holiday season, from October 1 through December 31. Planning staff considered the request and concluded that the use was not permitted in the Medford Municipal Code.

The Walmart request was not unique; there have been several other instances where businesses have either asked to place portable storage containers on commercial property, or the businesses have placed such containers without seeking consent. During follow-up discussions with Walmart representatives, they stated that they would like to have the ability to place up to 20 portable storage containers at each Walmart location for a period of about three and a half months each year.

Interest in resolving this ongoing issue manifests itself in Action 11.1d of the 2012-18 Strategic Plan, which directs staff to: "Develop a set of rules to facilitate storage lots for shipping containers."

B. Analysis

Several options were considered to address Action 11.1d of the Strategic Plan. These options included:

1. Modifications to the Municipal Code permitting Portable Storage Containers only as an approved permanent use, as a portion of a site plan, subject to the review and approval of the Site Plan and Architectural Commission;



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2. Permitting Portable Storage Containers as a temporary use in small quantities for a short period of time; and
3. Permitting Portable Storage Containers in a number and for a duration of time consistent with what had been requested.

At the February 20, 2014 Planning Commission study session staff recommended that a small number of containers be permitted for a relatively short period of time as a temporary use, and that requests for greater numbers or longer storage periods be permitted only through a site plan approval process. However, this recommendation raised concerns about the lack of required screening for proposals including only a small number of containers, and about facilitating the use of these containers as a permanent use in the C-R and C-H zones.

Staff concluded that the best way to both address Action 11.d of the Strategic Plan, while mitigating any possible negative impacts the use of these containers may cause, was to propose a code amendment which is consistent with the request that prompted the change, while also ensuring that the proposed change is consistent with all other portions of the Municipal Code. Staff determined that this could be done most efficiently by amending Section 10.840 to permit Portable Storage Containers as a Temporary Use with its own permitting process and review guidelines.

At the April 24, 2014 meeting Planning Commission tabled the item and requested another study session. They met on May 12, 2014 directed staff to make the following modifications: 1) remove the requirement for screening; and 2) add appearance/condition requirements. After the June 9 study session, in which the issue of signs related to the use of portable storage containers was discussed, the Planning Commission directed staff to address signs in its revisions and then bring the proposal to a Planning Commission hearing for consideration.

Staff presented what it believed to be the best course of action should the City Council decide it wants to allow this use within the city. Planning Commission reviewed staff's recommendation, modified it, and has passed along what it believes to be the best course of action in allowing for temporary portable storage containers. The policy choice of whether or not to adopt the amendment is up to the City Council.

C. Financial and/or Resource Considerations

There are no budgetary considerations associated with this amendment.

D. Timing Issues

The application requirements of the proposed temporary Portable Storage Container permit require the application for said permit be submitted at least 60 days prior to the proposed placement of such containers. This proposed requirement creates a timing issue for the upcoming holiday season. Because the proposed amendment will not be adopted in time to allow application to be made 60 days prior to October 1st, staff recommends that Council direct staff to waive the 60-day requirement for applications made this year.

STRATEGIC PLAN:



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Theme: Healthy Economy

Objective 5.1: Promote retention and expansion of existing businesses and development of new businesses.

Goal 5: Continue implementation of Economic Development Strategy.

Theme: Quality Public Services

Action 11.1d: Develop a set of rules to facilitate storage lots for shipping containers.

COUNCIL OPTIONS:

1. Adopt the ordinance, which will allow temporary Portable Storage Containers in C-R, C-H, I-L, I-G and I-H zones with a temporary Portable Storage Container 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 temporary Portable Storage Containers in C-R, C-H, I-L, I-G and I-H zones by permit, and that Council direct staff to waive the 60-day requirement for any application made before January 1, 2015.

SUGGESTED MOTION:

I move to adopt the ordinance allowing temporary Portable Storage Containers in C-R, C-H, I-L, I-G and I-H zones with an approved permit, and to direct staff to waive the requirement that applications be submitted 60 days prior to container placement, for any application made before January 1, 2015.

EXHIBITS:

Staff Report for file DCA-14-028 dated August 6, 2014, including all Exhibits.

A copy of the City Council slideshow presentation is on file in the Planning Department.



CITY OF MEDFORD

PLANNING DEPARTMENT

STAFF REPORT – LAND DEVELOPMENT CODE AMENDMENT

Date: August 6, 2014

To: Mayor and City Council for August 21, 2014 hearing

From: Joe Slaughter, Planner IV

Reviewer: John Adam, Senior Planner

Subject: Portable Storage Containers
City of Medford, Applicant

File no.: DCA-14-028

BACKGROUND

Proposal: To amend Municipal Code Section 10.012, to create a definition for Portable Storage Containers, amend Section 10.840 to permit Portable Storage Containers as a temporary use in C-R, C-H, I-L, I-G, and I-H zoning districts, and to amend 10.1022 to exempt certain signs associated with temporary portable storage containers from needing a sign permit.

The Issue: The use of portable storage containers (shipping containers, detached tractor trailers, etc.) in commercial zones has been a recurring issue for the past several years, appearing each year around the holiday season. Large format retailers have used these containers for additional storage space. For example, Walmart uses portable storage containers for the storage of layaway items. On August 14, 2013, Kelly Akin, Principal Planner, sent a memo to James Huber, Planning Director, responding to a request from Walmart to allow the use of truck trailers and/or storage containers for temporary storage during the holiday season, from October 1 through December 31. The analysis contained within the letter concluded that “the requested temporary use is not permitted in the Medford Land Development Code (MLDC) Section 10.840.” The following were identified as options for response to Walmart’s request:

1. Apply the current MLDC language. The proposed temporary use is not permitted.
2. Amend the MLDC to allow the temporary use October 1 through December 31.
3. Amend the MLDC to allow the temporary use for a limited number of days and/or a limited number of occurrences per year.

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There have been several other instances where businesses have either asked to place portable storage containers on commercially zoned property, or the businesses have placed such containers on commercially zoned properties without seeking consent. During follow-up discussions with Walmart representatives, they stated that they would like to have the ability to place up to 20 portable storage containers at each Walmart location for a period of about three and a half months each year.

Interest in resolving this ongoing issue has been expressed and Action 11.1d of the 2012–18 Strategic Plan directs staff to: “Develop a set of rules to facilitate storage lots for shipping containers.”

A. Definition of Portable Storage Containers in Section 10.012

Since there is no existing definition for Portable Storage Containers in the Municipal Code, this addition is necessary in order to treat Portable Storage Containers as a temporary use permitted under Section 10.840.

B. Adding Portable Storage Containers to Section 10.840

Several options were considered as ways to address Action 11.1d of the Strategic Plan to develop a set of rules to facilitate storage lots for shipping containers. These options included:

1. Modifications to the Municipal Code permitting Portable Storage Containers only as an approved permanent use, as a portion of a site plan, subject to the review and approval of the Site Plan and Architectural Commission;
2. Permitting Portable Storage Containers as a temporary use in small quantities for only a short period of time; and
3. Permitting Portable Storage Containers in a number and for a duration of time consistent with what had been requested.

At the February 20, 2014 Planning Commission study session staff recommended that a small number of containers be permitted for a relatively short period of time as a temporary use, and that requests for greater numbers or longer storage periods be permitted only through a site plan approval process. However, this recommendation raised concerns about the lack of required screening for proposals including only a small number of containers, and about facilitating the use of these containers as a permanent use in the C-R and C-H zones.

Staff concluded that the best way to both address Action 11.d of the Strategic Plan, while mitigating any possible negative impacts the use of these containers may cause, was to propose a code amendment which is consistent with the request that prompted the

change, while also ensuring that the proposed change is consistent with all other portions of the Municipal Code. Staff determined that this could be done most efficiently by amending Section 10.840 to permit Portable Storage Containers as a Temporary Use with its own permitting process and review guidelines.

At the April 24, 2014 meeting Planning Commission tabled the item and requested another study session. They met on May 12, 2014 directed staff to make the following modifications: 1) remove the requirement for screening; and 2) add appearance/condition requirements. After the June 9 study session, in which the issue of signs related to the use of portable storage containers was discussed, the Planning Commission directed staff to address signs in its revisions and then bring the proposal to a Planning Commission hearing for consideration.

Staff presented what it believed to be the best course of action should the City Council decide it wants to allow this use within the city. Planning Commission reviewed staff's recommendation, modified it, and has passed along what it believes to be the best course of action in allowing for temporary portable storage containers. The policy choice of whether or not to adopt the amendment is up to the City Council.

On July 25, 2014, following the latest Planning Commission hearing regarding this issue, Craig Stone of CSA Planning submitted a letter requesting that the proposed definition for Portable Storage Containers be amended to specifically state that dumpsters and other garbage receptacles are excluded from the definition. The proposed definition reads:

“Portable Storage Containers. A portable, weather-resistant receptacle designed for storage or shipment, utilized or intended to be utilized for the storage of household goods, wares, building materials, merchandise, and similar items. “Portable Storage Containers” shall include all shipping containers, cargo containers, tractor trailers (with or without wheels), and other like items not intended to be placed on a permanent foundation.”

Dumpsters and other waste receptacle are in fact designed for storage and shipment and are, to a certain extent, weather resistant. As long as dumpsters and other trash receptacles are used for the collection of solid waste or debris, and not for the storage of household goods, wares, building materials, merchandise, and similar items, they would not fall under the definition of Portable Storage Containers. If, however, they were used in a manner consistent with the definition, they could be classified as Portable Storage Containers. Therefore, it is appropriate to leave the definition as proposed and to not specifically exempt any particular type of container from this definition and proposed requirements

C. Adding an exemption for certain signs associated with Temporary Portable Storage Containers to Section 10.1022

Words, numbers, symbols, etc. existing on the approved portable storage containers fall under the definition of “signs” and would require a Sign Permit unless exempted from the requirement. The proposed change to Section 10.1022 will exempt certain signs associated with portable storage containers from sign permit requirements.

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

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

APPROVAL CRITERIA COMPLIANCE

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

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

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

Findings: While storage, like parking, vehicle access, and any number of other needs for a site should be considered during the planning phase for a piece of property, there are instances when the use of portable storage containers as a temporary use can provide flexibility to the operations of large retailers. This flexibility in turn benefits the public by allowing these retailers to offer opportunities to the consumer, e.g. layaway programs. The requirements of the proposed Temporary Portable Storage Container Permit will help to mitigate any negative impacts the use of portable storage containers, as a temporary use, will have on the subject property and neighboring properties.

Conclusion: The use of portable storage containers as a temporary use will allow flexibility for businesses. This will allow these businesses to offer programs to local consumers that might not otherwise be available. The mitigation measures put in place through the permitting process will help to mitigate negative impacts to the subject property and surrounding properties. With these mitigation measures, the benefit to the businesses and to the general public of allowing the use of portable storage containers outweighs the possible negative impacts. 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 3–8 do not apply in this matter.

9. *Economic Development:* Goal 9 requires the City's Comprehensive Plan policies to contribute to a stable and healthy economy. Such plans shall be based upon past trends and updated employment forecasts. Medford's Comprehensive Plan complies with Goal 9. By looking at past trends, future forecasts, policies that effect economic growth, and the availability of employment lands the City of Medford has adopted a set of Conclusions, Goals, Policies, and Implementation Measures related to economic development within the Economic Element of the Comprehensive Plan. A more detailed

look at the conformity of the proposed code amendment with the Economic Element is provided below.

Staff finds that Goals **10–14** 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:

ECONOMIC

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

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

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

Findings: There have been several instances where existing businesses in Medford have either requested the use of portable storage containers as a temporary use and/or they have used temporary storage containers in this way without seeking permission. By allowing the use of portable storage containers as a regulated temporary use the City of Medford is supporting existing businesses and promoting further development and use of existing sites. This kind of flexibility in the Code might also help to encourage new businesses to locate in Medford on existing sites.

Conclusion: The addition of this new flexibility will stimulate economic activity. Criterion 10.184 (2)(b)(2) is satisfied.

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

Findings: The proposed code amendment was sent to 14 City departments and outside referral agencies on March 4, 2014. The Planning Department has not received any comments on the proposal from these agencies.

Conclusion: The proposed amendment has been distributed to the applicable referral agencies for comments. No comments have been received. Criterion 10.184(2)(b)(3) is satisfied.

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

Findings: 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. Study sessions were held by the Planning Commission on February 24, 2014, May 12, 2014, and June 9, 2014 to discuss the text amendment proposal. The proposed amendment was also considered at the April 24, 2014 Planning Commission hearing. Criterion 10.184(2)(b)(4) is satisfied.

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

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

Conclusion: Criterion 10.184 (2)(b)(5) does not apply.

RECOMMENDED ACTION

Discussion: In this case, like with most Code amendments, the decision made by City Council comes down to a policy decision. Should Temporary Portable Storage Containers be permitted in the city? If so, how many, for how long, with what restrictions? Planning Commission has considered these questions and has recommended approval of a proposed amendment it believes best addresses the issue.

Recommendation: At the July 24, 2014 Planning Commission hearing the Commission took testimony, discusses the proposal, and voted 5-0 to recommend City Council approval of the proposed amendment with special consideration given to the application timing issue for the upcoming holiday season.

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 temporary Portable Storage Containers in C-R, C-H, I-L, I-G and I-H zones by permit, and that Council direct staff to waive the 60-day requirement for any application made before January 1, 2015.

EXHIBITS

- A. Proposed Code Amendment, dated July 7, 2014
- B. Minutes from June 9, 2014 Planning Commission Study Session
- C. Minutes from May 12, 2014 Planning Commission Study Session

- D. Minutes from April 24, 2014 Planning Commission Hearing
- E. Staff Report from April 24, 2014 Planning Commission Hearing
- F. Draft Minutes from July 24, 2014 Planning Commission Hearing
- G. Letter from Craig Stone of CSA Planning Dated July 28, 2014

CITY COUNCIL AGENDA: August 21, 2014

Exhibit A

Portable Storage Containers Code Amendment (DCA-14-028)

Proposed Code Amendment—Portable Storage Containers

Article I

10.012 Definitions, Specific.

(This section is all new text)

Portable Storage Containers. A portable, weather-resistant receptacle designed for storage or shipment, utilized or intended to be utilized for the storage of household goods, wares, building materials, merchandise, and similar items. “Portable Storage Containers” shall include all shipping containers, cargo containers, tractor trailers (with or without wheels), and other like items not intended to be placed on a permanent foundation.

Article V

10.840 Temporary Uses and Structures

D. Types of Temporary Uses and /or Temporary Structures

(This section is all new text)

(6) Portable Storage Containers.

(a) Applicability

1. A temporary Portable Storage Container permit is required for placement of any portable storage container with the following exceptions:
 - i. Truck trailers parked on a street for 24 hours or less;
 - ii. Portable storage containers that will remain on a property for no more than five days;
 - iii. Portable storage containers that have been approved as a permanent portion of an approved site plan; and
 - iv. Portable storage containers used for primary use businesses in the following Standard Industrial Classification (SIC) groupings: 15, 16, 17, 40 and 42 (see Section 10.337).
2. When a temporary Portable Storage Container permit is required, placement of portable storage containers, as defined herein and as a temporary use, is permitted only on private property in C-R, C-H, I-L, I-G and I-H zoning districts.
3. Portable storage containers shall not be placed within the public right-of-way, except as permitted in Chapter 6 of this Code.

4. Temporary Portable Storage Container permits will only be issued for the use of temporary portable storage containers as a periodic, intermittent, or recurring use accessory to a permitted primary use.

(b) Location Standards

1. In no case shall storage containers be located in required yards, landscape areas, open space, retention basins, drive aisles, required parking spaces and loading areas, fire lanes, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and development.

2. Portable storage containers shall be placed outside of required setback areas and shall be placed a minimum of 10 feet from all property lines.

3. The placement of portable storage containers shall comply with Section 9.520, Conditions for Temporary Structures, with the exception that only a 30-day extension shall be available.

4. Portable storage containers shall be placed on a surface consistent with Section 9.550, Parking Lot Specifications.

5. Whenever possible portable storage containers should be screened from view from public rights-of-way and neighboring properties by placing the containers out of view behind existing structures and/or by placing the containers out of view behind existing landscaping.

6. Portable storage containers must be in good repair with no visible damage, rust, or graffiti.

7. Applicant is encouraged to acquire portable storage containers of similar color to existing structures on the property and of similar color to each other.

(c) Time and Number Limitations

1. A maximum of one temporary Portable Storage Container permit may be issued per individual primary use during any 12-month period. A temporary Portable Storage permit shall allow for the placement of portable storage containers for a period of no more than 90 days. One 30-day extension may be granted subject to Section 9.520.

2. A maximum of 20 storage containers shall be allowed for an individual primary use.

(d) Application Requirements

1. To obtain a temporary Portable Storage Container permit, an application must be filed with the Planning Department on a form provided a minimum of 60 days prior to the proposed placement date of such containers. The application shall include the appropriate filing fee, the information required on the form, and the following information and materials:

i. The proposed number of portable storage containers.

ii. The proposed use of the storage containers.

iii. The proposed size of the storage containers.

iv. Property owner signature.

v. A site plan (to scale) showing the proposed location of the portable storage container(s) in relation to existing buildings, required yards, landscape areas, open space, retention basins, drive aisles, required parking spaces, loading areas, and fire lanes. The site plan shall also demonstrate compliance with Subsections 10.840.D(6)(b)2–5 and (c)2.

vi. The proposed amount of time, include start date and end date, that the portable storage container(s) will be on the property.

(e) Permit Process

1. The permit application will be routed for review for compliance with this Code by City departments, including: Fire, Building Safety, Police, Engineering, Code Enforcement, Planning, and any other department that may have an interest in this type of permit application.

2. Within 30 days of filing a complete application, the permit application will be approved or denied. If the permit application is found to be in compliance with the standards of this Code, the permit application will be approved and a permit issued to the applicant.

3. If the permit application is found to **not** be in compliance with the standards of this Code, the permit application will be returned to the applicant with a letter indicating the reasons the application was not approved. The applicant will be allowed to modify the permit application and resubmit it for reconsideration two times without repayment of the application fee.

Article VI

*(Additions are shown in **Bold** and deletions are shown in ~~Strikethrough~~)*

10.1022 **Exceptions to Permit Requirements.**

The provisions of Article VI shall not apply to:

(1) Traffic signs and all other signs erected or maintained by a municipal or governmental body or agency, including danger signs, railroad crossing signs, and signs of a non-commercial nature required by public laws, ordinances or statutes.

(2) Signs on a truck, bus, car, boat, trailer or other motorized vehicle and equipment provided all the following conditions are adhered to:

(a) Primary purpose of such vehicle or equipment is not the display of signs.

(b) Signs are painted upon or applied directly to an integral part of the vehicle or equipment.

(c) Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of a business/or use.

(d) Vehicles and equipment are not used as static displays, advertising a product or service, for more than two (2) days in any location, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.

(e) During periods of inactivity exceeding five work days, such vehicle/equipment is not so parked or placed that the signs thereon are displayed to the public. Vehicles and equipment engaged in active construction projects and the on-premise storage of equipment and vehicles offered to the general public for rent or lease shall not be subjected to this condition.

(3) Signs on Temporary Portable Storage Containers permitted through Section 10.840.D(6), provided all of the following conditions are adhered to:

(a) The primary purpose of such vehicle or equipment is not the display of signs.

(b) Signs are painted upon or applied directly to an integral part of the vehicle or equipment (the "sign" is a regular part of the portable storage container). Hanging banners, roof signs and/or attached sign structures are not allowed.

(c) Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of a business/or use.

(43) Signs not exceeding three (3) square feet in area located in a commercial or industrial zone not to exceed four (4) signs for each business frontage.

(54) Signs not exceeding six (6) square feet in area and an overall height of six (6) feet in the Single-Family Residential Zoning Districts - (SFR 2, 4, 6, 10) and the Multiple-Family Residential Districts - (MFR 15, MFR 20, MFR 30), not to exceed two (2) signs per parcel.

(65) National and State flags. National and state flags shall be flown and displayed in a manner whereby they are not construed as attraction-gaining devices to advertise a product or use, or in a manner to otherwise draw attention of the traveling public to an establishment or sales office. Such displays shall conform to the criteria established in House Document 209 of the 91st Session of Congress.

(76) Signs Located in the Interior of any Building. Signs located in the interior of any building or within an enclosed lobby or court of any group of buildings, which are designed and located to be viewed by patrons only. Such signs may be illuminated and are not subject to the provisions of this chapter.

(87) Change of face. Where an existing sign is modified by change of message or design on the sign face, without any change to size or shape of the sign framework or structure. In Historic Preservation Overlay Zoning Districts, only the message may be changed without Historic Review.

(98) Window Signs. Signs located in windows, if they are mounted or painted upon the inside of windows within all commercial or industrial zoning districts.

(109) These types of Temporary Signs, which are in addition to any of the signs in subsections 1-8 above:

(a) Holiday Displays. Decorations or displays celebrating the occasion of traditionally accepted patriotic or religious holidays.

(b) Real Estate Signs. Signs erected on private property for the period of time that a site or structure is for sale, lease or rent. In all residential zones such signs shall be limited to six (6) square feet in area and a maximum height of six (6) feet. In all commercial and industrial zones such signs shall be limited to thirty-two (32) square feet in area. Temporary real estate signs shall be limited to one (1) sign per frontage.

(c) Political Campaign Signs. Signs erected on private property no earlier than eight (8) weeks prior to any federal, state or local election and removed no later than seven (7) days after the applicable election. In all residential zones such signs shall be limited to six (6) square feet in area and a maximum height of six (6) feet per sign. In all commercial and industrial zones such signs shall be limited to thirty-two (32) square feet in area per sign.

(d) All other Temporary or Portable Signs require a permit.

Exhibit B

Portable Storage Containers Code Amendment (DCA-14-028)

Minutes from June 9, 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, Paul Shoemaker, David McFadden, Bill Christie, Robert Tull, Patrick Miranda, Bill Mansfield, Norman Fincher and Alec Schwimmer.

Staff: Jim Huber, Bianca Petrou, Kelly Akin, John Adam, Joe Slaughter and Lori Cooper.

Subjects: 1. DCA-14-028 Temporary/Portable Storage Containers Code Amendment.
2. Update on Urban Growth Boundary Amendment Process.

1. DCA-14-028 Temporary/Portable Storage Containers Code Amendment.

Jim Huber, Planning Director, stated that Joe Slaughter, Planner II, will discuss the Temporary/Portable Storage Containers Code Amendment.

Joe Slaughter, Planner II, stated that at the last study session the Planning Commission requested that staff present several versions of the proposed Code amendment for further consideration. The Commission wanted to see the following modifications: 1) remove the requirement for screening; 2) add appearance and condition requirements; and 3) limit the Temporary Portable Storage Container Permit to trailers only.

The proposed Code amendment for Portable Storage Containers would still have the setback requirements; whenever possible, portable storage containers should be screened from view from public rights-of-way and neighboring properties by placing the containers out of view behind existing structures and/or by placing the containers out of view behind existing landscaping; must be in good repair with little or no visible graffiti; and effort should be made to acquire portable storage containers of similar color to existing structure on the property and of similar color to each other.

Significant changes would have to be made to the Code in order to relate to trailers only.

Commissioner Miranda asked if trailers meant sea train containers? Mr. Slaughter replied no. The Commission discussed at their last to eliminate containers that are placed on the ground. The discussion is regarding tractor trailers.

Commissioner Fincher suggested instead of the wording *...with little or no visible graffiti put ...no visible graffiti*. Commissioner Christie stated that by City Code graffiti is required to be covered.

Chair Zarosinski asked if there were more comments regarding tractor trailer only? He does not see a compelling reason to limit to only tractor trailers.

Commissioner Miranda stated that he would endorse sea trains because they are generally portable and mobile. They are more widely used and more available rather than a registered tractor

trailer. Chair Zarosinski replied that the feedback that the Commission received from the industry was contrary to Commissioner Miranda's statement.

Commissioner Christie reported that the problem one has with a sea train is that the retailer has no control of the color. With a tractor trailer they are normally from a company and have no graffiti.

Commissioner Mansfield stated that with no criticism intended to staff that the language in Exhibit A of "whenever possible an effort should be made" is totally unenforceable from a legal standpoint.

Chair Zarosinski reported that he wanted feedback on whether to just go with tractor trailer only or leave it as portable containers.

Commissioner Fincher replied that he preferred to have them both in the Code. Otherwise, later on the Commission would have to do this all over again.

Commissioner Shoemaker asked if there was any indication that tractor trailers are more for retail and freight and sea trains more for construction and remodel? Would a sea train parked on a lot be more in line with a remodel or construction project? Is that more acceptable? Is the Commission trying to make retail and commercial establishments look more pleasant so the focus would be more on tractor trailers? Chair Zarosinski replied not for him.

Commissioner Christie stated that sea trains for construction is a different subject. It has nothing to do with the proposed Code amendment. It is handled in another place.

Vice Chair Tull stated that he is concerned that the Commission not compromise the timeline that they agreed to. The containers cannot be there past 90 days. Mr. Huber replied that there is a 30 day extension making it 120 days. Vice Chair Tull stated that applies whether it is a trailer or container and that is important that the containers not be set on the ground and becoming a permanent fixture for the business. The other concern he has is that it ought to be made clear that one cannot place these containers on parking spaces that are required by Code to have. Chair Zarosinski replied that is in the proposed Code amendment.

Commissioner McFadden asked if the City was going to track individual units so that they do not stay more than the 120 days? Commissioner Christie commented that would be from the initial permit period. A retailer only gets one permit per year.

Chair Zarosinski asked if the consensus of the Commission was to go with Exhibit A which is tractor trailers and sea trains?

Commissioner Christie stated that sea train containers are extremely difficult to move and it takes a long period of time to get them picked up. Two to three trailers are picked up a day and hauled out. He says no to sea trains.

Commissioner McFadden asked if trailers are more likely to have names of advertising on the side of them? Commissioner Christie responded that there is no advertising but they do have the name of the company that leases or rents the trailer.

Chair Zarosinski asked if there was a tie-back to signage. Mr. Slaughter replied that the last time that concern was raised screening was in place. Kelly Akin, Principal Planner replied that it was addressed in the sign code. A vehicle not used as a static display cannot be there for more than two days in any location. It has to be unpainted. Mr. Huber asked that even the logo since we are content neutral

that would be considered a sign? Ms. Akin replied that is correct.

Chair Zarosinski asked if it would be incorrect to state logos and advertising are subject to the sign code provisions? Lori Cooper, Deputy City Attorney, replied that anything on trailers would be subject to the sign code.

Vice Chair Tull stated that he does not think it is unusual for a large retail company to have two or three loading bays and only use two of them and the third one becomes a storage place. If there is a timeline on how long a trailer should be there does there need to be consideration for extra and unused loading bays as a place to put storage units? Commissioner Christie replied that he does not recall anybody other than the freight transfer company that would have that many loading bays that they park trailers in. His guess that the most anybody is going to have is three or four. They are expensive and they take up a lot of space that is retail space.

Commissioner Schwimmer stated that Wal-Mart has six. Their trucks are being accessed for their lay away program and sales associates are going out and retrieving the merchandise. Wal-Mart does not want sales associates out in the receiving bays so they want separate areas.

Vice Chair Tull reported that he recalls the Commission having concerns several years ago about retail outlets using the leftover loading docks as a storage space for pallets and could it become a storage place for containers and trailers. If that is less likely then he withdraws his concern.

John Adam, Senior Planner, asked Vice Chair Tull if his concern was based on appearance or not? Vice Chair Tull replied that is probably as less visible than if they are parked out on the property somewhere. But if our concern is that they are using trailers or containers on a periodic basis does that include loading docks that are now being used for storage contemporary or otherwise?

Vice Chair Tull stated that there were specific agreements that came out of Site Plan and Architectural review for the south Wal-Mart and they went away entirely through the influence of the City Manager's office. Wal-Mart ended up doing exactly what Site Plan and Architectural Commission said they should not do in terms of having trailers on-site in large numbers and no timeline. That sort of specification was written into the site plan approval.

Chair Zarosinski reported that the Commission discussed trailers and sea trains, language to tie this back to the sign code, general subjective appearance criteria something more specific. Chair Zarosinski asked if any Commissioners would like to elaborate on that?

Commissioner Mansfield stated that he did not have any improvements but when dealing with attractiveness that is a subjective subject and that is not one that law has any business being involved in. Courts do not deal with attractiveness. That is a matter of our artistic taste or lack, thereof.

Chair Zarosinski reported that he is comfortable saying no visible damage, rust or graffiti. Commissioner Mansfield stated that is subjective. Chair Zarosinski asked what about saying there are subjective criteria and please try to match the building. Commissioner Mansfield replied that the Commission has heard him before about color. He does not think color is the Commission's business. Commissioner Christie stated that he does not think it is enforceable. Mr. Slaughter reported that it was not written to be enforceable.

Mr. Slaughter reported that this entire item is becoming really complicated to review and issue permits. There has not been any discussion on the fee. It is becoming unusable for the end user.

Commissioner Mansfield stated that he supported Mr. Slaughter's position. Tax payers and consumers

are paying for this regulation. He knows everyone is working to make the City prettier but he thinks the Commission is going too far. He does not see anything pretty about box stores. He thinks the Commission is spending way too much time and money trying to regulate this costing our tax payers more money than we should be.

Commissioner Christie stated regarding tractor trailers that the Oregon Department of Transportation mandates certain signage on them. They are going to have some sort of signage on them no matter what.

Vice Chair Tull reported that this whole matter, if he is not mistaken, was initiated by the request of a major retailer. It went to the City Council and then asked that the Planning Commission pay attention to it and bring back a recommendation to the City Council. Mr. Huber reported that Wal-Mart came to staff in the fall a couple of years in a row and essentially staff did not have any tools to say they could do this. Somehow it got into the Strategic Plan and that is how it got to the City Council. The City Council adopted the Strategic Plan. It is one of the action items that address this issue.

Mr. Adam stated that the essential problem staff is running into is that if it sits there for two or more days it is a sign. That is the problem. No matter what it is and if it is a logo no matter what it says and the markings that the Oregon Department of Transportation requires is not a concern for staff. In order to cure this, the sign has to be covered or the sign code needs to be changed to allow this.

Ms. Akin commented that the way this is written there are very few sites this will be used on because most sites are developed to their full potential. Parking drives design. Often the building is designed to fit the amount of required parking. Most sites have their required parking and if any very little extra area. They cannot put it in required parking or yards so she does not think there is going to be very many sites that one would actually be able to see the containers. The sign question is minor.

Mr. Huber reported that the screening did not scare off staff. This is a new thing that does not exist. The public is the one that will have to look at these, so call it temporary or permanent call screening temporary or permanent, staff thought it was a fair issue to hide the containers.

Vice Chair Tull stated that if a retailer needs to come to the City and apply for permission to place storage units, wheeled or not, on their property for short term do they need to apply at the same time for an exception to the sign code so that staff does not have to worry about what is on the side of the trailer if it is going to be there for six weeks. Ms. Cooper replied that exceptions are not allowed for signage.

Commissioner Schwimmer stated that before this issue came before the Planning Commission there was no code in effect. It was brought before the Planning Commission because Wal-Mart was doing something because they needed to do it. Now the Planning Commission is addressed to enact a code to make it permissible by code section. If the Planning Commission does nothing where does that leave them? In October Wal-Mart is going to want to do it again. If the Planning Commission does nothing and there is no code the City is in a position of deciding are they going to let Wal-Mart do it again having previously allowed it. Now it is incumbent on the City to decide are they going to let them do it again without a code provision. If the Planning Commission votes no and nothing is done there is no code section it is then upon the City to decide how to deal with this issue come October with no code section to guide them. Jo Ellen Stodola, Wal-Mart Manager for Southern Oregon is very concerned on how the stores look. She is not going to let unsightly things at her stores. There will be no trailers with graffiti. If the Planning Commission makes this amendment too restrictive it will not happen. Let's come up with a code that is clean, clear and limit it to 90 days with a 30 day extension. There is a sign code in place in case it needs to be used if necessary. Have a permit so

that there is a review process.

Mr. Slaughter reported that he is not sure the sign part of this amendment should be ignored. Mr. Huber reported that staff would work on it. Chair Zarosinski replied that the sign code needs to be addressed. Mr. Huber stated that he does not think this is overly restrictive for the reason that a parking space is required, a setback is a setback, a safe drive aisle, building codes and fire codes are already on the books.

Commissioner Christie stated that the Commission needs to look at enforcing this amendment. Is this going to be enforceable?

Mr. Adam asked the Commission if they want to see the result of this proposed Code amendment in another study session or a public hearing. Chair Zarosinski replied that he is ready for it to go to a public hearing. The other Commissioners concurred.

Exhibit C

Portable Storage Containers Code Amendment (DCA-14-028)

Minutes from May 12, 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, David McFadden, Alec Schwimmer, Bill Christie, Bill Mansfield, Norman Fincher,

Staff: Jim Huber, Bianca Petrou, Kelly Akin, Joe Slaughter and Lori Cooper.

Guests: Jo Ellen Stodola, Wal-Mart Manager for Southern Oregon and John McBride, North Wal-Mart Store Manager.

Subjects: 1. Temporary/Portable Storage Containers Code Amendment.

Jim Huber, Planning Director, stated that Joe Slaughter, Planner II, will discuss the Temporary/Portable Storage Containers Code Amendment.

Joe Slaughter, Planner II, presented a PowerPoint presentation regarding the Temporary/Portable Storage Containers Code amendment. The first several slides of the PowerPoint presentation went over the definition, request, direction, standard shipping container dimensions and standard semi-trailer dimensions. Currently the use of portable storage containers is not allowed in the Code. The use of portable storage containers in commercial zones has been a recurring issue for the past several years, appearing each year around the holiday season. Action 11.1d of the 2012-2018 Strategic Plan directs staff "to develop a set of rules to facilitate storage lots for shipping containers". In the proposed Code amendment under Applicability, a Temporary Portable Storage Container Permit is required for placement of any portable storage container with the following exceptions: 1) Truck trailers parked on a street for 24 hours or less; 2) Portable storage containers that will remain on a property for no more than five days; 3) Portable storage containers that have been approved as a permanent portion of an approved site plan; and 4) Portable storage containers used for primary use in businesses in the Standard Industrial Classification (SIC) groupings: 15 - General Building Contractors, 16 - Heavy Construction Contractors, 17 - Special Trade Contractors, 40 - Railroad and Transportation and 42 - Trucking and Warehousing.

Chair Zarosinski stated that seeing the slides presented in the PowerPoint presentation of the placement of as many as twenty portable storage containers on a site that he would want them to be screened.

Commissioner McFadden asked if the screening of the temporary storage containers would be total or partial screening? Mr. Slaughter replied that it would be total screening within the limitations of the Code. It would not be visible from neighboring properties or from public right-of-way as written.

Commissioner Schwimmer stated that building something to hide the temporary portable storage containers is defeating the entire underline purpose of why the Commission is addressing this

provision. It is intended as a temporary problem that the Commission is addressing that does not exist in the current Code.

Commissioner McFadden stated that it is too bad that a representative from the Site Plan and Architectural Commission was not in attendance because in many ways this is more of an issue for them than it is for the Planning Commission. The Site Plan and Architectural Commission was rather specific to no portable storage containers were allowed which was agreed to during the development phase of the south Wal-Mart. It seems to him that now they are getting into another phase of development issues. There have been many discussions regarding the appearance of the building, landscaping, loading and unloading areas and the parking lot. To be aesthetically pleasing. In a sense this is creating a fourth concern dealing with site plans in terms of where the portable storage containers will be sited on the property and the screening. Many people were upset when Lowe's on the north end of the building installed a twenty-foot high cyclone fence. Some people are concerned with Lowe's and various other places that turn part of their parking lot into a long seasonal outdoor sales facility that is not part of the regular building. Screening the containers seems to go back to the big box mentality.

Commissioner Mansfield stated that he would like to hear what the industry has to say about this. He would like to know their position. Mr. McBride stated that it would be extremely difficult to the point where they would not be able to do it if they have to build walls. For trailers he cannot put in the back but he does put them on the side. He can put eight trailers in that area which he did this past Christmas. To build a wall around that for that time frame and tear it down would not be effective. It is not feasible for them to have a warehouse because most of the item they are putting in those trailers is layaway merchandise for their customers. They would have to ask the customer to wait one to one and a half hour while they run to the warehouse to pick up the merchandise. Wal-Mart gets \$1M to \$1.5M in layaway merchandise that is stored for the holiday season. The only issue he has with this Code amendment is the screening.

Vice Chair Tull stated that it is his understanding that when the south Wal-Mart was reviewed by the Site Plan and Architectural Commission there were some significant heavy duty negotiations as to how that site would work and look like. The use of storage units outside the existing building was discussed at length. His understanding, though he was not there, is that a compromise situation was agreed to that significantly restricted the use of storage units on the site. What is Ms. Stodola understanding of that condition that was put on the approval by the Site Plan and Architectural Commission? Ms. Stodola replied that she did not know the answer to that question. When those plans were being built for south Medford she was running the north Medford store which was allowed to have trailers. She was not aware of any type of restriction or what was discussed.

Vice Chair Tull put the same question to staff. What were the conditions placed on the south Medford Wal-Mart as its site plan was approved by the Site Plan and Architectural Commission? Ms. Akin replied that she did not know.

Chair Zarosinski asked if it was correct that the current Code reads that no one can have portable storage containers? Mr. Huber replied that they are associated with construction sites. They are not absolutely prohibited. The proposed use is prohibited. If this Code is adopted, it would apply City wide. It would not just limit it to Christmas. The temporary portable storage container permit could be issued during any twelve month period. It would be one permit for the twelve months.

Vice Chair Tull asked staff if they had made any estimation of how many commercial properties this would apply to and have any other retailers expressed interest in the Code amendment? Mr. Huber replied that he does not recall any other retailers expressing interest. The Planning Commission needs

to think of other places that this could make a difference. He hates to think by solving a problem that Wal-Mart is dealing with the Planning Commission enable thirty other situations to use this Code amendment and then there is something far beyond their expectations.

Chair Zarosinski stated that he is dealing with the aesthetics of this. Is the Planning Commission stuck on an aesthetics issue?

Commissioner Christie stated that one of the slides in the PowerPoint presentations shows storage containers in a warehouse for storage containers because the doors on them are in the back. This slide is the ugliest of the ugliest. That is not what the Planning Commission is dealing with, with this Code amendment. The Planning Commission is dealing with a few of the temporary portable storage containers and mostly with wheeled units. There is no control over the color.

Mr. McBride reported that the company they deal with every year brings them all white trailers. They use only the trailer units.

Commissioner Mansfield stated that the retail business is not the most beautiful business in the world. He is not as concerned with the aesthetics in these areas. The permits cost the consumers money. It is not in the public interest to do anymore regulations than necessary.

Commissioner Fincher commented to start the permit process without the screening. That is something that can be added at a later date if it continues to be a problem. Permit the storage units to see if people use common sense and if that does not happen then take it to the next level.

Chair Zarosinski replied that the alternative to that is to keep the screening but the applicant would have to go to the Site Plan and Architectural Commission to not have it.

Commissioner McFadden asked how many storage units would Wal-Mart use? Ms. Stodola replied twenty or less.

Vice Chair Tull stated that there is another consideration, just practically speaking, there is a certain amount of maneuvering space that is necessary moving these units onto and off the property. They cannot be boxed in and be able to work with them.

Commissioner Christie reported that one cannot screen them on the front or one will not be able to get them out. In his opinion if screening is required you might as well forget about this ordinance period.

Mr. Slaughter stated that there is a maximum fence height of eight feet. One could not build a fence or something considered a fence in excess of eight feet. It would be over the top of trailers on wheels. Another point is site planning. Site planning is taken very seriously by most developers. They are looking at maximizing their site. There are very few site plans that have an area that is not used. Usually there is the building, parking, loading/off-loading, fire access lanes, etc. If screening is not required meeting this Code might be difficult because of the entire site plan process. It is very important to preserve whatever is approved in the site plan process. This Code is trying to preserve those uses that are approved for a site and that in itself is going to make this very difficult. Not intentionally but that is the reality of it.

Vice Chair Tull stated that in considering that, part of the understanding that is approved by the Site Plan and Architectural Commission is the required parking that tends to have seasonal aspects to it also. If the only open space on a given retail site is twelve parking spaces that have been approved

as part of the site plan and that is the place that storage units have to go, then we are defeating the kind of input that the Site Plan and Architectural Commission makes to planning commercial sites for the City. He is not ready to say in the Christmas season a given store needs ten percent fewer parking spaces so that they can accommodate storage units.

Chair Zarosinski stated that he is leaning towards Commissioner Fincher's statement of leaving the screening out and see what happens.

Commissioner McFadden commented that it is his opinion that the screening idea is as fraught with problems as the problem the Planning Commission is trying to solve. He is not sure he likes the idea of a screening wall. It is his opinion that Vice Chair Tull understated the issue. A storage container would take up at least two parking spaces.

Vice Chair Tull stated that he is troubled by something. It seems to him that if the business of a large retail company includes seasonal uses of facilities and yet the site plan that came to the City and was approved by the Site Plan and Architectural Commission did not make provisions for that. They did not plan for the seasonal storage that is necessary to their business or at least if they planned for it they did not tell the City that they are going to need to bring a whole bunch of storage units onto the site every year. It is his opinion that the City was lead to believe that if this store were built like this that it would be adequate to conduct the business of that retailer. They come to the City and state that they forgot to tell the City that they are going to need to add another several thousand square feet of storage space every fall. He is not comfortable with that perception.

Chair Zarosinski asked if any one of the retailers could explain what has changed in the market place operationally from when the stores were built that they did not need this. Commissioner Christie replied that it is expansion of the store. It is the value of the business. The customer base has expanded so the sales have expanded. When one builds a store they are given a footprint. If sales increase and more inventory is needed or more storage for layaways or whatever, it has to come somewhere. They cannot build another warehouse on that site. His problem with all the rules and regulations it is difficult to stay in business as a retailer.

Vice Chair Tull stated that Wal-Mart began talking with the City about this kind of permitting before the north store was opened. The plans that the submitted to the City for that store on that site did not include provision for temporary storage and yet they knew they were going to need it.

Ms. Stodola stated that all they want to do is the right thing with the City. A wall would not be adequate on their site; to build a wall and take it down because they are looking at a limited time. There are businesses in Medford that have trailers that should not have them. This is trying to address the entire situation.

Commissioner Mansfield stated that if the amendment requires construction that Ms. Stodola's industry opposes, the City should be notifying the other retailers in the community what the Planning Commission is discussing and get all of them into the action. We do not want to enact this and then the retailers find out about it. It sounds like this is a very big deal to Wal-Mart. Mr. McBride replied that it is critical to his business. There are several retailers in the community that have them year round. When he moved here four years ago he called the City and they told him he could have trailers as long as they were on wheels. There is nothing in the Code. Since then that is how he has operated every year except the year they were closed. Last year both the north and south Wal-Mart stores had trailers on wheels in the back and they never received one complaint. Commissioner Mansfield stated that his only point is that if the City is seriously thinking about all this, they need to notify the entire industry.

Commissioner McFadden asked if Commissioner Mansfield was saying to notify the industry by announcing the public hearing on the issue. Commissioner Mansfield replied yes.

Chair Zarosinski stated that it is his opinion that most people will find out once the City passes the ordinance that it is more restrictive than what people have been doing. The Commission remains stuck on the screening.

Commissioner Christie states that he has no problem if they wanted to ban sea trains. The trailers are portable. In his opinion screening the trailers is ridiculous.

Chair Zarosinski stated that he searched online regarding this topic and read a couple of other community codes. He noticed that they were all permitted. He did not get any ideas on screening from other communities. It was not addressed.

Mr. Slaughter reported that there are a lot of communities that do not allow this. It is harder to find on Google because you are searching for something they do not have. The ones that he found that had similar codes were that the number of units and duration were much smaller. Since the request was for twenty containers up to 120 days that any recommendation that did not meet that request fell short of the direction to facilitate this use. That is partially why staff came back with this new proposal. In general the screening was not as big of a deal because there were fewer containers and shorter duration, more of a temporary use. This is a seasonal use up to a third of the year reoccurring every year. The screening was in response to large areas for a larger portion of the year.

Chair Zarosinski stated that he is comfortable with the other items in the proposed code and not screening.

Mr. McBride stated that with all the other things that are in the proposed code it is not giving free reign. It is for a limited time, 10 feet from the building, limit on the trailers and a limit on the time. Currently there is nothing and people are doing whatever they want. At least with the code it gives it structure.

Commissioner Christie stated that for the smaller retailer, like his business, parking spaces are like gold to them. They are not going to cover them up in their busiest season. They are taking a lot of their products they have in their lots now and moving them so that they do have more parking.

Chair Zarosinski asked if there could be a general condition of the portable units that go on a lot? Commissioner Christie replied that the Planning Commission needs to get back to what they consider portable units. Trailers such as McKinney, by law, have to have certain markings on them. Unfortunately, some trailers come in with graffiti on them. If there is excessive writing and/or dents on a trailer the Oregon Department of Transportation will take them off the road.

Mr. Huber repeated again that this Code amendment is not just for retailers. This amendment would apply in the C-R, C-H and the three industrial zones.

Chair Zarosinski stated that the direction the Planning Commission is giving to staff is to keep the same proposed amendment, remove screening and include appearance standards.

Commissioner McFadden and Commissioner Christie stated to define portable as on wheels.

Chair Zarosinski requested Commissioner Christie to explain his concerns about no

wheels. Commissioner Christie stated that if one person puts one on their lot then it will become okay for other people to do it and it will not end at just one sea train on their lots. In his mind sea trains are not portable. Mr. Huber replied that staff looks at it from the perspective that there is no foundation.

Mr. Huber reported that staff could present a draft Code amendment to the Planning Commission in another study session

Commissioner McFadden commented that trailers have to be licensed where the sea trains do not. A restriction could be included in the Code that it has to be a valid licensed trailer. Mr. Slaughter reported that there is a definition already in the Code for trailers. Restricting it to the trailers is simple to do. Using licenses could get complicated. Leave the definition fairly broad with some kind of appearance standards.

Commissioner Mansfield requested a summarization of where they were at this point. Chair Zarosinski replied that staff is going to bring the proposed Code amendment back to the Planning Commission without the screening requirements, general condition and appearance of the storage units. It is going to be very broad. What the Commission is trying to work out now is should it just be trailers on wheels or something that can be sat.

Vice Chair Tull stated that staff could write this so that it has to be a trailer that can go on the highway and get a permit that allows holding that trailer on the site for more than five days for loading and unloading. If a customer wants to bring in a pod that gets dropped off that that be a special consideration that does not come under the same permit. This is something that is going to be on the ground for construction purposes, etc. This would be a special permit or an exception. If it is not portable and licensed then it should be specially permitted,

Commissioner Christie stated that the pods would look better than the sea trains.

Vice Chair Tull stated that when talking about a non-portable unit do we put a different type of timing on it or does the timing need to be specified in the permit? Commissioner Christie stated that as a non-portable unit the permit should state the time the pod will be on the ground. Mr. Huber reported that those types of units are already covered in the Code.

Vice Chair Tull reported that if the Commission confines this ordinance to trailers with wheels and valid license and so on then it is a question of time and how to approach the people who are presently depending on units that are not portable.

Vice Chair Tull stated that he would like to see what this all looks and sounds like before the Planning Commission is in a public hearing. He would like this to come back to the Planning Commission in another study session. This could easily be a secondary item on a study session agenda.

Exhibit D

Portable Storage Containers Code Amendment (DCA-14-028)

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

Chair Zarosinski reported that tonight's public hearing agenda items are legislative hearings:

50.2 DCA-14-028 Consideration of an ordinance amending Medford Municipal Code, Chapter 10 (Land Development Code) Section 10.012 creating a definition for Portable Storage Containers and Section 10.840 permitting Portable Storage Containers as a temporary use in C-R, C-H, I-L, I-G and I-H zoning districts (City of Medford, Applicant).

Joe Slaughter, Planner II, presented the summary, approval criteria, and recommended options.

Vice Chair Tull asked if there was anything in the proposed Code amendment that would apply City standards to the sort of signage that is standard on container trailers and so on that are advertising for the business and if parked there, could very well serve as oversized signage, advertising the business? Also, is there anything in the proposed Code amendment that speaks to the maintenance of the condition of the storage units? It seems to him that if the units were parked there and neglected for 90 or 120 days they could end up being a negative visual impact. He does not know whether they want to address that issue in the proposed amendment. Mr. Slaughter replied that the answer to both of those questions is that there is not anything specifically addressing those issues. There is a portion of the proposed Code that would require that these containers be completely screened from view from

neighboring properties or public right-of-way.

Commissioner Shoemaker asked if there will be standards for what constitutes screening? His concern is an attempt to hide something ugly can lead to something uglier. Mr. Slaughter read the proposed code section dealing with screening. Portable storage containers shall be screened from view from all public rights-of-way and neighboring properties. Notwithstanding Section 10.840C.(1) the required screening can be accomplished by using enclosures made of solid wood, brick, or masonry block which conceal them from view; by placing the containers out of view behind existing structures; by placing the containers out of view behind existing landscaping; or by using a combination of any or all these three methods. Such enclosures must meet applicable fencing and structure standards and may require building permits.

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

a. John McBride, 3615 Crater Lake Highway, Medford, Oregon, 97504. Mr. McBride reported that he is the store manager of the north Medford Wal-Mart. This issue came about because two years ago when the south Medford location opened they owned a side lot where they put ground containers on gravel in that lot. It did not work very well for them that year. What they have done since then is use containers on wheels that gave the appearance of being mobile even though they were there for the ninety day period. In talking with the City Council the biggest contention was that they did not like the ground containers and preferred Wal-Mart to have the raised ones on trailers. The challenge that Wal-Mart has with the containers is that once they call for them to be removed, the removal company does not have very many drivers so the container could be empty for a month to a month and a half. It is very difficult to get these people to come pick up the containers. Wal-Mart is not in favor of putting a wall up because that creates a bigger eyesore than just having the trailers there. The trailers that Wal-Mart has had in the past have had no advertising on them. Mr. McBride requested getting more input from other retailers in the Valley. Some of them have containers year round.

Vice Chair Tull stated that his concern is that we do not agree to provide Wal-Mart or any other store with a convenient place to store trailers and storage units whether or not there is a commercial use for them for the holiday season or something of that sort. He is quite ready to agree to understandings in the Code that allow retailers to put on their site equipment that they need to facilitate their business, particularly that portion of the business that is seasonal. He is not interested in the Commission agreeing to something that essentially allows storing trailers or other kinds of storage units on their site. That seems to him a different kind of need that ought to be accommodated in another way.

Mr. McBride stated that in the past three years they have used the raised trailers that they store on the side or back of the building where they were not affecting the customer traffic flow. That made it easier for them to access instead of having to go out to the outer parking lot. Again, it is from October 1 to December 31 when their inventory goes from \$7M up to \$17M in inventory and the store does not have the room to accommodate that amount of merchandise. Also, they do a lay-away program that takes up several trailers as well. There is no place else besides on site to keep those because they would have to keep customers waiting two to three hours to go to an off-site location.

Vice Chair Tull asked that when their 90 or 120 day season rush is over where do these storage units go? Mr. McBride replied that they return them to a company that they rent them from. They typically have all the containers emptied by December 15th. There have been opportunities where there is one or two remaining after December 31st simply because that company does not have enough drivers.

The public hearing was closed.

Motion: Based on the materials presented in the Staff Report dated April, 14, 2014; testimony provided at the April 24, 2014 Planning Commission hearing; and discussion of the Planning Commission, adopt the findings and conclusions that all of the approval criteria are either met or are not applicable and forward a favorable recommendation for adoption to the City Council per the Staff Report dated April 14, 2014, including Exhibits A through C.

Moved by: Commissioner McFadden Seconded by: Commissioner Tull

Commissioner McFadden spoke to his motion stating that sometimes there is a Code that has long lasting effects on things. This amendment could have long lasting effects but by its temporary nature it will not. The City can see how this works and if changes need to be made to an amendment like this that can be done. He encourages people in the business who utilizes these facilities to talk to the City Council since this will go before them for final adoption. They may have other concerns that the Planning Commission does not see.

Vice Chair Tull asked Commissioner Christie if this approach makes sense to him? Commissioner Christie replied that the problem that he has with this is that he agrees with everything except for the part about screening them with solid wood, brick or masonry block. To him that creates a permanent structure. How do you take it down? What do you do with it when the trailers are gone? There is a wall there, what do you do with it? He would not use the structures if he had to do this.

Vice Chair asked Commissioner Christie what is a better approach? Commissioner Christie stated that the trailers do not have any kind of signage on them and most of them go away. He has some that are permanent and they do not screen them and they are going to have to with this amendment. This amendment creates a problem for smaller retailers like him to be able to bring these boxes in like they do and be able to adhere to this Code.

Commissioner McFadden asked Commissioner Christie whether he thought an option would be to just make sure the coloration of the units was compatible with the surrounding environment? Commissioner Christie replied that most of them are.

Vice Chair Tull asked Commissioner Christie typically how long are the units on his store sites? Commissioner Christie replied that they get several full boxes starting in October and they do not get them pulled out until about the end of November or December. Like Mr. McBride stated earlier, trying to get them to come pick these units up is really tough.

Chair Zarosinski asked staff the dimensions of the units. Mr. Slaughter replied that the non-wheeled standard shipping container is forty feet long by eight feet wide by eight and a half feet tall. A trailer is going to be close to the same size. Chair Zarosinski stated that he was trying to picture how 12,400 square feet of storage unscreened looks on a parking lot. Some cases it would look huge and other cases it would not be very big. Commissioner Christie replied that if you took into consideration that Sherm's Thunderbird store probably has fifteen or twenty trailers and some are there all the time. That is not good to him. How do you take care of that? That can be considered storage. They are normally empty but they are there and they have signage on them and are in the public view. Chair Zarosinski replied that now he is back to where screening is a good idea. Commissioner Christie asked how do you screen them if you want to pull them out? How do you screen the Goodwill trailers that are out there?

Vice Chair Tull stated that it seems to him when the Planning Commission had a study session discussion, one of the things they spent some time on is how do you differentiate between the

equipment that is basically delivering and taking away merchandise and on the other hand, the equipment that is being used for storage and in order to keep merchandise safe and secure. He is not sure if they ever really worked that through very well in their study session. He thinks the issue is still there. It is not that any of these uses are not appropriate it is how do they craft an ordinance that applies broadly enough to cover all the bases the Commission has concerns about?

Commissioner Shoemaker asked if it would be appropriate to differentiate between a wheeled cargo container versus one that is more stationary? When one drives by Sherm's, the Grange, Wal-Mart and sees a detached tractor trailer one does not look at it and say they are using that for storage. It is his opinion that one would assume that it is used for a normal part of commerce. Would the public perception be different based on the perceived use of what is there?

Chair Zarosinski asked what is the definition of portable storage units in the proposed Code amendment? Mr. Slaughter read that portable storage containers is a portable, weather-resistant receptacle designed for storage or shipment, and utilized or intended to be utilized for the storage of household goods, wares, building materials, merchandise, and similar items. "Portable Storage Containers" shall include all shipping containers, cargo containers, tractor trailers (with or without wheels), and other like items not intended to be placed on a permanent foundation.

Commissioner Shoemaker asked that in Commissioner Christie's mind from retail point of view is there a difference between wheeled storage containers versus a non-wheeled storage container? Commissioner Christie replied no because they use both of them. They use sea trains and trailers.

Mr. Slaughter pointed out several exceptions that are built into the Code differentiating between permanent storage and commerce. These regulations do not apply to: 1) Truck trailers parked on a street for 24 hours or less; 2) Portable storage containers that will remain on a property for no more than five days; 3) Portable storage containers that have been approved as a permanent portion of an approved site plan; and 4) Portable storage containers as a primary use in the Standard Industrial Classification groupings.

Commissioner McFadden withdrew his motion and requested to have further discussion in a study session before sending it to City Council. Vice Chair Tull withdrew his second to the motion.

Motion: Not to forward this item to the City Council and request staff to bring this back before the Planning Commission in a study session for further discussion and deliberation within the next two months.

Moved by: Commissioner McFadden Seconded by: Commissioner Fincher

Roll Call Vote: Motion passed, 7-0.



CITY OF MEDFORD

PLANNING DEPARTMENT

Exhibit E
DCA-14-028

STAFF REPORT – LAND DEVELOPMENT CODE AMENDMENT

Date: April 14, 2014, for the April 24, 2014 Public Hearing
To: Planning Commission
From: Joe Slaughter, Planner II
Reviewer: Suzanne Myers, Principal Planner
Subject: Portable Storage Containers (DCA-14-028)
City of Medford, Applicant

BACKGROUND

Proposal: To amend Land Development Code Section 10.012, creating a definition for Portable Storage Containers, and amending Section 10.840 to permit Portable Storage Containers as a temporary use in C-R, C-H, I-L, I-G, and I-H zoning districts.

History: The use of portable storage containers (shipping containers, detached tractor trailers, etc.) in commercial zones has been a reoccurring issue for the past several years, appearing each year around the holiday season. On August 14, 2013, Kelly Akin, Principal Planner, sent a memo to James Huber, Planning Director, responding to a request from Walmart to allow the use of truck trailers and/or storage containers for temporary storage during the holiday season, from October 1 through December 31. The analysis contained within the letter concluded that "the requested temporary use is not permitted in the Medford Land Development Code (MLDC) Section 10.840." The following were identified as options for response to Walmart's request:

1. Apply the current MLDC language. The proposed temporary use is not permitted.
2. Amend the MLDC to allow the temporary use October 1 through December 31.
3. Amend the MLDC to allow the temporary use for a limited number of days and/or a limited number of occurrences per year.

There have been several other instances where businesses have either asked to place portable storage containers on commercially zoned property, or the businesses have placed such containers on commercially zoned properties without seeking consent. During follow-up discussions with Walmart representatives, they stated that they would like to have the ability to place up to 20 portable storage containers at each Walmart location for a period of about three and a half months.

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Interest in resolving this ongoing issue has been expressed and Action 11.1d of the 2012-18 Strategic Plan directs Staff to: "Develop a set of rules to facilitate storage lots for shipping containers."

A. Definition of Portable Storage Containers in Section 10.012

Since there is no existing definition for Portable Storage Containers in the Land Development Code, this addition is necessary in order to treat Portable Storage Containers as a temporary use permitted under Section 10.840.

B. Adding Portable Storage Containers to Section 10.840

Several options were considered as ways to address Action 11.1d of the Strategic Plan to develop a set of rules to facilitate storage lots for shipping containers. These options included:

1. Modifications to the Land Development Code permitting Portable Storage Containers only as an approved permanent use, as a portion of a site plan, subject to the review and approval of the Site Plan and Architectural Commission;
2. Permitting Portable Storage Containers as a temporary use in small quantities for only a short period of time; and
3. Permitting Portable Storage Containers in a number and for a duration of time consistent with what had been requested.

The Planning Commission discussed this topic at a February 20, 2014 work session. At that time Staff was recommending that only a small number of containers be permitted for a relatively short period of time as a temporary use. Staff was also recommending that any number of containers, or requested period of time, in excess of those limitations, only be permitted as a permanent use as a portion of an approved site plan. However, this recommendation raised concerns about the lack of required screening for proposals including only a small number of containers and about facilitating the use of these containers as a permanent use in the C-R and C-H zones.

Staff has concluded that the best way to both address Action 11.d of the Strategic Plan while also mitigating any possible negative impacts the use of these containers in commercial zones may cause, is to propose a code amendment which is consistent with the request that prompted the change, while also ensuring that the proposed change is consistent with all other portions of the Municipal Code. Staff determined that this could be done most efficiently by amending Section 10.840 to permit Portable Storage Containers as a Temporary Use, with its own permit, permit process, and guidelines for review. The policy choice of whether or not to adopt the amendment is up to the City Council.

Authority: A Land Development Code Amendment is a Class 'A' legislative land use decision. The Planning Commission is authorized to recommend and the City Council to approve amendments to the *Medford Land Development Code*, Chapter 10 of the

Municipal Code, under Sections 10.102, 10.110, 10.111, 10.122, 10.180, 10.181, and 10.183.

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

APPROVAL CRITERIA COMPLIANCE

10.184 Class 'A' Amendment Criteria.

10.184 (2) Land Development Code Amendment.

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

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

Findings: While storage, like parking, vehicle access, and any number of other needs for a site should be considered during the planning phase for a piece of property, there are instances when the use of portable storage containers as a temporary use can provide flexibility to the operations of large retailers. This flexibility in turn benefits the public by allowing these retailers to offer opportunities to the consumer, e.g. layaway programs. The requirements of the proposed Temporary Portable Storage Container Permit will help to mitigate any negative impacts the use of portable storage containers, as a temporary use, will have on the subject property and neighboring properties.

Conclusion: The use of portable storage containers as a temporary use will allow flexibility for businesses. This will allow these businesses to offer programs to local consumers that might not otherwise be available. The mitigation measures put in place through the permitting process will help to mitigate negative impacts to the subject property and surrounding properties. With these mitigation measures, the benefit to the businesses and to the general public of allowing the use of portable storage containers outweighs the possible negative impacts. 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 **3-8** do not apply in this matter.

9. *Economic Development:* Goal 9 requires the City's Comprehensive Plan policies to contribute to a stable and healthy economy. Such plans shall be based upon past trends and updated employment forecasts. Medford's Comprehensive Plan complies with Goal 9. By looking at past trends, future forecasts, policies that effect economic growth, and the availability of employment lands the City of Medford has adopted a set of Conclusions, Goals, Policies, and Implementation Measures related to economic development within the Economic Element of the Comprehensive Plan. A more detailed look at the conformity of the proposed code amendment with the Economic Element is provided below.

Staff finds that Goals **10-14** 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:

ECONOMIC

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

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

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

Findings: There have been several instances where existing businesses in Medford have either requested the use of portable storage containers as a temporary use and/or they have used temporary storage containers in this way without seeking permission. By allowing the use of portable storage containers as a regulated temporary use the City of Medford is supporting existing businesses and promoting further development and use of existing sites. This kind of flexibility in the Land Development Code might also help to encourage new businesses to locate in Medford on existing sites.

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

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

Findings: Satisfied. The proposed code amendment was sent to 14 City departments and outside referral agencies on March 4, 2014. The Planning Department has not received any comments on the proposal from these agencies.

Conclusion: The proposed amendment has been distributed to the applicable referral agencies for comments. No comments have been received. 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

Discussion: A functional Comprehensive Plan, and its implementing codes, e.g. Land Development Code, are drafted in a way that allows them to be amended based on policy decisions. That is, if the City believes that a particular policy decision will help to accomplish its goals then it is easy to make findings that the policy decision, along with any code language to implement the policy, is consistent with the Comprehensive Plan and Code. Conversely, if the City believes that a policy, along with the code language used to implement the policy, is inconsistent with the Comprehensive Plan and Code then it is simple to make findings that support that conclusion. Therefore, the ability to make findings either in favor or against the proposed amendment should not necessarily be used as a guide in determining whether or not the proposed amendment should be adopted.

In this case, like with most Code amendments, the recommendation made by the Planning Commission comes down to a policy decision. Should Temporary Portable Storage Containers be permitted in the city? If so, how many, for how long, with what restrictions? Staff has considered these questions and has presented what it believes to be the best course of action should the Planning Commission, and ultimately City Council, decide that these should be permitted.

Recommendation: Based on the materials presented in the Staff Report dated April 14, 2014; testimony provided at the April 24, 2014 Planning Commission hearing; and discussion of the Planning Commission, initiate this amendment and either:

1. Adopt the findings and conclusions that all of the approval criteria are either met or are not applicable and forward a favorable recommendation for adoption to the City Council per the Staff Report dated April 14, 2014, including Exhibits A through C; or
2. Request that Staff modify the proposed Code Amendment and return to the Planning Commission with the revised amendment; or
3. Request that Staff return to the Planning Commission with revised findings and conclusions that do not support the proposed amendment.

EXHIBITS

- A Proposed Code Amendment, dated April 14, 2014;
- B Memo from Kelly Akin, dated August 14, 2013; and
- C Minutes from Planning Commission Study Session of February 24, 2014

PLANNING COMMISSION AGENDA: April 24, 2014

~~Exhibit A~~

Portable Storage Containers Code Amendment (DCA-14-028)

Proposed Code Amendment – Portable Storage Containers

Article I

10.012 Definitions, Specific.

Portable Storage Containers. A portable, weather-resistant receptacle designed for storage or shipment, and utilized or intended to be utilized for the storage of household goods, wares, building materials, merchandise, and similar items. “Portable Storage Containers” shall include all shipping containers, cargo containers, tractor trailers (with or without wheels), and other like items not intended to be placed on a permanent foundation.

Article V

10.840 Temporary Uses and Structures

D. Types of Temporary Uses and /or Temporary Structures

(6) Portable Storage Containers.

a. Applicability

1. A Temporary Portable Storage Container Permit is required for placement of any portable storage container with the following exceptions:

- i. Truck trailers parked on a street for 24 hours or less;
- ii. Portable storage containers that will remain on a property for no more than five days;
- iii. Portable storage containers that have been approved as a permanent portion of an approved site plan; and
- iv. Portable storage containers used for primary use businesses in the following Standard Industrial Classification (SIC) groupings: 15, 16, 17, 40 and 42 (see Section 10.337).

2. When a Temporary Portable Storage Container Permit is required, placement of portable storage containers, as defined herein and as a temporary use, is permitted only on private property in C-R, C-H, I-L, I-G and I-H zoning districts.

3. Portable storage containers shall not be placed within the public right-of-way, except as permitted in Chapter 6 of this Code.

4. Temporary Portable Storage Container Permits will only be issued for the use of temporary portable storage containers as a periodic, intermittent, or recurring use accessory to a permitted primary use.

b. Location Standards

1. In no case shall storage containers be located in required yards, landscape areas, open space, retention basins, drive aisles, required parking spaces and loading areas, fire lanes, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and development.

2. Portable storage containers shall be placed outside of required setback areas and shall be placed a minimum of 10 feet from all property lines.

3. The placement of portable storage containers shall comply with Section 9.520 Conditions for Temporary Structures with the exception that only a 30 day extension shall be available.

4. Portable storage containers shall be placed on a surface consistent with Section 9.550 Parking Lot Specifications.

5. Portable storage containers shall be screened from view from all public rights-of-way and neighboring properties. Notwithstanding Section 10.840C.(1) the required screening can be accomplished by using enclosures made of solid wood, brick, or masonry block which conceal them from view; by placing the containers out of view behind existing structures; by placing the containers out of view behind existing landscaping; or by using a combination of any or all of these three methods. Such enclosures must meet applicable fencing and structure standards and may require building permits.

6. A maximum of 20 storage containers shall be allowed for an individual primary use.

c. Time Limitations

1. A maximum of one Temporary Portable Storage Container Permit may be issued per individual primary use during any 12 month period. A Temporary Portable Storage Permit shall allow for the placement of portable storage containers for a period of no more than 90 days. One 30 day extension may be granted subject to Section 9.520.

d. Application Requirements

1. To obtain a Temporary Portable Storage Container Permit, an application must be filed with the Planning Department on a form provided, a minimum of 60 days prior to the proposed placement date of such containers. The application shall include the appropriate filing fee, the information required on the form, and the following information and materials:

i. The proposed number of portable storage containers.

ii. The proposed use of the storage containers.

iii. The proposed size of the storage containers.

iv. Property owner signature.

v. A site plan (to scale) showing the proposed location of the portable storage container(s) in relation to existing buildings, required yards, landscape areas, open space, retention basins, drive aisles, required parking spaces and loading areas, fire lanes, and any other features that may cause the container to create hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and developments. The site plan shall also demonstrate compliance with Subsections 10.840 D. (6) b. 2-4.

vi. Elevations demonstrating compliance with the screening requirements of Subsection 10.840 D. (6) b. 5.

vii. The proposed amount of time (include start date and end date) that the portable storage container(s) will be on the property.

e. Permit Process

1. The permit application will be routed for review for compliance with this Code by City departments, including: Fire, Building Safety, Police, Engineering, Code Enforcement, Planning, and any other department that may have an interest in this type of permit application.

2. Within 30 days of filing a complete application, the permit application will be approved or denied. If the permit application is found to be in compliance with the standards of this Code, the permit application will be approved and a copy provided to the applicant.

3. If the permit application is found to **not** be in compliance with the standards of this Code, the permit application will be returned to the applicant with a letter indicating the reasons the application was not approved. The applicant will be allowed to modify the permit application and resubmit it for reconsideration two times without repayment of the application fee.

~~Exhibit B~~

Portable Storage Containers Code Amendment (DCA-14-028)



CITY OF MEDFORD
MEMORANDUM

To: James E. Huber, Planning Director
From: Kelly Akin, Principal Planner
Date: August 14, 2013
Subject: Temporary Use of Trailers for Storage

Purpose

This analysis is prepared in response to a request from Wal-Mart to allow the use of truck trailers and/or storage containers for temporary storage during the holiday season, from October 1 through December 31. This is a recurring request.

Issue

The requested temporary use is not permitted in Medford Land Development Code (MLDC) Section 10.840 (attached).

Analysis

Temporary uses and structures are addressed in MLDC 10.840. This section identifies uses such as seasonal and short-term events, Christmas tree sales, live crab sales and temporary mobile vendors. It also addresses the temporary use of movable structures and vehicles for residential use, City-sponsored recreation programs and for temporary governmental use.

MLDC 10.840(C)(2) specifies that, "Temporary uses and structures are permitted only as expressly provided in this Code." The temporary use of mobile structures for seasonal storage is not listed and is therefore not permitted.

There are a number of sections of the MLDC that would apply to the placement of temporary storage facilities, including screening and parking. Currently, compliance with these additional provisions does not make the temporary use permitted under MLDC 10.840. Should the use become permitted in the future, care should be taken to consider these requirements when crafting the code language to allow it.

Options

1. Apply the current MLDC language. The proposed temporary use is not permitted.
2. Amend the MLDC to allow the temporary use to October 1 through December 31.
3. Amend the MLDC to allow the temporary use for a limited number of days and/or a limited number of occurrences per year.

~~Exhibit C~~

Portable Storage Containers Code Amendment (DCA-14-028)

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.

4. Temporary/Portable Storage Containers Code Amendment.

Joe Slaughter, Planner II, reported that he does not think that the Commissioners received the second version of the possible code amendment that was meant to be sent out. The Commission received the smaller scale version and not the larger scale version. Mr. Slaughter distributed the larger scale version. Mr. Slaughter reported that the use of portable storage containers in commercial zones has been a reoccurring issue for the past several years, appearing each year around the holiday season. These have been dealt with in the past as a temporary use. It has been determined that they were not a permitted temporary use because they are not listed in the temporary use section of the Code. There are several options. The definition of portable storage containers is a portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building materials or merchandise. "Portable Storage Containers" shall include all shipping containers, cargo containers, tractor trailers (with or without wheels), and other like items not intended to be placed on a permanent foundation. Staff developed the following options for how to permit the use of portable storage containers:

- Option 1: Leave the current Code language, allowing these storage containers to be placed only as a permanent or reoccurring use subject to Site Plan and Architectural Commission approval.
- Option 2: Allow portable storage containers in C-R, C-H, I-L, I-G and I-H zones while limiting the duration, number and location of the containers. Allow a relatively small number of containers (e.g., 5) for a relatively short period of time (e.g., 90 days) without requiring the containers to be screened.
- Option 3: Allow portable storage containers in C-R, C-H, I-L, I-G and I-H zones while limiting the duration, number and location of the containers. Allow a larger number of containers (e.g., 20) for a larger period of time (e.g., 120 days) but require the containers to be screened.

Staff recommends a code amendment to Section 10.840 to allow for the placement of a small number of portable storage containers, for a limited duration, in C-R, C-H, I-L, I-G, and I-H zones with a new Temporary Portable Storage Permit. Staff also recommends that the use of portable storage containers for large scale storage, whether it occurs as a permanent, or reoccurring use should be reviewed like other non-temporary uses, i.e., using Section 10.337 (Uses Permitted in Commercial and Industrial Zoning Districts) and following the procedures in place for such reviews.

Commissioner McFadden asked what was the agreement made between Wal-Mart and the City regarding truck trailers and/or storage containers? Mr. Huber replied that the agreement was to pursue a permanent solution. Last season from September through January there was no agreement. Staff informed Wal-Mart that these containers were not permitted and without fixing the Code. The agreement was to pursue a text amendment.

Chair Zarosinski stated that every big box retailer has receiving docks that trucks are coming in and out of. This is nothing brand new. What is lacking in the Code or what is it that these people are unable to do currently that we have seemed to manage with in the past? Mr. Slaughter replied the trailers that are turning over periodically are being dropped off, unloaded and picked up later is not the issue. The issue comes from trailers that are left on site for an extended period of time. A good example is that Wal-Mart wants to have 20 shipping containers stored up to four months that they use for their layaway program.

Commissioner Miranda stated that this is storage that they are using on property that they own, lease or manage and the City is regulating what they can do on their property. Is this from a visual aesthetics perspective? The City does not want to see a bunch of ugly sea trains there? Or is it for some type of other business driven reason?

Chair Zarosinski reported that he sees it as aesthetics.

Commissioner McFadden commented that it appears to be mitigation of aesthetics according to the memorandum.

Chair Zarosinski replied that there is mitigation of aesthetics. At a point in time if they want to put a storage facility on there then it should go through the Site Plan and Architectural Commission to make sure it looks right. He is concerned about turning commercial areas into mini freight distribution centers.

Commissioner Miranda asked if it is in the function of that businesses scope to do that. Mr. Huber responded then when the building was being built why not provide for that on site and make it subject to all the other architectural standards.

Commissioner Schwimmer asked if the City was going to give Wal-Mart what they need, which is the trailers during the holiday season? If the City does that are they going to require some kind of screening and figure out a way to screen 20 trailers that are ugly and a blight on the community. That is what this is about.

Ms. Myers reported that staff looked at something that could be comparable, which are allowed in some commercial zones, something like a mini storage facility that also has outdoor storage for recreational vehicles. That goes through the Site Plan and Architectural Commission. The Site Plan and Architectural Commission looks at the outdoor storage area and then finds the applicable way to deal with it, whether it be screened within walls or whatever. It would be the same that we would be looking at here. If it was part of their operation it would go through the Site Plan and Architectural Commission in a similar manner.

Chair Zarosinski asked is there anything in the Code that people can start dropping containers on commercial property today during operation? Ms. Akin replied that the temporary section is interesting because if it does not say you can then you cannot.

Commissioner Christie commented that he does not agree with the screening. If the containers are going to be there for 90 days, they get in they get out. Start screening them they become a permanent structure.

Ms. Myers asked if 5 was too many or the 90 days too long. Chair Zarosinski stated that the 90 days is too much and the 5 containers are too many.

Commissioner Christie stated that if the criteria presented is used you definitely have a permanent structure around the containers. This is making it difficult so one cannot bring in containers economically. If you do not want containers then just say no containers.

Mr. Huber reported that part of the issue the City struggles with is that the containers are not permanent but they are permanently reoccurring.

Vice Chair Tull asked if there was a difference between the freight management, delivery and shipping that goes on day by day and is essential to the operation over against storage; having three trailers on site because that is where all of the holiday season display material gets put out of the way when it is not needed and so on. Do we handle this through a permitting process that differentiates between delivery services and storage and it costs money to have trailers on site that are basically storage units?

Mr. Huber stated that is Option 2 has five or fewer for 90 days is permitted. Another option is 20 containers for four months and they go through the Site Plan and Architectural Commission.

Chair Zarosinski reported that to be responsive to the request is to take another look at the numbers and duration and time. He does not have a problem with a couple of weeks and being screened properly.

Mr. Slaughter stated that it sounds like the Commission is comfortable with the larger number and duration being treated like a permanent structure and using the existing Code and the processes in place to review those. No one is pushing for a temporary use that allows for 20 containers for 120 days. Chair Zarosinski stated that is correct.



Exhibit F
DCA - 14 - 028

Draft MINUTES
Planning Commission Meeting
July 24, 2014

The regular meeting of the Medford Planning Commission was called to order at 5:34 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
Bill Mansfield
David McFadden
Alec Schwimmer

Commissioners Absent

Norman Fincher, Excused Absence
Patrick Miranda, Excused Absence

Staff

Jim Huber, Planning Director
Bianca Petrou, Assistant Planning Director
Kelly Akin, Principal Planner
John Adam, Senior Planner
Lori Cooper, Deputy City Attorney
Alex Georgevitch, Transportation Manager
Terri Rozzana, Recording Secretary
Joe Slaughter, Planner IV
Desmond McGeough, Planner II
Aimee Staton, Intern

10. **Roll Call**

20. **Consent Calendar/Written Communications.** None.

30. **Minutes.**

30.1 The minutes for July 10, 2014, were approved as submitted.

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

Lori Cooper, Deputy City Attorney, read the Quasi-Judicial Statement.

50. **Public Hearing.**

Old Business

50.1 **DCA-14-028** Consideration of an ordinance amending *Medford Municipal Code*, Chapter 10 (*Land Development Code*) Section 10.012 creating a definition for Portable Storage Containers and Section 10.840 permitting Portable Storage Containers as a temporary use in C-R, C-H, I-L, I-G and I-H zoning districts (City of Medford, Applicant).

Joe Slaughter, Planner IV, presented a summary, read the amendment criteria and gave staff's recommendation.

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

- a. John McBride, 3615 Crater Lake Highway, Medford, Oregon, 97504. Mr. McBride has a concern with the application to be submitted at least 60 days prior to the proposed placement date this year. He requests that this code amendment be effective next year.

The public hearing was closed.

Motion: Based on the materials presented in the Staff Report dated July 17, 2014; testimony provided at the July 24, 2014 Planning Commission hearing; and discussion of the Planning Commission, the Planning Commission recommends to adopt the findings and conclusions that all of the approval criteria are either met or are not applicable and forward a favorable recommendation for adoption to the City Council per the Staff Report dated July 17, 2014, including Exhibits A through E, and due to timing, that the City Council provide flexibility in timing for 2014.

Moved by: Commissioner McFadden Seconded by: Commissioner Christie

Vice Chair Tull reported that he had a continuing concern. The City has established and worked with for years a procedure for considering site plans and paying attention to the details that go into the use of a property for whatever purpose. When it comes to a store, however big, the site plan pays attention to the access and egress, lighting, the details that makes this a useable site. This sidesteps that process. They have not asked retail establishments to provide a site plan for review by Site Plan and Architectural Commission that includes a designation of where they would put storage units when and if they need them. Now we are asking them to file an application that would show how they want to use the site. It sidesteps the process that the City has lived with for a number of years where a Commission reviews in detail the plans for the use of a site and can make conditions and modifications. This essentially becomes an administrative kind of review. A retail establishment that has decided that the facilities they have is not sufficiently large enough to accommodate all of the programs of customer service they wish to establish does not go back to the Site Plan and Architectural Commission and request to modify their site plan so they can accommodate this temporary use. They come to staff, not to denigrate in any way the expertise of our staff, but it does in fact sidestep the process that the City has used for years in reviewing and approving site plans.

Commissioner McFadden stated that it seems to him that this is adding one more item onto the Site Plan and Architectural Commission that they will have to address on each location to make sure such locations are available within the properties that may utilize this code amendment. Is this being too generous to the thought? Mr. Slaughter replied that given the proposed code amendment the original site plan would not have to show an area that would be used as a potential storage area in the future. The Site Plan and Architectural Commission would review the site plan for required parking, access, etc. As long as it met those criteria, it would be approved. The temporary portable storage container permit would be a separate review that would look at the approved site and if it met the criteria for not taking up required parking, fire lanes, access, etc.

Roll Call Vote: Motion passed, 6-0.

New Business

- 50.2 **LDS-14-051** Consideration of a request for tentative plat approval for Silky Oaks Phase 3, an 8-lot residential subdivision on a 1.90 acre parcel located on the north and south sides of the Katie Mae Drive alignment, approximately 140 feet west of Silky Oaks Lane within a SFR-10 (Single-Family Residential – 10 units per acre) zoning district. (Ron Horton Et Al, Owner; Scott Sinner Consulting, Inc., Agent).

Chair Zarosinski inquired whether any Commissioners have a conflict of interest or ex parte communication they would like to disclose. Chair Zarosinski disclosed that he worked on a project for the owner east of the subject area. He is not involved in this application, does not have a conflict or is biased.

Chair Zarosinski inquired whether anyone in attendance wishes to question the Commission as to conflicts of interest or ex-parte contacts. None were disclosed.

Desmond McGeough, Planner II, read the land division criteria and gave a staff report

Chair Zarosinski asked Alex Georgevitch, City of Medford Transportation Manager, if the storm drain map that was shown incorporated as an adopted plan? Mr. Georgevitch replied that the plan shown is part of the City's Elk Creek Basin Plan that was adopted June 4, 2012. It clearly depicts that there is a break between the two phases of this development that shows water intended to go to the east for Phase 1 and Phase 3 should be going to the west of the break line that runs north and south through the site.

Commissioner McFadden asked if the storm water cannot be made to drain to the east. Mr. Georgevitch stated that it is a separate drainage basin. Typically they do not allow water to cross basins. It appears from the contours provided that there is a ridge and water is directed to the north from both Phase 1 and Phase 3. The City's master plan shows two basins, east and west for Phase 1 and Phase 3. Getting more field detailed information it may become clear that the natural flow is to the east. If that was the case because it is on a boundary line that would be acceptable but Public Works needs more evidence. Storm drain calculations from the Master Plan shows that the storm drain west of the break that would be part of Phase 3 has a 30-inch storm drain line with a capacity of 26 cubic feet per second and an existing 10-year flow of 16.4 cubic feet per second. The sub-basin to the east has a 30-inch line as well serving it and it has a capacity of 38 cubic feet per second but a 10-year flow of 44.1 cubic feet per second. It is over capacity. We have concerns that if there is not clear direction that this water would flow that direction. We do not want it redirected to an over-capacity storm drain at this time. We want it to flow to its naturally intended location to the north and west. The problem is that Section 10.475 of the Code requires that if water is directed off-site public water has to be taken through easements. That is still trying to be determined. If the water has to go to the west they have to make sure there are adequate easements. If it can go to the east it would run through the applicant's side and flow through their existing infrastructure that is in place. As soon as the applicant can provide Public Works with more information Public Works can make that determination.

Commissioner Mansfield asked if this was a situation that some time might cure. Is it possible that some kind of solution might be forth coming or is it dead in the water? Mr. Georgevitch replied that the solution is that the applicant shows Public Works that the water naturally flows there.

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

- a. Scott Sinner, Scott Sinner Consulting, Inc., 4401 San Juan Drive, Medford, Oregon, 97504-9343. Mr. Sinner stated that he is the agent for the applicants, Ron and Rob Horton that are present in the audience tonight. There is a disagreement on the storm drainage issue. They believe that the storm drainage issue is acceptable and that this is an approvable application tonight. Mr. Sinner explained their contention. According to the Master Plan it states that "in some areas of the basin a discernable drainage-way does not exist". In a meeting with Roger Thom, Public Works, he stated that "the direction of drainage on the site is inconclusive". The applicant has not obtained easements because it is their contention that the drainage is not going that way. The applicant's plan calls for using the northerly extension and create their own site detention facility consistent with the Code. This property went through two zone changes. One in 2003 prior to the Silky Oaks Phases 1 and II. It also went through a zone change in 2007 which was

after the development of Silky Oaks Phases 1 and 2. In order to comply with the storm drainage requirements the storm drainage systems had to be in place or extendable. It is the applicant's contention that these facilities were both available in 2003 showing historical flow and they were extended with the development of Silky Oaks Phases I and II. That was the extension that would be available at the time of vertical construction. The applicant also has a letter from their Civil Engineer, Mark Dew, stating that he has reviewed the proposed tentative plat for Silky Oaks Phase III. The existing site conditions and the record drawings for Phases I and II he is confident that he will be able to design a functional storm water drainage system utilizing the adjacent public storm drainage facilities that were constructed with Silk Oaks Phases I and II for Silky Oaks Phase III development. It is the applicant's contention that the existing facilities are there and they have the ability to do that. The property is entirely within the Elk Creek Drainage Basin. All of the water ends up in the same place. The applicant believes that the water can go to the east.

Vice Chair Tull stated that Mr. Georgevitch talked about not receiving the information that would make him change his mind in terms of flow. Mr. Sinner reported that he and the applicant met with Roger Thom and went over this for two hours. Mr. Thom did a site visit and came away with "we are not sure where it goes". Mr. Sinner believes this is compelling that the extended urban services that were provided with Silky Oaks Phase II are able to handle this. Vice Chair Tull stated that his concern is that Mr. Georgevitch's testimony is that he needs additional information in order to reach a different conclusion than he has which this is not an approvable situation. Does Mr. Sinner know what more Mr. Georgevitch needs? Mr. Sinner replied no, he does not. Vice Chair Tull reported that they need to hear from Mr. Georgevitch in that regard.

Commissioner Schwimmer stated that is understanding from the testimony of the City and Mr. Sinner's is that Mr. Sinner's plan is to run the water southeast and the City's plan is for Mr. Sinner to run the water northwest. Mr. Sinner reported no. The options are that it drains to the north and to the west into a facility that is approximately 800 feet off-site. The other facility is to the east and north. The only thing draining to the south is the houses on the north side of the street. Mr. Schwimmer stated that the documents presented in the record talks about easements from adjacent property owners. He believes those are the documents that Mr. Georgevitch is waiting for to accommodate the plan the City was talking about. Is that correct? Mr. Sinner replied that is not the first step. That is saying absolutely the water goes to the facility in the northwest. It is the applicant's contention that it does not. They do not have access to those easements.

- b. Tim Zacha, 1080 Katie Mae Drive, Medford, Oregon, 97501. Mr. Zacha has two concerns. One is the addition of eight more houses on the street as well as the recent houses added on the flag lot the other direction increases traffic flow through the one access point. He requests either a stop or yield sign at the north end of Silky Oaks meeting Katie Mae. His other concern is the lack of another access at this point. He understands in the future that another access will be added. If they did not add the eighth house in Lot 27 they could add an access road to Maple Park to Ross Lane north.
- c. George Hollingsworth, 1063 Katie Mae Drive, Medford, Oregon, 97501. Mr. Hollingsworth is concerned with ingress and egress of emergency vehicles. Currently there is only one access into this subdivision. With eight more units added it will bring the total to thirty. There will also be more cars parked on the street. How is an emergency vehicle able to get through? Where is the second access? No parking signs should be installed on the west side of Silky Oaks Lane.
- d. Ron Horton, 2195 Rabun Way, Central Point, Oregon, 97502-3652. Mr. Horton stated that he was the developer for Silky Oaks Phases I and II. It is his understanding that the Public Works Department

required him to install a 10-inch storm drain to drain water off of Silky Oaks Phase III and when he installed the 42-inch storm drain across the front for the water retention that was also stubbed out to Silky Oaks Phase III. At that time Public Works was confident that everything drained to the east. He does not know why now it is inconclusive.

Mr. Sinner addressed the emergency vehicle concern by reading the City of Medford Fire Department's staff report: "A fire department turn-around is required at the end of Katie Mae Drive. In lieu of a fire department turn-around the developer can propose an alternate method of protection (residential fire sprinklers) for lots 22, 23, 26 and 27".

Commissioner McFadden pointed out that the vicinity map on page 93 of the Staff Report dated July 17, 2014, appears to be from another application. Mr. McGeough replied that the vicinity map is not part of this application. A correct vicinity map can be presented with the Final Order.

Mr. Georgevitch stated that earlier Mr. Sinner reported that a 2007 zone change was the last zone change. The storm drain master plan was in 2012 which is a newer document and as they move forward with application they apply the newest information. Mr. Georgevitch addressed the question of what else was needed by the Public Works Department staff. Mr. Georgevitch had an email from Roger Thom stating that Ron Horton is hiring a surveyor to do a topographical map on the property to the north. That is what Public Works was anticipating receiving prior to this meeting to determine the direction of flow. Public Works cannot determine from the information provided to them for this application which direction water flows. When Silky Oaks Phase I moved forward the applicant's calculations did not include any drainage to the west.

Vice Chair Tull stated that there is a suggestion in the staff report that the applicant could adjust the elevation, he is assuming, in the streets so that it would have to flow to the east. Did he read that correctly that is what they are suggesting? Mr. Georgevitch replied that is what the applicant is suggesting. Vice Chair Tull asked if that was an acceptable solution to the kind of situation that is being presented tonight. Is it something that is done? Mr. Georgevitch replied that this comes down to the Storm Drain Master Plan and where water naturally flows. Currently, whether it can be engineered or not to flow someplace and it did not come naturally, the Code directs to not put water where it did not naturally flow.

Chair Zarosinski stated to counsel that there is a 2003 zone change that would indicate that the property had service at one point. Now there is a Master Plan from 2012 that says otherwise. Which one trumps? Ms. Cooper replied that the newer information would be strong evidence in support of the Public Works Department recommendation. She does not see in the Code any specific criteria for land divisions that point to drainage. It does say it has to be consistent with the Comprehensive Plan and other plans of the City which the Storm Drainage Master Plan is probably a piece of the Comprehensive Plan.

Commissioner McFadden asked Mr. Sinner that if the Planning Commission is unsure or decides one way or another to the negative on this application, the Planning staff has recommended denying or approving it. Does he feel this is solvable and would his client be willing to do a waiver of the 120-day rule so that this can be further investigated? Mr. Sinner stated that he forgot to mention that his surveyor was out of town this week and he was not able to get the spot surveys that would have helped. Absolutely he and his client would be more than interested in a continuance to a date certain instead of a denial. Probably continue it to the next Planning Commission meeting.

The public hearing was closed.

Motion: Continue this application to the August 14, 2014 Planning Commission meeting.

Moved by: Commissioner McFadden Seconded by: Commissioner Mansfield

Roll Call Vote: Motion passed, 5-0-1, with Commissioner Christie voting no.

- 50.3 **LDP-13-086** Consideration of a request for tentative plat approval of a 3 lot partition on 65.55 acres generally located south of the Owen Drive Alignment and west of McLaughlin Drive within the SFR-10 (Single Family Residential –10 units per acre) zoning district. (Delta Waters Properties, LLC, Applicant; CSA Planning Ltd/ Craig Stone, Agent).

Chair Zarosinski inquired whether any Commissioners have a conflict of interest or ex parte communication they would like to disclose. None were declared.

Chair Zarosinski inquired whether anyone in attendance wishes to question the Commission as to conflicts of interest or ex-parte contacts. None were disclosed.

Kelly Akin, Principal Planner, commented that there is a handout for this item identified as 50.2 but it is agenda item 50.3, and gave a staff report.

Ms. Cooper asked that the proposed language states that buyers of the property are advised to consult the City of Medford. How is the City going to calculate the trips when asked? Ms. Akin replied that the City would track them by building permits.

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

- a. Craig Stone, CSA Planning Ltd, 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504-9173. Mr. Stone reported that he is appearing on behalf of his client Delta Waters Properties, LLC. He did not prepare the application. It is not an application per say. It is simply a request to modify a condition. They worked with staff to come up with something mutually agreeable. The purpose of having this sort of condition is to put buyers on notice that there are limitations that exist with respect to the developable property that relate to traffic and other public facility improvements that are going to have to be made before it can be fully built out.
- b. Robert Williams, 3340 Sharman Way, Medford, Oregon, 97504. Mr. Williams stated that his project originally came up approximately two years ago for the SFR-10 zone change. Approximately three to four months ago this project came up to partition into 3 lots. He believes it went from Ford not Owens Way. It seems like this proposal tonight is including the entire 55 + acres. Was there any action from three to four months ago on what was brought up at that time which was sort of tabled because of traffic flow and now it has expanded to the full aspect. Chair Zarosinski replied no that the only thing that is being addressed right now is there is so many trips that can come off all three parcels together and they are dividing them up on how that is going to happen.

Ms. Akin showed the vicinity map that entertained the zone change in 2011 and the partition last fall. The size of the property has not changed.

Mr. Georgevitch addressed the question of how the City tracks trips. Public Works has requested that the applicant provide an accounting of trips at each phase.

Mr. Georgevitch addressed the comment regarding Crater Lake and Owens. The re-alignment was done. The issue is more about the operations at the intersection that needs some type of treatment; a signal or a four-way stop. It has not been completed yet. When the applicant moves forward with the development they will either exceed their limits and purpose mitigation or they will show the City that they are not exceeding the limits of available capacity.

The public hearing was closed.

Motion: Approve the request to replace Condition 6 of LDP-13-086 with the language in the memorandum labeled Exhibit A per the Staff Report dated July 17, 2014, including Exhibits A through F.

Moved by: Commissioner McFadden Seconded by: Commissioner Christie

Roll Call Vote: Motion passed, 6-0.

60. Report of the Site Plan and Architectural Commission. None.

70. Report of the Joint Transportation Subcommittee. None.

70.1 Commissioner Christie reported that the Joint Transportation Subcommittee has not met.

80. Report of the Planning Department.

80.1 Kelly Akin, Principal Planner, reported that the Planning Commission's next study session scheduled for Monday, July 28, 2014, has been canceled due to no business.

There is business for the Planning Commission meetings on Thursday, August 14, 2014, and Thursday, August 28, 2014.

There was no Planning business for City Council at their last meeting. They will not have a quorum at their next meeting.

The Site Plan and Architectural Commission met last Friday. They heard two items. They heard a new O'Reilly's Auto Part store that is going to be coming onto Crater Lake Highway between Skypark and Whittle. They also heard a requested revision to the County's parking structure across the street. They want to add two floors to the existing parking structure. It is going from six stories to eight.

Commissioner McFadden recommended that the City send someone with the County to an APA conference where they will learn how to make a parking structure without making it look like a 1950's bad looking parking structure. Something that looks like a regular building. Personally he wishes that the Site Plan and Architectural Commission would have turned it down.

Vice Chair Tull asked if this would be the tallest building in the City. Ms. Akin replied that it would be the tallest building in the Downtown.

The Planning Department is not finished with the Sustainable City Year program. There are several projects still lingering. Ms. Akin is working on the Downtown Way Finding. That project extends over

three terms with the second term now starting. Next Wednesday, July 30, 2014, at 1:00 p.m. in the Medford Room there will be a meeting with the Community Planning Workshop people associated with the University of Oregon doing the next phase. This term will focus on the language on signs and what landmarks or items to direct folks to.

Commissioner Shoemaker resigned his position due to moving out of the City. If anyone is aware of someone interested in serving on the Planning Commission, please encourage them to apply.

A similar situation happened with the Site Plan and Architectural Commission. If anyone is aware of someone interest in serving on the Site Plan and Architectural Commission, please encourage them to apply.

90. **Messages and Papers from Chair of Planning Commission.** None.

100. **Remarks from the City Attorney.** None.

110. **Propositions and Remarks from the Commission.** None.

120. **Adjournment.**

The meeting was adjourned at 7:33 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Rozzana
Recording Secretary

Michael Zarosinski
Planning Commission Chair

Approved: August 14, 2014

Exhibit G
DCA-14-028

RECEIVED
JUL 25 2014
PLANNING DEPT



CSA Planning, Ltd
4497 Brownridge, Suite 101
Medford, OR 97504
Telephone 541.779.0569
Fax 541.779.0114
Craig@CSAplanning.net

July 28, 2014

MAYOR AND CITY Council
City of Medford
c/o Joe Slaughter, Planning Department
City Hall
Medford, OR 97501

Proposed Storage Container Ordinance

Dear Mayor and Council:

We represent Rogue Disposal and Recycling, Inc. and this letter is sent on its behalf. We recently became aware of the above captioned amendment to the Medford Land Development Code (MLDC) that seeks to more precisely regulate portable storage containers. We've since had an opportunity to review the proposed changes.

Our concern, and we have only one, is that the proposed definition of Portable Storage Containers might inadvertently capture dumpsters and other garbage receptacles that, as you know, our client rents to its customers throughout its service area. We use the word inadvertent because the ordinance amendment appears not to contemplate dumpsters. Our request is that the definition be adjusted slightly to make explicit that dumpsters for the purpose of collecting and transporting garbage and other debris are expressly exempt from the ordinance.

Please advise if our assistance would be helpful in modifying the proposed language, although the same is a simple matter that Mr. Slaughter is more than capable of addressing provided that the Council offers explicit direction.

We thank you for your consideration. Please make this letter a part of the record in this matter.

Very truly yours,

CSA Planning, Ltd.

Craig A. Stone
President

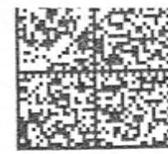
CAS/m

cc. Rogue Disposal and Recycling, Inc.
Mike Montero
File

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OR 97501



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



RETURN RECEIPT
REQUESTED