



Medford City Council Meeting

Agenda

January 7, 2016

12:00 Noon AND 7:00 P.M.

**Medford City Hall, Council Chambers
411 West Eighth Street, Medford, Oregon**

10. Roll Call

20. Approval or Correction of the Minutes of the December 17 Regular Meeting

30. Oral Requests and Communications from the Audience

Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. PLEASE SIGN IN.

40. Consent Calendar

50. Items Removed from Consent Calendar

60. Ordinances and Resolutions

60.1 COUNCIL BILL 2016-01 An ordinance authorizing a sole-source exemption from competitive bid and awarding a contract in the amount of \$145,223.70 to Taser International to provide body worn cameras and video storage for the Police Department.

60.2 COUNCIL BILL 2016-02 An ordinance granting to Teleport Communications America, LLC., (TCA) the non-exclusive privilege (franchise) to use the public way to locate, construct, operate and maintain facilities within the City of Medford.

60.3 COUNCIL BILL 2016-03 An ordinance awarding a contract in an amount of \$509,096.90 to Michels Corporation to perform Cured in Place Pipe (CIPP) lining of failing sewer pipes.

60.4 COUNCIL BILL 2016-04 An ordinance dedicating to the City of Medford real property as public right-of-way to accommodate modifications to existing traffic signals at the intersections of Oakdale with 8th and Main Streets.

60.5 COUNCIL BILL 2016-05 A resolution initiating the vacation of a public alley located in between Park and Oakdale Avenues beginning at Dakota Avenue and running northerly 402 feet. (SV-15-160)

60.6 COUNCIL BILL 2016-06 A resolution authorizing the transfer of \$4,300 from the Mayor & Council Vision account and \$19,200 from the Mayor & Council Professional Services account to the Mayor & Council Subscriptions & Dues account.

70. Council Business

80. City Manager and Other Staff Reports

80.1 Annual Economic Impact Report for U.S. Cellular Community Park by Brian Sjothun

80.2 Further reports from City Manager

90. Propositions and Remarks from the Mayor and Councilmembers

- 90.1 Proclamation issued
Martin Luther King, Jr. Day
- 90.2 Further Council committee reports
- 90.3 Further remarks from Mayor and Councilmembers

100. Adjournment to the Evening Session

EVENING SESSION

7:00 P.M.

Roll Call

110. Oral Requests and Communications from the Audience

Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. PLEASE SIGN IN.

120. Public Hearings

Comments are limited to a total of 30 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. Appellants and/or their representatives are limited to a total of 30 minutes and if the applicant is not the appellant they will also be allowed a total of 30 minutes. All others will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. PLEASE SIGN IN.

- 120.1 Public hearing to consider an appeal by Rogue Retreat for Street System Development Charge (SDC) fees incurred.
- 120.2 COUNCIL BILL 2016-07 An ordinance vacating an approximate 10,379 square feet of public right-of-way located at the southwest corner of the intersection of South Holly Street and Garfield Street; reserving easements. (SV-15-114) Land Use, Quasi-Judicial
- 120.3 COUNCIL BILL 2016-08 An ordinance approving a minor amendment to the General Land Use Plan (GLUP) Map and the Public Facilities Element of the *Medford Comprehensive Plan* by removing the Limited Service Area overlay designation from 50 parcels totaling approximately 36 acres in the Lone Pine and Foothills area. (CP-11-007/GLUP-11-008) Land Use, Quasi-Judicial

130. Ordinances and Resolutions

140. Council Business

- 140.1 Boards and Commissions appointments

150. Further Reports from the City Manager and Staff

160. Propositions and Remarks from the Mayor and Councilmembers

160.1 Further Council committee reports

160.2 Further remarks from Mayor and Councilmembers

170. Adjournment



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 60.1

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STRATEGIC PLAN:

Theme: Safe Community

Goal 1: Ensure a safe community by protecting people, property and the environment.

This project supports the public safety vision of Medford as a vibrant, safe and enjoyable community for all citizens, including young people and seniors by ensuring that public safety employees are provided with necessary equipment to respond to emergency situations.

COUNCIL OPTIONS:

1. Approve the ordinance allowing the department to purchase 85 body worn cameras and data storage.
2. Deny the ordinance.

STAFF RECOMMENDATIONS:

Staff recommends approval of the ordinance.

SUGGESTED MOTION:

Move to adopt the ordinance authorizing the purchase of 85 body worn cameras and data storage.

EXHIBITS:

Ordinance

Bid Quotation

ORDINANCE NO. 2016-01

AN ORDINANCE authorizing a sole-source exemption from competitive bid and awarding a contract in the amount of \$145,223.70 to Taser International to provide body worn cameras and video storage for the Police Department.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in the amount of \$145,223.70 to provide body worn cameras and video storage for the Police Department, which is on file in the City Recorder's office, is hereby awarded to Taser International, based on the findings contained in the accompanying Agenda Item Commentary to support the sole-source exemption.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2016.

Mayor

TASER International

Protect Life. Protect Truth.

17800 N 85th St.
 Scottsdale, Arizona 85255
 United States
 Phone: (800) 978-2737
 Fax:



Scott Clauson
 (541) 774-2209
 scott.clauson@cityofmedford.org

Quotation
Quote: Q-27944-3
Date: 11/24/2015 4:22 PM
Quote Expiration: 12/31/2015
Contract Start Date*: 2/1/2016
Contract Term: 5 years

Bill To:
 Medford Police Dept. - OR
 411 W. 8th Street
 Medford, OR 97501
 US

Ship To:
 Scott Clauson
 Medford Police Dept. - OR
 411 W. 8th Street
 Medford, OR 97501
 US

SALESPERSON	PHONE	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Dan Hilderman		dhilderman@taser.com	Fedex - Ground	Net 30

*Note this will vary based on the shipment date of the product.

Year 1 due Net 30

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
4	70026	EVIDENCE.COM DOCK, AXON SIX BAY	USD 1,495.00	USD 5,980.00	USD 0.00	USD 5,980.00
85	85130	OFFICER SAFETY PLAN YEAR 1 PAYMENT	USD 1,188.00	USD 100,980.00	USD 34,000.00	USD 66,980.00
1,700	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
14	70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	USD 35.00	USD 490.00	USD 0.00	USD 490.00
85	11002	HANDLE, BLACK, CLASS III, X26P	USD 0.00	USD 0.00	USD 0.00	USD 0.00
85	11004	WARRANTY, 4 YEAR, X26P	USD 0.00	USD 0.00	USD 0.00	USD 0.00
1	22010	PPM, BATTERY PACK, STANDARD, X2/ X26P	USD 0.00	USD 0.00	USD 0.00	USD 0.00
6	11501	HOLSTER, BLACKHAWK, RIGHT, X26P	USD 0.00	USD 0.00	USD 0.00	USD 0.00
85	85100	EVIDENCE.COM INTEGRATION LICENSE: ANNUAL PAYMENT	USD 240.00	USD 20,400.00	USD 5,100.00	USD 15,300.00
24	73096	CAMERA SYSTEM, AXON FLEX	USD 599.00	USD 14,376.00	USD 0.00	USD 14,376.00
15	73088	RATCHET COLLAR/VERSATILE/ CAPMOUNT, FLEX	USD 0.00	USD 0.00	USD 0.00	USD 0.00
24	73036	CONTROLLER, HOLSTER, BELT CLIPS, FLEX	USD 0.00	USD 0.00	USD 0.00	USD 0.00

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
10	73011	EPAULETTE MOUNT, FLEX	USD 0.00	USD 0.00	USD 0.00	USD 0.00
6	73058	LOW RIDER, HEADBAND, LARGE, FLEX	USD 0.00	USD 0.00	USD 0.00	USD 0.00
9	73088	RATCHET COLLAR/VERSATILE/ CAPMOUNT, FLEX	USD 29.95	USD 269.55	USD 0.00	USD 269.55
17	73034	OAKLEY FLAK JACKET® KIT, FLEX	USD 149.95	USD 2,549.15	USD 0.00	USD 2,549.15
61	74001	AXON CAMERA ASSEMBLY, ONLINE, AXON BODY 2, BLK	USD 399.00	USD 24,339.00	USD 0.00	USD 24,339.00
61	74020	MAGNET MOUNT, FLEXIBLE, AXON BODY 2	USD 0.00	USD 0.00	USD 0.00	USD 0.00
10	74008	AXON DOCK, 6 BAY + CORE, AXON BODY 2	USD 1,495.00	USD 14,950.00	USD 0.00	USD 14,950.00
44	22012	TPPM, BATTERY PACK, TACTICAL, PINKY EXTENDER, X2/X26P	USD 0.00	USD 0.00	USD 0.00	USD 0.00
31	11010	XPPM, BATTERY PACK, X26P	USD 0.00	USD 0.00	USD 0.00	USD 0.00
70	11504	HOLSTER, BLACKHAWK, LEFT, X26P	USD 0.00	USD 0.00	USD 0.00	USD 0.00
2	73096	CAMERA SYSTEM, AXON FLEX	USD 0.00	USD 0.00	USD 0.00	USD 0.00
2	73036	CONTROLLER, HOLSTER, BELT CLIPS, FLEX	USD 0.00	USD 0.00	USD 0.00	USD 0.00
2	74001	AXON CAMERA ASSEMBLY, ONLINE, AXON BODY 2, BLK	USD 0.00	USD 0.00	USD 0.00	USD 0.00

Year 1 due Net 30 Total Before Discounts:	USD 184,333.70
Year 1 due Net 30 Discount:	USD 39,100.00
Year 1 due Net 30 Net Amount Due:	USD 145,233.70

Year 2 due 2017

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
85	85131	OFFICER SAFETY PLAN YEAR 2 PAYMENT	USD 1,188.00	USD 100,980.00	USD 0.00	USD 100,980.00
1,700	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
85	85100	EVIDENCE.COM INTEGRATION LICENSE: ANNUAL PAYMENT	USD 240.00	USD 20,400.00	USD 5,100.00	USD 15,300.00

Year 2 due 2017 Total Before Discounts:	USD 121,380.00
Year 2 due 2017 Discount:	USD 5,100.00
Year 2 due 2017 Net Amount Due:	USD 116,280.00

Year 3 due 2018

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
85	85132	OFFICER SAFETY PLAN YEAR 3 PAYMENT	USD 1,188.00	USD 100,980.00	USD 0.00	USD 100,980.00
1,700	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
85	85100	EVIDENCE.COM INTEGRATION LICENSE: ANNUAL PAYMENT	USD 240.00	USD 20,400.00	USD 5,100.00	USD 15,300.00

Year 3 due 2018 Total Before Discounts:	USD 121,380.00
Year 3 due 2018 Discount:	USD 5,100.00
Year 3 due 2018 Net Amount Due:	USD 116,280.00

Year 4 due 2019

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
85	85133	OFFICER SAFETY PLAN YEAR 4 PAYMENT	USD 1,188.00	USD 100,980.00	USD 0.00	USD 100,980.00
1,700	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
85	85100	EVIDENCE.COM INTEGRATION LICENSE: ANNUAL PAYMENT	USD 240.00	USD 20,400.00	USD 5,100.00	USD 15,300.00
Year 4 due 2019 Total Before Discounts:						USD 121,380.00
Year 4 due 2019 Discount:						USD 5,100.00
Year 4 due 2019 Net Amount Due:						USD 116,280.00

Year 5 due 2020

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
85	85134	OFFICER SAFETY PLAN YEAR 5 PAYMENT	USD 1,188.00	USD 100,980.00	USD 0.00	USD 100,980.00
1,700	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
85	85100	EVIDENCE.COM INTEGRATION LICENSE: ANNUAL PAYMENT	USD 240.00	USD 20,400.00	USD 5,100.00	USD 15,300.00
Year 5 due 2020 Total Before Discounts:						USD 121,380.00
Year 5 due 2020 Discount:						USD 5,100.00
Year 5 due 2020 Net Amount Due:						USD 116,280.00

Subtotal	USD 610,353.70
Estimated Shipping & Handling Cost	USD 692.49
Grand Total	USD 611,046.19

Axon Pre-order

Thank you for your interest in Axon! This pre-order is a commitment to purchase Axon Body 2 and/or Axon Fleet with expected delivery between February 1, 2016 and February 14, 2016. You will be notified if there are any delays. TASER reserves the right to make product changes without notice.

Officer Safety Plan Includes:

- Evidence.com Pro License
- Upgrades to your purchased AXON cameras and Docks at years 2.5 and 5 under TAP
- Extended warranties on AXON cameras and Docks for the duration of the Plan
- Unlimited Storage for your AXON devices and data from the Evidence Mobile App
- One TASER CEW of your choice with a 4 year extended warranty (5 years total of warranty coverage)
- One CEW holster and battery pack of your choice
- 20 GB of included storage for other digital media

Additional terms apply. Please refer to the Evidence.com Master Service Agreement for a full list of terms and conditions for the Officer Safety Plan.

**TASER International, Inc.'s Sales Terms and Conditions
for Direct Sales to End User Purchasers**

By signing this Quote, you are entering into a contract and you certify that you have read and agree to the provisions set forth in this Quote and TASER's current Sales Terms and Conditions for Direct Sales to End User Purchasers or, in the alternative, TASER's current Sales Terms and Conditions for Direct Sales to End User Purchasers for Sales with Financing if your purchase involves financing with TASER. If your purchase includes the TASER Assurance Plan (TAP), then you are also agreeing to TASER's current Sales Terms and Conditions for the AXON Flex™ and AXON Body™ Cameras TASER Assurance Plan (U.S. Only) and/or Sales Terms and Conditions for the X2/X26P and TASER CAM HD Recorder TASER Assurance Plan (U.S. Only), as applicable to your product purchase. All of the sales terms and conditions, as well as, the TAP terms and conditions are posted at <http://www.taser.com/sales-terms-and-conditions>. If your purchase includes AXON hardware and/or EVIDENCE.com services you are also agreeing to the terms in the EVIDENCE.com Master Service Agreement posted at <https://www.taser.com/serviceagreement14>. If your purchase includes Professional Services, you are also agreeing to the terms in the Professional Service Agreement posted at <https://www.taser.com/professional-services-agreement>. If your purchase includes Integration Services, you are also agreeing to the terms in the SOW posted at <https://www.taser.com/integrationstatementofwork14>. You represent that you are lawfully able to enter into contracts and if you are entering into this agreement for an entity, such as the company, municipality, or government agency you work for, you represent to TASER that you have legal authority to bind that entity. If you do not have this authority, do not sign this Quote.

Signature:	_____	Date:	_____
Name (Print):	_____	Title:	_____
PO# (if needed):	_____		

Please sign and email to Dan Hilderman at dhilderman@taser.com or fax to

THANK YOU FOR YOUR BUSINESS!

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ORDINANCE NO. 2016-02

AN ORDINANCE granting to Teleport Communications America, LLC., (TCA) the non-exclusive privilege (Franchise) to use the public way to locate, construct, operate and maintain facilities within the City of Medford.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. As used in this ordinance, the following words and phrases shall mean:

City: The City of Medford, Oregon.

City Manager: The City Manager or his or her designee.

Facilities: All pipelines, conduits and associated structures owned by Grantee for use by Grantee in providing telecommunications services to the inhabitants and City of Medford.

Grantee: TCA, its successors and assigns.

Public way: Any highway, street, road, alley, public right-of-way or utility easement for public use under control of the City within the corporate limits of the City now existing and as annexed during the term of this Franchise.

Gross revenues: Grantee's revenues received from utility operations within the city less related net uncollectibles. Gross revenues shall include revenues from the use, rental, or lease of the utility's operating facilities other than residential-type space and water heating equipment. Gross revenues shall not include proceeds from the sale of bonds, mortgage or other evidence of indebtedness, securities or stocks, sales at wholesale by one utility to another when the utility purchasing the service is not the ultimate customer.

Section 2. A reliable source for telecommunications services is in the public interest of the City and its inhabitants. Therefore, subject to the provisions and restrictions of this ordinance and the Code of Medford, the City grants to Grantee the non-exclusive privilege to locate, construct, operate and maintain its facilities in the public way.

Section 3. Except as provided in this section, grantee's facilities shall be installed under ground except those existing otherwise at the time of enactment of this ordinance. Subject to the City Manager's authority to prescribe which public ways will be used and the location within the public way, it shall be lawful for Grantee to make all necessary excavations in any public way for the purpose of locating, constructing, operating and maintaining its facilities. Grantee's use of the public way and all construction by Grantee shall comply with the standard specifications and special provisions of the City and all other applicable Federal, State and local laws and regulations. No work affecting the public way shall be done by the Grantee without first obtaining the permits

required by the City, which may include plan submittal and approval before work begins. During the approval process, Grantee shall bear the burden of proof when requesting customary above-ground facilities.

Section 4. New plans will be furnished promptly for any additions or modifications. Plans for facilities already existing on the effective date of this Franchise that Grantee has not already provided to the City under previous agreement or ordinance shall be furnished to City within 60 days after the effective date of this Franchise.

Section 5. Nothing in this Ordinance shall be construed in any way to prevent the City from constructing and maintaining any public improvement in any public way. In its construction and maintenance of public improvements, the City shall endeavor not to obstruct or prevent the free use by Grantee of its facilities; however, the City's rights shall be paramount.

Section 6. The City shall have the right to require Grantee to change the location of any facility within the public way when the City determines that the public convenience requires such change, and the expense thereof shall be paid by Grantee, provided the City's request is not unreasonable or discriminatory in nature.

If the City requires Grantee to relocate its facilities located within the City, the City will make a reasonable effort to provide Grantee with an alternate location for its facilities within the public way. City shall give Grantee written notice to relocate its facilities at least 90 days prior to the date established by the City as the deadline for relocation. Within 30 days receipt of such notice, Grantee shall do any necessary field investigation and furnish the City with a plan showing the exact location of all of Grantee's facilities in the construction area and showing necessary adjustments and reasonable time requirements. Thereafter, the City will furnish Grantee with final improvement plans and a schedule which allows Grantee a reasonable time to complete the relocation of its facilities.

Should Grantee fail to relocate any such facilities by the date established by the above-referenced final improvement plans and schedule, the City may effect such relocation. The work shall be done by a qualified contractor. The expense thereof shall be paid by Grantee, including a thirty-four percent (34%) charge to reflect costs and expenses incurred by the City due to Grantee's delay. Grantee shall pay the City's charges for such work within 30 days after receipt of City's statement of charges.

Section 7. Should it ever become necessary to permanently or temporarily rearrange, or permanently or temporarily relocate Grantee's facilities at the request of a private person or business, Grantee shall perform such rearrangement or relocation as expeditiously as possible upon receipt of reasonable written notice from the person or business desiring the temporary change of the facilities. The notice shall:

- (a) be approved by the City Manager,
- (b) provide all necessary information about the project,

(c) provide that the costs incurred by Grantee in making the temporary change be borne by the person or business giving said notice,

(d) provide that the person or business giving notice shall indemnify and hold harmless the Grantee and City of and from any and all damages or claims of whatsoever kind or nature caused directly or indirectly from such temporary change of Grantee's facilities, and

(e) be accompanied by a cash deposit or a good and sufficient bond to pay any and all of the Grantee's estimated costs as estimated by Grantee, unless Grantee provides written confirmation that it waives such requirement.

Section 8. Grantee shall at all times maintain all of its facilities in a good state of repair. Any damage to the public way caused by Grantee shall be promptly repaired by Grantee at no cost to the City. Grantee shall have a local representative available at all times through the local utility coordinating notification center, whether it be the Rogue Basin Utilities Coordinating Council, the Oregon Utility Notification Center, or any such successor authority, to locate Grantee's facilities for persons who need to excavate in the public way. Should Grantee fail to maintain or repair any such facilities by the date established by the City, the City may affect such repair, and the expense thereof shall be paid by Grantee, including all costs and expenses incurred by the City due to Grantee's delay. Procedures and costs shall be as in Section 6 above.

Section 9. Grantee shall indemnify and hold harmless the City from any and all damages of any kind or character growing out of or arising by reason of the location, installation, operation and maintenance of the Grantee's facilities in the City, except when solely resulting from City's negligence, recklessness or willful misconduct. Grantee or City shall promptly advise the other in writing of any known claim or demand against Grantee or the City related to or arising out of Grantee's activities in the Public right-of-way.

Section 10. In consideration of the privileges and franchise granted, Grantee shall pay as compensation for the use of the public way seven percent (7%) of the gross revenue collected by Grantee from its customers for telecommunications services provided within the corporate limits of the City.

Said franchise fee shall not be in addition to any other special license, occupation, franchise or excise taxes or charges which might otherwise be levied or collected by the City from Grantee with respect to Grantee's telecommunications business or the exercise of this franchises within the corporate limits of the City and the amount due to the City under any other special license, occupation, franchise or excise taxes or other charges for corresponding periods shall be reduced by deducting therefore the amount of said franchise fee paid hereunder. A deductible "special" tax or charge is one that is levied only on Grantee or only on utility companies.

Grantee shall not deduct any general business taxes or general sales taxes levied or collected by the City. Grantee shall not deduct charges and penalties imposed by the City for noncompliance with

charter provisions, ordinances, resolutions or permit conditions from the franchise fee payment required by this section. Nothing contained herein shall relieve the Grantee from the requirement to pay a system development charge properly imposed by the city in the appropriate cases and system development charges shall not reduce the franchise fee. Except as required by the City's moratorium on pavement cuts, Grantee shall not be required to pay any permit fees or similar charges for street opening, installations, construction and the like.

Grantee's payment shall be paid monthly beginning the 15th day of the February for the month immediately preceding and shall be computed on the gross revenues accruing during the previous month or portion thereof. Example: The first monthly payment, if any, shall be due on February 15, 2016, for the calendar month ending January 31, 2016.

With each franchise fee payment, the Grantee shall furnish a statement setting forth the amount and calculation of the payment. The statement shall detail the revenues received by the Grantee from its operations within the City and shall specify the nature and amount of all exclusions and deductions from such revenues claimed by the Grantee in calculating the franchise fee.

Payment not received within thirty (30) days from the due date shall be assessed interest at the rate of one percent (1%) compounded monthly from the due date. Except as otherwise required by law, no portion of this franchise fee shall be noted separately on any bill to any customer or user of services or commodities furnished by Grantee. The look-back period for overages and underages shall be thirty-six (36) months from the due date of the quarterly payment. No acceptance of any payment shall be construed as an accord that the amount paid is in fact the correct amount, nor shall any acceptance of payments be construed as a release of any claim the City may have for further or additional sums payable. All amounts paid shall be subject to confirmation and re-computation by the City.

Section 11. Payment of this franchise fee shall not exempt Grantee from the payment of any other license fee, tax or charge on the business, occupation, property or income of Grantees that may be imposed by the City, except as may otherwise be provided in the ordinance or ordinances imposing such other license fee, tax or charge.

Section 12. This Franchise shall continue and be in force until midnight January 31, 2021. This Franchise may be terminated at any time upon 45 days written notice for failure to pay the fee pursuant to Section 10 of this ordinance or comply with other provisions of this agreement or the Code of Medford unless such failure is remedied within the 45-day period. Otherwise, this agreement shall remain in effect.

Section 13. Grantee shall notify the City of any transfers to such entities within ten (10) days of such transfers. The City's granting of consent in one instance shall not render unnecessary any subsequent consent in any other instance. Nothing contained herein shall be deemed to prohibit the mortgage, pledge or assignment of fiber optic cable system tangible assets for the purpose of financing the acquisition of equipment for the construction, lease and operation of the system without the City's consent.

Grantee shall not lease or sublease Grantee's non-exclusive privileges to use the public right-of-way in which such are contained, without the City's consent as expressed by ordinance. Nothing herein shall be interpreted to limit Grantee's rights to use contractors.

Notwithstanding anything to the contrary within the terms of this Franchise, Grantee shall have the right to assign its rights and interest under the Franchise to its subsidiaries, affiliates or successor legal entities or to the subsidiaries or affiliates of TCA without notice or consent.

City shall be notified within 10 days of Grantee's assignment, transfer, merger, lease or mortgage.

Section 14. The City Manager is authorized to act for the City in all matters pertaining to this Franchise. Grantee may appeal any action of the City Manager to the City Council by giving written notice thereof within twenty-one (21) days after Grantee was notified of such action. The City Council will hear the appeal and render a final decision within thirty (30) days after the notice of appeal is given.

Section 15. Whenever any notice is to be given pursuant to this ordinance, it shall be effective on the date it is sent in writing by registered or certified mail, addressed as follows:

To the City: City Manager
 Medford City Hall
 411 West 8th Street
 Medford, OR 97501

To Grantee: Teleport Communications America, LLC.
 Sr. Technical Project Manager
 One AT&T Way, Room 3D169F
 Bedminster, NJ 07921

Notice of change of address may be given in the same manner as any other notice.

Section 16. This franchise supersedes all prior franchises between City and Grantee.

Section 17. Proprietary information as identified and provided by the Grantee to the City under this Ordinance is entitled to protection as trade secrets and shall be governed by confidentiality procedures pursuant to ORS 192.501, ORS 192.502 and under any other applicable State or Federal laws.

Section 18. This ordinance shall be governed by Oregon law. Nothing in this Ordinance is intended to be inconsistent with the State or Federal Law and further neither the City nor Grantee waives any rights granted under State or Federal Law by agreeing to this Ordinance. If any clause, sentence, or section of this Ordinance, or any portion thereof, shall be held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the

remainder, as a whole or any part thereof, other than the part declared invalid.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor

APPROVED: _____, 2016.

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.3

www.ci.medford.or.us

DEPARTMENT: Public Works
PHONE: (541) 774-2100
STAFF CONTACT: Cory Crebbin, Director

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: January 7, 2016

COUNCIL BILL 2016-03

An ordinance awarding a contract in an amount of \$509,096.90 to Michels Corporation to perform Cured in Place Pipe (CIPP) lining of failing sewer pipes.

ISSUE STATEMENT & SUMMARY:

Michels Corporation is the low bidder for a contract to perform CIPP lining of failing sewer pipes at various locations in the City of Medford. The City is contracting this project due to the specialized nature of the work.

BACKGROUND:

Rehabilitation of failing sewer pipes maintains flow and reduces potential for failures in the future. Trenchless technologies such as CIPP are less disruptive for citizens and have minimal impact on street pavement life.

A. Council Action History

None.

B. Analysis

This contract will cost-effectively rehabilitate over two miles of sewer pipe.

C. Financial and/or Resource Considerations

Expenditure of \$509,096.90, which is included in the 2016/2017 biennium budget for the Sewer Utility Fund (Fund 14).

D. Timing Issues

The work will start after February 16, 2016 and is scheduled to be complete by May 15, 2016.

STRATEGIC PLAN:

Theme: Responsive Leadership.

Goal 12: Ensure adequate long-term municipal financial stability for City services, assets and facilities.

Objective 12.2: Provide Public Works infrastructure (streets, sewer, and storm drainage) construction and maintenance at the lowest life-cycle costs.

COUNCIL OPTIONS:

1. Approve the ordinance.
2. Modify the ordinance.
3. Deny the ordinance.

STAFF RECOMMENDATIONS:

Approve the ordinance for a contract with Michels Corporation.

SUGGESTED MOTION:

I move to approve the ordinance for a contract in the amount of \$509,096.90 to Michels Corporation, for the 2016 Wastewater Collection System Rehabilitation Project.

EXHIBITS:

Ordinance

Bid Tabulation

Pipe Segment Location Map Index

Contract documents are available in the City Recorder's Office

ORDINANCE NO. 2016-03

AN ORDINANCE awarding a contract in an amount of \$509,096.90 to Michels Corporation to perform Cured in Place Pipe lining of failing sewer pipes.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in an amount of \$509,096.90 to perform Cured in Place Pipe lining of failing sewer pipes, which is on file in the City Recorder's Office, is hereby awarded to Michels Corporation.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2016.

Mayor

BID TABULATIONS 2016 Wastewater Collection System Project In the City of Medford MC-1604

Project; 2016 Wastewater Collection System Project In the City of Medford MC-1604

Location: Various Streets in the City of Medford

Project No: MC-1604

Date of Bid Opening: December 17, 2015

**Peter Brown
Public Works Operations
Engineering Tech III**



CITY OF MEDFORD

PUBLIC WORKS - OPERATIONS

Bidder Name Phone #

Michels Corp

Insituform

Total Bid

\$509,096.90

\$731,387.10

Page 20

Item No.	Item Description	Unit of Measure	Estimated Quantity	Low Bidder Michels Corp		Insituform
				Unit Bid	Amount	Unit Bid
1	MOBILIZATION	LS	1	\$21,634.00	\$21,634.00	\$26,800.00
2	TEMPORARY WORK ZONE TRAFFIC CONTROL, COMPLETE	LS	1	\$10,736.00	\$10,736.00	\$56,500.00
3	EROSION CONTROL	LS	1	\$405.00	\$405.00	\$500.00
4	POLLUTION CONTROL PLAN	LS	1	\$1,215.00	\$1,215.00	\$500.00
5	MAINLINE VIDEO INSPECTION	LS	1	\$29,725.00	\$29,725.00	\$23,500.00
6	INTERNAL SERVICE REINSTATEMENT	EACH	296	\$433.00	\$128,168.00	\$725.00
7	CIPP LINER, 6 INCH	FOOT	3733.5	\$26.00	\$97,071.00	\$23.00
8	CIPP LINER, 8 INCH	FOOT	5705.5	\$23.00	\$131,226.50	\$24.00
9	CIPP LINER, 10 INCH	FOOT	954.5	\$26.00	\$24,817.00	\$37.00
10	CIPP LINER, 24 INCH	FOOT	781.7	\$82.00	\$64,099.40	\$193.00
				Total Bid =	\$509,096.90	\$731,387.10

2016 Wastewater Collection System Project In the City of Medford MC-1604



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.4

www.ci.medford.or.us

DEPARTMENT: Public Works
PHONE: (541) 774-2100
STAFF CONTACT: Cory Crebbin, Director

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: January 7, 2016

COUNCIL BILL 2016-04

An ordinance dedicating to the City of Medford real property as public right-of-way to accommodate modifications to existing traffic signals at the intersections of Oakdale with 8th and Main Streets.

ISSUE STATEMENT & SUMMARY:

An ordinance authorizing the dedication of City of Medford real property as Public Right-of-Way to accommodate modifications to existing traffic signals at the intersections of Oakdale with 8th & Main Streets. The transfers are shown on the exhibits. The existing traffic signals at Oakdale and 8th and Oakdale and Main Street have exceeded their life expectancy. New traffic signals will be installed to replace the existing signals. Current right-of-way is not sufficient to meet the needs of new signal construction.

BACKGROUND:

A. Council Action History

None.

B. Analysis

Total Project Cost is estimated at \$500,000. Total Cost of the property transfer estimated at \$500.

C. Financial and/or Resource Considerations

Total Cost of the Right-of-Way dedication is estimated at \$500. This includes county clerk recording and assessor fees.

D. Timing Issues

The Signal Modification Project (T-220) will be delayed until the right-of-way transfer is approved.

STRATEGIC PLAN:

Theme: Quality Public Services

Goal 9: Provide a safe, multi-modal, efficient and well planned transportation system.

COUNCIL OPTIONS:

1. Approve the ordinance.
2. Modify the ordinance.
3. Deny the ordinance.

STAFF RECOMMENDATIONS:

Approve the ordinance.

SUGGESTED MOTION:

I move to approve the ordinance authorizing the dedication of City of Medford real property to Public Right-of-Way for modifications to existing traffic signals.

EXHIBITS:

Ordinance

Acquisition Exhibits

ORDINANCE NO. 2016-04

AN ORDINANCE dedicating to the City of Medford real property as public right-of-way to accommodate modifications to existing traffic signals at the intersections of Oakdale with 8th and Main Streets.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That the property described in Exhibits A-1 through A-3 and Exhibits B-1 through B-3 attached and incorporated herein is hereby dedicated to the City of Medford for public right-of-way.

Section 2. That the City Recorder is hereby directed to cause a certified copy of this ordinance to be recorded in the official deed records of Jackson County, Oregon, and to deliver a copy thereof to the County Surveyor of Jackson County, Oregon.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2016.

Mayor

State of Oregon)
County of Jackson)

On this ____ day of _____, 2016, Gary H. Wheeler, as Mayor of the City of Medford, personally appeared before me and is known to me to be the person whose name is signed to this document, and acknowledges that he signed the document.

Notary Public for Oregon
My Commission expires:



EXHIBIT A

T-220 OAKDALE/8TH & OAKDALE/MAIN SIGNAL MODIFICATION
CITY OF MEDFORD
MEDFORD, OREGON
372W25DA
T.L. 8700
RW# 7406

A TRACT OF LAND LYING IN THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 37 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON AND BEING A PORTION OF THAT REAL PROPERTY DESCRIBED IN THE DEED TO THE TOWN OF MEDFORD, RECORDED MARCH 16, 1888 AS VOLUME 15, PAGE 271 OF THE OFFICIAL RECORDS OF JACKSON COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF BLOCK 77 OF THE ORIGINAL TOWN OF MEDFORD; THENCE ALONG THE NORTHERLY LINE OF SAID BLOCK 77, NORTH 56°30'30" EAST A DISTANCE OF 5.35 FEET; THENCE LEAVING SAID NORTH LINE, SOUTH 16°02'04" WEST A DISTANCE OF 7.03 FEET TO THE WESTERLY LINE OF SAID BLOCK 77; THENCE ALONG SAID LINE NORTH 33°29'30" WEST A DISTANCE OF 4.56 FEET, TO THE POINT OF BEGINNING. (CONTAINING 12.2 SQ. FEET)

TOGETHER WITH:

COMMENCING AT THE NORTHWEST CORNER OF BLOCK 77 OF THE ORIGINAL TOWN OF MEDFORD; THENCE ALONG THE WESTERLY LINE OF SAID BLOCK 77, SOUTH 33°29'30" EAST A DISTANCE OF 285.41 FEET TO THE NORTHERLY LINE DESCRIBED IN VOLUME 450, PAGE 276 OF THE OFFICIAL RECORDS OF JACKSON COUNTY, AND THE POINT OF BEGINNING; THENCE ALONG SAID NORTHERLY LINE NORTH 59°50'10" EAST A DISTANCE OF 13.31 FEET; THENCE LEAVING SAID NORTHERLY LINE, NORTH 76°39'46" WEST A DISTANCE OF 19.42 FEET TO THE AFOREMENTIONED WESTERLY LINE OF BLOCK 77; THENCE ALONG THE WESTERLY LINE OF SAID BLOCK 77, SOUTH 33°29'30" EAST A DISTANCE OF 13.39 FEET, TO THE POINT OF BEGINNING. (CONTAINING 88.9 SQ. FEET)

BEARINGS BASED UPON OREGON STATE PLANE SYSTEM, SOUTH ZONE, NORTH AMERICAN DATUM (NAD) 83/91.

THIS TRACT OF LAND CONTAINS 101 SQUARE FEET, MORE OR LESS.

THE GRAPHIC DEPICTION OF THE ABOVE DESCRIPTION IS SHOWN ON EXHIBIT "B" ATTACHED HERETO.



EXHIBIT A

T-220 OAKDALE/8TH & OAKDALE/MAIN SIGNAL MODIFICATION
CITY OF MEDFORD
MEDFORD, OREGON
372W25DA
T.L. 3500
RW# 7408

A TRACT OF LAND LYING IN THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 37 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF DAVIS SUBDIVISION, CITY OF MEDFORD, AS RECORDED IN PLAT VOLUME 1, PAGE 89, JACKSON COUNTY CLERK'S OFFICE, JACKSON COUNTY, OREGON; THENCE ALONG THE NORTHEASTERLY LINE OF SAID DAVIS ADDITION AND THE NORTHEASTERLY LINES OF BLOCK 5 AND BLOCK 1 OF GALLOWAY'S ADDITION TO THE CITY OF MEDFORD, AS RECORDED IN DEED RECORD VOLUME 18, PAGE 35, JACKSON COUNTY, OREGON, NORTH 33°29'30" WEST A DISTANCE OF 618.57 FEET, TO THE POINT OF BEGINNING; THENCE LEAVING SAID LINE OF GALLOWAY'S ADDITION, SOUTH 56°38'05" WEST A DISTANCE OF 11.12 FEET; THENCE NORTH 31°37'45" WEST A DISTANCE OF 36.35 FEET, TO THE SOUTHERLY RIGHT OF WAY LINE OF RELOCATED EIGHTH STREET, AS DESCRIBED IN OFFICIAL RECORDS 77-02187, JACKSON COUNTY, OREGON; THENCE ALONG SAID RIGHT OF WAY, NORTH 58°22'15" EAST A DISTANCE OF 9.95 FEET, TO THE AFOREMENTIONED NORTHEASTERLY LINE OF GALLOWAY'S ADDITION; THENCE ALONG SAID NORTHEASTERLY LINE, SOUTH 33°29'30" EAST A DISTANCE OF 36.03 FEET, TO THE POINT OF BEGINNING. (CONTAINS 381.2 SQ. FEET)

BEARINGS BASED UPON OREGON STATE PLANE SYSTEM, SOUTH ZONE, NORTH AMERICAN DATUM (NAD) 83/91.

THIS TRACT OF LAND CONTAINS 382 SQUARE FEET, MORE OR LESS.

THE GRAPHIC DEPICTION OF THE ABOVE DESCRIPTION IS SHOWN ON EXHIBIT "B" ATTACHED HERETO.



EXHIBIT A

T-220 OAKDALE/8TH & OAKDALE/MAIN SIGNAL MODIFICATION
CITY OF MEDFORD
MEDFORD, OREGON
372W25DA
T.L. 8600
RW# 7410

A TRACT OF LAND LYING IN THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 37 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON AND BEING A PORTION OF THAT REAL PROPERTY DESCRIBED IN THE DEED TO CITY OF MEDFORD, RECORDED SEPTEMBER 7, 1965 AS VOLUME 594, PAGE 525 OF THE OFFICIAL RECORDS OF JACKSON COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

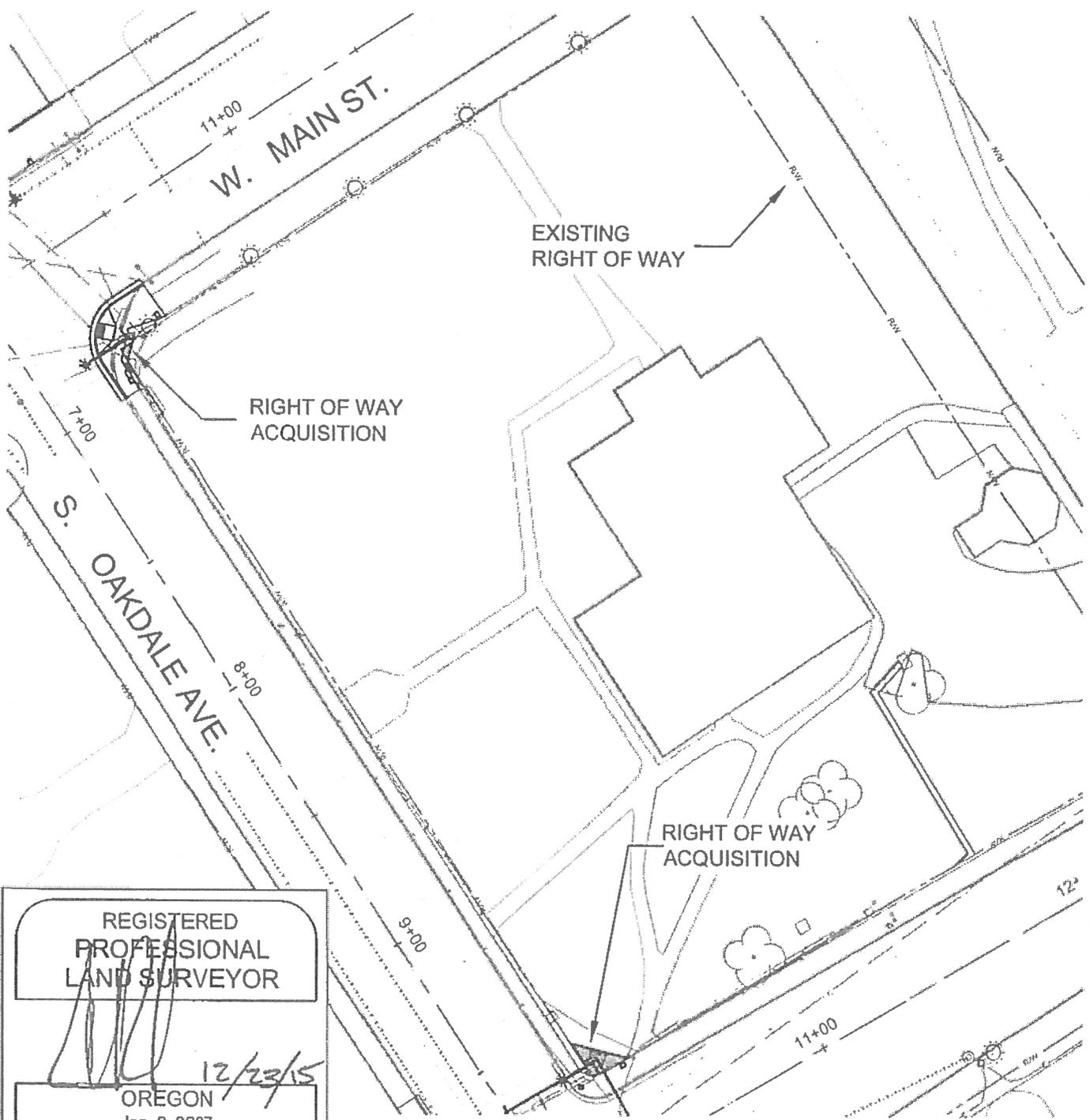
BEGINNING AT THE NORTHWEST CORNER OF BLOCK 76 OF THE ORIGINAL TOWN OF MEDFORD; THENCE ALONG THE NORTHERLY LINE OF SAID BLOCK 76, NORTH 56°30'30" EAST A DISTANCE OF 11.89 FEET; THENCE LEAVING SAID NORTH LINE, SOUTH 33°59'27" EAST A DISTANCE OF 4.82 FEET; THENCE SOUTH 41°40'47" WEST A DISTANCE OF 11.43 FEET; THENCE SOUTH 33°29'30" EAST A DISTANCE OF 17.76 FEET; THENCE SOUTH 56°30'30" WEST A DISTANCE OF 0.88 FEET, TO THE WESTERLY LINE OF SAID BLOCK 76; THENCE ALONG SAID WESTERLY LINE NORTH 33°29'30" WEST A DISTANCE OF 25.51 FEET, TO THE POINT OF BEGINNING. (CONTAINING 91.8 SQ. FEET)

BEARINGS BASED UPON OREGON STATE PLANE SYSTEM, SOUTH ZONE, NORTH AMERICAN DATUM (NAD) 83/91.

THIS TRACT OF LAND CONTAINS 92 SQUARE FEET, MORE OR LESS.

THE GRAPHIC DEPICTION OF THE ABOVE DESCRIPTION IS SHOWN ON EXHIBIT "B" ATTACHED HERETO.

EXHIBIT B



REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]

12/23/15

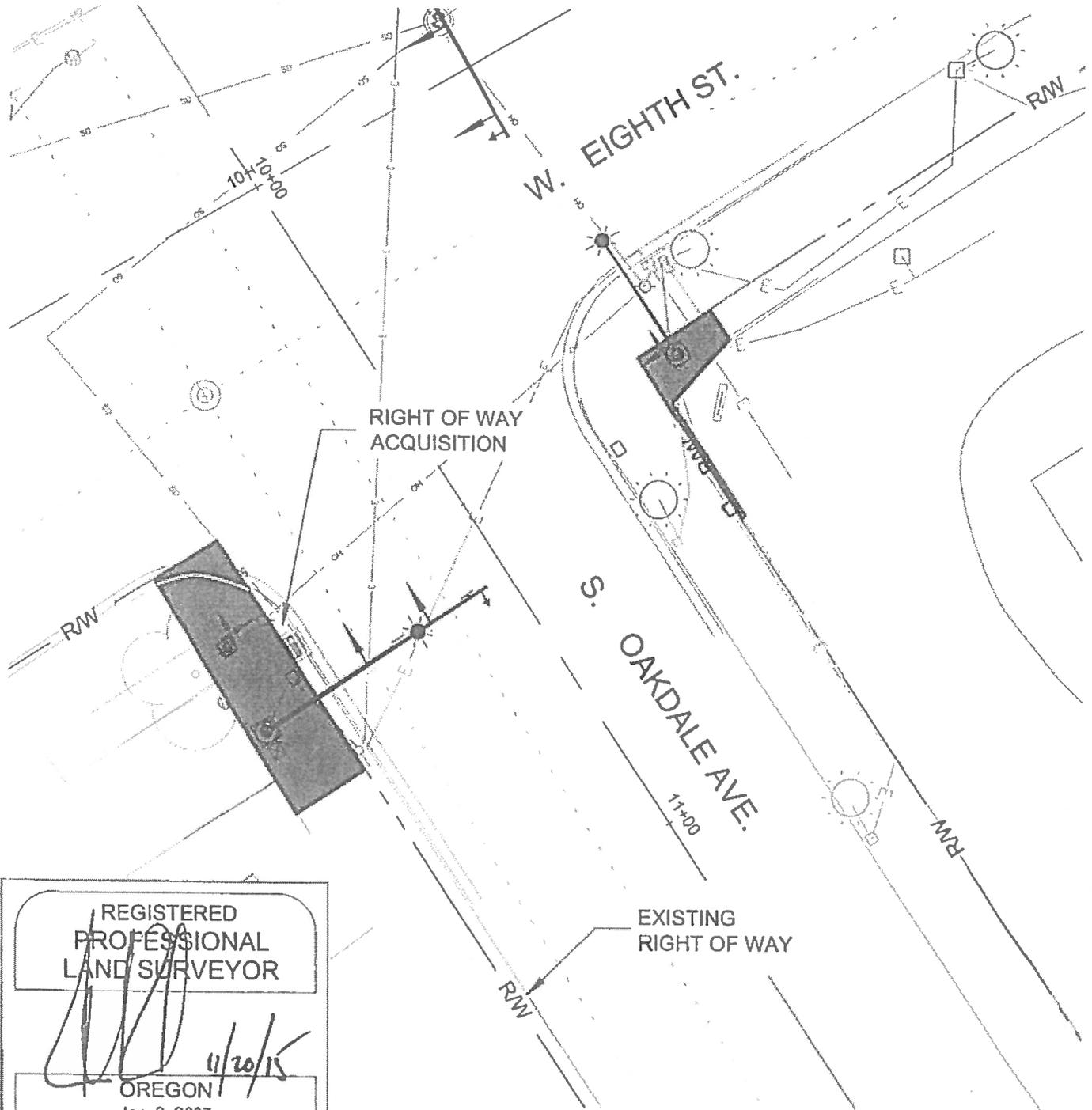
OREGON
Jan. 9, 2007
JON M. PROUD
No. 77652 LS
RENEWAL DEC. 31, 2016

LEGEND

-  RIGHT OF WAY ACQUISITION = 101 SF
-  R/W EXISTING RIGHT OF WAY



EXHIBIT B



REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature] 11/20/15

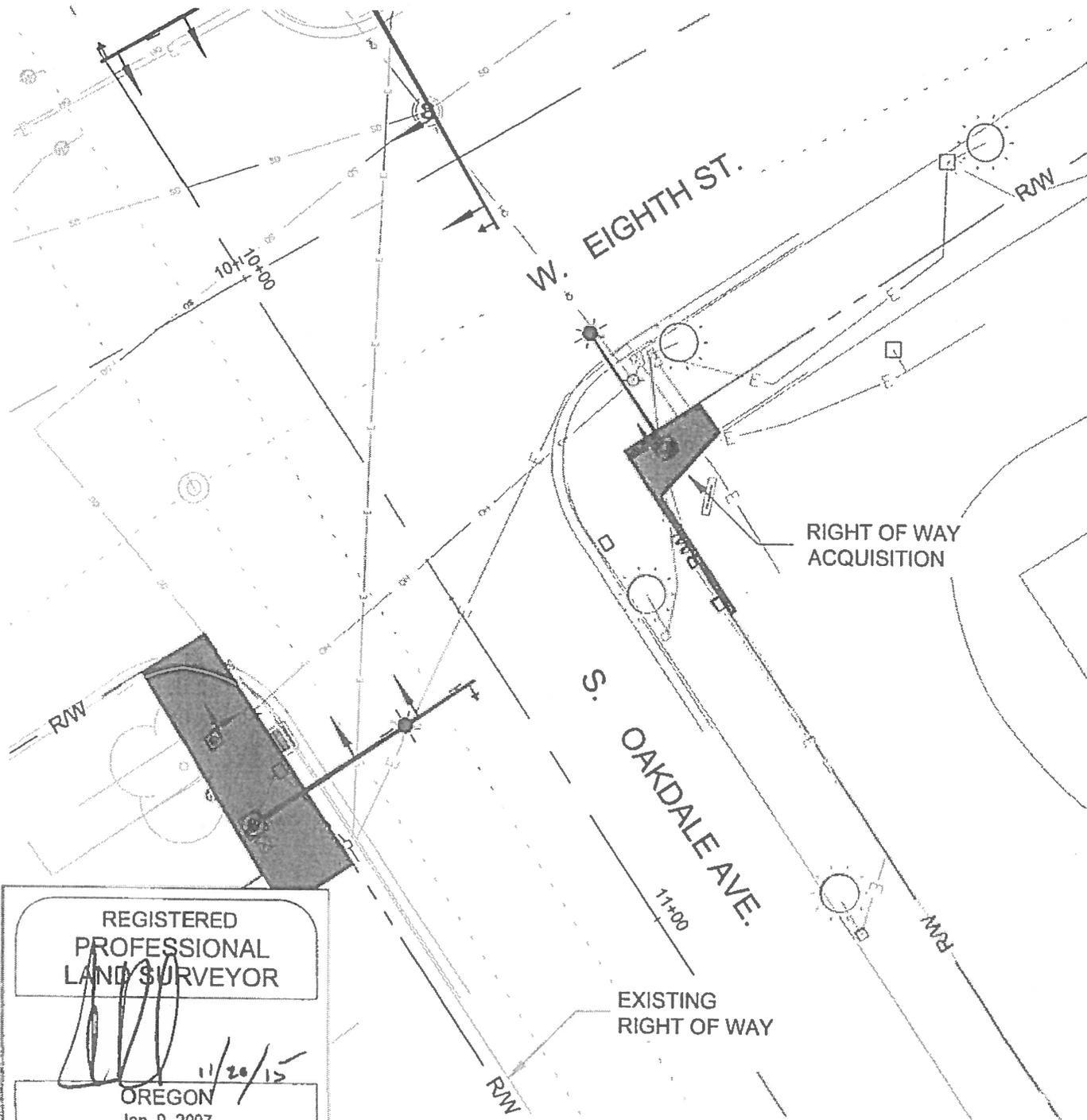
OREGON
Jan. 9, 2007
JON M. PROUD
No. 77652 LS
RENEWAL DEC. 31, 2016

LEGEND

-  RIGHT OF WAY ACQUISITION = 382 SF
-  RW — EXISTING RIGHT OF WAY



EXHIBIT B



REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature] 11/20/15

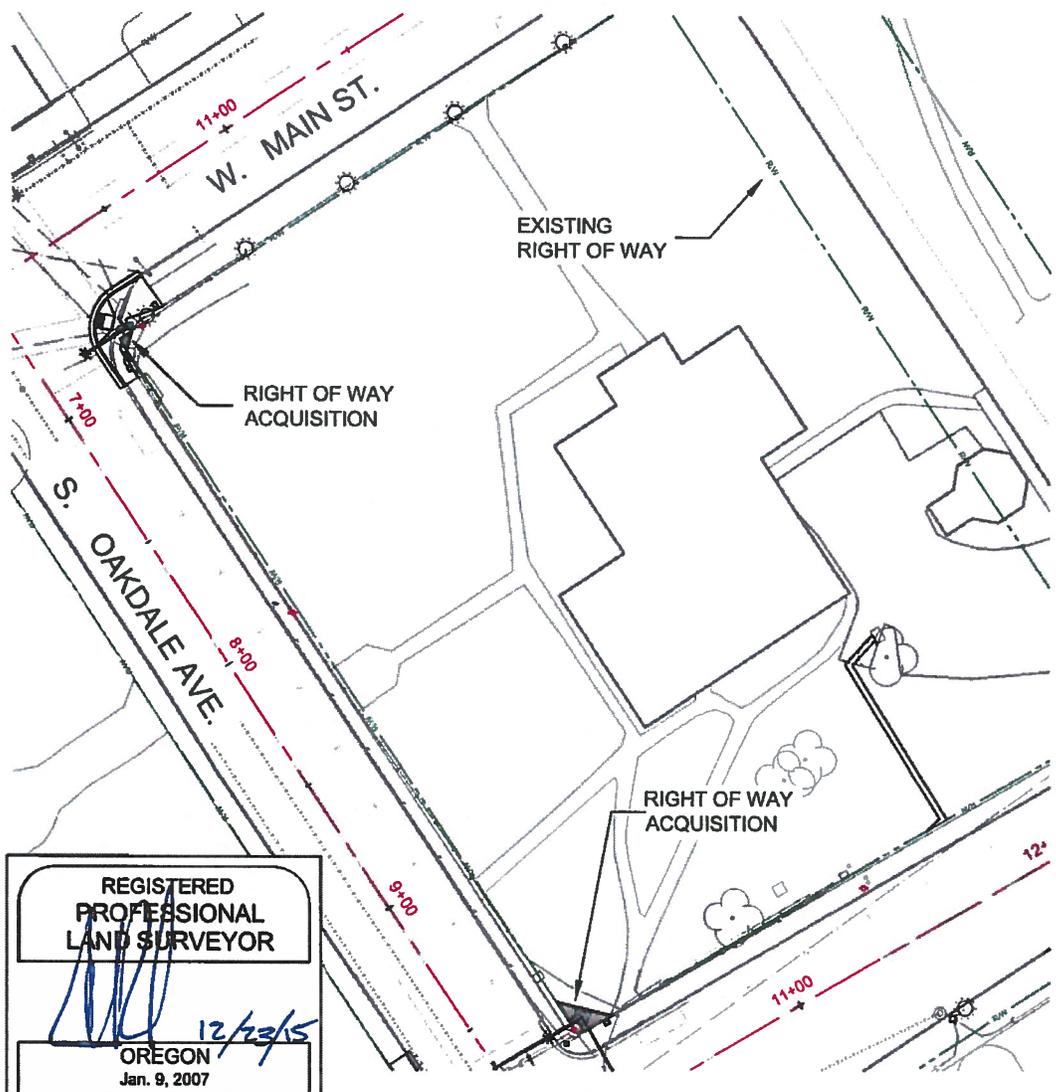
OREGON
Jan. 9, 2007
JON M. PROUD
No. 77652 LS
RENEWAL DEC. 31, 2016

LEGEND

- RIGHT OF WAY ACQUISITION = 92 SF
- RW — EXISTING RIGHT OF WAY



EXHIBIT B



REGISTERED
PROFESSIONAL
LAND SURVEYOR

12/23/15

OREGON
Jan. 9, 2007
JON M. PROUD
No. 77652 LS
RENEWAL DEC. 31, 2016

LEGEND

- RIGHT OF WAY ACQUISITION = 101 SF
- R/W — EXISTING RIGHT OF WAY



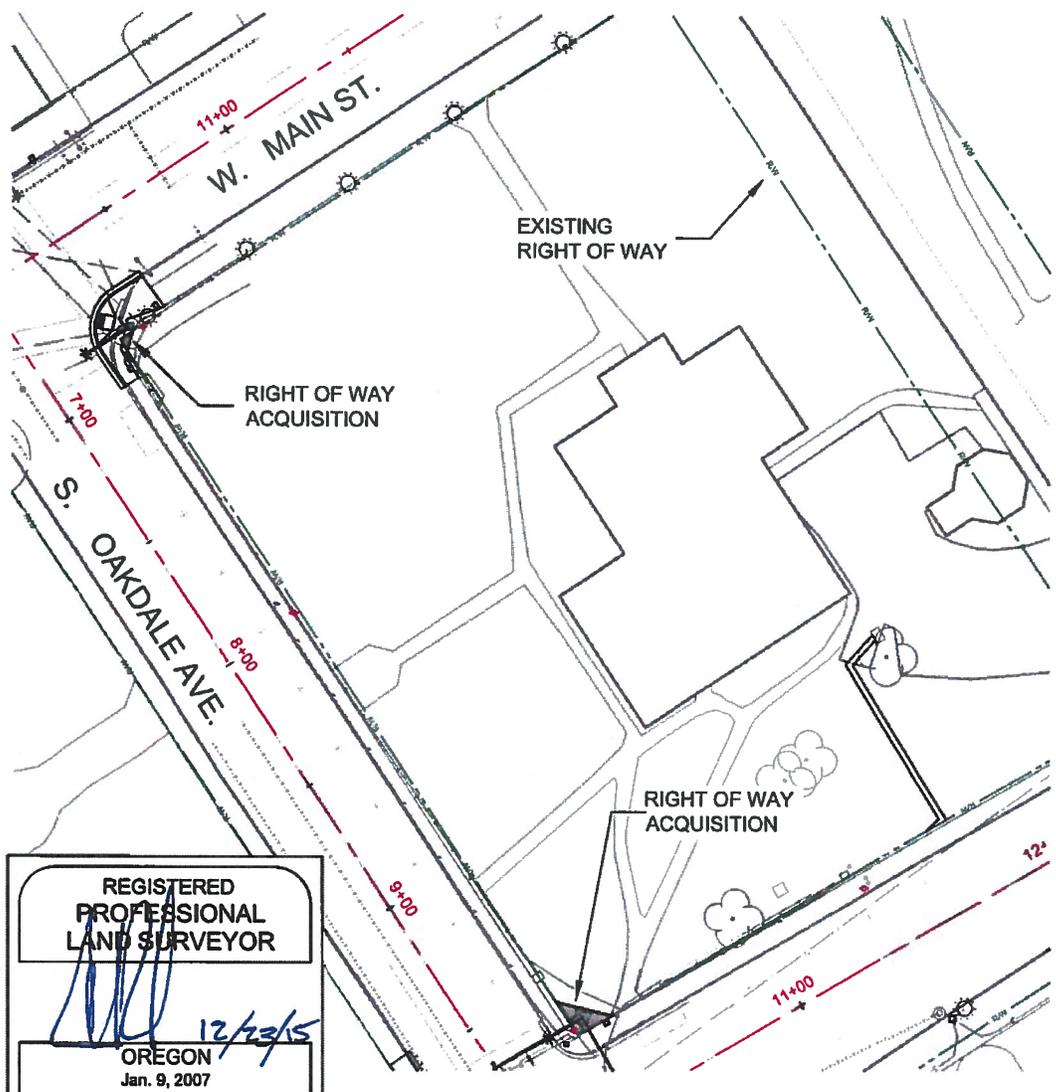
SCALE: 1"=50'
VERIFY SCALE
1" AT CORRECT SCALE

WRITTEN DESCRIPTION ATTACHED HERETO AS "EXHIBIT A", CENTERLINE SHOWN IS A PORTION OF REALIGNED CENTERLINE AS DESCRIBED IN "EXHIBIT A".

CITY OF MEDFORD - ENGINEERING DEPARTMENT			
8th & Main Signal Modifications Project			
413 W. Main Street (372W25DA TL8700)			
RIGHT OF WAY EXHIBIT B			
DRAWN BY	ZE	DATE	12/23/15
CHECKED BY	JP	DATE	12/23/15
APPROVED		DATE	
REVIEWED BY CITY TRANSPORTATION MANAGER		DATE	
REVIEWED BY CITY ENGINEER		DATE	
APPROVED BY ORDINANCE NO.		DATE	
			PROJECT NO.
			T220
			SHEET NO.
			1 of 1

Drawing name: P:\Land Projects\317-220\Cadd\8th & Main\TS_MedT220\TRAFFIC SIGNAL_3_RW_3E_revised122315.dwg Date: 23, 2015 - 11:28am

EXHIBIT B



REGISTERED
PROFESSIONAL
LAND SURVEYOR

12/23/15

OREGON
Jan. 9, 2007
JON M. PROUD
No. 77652 LS
RENEWAL DEC. 31, 2016

LEGEND

- RIGHT OF WAY ACQUISITION = 101 SF
- R/W — EXISTING RIGHT OF WAY



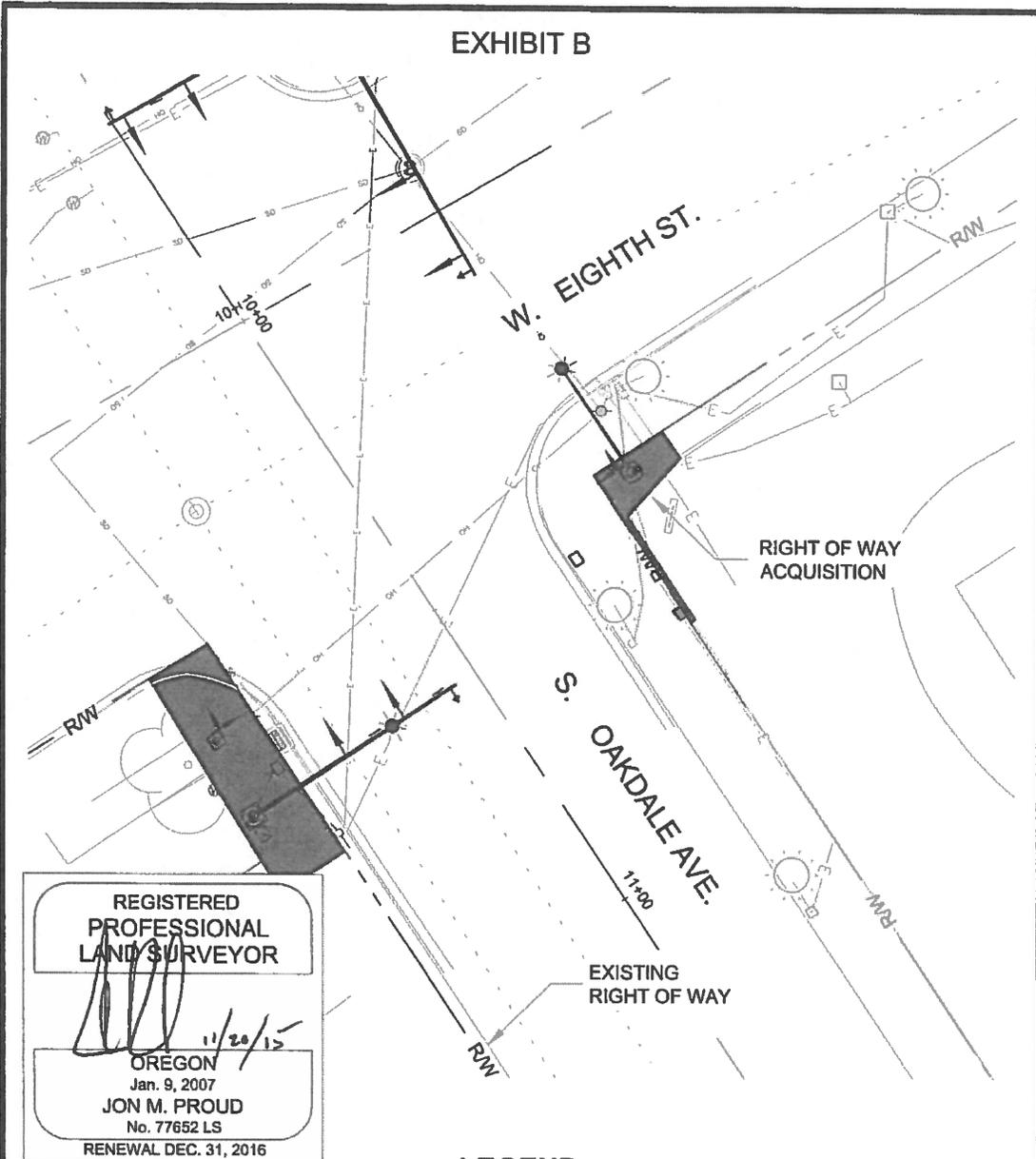
SCALE: 1"=50'
VERIFY SCALE
1" AT CORRECT SCALE

WRITTEN DESCRIPTION ATTACHED HERETO AS "EXHIBIT A", CENTERLINE SHOWN IS A PORTION OF REALIGNED CENTERLINE AS DESCRIBED IN "EXHIBIT A".

CITY OF MEDFORD - ENGINEERING DEPARTMENT			
8th & Main Signal Modifications Project			
413 W. Main Street (372W25DA TL8700)			
RIGHT OF WAY EXHIBIT B			
DRAWN BY	ZE	DATE	12/23/15
CHECKED BY	JP	DATE	12/23/15
APPROVED		DATE	
REVIEWED BY CITY TRANSPORTATION MANAGER		DATE	
REVIEWED BY CITY ENGINEER		DATE	
APPROVED BY ORDINANCE NO		DATE	
			PROJECT NO. T220
			SHEET NO. 1 of 1

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EXHIBIT B



REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature] 11/20/15

OREGON
Jan. 9, 2007
JON M. PROUD
No. 77652 LS
RENEWAL DEC. 31, 2016

LEGEND

- RIGHT OF WAY ACQUISITION = 92 SF
- RW — EXISTING RIGHT OF WAY

SCALE: 1"=20'
VERIFY SCALE
1" AT CORRECT SCALE

WRITTEN DESCRIPTION ATTACHED HERETO AS "EXHIBIT A", CENTERLINE SHOWN IS A PORTION OF REALIGNED CENTERLINE AS DESCRIBED IN "EXHIBIT A".

CITY OF MEDFORD - ENGINEERING DEPARTMENT		
8th & Main Signal Modifications Project		
411 W. Eighth St. (372W25DA TL8600)		
RIGHT OF WAY EXHIBIT B		
DRAWN BY	KP	DATE 09/25/15
CHECKED BY	DH	DATE 09/25/15
APPROVED		DATE
REVIEWED BY CITY TRANSPORTATION MANAGER		DATE
REVIEWED BY CITY ENGINEER		DATE
APPROVED BY ORDINANCE NO.		DATE
		PROJECT NO. T220
		SHEET NO. 1 of 1

Drawing name P:\Land Projects\317-220 Database\8th & Main\T8 Mod\T220-TRAFFIC SIGNAL_3_RW.Awg Nov 18, 2015 - 8:48am



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.5

www.ci.medford.or.us

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

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: January 7, 2016

COUNCIL BILL 2016-05

A resolution initiating the vacation of a public alley located in between Park and Oakdale Avenues beginning at Dakota Avenue and running northerly 402 feet.

ISSUE STATEMENT & SUMMARY:

A resolution initiating a vacation and establishing a public hearing of March 3, 2016, to consider vacating a twenty-foot-wide public alley located in between Park and Oakdale Avenues beginning at Dakota Avenue and running northerly 402 feet. (SV-15-160)

BACKGROUND:

A. Council Action History

There is no prior Council action or information to report on this project.

B. Analysis

A request to vacate property may be initiated by either petition or by the City Council. The applicant seeks initiation of this project by the City Council. The applicable vacation criteria are found in Sections 10.202(1) and (3). The initiation of this vacation allows consideration of the request and establishes a public hearing date of March 3, 2016.

C. Financial and/or Resource Considerations

The County has raised the cost of recording fees and the Planning Department can no longer afford to bear the cost. The cost will be transferred to the applicant.

D. Timing Issues

There are no timing issues with this project.

STRATEGIC PLAN:

Theme: Quality Public Services

Goal 9: Provide a safe, multi-modal, efficient, and well planned transportation system.

COUNCIL OPTIONS:

1. Approve the resolution.
2. Modify the resolution.
3. Deny the resolution.

STAFF RECOMMENDATIONS:

Staff recommends approving the resolution initiating the vacation and establishing the public hearing date of March 3, 2016.

SUGGESTED MOTION:

I move to approve the resolution initiating the vacation and establishing the public hearing date of March 3, 2016.

EXHIBITS:

Resolution

Letter dated November 17, 2015, from Cory Crebbin, Public Works Director requesting initiation

Legal description of the alley located off of Dakota Avenue

Map showing the location of the alley

Vicinity Map

RESOLUTION NO. 2016-05

A RESOLUTION initiating the vacation of a public alley located in between Park and Oakdale Avenues beginning from Dakota Avenue and running northerly 402 feet.

WHEREAS, the City Council has determined that the vacation of a public alley located in between Park and Oakdale Avenues beginning from Dakota Avenue and running northerly 402 feet, more particularly described in Exhibit "A" attached hereto and incorporated herein, be considered for vacation; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON, that the City Council initiates vacation proceedings with regard to the vacation of a public alley located in between Park and Oakdale Avenues beginning from Dakota Avenue and running northerly 402 feet and that at 7:00 p.m. on the 3rd day of March, 2016, in City Hall Council Chambers, 411 W. 8th Street, Medford, Oregon, there shall be a public hearing before the City Council on the question of vacating said property and the City Recorder is directed to give notice of the hearing in accordance with ORS 271.110.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor

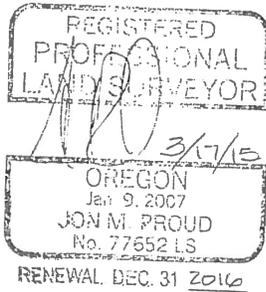


EXHIBIT A

ALLEY TO BE VACATED
FROM 371W30CC, CITY OF MEDFORD
March 16, 2015

THE 20 FOOT WIDE ALLEY EXTENDING FROM THE NORTH RIGHT-OF-WAY LINE OF DAKOTA AVENUE, NORTH 404 FEET TO THE SOUTHERLY LINE OF CITY OF MEDFORD ORDINANCE NUMBER 3802 RECORDED AS VOLUME 257 PAGE 50 OF THE JACKSON COUNTY OFFICIAL RECORDS. BEING 7 FEET NORTH OF THE EXTENDED COMMON SOUTH LINE OF LOTS 2 AND 5 OF BLOCK 2 IN DODGE ADDITION TO THE CITY OF MEDFORD AS SHOWN ON THE OFFICIAL PLAT AS RECORDED IN VOLUME 1, PAGE 42 OF PLATS, IN JACKSON COUNTY, OREGON. THE INTENT OF THIS DESCRIPTION IS TO VACATE THE SOUTH 139 FEET OF ALLEY AS DEDICATED IN BLOCK 2 OF SAID DODGE ADDITION, AND THE ENTIRE ALLEY DEDICATED IN BLOCK 1 OF TUTTLES SUBDIVISION AS SHOWN ON THE OFFICIAL PLAT AS RECORDED IN VOLUME 1, PAGE 161 OF PLATS, IN JACKSON COUNTY, OREGON.

THE GRAPHIC DEPICTION OF THE ABOVE DESCRIPTION IS SHOWN ON EXHIBIT "B" ATTACHED HERETO.





Continuous Improvement Customer Service

CITY OF MEDFORD

PUBLIC WORKS DEPARTMENT

200 SOUTH IVY STREET

TELEPHONE (541) 774-2100

ENGINEERING & DEVELOPMENT DIVISION MEDFORD, OREGON 97501

FAX (541) 774-2552

www.ci.medford.or.us

RECEIVED

NOV 19 2015

PLANNING DEPT.

November 17, 2015

Mayor Gary Wheeler
City of Medford
411 W. Eighth Street
Medford, OR 97501

On behalf of the City of Medford Public Works Department, and pursuant to Oregon Revised Statutes 271.130, I Hereby request that the City Council initiate the vacation of the alley lying between Oakdale Avenue and Park Avenue extending from Dakota Avenue to 404 feet north of Dakota Avenue. This vacation request is identified as SV-15-160.

This alley is not paved and does not go through to 11th street, the street to the north. It offers no transportation benefit to the neighborhood which is served by higher and lower order streets; Oakdale Avenue is a Minor Collector and Dakota Ave is a Major Collector. This Vacation does not prejudice the interests of the City of Medford.

Respectfully Submitted,

Cory Crebbin, Director of Public Works

CREBBIN

RECEIVED

NOV 19 2015

PLANNING DEPT.

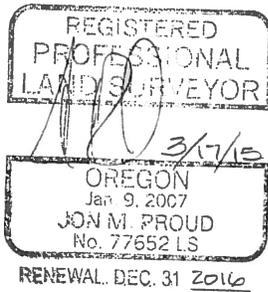


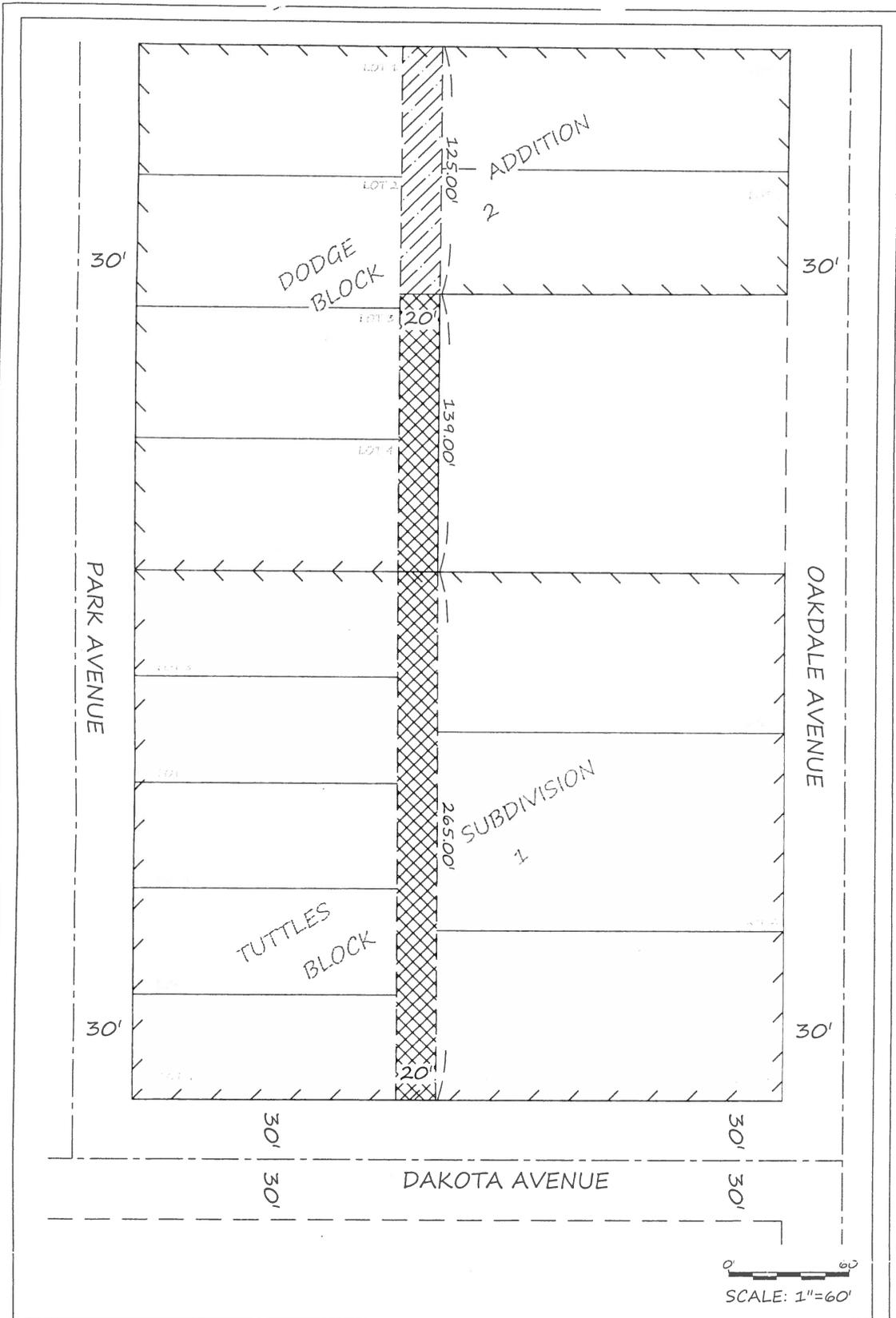
EXHIBIT A

ALLEY TO BE VACATED
FROM 371W30CC, CITY OF MEDFORD
March 16, 2015

THE 20 FOOT WIDE ALLEY EXTENDING FROM THE NORTH RIGHT-OF-WAY LINE OF DAKOTA AVENUE, NORTH 404 FEET TO THE SOUTHERLY LINE OF CITY OF MEDFORD ORDINANCE NUMBER 3802 RECORDED AS VOLUME 257 PAGE 50 OF THE JACKSON COUNTY OFFICIAL RECORDS, BEING 7 FEET NORTH OF THE EXTENDED COMMON SOUTH LINE OF LOTS 2 AND 5 OF BLOCK 2 IN DODGE ADDITION TO THE CITY OF MEDFORD AS SHOWN ON THE OFFICIAL PLAT AS RECORDED IN VOLUME 1, PAGE 42 OF PLATS, IN JACKSON COUNTY, OREGON. THE INTENT OF THIS DESCRIPTION IS TO VACATE THE SOUTH 139 FEET OF ALLEY AS DEDICATED IN BLOCK 2 OF SAID DODGE ADDITION, AND THE ENTIRE ALLEY DEDICATED IN BLOCK 1 OF TUTTLES SUBDIVISION AS SHOWN ON THE OFFICIAL PLAT AS RECORDED IN VOLUME 1, PAGE 161 OF PLATS, IN JACKSON COUNTY, OREGON.

THE GRAPHIC DEPICTION OF THE ABOVE DESCRIPTION IS SHOWN ON EXHIBIT "B" ATTACHED HERETO.





LEGEND



AREA TO BE VACATED



AREA VACATED BY ORDINANCE NUMBER 3802, RECORDED AS VOLUME 257 PAGE 50 OF THE JACKSON COUNTY OFFICIAL RECORDS

CITY OF MEDFORD - SURVEYING DEPARTMENT

EXHIBIT "B"

VACATION OF ALLEY
20' WIDE ALLEY VACATION

WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"

DRAWN BY	SPM	DATE	3-16-15
CHECKED BY	JMP	DATE	3-16-15
NOTE	CITY OF MEDFORD ALLEY NUMBER X-18		
NOTE			
NOTE			

PROJECT NO
N/A

SHEET NO.
1 OF 1



Project Name:

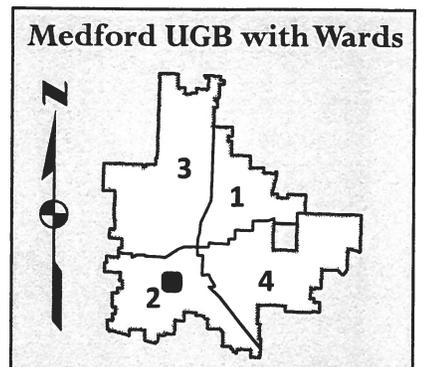
**Medford Public Works Department -
Alley Vacation**

Map/Taxlot:

N/A



-  Subject Area
-  Medford Zoning
-  Historic
-  Tax Lots





CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.6

www.ci.medford.or.us

DEPARTMENT: Finance
PHONE: (541) 774-2030
STAFF CONTACT: Alison Chan, Director

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: January 7, 2016

COUNCIL BILL 2016-06

A resolution authorizing the transfer of \$4,300 from the Mayor & Council Vision account and \$19,200 from the Mayor & Council Professional Services account to the Mayor & Council Subscriptions & Dues account.

ISSUE STATEMENT & SUMMARY:

An ordinance approving a transfer in the amount of \$4,300 from Mayor & Council Vision (0106) to Mayor & Council Subscriptions & Dues (0101) and \$19,200 from Mayor & Council Professional Services (0101) to Mayor & Council Subscriptions & Dues (0101). The total transfer is \$23,500.

BACKGROUND:

At the December 17, 2015 Council meeting, Council requested a total of \$23,500 be transferred to Mayor & Council Subscriptions & Dues. \$4,300 is to be transferred from the Mayor & Council Vision and \$19,200 from Professional Services. The \$23,500 is for SOREDI.

A. Council Action History

At the Council meeting on December 17, 2015, Council directed staff to proceed with the transfer.

B. Analysis

A transfer does not require supplemental budget as a transfer does not increase appropriations.

C. Financial and/or Resource Considerations

None as this is a transfer of an existing appropriation within the General Fund.

D. Timing Issues

None.

STRATEGIC PLAN:

Theme: Responsive Leadership

Goal 12: Ensure financial stewardship and long-term municipal financial stability for City services, assets and facilities.

COUNCIL OPTIONS:

1. Approve the resolution.
2. Modify the resolution.
3. Deny the resolution.

STAFF RECOMMENDATIONS:

Staff recommends approval of the resolution.

SUGGESTED MOTION:

I move to approve the resolution which transfers \$23,500 within the Mayor & Council budget.

EXHIBITS:

Resolution

Appropriation Transfer Request

RESOLUTION NO. 2016-06

A RESOLUTION authorizing the transfer of \$4,300 from the Mayor & Council Vision account and \$19,200 from the Mayor & Council Professional Services account to the Mayor & Council Subscriptions & Dues account.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON, that:

The transfer of \$4,300 from the Mayor & Council Vision Account and \$19,200 from the Mayor & Council Professional Services account to the Mayor & Council Subscriptions & Dues account, as shown on Exhibit A attached and incorporated herein by reference, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor

CITY OF MEDFORD Appropriation Modifications per ORS 294.338(2)

Requesting Department: City Council

Biennium **FY13/14 - FY14/15**

Date of Proposed Council Action: 01/7/2016

Date **December 24, 2015**

Explanation of Requested Transfer: See AIC

Account Number	Description	Project Number	Debit	Credit
001-0101-621.21-11	Subscriptions & Dues		23,500	
001-0106-621.22-16	Opportunities Costs		-	4,300
001-0101-621.22-12	Other Contractual Services			19,200
TOTALS			23,500	23,500

Requested by Department Head

Approved by City Manager
CITY MANAGER PRO TEM



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 120.1

www.ci.medford.or.us

DEPARTMENT: Public Works
PHONE: (541) 774-2100
STAFF CONTACT: Cory Crebbin, Director

AGENDA SECTION: Public Hearings
MEETING DATE: January 7, 2016

PUBLIC HEARING

Public hearing to consider an appeal by Rogue Retreat for Street System Development Charge (SDC) fees incurred.

ISSUE STATEMENT & SUMMARY:

A building permit application was submitted by Rogue Retreat for two apartments with access on north Riverside. Street SDCs for two apartments with access to a higher order street totals \$4,836.78 per the schedules and uses described in Medford Municipal Code (MMC) 3.816. City staff has interpreted the letter submitted by Rogue Retreat as an appeal of the Street SDCs.

BACKGROUND:

City staff correctly computed and assessed the Street SDCs per the MMC. MMC 3.814(3) describes the process to appeal a category-of-use decision to the City Council. Rogue Retreat is entitled to appeal and submitted the appeal timely as described in MMC 3.814(3). No section of the MMC grants City staff the discretion or authority to determine category-of-use other than as described therein.

A. Council Action History

None.

B. Analysis

MMC 3.816(1)(b) establishes that "if rooms contain kitchen facilities, then they shall be considered 'Multi-family.'" Table 3.1 in the MMC establishes the trip ends per unit as 6.6 for Multi-family, versus 10 trip ends for a Single-family dwelling. Trip ends are not solely based on those made by the residents, but include deliveries, taxis, and other trips that would not otherwise occur if the unit did not exist.

MMC 3.814(3) specifies that "The decision of the City Council in these matters shall be based on the primary nature of the establishment and not by the amount of traffic generated by it." Staff does not find a different category-of-use which would be applicable to this project and the appellant has not suggested an alternative in the appeal letter.

C. Financial and/or Resource Considerations

A reduction of the Street SDCs amount will reduce the Street SDC Fund revenue by an equal amount.

D. Timing Issues

None. MMC 3.814(3) does not require that this appeal be heard or decided in a specific amount of time.

STRATEGIC PLAN:

Not applicable.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 120.1

www.ci.medford.or.us

COUNCIL OPTIONS:

1. Uphold the appeal.
2. Deny the appeal.
3. Uphold the appeal with modifications.

STAFF RECOMMENDATIONS:

Deny the appeal.

SUGGESTED MOTION:

I move to deny the appeal requesting a reduction of Street SDCs.

EXHIBITS:

Rogue Retreat appeal letter
Map of 525 and 529 N. Riverside area



**ROGUE
RETREAT**
Restoring Lives

RECEIVED

NOV 30 2015

CITY RECORDER'S OFFICE

November 25, 2015

Medford City Council
Medford, Oregon

Dear Friends:

Rogue Retreat has been working with the homeless and the addicted in Medford since 1998. Today we have 42 apartments and our participants come from backgrounds filled with trauma and dysfunction. Our program gives them a hand-up to leave behind the trap of homelessness and become independent, productive citizens.

We are currently partnering with Jackson Care Connect to create two studio apartments in our building at 529 N Riverside. These apartments will be used for their "Starting Strong" program that helps homeless women who are pregnant or with children under three. These apartments will give them a safe and stable place to live while they are working our program.

We built this building in 2009/10 to be a meeting place for the residents at 525 N Riverside and ended up needing it for our small Rogue Retreat staff until recently. We have gone through the process to obtain the needed permits to do the work, but when we received the list of fees we were shocked at the amount. Our entire project is budgeted at \$47,000 and Medford fees came to just under \$8,000.

We are appealing one fee in particular that will make a big difference to our project. It is the Street ART/COLL SDC. It came to \$4,836.79. Our understanding is that this fee is associated with auto trips to and from our facility. Since we are a homeless non-profit we have fewer trips than another similar facility. Many of our participants do not have driver's licenses let alone have cars to drive. Therefore there are many less trips than average. Our building at 525 N Riverside has 11 apartments and currently there are only five cars. Many of these participants didn't have cars when they came into our program, but due to life changes they have been able to get permanent jobs, create the income needed to get a license and a car. When participants are doing well they move on and out of our program into other housing. We expect the two new apartments to be much the same. They will have no cars when they come in and if and when cars are obtained they will be moving on quickly.

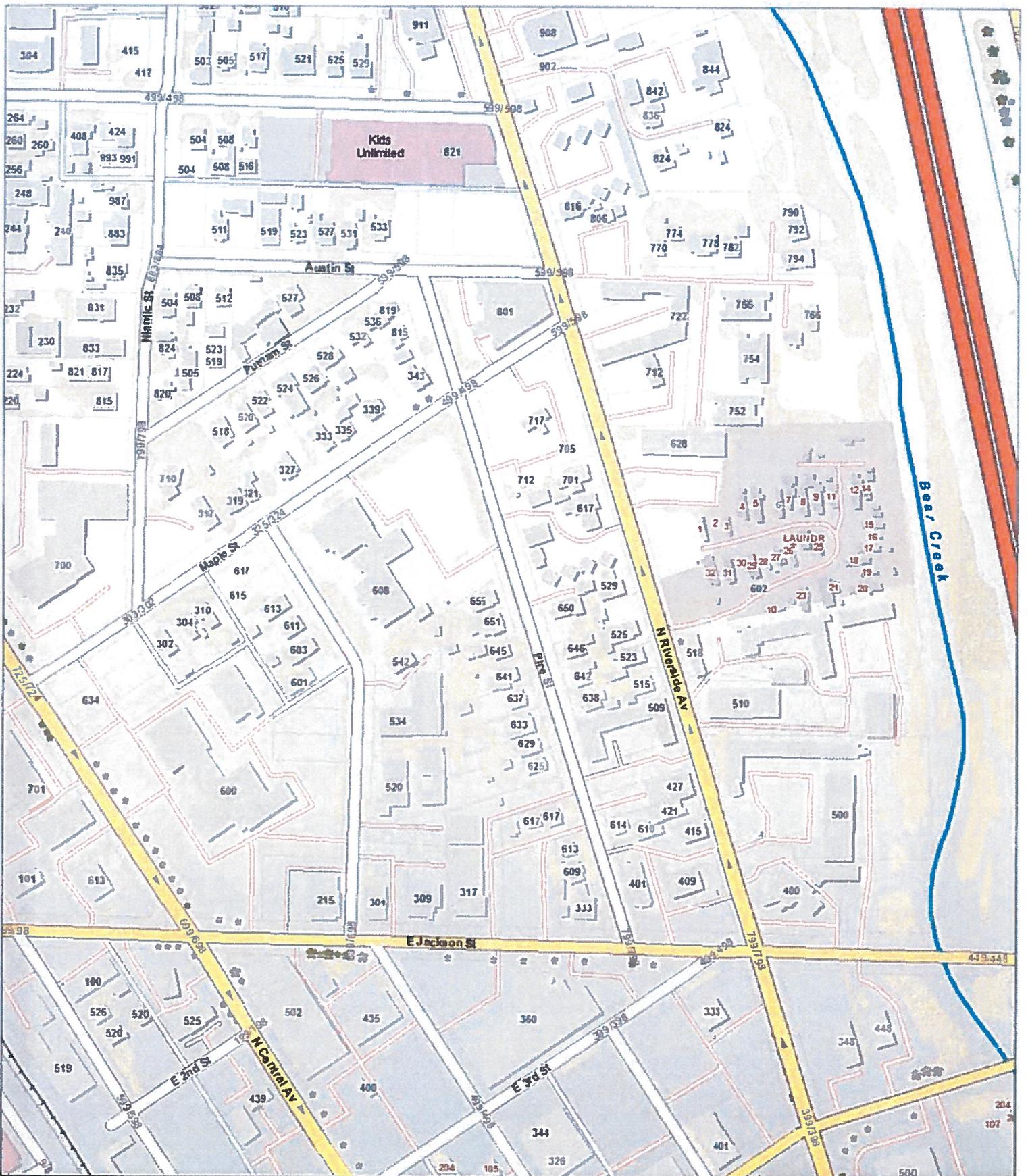
I will be happy to share future information as needed. We are thankful to the city for all the support we have received over the years including grants from city administration fees that have helped us operate. We look forward to a continued partnership to serve the people of Medford and Jackson County.

In His adventurous service,



Chad McComas
Executive Director

529 N. Riverside Ave., Medford, OR 97501 ph: 541-499-0880 fax: 541-690-1670
Email: info@rogueretreat.com ~ Web: www.RogueRetreat.org



City of Medford: LIS

Map created by City of Medford's Land Information System (LIS) www.medfordmaps.org



Plot Date: December 24, 2015

CITY OF MEDFORD

GEOGRAPHIC INFORMATION SYSTEMS

The Geographic Information Systems (GIS) data made available on this map are developed and maintained by the City of Medford and Jackson County GIS data to aid the public representation of any of the information included. The maps and data are made available to the public solely for informational purposes.

THERE MAY BE ERRORS IN THE MAPS OR DATA. THE MAPS OR DATA MAY BE OUTDATED, INACCURATE, AND MAY OBTAIN IMPROPER INFORMATION. THE ENTIRE RISK AS TO THE QUALITY OR PERFORMANCE IS WITH THE BUYER OR USER AND IF INFORMATION IS DEFECTIVE, THE BUYER OR USER ASSUMES THE ENTIRE COST OF ANY NECESSARY CORRECTIONS OR SERVICES.

NO GUARANTEE OR WARRANTY IS EXPRESSED OR IMPLIED IN TERMS OF DATA ACCURACY OR LEGITIMACY.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 120.2

www.ci.medford.or.us

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

AGENDA SECTION: Public Hearings
MEETING DATE: January 7, 2016

COUNCIL BILL 2016-07

An ordinance vacating an approximate 10,379 square feet of public right-of-way located at the southwest corner of the intersection of South Holly Street and Garfield Street; reserving easements.

ISSUE STATEMENT & SUMMARY:

An ordinance for the vacation of approximately 10,379 square feet of public right-of-way, located at the southwest corner of the intersection of South Holly Street and Garfield Street. (SV-15-114)

BACKGROUND:

The Public Works Department has requested to vacate 10,379 square feet of excess right-of-way that resulted from the Holly Street extension improvements. If approved, the entire vacated portion would remain an easement for public utilities.

A. Council Action History

On October 15, 2015, the City Council adopted Resolution No. 2015-107 initiating the vacation of the subject right-of-way and setting the public hearing for January 07, 2016.

B. Analysis

On December 10, 2015, the Planning Commission held a public hearing on the proposed vacation and forwarded a recommendation for approval to the City Council per the attached Commission Report.

C. Financial and/or Resource Considerations

The County has raised the cost of recording fees and the Planning Department can no longer afford to pay them. The cost will be transferred to the applicant.

D. Timing Issues

No timing issues have been identified.

STRATEGIC PLAN:

Theme: Quality Public Services

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

COUNCIL OPTIONS:

1. Adopt the ordinance.
2. Modify the ordinance.
3. Deny the ordinance.

STAFF RECOMMENDATIONS:

Staff recommends adoption of the ordinance.

SUGGESTED MOTION:

I move to adopt the ordinance approving the vacation.

EXHIBITS:

Ordinance

Commission Report for file SV-15-114 dated December 31, 2015, including Exhibits A through G

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

ORDINANCE NO. 2016-07

AN ORDINANCE vacating an approximate 10,379 square feet of public right-of-way located at the southwest corner of the intersection of South Holly Street and Garfield Street; reserving easements.

WHEREAS, the City Council of the City of Medford, Oregon, by Resolution No. 2015-107 initiated proceedings for the vacation; and

WHEREAS, the City Council fixed 7:00 p.m. on January 7, 2016, in the Medford City Council Chambers, 411 W. 8th St., Medford, Oregon, as the time and place for hearing any objections to the proposed vacation of said area; and

WHEREAS, the City Recorder has given notice of the time and place for said hearing as required by law; and

WHEREAS, at the time and place set for hearing the City Council heard all objections to the proposed vacation; and

WHEREAS, on the basis of the facts and conclusions stated in the Staff Report dated December 31, 2015, on file in the Planning Department, the City Council has deemed it to be in the public interest that said area be vacated; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That an approximate 10,379 square feet of public right-of-way located at the southwest corner of the intersection of South Holly Street and Garfield Street, described in Exhibit A attached hereto and incorporated herein, is hereby vacated and the ownership of the said area hereby vacated shall become vested as provided by law, subject to existing easements for utilities and subject to driveway easement as shown.

Section 2. The Council finds and determines that written objections were not received from the owners of a majority of the area affected by the vacation.

Section 3. The Council finds and determines that the vacation of said area in the city of Medford is in the public interest and does not damage or cause a deterioration of the market value of any real property of non-consenting owners (if any) abutting the same or any portion thereof and that no damage on account thereof shall be allowed.

Section 4. The City Recorder is hereby directed to cause a certified copy of this ordinance, together with any map, plat or other record showing the area, to be filed with the County Surveyor of Jackson County, Oregon.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2016.

Mayor

State of Oregon)
County of Jackson)

On this _____ day of _____, 2016, Gary H. Wheeler, as Mayor for the City of Medford, personally appeared before me and is known to me to be the person whose name is signed to this document, and acknowledges that he signed the document.

Notary Public for Oregon
My Commission expires:



EXHIBIT A

HOLLY STREET IMPROVEMENT PROJECT # P-1561
PARTIAL VACATION
SOUTH HOLLY STREET
CITY OF MEDFORD
371W31C
RW# 7400

VACATION

A TRACT OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON AND BEING A PORTION OF THAT PROPERTY DEDICATED TO THE CITY OF MEDFORD AS PUBLIC RIGHT OF WAY ON WOODSIDE PARK SUBDIVISION FILED AS VOLUME 17 PAGE 7 OF RECORDS OF JACKSON COUNTY, RECORDED APRIL 20TH, 1992 AND FILED AS SURVEY NUMBER 12955 IN THE JACKSON COUNTY SURVEYORS OFFICE, ALSO SHOWN ON SURVEY NUMBER 21256 AS FILED IN THE JACKSON COUNTY SURVEYORS OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE DONATION LAND CLAIM LINE AND THE CONSTRUCTION CENTERLINE OF SOUTH HOLLY STREET AS SHOWN ON SAID FILED SURVEY 21256; THENCE ALONG SAID DONATION LAND CLAIM LINE SOUTH 89°58'36" WEST A DISTANCE OF 21.45 FEET; THENCE SOUTH 89°58'10" WEST A DISTANCE OF 120.23 FEET; THENCE LEAVING SAID DONATION LAND CLAIM LINE SOUTH 00°01'50" EAST A DISTANCE OF 20.00 FEET, TO A POINT ON THE NORTH LINE OF WOODSIDE PARK SUBDIVISION ALSO BEING A POINT ON THE DEDICATED RIGHT OF WAY LINE OF SOUTH HOLLY STREET PER SAID WOODSIDE PARK SUBDIVISION AND THE POINT OF BEGINNING; THENCE ALONG SAID RIGHT OF WAY ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS: SOUTH 44°51'10" EAST A DISTANCE OF 28.37 FEET) AN ARC DISTANCE OF 31.54 FEET; THENCE SOUTH 00°19'30" WEST A DISTANCE OF 160.00 FEET; THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS: SOUTH 45°08'50" WEST A DISTANCE OF 28.20 FEET) AN ARC DISTANCE OF 31.29 FEET, TO A POINT OF CUSP ON THE NORTHERLY RIGHT OF WAY OF DOVE LANE AS DEDICATED IN SAID WOODSIDE SUBDIVISION; THENCE LEAVING SAID RIGHT OF WAY NORTH 89°58'10" EAST A DISTANCE OF 14.13 FEET; THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE LEFT (THE CHORD OF WHICH BEARS: NORTH 54°56'18" EAST A DISTANCE OF 22.96 FEET) AN ARC DISTANCE OF 24.46 FEET, TO A POINT OF REVERSE CURVATURE AND BEING 36.50 FEET WHEN MEASURED RADIAL FROM THE AFOREMENTIONED CONSTRUCTION CENTERLINE OF SOUTH HOLLY STREET; BEING 36.50 FEET PARALLEL AND CONCENTRIC TO SAID CONSTRUCTION CENTERLINE THE FOLLOWING THREE CALLS: THENCE ALONG THE ARC OF A 336.50 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS: NORTH 25°46'04" EAST A DISTANCE OF 68.71 FEET) AN ARC DISTANCE OF 68.83 FEET; THENCE NORTH 31°37'40" EAST A DISTANCE OF 7.89 FEET; THENCE ALONG THE ARC OF A 263.50 FOOT RADIUS CURVE TO THE LEFT (THE CHORD OF WHICH BEARS: NORTH 21°14'30" EAST A DISTANCE OF 95.01 FEET) AN ARC DISTANCE OF 95.53 FEET TO A POINT OF COMPOUND CURVATURE; THENCE ALONG THE ARC OF A 25.00 FOOT RADIUS CURVE TO THE LEFT (THE CHORD OF WHICH BEARS: NORTH 39°35'16" WEST A DISTANCE OF 38.55 FEET) AN ARC DISTANCE OF 44.02 FEET TO A POINT ON THE NORTH LINE OF SAID WOODSIDE PARK SUBDIVISION; THENCE ALONG SAID NORTH LINE SOUTH 89°58'10" WEST A DISTANCE OF 75.89 FEET, TO THE POINT OF BEGINNING.

THIS TRACT OF LAND TO WHICH THIS DESCRIPTION APPLIES CONTAINS 10,379 SQUARE FEET, MORE OR LESS.

BEARINGS BASED ON COUNTY SURVEY NUMBER 21256, FILED AT THE JACKSON COUNTY SURVEYORS OFFICE.

THE GRAPHIC DEPICTION OF THE ABOVE DESCRIPTION IS SHOWN ON EXHIBIT "B" ATTACHED HERETO.



COMMISSION REPORT

to City Council for a Class-B decision: **Vacation**

PROJECT Holly Street Right-of-Way Vacation
Applicant: Public Works Department

FILE NO. SV-15-114

TO Mayor and City Council *for 01/07/2016 hearing*

FROM Planning Commission *via Jennifer Jones, AICP, Planner III*

REVIEWER James E. Huber, AICP, Planning Director

DATE December 31, 2015

BACKGROUND

Proposal

Request for the vacation of 10,379 square feet of public street right-of-way at the southwest corner of the intersection of South Holly Street and Garfield Street.

History

The Public Works Department has requested to vacate 10,379 square feet of excess right-of-way that resulted from the Holly Street extension improvements. The Public Works Department agreed to vacate the surplus right-of-way per the City Council meeting on October 19, 2006.

The City Council initiated the vacation on October 15, 2015 by Resolution No. 2015-107. A public hearing was held on December 10, 2015, by the Planning Commission who voted to forward a favorable recommendation to the Council. The findings in support of this amendment are contained in Exhibit A of this report.

ANALYSIS

No comments have been received regarding existing non-City utilities within the subject area of the vacation. Per the Public Works Report, the entire portion of the area to be vacated shall be reserved as an easement for utilities including storm drain, water, and any other public utilities currently existing therein.

No comments were received from the Bicycle and Pedestrian Advisory Committee regarding the vacation.

Ownership after Vacation

Title of the vacated areas shall vest per ORS 271.140.

RECOMMENDED ACTION

The Planning Commission recommends approving the vacation based on the analyses, findings, and conclusions in the Commission Report dated December 31, 2015, including Exhibits A through G.

EXHIBITS

- A Findings and Conclusions
- B Minutes (Draft), Planning Commission Hearing, 12/10/15
- C Applicant's Revised Findings of Fact, received 12/11/15
- D Legal Descriptions of the Area to be Vacated, received 12/21/15
- E Public Works Report, received 10/21/15
- F Jackson County Assessor's Map, received 08/07/15
- G Subject Area Map, received 08/07/15
Vicinity Map

CITY COUNCIL AGENDA: January 07, 2015

Exhibit A

Findings and Conclusions

Applicable Criteria

Oregon Revised Statue Chapter 271.130

Medford Municipal Code §10.202, Vacation Criteria

A request to vacate shall only be approved by the approving authority (City Council) when the following criteria have been met:

(1) Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.

Findings

The applicant's findings demonstrate that the subject vacation is in compliance with the goals and policies of the Comprehensive Plan and Transportation System Plan. Utilities are available to adjoining parcels without having to utilize the area proposed to be vacated. There will be no identifiable diminishment of service in any public facility. Criterion 1 has been met.

(2) If initiated by petition under ORS 271.080, the findings required by ORS 271.120.

Findings

The proposed vacation was not initiated by petition; therefore, the findings required by ORS 271.120 are not necessary.

(3) If initiated by the Council, the applicable criteria found in ORS 271.130.

Findings

The proposal will comply with the requirement of ORS.271.130 if the City Council can make the following findings:

- a. That the owners of more than 50% of the affected area do not object in writing; and,
- b. That the vacation will not substantially affect the market value of any abutting property where the owner objects, unless the City provides for paying damages to the owner.

The City Council initiated the vacation on October 15, 2015 by Resolution No. 2015-107; therefore, this criterion applies. To date, no written objections have been received. The vacation will not substantially affect the market value of any abutting property.

Exhibit B

Minutes (Draft), Planning Commission 12/10/2015

Excerpt

50.3 SV-15-114 Request for the vacation of 10,379 square feet of public street right-of-way at the southwest corner of the intersection of South Holly Street and Garfield Street. (City of Medford Public Works Department, Applicant)

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

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

Jennifer Jones, Planner III, reviewed the proposal, read the street vacation criteria and gave a staff report.

Chair McFadden asked if the property would be given to the adjoining property owners? Ms. Jones replied that will be determined by the County. It is her understanding from the Public Works Department conversations with the County that the property will be given to the adjacent property owners.

The public hearing was opened.

a. Nancy Hemstreet, 1646 Dove Lane, Medford, Oregon, 97501. Ms. Hemstreet's property, that is not mentioned, is adjacent to part of the street vacation that is going to be given to the adjacent property owners. She wanted to make it part of the public record that she is interested in obtaining it. Garfield and South Holly are mentioned in the staff report but Dove Lane and Holly Street is not mentioned. She is in favor of the project.

Mr. HuttI stated that the Planning Commission would not decide who the property goes to. There is a State law that governs the disposition of vacated property.

b. Ester Clemence, 215 Garfield, Medford, Oregon, 97501. Ms. Clemence is the other property owner adjacent to the street vacation. She also would like to apply for this property. Her concern is that she had a driveway that was her private driveway. If the property line went straight out the beginning of her driveway would be on the adjacent

property. She wants a private driveway like she had before. She does not want to share her driveway. Her driveway is on Holly Street and her house faces Garfield Street.

Alex Georgevitch, City Engineer clarified that through the realignment of Holly Street Public Works pushed the road to the east and realigned the driveway. Through this vacation process they are purposing a perpetual easement on the property that would be vacated to the south for that driveway.

Commissioner McKechnie asked that once this land is agreed to be abandoned by the City, does the City pay for the partitioning etc. or is it the responsibility of the homeowners? Mr. Georgevitch stated that there will be no partitioning. It is a vacation so the underlying easement of right-of-way goes back to the adjoining property owners that the land originally came from. In this case, south of Dove Lane the easterly right-of-way line of Holly Street was outside the urban growth boundary. All this property should be going to the properties on the west.

Commissioner McKechnie asked if the Public Works Department has prepared the easement and will be filed? Mr. Georgevitch reported that is correct. It is not the responsibility of the homeowner.

Mr. HuttI asked that the City has already filed an easement and if the City vacates the right-of-way the easement survives or is the City vacating the right-of-way subject to easement for existing "this that and other"? Mr. Georgevitch stated that the City is vacating the right-of-way subject to easements for utilities as well as perpetual driveway. Currently it is public right-of-way and the City cannot have an easement on top of that. Once it is vacated, Public Works has all the easements in place so it will be a combined recording of both.

The public hearing was closed.

Motion: The Planning Commission forwards a favorable recommendation to the City Council for approval of SV-15-114 per the Staff Report dated December 3, 2015, including Exhibits A through E.

Moved by: Vice Chair Miranda

Seconded by: Commissioner McKechnie

Roll Call Vote: Motion passed, 9-0.

Exhibit C
Applicant's Revised Findings of Fact
Received 12/11/15



**FINDS OF FACT AND CONCLUSIONS OF LAW
BEFORE THE CITY OF MEDFORD
CITY COUNCIL**

**IN THE MATTER OF AN APPLICATION FOR THE
VACATION OF PUBLIC RIGHT-OF-WAY**

EXHIBIT "1"

APPLICATION: Request for the vacation of 10,379 square feet of public street right-of-way at the southwest corner of the intersection of Holly Street and Garfield Street.

APPLICANT: City of Medford

CONTACT: Kenneth Parducci – Eng. Tech. III
City of Medford/Public Works-Engineering Dept.

A. BACKGROUND AND GENERAL INFORMATION

Surplus right-of-way exists at the southwest corner of the intersection of Holly Street and Garfield Street as a result of the Holly Street Extension Project. This right-of-way is currently under the jurisdiction of the City of Medford. Public Works/Engineering agreed to vacate the surplus right-of-way per the City Council meeting of October 19, 2006. The surplus right-of-way and the new right-of-way are illustrated on Exhibit '2'.

B. PURPOSE AND SCOPE OF THE APPLICATION

The purpose and scope of the subject application is to vacate the surplus right-of-way discussed above and illustrated on Exhibits '2'. The total area proposed to be vacated is 10,379 square feet. It is intended for this area to be converted to private property upon its vacation.

The Jackson County Assessor will determine the ownership, and discussions with the County Mapping Department indicate that the right-of-way will revert to the owners of the abutting parcels upon vacation.

C. PROCEDURE AND SUBMITTAL REQUIREMENTS

Section 10.185 of the Medford Land Development Code requires that the vacation of a public street be reviewed as a Class "B" procedural action, which specifies the review procedures and approval process for such an action. Section 10.200, below, also requires that such a vacation be subject to Chapter 271 of the Oregon Revised Statutes, more specifically ORS 271.130 with this application, as discussed below.

10.200 Application - Vacation

A request to vacate a public street, alley, easement, plat, or public place shall, in addition to the requirements contained herein, be subject to ORS Chapter 271. Vacation shall be initiated either by petition under ORS 271.080 or by City Council under ORS 271.130.

10.201 Application Form

Petitioners or persons requesting a vacation shall file an application containing the following items:

- 1. Vicinity Map drawn to scale identifying the proposed area of vacation.*
- 2. Legal description of area proposed to be vacated in electronic form per the instructions of the City of Medford Planning Department.*
- 3. A letter requesting City Council initiation, or, if initiated by petition rather than by Council, consent to vacate forms completed and signed by owners of all abutting property and of not less than two-thirds in area of the real property affected as defined in ORS 271.080.*
- 4. Assessor's maps of the proposed vacation area identifying abutting and affected properties. The assessor's maps shall identify those parcels for which consents to vacate have been acquired.*
- 5. Names and addresses of property owners within 200-feet of the site including map and tax lot numbers typed on mailing labels.*
- 6. Findings that address the approval criteria in Section 10.202, Vacation Criteria.*

D. RELEVANT APPROVAL CRITERIA

The City of Medford and the State of Oregon have established criteria that must be met before an application for vacation of a public right-of-way can be approved. The applicant has addressed each of the relevant approval criteria in Section "F" of this document, which follows.

MEDFORD LAND DEVELOPMENT CODE

10.202 Vacation Criteria

A request to vacate shall only be approved by the approving authority (City Council) when the following criteria have been met:

Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.

If initiated by petition under ORS 271.080, the findings required by ORS 271.120.

Initiated by the Council, the applicable criteria found in ORS 271.130.

OREGON REVISED STATUTES

271.130 Vacation on city governing body's own motion; appeal.

(1) *The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.*

(2) *Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.*

(3) *No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.*

(4) *Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases.*

E. APPLICANT'S SUBMITTALS

Exhibit "1"	Findings of Fact
Exhibit "2"	Vicinity Map drawn to scale identifying the proposed area of vacation
Exhibit "3"	Jackson County Assessor's Map of area to be vacated
Exhibit "4"	Legal Description of area to be vacated

F. FINDINGS OF FACT AND CONCLUSIONS OF LAW

CITY OF MEDFORD: SUBMITTAL REQUIREMENTS OF SECTION 10.201

10.201 Application Form

Petitioners or persons requesting a vacation shall file an application containing the following items:

Vicinity Map drawn to scale identifying the proposed area of vacation.

Legal description of area proposed to be vacated in electronic form per the instructions of the City of Medford Planning Department.

A letter requesting City Council initiation, or, if initiated by petition rather than by Council, consent to vacate forms completed and signed by owners of all abutting property and of not less than two-thirds in area of the real property affected as defined in ORS 271.080.

4. Assessor maps of the proposed vacation area identifying abutting and affected properties. The assessor's maps shall identify those parcels for which consents to vacate have been acquired.

Names and addresses of property owners within 200-feet of the site including map and tax lot numbers typed on mailing labels.

Findings that address the approval criteria in Section 10.202, Vacation Criteria.

Findings of Fact

The submitted application includes a vicinity map (Exhibit '2') and legal description of the area proposed to be vacated (Exhibit '4').

The application also includes an assessor map showing the proposed vacation area, and identifying those properties, which are abutting and those that fall within the affected area (Exhibit "3"), as defined by ORS 271.080.

Since this application is being initiated by the City, the letter requesting initiation is not needed.

The names and addresses of all abutting and other affected property owners, together with their map and tax lot numbers have been submitted on typed mailing labels.

Conclusion of Law

The City Council concludes that the submittal requirements of Section 10.201 have been met.

CITY OF MEDFORD CRITERIA FOR VACATION

Land Development Code Section 10.202 - Vacation Criteria

A request to vacate shall only be approved by the approving authority (City Council) when the following criteria have been met:

Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.

The City of Medford has separated the transportation goals, policies, and implementations from the Public Facilities Element, with the adoption of the Transportation System Plan in 2003, which then became a separate element of Medford's Comprehensive Plan. In addition to addressing the Public Facilities Element as required by (1) above, the applicant's findings also address compliance with the Transportation System Plan document.

Finding of Fact

The Medford City Council has considered the following facts, which are fundamental in making their decision regarding the subject application.

A review of the Public Facilities Element shows that there are no Goals, Policies, or Implementations of the element which serve as specific decisional criteria for the proposed vacation of this surplus right-of-way. However the following elements show that the proposed vacation is in compliance with the Public Facilities Element.

PUBLIC FACILITIES ELEMENT

Goal 1: To assure that development is guided and supported by appropriate types and levels of urban facilities and services, provided in a timely, orderly, and efficient arrangement.

Policy 1-A: The City of Medford shall provide, where feasible and as sufficient funds are available from public or private sources, the following facilities and services at levels appropriate for all land use types within the City:

- *Water service;*
- *Sanitary sewers;*
- *Stormwater management facilities;*
- *Fire and emergency services;*
- *Law enforcement;*
- *Parks and recreation;*
- *Planning, zoning, and subdivision control*

All of these key facilities are all available to the adjoining parcels from public infrastructure within the abutting rights-of-way, without having to utilize the area proposed to be vacated. Public Works/Engineering conditions that an easement over the entire area shall be reserved for storm drain, water, and any other public utility improvements currently existing therein.

Goal 2: To assure that General Land Use Plan (GLUP) designations and the development approval process remain consistent with the City of Medford's ability to provide adequate levels of essential public facilities and services.

Policy 2-B: The City of Medford shall strive to ensure that new development does not create public facility demands that diminish the quality of services to current residences and businesses below established minimum levels.

Any new development on the adjoining properties will be subject to City of Medford standards pertaining to public facility utilization. There are no known public facility service issues that will be diminished by virtue of the vacation of this area.

Conclusion of Law

The City Council concludes that there are no goals, policies, or implementation measures in the Public Facilities Element that serve as specific decisional criteria for the vacation of this right-of-way. The City Council also concludes that the proposed vacation is in conformance with Goal 2 as the vacation will not have an effect upon the quality of service to current residences and businesses and therefore, is not in conflict with the Public Facilities Element.

TRANSPORTATION SYSTEM PLAN

The following sections of the Transportation System Plan deal with Medford's street system and contain Goals, Policies, and Implementations that will be addressed to show that the proposed application is in compliance with the Transportation System Plan.

Street System

GOAL 2: To provide a comprehensive street system that serves the mobility and multi-modal transportation needs of the Medford planning area.

Street System - Classification

Policy 2-A: The City of Medford shall classify streets so as to provide an optimal balance between mobility and accessibility for all transportation modes consistent with street function.

Implementation 2-A(1): Utilize the Street Classification Map of the Medford Transportation System Plan to identify land for public rights-of way and to give Advance notice to property owners and citizens regarding future expansions of the street system.

Findings of Fact

Holly Street is classified as a Minor Collector Street and Garfield Street is classified as a Major Arterial Street on the City's Street Classification map. Within the area of the proposed vacation, both roadways have been recently improved to the City's Standards for each road classification.

Conclusion of Law

The City Council concludes that the City's Street System Goals as stated above have been met, and that the vacation of the surplus area outside of the improvements will not affect Medford's circulation plan.

Street System - Design

Policy 2-C: The City of Medford shall design the street system to safely and efficiently accommodate multiple travel modes within public rights-of way.

Implementation 2-C(1): Apply the street design standard that most safely and efficiently provides multi-modal capacity respective to the functional classification of the street, mitigating noise, energy consumption, neighborhood disruption, economic losses, and other social, environmental, or institutional disruptions. Use of adopted neighborhood plans should determine the specific look and character of each neighborhood and its street system.

Findings of Fact

When Holly Street and Garfield Street were improved, both facilities included bike lanes in each direction and sidewalks on both sides of the streets, which meet the City standards for a multi-modal facility.

Conclusion of Law

The City Council concludes that the City's standards for a multi-modal facility have already met through the road improvements.

STATE OF OREGON CRITERIA FOR VACATION

Vacation on city governing body's own motion; appeal. ORS 271.130

(1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages.

Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases.

Findings of Fact

The City Council has initiated the vacation of the right-of-way without a petition or consent of property owners. Notice has been given as provided by ORS 271.110. The applicant has submitted Exhibit "4" showing the legal affected area, as defined by ORS 271.080(2). To date, no owners of property within the affected area have objected in writing to the vacation.

The opportunity exists for a property owner affected by the order of vacation to appeal the City Council's decision.

Conclusion of Law

The City Council concludes that the vacation has been initiated on their own motion, and that owners of a majority of the area affected have not objected in writing to the vacation. The City Council also concludes that all city liens and all taxes have been paid on the lands covered by the vacation area.

G. ULTIMATE CONCLUSION

Based upon the above Findings of Fact and Conclusions of Law, the City Council concludes that the application for vacation of the subject area as depicted in the submitted application is consistent with the relevant decisional criteria found in Section 10.202 of Medford's Land Development Code and Chapter 271.130 of the Oregon Revised Statutes, and can therefore be approved.

Respectively Submitted,



Kenneth Parducci
CITY OF MEDFORD – PUBLIC WORKS/ENGINEERING DEPT.

Dated: December 11, 2015

Exhibit D
Legal Descriptions of the Area to be
Vacated

Received 12/21/15



EXHIBIT A

HOLLY STREET IMPROVEMENT PROJECT # P-1561
PARTIAL VACATION
SOUTH HOLLY STREET
CITY OF MEDFORD
371W31C
RW# 7400

VACATION

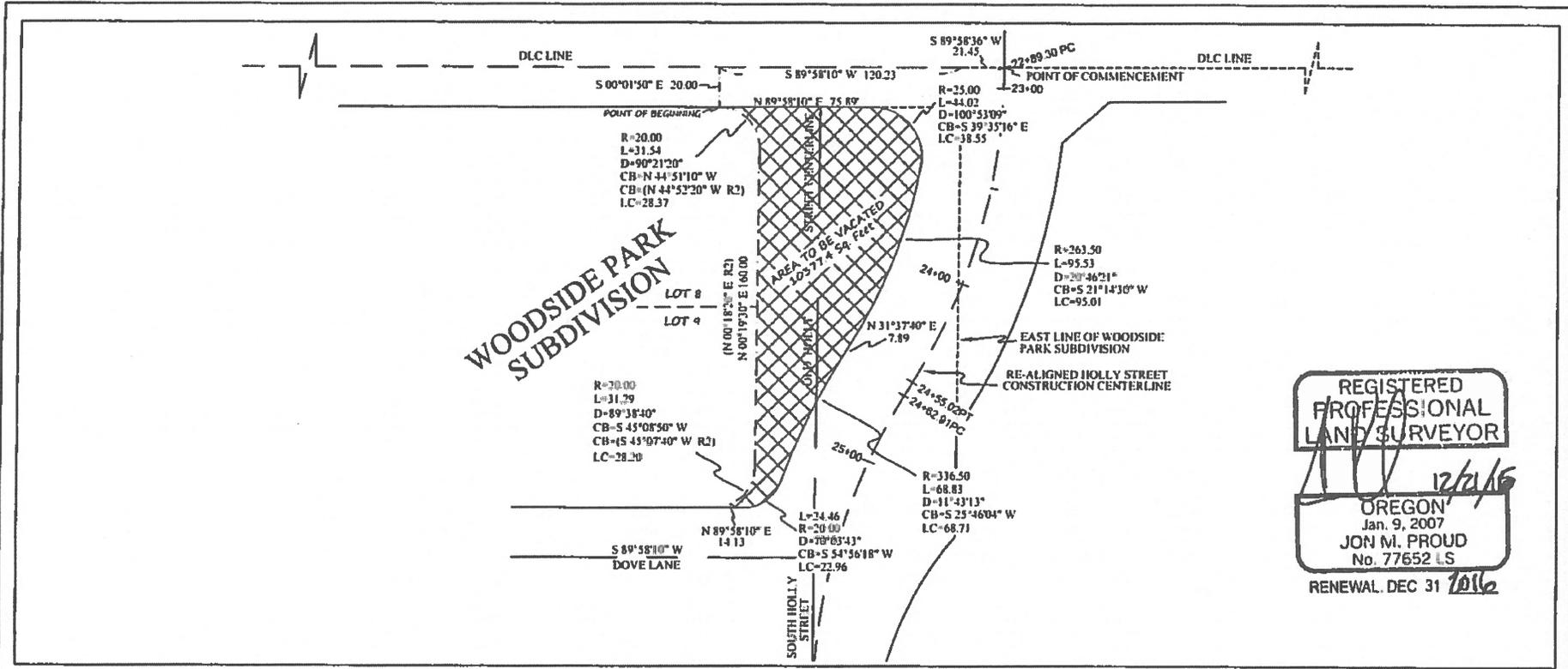
A TRACT OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON AND BEING A PORTION OF THAT PROPERTY DEDICATED TO THE CITY OF MEDFORD AS PUBLIC RIGHT OF WAY ON WOODSIDE PARK SUBDIVISION FILED AS VOLUME 17 PAGE 7 OF RECORDS OF JACKSON COUNTY, RECORDED APRIL 20TH, 1992 AND FILED AS SURVEY NUMBER 12955 IN THE JACKSON COUNTY SURVEYORS OFFICE, ALSO SHOWN ON SURVEY NUMBER 21256 AS FILED IN THE JACKSON COUNTY SURVEYORS OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE DONATION LAND CLAIM LINE AND THE CONSTRUCTION CENTERLINE OF SOUTH HOLLY STREET AS SHOWN ON SAID FILED SURVEY 21256; THENCE ALONG SAID DONATION LAND CLAIM LINE SOUTH 89°58'36" WEST A DISTANCE OF 21.45 FEET; THENCE SOUTH 89°58'10" WEST A DISTANCE OF 120.23 FEET; THENCE LEAVING SAID DONATION LAND CLAIM LINE SOUTH 00°01'50" EAST A DISTANCE OF 20.00 FEET, TO A POINT ON THE NORTH LINE OF WOODSIDE PARK SUBDIVISION ALSO BEING A POINT ON THE DEDICATED RIGHT OF WAY LINE OF SOUTH HOLLY STREET PER SAID WOODSIDE PARK SUBDIVISION AND THE POINT OF BEGINNING; THENCE ALONG SAID RIGHT OF WAY ALONG THE ARC OF A 20 00 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS: SOUTH 44°51'10" EAST A DISTANCE OF 28.37 FEET) AN ARC DISTANCE OF 31.54 FEET; THENCE SOUTH 00°19'30" WEST A DISTANCE OF 160.00 FEET; THENCE ALONG THE ARC OF A 20 00 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS: SOUTH 45°08'50" WEST A DISTANCE OF 28 20 FEET) AN ARC DISTANCE OF 31.29 FEET, TO A POINT OF CUSP ON THE NORTHERLY RIGHT OF WAY OF DOVE LANE AS DEDICATED IN SAID WOODSIDE SUBDIVISION; THENCE LEAVING SAID RIGHT OF WAY NORTH 89°58'10" EAST A DISTANCE OF 14.13 FEET; THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE LEFT (THE CHORD OF WHICH BEARS: NORTH 54°56'18" EAST A DISTANCE OF 22.96 FEET) AN ARC DISTANCE OF 24.46 FEET, TO A POINT OF REVERSE CURVATURE AND BEING 36.50 FEET WHEN MEASURED RADIAL FROM THE AFOREMENTIONED CONSTRUCTION CENTERLINE OF SOUTH HOLLY STREET; BEING 36.50 FEET PARALLEL AND CONCENTRIC TO SAID CONSTRUCTION CENTERLINE THE FOLLOWING THREE CALLS: THENCE ALONG THE ARC OF A 336.50 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS: NORTH 25°46'04" EAST A DISTANCE OF 68.71 FEET) AN ARC DISTANCE OF 68.83 FEET; THENCE NORTH 31°37'40" EAST A DISTANCE OF 7.89 FEET; THENCE ALONG THE ARC OF A 263.50 FOOT RADIUS CURVE TO THE LEFT (THE CHORD OF WHICH BEARS: NORTH 21°14'30" EAST A DISTANCE OF 95.01 FEET) AN ARC DISTANCE OF 95.53 FEET TO A POINT OF COMPOUND CURVATURE; THENCE ALONG THE ARC OF A 25.00 FOOT RADIUS CURVE TO THE LEFT (THE CHORD OF WHICH BEARS: NORTH 39°35'16" WEST A DISTANCE OF 38.55 FEET) AN ARC DISTANCE OF 44.02 FEET TO A POINT ON THE NORTH LINE OF SAID WOODSIDE PARK SUBDIVISION; THENCE ALONG SAID NORTH LINE SOUTH 89°58'10" WEST A DISTANCE OF 75.89 FEET, TO THE POINT OF BEGINNING.

THIS TRACT OF LAND TO WHICH THIS DESCRIPTION APPLIES CONTAINS 10,379 SQUARE FEET, MORE OR LESS.

BEARINGS BASED ON COUNTY SURVEY NUMBER 21256, FILED AT THE JACKSON COUNTY SURVEYORS OFFICE.

THE GRAPHIC DEPICTION OF THE ABOVE DESCRIPTION IS SHOWN ON EXHIBIT "B" ATTACHED HERETO.



REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature] 12/21/15

OREGON
Jan. 9, 2007
JON M. PROUD
No. 77652 LS

RENEWAL DEC 31 2016

CITY OF MEDFORD - SURVEYING DEPARTMENT		
EXHIBIT "B"		
SOUTH HOLLY STREET VACATION VACATION EXHIBIT		
WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"		
DRAWN BY	SPM	DATE 12/21/15
CHECKED BY	JMP	DATE 12/21/15
APPROVED		DATE
APPROVED CITY TRANSPORTATION MANAGER		DATE
REVIEWED BY CITY ENGINEER		DATE
APPROVED BY ORDINANCE NO.		DATE
PROJECT NO.		P-1561
SHEET NO.		1

371W31C

Drawing name: P:\STAFF FOLDERS\Survey\1561 HOLLY\DRAWINGS\HOLLY POST CONSTRUCTION\W31C.dwg Date: 21. 2015 8:46am



EXHIBIT A

HOLLY STREET IMPROVEMENT PROJECT # P-1561
PARTIAL VACATION
SOUTH HOLLY STREET
CITY OF MEDFORD
371W31C
RW# 7401

PUBLIC UTILITY EASEMENT (PUE)

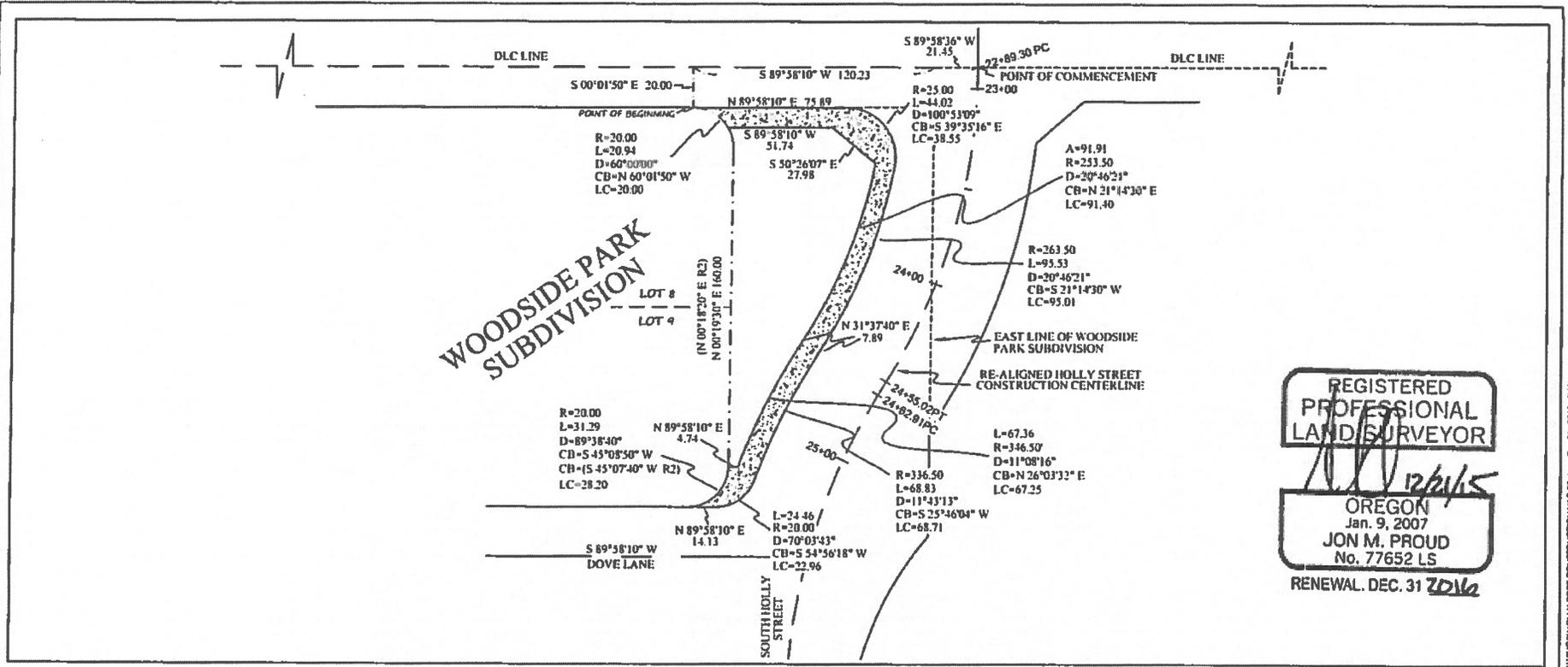
A TRACT OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON AND BEING A PORTION OF THAT PROPERTY DEDICATED TO THE CITY OF MEDFORD AS PUBLIC RIGHT OF WAY ON WOODSIDE PARK SUBDIVISION FILED AS VOLUME 17 PAGE 7 OF RECORDS OF JACKSON COUNTY, RECORDED APRIL 20TH, 1992 AND FILED AS SURVEY NUMBER 12955 IN THE JACKSON COUNTY SURVEYORS OFFICE, ALSO SHOWN ON SURVEY NUMBER 21256 AS FILED IN THE JACKSON COUNTY SURVEYORS OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THIS TRACT OF LAND TO WHICH THIS DESCRIPTION APPLIES CONTAINS 3,082 SQUARE FEET, MORE OR LESS.

BEARINGS BASED ON COUNTY SURVEY NUMBER 21256, FILED AT THE JACKSON COUNTY SURVEYORS OFFICE.

THE GRAPHIC DEPICTION OF THE ABOVE DESCRIPTION IS SHOWN ON EXHIBIT "B" ATTACHED HERETO.



REGISTERED
PROFESSIONAL
LAND SURVEYOR

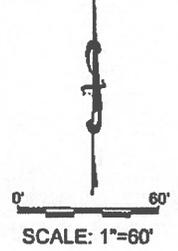
[Signature] 12/21/15

OREGON
Jan. 9, 2007
JON M. PROUD
No. 77652 LS

RENEWAL. DEC. 31 2016

LEGEND

 PUBLIC UTILITY EASEMENT
(3,082+/- SQ FT)



CITY OF MEDFORD - SURVEYING DEPARTMENT

EXHIBIT "B"

SOUTH HOLLY STREET VACATION
PUBLIC UTILITY EASEMENT

WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"

DRAWN BY	SPM	DATE	12/21/15	PROJECT NO.	P-1561
CHECKED BY	JMP	DATE	12/21/15		
APPROVED		DATE			
APPROVED CITY TRANSPORTATION MANAGER		DATE			SHEET NO.
REVIEWED BY CITY ENGINEER		DATE			1
APPROVED BY ORDINANCE NO.		DATE			



EXHIBIT A

**HOLLY STREET IMPROVEMENT PROJECT # P-1561
EXCLUSIVE PERPETUAL SEWER EASEMENT
SOUTH HOLLY STREET
CITY OF MEDFORD
371W31C
RW# 7402**

SEWER EASEMENT

A TRACT OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON AND BEING A PORTION OF THAT PROPERTY DEDICATED TO THE CITY OF MEDFORD AS PUBLIC RIGHT OF WAY ON WOODSIDE PARK SUBDIVISION FILED AS VOLUME 17 PAGE 7 OF RECORDS OF JACKSON COUNTY, RECORDED APRIL 20TH, 1992 AND FILED AS SURVEY NUMBER 12955 IN THE JACKSON COUNTY SURVEYORS OFFICE, ALSO SHOWN ON SURVEY NUMBER 21256 AS FILED IN THE JACKSON COUNTY SURVEYORS OFFICE, BEING A 10.00 FOOT WIDE SANITARY SEWER EASEMENT LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

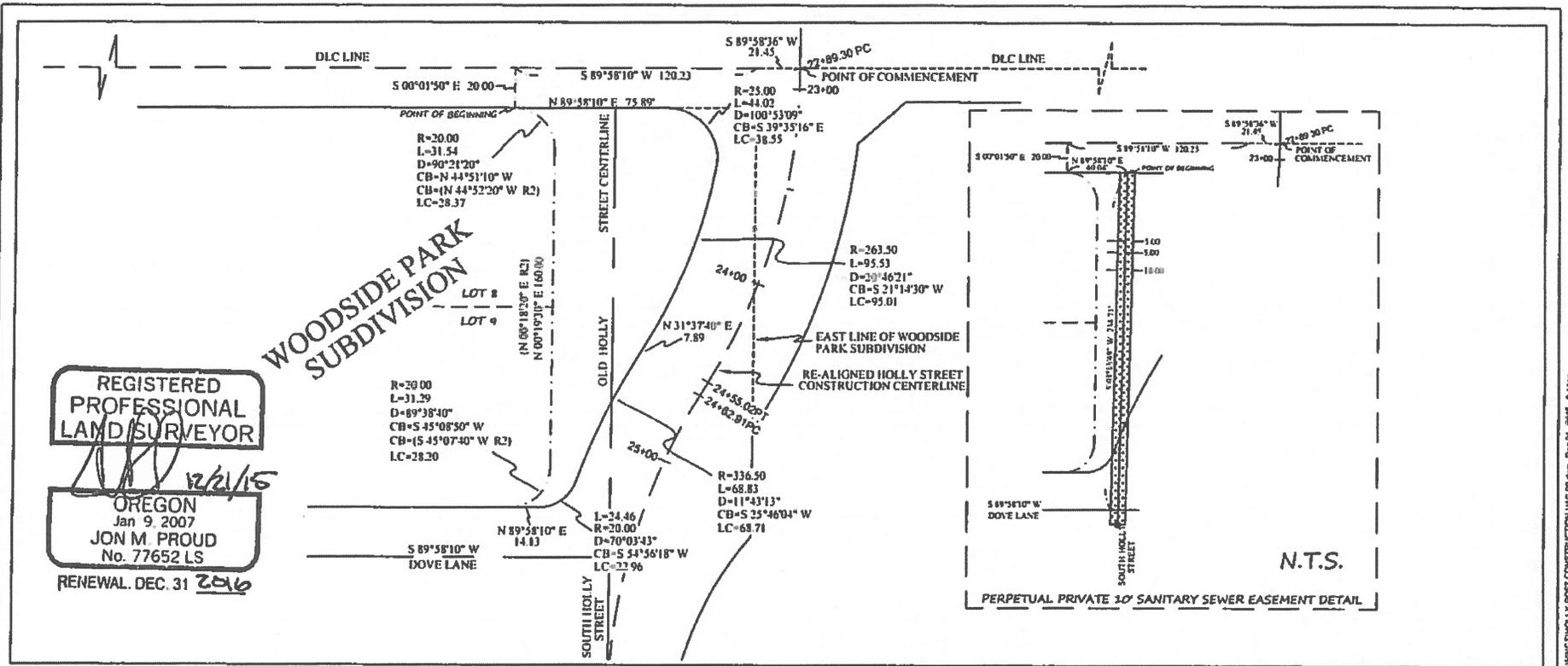
COMMENCING AT THE INTERSECTION OF THE DONATION LAND CLAIM LINE AND THE CONSTRUCTION CENTERLINE OF SOUTH HOLLY STREET AS SHOWN ON SAID FILED SURVEY 21256; THENCE ALONG SAID DONATION LAND CLAIM LINE SOUTH 89°58'36" WEST A DISTANCE OF 21.45 FEET; THENCE SOUTH 89°58'10" WEST A DISTANCE OF 120.23 FEET; THENCE LEAVING SAID DONATION LAND CLAIM LINE SOUTH 00°01'50" EAST A DISTANCE OF 20.00 FEET, TO A POINT ON THE NORTH LINE OF WOODSIDE PARK SUBDIVISION ALSO BEING A POINT ON THE DEDICATED RIGHT OF WAY LINE OF SOUTH HOLLY STREET PER SAID WOODSIDE PARK SUBDIVISION; THENCE ALONG SAID NORTH LINE OF WOODSIDE PARK SUBDIVISION NORTH 89°58'10" EAST A DISTANCE OF 40.04 FEET; TO THE POINT OF BEGINNING; THENCE SOUTH 01°13'49" WEST A DISTANCE OF 234.71 FEET, TO A SANITARY SEWER MANHOLE LOCATED SOUTH 54°57'34" WEST A DISTANCE OF 16.86 FEET FROM THE INTERSECTION OF SOUTH HOLLY STREET AND DOVE LANE PER SAID WOODSIDE PARK SUBDIVISION.

EXCEPT THEREFROM ANY PROPERTY DESIGNATED AS PUBLIC RIGHT OF WAY.

THIS TRACT OF LAND TO WHICH THIS DESCRIPTION APPLIES CONTAINS 2,347 SQUARE FEET, MORE OR LESS.

BEARINGS BASED ON COUNTY SURVEY NUMBER 21256, FILED AT THE JACKSON COUNTY SURVEYORS OFFICE.

THE GRAPHIC DEPICTION OF THE ABOVE DESCRIPTION IS SHOWN ON EXHIBIT "B" ATTACHED HERETO.



LEGEND

 PERPETUAL PRIVATE/EXCLUSIVE ACCESS EASEMENT (2,347+/- SQ FT)



CITY OF MEDFORD - SURVEYING DEPARTMENT

EXHIBIT "B"

**SOUTH HOLLY STREET VACATION
 10' PRIVATE PERPETUAL SEWER EASEMENT**

WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"

DRAWN BY	SPM	DATE	12/21/15	PROJECT NO.	P-1561
CHECKED BY	JMP	DATE	12/21/15		
APPROVED		DATE		SHEET NO.	1
APPROVED BY CITY TRANSPORTATION MANAGER		DATE			
REVIEWED BY CITY ENGINEER		DATE			
APPROVED BY ORDINANCE NO		DATE			



EXHIBIT A

**HOLLY STREET IMPROVEMENT PROJECT # P-1561
EXCLUSIVE PERPETUAL ACCESS EASEMENT
SOUTH HOLLY STREET
CITY OF MEDFORD
371W31C
RW# 7403**

ACCESS EASEMENT

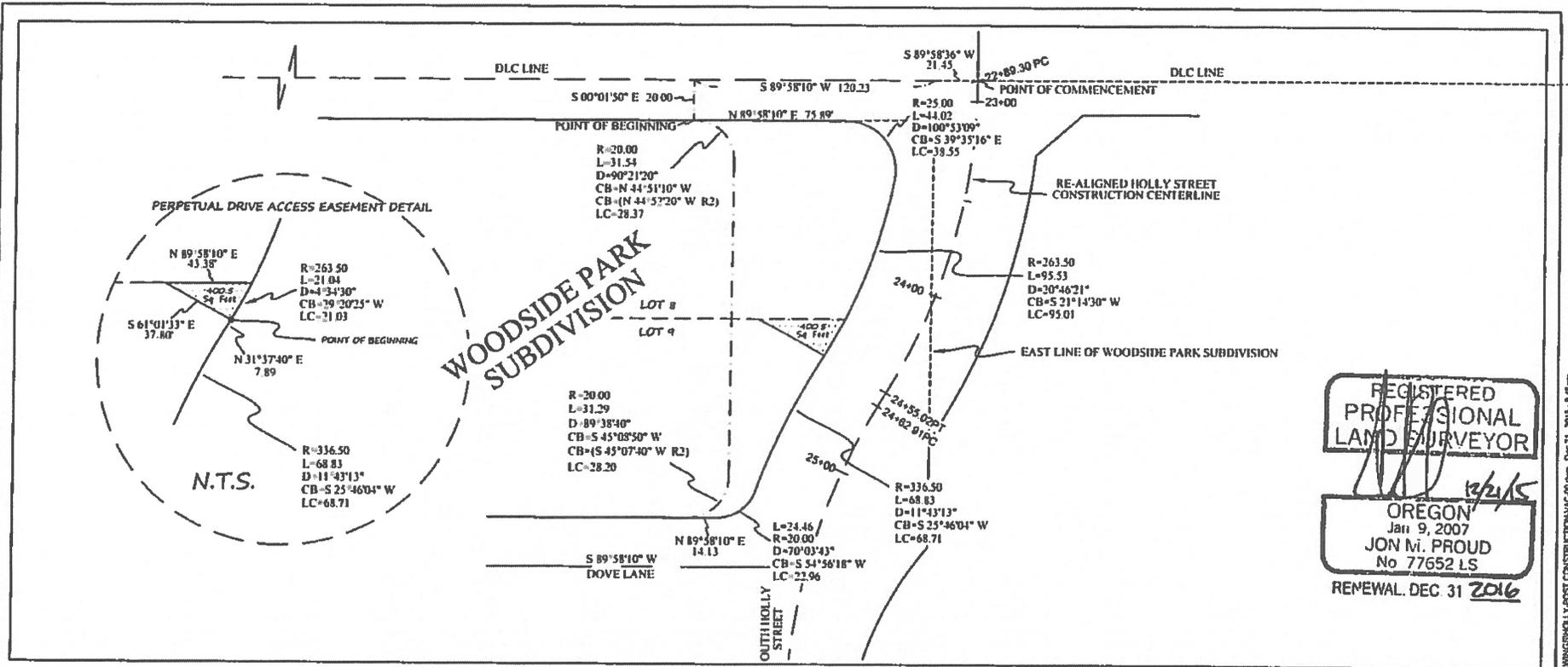
A TRACT OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON AND BEING A PORTION OF THAT PROPERTY DEDICATED TO THE CITY OF MEDFORD AS PUBLIC RIGHT OF WAY ON WOODSIDE PARK SUBDIVISION FILED AS VOLUME 17 PAGE 7 OF RECORDS OF JACKSON COUNTY, RECORDED APRIL 20TH, 1992 AND FILED AS SURVEY NUMBER 12955 IN THE JACKSON COUNTY SURVEYORS OFFICE, ALSO SHOWN ON SURVEY NUMBER 21256 AS FILED IN THE JACKSON COUNTY SURVEYORS OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE DONATION LAND CLAIM LINE AND THE CONSTRUCTION CENTERLINE OF SOUTH HOLLY STREET AS SHOWN ON SAID FILED SURVEY 21256; THENCE ALONG SAID DONATION LAND CLAIM LINE SOUTH 89°58'36" WEST A DISTANCE OF 21.45 FEET; THENCE SOUTH 89°58'10" WEST A DISTANCE OF 120.23 FEET; THENCE LEAVING SAID DONATION LAND CLAIM LINE SOUTH 00°01'50" EAST A DISTANCE OF 20.00 FEET, TO A POINT ON THE NORTH LINE OF WOODSIDE PARK SUBDIVISION ALSO BEING A POINT ON THE DEDICATED RIGHT OF WAY LINE OF SOUTH HOLLY STREET PER SAID WOODSIDE PARK SUBDIVISION; THENCE ALONG SAID RIGHT OF WAY ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS: SOUTH 44°51'10" EAST A DISTANCE OF 28.37 FEET) AN ARC DISTANCE OF 31.54 FEET; THENCE SOUTH 00°19'30" WEST A DISTANCE OF 160.00 FEET; THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS: SOUTH 45°08'50" WEST A DISTANCE OF 28.20 FEET) AN ARC DISTANCE OF 31.29 FEET, TO A POINT OF CUSP ON THE NORTHERLY RIGHT OF WAY OF DOVE LANE AS DEDICATED IN SAID WOODSIDE SUBDIVISION; THENCE LEAVING SAID RIGHT OF WAY NORTH 89°58'10" EAST A DISTANCE OF 14.13 FEET; THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE LEFT (THE CHORD OF WHICH BEARS: NORTH 54°56'18" EAST A DISTANCE OF 22.96 FEET) AN ARC DISTANCE OF 24.46 FEET, TO A POINT OF REVERSE CURVATURE AND BEING 36.50 FEET WHEN MEASURED RADIAL FROM THE AFOREMENTIONED CONSTRUCTION CENTERLINE OF SOUTH HOLLY STREET; BEING 36.50 FEET PARALLEL AND CONCENTRIC TO SAID CONSTRUCTION CENTERLINE THE FOLLOWING THREE CALLS: THENCE ALONG THE ARC OF A 336.50 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS: NORTH 25°46'04" EAST A DISTANCE OF 68.71 FEET) AN ARC DISTANCE OF 68.83 FEET; THENCE NORTH 31°37'40" EAST A DISTANCE OF 7.89 FEET, TO THE POINT OF BEGINNING; THENCE NORTH 61°01'33" WEST A DISTANCE OF 37.80 FEET, TO A POINT OF THE EASTERLY EXTENSION OF THE EAST-WEST LINE BETWEEN LOTS 8 AND 9 OF SAID WOODSIDE PARK SUBDIVISION; THENCE ALONG SAID EASTERLY EXTENSION NORTH 89°58'10" EAST A DISTANCE OF 56.79 FEET, TO A POINT THAT IS 36.50 FEET WHEN MEASURED RADIAL FROM THE AFOREMENTIONED CONSTRUCTION CENTERLINE OF SOUTH HOLLY STREET; THENCE BEING 36.50 FEET PARALLEL AND CONCENTRIC TO SAID CONSTRUCTION CENTERLINE ALONG THE ARC OF A 263.50 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS: SOUTH 29°20'25" WEST A DISTANCE OF 21.03 FEET) AN ARC DISTANCE OF 21.04 FEET, TO THE POINT OF BEGINNING.

THIS TRACT OF LAND TO WHICH THIS DESCRIPTION APPLIES CONTAINS 401 SQUARE FEET, MORE OR LESS.

BEARINGS BASED ON COUNTY SURVEY NUMBER 21256, FILED AT THE JACKSON COUNTY SURVEYORS OFFICE.

THE GRAPHIC DEPICTION OF THE ABOVE DESCRIPTION IS SHOWN ON EXHIBIT "B" ATTACHED HERETO.



371W31C

Drawing name: P:\STAFF FOLDERS\S-survey\1561 HOLLY VAC\HOLLY-POST CONSTRUCTION\AC-00.dwg Date: 21, 2015 9:48am

Exhibit E
Public Works Report
Received 10/21/15



Continuous Improvement Customer Service

CITY OF MEDFORD

Date: 10/21/2015
File Number: SV-15-114

PUBLIC WORKS DEPARTMENT STAFF REPORT Right-of-Way Vacation Holly Street

Project: Request for the vacation of 10,379 square feet of public street right-of-way at the southwest corner of the intersection of South Holly Street and Garfield Street; City of Medford Public Works Department, Applicant (Kenneth Parducci, Agent). Jennifer Jones, Planner.

The right-of-way under consideration was previously used for Holly Street prior to the Holly Street Extension Improvements. There is a public storm drain and waterline within this section of the right-of-way, but it is unknown whether there are any other public utilities within the right-of-way.

Public Works concurs with the request to vacate the subject existing right-of-way, with the condition that an easement over the entire area shall be reserved for storm drain, water, and any other public utility improvements currently existing therein. The easement shall include the right to access, maintain, and construct these utilities within the easement area.

Prepared by: Doug Burroughs

C:\Users\jmjones\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\IWUWYOU8\SV-15-114 Staff Report.docx

Page 1

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

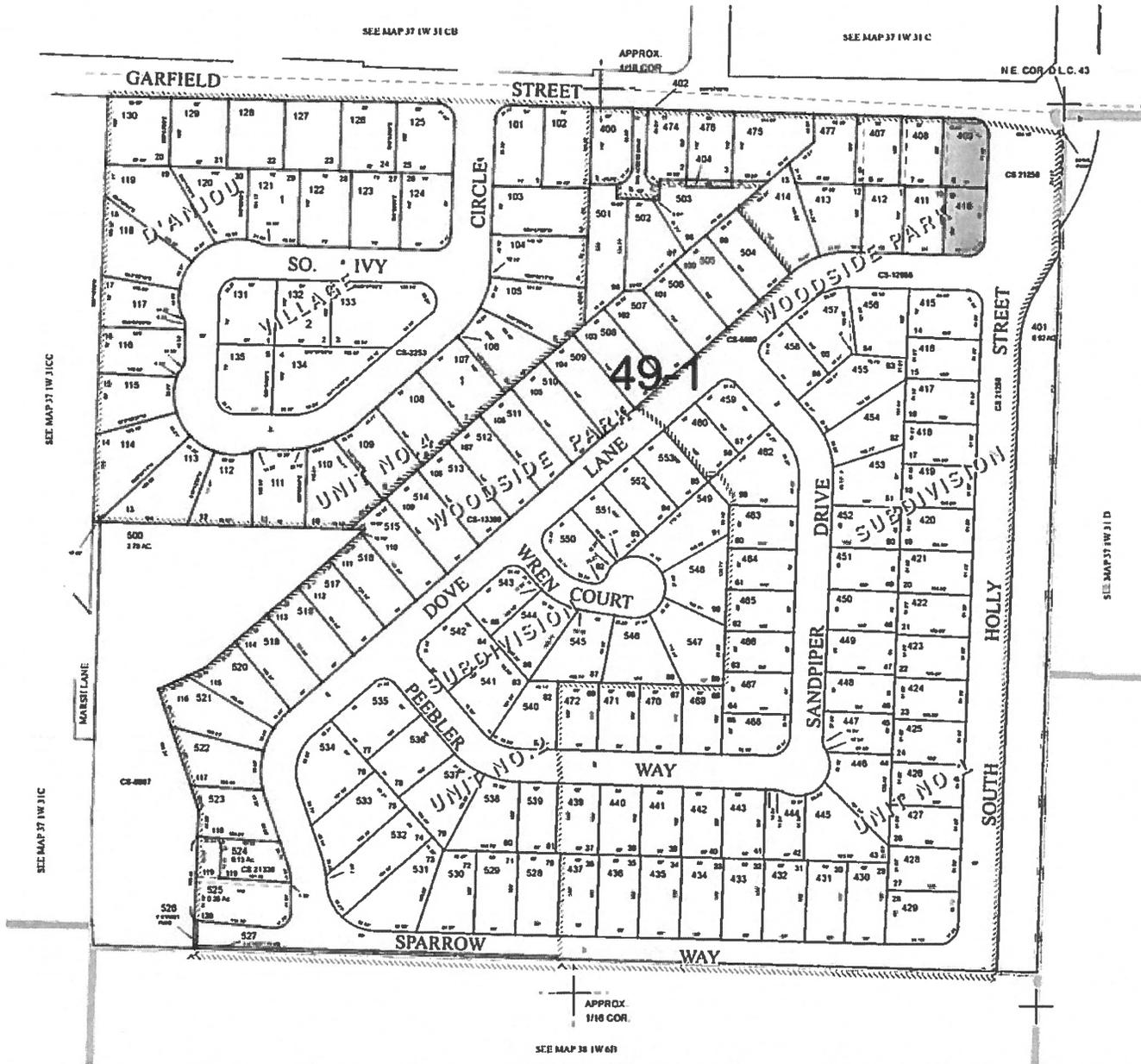
TELEPHONE (541) 774-2100
FAX (541) 774-2552

Exhibit F
Jackson County Assessor's Map
Received 08/07/15

FOR ASSESSMENT AND
TAXATION ONLY

S.E. 1/4, S.W. 1/4, SEC. 31, T.37S., R.1W., W.M.
JACKSON COUNTY
1" = 100'

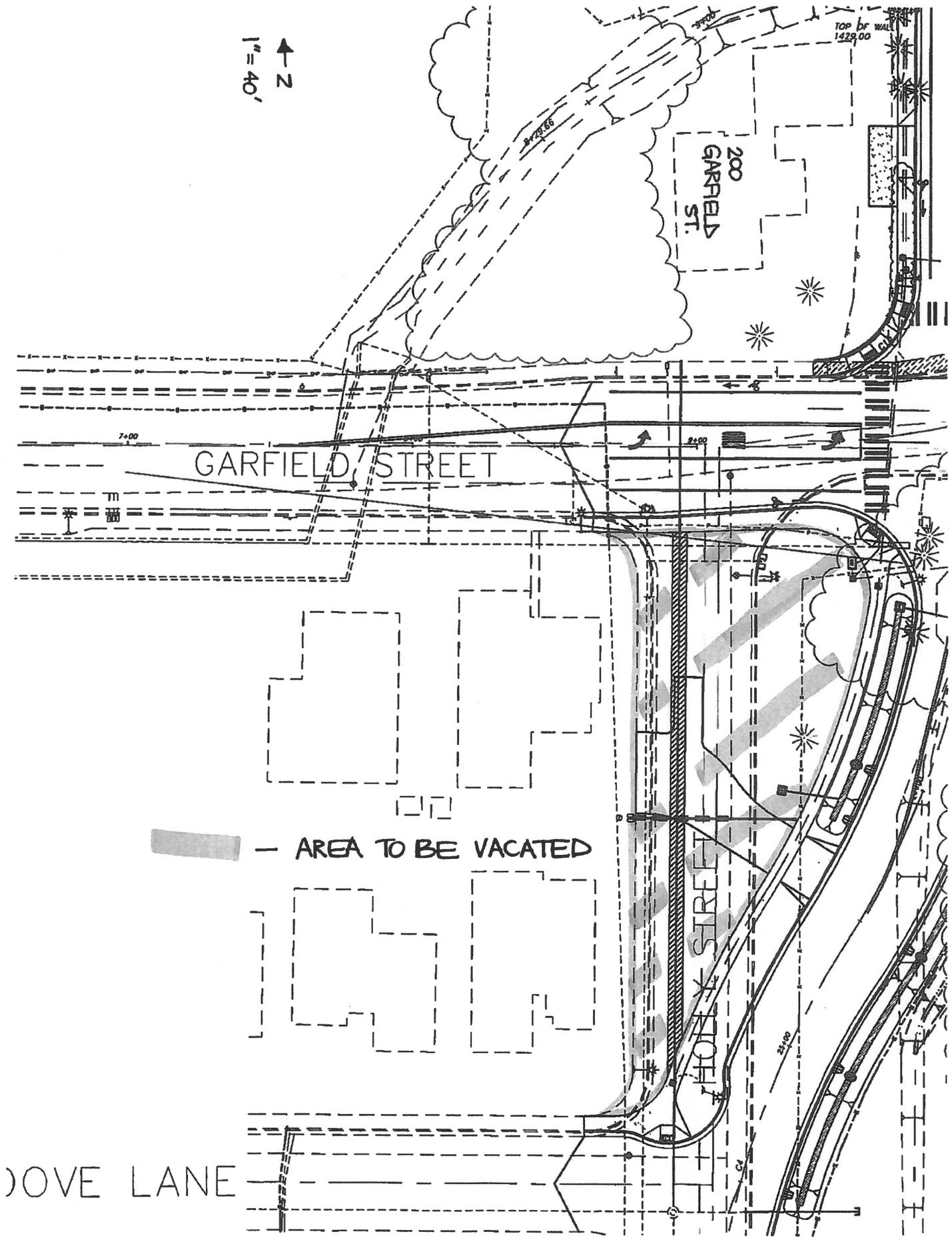
37 1W 31CD
MEDFORD



CANCELLED TAX
LIST NUMBERS

- 100 ADDED TO 501
- 300
- 403 ADDED TO 503
- 401 ADDED TO 501
- 406 ADDED TO 407
- 554 ADDED TO 525

Exhibit G
Subject Area Map
Received 08/07/15





Vicinity Map

Application Name/Description:
**Holly St Right-of-Way
Vacation**

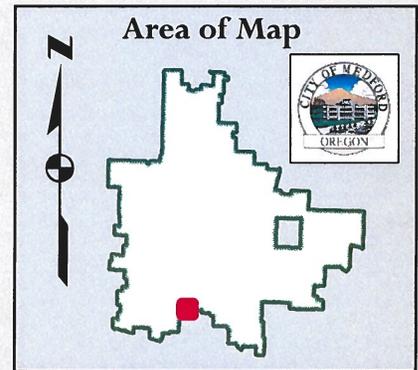
Proposal:
**Vacate right-of-way at
intersection of Holly St &
Garfield St (SW corner)**

File Numbers:
SV-15-114

Applicant:
Medford Public Works

Map/Taxlot:
N/A

-  Subject Area
-  Medford Zoning
-  UGB
-  Tax Lots
-  City Limits



08/11/2015





CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 120.3

www.ci.medford.or.us

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

AGENDA SECTION: Public Hearings
MEETING DATE: January 7, 2016

COUNCIL BILL 2016-08

An ordinance approving a minor amendment to the General Land Use Plan (GLUP) Map and the Public Facilities Element of the *Medford Comprehensive Plan* by removing the Limited Service Area overlay designation from 50 parcels totaling approximately 36 acres in the Lone Pine and Foothills area.

ISSUE STATEMENT & SUMMARY:

Consideration of an ordinance to remove the Limited Service Area Overlay designation from 50 parcels totaling approximately 36 acres in the Lone Pine/Foothills area. (CP-11-007/GLUP-11-008).

BACKGROUND:

- A. Council Action History**
None.
- B. Analysis**
The Limited Service Area Overlay was placed on these parcels in 1982 due to a lack of water service. Water service is now in place and of adequate capacity to serve the parcels at urban densities. There is no longer the need for the designation in this area.
- C. Financial and/or Resource Considerations**
No land use regulatory impacts to City funds anticipated.
- D. Timing Issues**
None. This action has been a low priority for a few years, but has been revived recently.

STRATEGIC PLAN:

Theme: Healthy Economy
Goal 6: Maintain and enhance community livability.
Objective 6.2: Ensure that the City's codes enable developers, for-profit and non-profit housing providers to meet the housing needs of the residents of Medford.
Action 6.2a: Remove unnecessary local regulatory impediments to providing needed housing.

COUNCIL OPTIONS:

- 1. Approve the ordinance as recommended by the Planning Commission.
- 2. Modify the ordinance.
- 3. Deny the ordinance.

STAFF RECOMMENDATIONS:

The Planning Commission recommends approval of the ordinance as presented. Staff concurs with the recommendation of the Commission.

SUGGESTED MOTION:

I move to approve the ordinance removing the Limited Service Area Overlay from the 50 parcels in the Lone Pine/Foothills area.

EXHIBITS:

Ordinance
Commission report dated December 14, 2015

ORDINANCE NO. 2016-08

AN ORDINANCE approving a minor amendment to the General Land Use Plan (GLUP) Map and the Public Facilities Element of the *Medford Comprehensive Plan* by removing the Limited Service Area overlay designation from 50 parcels totaling approximately 36 acres in the Lone Pine & Foothills area.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That a minor amendment to the GLUP Map of the *Medford Comprehensive Plan* to remove the Limited Service Area overlay designation from 50 parcels totaling an approximately 36 acres in the Lone Pine & Foothills area is hereby approved.

Section 2. That a minor amendment to the Public Facilities Element removing the text identifying and justifying the Lone Pine/Foothill Limited Service Area is hereby approved.

Section 3. The approval is based upon the Findings of Fact and Conclusions of Law included in the Commission Report dated December 14, 2015, attached as Exhibit A and incorporated herein.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2016.

Mayor

The Planning Department began working on this project in 2011. Other projects of higher priority came to the forefront and this project was postponed. Staff has been able to pick it up again and presents it to you now for consideration.

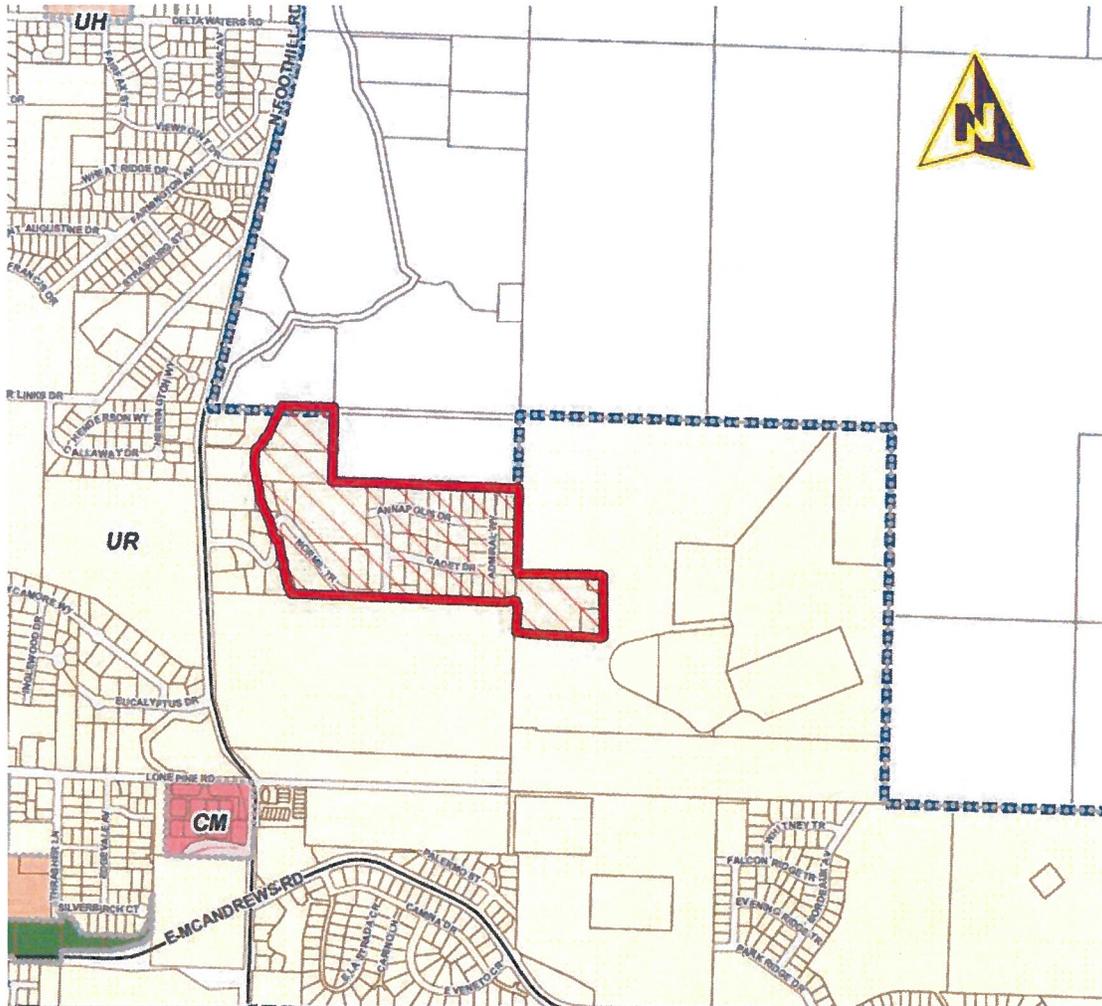


Figure 1. Proposal location and vicinity

A Planning Commission study session occurred on April 8, 2013. At that time, Planning staff was considering removal of the Limited Service Area Overlay in the Lone Pine/Foothill area, and application of the Overlay to a new area north of Satellite Drive and east of Panorama Drive above the 1,950-foot elevation contour where sewer service is not available. Planning has not yet received a request for Public Works to apply the Overlay to any new areas. Planning staff also considered eliminating the Overlay entirely due to the presence of other zoning designations that would possibly result in the same limit on development until adequate facilities/services were available. However, staff determined that the Overlay is the best method to deal with inadequate facilities or services.

More recently, there was a Planning Commission study session on November 23, 2015 in which the current proposal was presented and discussed.

The Planning Commission held a hearing on December 10, 2015. The Commission vote was 9–0 to recommend the proposed amendments.

Related projects

CP-82-028 – Comprehensive Plan amendment that applied the Limited Service Area Overlay to the Lone Pine/Foothills area.

Authority

Due to its limited scope, this proposed land use action is a Class-B Minor Quasi-Judicial Comprehensive Plan Amendment. The Planning Commission is authorized to initiate and recommend, and the City Council to approve, amendments to the Comprehensive Plan under Medford Municipal Code Sections 10.102, 10.110, 10.111, 10.122, 10.165, 10.185, and 10.186.

ANALYSIS

Subject site characteristics

Zoning	SFR-4 (49 parcels)	Single-family residential, 4 units/acre
	SFR-2 (1 parcel)	Single-family residential, 2 units/acre
GLUP Use	Urban Residential (UR) with Limited Service Area Overlay (LS) Residential	

Surrounding site characteristics

North	Outside city limits	
South	Outside city limits	
East	SFR-00	Residential
West	SFR-00/SFR-4	Residential

The need for the Limited Service Area Overlay in the Lone Pine/Foothill area is no longer applicable. Water facilities have been built and water is adequate to serve the area. Removing the Overlay will encourage under-developed parcels to develop to urban densities, and in a small way contribute to the larger need for urban residential land. Staff concludes that the proposed Comprehensive Plan amendments are supportable.

FINDINGS AND CONCLUSIONS

Applicable Criteria

For the applicable criteria the Medford Municipal Code Section 10.184(1) redirects to the criteria in the “Review and Amendments” chapter of the Comprehensive Plan. The applicable criteria in this action are those for conclusions, goals and policies, and map amendments. The criteria are set in *italics* below; findings and conclusions are in roman type.

Comprehensive Plan, Review and Amendments chapter: Amendments to Conclusions shall be based on the following:

- 1. A change or addition to the text, data, inventories, or graphics which substantially affects the nature of one or more conclusions.*

Findings

Water service is now available and has adequate capacity to serve the Lone Pine/Foothill area up to the 1,950-foot elevation.

Conclusions

In the Public Facilities Element, Water Service Conclusion #4 identifies the Lone Pine/Foothill area as having limited water service. This is no longer applicable, so the conclusion is being removed.

Comprehensive Plan, Review and Amendments chapter: Amendments to Goals and Policies, and Map Designations shall be based on the following:

- 1. A significant change in one or more Goal, Policy, or Implementation Strategy.*

Findings

Now that water is available and there is adequate capacity to serve the Lone Pine/Foothill area, all of the Lone Pine/Foothill Limited Service Area Goals and Policies in the Water Service section of the Public Facilities Element are no longer applicable.

Conclusions

In the Public Facilities Element, Water Service section, all of the Lone Pine/Foothill Limited Service Area Goals and Policies are no longer applicable and are being removed.

- 2. Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*

Findings

The proposed amendments do not accommodate unpredicted population trends, or assure adequate employment opportunities. They will, in a small way, satisfy urban housing needs. The Housing Element, adopted 12/2/10, projects a 465-acre need

for low-density urban residential (UR) land. Removal of the Limited Service Area Overlay will enable 13 under-developed (half an acre or larger) parcels totaling 30 acres, to develop to urban densities. The remaining 37 parcels have already been subdivided and built to urban densities.

Conclusions

By removing the Limited Service Area Overlay designation from these properties, this proposal will enable 13 under-developed parcels to develop to urban densities thus contributing 6% to the 465-acre need for low-density UR land.

3. The orderly and economic provision of key public facilities.

Findings

Transportation, water, and sewer utilities are available to these parcels with sufficient capacity to meet the needs of development at urban densities. The GLUP designation was applied to the parcels in 1982 due to a lack of water service. That issue has been resolved and water service is now available.

Conclusions

Sufficient facilities exist to accommodate the proposed change.

4. Maximum efficiency of land uses within the current urbanizable area.

Findings

The Urban Residential (UR) GLUP designation allows for low- to medium-density residentially-zoned properties. The Limited Service Area Overlay limits development to one dwelling unit and one accessory dwelling unit per parcel. Where development has not occurred in this area due to the lack of water service, the removal of the designation will encourage development

Conclusions

Removal of the Limited Service Area Overlay will result in a more efficient use of residential buildable land within the current city limits.

5. Environmental, energy, economic, and social consequences.

Findings

The subject parcels are inside the urban growth boundary and have already met the test concerning environmental impacts. No energy consequences are discernable. The removal of the Limited Service Area Overlay designation will, in a very small way, help to address a deficit in residential land. When the under-developed parcels

are built to urban densities it will stimulate economic development due to the jobs generated and the materials purchased.

Conclusions

There are no adverse environmental impacts since the subject properties have long been identified for urban development. In addition, there are no energy consequences as a result of the proposed amendments. The City has a deficit of urban residential land. A small amount of under-developed urban residential land in the Lone Pine/Foothill area will be able to develop to urban densities as a result of the removal of the Limited Service designation. A small degree of economic development will be seen as those properties begin to develop.

6. *Compatibility of the proposed change with other elements of the City Comprehensive Plan.*

Findings

General Land Use Plan Element

Goal 1: To maintain and update the City of Medford General Land Use Plan Map.

Policy 1-A: The City of Medford General Land Use Plan shall be reviewed at least every five years, and may be amended whenever it is determined that a change is warranted...

Conclusions

Now that water facilities are adequate for the area, a change to the GLUP Map to remove the Limited Service designation is warranted.

7. *All applicable Statewide Planning Goals.*

Goal 1—Citizen Involvement

Findings

Goal 1 requires the City to have a citizen involvement program that sets the procedures by which affected citizens will be involved in the land use decision process, including participation in the quasi-judicial revision of the Comprehensive Plan. Goal 1 requires provision of the opportunity to review proposed amendments prior to a public hearing, and recommendations must be retained and receive a response from policy-makers. The rationale used to reach land use 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 Comprehensive Plan amendments by the Planning Commission and City Council. Affected agencies and departments are invited to review and comment on such proposals, and hearing no-

tices are published in the local newspaper. This process has been adhered to in this proposed amendment. The proposal was made available for review on the City of Medford website and at the Planning Department. It was considered by the Planning Commission and the City Council during televised public hearings.

Conclusions

By following the standard notification and comment procedure, the City provided adequate opportunities for citizen input.

Goal 2— Land-use Planning

Findings

The City has a land use planning process and policy framework in the form of a Comprehensive Plan and development regulations in Chapter 10 of the Municipal Code that comply with Goal 2. These are the bases for decisions and actions.

Conclusions

There is an adequate factual basis for the proposed designation change.

Goal 3—Agricultural Lands does not apply.

Goal 4—Forest Lands does not apply.

Goal 5—Natural Resources, Scenic & Historic Areas & Open Spaces does not apply.

Goal 6—Air, Water, and Land Resources Quality does not apply.

Goal 7—Areas Subject to Natural Hazards does not apply.

Goal 8—Recreation Needs does not apply.

Goal 9—Economic Development

Findings

Thirty-seven of the subject parcels are already subdivided and built out. One-quarter of the subject parcels are greater than one-half an acre and if not vacant then the Limited Service designation has restricted them to only one home. Once the Limited Service designation is removed the property owners will be able to develop to urban densities. Development of these parcels will spur a small amount of economic development through construction job creation and material procurements

Conclusions

A small degree of economic development can be anticipated as a result of the proposed amendments.

Goal 10—Housing

Findings

Goal 10 requires that “plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.” The proposed change would remove the limit on development in the subject area and replace it with a potential for a greater number of housing units.

Conclusions

The removal of the Limited Services Area Overlay will result in a greater number of housing units, thus complying with Goal 10.

Goal 11—Public Facilities and Services

Findings

Refer to the findings under Criterion 3, above.

Conclusions

Refer to the conclusion under Criterion 3 above.

Goal 12—Transportation does not apply.

Goal 13—Energy Conservation does not apply.

Goal 14—Urbanization does not apply.

Goals 15–19 do not apply to this part of the State.

ACTION TAKEN

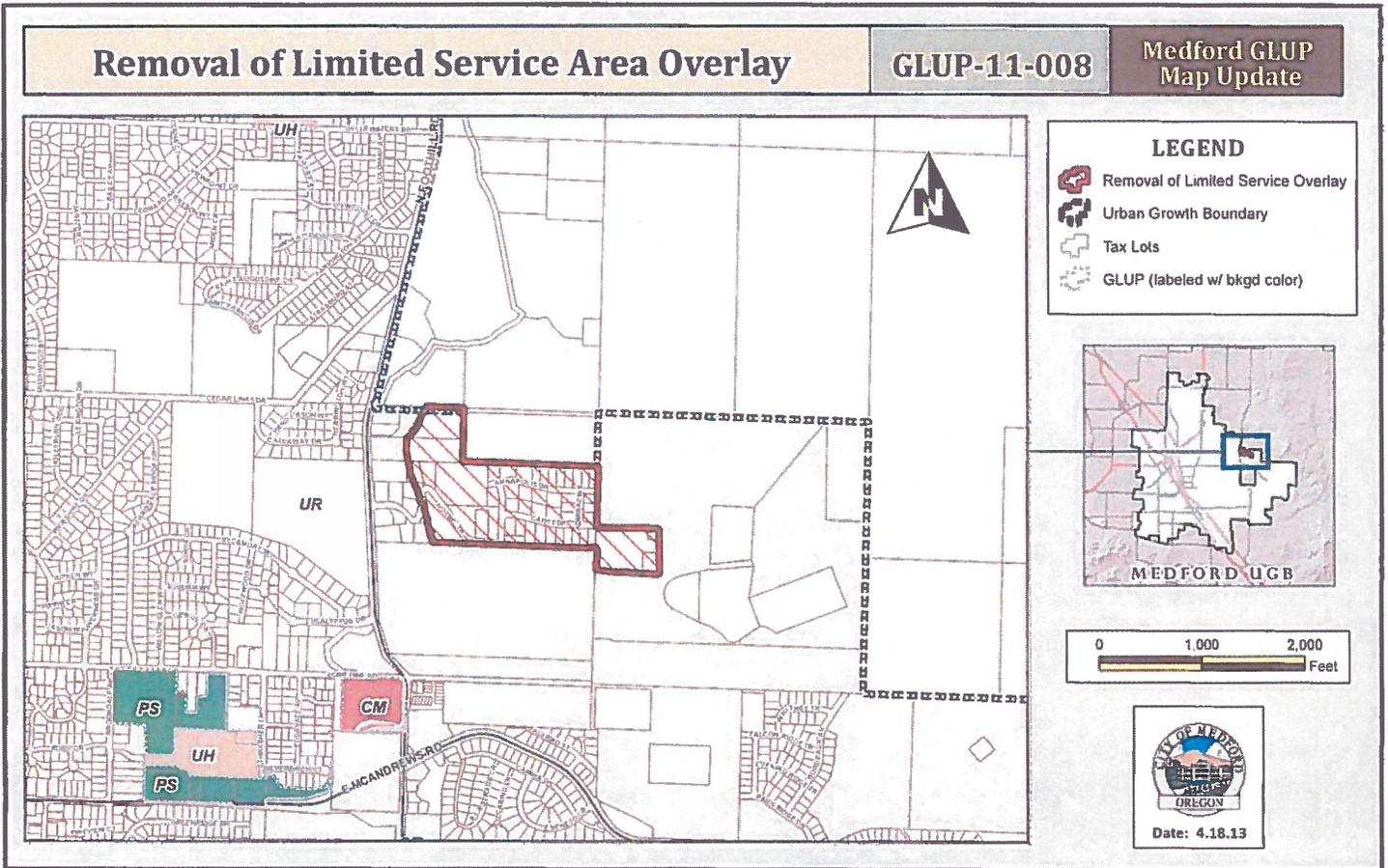
The Planning Commission recommends adopting the proposed amendments based on the analyses, findings, and conclusions in the Commission Report dated December 14, 2015, including Exhibits A through G.

EXHIBITS

- A Map of Limited Service Area Overlay to be Removed.
- B Proposed revisions to Public Facilities Element.
- C Proposed revisions to General Land Use Plan Element.
- D Letter from Mike Jantzer dated July 10, 2015
- E Minutes, Planning Commission Study Session, April 8, 2013
- F Minutes, Planning Commission Study Session, November 23, 2015
- G Minutes, Planning Commission Hearing, December 10, 2015

CITY COUNCIL AGENDA:

JANUARY 7, 2016



26

PUBLIC FACILITIES ELEMENT

I. INTRODUCTION

The fundamental purpose of the Public Facilities Element is to establish and maintain a general but timely view of where, when, and how public facilities and services will be provided to support planned urban growth within Medford's Urban Growth Boundary. Each year, decisions are made to commit considerable funds for acquisition, construction, expansion, and repair of public facility systems. One important role of this *Comprehensive Plan* element is to describe the principles and criteria underlying these decisions and to integrate them with the overall land use planning process.

Public facilities elements are required by state law (ORS 1197.175 and OAR 660-011) for all cities with a population greater than 2,500. The Public Facilities Element implements Statewide Planning Goal 11, which is intended to assure that cities plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development. This element was written in accordance with Oregon Administrative Rules (OAR) 660-011 (Public Facilities Planning).

Public Facilities Categories

Public facilities and services are divided into two categories.

Category "A" includes:

- Water Service
- Sanitary Sewer and Treatment
- Storm Drainage
- Transportation Facilities*

*Transportation will be temporarily covered in this element until adoption of the new Transportation Element when Medford's Transportation System Plan (TSP) is completed.

These are the key minimum physical facilities necessary for urban development and are those for which specific documentation is required by state rule.

Category "B" include:

- Fire Protection
- Law Enforcement
- Parks and Recreation
- Solid Waste Management
- Schools
- Health Services

PUBLIC FACILITIES ELEMENT

Category “B” public facilities and services enhance and protect development within the city and are provided in response to development that occurs. Because of this they will generally be discussed in less intensive detail than Category “A” facilities. The division of public facilities into these two categories is useful when determining facility adequacy prior to development. Creation of these two categories complies with OAR 660-011. This document identifies Category “A” facilities and the improvements to city infrastructure and services that are necessary to support land uses allowed by the *Comprehensive Plan*. Because this plan element also describes potential funding mechanisms, the plan is essential to long range financial planning of capital facilities, and provides general guidance for the cost and location of future facilities.

* * *

Service Areas

Each facility system serves different geographic sub-areas of the City. While facilities such as parks and schools relate more to neighborhoods defined by population size and travel time/distance, systems such as sewers, water, and storm water drainage are more logically defined by topography, soils, and other natural constraints. Such disparities can interfere with coordination of planning for public facilities, affecting different client populations.

To help overcome these barriers, the “Public Facilities Element” is organized, where possible, in relation to a common set of geographic sub-areas. These sub-areas are the nine Drainage Basins as defined in the 1996 *Comprehensive Medford Area Drainage Master Plan*.

Limited Service Areas

The timely provision of essential urban facilities and services is a policy of the City of Medford. The City’s ability to provide public facilities and services relates directly to the location and type of the new development being served. In cases, where the timely provision of essential urban facilities and services cannot be accomplished so as to achieve minimum adequate service levels, then that portion of the city subject to inadequate facilities or services is designated a **Limited Service Area** and any or all development may be restricted until threshold levels of essential urban services can be achieved. Limited Service Areas are considered as priority areas for public facility planning subject to other growth and development factors. Timely provision of essential urban facilities and services mean that such services will be provided in adequate condition and capacity prior to or concurrent with development of the subject area.

~~The area identified as the Lone Pine/Foothill Limited Service Area on the General Land Use Plan Map represents those parcels either within the city or the urban growth boundary that are unable to obtain public water as required for development at urban~~

PUBLIC FACILITIES ELEMENT

~~densities. Identification of this area as a limited service area provides notice to those concerned that the Lone Pine/Foothill Limited Service Area is subject to development restrictions as specifically set forth in the Lone Pine/Foothill Limited Service Area policies.~~

* * *

Conclusions, Goals, Policies, and Implementation Strategies

Each section of the “Public Facilities Element” contains its own conclusions, goals, policies, and implementation strategies. The conclusions are drawn from the information assembled and analyzed in each section. These conclusions are then used as a basis for the goals, policies, and implementation strategies.

General Public Facilities Conclusions

* * *

5. In areas of the Medford Urban Growth Boundary where the timely provision of essential urban facilities and services cannot be accomplished so as to achieve minimum established service levels, a “Limited Service Area” is designated. Development within a designated Limited Service Area may be restricted until threshold levels of essential urban services can be achieved.

* * *

General Public Facilities Goals, Policies, and Implementation Measures

* * *

Goal 2: To assure that General Land Use Plan (GLUP) designations and the development approval process remain consistent with the City of Medford’s ability to provide adequate levels of essential public facilities and services.

Policy 2-A: In cases where the timely provision of essential urban facilities and services cannot be accomplished so as to achieve minimum adequate service levels, that portion of the Medford urban growth area subject to inadequate services shall be designated **limited service area**, and any or all development may be restricted until threshold levels of essential services can be achieved. Limited service areas should be considered as priority areas for public facility planning subject to other growth and development factors. “Timely provision of essential urban facilities and services” shall mean that such services can be provided in adequate condition and capacity prior to or concurrent with development of the subject area. “Essential urban facilities and services” shall mean sanitary sewers, water systems, stormwater management facilities, and transportation facilities. A determination of minimum

PUBLIC FACILITIES ELEMENT

adequate service levels for essential urban facilities and services shall be based on the following:

* * *

Sanitary Sewers – Sufficient to serve any proposed development consistent with the General Land Use Plan (GLUP) designation. Sanitary sewer facilities shall be considered adequate if they are consistent with the adopted sewer plan document, as interpreted by the City Engineer.

Domestic Water – Sufficient to serve any proposed development with a permanent urban domestic water system capable of supplying minimum pressure and volume for projected domestic and fire control needs consistent with the General Land Use Plan (GLUP) designation. Water facilities shall be considered adequate if they are consistent with the adopted water system plan documents, as interpreted by the Water Commission Manager.

Storm Drainage Facilities – Sufficient to serve any proposed development consistent with the General Land Use Plan (GLUP) designation. Stormwater management facilities shall be considered adequate if they are consistent with the adopted storm drainage plan document, as interpreted by the City Engineer.

II. CATEGORY “A” FACILITIES

WATER SERVICE

Level of Service

* * *

~~There is one area in the UGB where the MWC is able to provide only limited service, north of Lone Pine Road and east of Foothill Road. This area has been designated as a Limited Service Area, and the Fordyce Water Association provides water service in this area. This area consists of about 16 households and a number of undeveloped parcels, all above the elevation of 1,650 feet. The Fordyce Water Association has a metered pump on a MWC line. The water is pumped up to a cedar holding tank for all the households in the area. In return for being allowed to tap into the MWC system, the Fordyce Water Association has agreed to hook up to the MWC system when the MWC is able to provide full service to this area. With increasing residential development in this area, it is expected that the Fordyce Water Association will be able to hook up to the MWC system within five to ten years.~~

* * *

PUBLIC FACILITIES ELEMENT

Water Service Conclusions

* * *

~~4. There is one area in the Medford Urban Growth Boundary, located north of Lone Pine Road and east of Foothill Road above the 1,650 foot elevation contour, where the Medford Water Commission is able to provide only limited service. This area is designated as a Limited Service Area in the Medford Comprehensive Plan.~~

~~5.4.~~The Medford Water Commission has begun water conservation efforts to facilitate improved conservation efficiencies over time.

~~6.5.~~The “Water Fund” is the general operating fund of the Medford Water Commission, and is generated from the sale of water, the income from the sale of service extensions and improvements, and system development charges (SDCs) applied to new customers.

Water Service Goals, Policies, and Implementation Measures

* * *

~~Lone Pine/Foothill Limited Service Area Goals and Policies~~

~~**Goal 1:** To identify the specific geographic area that is affected by the lack of a sufficient public water system as required to develop to urban densities. The area identified includes parcels that are all or partially above the 1,650 foot elevation contour in the Lone Pine/Foothill Area and within the Medford Urban Growth Boundary.~~

~~**Policy 1-A:** The 1,650 foot elevation contour represents the Medford Water Commission’s present service boundary for the Lone Pine/Foothill Limited Service Area. This particular boundary identifies the Water Commission’s present service limits for providing urban water service based on existing storage and distribution facilities.~~

~~**Goal 2:** To manage the development of the Lone Pine/Foothill Limited Service Area in an acknowledged manner conducive to the ultimate provision of a public water system meeting urban service requirements as per the “Water System Plan for the City of Medford Water Commission, September 1999.”~~

~~**Policy 2-A:** Within the Medford City limits, existing parcels on January 1, 1983 designated as in the Lone Pine/Foothill Limited Service Area, are permitted to develop at a density of one single family residence per existing tax lot. All such new~~

PUBLIC FACILITIES ELEMENT

~~development shall be serviced by an on-site private well, and, prior to the issuance of building permits, the property owner shall sign and record an agreement which runs with the land and commits same to participate in a local improvement district for the development of a public water system.~~

~~**Policy 2-B:** Final plats for land divisions within the City of Medford in the Lone Pine/Foothill Limited Service Area shall not be approved until a local improvement district for the development of a public water system is formed and construction commenced. However, tentative plats will be reviewed, and can be approved subject to the property owner(s) signing an agreement per Policy 2-A above. All tentative plats shall identify thereon, using City datum, the 1,650 foot elevation contour. A licensed land surveyor shall certify said contour line.~~

~~**Policy 2-C:** Those parcels within the Lone Pine/Foothill Limited Service Area that are only partially above the 1,650 foot elevation contour shall be permitted to subdivide and record a final plat as per City of Medford standards provided that the following is complied with:~~

- ~~a) Lots that are not serviceable by a public water system due to their proximity to the 1,650 foot elevation contour shall be identified on the tentative plat, and separated from the serviceable lots by a phase line drawn and identified in a manner prescribed by the Planning Director.~~
- ~~b) Prior to final plat approval for the serviceable phase of a subdivision, a final partition plat shall be prepared segregating the serviceable phase from the unserviceable phase of the subdivision as per the tentative plat. This final partition plat must be approved by the City and recorded with the Jackson County Recorder in conjunction with an agreement per Policy 2-A.~~

~~**Policy 2-D:** Lone Pine/Foothill Limited Service Area land located outside the Medford City limits, but within the Urban Growth Boundary, may subdivide and develop as per Jackson County regulations. Such development proposals that exceed RR-5 (Rural Residential—5 acre minimum lot size) density are not permitted.~~

~~**Policy 2-E:** As a prerequisite to urban development within the Lone Pine/Foothill Limited Service Area, annexations may be approved subject to the Limited Service Area designation and policies. Upon annexation, existing County zoning may remain in effect and be administered by the City.~~

* * *

GLUP MAP DESIGNATIONS

Exhibit C

The GLUP Map has 13 different land use designations, as listed below.

* * *

12. **Limited Service Area Overlay** This overlay designation represents those areas within the Urban Growth Boundary (UGB) that are not presently serviced with adequate public facilities or other services required for development to urban densities. The fundamental objective of distinguishing such areas is to provide development management programs that will eventually facilitate the provision of necessary facilities and services. ~~One such area is identified on the GLUP Map. The “Lone Pine/Foothills Limited Service Area,” located in the northeast part of the city, lacks a sufficient water system. (See the Public Facilities Element for additional information regarding this area.)~~
13. **Urban Growth Boundary** The City of Medford and Jackson County have established an Urban Growth Boundary (UGB), which delineates Medford’s urban and urbanizable areas. Following the 1990 UGB amendment there was a total of 17,889 acres (27.95 square miles) within the UGB including that land within the City. The UGB is site specific. Since the GLUP Map does not indicate lot lines, the UGB is also specified on the City of Medford Zoning Map, a map having lot lines, so that the location of specific parcels inside or outside of the UGB can be determined.

RECEIVED
JUL 10 2015
Planning Dept.

Mike W Jantzer
1701 Panorama Dr.
Medford, Or 97504

July 10, 2015

Exhibit D

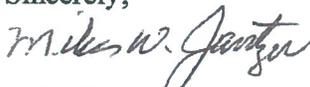
James E Huber, A.I.C.P.
Planning Director
City of Medford Planning Department
Lausmann Annex, 200 S. Ivy Street
Medford, Or 97501

Re: 371W150000400

Dear Mr. Huber:

I own tax lot 400, 63.43 acres, off of Panorama Drive in East Medford. It seems that the property is still designated as a limited service district. We brought water into the property several years ago and it has pressure to the upper property line at 1950 feet. Eric Johnson of the MWC said he has confirmed this with your department. I would like to request removal of tax lot 400 from the limited service designation.

Sincerely,



Mike W. Jantzer

CITY OF MEDFORD
EXHIBIT # D
File # CP-11-007/6LUP-11-008



MINUTES
PLANNING COMMISSION STUDY SESSION
April 8, 2013

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

Commissioners: Tim Jackle, Norman Fincher, Robert Tull, Patrick Miranda, Brita Entenmann, David McFadden and Michael Zarosinski.

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

Guests: Adam Mueller, Systems Administrator, Technology Services

Subject:

1. DCA-12-074 Temporary Uses and Vendors Code Amendment
2. CP-11-007 Initiation of Limited Services Overlay Elimination

Chair Jackle stated that Adam Mueller, Systems Administrator, Technology Service was in attendance to answer any questions that the Commissioners may have regarding their iPads.

Commissioner Miranda asked about the capability of printing from the iPad. Mr. Mueller responded that the City does not currently have the capability of printing from the iPad. The devices can print using an AirPrint enabled printer connected to the same Wi-Fi network but the City does not have any of those systems.

Kelly Akin, Principal Planner, reported that the Parks and Recreation Commission has been tasked with naming the park blocks at the Lithia Commons. The Resolution states that they need to form a subcommittee composed of a member from several groups. One of those groups named in the Resolution is the Planning Commission. This subcommittee will make recommendations to the Parks and Recreation Commission. Ms. Akin asked if any Commissioners would be interested in participating in this process. The subcommittee will most likely hold one or two meetings that will be noticed and held either at the Santo Center or the Carnegie Building. The meetings would start around 5:30 p.m. and would be approximately an hour in length. Commissioner Fincher agreed to be on the naming committee.

1. DCA-12-074 Temporary Uses and Vendors Code Amendment

Carly Guillory, Planner II, reported that on February 2, 2012, City Council heard an appeal on the denial of the business license for Speedy Vets. The business license was denied because Medford Land Development Code does not currently allow mobile veterinary services in the city limits. At that meeting, City Council voted to temporarily allow the business license and requested that staff bring forward a Medford Land Development Code amendment to allow the use. Staff developed four options that were presented to the Planning Commission at their June 25, 2012 study session. The Planning Commission made a recommendation that the code amendment remain specific to mobile medical service only allowing mobile veterinary services in all commercial and industrial zoning districts. Staff consulted the City Manager and City Council, and received direction to move forward with a code amendment to allow all medical services for humans, animals and non-profit organizations. There are three elements to the proposal: 1) add mobile vendor language; 2) reorganize temporary use section; and 3) update all references.

CITY OF MEDFORD

EXHIBIT # E

File # CP-11-007/GUMP-11-008

Commissioner Tull stated that Ms. Guillory mentioned in her presentation that the vendor needs to provide a site plan. What is involved in that with something mobile? Ms. Guillory replied that the vendor would provide the dimensions of the mobile unit, where on site the unit is located, locations of trash receptacles and outdoor equipment. It is a matter of identifying that the unit is not going to displace required parking or be located in a required driveway.

Commissioner Tull asked if it is assumed that the unit will be in the same place each time it is utilized? Ms. Guillory replied yes.

Commissioner Tull asked if a non-profit organization wanted to be in different locations on different weekends, how would that site plan requirement work out? Ms. Guillory stated they would need to provide one per site.

Praline McCormack, Planner II, stated that they would need a different business license for each site and a site plan for each site.

Commissioner Tull suggested that the amendment needs to include language that requires documentation be provided giving permission to utilize whatever site, public or private to the vendor.

Commissioner Miranda stated that he does not see how a government agency should be able to dictate what transpires between two business owners. That would be their agreement. If they applied and received a permit but they have not agreed with the property owners for that use then they may be using the City's approval to go back to the property owner and negotiate. They may not have that agreement going into it, but they may have it afterwards. He does not see as a government regulation they have to make that agreement.

Commissioner Tull asked how does this relate to established public uses like the farmer's market? If a non-profit organization wanted to put a mobile unit adjacent to or involved with the farmer's market, how does that coordinate?

Bianca Petrou, Assistant Planning Director, responded that the Grower's Market needs a conditional use permit. If the non-profit organization was part of the conditional use permit then it would be permitted. If they come in separate to locate near it then they would need to get their own business license.

Commissioner Tull asked whether there is anything in the Code that restricts the possibility of someone agreeing with the organizers of the Grower's Market that they can have an area for their mobile unit?

Kelly Akin, Principal Planner, stated that the Code states that the Grower's Market is an association of five or more local agriculturalists organized for the purpose of providing a single location for the sale of locally grown produce and crafts directly to the consumer.

2. CP-11-007 Initiation of Limited Services Overlay Elimination

Praline McCormack, Planner II, gave a brief background for the new Commissioners on the Limited Services Overlay and how it came into being. The Limited Service Area designation was created in 1975 because some new areas within the City were not economically serviceable with Category A Public Facilities. The designation was created in order to provide notice to those concerned that the area was subject to development restrictions even though it had City zoning in many cases. In 1983 the designation was applied to the Lone Pine/Foothills area due to lack of water facilities and in 1984 the designation was applied in Southwest Medford due to traffic issues and lack of storm drainage facilities. The Southwest Limited Service Area was removed in 1994. The Lone Pine/Foothill Limited Service Area remains although water facilities are now available in that area. The Limited Service Area designation needs to be removed. The new area that the Limited Service Area designation would apply is lacking sewer service. Staff believes that the Limited Service Area designation has become redundant. A number of procedures have been adopted that serve the same purpose as the Limited

Service Area designation. Zone change criteria were amended to assure that properties meet facility adequacy tests. Now there is SFR-00 zoning designation for newly annexed properties, which allows development at levels comparable to County zones and can be applied without the need for facility adequacy tests. Also, now there are I-00 zoning designations in order to limit the number of trips and to apply City industrial zoning without requiring facility adequacy tests.

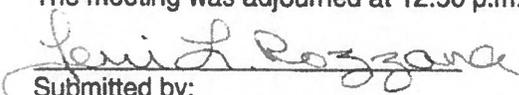
Ms. McCormack asked the Commissioners if they had enough information that they could initiate an amendment to eliminate the Limited Service Overlay and whether they would like staff to initiate it in a public hearing and come back in a separate public hearing with the amendment or does the Commissioners prefer staff to present the amendment and initiation at the same public hearing?

The Commission unanimously agreed to have staff present the amendment and initiation at the same public hearing.

Larry Beskow, City Engineer, asked regarding the new Limited Service Overlay that if someone was in the Urban Growth Boundary and wanted to annex but the City cannot serve them; is there a look at that in some point in time? There is a piece of property in the new Limited Service Overlay that is in the City but Public Works cannot serve them. Does staff look at the annexation and let the applicant know the City will not be able to serve them and will not be able to develop?

Ms. Akin commented that the Planning Department routes the information to Public Works for comment and there is the Land Development meeting that would be another opportunity to comment.

The meeting was adjourned at 12:50 p.m.


Submitted by:

Terri L. Rozzana, Recording Secretary



Planning Commission

Minutes

from Study Session on November 23, 2015

The study session of the Medford Planning Commission was called to order at noon in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

Commissioners Present

David McFadden, Chair
 Joe Foley
 Bill Mansfield
 Mark McKechnie
 Jared Pulver

Staff Present

Jim Huber, Planning Director
 Bianca Petrou, Assistant Planning Director
 John Adam, Principal Planner
 Praline McCormack, Planner II

Commissioner Absent

Patrick Miranda, Vice Chair, Excused Absence
 Tim D'Alessandro, Excused Absence
 David Culbertson, Excused Absence
 Norman Fincher, Unexcused Absence

Subject:

1. CP-11-007, CP-11-008 Limited Services Overlay Plan Revision

John Adam, Principal Planner explained the file number dates. When Suzanne Myers was in charge of long range planning this had been started then got buried. There was a property owner inquiring why the designation was still in place. Staff revived this and is now moving forward.

Praline McCormack, Planner II, reviewed what zoning, overlay, and administrative mapping category are.

Zoning is based on the GLUP (General Land Use Plan) map designation. Zoning dictates the types of uses and housing types that are permitted. There are sixteen zoning districts.

An Overlay is based on location. There are eight overlays (Airport Approach (A-A), Central Business (C-B), Exclusive Agriculture (E-A), Historic (H), Freeway (F), Airport Radar (A-R), South East (S-E), and Limited Industrial Overlay (I-00). Usually, overlays have additional regulations and use permissions or restrictions.

Commissioner Mansfield asked how do they differ from zoning? Ms. McCormack stated they would add on to or if they are in conflict, the overlay takes precedent.

CITY OF MEDFORD
 EXHIBIT # F
 File # CP-11-007/GLUP-11-008

Administrative Mapping Category is fairly new. It was created approximately a year or two ago. This is for tracking and mapping of parcels located in a unique area consisting of four categories (Downtown Parking, Limited Service, PUD and Restricted Zoning).

If a parcel has not be tested for service adequacy it is given the SFR-00 Zone or I-00 Overlay. SFR-00 is a holding zone. If a parcel has been tested and found inadequate facility/service there are several options. One option is that the area can be deemed Limited Service Administrative Mapping Category. Another option is that a parcel with inadequate facility/service can be deemed a Restricted Zoning Administrative Mapping Category can be imposed. The third option is to deny a zone change request.

The SFR-00 zone is applied for at the time of annexation. It applies to properties that are changing from County to City zoning and have not yet been tested for facility adequacy. It is a holding zone that restricts development to only one dwelling unit plus one accessory unit per parcel until tested for facility adequacy.

Commissioner Pulver stated that he does not fully understand the concept.

Chair McFadden reported that when someone is in the County surrounded by the City around them the City can change their zoning to City zoning in order to match everything around them.

Mr. Adam stated that some people are taking advantage of it. They want to get the property annexed to make it saleable.

Commissioner Mansfield asked how long does adequacy take? Bianca Petrou, Assistant Planning Director stated that it is mostly the expense. They have to show the facilities are adequate that a lot of the time requires a Traffic Impact Analysis that is expensive.

Jim Huber, Planning Director, stated that SFR-00 is nonconforming. It can continue plus if it is a vacant lot one can build a house and ADU. It is not taking away all use from the property.

Commissioner Foley asked if the City was at risk with changing the urban growth boundary? Mr. Adam reported that it depends on the percentage of lots that apply for SFR-00 and how many get the zoning that is permitted.

The I-00 zone is applied for at the time of annexation. It applies to properties that are changing from County industrial to City industrial zoning but have not yet been tested for transportation facility adequacy or such facilities have been found inadequate. It prohibits uses normally allowed in order to limit vehicle trips until facilities have been found adequate or necessary improvements have been funded and completed.

Limited Service Administrative Mapping Category is applied at time of annexation to areas that are not presently serviced with adequate public facilities or services required for development to urban densities. It limits development until facilities/services are adequate.

Commissioner Foley asked how this would apply to new areas brought into the City? Mr. Adam reported that it is a good moratorium tool. The City is updating their Sewer Master Plan. He is not sure if the Water Commission will be updating their Plan soon. Some of the problem areas would show up and would be getting recommendations of designating the area in the expanded urban growth boundary as Limited Service.

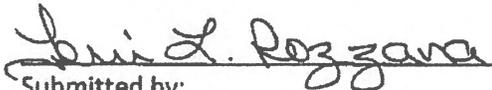
Restricted Zoning (aka Conditional Zone Change) Administrative Mapping Category is applied at time of zone change. The Planning Commission places conditions or stipulations on the property with the zone change approval. Once the conditions are met, restricted zoning designation can be removed.

Commissioner Mansfield asked that during the interim period while waiting for the conditions to be met, is the zoning changed or is it not changed? Mr. Adam reported that it is changed.

Mr. Adam stated that as soon as the urban growth boundary amendment is completed then the most important thing is to get all the facilities plans done.

This amendment will be coming to the Planning Commission on Thursday, December 10, 2015.

The meeting was adjourned at 12:54 p.m.



Submitted by:

Terri L. Rozzana, Recording Secretary

Moved by: Vice Chair Miranda

Seconded by: Commissioner McKechnie

Voice Vote: Motion passed, 9-0.

30. Minutes

30.1. The minutes for November 12, 2015, were approved as submitted.

40. Oral and Written Requests and Communications. None.

John HuttI, Deputy City Attorney, read the Quasi-Judicial Statement.

50. Public Hearings – Continuance Request

50.1 **LDS-15-118** Consideration of a tentative plat application for a mixed-use development to be known as West Meadows Village, consisting of a total of 15 lots on 9.14 acres within a SFR-10 (Single-Family Residential – 10 dwelling units per gross acre) and MFR-20 (Multiple-Family Residential – 20 dwelling units per gross acre) with PUD (Planned Unit Development) Zoning Overlay. Subject tentative plat consists of 5 Single-family lots, 5 duplex lots, 2 commercial lots and 3 multi-family lots. The site is generally located on the east side of Lozier Lane on the north and south sides of Meadows Lane. (David & Elahe Young Family Trust, Applicant; Richard Stevens & Associates, Agent)

Kelly Akin, Principal Planner, stated that the applicant is requesting additional time to perfect the proposed street alignments. They have requested to continue the item to the January 28, 2016, Planning Commission meeting.

Chair McFadden stated that if there was anyone in the audience that would not be able to make the January 28, 2016, Planning Commission meeting could testify at tonight’s meeting. No one came forward.

Motion: Continue LDS-15-118, as per the applicant’s request, to the January 28, 2016, Planning Commission meeting, to allow time to perfect the proposed street alignments.

Moved by: Vice Chair Miranda

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 9-0.

New Business

50.2 **CP-11-007 / CP-11-008** Consideration of Class “B” minor quasi-judicial amendments to the General Land Use Plan Element, the Public Facilities Element and the General Land Use Plan Map of the Comprehensive Plan to remove the Limited Service Area Overlay from 50 parcels totaling approx. 36 acres in the Lone Pine/Foothill area. (City of Medford, Applicant).

CITY OF MEDFORD

EXHIBIT # G

File # CP-11-007/GLUP-11-008

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

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

Praline McCormack, Planner II, reviewed the history, read the comprehensive plan amendment criteria and highlighted the findings.

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

Motion: Based on the findings and conclusions that all of the approval criteria are met or are not applicable, the Planning Commission initiates this amendment and forwards a favorable recommendation for approval of CP-11-007 and CP-11-008 to the City Council per the Staff Report dated December 3, 2015, including Exhibits A through D.

Moved by: Vice Chair Miranda

Seconded by: Commissioner D’Alessandro

Roll Call Vote: Motion passed, 9–0.

50.3 SV-15-114 Request for the vacation of 10,379 square feet of public street right-of-way at the southwest corner of the intersection of South Holly Street and Garfield Street. (City of Medford Public Works Department, Applicant)

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

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

Jennifer Jones, Planner III, read the street vacation criteria and gave a staff report.

Chair McFadden asked

The public hearing was opened.

a. Nancy Hemstreet, 1646 Dove Lane, Medford, Oregon, 97501. Ms. Hemstreet is in favor of the project

Mr. Huttli stated that the Planning Commission

b. Ester Clemence, 215 Garfield, Medford, Oregon, 975-1wants a private driveway

Alex Georgevitch, City Engineer clarified that the alignment