



Medford City Council Meeting

Agenda

December 17, 2015

12:00 Noon AND 7:00 PM

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

10. Roll Call

Employee Recognition

20. Approval or Correction of the Minutes of the December 3 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 2015-130 An ordinance awarding a contract in an amount of \$623,300 to Roxy Ann Rock, Inc. to perform Americans with Disability Act ramp repairs and replacements on various streets scheduled to receive asphalt overlays.

60.2 COUNCIL BILL 2015-131 An ordinance awarding a contract in an amount of \$24,500 with Waters & Company to provide executive recruitment services for the next City Manager.

60.3 COUNCIL BILL 2015-132 An ordinance imposing a three (3) percent tax on the sale of marijuana items by a marijuana retailer; referring ordinance.

60.4 COUNCIL BILL 2015-133 An ordinance declaring a ban on recreational marijuana retailers; referring ordinance.

70. Council Business

70.1 Boards and Commissions Appointments

80. City Manager and Other Staff Reports

80.1 ADA Certification by Bonnie Huard

80.2 Sale of City Property

80.3 Funding options for SOREDI

80.4 Further reports from City Manager

90. Propositions and Remarks from the Mayor and Councilmembers

90.1 Proclamations issued:
Child Trafficking Awareness Month – January 2016

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 COUNCIL BILL 2015-123 CONTINUED from 11/19/15. An ordinance amending Sections 10.012, 10.184, 10.713, 10.743, and 10.746, of the Medford Code pertaining to housing types, parking standards, criteria, and definitions effective January 1, 2016. (DCA 15-103) Legislative

120.2 COUNCIL BILL 2015-134 An ordinance proclaiming annexation to the City of Medford of an approximate 5.01 acre parcel located on the west side of Cherry Street, approximately 140 feet south of the intersection with Prune Street, and concurrent zone change from Rural Residential 2.5 (RR-2.5) to Single-Family Residential (SFR-00), and withdrawal of said property from Medford Rural Fire Protection District No. 2, effective pursuant to State Law. (A-15-096) Land Use, Quasi-Judicial

120.3 CONTINUED. Consideration of a proposed Comprehensive Plan/Urban Growth Boundary Amendment affecting the General Land Use Plan (GLUP) map, the Medford Street Functional Classification Plan of the Transportation Element, and portions of the text of both the Urbanization and GLUP Elements.

130. Ordinances and Resolutions

140. Council Business

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

www.ci.medford.or.us

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

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: December 17, 2015

COUNCIL BILL 2015-130

An ordinance awarding a contract in an amount of \$623,300 to Roxy Ann Rock, Inc. to perform Americans with Disability Act ramp repairs and replacements on various streets scheduled to receive asphalt overlays.

ISSUE STATEMENT & SUMMARY:

Roxy Ann Rock, Inc. is the low bidder for a contract to perform Americans with Disability Act (ADA) Ramp repairs and replacements on various streets scheduled to receive asphalt overlays. The City contracts for some concrete maintenance when it exceeds the capacity of Public Works crews.

BACKGROUND:

Recent federal regulations were issued defining a street overlay as a "modification" requiring installation or replacement of sidewalk ramps when work is performed. Accomplishing this concrete work with a separate contract should result in lower bids for both this work and the asphalt overlays scheduled for summer 2016.

A. Council Action History

None.

B. Analysis

This work is necessary to meet the federal requirement that ADA ramps must be installed or upgraded to meet ADA standards when a street is overlaid.

C. Financial and/or Resource Considerations

Expenditure of \$623,300.00, which is included in the 2016/2017 budget for the Street Utility Fund (Fund 24).

D. Timing Issues

The work will start after January 19, 2016, and is scheduled to be complete by April 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.

Action 12.2b: Increase pavement restoration to match deterioration rate.

COUNCIL OPTIONS:

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



**CITY OF MEDFORD
AGENDA ITEM COMMENTARY**

Item No: 60.1

www.ci.medford.or.us

STAFF RECOMMENDATIONS:

Approve the ordinance for a contract with Roxy Ann Rock, Inc.

SUGGESTED MOTION:

I move to approve the ordinance for a contract in the amount of \$623,300.00 to Roxy Ann Rock, Inc., for ADA Ramps.

EXHIBITS:

Ordinance

Bid Tabulation

Special Provisions: Work To Be Done

Notice to Contractors

Contract documents are available in the City Recorder's office

ORDINANCE NO. 2015-130

AN ORDINANCE awarding a contract in an amount of \$623,300 to Roxy Ann Rock, Inc. to perform Americans with Disability Act ramp repairs and replacements on various streets scheduled to receive asphalt overlays.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in the amount of \$623,300 to perform Americans with Disability Act ramp repairs and replacements on various streets scheduled to receive asphalt overlays, which is on file in the City Recorder's Office, is hereby awarded to Roxy Ann Rock, Inc.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2015.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2015.

Mayor

BID TABULATIONS ADA Ramps 2016 in the City of Medford

Project; ADA Ramps 2016 in the City of Medford
Location: Various Streets in the City of Medford 2016
Project No: MS-1609
Date of Bid Opening: November 24, 2015

Peter Brown
Public Works Operations
Engineering Tech III



CITY OF MEDFORD
PUBLIC WORKS - OPERATIONS

Bidder Name	Total Bid
Roxy Ann Rock	\$623,300.00
Brown Contracting Inc.	\$848,989.00
Knife River Materials	\$1,392,800.00
Central Pipeline Inc.	\$688,450.00
Pilot Rock Excavation	\$1,014,500.00

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Item No.	Item Description	Unit of Measure	Estimated Quantity	Roxy Ann Rock Low Bidder		Brown Contracting Inc.	Knife River Materials	Central Pipeline Inc.	Pilot Rock Excavation
				Unit Bid	Amount	Unit Bid	Unit Bid	Unit Bid	Unit Bid
1	MOBILIZATION	LS	1	\$72,500.00	\$72,500.00	\$141,989.00	\$100,000.00	\$32,000.00	\$100,000.00
2	TEMPORARY WORK ZONE TRAFFIC CONTROL, COMPLETE	LS	1	\$162,000.00	\$162,000.00	\$35,000.00	\$250,000.00	\$37,200.00	\$93,000.00
3	EROSION CONTROL	LS	1	\$65,100.00	\$65,100.00	\$4,000.00	\$6,000.00	\$1,500.00	\$10,000.00
4	CONCRETE CURBS, CURB AND GUTTER	FOOT	3350	\$28.50	\$95,475.00	\$70.00	\$123.00	\$55.00	\$90.00
5	CONCRETE WALKS	SQFT	25500	\$8.95	\$228,225.00	\$17.00	\$24.50	\$17.00	\$20.00
Total Bid =				\$623,300.00	\$623,300.00	\$848,989.00	\$1,392,800.00	\$688,450.00	\$1,014,500.00

SPECIAL PROVISIONS

WORK TO BE DONE

The Work to be done under this Contract consists of removal of concrete sidewalks and curb and gutter and install new ADA compliant ramps at 186 locations, in the City of Medford, Oregon.

1. Removal of concrete sidewalks and curb and gutter.
2. Install new concrete sidewalks and curb and gutter including ADA compliant ramps.
3. Perform additional and incidental Work as called for by the Specifications and Plans.

This project includes work at the following locations:

	Street	From	To	ADA Ramps to install
1	E 3rd St	20' W of Apple St	E Jackson St	5
2	W 10th St	S Oakdale Ave	S Holly St	8
3	W 13th St	Newtown St	Hamilton St	9
4	Apple St	E 4th St	E 3rd ST	2
5	Apple St	160' S E 4th St	E 4th St	2
6	Barnett Rd	S Riverside Av	S Holly	11
7	Catherine St	Park Ave	King St	4
8	Cerene Dr	Garfield St	Ginger Way	7
9	Dakota Av	Hamilton St	Plum St	5
10	Dakota Ave	S Oakdale Ave	S Peach St	19
11	Hawthorne St	E Jackson St	E Main St	6
12	Hillcrest Rd	Valley View Rd	Scheffel Av	10
13	N Ivy St	W Main St	W 6th ST	4
14	E Jackson St	Oregon Tr	N Berkley Way	10
15	Lisa Cir	Papago Dr	Cul-de-sac	3
16	Lone Pine Rd	150' W of Cascadia Cr	Brookdale Ave	16
17	Louise Ave	Garfield St	110' S of Ginger Way	6
18	Madison Pl	Reddy Ave	Queen Anne Ave	5
19	Mt Pitt St	S Columbus Ave	West End	2
20	Oleander St	E McAndrews Rd	Hybiscus St	7
21	N Peach St	W Main St	W 4th ST	7
22	N Phoenix Rd	Hillcrest Rd	Cherry Ln	17
23	Royal Ave	Stevens St	E McAndrews Rd	13
24	State St	E Barnett Rd	Murphy Rd	8
			Total	186

NOTICE TO CONTRACTORS
MS-1609
ADA Ramps 2016 in the City of Medford

Sealed proposals addressed to Cory Crebbin, Public Works Director, City of Medford, Oregon, endorsed "**ADA Ramps 2016 in the City of Medford**," will be received at the office of the Public Works Director, 200 S. Ivy Street, Medford, OR 97501, until 2:00 p.m. local time on Thursday, November 24, 2015, and thereafter will be opened publicly and read and will then be referred to the City Council.

This project is located at 186 locations within the City of Medford and Jackson County, Oregon.

This project includes all labor, equipment, and materials necessary to construct the following:

The removal and replacement of 25,500.0 SQFT concrete walks and 3350.0 FT of concrete curb and gutter including ADA ramps; meet ADA standards; work zone traffic control; and other miscellaneous work. Start date: January 5, 2016. Completion date: March 31, 2016. Estimated cost range: \$550,000 - \$650,000. Class of work: Portland Cement Concrete Paving.

The proposal may be obtained Thursday, November 10, 2015, at the City of Medford Engineering Office, 200 S. Ivy Street, Medford, OR 97501.

They may also be examined at the following locations:

McGraw Hill Construction Dodge	3461 NW Yeon Avenue	Portland, OR
Central Oregon Builders Exchange	1902 NE 4 th Street	Bend, OR
Eugene Builders Exchange	2460 W. 11 th	Eugene, OR
Medford Builders Exchange	701 E. Jackson Street	Medford, OR
Daily Journal of Commerce	Electronic only	
Oregon Contractor Plan Center	5468 SE International Way	Milwaukie, OR
Klamath Builders Exchange	724 Main, Ste 204	Klamath Falls, OR

Bids must be accompanied by a certified check equivalent to 10% of the proposal payable to the City of Medford, to guarantee that if a proposal is accepted, a contract will be entered into and its performance secured. A Bid Bond to like effect and amount with a corporate surety will be acceptable for this project. Bids must be in writing and signed by or on behalf of the bidders.

All Bidders shall be prequalified with the City of Medford, as provided by law under Oregon Revised Statutes, at least 5 days prior to opening of bids.

All of the provisions of Section 279C.800 through 279C.870 ORS, as amended by Senate Bill 477, relating to wage rates to be paid on all contracts for Public Works in this state must be complied with and the statement attesting to the contractor's willingness to do so must be signed and submitted with the bid.

All bidders must state at the appropriate place in the bid documents, whether or not the bidder is a resident as defined in ORS 279A.120. A percentage increase, as determined by the Department of General Services, will be added to nonresident's bids for the purpose of determining the lowest qualified bidder.

The City of Medford programs, services and activities are open to all persons without regard to race, sex, age, handicap, religion, ethnic background or national origin. For further information about this equal opportunity policy, contact the Personnel Office in the City of Medford, 774-2010. For questions regarding this proposal, contact the Medford Engineering Division, 774-2100.

The City of Medford may reject any bid not in compliance with all prescribed public bidding procedures and requirements, and may reject for good cause any or all bids upon a finding of the agency that it is in the public interest to do so.

Neither the contractor nor his subcontractors will need an asbestos abatement license to perform the work set forth under this notice.

CITY OF MEDFORD, OREGON



Brice Perkins, PE
Deputy Public Works Director/Operations



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.2

www.ci.medford.or.us

DEPARTMENT: City Manager's Office **AGENDA SECTION:** Ordinance and Resolutions
PHONE: 541-774-2000 **MEETING DATE:** December 17, 2015
STAFF CONTACT: John W. Hoke, City Manager Pro Tem

COUNCIL BILL 2015-131

An ordinance awarding a contract in an amount of \$24,500 with Waters & Company to provide executive recruitment services for the next City Manager.

ISSUE STATEMENT & SUMMARY:

An agreement with Waters & Company, A Springsted Company to provide Executive recruitment services to the City of Medford for the next City Manager.

BACKGROUND:

A. Council Action History

Council authorized Mayor to appoint an Ad Hoc Committee to assist with the preparation of a Request for Qualifications (RFQ). In September 2015, the City issued the RFQ for Executive recruitment services for the City of Medford to recruit for the next City Manager. Six organizations responded to the RFQ. Council authorized Mayor to continue working with the Ad Hoc Committee to review the responses and make a recommendation. Mayor and Council scored the responses and Waters & Company was the top scorer. At the December 3, 2015 Study Session, Council and the Ad Hoc Committee participated in a Skype conversation with Waters & Company and directed staff to move forward with the Notice of Intent to award the contract to Waters & Company.

B. Analysis

The City of Medford went through a competitive process through an RFQ to hire a firm to conduct Executive recruitment services for the next City Manager. Council reviewed six responses and scored each response. Waters & Company was the top scorer based on the responses, reference checks, phone conversation and recommendation of the Ad Hoc Committee.

C. Financial and/or Resource Considerations

\$24,500, plus any additional expenses requested by the City, outside the scope of work, at \$1,760 per day plus expenses.

D. Timing Issues

None

STRATEGIC PLAN:

Theme; Responsive Leadership

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

Goal 16: Ensure a diverse City workforce through effective outreach and recruitment practices.

COUNCIL OPTIONS:

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



**CITY OF MEDFORD
AGENDA ITEM COMMENTARY**

Item No: 60.2

www.ci.medford.or.us

STAFF RECOMMENDATIONS:

Staff recommends approval of an agreement with Waters & Company, A Springsted Company to provide Executive recruitment services to the City of Medford.

SUGGESTED MOTION:

I move to authorize an agreement with Waters & Company, A Springsted Company to provide Executive recruitment services to the City of Medford.

EXHIBITS:

Ordinance
Agreement on file in the City Recorder's Office.

ORDINANCE NO. 2015-131

AN ORDINANCE awarding a contract in an amount of \$24,500 with Waters & Company to provide executive recruitment services for the next City Manager.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in an amount of \$24,500 to provide executive recruitment services for the next City Manager, which is on file in the City Recorder's office, is hereby awarded to Waters & Company.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2015.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2015.

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.3

www.ci.medford.or.us

DEPARTMENT: Legal Department

AGENDA SECTION: Ordinances and Resolutions

STAFF PHONE: 541-774-2020

MEETING DATE: December 17, 2015

STAFF CONTACT: Kevin R. McConnell, Deputy City Attorney

COUNCIL BILL 2015-132

An ordinance imposing a three (3) percent tax on the sale of marijuana items by a marijuana retailer; referring ordinance.

ISSUE STATEMENT & SUMMARY:

An ordinance imposing a three (3) percent tax on the sale of marijuana items by a marijuana retailer; referring ordinance.

BACKGROUND:

A. COUNCIL ACTION HISTORY:

Section 34a of HB 3400 allows cities to impose up to a three (3) percent tax on the sale of marijuana items by a marijuana retailer by referring an ordinance to the voters at the November 8, 2016 statewide general election. The tax would be collected at the point of sale and remitted by the marijuana retailer.

On October 15, 2015, the Council adopted a zone text amendment that will, beginning December 1, 2015, permit state marijuana licensees- with the exception of recreational marijuana retailers- to obtain a business license and do business within the City.

To effectuate the will of the Council, staff prepared a proposed ordinance declaring a ban on recreational marijuana retailers (also to be referred to the voters) for its review. Council's adoption of that ordinance would preclude the City from implementing a three percent tax of the sale of marijuana items by marijuana retailers.

B. ANALYSIS:

There are no restrictions on how the City may use the revenues generated by this tax. However, if the Council adopts this ordinance and refers it to the voters (and the voters approve the measure), the measure will become operative only if 1) if the ballot measure prohibiting the establishment of recreational marijuana retailers fails (assuming that the Council decides to adopt the proposed ordinance declaring a ban on marijuana retailers); and 2) the City subsequently amends its zone text amendment permitting marijuana retailers to conduct business within the City.

If the Council elects to adopt this ordinance, staff will prepare a proposed resolution for the Council's consideration approving the referral to the electors the question of imposing a three percent tax on the sale of marijuana items by a marijuana retailer within the City.

C. FINANCIAL AND/OR RESOURCE CONSIDERATIONS:

Adoption of this ordinance (and subsequent voter approval) may have a positive financial impact upon the City. That positive impact is contingent upon whether the Council adopts the proposed ordinance banning marijuana retailers. If the Council adopts that ordinance, and the voters approve the subsequent measure, the City may not impose the three (3) percent tax. Moreover, the City would not be eligible to receive a distribution of state marijuana tax revenues (17 percent tax on retail sales) that would otherwise be available. *See Agenda Item Commentary (Financial and/or Resource Considerations), Ordinance No. 2015-133, Ordinance Declaring Ban on Recreational Marijuana Retailers.* If the Council adopts the



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.3

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marijuana retailer ban, but the voters fail to approve that measure, the City would be able to impose the three (3) percent tax and receive its allotted share of state tax revenues upon amending the Medford Code to reflect the electorate's intent.

COUNCIL OPTIONS:

1. Approve the ordinance imposing a three percent tax on the sale of marijuana items by a marijuana retailer
2. Deny the ordinance.

STAFF RECOMMENDATIONS:

Staff recommends adopting the ordinance as presented.

SUGGESTED MOTION:

I move to approve the ordinance which imposes a three percent tax on the sale of marijuana items by a marijuana retailer that will be referred to the voters.

EXHIBITS:

Ordinance

ORDINANCE NO. 2015-132

AN ORDINANCE imposing a three (3) percent tax on the sale of marijuana items by a marijuana retailer; referring ordinance.

WHEREAS, section 34a of House Bill 3400 (2015) provides that a City Council may adopt an ordinance to be referred to the voters that imposes up to a three (3) percent tax or fee on the sale of marijuana items by a marijuana retailer in an area subject to the jurisdiction of the City; and

WHEREAS, the Medford City Council wants to impose a three (3) percent tax on the sale of marijuana items by a marijuana retailer in an area subject to the jurisdiction of the City; now therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

DEFINITIONS.

Marijuana item has the meaning given that term in Oregon Laws 2015, chapter 614, section 1.

Marijuana retailer means a person who sells marijuana items to a consumer in this State.

Retail sale price means the price paid for a marijuana item, excluding tax, to a marijuana retailer by or on behalf of a consumer of the marijuana item.

TAX IMPOSED. As described in section 34a of House Bill 3400 (2015), the City of Medford hereby imposes a tax of three (3) percent on the retail sale price of marijuana items by a marijuana retailer in an area subject to the jurisdiction of the City.

COLLECTION. The tax shall be collected at the point of sale of a marijuana item by a marijuana retailer at the time at which the retail sale occurs and remitted by each marijuana retailer that engages in the retail sale of marijuana items. The tax collected by a marijuana retailer constitutes a debt owing to the City, and is due and payable to the City's Finance Director on a monthly basis on or before the last day of the month immediately following for the preceding month. A marijuana retailer shall make a return to the Finance Director, on forms provided by the City, specifying the total sales and the amount of tax collected.

REFERRAL. This ordinance shall be referred to the electors of the City of Medford at the

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November 8, 2016 statewide general election.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2015.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2015.

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.4

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DEPARTMENT: Legal Department

STAFF PHONE: 541-774-2020

STAFF CONTACT: Kevin R. McConnell, Deputy City Attorney

AGENDA SECTION: Ordinances and Resolutions

MEETING DATE: December 17, 2015

COUNCIL BILL 2015-133

An ordinance declaring a ban on recreational marijuana retailers; referring ordinance.

ISSUE STATEMENT & SUMMARY:

An ordinance declaring a ban on recreational marijuana retailers; referring ordinance.

BACKGROUND:

A. COUNCIL ACTION HISTORY:

Section 134 of HB 3400 authorizes a local government to adopt an ordinance banning one or more marijuana licensees (recreational and medical), which must then be referred to the voters at the November 8, 2016 general election.

On October 15, 2015, the Council adopted a zone text amendment that will, beginning December 1, 2015, permit State marijuana licensees, with the exception of recreational marijuana retailers, to obtain a business license and do business within the City.

B. ANALYSIS

This State-authorized opt-out ordinance will have the effect of barring State-registered marijuana retailers from obtaining a City business license and conducting business within the City.

If adopted, the City must submit the ordinance to the Oregon Liquor Control Commission, which will then stop registering and licensing marijuana retailers until the next statewide general election. In other words, the Council's adoption of the ordinance acts as a state-sanctioned moratorium on marijuana retailers until the election.

If the Council elects to adopt this ordinance, staff will prepare a proposed resolution for the Council's consideration approving the referral to the electors the question of banning marijuana retailers within the City.

C. FINANCIAL AND/OR RESOURCE CONSIDERATIONS:

Adoption of this ordinance will have an adverse financial impact upon the City. Cities that adopt an ordinance prohibiting the establishment of a recreational marijuana business are: 1) not eligible to receive a distribution of state marijuana tax revenues or 2) unable impose a local tax under section 34a of HB 3400.

When recreational marijuana businesses are licensed by the OLCC, the State will impose a seventeen (17) percent tax on retail sales, and cities may impose an additional three (3) percent tax on marijuana retailers. The State share will initially be distributed to cities based upon population estimates provided by Portland State University (ten percent of the shared revenue to cities). In 2017, shared revenue will be distributed to cities based upon the number of OLCC-licensees located within a city.

While it is impossible to know exactly how much of the shared revenue the City could receive under either distribution methodology, the Legislative Revenue Office estimates that cities could share almost 1 million dollars in FY 2017, 1.9 million in FY 2018 and 2.1 million dollars



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 60.4

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in FY 2019. *The Revenue Impact of Marijuana Legislation Under Measure 91, Tables 12-13 at page 14.*

<https://www.oregonlegislature.gov/lro/Documents/RR%203-14%20Measure%2091.pdf>

Coupled with the loss of a potential 3 (three) percent local tax on sales by marijuana retailers, the financial impact of the ordinance upon the City could be substantial.

COUNCIL OPTIONS:

1. Approve the ordinance declaring a ban on recreational marijuana retailers.
2. Deny the ordinance.

STAFF RECOMMENDATIONS:

Staff recommends adopting the ordinance as presented.

SUGGESTED MOTION:

I move to approve the ordinance which imposes a ban on recreational marijuana retailers that will be referred to the voters.

EXHIBITS:

Ordinance

The Revenue Impact of Marijuana Legislation Under Measure 91, Tables 12-13 (Legislative Review Office).

ORDINANCE NO. 2015-133

AN ORDINANCE declaring a ban on recreational marijuana retailers; referring ordinance.

WHEREAS, Measure 91, which the voters adopted in November 2014, directs the Oregon Liquor Control Commission to license the production, processing, wholesale, and retail sale of recreational marijuana; and

WHEREAS, section 134 of HB 3400 provides that a City Council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of certain state-registered and state-licensed marijuana businesses in the area subject to the jurisdiction of the city; and

WHEREAS, the Medford City Council wants to refer the question of whether to prohibit marijuana retailers to the voters of the City of Medford; now therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

DEFINITIONS.

Marijuana means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

Marijuana retailer means an entity licensed by the Oregon Liquor Control Commission to sell marijuana items to a consumer in this state.

BAN DECLARED. As described in section 134 of House Bill 3400 (2015), the City of Medford hereby prohibits the establishment of marijuana retailers in an area subject to the jurisdiction of the City.

REFERRAL. This ordinance shall be referred to the electors of the City of Medford at the November 8, 2016 statewide general election.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2015.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2015.

Mayor

Table 12

FY 2017 Revenue expectation		Estimate	Lower Range	Upper Range
Annual Base Revenue		\$21,381,107	\$17,486,781	\$25,902,988
Fiscal Year 2017 Revenue and distributions				
Revenue Expected (@70%) due to program startup and other unforeseen difficulties adding 1.5 % average annual pop growth (3 years) (Gross Revenue)	75% of annual Base	\$16,035,830	\$13,115,086	\$19,427,241
OLCC start up and Administration Costs		\$(7,074,934)	\$(7,074,934)	\$(7,074,934)
License and Application Fee Revenue		\$424,800	\$424,800	\$424,800
Net Revenue		\$9,385,696	\$6,464,952	\$12,777,107
Distributions				
Common School Fund	40%	\$3,754,279	\$2,585,981	\$5,110,843
Mental Health Alcoholism and Drug Services Account	20%	\$1,877,139	\$1,292,990	\$2,555,421
State Police Account	15%	\$1,407,854	\$969,743	\$1,916,566
Cities	10%	\$938,570	\$646,495	\$1,277,711
Counties	10%	\$938,570	\$646,495	\$1,277,711
Oregon Health Authority	5%	\$469,285	\$323,248	\$638,855

Revenue Estimates for the 2017-19 Biennium

The revenue for fiscal years 2018 and 2019 are expected to accelerate by about 6% and 5.5% respectively as efficiencies and improvements take hold to a net annual average of \$20.5 million.

Table 13

	FY 2018	FY 2019	BN 17-19
Gross Revenue	\$22,663,973	\$23,910,492	\$46,574,466
OLCC Costs	\$(3,162,209)	\$(3,291,278)	\$(6,453,487)
License Fees			
Annual	\$360,000	\$360,000	\$720,000
App Fees	\$45,000	\$45,000	\$90,000
Net Revenue	\$19,906,765	\$21,024,214	\$40,930,979
Distribution			
Common School Fund	\$7,962,706	\$8,409,685	\$16,372,391
Mental Health Alcoholism and Drug Services Account	\$3,981,353	\$4,204,843	\$8,186,196
State Police Account	\$2,986,015	\$3,153,632	\$6,139,647
Cities	\$1,990,676	\$2,102,421	\$4,093,098
Counties	\$1,990,676	\$2,102,421	\$4,093,098
Oregon Health Authority	\$995,338	\$1,051,211	\$2,046,549



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 120.1

www.ci.medford.or.us

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

AGENDA SECTION: Public Hearing
MEETING DATE: December 17, 2015

COUNCIL BILL 2015-123

An ordinance amending sections 10.012, 10.184, 10.713, 10.743, and 10.746, of the Medford Code pertaining to housing types, parking standards, criteria, and definitions effective January 1, 2016. (DCA 15-103)

ISSUE STATEMENT & SUMMARY:

This is a code amendment to revise various sections in Chapter 10 of the Municipal Code related to housing types, parking standards, criteria, and definitions. (DCA-15-103)

BACKGROUND:

The Planning Commission held a public hearing regarding this proposal on October 8, 2015. The Commission voted 7-0 to recommend the City Council approve the amendment.

A. Council Action History

The City Council continued the November 19, 2015, hearing until December 17, 2015.

B. Analysis

The topics covered are intended to help clarify the code for ease of interpreting and implementing. The proposed changes help revise and strengthen the code in order to make the provisions clearer and more understandable for both staff and the community.

C. Financial and/or Resource Considerations

None.

D. Timing Issues

It is requested the ordinance become effective on January 1, 2016.

STRATEGIC PLAN:

Theme: Healthy Economy

Goal 6: Maintain and enhance community livability.

COUNCIL OPTIONS:

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

STAFF RECOMMENDATIONS:

The Planning Commission recommended approval of the code amendment at their October 8, 2015, hearing by a 7-0 vote.

SUGGESTED MOTION:

I move to approve the ordinance amending Chapter 10 of the Municipal Code.

EXHIBITS:

Ordinance

The Commission Report for file DCA-15-103 dated December 10, 2015, including Exhibits A through E.

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

ORDINANCE NO. 2015-123

AN ORDINANCE amending sections 10.012, 10.184, 10.713, 10.743, and 10.746, of the Medford Code pertaining to housing types, parking standards, criteria, and definitions effective January 1, 2016.

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

10.012 Definitions.

Garage. A building, or portion thereof, used or intended to be used for the parking and storage of motor vehicles.

~~Garage, private. A building or a portion of a building, not more than 1000 square feet in area, in which only motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.~~

~~Garage, public. Any garage other than a private garage.~~

Section 2. Section 10.184 of the Medford Code is amended to read as follows:

10.184 Class "A" Amendment Criteria.

(2) Land Development Code Amendment. The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:

(a) Explanation of the public benefit of the amendment.

(b) The justification for the amendment with respect to the following factors:

~~(1) Conformity with applicable Statewide Planning Goals and Guidelines.~~

(21) Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.

(32) Comments from applicable referral agencies regarding applicable statutes or regulations.

(43) Public comments.

(54) Applicable governmental agreements.

Section 3. Section 10.713 of the Medford Code is amended to read as follows:

10.713 Duplex Dwellings.

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DUPLEX DWELLINGS						
Two attached dwelling units on an individual lot or divided by a lot-line.						
DEVELOPMENT STANDARDS	SFR-4	SFR-6	SFR-10	MFR-15	MFR-20	MFR-30
SPECIAL STANDARDS	A duplex SHALL be divided by a lot-line AND be on a corner lot.	A duplex SHALL be divided by a lot-line.	A duplex is permitted on a lot of 6,000 sq. ft. or less ONLY if the duplex was legally existing or the application for development had been accepted prior to May 15, 2003. A duplex need not be divided by a lot-line. A duplex is permitted on a lot if it meets the density calculation.	A duplex is permitted on lots between 5,000 and 12,500 square feet in size.		
MINIMUM AND MAXIMUM DENSITY FACTOR RANGE (See 10.708)	2.5 to 4.0 dwelling units per gross acre	4.0 to 6.0 dwelling units per gross acre	6.0 to 10.0 dwelling units per gross acre	10.0 to 15.0 dwelling units per gross acre	15.0 to 20.0 dwelling units per gross acre	20.0 to 30.0 dwelling units per gross acre
LOT AREA RANGE (SQUARE FEET)	8,500 to 18,750 each half	6,000 to 12,500 each half	6,000* to 12,500*	5,000* to 12,500*		

Section 4. Section 10.743 of the Medford Code is amended to read as follows:

10.743 Off Street Parking Standards.

Table 10.743-1 – City of Medford Minimum and Maximum Parking Standards			
Land Use Category	Parking Standards are based on number of spaces per 1,000 Square Feet of Gross Floor Area (unless otherwise noted)		
	Minimum Number of Required Parking Spaces		Maximum Permitted Parking Spaces
	Central Business District C-B Overlay (outside of Downtown Parking District)**	All Other Zones	All Zones
Residential, Duplex	1 space per dwelling unit	2 spaces per dwelling unit	n/a
Residential, Townhouse	1 space per dwelling unit	2 spaces per dwelling unit	n/a

Residential, Multiple Family	1.5 spaces per dwelling unit 1 space per dwelling unit	1.5 spaces per dwelling unit	n/a
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Section 5. Section 10.746 of the Medford Code is amended to read as follows:

10.746 General Design Requirements for Parking.

- (10) Parking, Required Yard. Parking and loading spaces and their maneuvering area shall not be located in a required yard, except as follows:
- (a) In a SFR or MFR zone, parking lots with more than three (3) spaces that do not back directly into the street may encroach to within ten (1) feet of a street right-of-way.
 - (b) When creating a common driveway with an adjacent parcel.
 - (c) At a single-family residence in a SFR zone, paving may be located within a required side or rear yard.
 - (d) Paved driveways located in a required front yard, street side yard, or rear yard off of an alley may be counted toward the off-street parking requirement for the lot or parcel. The paved area shall meet the dimensional requirements for a parking space and shall not be located within a public right-of-way.**

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2015.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2015.

Mayor

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



COMMISSION REPORT

to City Council for a Class-A legislative decision: **Code Amendment**

Project Housekeeping Amendments 2015
File no. DCA-15-103
To Mayor and City Council *for 12/17/2015 hearing*
From Planning Commission *via* Carla Angeli Paladino, Planner IV
Reviewer John Adam, Principal Planner
Date December 10, 2015

BACKGROUND

Proposal

This proposal will amend the Medford Land Development Code, Chapter 10 of the Municipal Code, to specifically: (see Exhibit B).

1. Clarify when duplexes are allowed in the SFR-10 zoning district. (Section 10.713)
2. Amend the off-street parking table and include the number of parking spaces required for duplex and townhouse structures. (Section 10.743)
3. Allow for driveways to count toward the off-street parking requirement. (Section 10.746)
4. Amend the criteria related to development code amendments. (Section 10.184)
5. Delete the definition of private and public garages. (Section 10.012)

History

Five years ago the Planning Department annually began bringing text amendments forward regarding topics identified as needing clarification or revisions in the Municipal Code. This was started in order to make corrections to the code in order to better explain and implement the code requirements. This is the sixth in the series of these amendments.

The Planning Commission held a study session on Monday, September 14, 2015, to discuss these amendments. A public hearing was held on October 8, 2015, by the Planning Commission who voted 7–0 to recommend adoption to the Council. The findings in support of this amendment are contained in Exhibit A of this report.

Authority

This proposed plan authorization is a Class-A legislative amendment of Chapter 10 of the Municipal Code. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to Chapter 10 under Medford Municipal Code §§10.102–122, 10.164, and 10.184.

ANALYSIS

The amendments cover a range of topics looking at residential parking standards, changes to definitions and criteria, and duplexes in the SFR-10 zoning district. These topics were identified as needing clarification or changes based on questions and projects reviewed by staff. These code amendments serve to revise and strengthen the code in order to make the provisions clearer and more understandable for both staff and the community. The modifications are seen as positive changes to the code.

RECOMMENDED ACTION

The Planning Commission recommends adopting the proposed amendments based on the analyses, findings, and conclusions in the Commission Report dated November 12, 2015, including Exhibits A through E.

EXHIBITS

- A Findings and Conclusions
- B Proposed amendment
- C Minutes, Planning Commission Study Session, 9/14/2015
- D Minutes, Planning Commission Hearing, 10/8/2015
- E Public Comment, Dennis Beatty, received 10/7/2015

CITY COUNCIL AGENDA: December 17, 2015

Exhibit A

Findings and Conclusions

Applicable Criteria

Code amendment criteria are in Medford Municipal Code §10.184(2).

Land Development Code Amendment. The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:

a. Explanation of the public benefit of the amendment.

Findings

Overall the proposed changes help to clarify, amend, and improve the existing Development Code. Specifically, the duplex standards in the SFR-10 zoning district are explained and clearly identify when such a structure is permitted.

The residential parking standards are amended to include the number of spaces for both duplex and townhouse structures, two types of uses that currently do not have parking standards identified in the parking table.

One of the proposed amendments will allow for paved parking spaces within the required yard (setbacks) to count toward the off-street parking requirement for the use. This change will allow for existing paved areas to meet the parking need without having to pave an additional area on the parcel outside of the required yard (setback) area. The ability to use existing paved area has the potential to reduce the amount of impervious surface created on the parcel which is better for storm water runoff and aesthetic purposes. It also will allow, in some cases, the conversion of garages to livable spaces.

Code amendments such as this application are subject to approval criteria. One of the criteria "Conformity with applicable Statewide Planning Goals and Guidelines" is viewed as redundant as the City's Comprehensive Plan has been acknowledged as meeting statewide goals. Code amendments that accord with the Comprehensive Plan by default conform with the Statewide Goals.

Definitions for private and public garages are proposed to be deleted as they unnecessarily restrict the size of garages. Other standards such as lot coverage and setbacks will help to regulate the square footage of garages located on a parcel.

Conclusions

The proposed changes serve to help clarify the code provisions. These types of changes help make administering and understanding the code easier and clearer for both staff and the general public. Criterion 10.184 (2)(a) is found to be satisfied and serves the public interest.

b. *The justification for the amendment with respect to the following [five] factors:*

1. *Conformity with applicable Statewide Planning Goals and Guidelines.*

Findings

The proposal complies with the applicable Statewide Planning Goals and Guidelines through acknowledgement of the City's Comprehensive Plan. Specific Goals such as Citizen Involvement and Land Use Planning are covered with the amendment providing a public process for the amendments to be reviewed and commented on by citizens. Specific goals addressed by the Comprehensive Plan are provided in the following criterion.

Conclusions

Based on conformity with the Comprehensive Plan, the amendment conforms with the Statewide Planning Goals and Guidelines.

2. *Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.*

Findings

The goals outlined below identify some of the topics covered with the proposed Development Code amendments.

Environmental Element, Goal 1: To improve and maintain the quality of life in Medford by using land use planning strategies that have positive effects on the natural environment.

Housing Element Goal: To provide for the housing needs of citizens of Medford.

The amendments provide opportunities to provide for duplex development, a different housing type from the allowed single family residential use. A change to the parking standards help to clarify needed parking for attached housing types. The proposed change to allow for the existing paved driveway to count toward required off-street parking spaces will help reduce the amount of impervious surface created on a parcel.

Conclusions

The proposed amendments broadly address some of the goals of the Comprehensive Plan and assist in carrying out the vision of the Plan through implementation of the Code regulations. Criterion 10.184 (2)(b)(2) is satisfied.

3. Comments from applicable referral agencies regarding applicable statutes or regulations.

Findings

The proposal was provided to applicable referral agencies and departments identified in Section 10.146 of the Code. Also, the amendments were e-mailed to the Department of Land Conservation and Development as required by state law. The amendments under review were discussed with Planning staff and during a Planning Commission study session. No written comments were received on the proposed changes.

Conclusions

Opportunities for comments were provided to applicable referral agencies and no comments were received regarding the amendments. Criterion 10.184(2)(b)(3) is satisfied.

4. Public comments.

Findings

The amendments are posted on the City's website in order to provide citizens an opportunity to review and comment on the proposed changes. One comment was received prior to the Planning Commission hearing. (Exhibit E)

Conclusions

The amendments have been made available for public review and comments. A study session and public meeting were held with the Planning Commission to discuss the proposal and explain the changes. Criterion 10.184(2)(b)(4) is satisfied.

5. Applicable governmental agreements.

Findings

There are no governmental agreements that apply to the proposed code amendments.

Conclusions

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

Exhibit B

Proposed amendment

Deleted text is ~~struck through~~; added text is underlined

10.713 Duplex Dwellings.

The following standards apply to the development of duplex dwellings within the various residential districts. See Article III, Sections 10.308 through 10.312 for detailed descriptions of each residential zoning district and density factors, and Section 10.314 for conditional, special, and permitted uses.

DUPLEX DWELLINGS						
Two attached dwelling units on an individual lot or divided by a lot-line.						
DEVELOPMENT STANDARDS	SFR-4	SFR-6	SFR-10	MFR-15	MFR-20	MFR-30
SPECIAL STANDARDS	A duplex SHALL be divided by a lot-line AND be on a corner lot.	A duplex SHALL be divided by a lot-line.	A duplex is permitted on a lot of 6,000 sq. ft. or less ONLY if the duplex was legally existing or the application for development had been accepted prior to May 15, 2003. <u>A duplex need not be divided by a lot-line.</u> <u>A duplex is permitted on a lot if it meets the density calculation</u>	A duplex is permitted on lots between 5,000 and 12,500 square feet in size.		
MINIMUM AND MAXIMUM DENSITY FACTOR RANGE (See 10.708)	2.5 to 4.0 dwelling units per gross acre	4.0 to 6.0 dwelling units per gross acre	6.0 to 10.0 dwelling units per gross acre	10.0 to 15.0 dwelling units per gross acre	15.0 to 20.0 dwelling units per gross acre	20.0 to 30.0 dwelling units per gross acre
LOT AREA RANGE (SQUARE FEET)	8,500 to 18,750 each half	6,000 to 12,500 each half	6,000* to 12,500*	5,000* to 12,500*		
MAXIMUM COVERAGE FACTOR (See 10.706)	40%					
MINIMUM INTERIOR LOT WIDTH	75 feet each half	60 feet each half	50 feet*			
MINIMUM CORNER LOT WIDTH	75 feet each half	60 feet each half	60 feet*			
MINIMUM LOT						

DUPLEX DWELLINGS						
Two attached dwelling units on an individual lot or divided by a lot-line.						
DEVELOPMENT STANDARDS	SFR-4	SFR-6	SFR-10	MFR-15	MFR-20	MFR-30
DEPTH	90 feet					
MINIMUM LOT FRONTAGE	15 feet each half		30 feet*			
MINIMUM FRONT YARD BUILDING SETBACK	20 feet EXCEPT 15 feet IF vehicular access to the garage is parallel to the street					
MINIMUM STREET SIDE YARD BUILDING SETBACK	10 feet EXCEPT 20 feet for vehicular entrances to garages or carports					
MINIMUM SIDE YARD BUILDING SETBACK	4 feet PLUS ½ foot for each foot in building height over 15 feet					
MINIMUM REAR YARD BUILDING SETBACK	4 feet PLUS ½ foot for each foot in building height over 15 feet EXCEPT 10 feet IF the rear property line abuts a collector or arterial street					
MAXIMUM HEIGHT (See 10.705)	35 feet					
BUFFERYARD SETBACK	8 feet from bufferyard to any doors on a dwelling unit					
<p>Where the duplex is REQUIRED to be divided by a lot-line (SFR-4 and SFR-6), THEN the standards pertain to each half separately. For the other zoning districts, the * indicates standards that are divided in half IF the duplex is to be divided by a lot-line. Where the duplex is permitted without being divided by a lot-line, THEN two DETACHED dwelling units are permitted in lieu of the duplex.</p>						
<p><i>The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article I, Section 10.012.</i></p>						

10.743 Off-Street Parking Standards.

Table 10.743-1 – City of Medford Minimum and Maximum Parking Standards			
Land Use Category	Parking Standards are based on number of spaces per 1,000 Square Feet of Gross Floor Area (unless otherwise noted)		
	Minimum Number of Required Parking Spaces		Maximum Permitted Parking Spaces
	Central Business District C-B Overlay (outside of Downtown Parking District)**	All Other Zones	All Zones
<u>Residential, Duplex</u>	<u>1 space per dwelling unit</u>	<u>2 spaces per dwelling unit</u>	<u>n/a</u>
<u>Residential, Townhouse</u>	<u>1 space per dwelling unit</u>	<u>2 spaces per dwelling unit</u>	<u>n/a</u>
Residential, Multiple Family	1.5 spaces per dwelling unit <u>1 space per dwelling unit</u>	1.5 spaces per dwelling unit	<u>n/a</u>

10.746 General Design Requirements for Parking.

- (10) Parking, Required Yard. Parking and loading spaces and their maneuvering area shall not be located in a required yard, except as follows:
- (a) In a SFR or MFR zone, parking lots with more than three (3) spaces that do not back directly into the street may encroach to within ten (1) feet of a street right-of-way.
 - (b) When creating a common driveway with an adjacent parcel.
 - (c) At a single-family residence in a SFR zone, paving may be located within a required side or rear yard.
 - (d) Paved driveways located in a required front yard, street side yard, or rear yard off of an alley may be counted toward the off-street parking requirement for the lot or parcel. The paved area shall meet the dimensional requirements for a parking space and shall not be located within a public right-of-way.

Section 10.184 Class "A" Amendment Criteria.

(2) Land Development Code Amendment. The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:

- (a) Explanation of the public benefit of the amendment.
- (b) The justification for the amendment with respect to the following factors:
 - ~~(1) Conformity with applicable Statewide Planning Goals and Guidelines.~~
 - (2) Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.
 - ~~(3) Comments from applicable referral agencies regarding applicable statutes or regulations.~~
 - (4) Public comments.
 - ~~(5) Applicable governmental agreements.~~

Section 10.012 Definitions.

Garage. A building, or portion thereof, used or intended to be used for the parking and storage of motor vehicles.

~~**Garage, private.** A building or a portion of a building, not more than 1000 square feet in area, in which only motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.~~

~~**Garage, public.** Any garage other than a private garage.~~

Exhibit C

Minutes, Planning Commission Study Session, 9/14/2015

Excerpt

1. DCA-15-103 Housekeeping 2015

Carla Paladino, Planner IV, reported that the Planning Department proposed six text amendments to Chapter 10 of the Land Development code. These are code sections that staff has identified that need clarification or revisions in order to more effectively administer the code provisions.

1. Clarify if duplexes are allowed in SFR-10 zone regardless of density.

Duplexes are permitted in SFR-10 but must meet density. It does not need to be separated by a lot line.

Chair McFadden asked if there would need to be an adjustment for corner lots? Ms. Paladino reported that there is no distinction in SFR-10 for corner lots. Usually corner lots are larger.

2. Clarify attached units and related parking.

Add duplex and townhouse to the parking table. Allow required front yard to count for parking.

Commissioner McKechnie asked if the property line is back to back to the sidewalk? Ms. Paladino replied yes.

3. Amend calculation of required yard.

Building height calculation for required side and rear yard on detached single family dwelling. The current code is the yard is determined by height of front wall of building.

Option #1 – Increase measurement from 15 feet to 18 feet and calculate each side; and
Option #2 – Use stories instead of height

CSA Planning sent in two options: Option #1 is to change the ½ foot rule to a ¼ foot rule; and Option #2 splits it per zone.

Commissioner Mansfield asked what does the industry desire and also the interest of staff administering it? What recommendations do they have to these various options as to which one they prefer? Ms. Paladino reported the simplest one is the story one, unless it gets complicated with slope or walkout basement. The definition of story covers all that. Staff does not get paper plans anymore. It is all electronic and scaling from there. Hopefully, measurements will be given with the plans submitted. This is Option #2 from staff.

Kelly Akin, Principal Planner, stated that they need to be careful that they have had a minimum 4 foot setback for a long time. They do not want to make their minimum 5 or 6 feet because then they have 90% of the City as non-conforming.

Commissioner Foley asked what were the ramifications of non-conformities? Ms. Akin reported that it is something else to manage. They are messy.

Commissioner Pulver stated that a higher density in the higher zones resonated with him. Also, possibly closer lot line on one side allowing the neighbor to have a larger lot. He is thinking possibly a total of 12 feet side yard setback.

Commissioner Culbertson asked why SFR-10 was in this group and not classified with a medium density with 15? The footprint on those is so small. John Adam, Principal Planner, reported that medium density designation and the MFR-15 were late comers to this scheme. They had low density and high density. When the medium was created it may have been envisioned that SFR-10 would someday be moved into that category.

Jim Huber, Planning Director, reported that staff considered moving SFR-10 into the GLUP designation UM. In doing GIS work they found there were over a thousand lots with SFR-10 zoning. It is doable but it would be a huge zone change application. It is not a priority at this time. It is his opinion that it would be very controversial.

Ms. Paladino stated that she has heard a range of items but not one specific option. Is this something that the Planning Commission would like to pull from this and discuss it more or have staff bring back something different or point to and run with? She has heard talking to builders about this, looking at a combination of story plus the height, looking at the total number, buffer between SFR-6 and SFR-10 zones. She is asking the Planning Commission for direction.

Commissioner Mansfield repeated himself that it is time to hear from the industry.

Commissioner Foley requested staff to bring back some scenarios of this impact on existing developed neighborhoods.

Commissioner Culbertson asked if anyone liked the calculation of ½ foot per foot over 18 as opposed to trying to go to some sort of uniform single story so many foot setback?

Vice Chair Miranda reported that he likes the simplification. It is easy to manage, enforce, track and adjust. He leans towards that option.

Ms. Paladino stated that maybe the question is if one goes to a two-story in an existing neighborhood what is a reasonable setback for the neighbor that may not have a two-story.

4. Lot Legality.

Outlines a process to validate an illegal lot; reference statutes; identify actions and dates that created lawful lots and list types of unauthorized lots.

5. Amend development code amendment criteria.

Remove Criterion #1 – Conformity with applicable Statewide Planning Goals and Guidelines.

6. Delete the definition of private garage.

Remove private and public garage from the definition section.

Exhibit D

Minutes, Planning Commission Hearing, 10/8/2015

Excerpt

50.1 DCA-15-103 Consideration of a Class "A" legislative code amendment to revise provisions in Chapter 10 of the Municipal Code. (City of Medford, Applicant)

Carla Paladino, Planner IV, reviewed the proposal, read the approval criteria and gave a staff report.

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, initiate the amendment and forward a favorable recommendation for adoption of DCA-15-103 to the City Council per the staff report dated October 1, 2015, including Exhibits A and B including the email received yesterday as Exhibit C.

Moved by: Commissioner McKechnie

Seconded by: Commissioner D'Alessandro

Roll Call Vote: Motion passed, 7-0.

Exhibit E

Public Comment, 10/7/2015

Good morning,

I apologize for the delay in sending this email. I am writing to follow up on my recent phone call to support the proposed changes to the driveway/parking area setback requirements which are currently preventing me from closing in my garage to make it into a more secure storage area. As we discussed, the current rules seem quite arbitrary , so it will be nice to clean them up.

Thank you,

Dennis Beatty
2228 Ruhl Way
Medford, Oregon 97504



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 Department

AGENDA SECTION: Public Hearing

MEETING DATE: December 17, 2015

COUNCIL BILL 2015-134

An ordinance proclaiming annexation to the City of Medford of an approximate 5.01 acre parcel located on the west side of Cherry Street, approximately 140 feet south of the intersection with Prune Street, and concurrent zone change from Rural Residential 2.5 (RR-2.5) to Single-Family Residential (SFR-00), and withdrawal of said property from Medford Rural Fire Protection District No. 2, effective pursuant to State Law. (A-15-096)

ISSUE STATEMENT & SUMMARY:

Ordinance to annex an approximately 5.01 acre parcel to the City of Medford located on the west side of Cherry Street, approximately 140 feet south of the intersection with Prune Street, and concurrent zone change from Rural Residential 2.5 (RR-2.5) to Single-Family Residential (SFR-00) and removal from Medford Rural Fire Protection District #2, effective pursuant to State law. (A-15-096)

BACKGROUND:

An application was submitted by the property owner requesting annexation of the subject property addressed at 788 Cherry Street. The property is located in the southwest ward.

A. Council Action History

On November 19, 2015, the City Council adopted Resolution No. 2015-121 initiating the annexation and setting the public hearing for December 17, 2015.

B. Analysis

The property is located within the City's Urban Growth Boundary and is contiguous with the City limits along portions of the north, east, and west property lines. The applicant has submitted the application and the owner has consented in writing to the annexation.

The subject property is currently zoned Rural Residential 2.5 (RR-2.5), a County zoning designation. Upon annexation, the Single-Family Residential (SFR-00) holding zone will be applied to the property. The property has a General Land Use Plan (GLUP) designation of Urban Medium (UM) Density which can accommodate the Multi-Family Residential 15 (MFR-15) City zoning designation in the future.

C. Financial and/or Resource Considerations

None.

D. Timing Issues

If the City Council approves the annexation, it will become effective pursuant to State law.

STRATEGIC PLAN:

Theme: Healthy Economy

Goal 6: Maintain and enhance community livability.

COUNCIL OPTIONS:

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



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 120.2

www.ci.medford.or.us

STAFF RECOMMENDATIONS:

Staff recommends adoption of the ordinance.

SUGGESTED MOTION:

I move to approve the ordinance to annex the property located at 788 Cherry Street.

EXHIBITS:

Ordinance

Staff Report and exhibits for file A-15-096 dated December 10, 2015

Power Point presentation on file in the Planning Department

ORDINANCE NO. 2015-134

AN ORDINANCE proclaiming annexation to the City of Medford of an approximate 5.01 acre parcel located on the west side of Cherry Street, approximately 140 feet south of the intersection with Prune Street, and concurrent zone change from Rural Residential 2.5 (RR-2.5) to Single-Family Residential (SFR-00), and withdrawal of said property from Medford Rural Fire Protection District No. 2, effective pursuant to State Law.

WHEREAS, the owners of the land in the territory to be annexed have consented in writing to the annexation, said consent having been heretofore filed with the City Recorder in the manner prescribed by law; and

WHEREAS, the City Council by Resolution No. 2015-121 adopted November 19, 2015, dispensed with the elections submitting to the registered voters of the city the question of annexing said property and set 7:00 p.m. on the 17th day of December, 2015, in Medford City Council Chambers as the time and place of hearing thereon, together with a zone change to Single-Family Residential (SFR-00) and withdrawing said property from Medford Rural Fire Protection District No. 2, at which time and place the registered voters of the city and other interested parties were given an opportunity to be heard on the question; and

WHEREAS, notices of said public hearing were published and posted in the manner and for the time prescribed by law and the public hearing was duly held by and before the City Council as provided by law and by the terms of said resolution and the published notice, and it appears to be in the best interest of the city and of the area involved that it be annexed to the City of Medford, that the area be rezoned to Single-Family Residential (SFR-00), and that the area be withdrawn from Medford Rural Fire Protection District No. 2; and

WHEREAS, the City Council finds and determines that the facts and conclusions in the Staff Report dated December 10, 2015, on file in the Planning Department and incorporated herein by reference, are true and correct and are hereby adopted as the findings of the council; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. The property described in Exhibit A, attached hereto and incorporated herein, shall be annexed to the City of Medford, Oregon, and rezoned to Single-Family Residential (SFR-00) as provided herein.

Section 2. The above-described property annexed to the City of Medford is hereby

withdrawn from Medford Rural Fire Protection District No. 2 at the effective date of annexation.

Section 3. The City Recorder shall submit to the Secretary of the State of Oregon a certified copy of this Ordinance. The City Recorder shall also, within ten days of the effective date of this annexation, send copies of this Ordinance to the County Clerk, County Assessor of Jackson County, Oregon, and Medford Rural Fire Protection District No. 2.

PASSED by the council and signed by me in authentication of its passage this _____ day of _____, 2015.

ATTEST: _____
City Recorder

Mayor

APPROVED: _____, 2015.

Mayor

Jackson County at Records 2006-026089
 R-BSD
 Crj#1 Sin#3 MORGANS 05/18/2006 03:43:44 PM
 \$10.00 \$5.00 \$11.00 Total: \$26.00



I, Kathleen S. Beckett, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk's records.
 Kathleen S. Beckett - County Clerk

BARGAIN AND SALE DEED

RECEIVED
 JUL 09 2015
 PLANNING DEPT.

Grantor's Name and Address: Merna Schaffer 788 Cherry Street Medford OR 97501	Grantee's Name and Address: Merna Schaffer Family Trust 788 Cherry Street Medford OR 97501
Until a Change is Requested send all tax statements to: Merna Schaffer 788 Cherry Street Medford OR 97501	After Recording Return To: STARK AND HAMMACK, P.C. 201 West Main Street, Suite 1B Medford, OR 97501

KNOW ALL MEN BY THESE PRESENTS that the undersigned Merna Schaffer, Grantor, hereby conveys and sets over unto the Trustees of the Merna Schaffer Family Trust dated February 19, 1999. Grantee all her right, title and interest in the property described as: Lot Number 4 of Block number 4 of the Nickel addition to the City of Medford according to the duly recorded plat thereof, known as:
 788 Cherry Street, Medford, Oregon 97501
 Account number 372W026 DD Taxlot 2500
 Jackson County Assessor number 1-043344-4

The true and actual consideration paid for this transfer is \$0.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

IN WITNESS WHEREOF, the grantor(s) have executed this instrument this 17th day of May, 2006.

Merna Schaffer
 Merna Schaffer

CITY OF MEDFORD
 EXHIBIT #
 File # A-15-096

21

EXHIBIT A

Continuous Improvement • Customer Service



STAFF REPORT

for a Class-B quasi-judicial decision: **Annexation**

Project Schaffer Annexation
File no. A-15-096
To Mayor and City Council *for 12/17/2015 hearing*
From Carla Angeli Paladino, Planner IV
Reviewer John Adam, Principal Planner
Date December 10, 2015

BACKGROUND

Proposal

A request to annex an approximately 5.01-acre parcel to the City of Medford located on the west side of Cherry Street, approximately 140 feet south of the intersection with Prune Street. The current County zoning designation of Rural Residential 2.5 (RR-2.5) will be changed to the City's Single-Family Residential (SFR-00) holding zone. The property will be removed from Medford Rural Fire Protection District #2. The actions will be effective pursuant to State law.

History

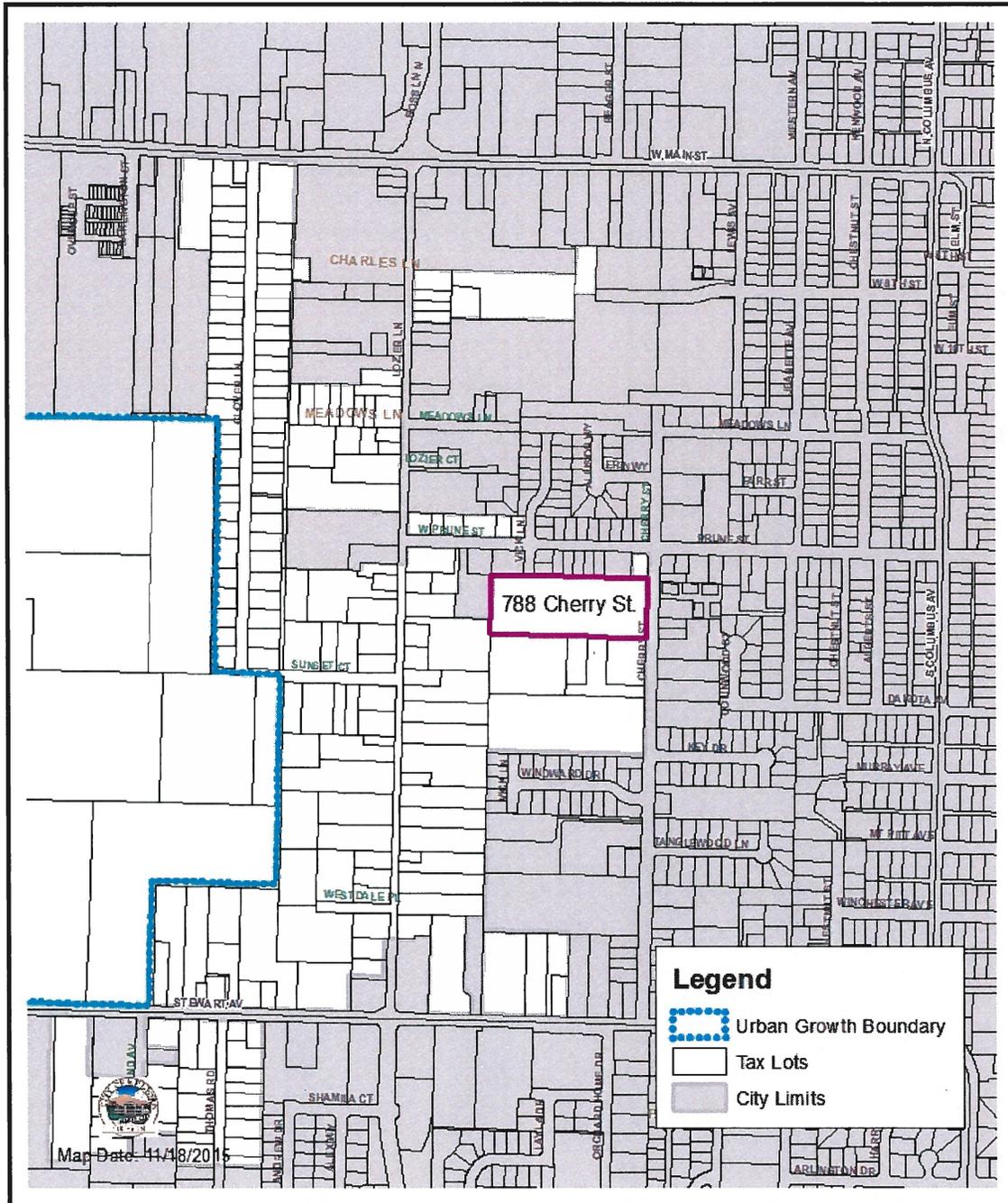
On November 19, 2015, the City Council adopted Resolution 2015-121 initiating the annexation and setting the public hearing date for December 17, 2015 to hear the proposal.

Authority

This proposed plan authorization is a Class-B quasi-judicial decision. The City Council is authorized to approve annexations under Medford Municipal Code §§10.102–111, 10.165, and 10.197–199.

AREA MAP

Schaffer Annexation (A-15-096)



FINDINGS AND CONCLUSIONS

The criteria that apply to code amendments are in Medford Municipal Code §10.197. The criteria are rendered in italics; findings and conclusions in roman type.

The City Council must find that the following State requirements are met in order to approve an annexation:

- 1. The land is within the City Urban Growth Boundary.*
- 2. The land is contiguous to the current city limits.*
- 3. Unless the land being considered for annexation is enclaved by the City or the City chooses to hold an election, a majority of the land owners and/or electors have consented in writing to the annexation per ORS 222.125 or ORS 222.170.*

Findings

The request for annexation is for one parcel (372W26DD Tax lot 2500) owned by Merna Schaffer Family Trust (Beverly Weaver and Gina Taylor, Trustees). The property contains a single family residence built in the 1940s, two barns, and a shed according to the Jackson County Assessor's data. The property is occupied by family members of the applicants and used for horse grazing. The site has street frontage on Cherry Lane and Vick Lane with driveway access taken from Cherry Lane. The parcel is served by a well and by Rogue Valley Sewer Service for sanitary sewer. A portion of Elk Creek runs through the eastern portion of the property. The property is located within the City's Urban Growth Boundary and abuts the current city limits on the north, west, and east property lines.

The current County zoning designation is Rural Residential 2.5 (RR-2.5). The applicants have requested the City apply the Single Family Residential 00 (SFR-00) zoning designation to the property at this time. Per Section 10.198 of the Municipal Code, a comparable zoning designation is applied to the property or the SFR-00 holding zone is designated at the time of annexation. The Medford General Land Use Plan (GLUP) map was recently updated on this parcel changing the designation from Urban Residential (UR) to Urban Medium (UM) Density Residential. Prior to development, the SFR-00 holding zone will need to be rezoned to correspond to the UM designation.

On September 2, 2015, staff mailed a letter to James and Gloria Work, owners of property at the corner of Prune and Cherry Streets, asking if they wanted to participate in the annexation proceedings along with the current applicant. Staff spoke with Mr. Work and he declined the invitation to apply for annexation. The resulting proposal for annexation is for the subject property at 788 Cherry Street only.

The property owners have consented in writing to the annexation in accordance with the applicable state statutes. Staff finds that all three of the above criteria are satisfied.

Internal departments and external agencies were given an opportunity to comment on the annexation proposal. Services can be provided to the property to aid in future development. Specific comments are provided below.

Conclusions

The property under consideration meets the applicable criteria for annexation.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and approve the ordinance for approval of the annexation per the staff report dated December 10, 2015, including Exhibits A through H.

EXHIBITS

- A Applicant's Findings
- B Signed Consent to Annexation Forms
- C Rogue Valley Sewer Services
- D Medford Water Commission
- E Medford Fire Department
- F Medford Public Works Department
- G Jackson County Roads
- H Oregon Department of Transportation
Vicinity Map

CITY COUNCIL AGENDA:

DECEMBER 17, 2015

RECEIVED

**BEFORE THE PLANNING COMMISSION AND CITY COUNCIL
FOR THE CITY OF MEDFORD, OREGON:**

JUL 09 2015

PLANNING DEPT.

IN THE MATTER OF AN APPLICATION FOR)
)
ANNEXATION OF PROPERTY DESCRIBED)
)
AS T.37S-R.2W-SECTION 26DD, TAX LOT)
)
2500; MERNA SCHAFFER FAMILY TRUST,)
)
APPLICANT; RICHARD STEVENS &)
)
ASSOCIATES, INC., AGENT)

FINDINGS OF FACT

I. BACKGROUND INFORMATION:

APPLICANT: Merna Schaffer Family Trust
Beverly Weaver, Trustee
Gina Taylor, Trustee
788 Cherry Street
Medford, OR 97501

AGENT: Richard Stevens & Associates, Inc.
P.O. Box 4368
Medford, OR 97501
(541) 773-2646

PROPERTY: 37-2W-26DD, Tax Lot 2500
5.01 Acres

PRESENT ZONING: Rural Residential (RR-2.5)

CURRENT USES: Single family residential, horse grazing

COMP PLAN: Urban Residential (UR)

ACCESS: Frontage on Cherry Street
Frontage on Vick Lane

**CITY OF MEDFORD
EXHIBIT A
File # A-15-096**



II. APPLICABLE CRITERIA:

Section 10.195, Application for Annexation: *Except for the annexation of unincorporated territory surrounded by the city as provided in Section 10.199, applications for annexation shall, in addition to requirements contained herein, be subject to the provisions of ORS 222.111 to 222.180 or 222.840 to 222.915.*

Discussion:

The subject property is not surrounded by the city; therefore, this annexation is subject to the Oregon Revised Statutes stated above. No health hazard is present on the subject property; therefore, ORS 222.111 to 222.180 is applicable to this application. The applicant agrees with the provisions of ORS 222.111 to 222.180.

Conclusion:

The City of Medford concludes that the subject property is not unincorporated territory surrounded by the city, and no health hazard exists on the subject property; therefore, the provisions of ORS 222.111 to 222.180 are applicable to this application. This application addresses and is consistent with the provisions of ORS 222.111 to 222.180 for annexation.

FINDING:

The City of Medford finds that the subject property is not unincorporated territory surrounded by the city, and no health hazard exists on the subject property; therefore, the provisions of ORS 222.111 to 222.180 are applicable to this application.

Section 10.196, Application Form: *An application for annexation shall contain the following information:*

- 1) *Vicinity map drawn at a scale of 1"=1000' identifying the proposed area of annexation and existing city limits.*

Discussion:

A vicinity map has been provided with this application in Exhibit A.

- 2) *Assessor's maps of the proposed annexation area. The assessor's maps shall have identified those parcels for which consents to annex have been acquired and adjacent right-of-way to be annexed.*



Discussion:

An assessor's map has been provided with this application in Exhibit A. The subject property and adjacent right-of-way have been highlighted for identification.

- 3) *Consent to annex forms completed and signed by all consenting property owners within the proposed annexation area.*

Discussion:

A completed consent to annex form is attached to the submitted application form.

- 4) *Legal metes and bounds or lot and block description of the annexation area including to the centerline of the adjacent right-of-way in electronic form per the instructions of the City of Medford Planning Department.*

Discussion:

The legal metes and bounds of the subject property have been provided in Exhibit B. The electronic form will be submitted upon notice from the City of Medford Planning Department that the annexation boundary has been defined.

- 5) *Specific information on each parcel within the proposed annexation area:*
 - a) *Current assessed valuation shown on County Assessor's tax rolls.*
 - b) *Acreage of both public and private property to be annexed.*
 - c) *Map and tax lot number.*

Discussion:

The current assessed valuation of the subject property, along with a map and tax lot number and the acreage of the subject property, is provided in Exhibit B. The acreage of the public right-of-way will be submitted upon notice from the City of Medford Planning Department that the annexation boundary has been defined.

- 6) *Addresses of all dwelling units and businesses located within the annexation area and names of all residents and whether they are registered voters.*

Discussion:

The addresses of all dwelling units and businesses located on the subject property are provided in Exhibit B. The names of the residents and their voting status are provided on Page 8 of the application form.



7) *The following information shall be supplied by the applicant:*

a) *Existing land uses within the annexation area.*

Discussion:

The subject property is currently developed with a single family dwelling that is occupied by the applicants' family members. The subject property is also used for horse grazing.

b) *Existing zoning within the annexation area.*

Discussion:

The subject property is currently zoned Rural Residential (RR-2.5).

c) *Existing improvements:*

- water system*
- streets*
- sanitary sewer*
- storm drainage*

Discussion:

The existing uses on the subject property are:

Water- The subject property is currently served by a well.

Streets- The subject property has frontage on Cherry Street and Vick Lane, and takes access from Cherry Street. The current ADTs for Cherry Street and Vick Lane are as follows:

Cherry Street (local street): 900 ADT
Vick Lane (local street): No data

Sanitary sewer- The subject property is currently served by sanitary sewer through RVSS.

Storm drainage- The subject property, which is situated in the Elk Creek Basin area (see Exhibit A), is currently provided storm drainage via the drainage way on site. For future development, the applicants will provide an engineered storm drainage retention plan consistent with the master stormwater management plan.



d) *Special Districts within the area:*

- water district
- irrigation district
- fire district
- school district
- Rogue Valley Sewer Services
- other

Discussion:

The Special Districts within the area are:

Water district- The Medford Water Commission serves this area. The subject property is currently served by a well; however, upon approval of this annexation, the subject property may request to connect to the public water system. An 8" main water line is present on Cherry Street.

Irrigation District- The Medford Irrigation District (MID) serves the subject property. If the city elects to withdraw the subject property from this district per ORS 222.111(4), the withdrawal will proceed in accordance with ORS 222.465.

Fire District- The subject property is currently served by Fire District #2. Upon approval of this annexation, the city may request that the subject property be withdrawn from Fire District #2 per ORS 222.111(4). Fire service will be provided by the City of Medford upon withdrawal from Fire District #2.

School District- The area school district is Medford School District 549C. The subject property is currently served by 549C, and will continue to be served by that district upon approval of the annexation.

Rogue Valley Sewer Services- Rogue Valley Sewer Services serves the area surrounding the subject property. The subject property is currently connected to a 4" lateral, which connects to an 8" main line on Cherry Street. If the city elects to withdraw the subject property from the Rogue Valley Sewer Services district per ORS 222.111(4), the withdrawal will proceed in accordance with ORS 222.465.

e) *A completed Census Information Sheet for all parcels being considered for annexation.*

Discussion:

A completed Census Information Sheet can be found on Page 8 of the application form.



- f) *Written findings indicating compliance with all of the annexation criteria 1 through 3 contained in Section 10.197, Annexation Criteria.*

Discussion:

Findings that address Section 10.197 can be found below.

- 8) *Property owners' (and agents') names, addresses and map and tax lot numbers within 200' of the subject site, typed on mailing labels.*

Discussion:

Mailing labels for all properties located within 200' of the subject property can be found in Exhibit B.

Conclusion:

The City of Medford concludes that the application form, findings, and exhibits contain all of the information required by this Section.

FINDING:

The City of Medford finds that the information requested in this Section has been submitted by the applicant, in conformance with the requirements of this Section.

Section 10.197, Annexation Criteria: *The City Council must find that the following State requirements are met in order to approve an annexation:*

- 1) *The land is within the City's Urban Growth Boundary.*

Discussion:

The subject property is located within the City of Medford's Urban Growth Boundary (UGB) as seen on the GLUP and Medford Zoning maps in Exhibit A.

- 2) *The land is contiguous to the current city limits.*

Discussion:

The subject property shares a common boundary with the Medford city limits along its west, north, and east property lines. See Exhibit A for a map showing the location of the subject property in relation to the Medford city limits boundary.



- 3) *Unless the land being considered for annexation is enclaved by the City or the City chooses to hold an election, a majority of the land owners and/or electors have consented in writing to the annexation per ORS 222.125 or ORS 222.170.*

Discussion:

The majority of the subject property's owners and electors have consented in writing to the annexation. See Page 5 of the application form for the completed and notarized 'Consent to Annexation' form, and Exhibit B for the electors' consent to annex.

Conclusion:

The City of Medford concludes that the subject property is located within the Medford Urban Growth Boundary and is contiguous to the current city limits. The majority of the subject property's owners and electors have consented in writing to the annexation.

FINDING:

The City of Medford finds that the subject property is located in the Medford Urban Growth Boundary and is contiguous to the current city limits, and the owners and electors have consented in writing to the annexation, in conformance with the requirements of this Section.

Section 10.198, Zoning of Annexed Property: *At the time of annexation, the City will apply a City zoning designation comparable to the previous County zoning designation. Where no comparable City zoning designation exists, the SFR-00 (Single-Family Residential- one dwelling unit per existing lot) zone will be applied.*

Discussion:

The General Land Use Plan (GLUP) map identifies the subject property as being within the Urban Residential zoning district. The majority of the properties abutting the subject property to the north are currently zoned SFR-10. Several properties within the vicinity of the subject property are zoned SFR-00. Upon annexation, the subject property will be zoned SFR-00 as a holding zone.



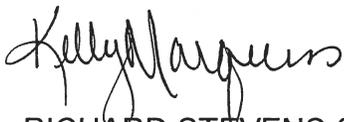
III. SUMMARY

Based upon the information and findings submitted with this application for annexation, the City of Medford can make the following findings:

- 1. The subject property is located within the Medford Urban Growth Boundary and is contiguous to the current city limits.**
- 2. The required Consent to Annexation forms have been completed and signed by the property owners and notarized.**
- 3. This application is consistent with the applicable provisions of the Medford Land Development Code and state law.**

Based upon the information contained within this application, these findings and attached documentation, the City of Medford concludes that this application is consistent with the criteria for annexation. The applicant respectfully requests approval of this application for annexation into the City of Medford.

Respectfully Submitted,



RICHARD STEVENS & ASSOCIATES, INC.



RECEIVED

JUL 09 2015

PLANNING DEPT.

ANNEXATION APPLICATION

CONSENT TO ANNEXATION
ELECTOR

Consent is hereby given to the annexation by the City of Medford, Oregon of the following described real property:

Map and Tax Lot: 37-2W-26DD TL 2500 Address: 788 Cherry Street, Medford

Legal Description:
Lot #4 of Block #4 of the Nickell Addition

in the corporate limits of said city, which is ~~owned~~^{rented} by the undersigned

DATED this 5 day of June, 2015.

Jessica L. Stapp

STATE OF OREGON)

County of Jackson) ss

On this 5th day of JUNE, 2015, personally appeared

JESSICA L. STAPP

who, being duly sworn did acknowledge the foregoing instrument to be his/her/their voluntary act and deed.



Kelly Rae Marquess
Notary Public for Oregon
My Commission expires JUNE 19, 2016

Filed with the City of Medford this 9th day of July, 2015.

Chaladino
Planning Director or designee

RECEIVED
JUL 09 2015
PLANNING DEPT.

ANNEXATION APPLICATION

CONSENT TO ANNEXATION
INDIVIDUAL OWNER:

Consent is hereby given to the annexation by the City of Medford, Oregon of the following described real property:

Map and Tax Lot: 37-2W-26DD TL 2500 Address: 788 Cherry Street, Medford

Legal Description:

Lot #4 of Block #4 of the Nickell Addition

in the corporate limits of said city, which is owned by the undersigned

DATED this 15th day of APRIL, 2015.

Beverly Weaver
Gina Taylor

STATE OF OREGON)

County of Jackson)

) ss
)

On this 15th day of APRIL, 2015, personally appeared

BEVERLY WEAVER ; GINA TAYLOR

who, being duly sworn did acknowledge the foregoing instrument to be his/her/their voluntary act and deed.



Kelly Rae Marquess
Notary Public for Oregon
My Commission expires JUNE 19, 2016

Filed with the City of Medford this 9th day of July, 2015.

Chaladinis
Planning Director or designee

ANNEXATION APPLICATION

**CONSENT TO ANNEXATION
INDIVIDUAL OWNER:**

The undersigned hereby agree (s) that the consent to annexation of the property described as:

Map and Tax Lot: 37-2W-26DD TL 2500 Address 788 Cherry Street, Medford is irrevocable and shall be binding upon our heirs, successors, and assigns forever, being a covenant running with the land. The one-year period prescribed by ORS 222.173 is hereby waived.

DATED this 15th day of APRIL, 20 15.

Gina Taylor
Beverly Weaver

STATE OF OREGON)

County of Jackson) ss
)

On this 15th day of APRIL, 20 15, personally appeared

GINA TAYLOR ; BEVERLY WEAVER

who, being duly sworn did acknowledge the foregoing instrument to be his/her/their voluntary act and deed.



Kelly Rae Marquess
Notary Public for Oregon
My Commission expires: JUNE 19, 2016

Filed with the City of Medford this 9th day of July, 20 15.

Paladini

Planning Director or designee

ANNEXATION APPLICATION

The undersigned is/are the record owner/s of the property described as:

Map and Tax Lot: 37-2W-26DD TL 2500 Address: 788 Cherry Street, Medford which is subject to the attached consent to annexation and separate agreement making the consent irrevocable.

As part of the contract consent to annexation and zone change, and in consideration of the city accepting the application for annexation and zone change, the undersigned hereby waives any rights and claims for compensation as a result of the enactment or enforcement of land use regulations by the City of Medford, arising under 2007 Oregon Ballot Measure 37 and future versions thereof.

This waiver shall bind the undersigned, their agents, heirs, successors and assigns, and shall constitute a covenant running with the land, and may be recorded in the official records of the county in which the subject real property is located.

DATED this 15th day of APRIL, 2015.

Beverly Green
Ysira T. Taylor

STATE OF OREGON)
) ss
County of Jackson)

On this 15th day of APRIL, 2015, personally appeared ~~BEVERLY GREEN~~; GINA TAYLOR who, being duly sworn did acknowledge the foregoing instrument to be his/her/their voluntary act and deed.

Notary Public for Oregon *Kelly Rae Marquess*
My commission expires: JUNE 19, 2016



FILED with the CITY OF MEDFORD this 9th day of July, 2015

Calabria
Planning Director or Designee



ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 7502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

October 20, 2015

City of Medford Planning Department
411 West 8th Street
Medford, Oregon 97501

Re: A-15-096, Schaffer Annexation, Tax Lot 2500, Map 372W26DD

ATTN: Carla,

There is an 8 inch sewer main on Cherry Street with a 4 inch service lateral extended to the subject property. There is also an 8 inch sewer main on Vick Lane that extends into the subject property.

These sewer mains have adequate capacity to serve the proposed density (MFR-15).

Future development will likely require internal sewer main extensions, which will be reviewed at the time of development.

Feel free to contact me with any questions.

Sincerely,

Carl Tappert

Carl Tappert, PE
Manager

K:\DATA\AGENCIES\MEDFORD\PLANNING\ANNEXATION\2015\A-15-096_SCHAFFER.DOC



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: A-15-096
PARCEL ID: 372W26DD TL 2500

PROJECT: Consideration of a request for annexation to the City of Medford of an approximately 5.01 acre parcel located on the west side of Cherry Street, approximately 140 feet south of the intersection with Prune Street, and concurrent zone change from Rural Residential 2.5 (RR-2.5) to Single Family Residential 00 (SFR-00) and removal from Medford Rural Fire Protection District #2, effective when notice is received from the Secretary of the State.

NOTE: The consultant was contacted to consider changing the zone to Multi-Family Residential 15 (MFR-15) rather than SFR-00. A response from the consultant is pending. The current General Land Use Plan (GLUP) is Urban Medium Residential (UM); Myrna Schaffer Family Trust, Applicant (Richard Stevens & Associates, Agent). Carla Paladino, Planner.

DATE: October 29, 2015

I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.

COMMENTS

1. The MWC system does have adequate capacity to serve this property.
2. MWC-metered water service does not exist to this property.
3. Access to MWC water lines is available. There is an 8-inch water line located on west side of Vick Lane, and an 8-inch water line is located in Cherry Lane that extends southerly from Prune Street and ends approximately 120-feet south of the north property line of this parcel.



Scale: 1"=150'

**Water Facility Map
for
A-15-096**

Legend

- ⊕ Air Valve
- ⊙ Sample Station
- Fire Service
- ⬆ Hydrant
- ▲ Reducer
- Blow Off
- ⊕ Plugs-Caps

- Water Meters:**
- ⊙ Active Meter
 - ⊙ On Well
 - ⊙ Unknown
 - ⊙ Vacant

- Water Valves:**
- ⊙ Butterfly Valve
 - ⊙ Gate Valve
 - ⊙ Tapping Valve

- Water Mains:**
- Active Main
 - - - Abandoned Main
 - Reservoir Drain Pipe
 - Pressure Zone Line

- Boundaries:**
- ▭ Urban Growth Boundary
 - ▭ City Limits
 - ▭ Tax Lots

- MWC Facilities:**
- C** Control Station
 - P** Pump Station
 - R** Reservoir



MEDFORD WATER COMMISSION

This map is based on a digital orthophoto provided by Medford Water Commission from a variety of sources. Medford Water Commission cannot accept any responsibility for errors, omissions or graphical anomalies. There are no warranties, expressed or implied.

Page 03



Medford Fire Department

200 S. Ivy Street, Room #180
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
E-mail www.fire@ci.medford.or.us

LAND DEVELOPMENT REPORT - PLANNING

To: City of Medford Public Works

LD Meeting Date: 11/04/2015

From: Fire Marshal Kleinberg

Report Prepared: 10/23/2015

File #: A - 15 - 96

Site Name/Description:

Consideration of a request for annexation to the City of Medford of an approximately 5.01 acre parcel located on the west side of Cherry Street, approximately 140 feet south of the intersection with Prune Street, and concurrent zone change from Rural Residential 2.5 (RR-2.5) to Single Family Residential 00 (SFR-00) and removal from Medford Rural Fire Protection District #2, effective when notice is received from the Secretary of the State.

NOTE: The consultant was contacted to consider changing the zone to Multi-Family Residential 15 (MFR-15) rather than SFR-00. A response from the consultant is pending. The current General Land Use Plan (GLUP) is Urban Medium Residential (UM); Myrna Schaffer Family Trust, Applicant (Richard Stevens & Associates, Agent). Carla Paladino, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
<p><u>Approved as Submitted</u> Meets Requirement: No Additional Requirements</p>	

Development shall comply with access and water supply requirements in accordance with the Fire Code in affect at the time of development submittal.

Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.

Specific fire protection systems may be required in accordance with the Oregon Fire Code.

This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on the information provided only.

Design and installation shall meet the Oregon requirements of the IBC, IFC, IMC and NFPA standards.



Continuous Improvement Customer Service

CITY OF MEDFORD

LD Date: 11/4/2015
File Number: A-15-096

PUBLIC WORKS DEPARTMENT STAFF REPORT Schaffer Annexation at Cherry Street

Project: Consideration of a request for annexation to the City of Medford of an approximately 5.01 acre parcel located on the west side of Cherry Street, approximately 140 feet south of the intersection with Prune Street, and concurrent zone change from Rural Residential 2.5 (RR-2.5) to Single Family Residential 00 (SFR-00) and removal from Medford Rural Fire Protection District #2, effective when notice is received from the Secretary of the State.

NOTE: The consultant was contacted to consider changing the zone to Multi-Family Residential 15 (MFR-15) rather than SFR-00. A response from the consultant is pending. The current General Land Use Plan (GLUP) is Urban Medium Residential (UM); Myrna Schaffer Family Trust, Applicant (Richard Stevens & Associates, Agent). Carla Paladino, Planner.

I. STREETS

- a. Cherry Street is classified as a Standard Residential street and runs along the east side of the parcel. Currently Cherry Street is paved with no curb and gutter.
- b. Vick Lane is classified as a Standard Residential street and dead-ends into the northwest edge of the parcel. Currently Vick Lane is paved with no curb, gutter or sidewalk on the west side; however there is curb, gutter and sidewalk on the east side.

II. SANITARY SEWERS

The area of this proposed annexation lies within the Rogue Valley Sewer Service (RVSS) area. Contact RVSS for sanitary sewer accessibility and capacity adequacy.

III. STORM DRAINAGE

The area under consideration is located in the Little Elk Creek drainage basin.

Future development on this parcel will require stormwater detention and stormwater quality improvements, which shall comply with Medford Land Development Code (MLDC) Sections

P:\Staff Reports\Annexations\A-15-096 Schaffer Annexation at Cherry St\AC-15-096 Staff Report_Schaffer Annexation.docx

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

**CITY OF MEDFORD
EXHIBIT F
File # A-15-096**

10.486 and 10.729 as applicable. Storm water quality treatment shall be based on the Rogue Valley Stormwater Quality Design Manual.

IV. SYSTEM DEVELOPMENT CHARGES

Future development/building within this parcel will be subject sewer treatment and street systems development charges. These SDC fees shall be paid at the time individual building permits are taken out.

This development is also subject to storm drain system development charges. A portion of the storm drain system development charge shall be collected at the time of the approval of the final plat

V. UTILITY FEES

Upon annexation, this parcel will be subject to City of Medford monthly utility fees as applicable.

Prepared by: Jodi K. Cope

Reviewed by: Doug Burroughs



JACKSON COUNTY

Roads

Roads Engineering

Kevin Christiansen
Construction Manager

200 Antelope Road
White City, OR 97503
Phone: (541) 774-6255
Fax: (541) 774-6295
christke@jacksoncounty.org

www.jacksoncounty.org

October 26, 2015

Attention: Carla Paladino
Planning Department
City of Medford
200 South Ivy Street, Lausmann Annex, Room 240
Medford, OR 97501

RE: Annexation off Cherry Street – a county-maintained road.
Planning File: A-15-096

Dear Carla:

Thank you for the opportunity to comment on the annexation to the City of Medford of an approximately 5.01 acre parcel located on the west side of Cherry Street, approximately 140 feet south of the intersection with Prune Street, and concurrent zone change from Rural Residential 2.5 (RR-2.5) to Single Family Residential 00 (SFR-00) and removal from Medford Rural Fire Protection District #2. Jackson County Roads has the following comments:

1. We would like to be notified of future development proposals, as county permits may be required.
2. Jackson County's General Administration Policy #1-45 sets forth the County's position as it relates to the management of County roads located within existing or proposed city limits or Urban Growth Boundaries (UGB). The County has no current plans for improvements to Cherry Street. Jackson County Roads recommends that the city request road jurisdiction.

If you have any questions or need further information feel free to call me at 774-6255.

Sincerely,

Kevin Christiansen
Construction Manager

Carla G. Paladino

From: MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>
Sent: Thursday, November 05, 2015 11:31 AM
To: Carla G. Paladino
Subject: A-15-096

Carla,

Thank you for sending agency notice of a consideration of a request for annexation to the City of Medford of an approximately 5.01 acre parcel located on the west side of Cherry Street, approximately 140 feet south of the intersection with Prune Street, and concurrent zone change from Rural Residential 2.5 (RR-2.5) to Single Family Residential 00 (SFR-00) and removal from Medford Rural Fire Protection District #2, effective when notice is received from the Secretary of the State. **NOTE:** The consultant was contacted to consider changing the zone to Multi-Family Residential 15 (MFR-15) rather than SFR-00. A response from the consultant is pending. The current General Land Use Plan (GLUP) is Urban Medium Residential (UM). We reviewed this and determined that it would not significantly affect state transportation facilities under the State Transportation Planning Rule (OAR 660-012-0060) or State Access Management Rule (OAR 734-051-000). We have no further comments at this time.

Don Morehouse
Senior Transportation Planner
ODOT Region 3, District 8 (Rogue Valley Tech Center)
Ph: (541) 774-6399
Fax: (541) 774-6349
Donald.Morehouse@odot.state.or.us

Vicinity Map

Application Name/Description:

Schafer Family Trust

Proposal:

Annexation

File Numbers:

A-15-096

Applicant:

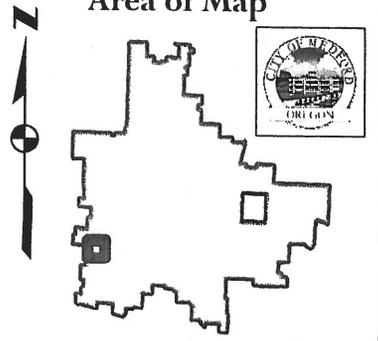
**Merna Schaffer Family Trust -
Beverly Weaver & Gina Taylor**

Map/Taxlot:

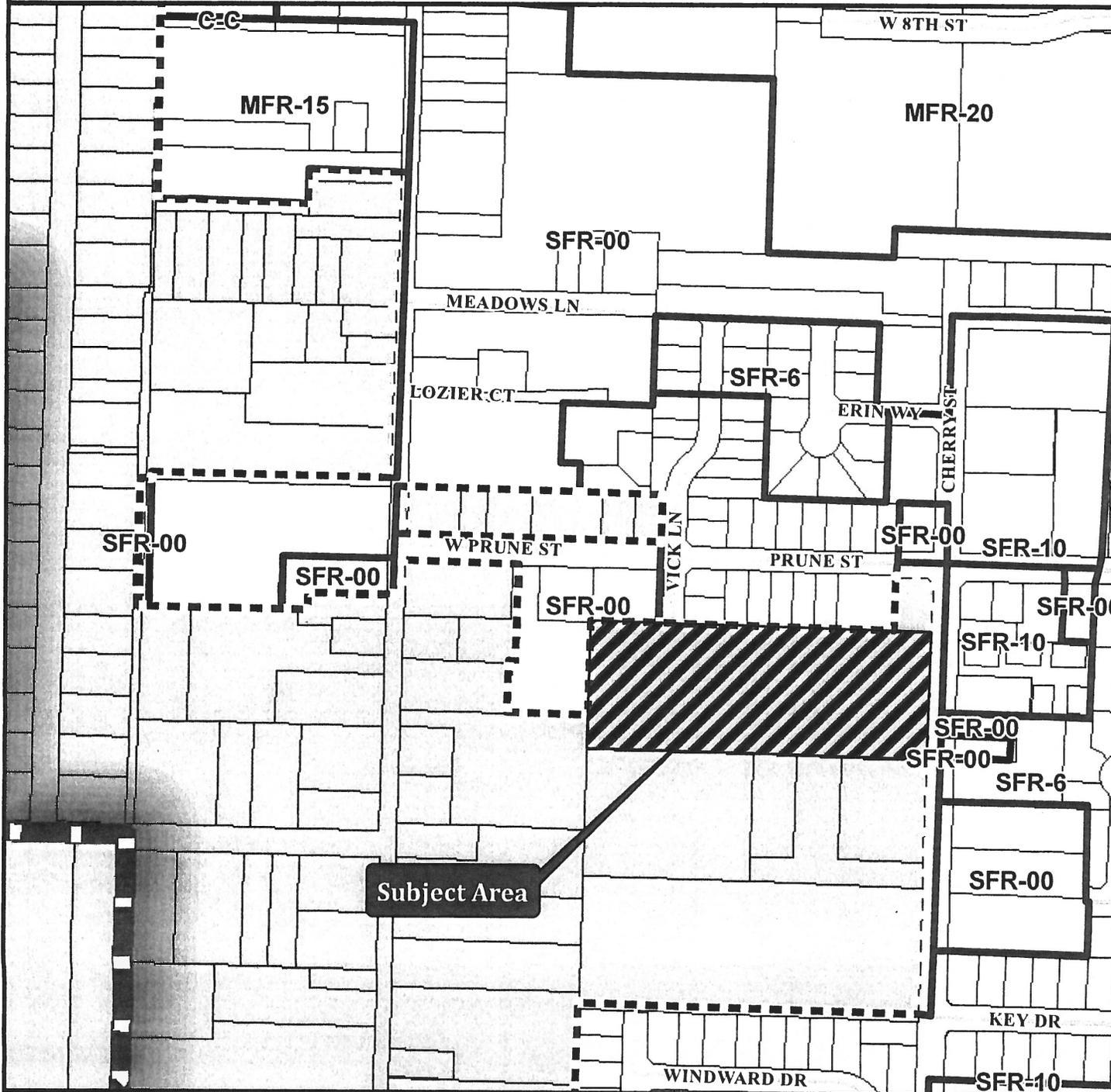
372W26DD TL 2500

	Subject Area
	Medford Zoning
	UGB
	Tax Lots
	PUD
	City Limits

Area of Map



07/10/2015





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 Hearing
MEETING DATE: December 17, 2015

PUBLIC HEARING

CONTINUED. Consideration of a proposed Comprehensive Plan/Urban Growth Boundary Amendment affecting the General Land Use Plan (GLUP) map, the Medford Street Functional Classification Plan of the Transportation Element, and portions of the text of both the Urbanization and GLUP Elements.

ISSUE STATEMENT & SUMMARY:

File number CP-14-114 is a proposed Comprehensive Plan/Urban Growth Boundary Amendment affecting the General Land Use Plan (GLUP) map, the Medford Street Functional Classification Plan of the Transportation Element, and portions of the text of both the Urbanization and GLUP Elements.

The proposed UGB amendment contains a total of nearly 3,800 acres of land, of which about 400 acres are either already developed or unbuildable, resulting in a total of almost 3,400 usable acres: 1,520 acres for future development and 1,877 acres for Prescott and Chrissy Parks. The developable acres consist of 884 acres for residential development and 636 acres for employment uses.

BACKGROUND:

The process of expanding the City's UGB has been ongoing in some capacity for the past 10 years and staff has been actively working on the expansion proposal since the adoption of the Regional Plan in 2012. The Planning Commission held a hearing on staff's recommendation for expansion on March 12, 2015. The Commission then met with staff at an April 6, 2015 study session to work through issues related to the project before continuing deliberation on the matter at the May 14, 2015 meeting. At that meeting, the Commission passed the attached recommendation for UGB expansion on a 4-3 vote.

A. Council Action History

Council approved UGBA Phase 1 (city file number CP-13-032) in December 2014, which intensified land uses for more than 500 acres of land within the existing UGB.

Council held hearings on this second phase on August 6, 13, and 20, 2015. The hearing was closed and the record was left open. At their meeting of December 1, 2015, the Council voted to keep the record open until December 17, 2015.

B. Analysis

UGBA Phase 1 allowed the City to meet a greater portion of its residential and employment land need for the next 20 years within its existing UGB, but more land is still needed to meet the overall demand. The City is limited to selecting from its identified Urban Reserve when choosing where to expand to meet the need. The Planning Commission used the boundary locational factors of statewide planning Goal 14 in selecting properties from the Urban Reserve to include in its recommendation for boundary expansion.

C. Financial and/or Resource Considerations

Discussion of water, sewer, and transportation conditions is contained in the commission report.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 120.3

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D. Timing Issues

The Department of Land Conservation and Development (DLCD) has agreed that the City can continue to use the population figures from the Population Element of the Comprehensive Plan because the City had initiated the UGB amendment process prior to the adoption of the Portland State University (PSU) population figures. This agreement does not have a specific expiration date, but it could be argued that the City must use the new population numbers if the process is stopped, or restarted.

STRATEGIC PLAN:

Theme: Healthy Economy

Goal 6: Maintain and enhance community livability

Action 6.2b: Maintain a current inventory of buildable residential land and periodically compare it to the needs identified in the Housing Element of the Comprehensive Plan.

Goal 7: Encourage a diverse economy

Objective 7.1: Ensure there is a long term supply of appropriately located and serviceable commercial and industrial land.

Theme: Quality Public Services

Goal 8: Provide recreational activities and opportunities to improve the lives of Medford residents.

Action 8.1b: Pursue the inclusion of Prescott and Chrissy Parks into the City's Urban Growth boundary.

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

Goal 10: Provide efficient and effective sewer and storm water services.

COUNCIL OPTIONS:

1. Adopt the recommendation of the Planning Commission as amended by staff as indicated in the commission report dated July 21, 2015
2. Modify the recommendation of the Planning Commission

STAFF RECOMMENDATIONS:

The Planning Commission recommended approval of the urban growth boundary amendment, as shown in "Exhibit A" of the commission report (minus the three additions from staff indicated in the commission report dated July 21, 2015), at their May 14, 2015 hearing by a 4-3 vote.

SUGGESTED MOTION:

I move to adopt the comprehensive plan and urban growth boundary amendment included in the commission report dated July 21, 2015 and supplements to it, and to direct staff to prepare an ordinance for adoption at a later date.

EXHIBITS:

None