



Medford City Council Meeting

Agenda

April 5, 2018

6:00 P.M.

Medford City Hall, Council Chambers
411 West 8th Street, Medford, Oregon

10. **Roll Call**

20. **Recognitions, Community Group Reports**

30. **Oral Requests and Communications from the Audience**

Comments will be limited to 4 minutes per individual, group or organization. PLEASE SIGN IN.

30.1 OSHA SHARPS Award for Water Reclamation Division

40. **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 4 minutes. PLEASE SIGN IN.

40.1 COUNCIL BILL 2018-29 An ordinance approving a minor amendment to the General Land Use Plan (GLUP) Map of the Medford Comprehensive Plan by changing the land use designation of 3 acres located at 503 Airport Road from General Industrial (GI) to Commercial (CM). (CP-17-154) Land Use, Quasi-Judicial

50. **Approval or Correction of the Minutes of the March 15, 2018 Regular Meeting**

60. **Consent Calendar**

70. **Items Removed from Consent Calendar**

80. **Ordinances and Resolutions**

80.1 COUNCIL BILL 2018-14 – SECOND READING – An ordinance vacating an approximately 25 foot wide strip of public right-of-way, being a portion of Evergreen Street, running north-south from West Third Street to West Fourth Street, 300 feet in length. (SV-17-106)

80.2 COUNCIL BILL 2018-30 A resolution adopting a recommendation from the Parks and Recreation Commission to change the name of the playground located at Bear Creek Park to The Olsrud Family Community Playground in honor of the Olsrud family.

80.3 COUNCIL BILL 2018-31 An ordinance authorizing an Agreement with the Oregon Department of Land Conservation and Development (DLCD) accepting a \$40,000 technical assistance grant for the hiring of a consultant to assist in code amendments and economic incentive programs identified by the Housing Advisory Committee.

90. Council Business

- 90.1 Proclamations issued:
Arbor Month – April 2018
Fair Housing Month – April 2018
Water Conservation Month – April 2018
Rick Black Day – April 7, 2018

90.2 Social Media Policy

90.3 Committee Reports and Communications

100. City Manager and Staff Reports

100.1 Livability Team

100.2 2018 Federal Legislative Agenda

100.3 Further reports from City Manager

110. Adjournment



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.1

www.ci.medford.or.us

DEPARTMENT: Planning Department
PHONE: (541) 774-2380
STAFF CONTACT: Matt Brinkley, AICP, CFM, Planning Director

AGENDA SECTION: Public Hearings
MEETING DATE: April 5, 2018

COUNCIL BILL 2018-29

An ordinance approving a minor amendment to the General Land Use Plan (GLUP) Map of the Medford Comprehensive Plan by changing the land use designation of 3 acres located at 503 Airport Road from General Industrial (GI) to Commercial (CM). (CP-17-154)

SUMMARY AND BACKGROUND

Columbia Care submitted an application to change the General Land Use Plan map designation on 503 Airport Road from General Industrial to Commercial. This three acre property is located on the north side of Airport Road, just west of Biddle Road. The Planning Commission recommended approval by an 8-0 vote on February 22, 2018 (file. no. CP-17-154).

PREVIOUS COUNCIL ACTIONS

None.

ANALYSIS

Review of the proposed GLUP map designation change reveals a reasonable proposal that can be supported by 1) the most recent use of the property, 2) the proximity to properties with a commercial designation, and 3) and the need for more commercial land in the City. The most recent use of the property was for a bank branch and associated bank offices. Although banks are permitted in the existing Light Industrial zone, the use is generally more commercial than industrial. In addition, two properties to the east of the subject property currently have the Commercial General Land Use Plan map designation. Another factor in this analysis is that the City has identified a need for more commercial land as part of the Urban Growth Boundary expansion process.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.

COUNCIL OPTIONS

- Approve the ordinance as presented
- Modify the ordinance as presented
- Decline to approve the ordinance as presented and direct staff regarding further action

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to adopt the ordinance authorizing the change of the General Land Use Plan map designation from General Industrial to Commercial for the three acre property located at 503 Airport Road as recommended by the Planning Commission.

EXHIBITS

Ordinance
City Council Report, including Exhibits A-M

ORDINANCE NO. 2018-29

AN ORDINANCE approving a minor amendment to the General Land Use Plan (GLUP) Map of the *Medford Comprehensive Plan* by changing the land use designation of 3 acres located at 503 Airport Road from General Industrial (GI) to Commercial (CM).

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That a minor amendment to the GLUP Map of the *Medford Comprehensive Plan* to change the land use designation of 3 acres located at 503 Airport Road from General Industrial (GI) to Commercial (CM) is hereby approved.

Section 2. The approval is based upon the Findings of Fact and Conclusions of Law included in the Staff Report dated March 29, 2018, attached as Exhibit A and incorporated herein.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2018.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2018.

Mayor



CITY COUNCIL REPORT

for Class-B and Class-C quasi-judicial decisions: **Minor Comprehensive Plan (General Land Use Plan Map) Amendment**

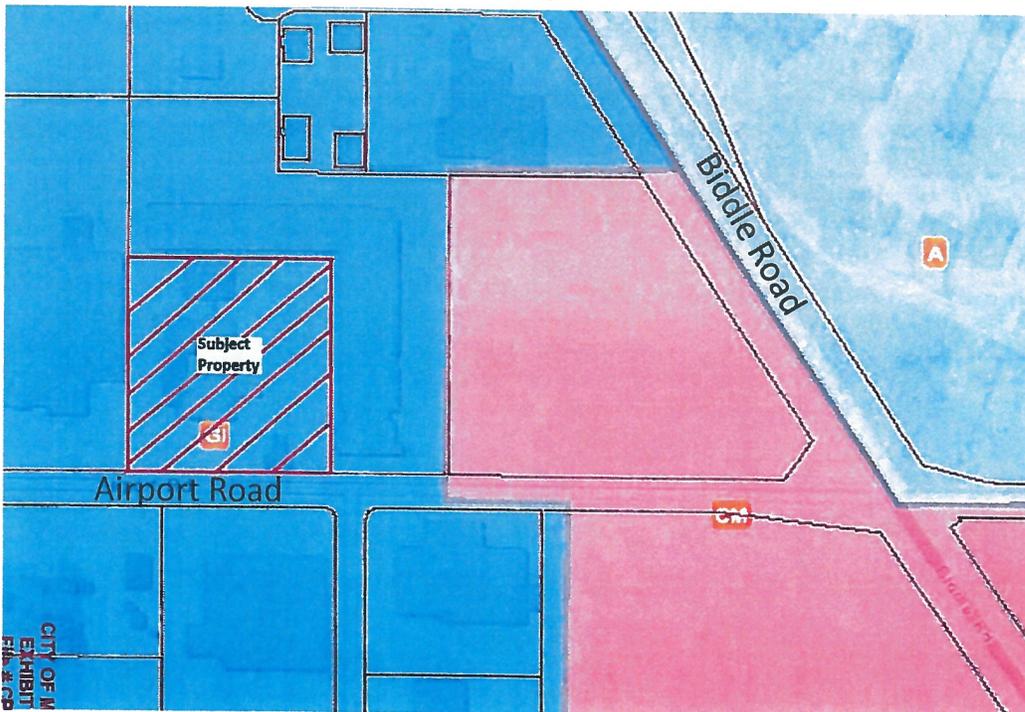
Project Columbia Care GLUP Map Amendment
File no. CP-17-154
To City Council for April 5, 2018 hearing
From Sarah Sousa, Planner IV
Reviewer Carla Angeli Paladino, Principal Planner
Date March 29, 2018

BACKGROUND

Proposal

A minor General Land Use Plan amendment to reclassify a 3.0 acre property located at 503 Airport Road from General Industrial (GI) to Commercial (CM).

General Land Use Plan Map



CITY OF MEDFORD
EXHIBIT
File # CP-17-154

Overview

The subject property, located at 503 Airport Road, consists of one parcel totaling 3.0 acres. The property is developed with three buildings of approximately 30,000 square feet. It was used as a bank with associated offices previously, but is currently vacant.

Columbia Care has requested to change the General Land Use Plan designation on the subject property from General Industrial to Commercial. The purpose of this change is to allow the applicant to purchase the property and use the existing buildings for their mental health care services and programs. This use is not permitted in the existing Light Industrial zoning but is allowed in the commercial zones.

Due to the proximity to Biddle Road, Table Rock Road, and the Rogue Valley Medford International Airport, the area has a mix of commercial and industrial uses. Adjacent to the west is a wholesale beverage distributor and adjacent to the east is a vacant building previously used for a manufacturing company. To the south across Airport Road there is a retail tire business and another wholesale beverage distributor. Approximately a quarter mile from the subject property, is the new location of the Costco building within the City of Central Point.

The subject property and surrounding area is all zoned Light Industrial; however, within approximately 200 feet to the east, there are two large vacant properties adjoining Biddle Road designated as Commercial on the General Land Use Plan map.

Authority

This proposal includes a Class-B quasi-judicial Comprehensive Plan Amendment. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to the Comprehensive Plan under Medford Municipal Code Sections 10.102–122, 10.165, and 10.185.

ANALYSIS

Review of the proposed GLUP map designation change reveals a reasonable proposal that can be supported by 1) the most recent use of the property, 2) the proximity to properties with a commercial designation, and 3) and the need for more commercial land in the City. The most recent use of the property was for a bank branch and associated bank offices. Although banks are permitted in the existing Light Industrial zone, the use is generally more commercial than industrial. In addition, two properties to the east of the subject property currently have the Commercial General Land Use Plan map designation. Another factor in this analysis is that the City has identified a need for more commercial land as part of the Urban Growth Boundary expansion process.

RECOMMENDED ACTION

Based upon the Findings and Conclusions that all of the approval criteria are met or are not applicable, adopt the ordinance for approval of CP-17-154 per the City Council Report dated March 29, 2018, including Exhibits A through M.

EXHIBITS

- A Findings of Fact (prepared by staff)
- B General Land Use Plan Map received November 21, 2017
- C Applicant's Findings of Fact received November 21, 2017
- D Attachment to Applicant's Findings received November 21, 2017
- E Letter from Southern OR Transportation Engineering, LLC received Nov. 21, 2017
- F Public Works Staff Report received January 24, 2018
- G Medford Fire Department Report received January 22, 2018
- H Medford Water Commission Memo received January 24, 2018
- I Rogue Valley Sewer Services Letter received January 12, 2018
- J Jackson County Roads Letter received January 19, 2018
- K Jackson County Assessor's Map received November 21, 2017
- L Letter from Raul Warner of CSA Planning received February 22, 2018
- M Planning Commission Minutes (excerpt) from February 22, 2018
Vicinity map

CITY COUNCIL AGENDA:

APRIL 5, 2018

Exhibit A

Findings of Fact (prepared by staff)

Applicable Criteria – Minor Comprehensive Plan Amendment

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

Comprehensive Plan, Review and Amendments chapter: Amendments [to Map Designations] shall be based on the following [criteria 1–7]:

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

Findings

The City has completed an Urban Growth Boundary amendment to accommodate future land need and is waiting for formal adoption by the State. The analysis done through that process has provided information regarding the need for commercial land.

Conclusions

The proposed change is consistent with pertinent Comprehensive Plan policies and implementation strategies that seek to provide an adequate supply of commercial land.

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

Findings

The City’s Urban Growth Boundary amendment (adopted by both the City and County, but not yet approved by the State) provides for additional residential and employment land to accommodate future need. Based upon the existing land and future growth projections, the City determined a need for 97 acres of General and Heavy Industrial land and a need for 318 acres of commercial land. This produced a surplus of one acre of industrial land and a deficit of 18 acres of commercial land when compared to the determined need. Although the projected need numbers are estimates and are not intended to be precise mathematical determinations (as allowed in OAR 660-024-0040(1)), the proposal provides an opportunity to balance the small commercial deficit without significantly impacting the City’s industrial lands base.

The Housing Element of the Comprehensive Plan has determined that there is a need for additional housing units in the City of Medford. Although the land need for residential land has been accommodated in the Urban Growth Boundary amendment, there is anticipation that higher density residential will continue to develop within some of the commercial properties to help meet this need. Currently, industrial zoned properties do not allow residential units, other than one caretaker residence per property. However, commercially zoned properties (other than Neighborhood Commercial), allow residential development to the Multi-Family Residential – 30 dwelling units per gross acre densities. Although the planned use of the site is for commercial, this doesn't prohibit residential units in the future.

Conclusions

The proposal responds to a demonstrated need for adequate employment opportunities by balancing the deficit of commercial land.

In addition, the proposed designation and subsequent future commercial zoning provides an opportunity for needed residential units. The subject property is developed with commercial buildings that could be converted to or replaced with residential units.

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

Findings

Water, storm drainage, and sewer utilities are available to the site and are adequate to serve the changes without upgrading the facilities.

In regards to transportation, the change from Light Industrial to a Regional Commercial zone on the subject property would typically trigger a traffic impact analysis. However, the applicant has instead proposed a maximum trip stipulation based upon the existing zoning plus 249 additional average daily trips. This will be monitored based upon the future use of the site.

Conclusions

Sufficient facilities exist to accommodate the proposed classification change. Also, a trip cap stipulation helps to ensure there will be no significant impact to the transportation system.

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

Findings

The Commercial designation allows for high-density residential in addition to permitted commercial uses. A designation change would not eliminate possible residential use of the site.

Conclusions

A designation change would mean the land could be used for both commercial and residential uses; it is a more efficient use of land within the current City limits.

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

Findings

Environmental: The subject area is already within the Urban Growth Boundary, thus has already met the test concerning environmental impacts, change of designation does not affect suitability for urbanization.

Energy: No energy consequences are discernable.

Economic: The designation change would help address a need for more employment land.

Social: The subject site has remained vacant possibly due to its commercial building setup. The proposed change will allow the reuse of the commercial buildings onsite. The proposed future use of the buildings will be for a mental health facility that will serve a public benefit.

Conclusions

Environmental: Since the subject property is not in a natural state and has long been developed, no adverse environmental impacts are anticipated.

Energy: There are no energy consequences.

Economic: By addressing an employment land deficit, there is an economic benefit.

Social: The Commercial designation is appropriate for the subject site that is developed with commercial buildings. The future mental health facility will also benefit the public.

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

Findings

Economic Element

Policy 1-5: The City of Medford shall assure that adequate commercial and industrial lands are available to accommodate the types and amount of economic development needed to support the anticipated growth in employment in the City of Medford and the region.

Implementation 1-5-b: Reduce projected deficits in employment lands by changing GLUP Map designations within the existing Urban Growth Boundary.

Conclusions

This proposed change does supply a small amount of the projected need for Commercial land.

7. *All applicable Statewide Planning Goals.*

Goal 1—Citizen Involvement

Findings

Goal 1 requires the City to have a citizen involvement program that sets the procedures by which affected citizens will be involved in the land use decision process, including participation in the quasi-judicial revision of the Comprehensive Plan. The City of Medford has an established citizen-involvement program consistent with Goal 1 that includes public review of proposed Comprehensive Plan amendments by the Planning Commission and City Council.

Conclusions

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

Goal 2— Land-use Planning

Findings

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

Conclusions

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

Goal 3—Agricultural Lands does not apply in this case.

Goal 4—Forest Lands does not apply in this case.

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

Goal 6—Air, Water, and Land Resources Quality

Findings

The allowable uses in the Commercial designation generally produce less discharges than those in the General Industrial designation. There are no streams on the property

that would be impacted. The subject property is not classified as a resource in terms of agriculture because it is classified as urbanizable.

Conclusions

The proposed change will have no greater effect on the production of pollutants. There are no water or land resource quality impacts.

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

Goal 8—Recreation Needs does not apply in this case.

Goal 9—Economic Development

Findings

Goal 9 outlines that Comprehensive Plans shall “provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.”

Conclusions

The proposed change will provide additional commercial land in the existing urban area.

Goal 10—Housing

Findings

The goal requires that “plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.” Although not proposed at this time, the change to the Commercial designation would allow the potential for high-density housing units.

Conclusions

Although the property is currently developed with commercial buildings, there is a potential for multi-family units on the subject property either through a total redevelopment or conversion of the existing buildings on the site.

Goal 11—Public Facilities and Services

Findings

Refer to findings under Criterion 3, above.

Conclusions

Refer to conclusions under Criterion 3, above.

Goal 12—Transportation

Findings

The “Transportation Planning Rule” (OAR 660-012) requires cities to have plans to accommodate anticipated transportation system needs. The change from Light Industrial to a Regional Commercial zone on the subject property would typically trigger a traffic impact analysis. However, the applicant has instead proposed a maximum trip stipulation based upon the existing zoning plus 249 additional average daily trips.

Conclusions

The trip cap stipulation will ensure there will be no significant impact to the transportation system based upon the change in designation from General Industrial to Commercial.

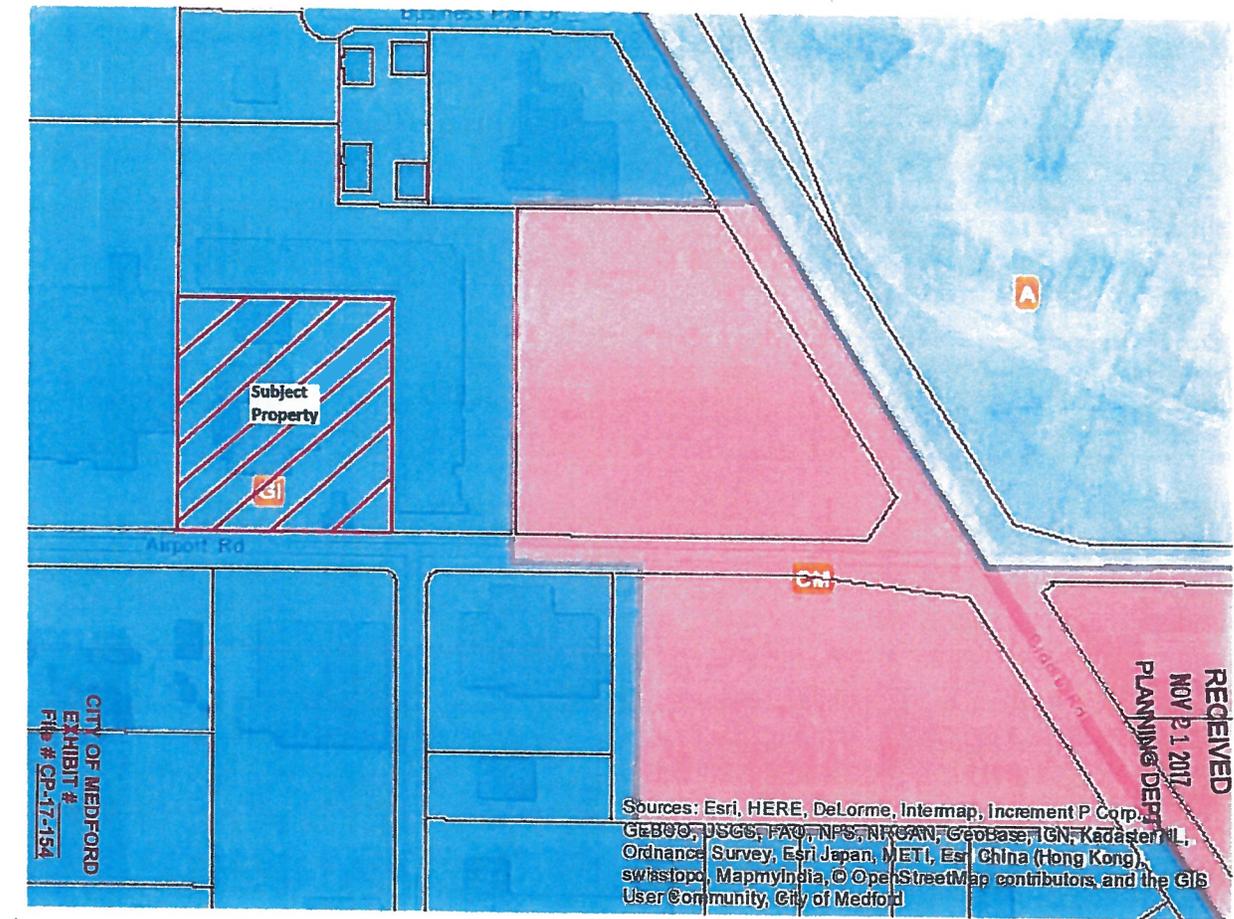
Goal 13—Energy Conservation does not apply in this case.

Goal 14—Urbanization does not apply in this case.

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

Exhibit B

General Land Use Plan Map



Sources: Esri, HERE, DeLorme, Intermap, Incent P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community, City of Medford



Exhibit C

Applicant's Findings of Fact

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD, OREGON:

IN THE MATTER OF AN APPLICATION FOR)
A CHANGE IN GENERAL LAND USE PLAN)
(GLUP) MAP DESIGNATION FROM GI TO)
CM FOR 3 ACRES OF LAND, LOCATED)
ON THE NORTH SIDE OF AIRPORT ROAD,) FINDINGS OF FACT
BETWEEN TABLE ROCK ROAD AND)
BIDDLE ROAD; COLUMBIA CARE,)
APPLICANTS; RICHARD STEVENS &)
ASSOCIATES, INC.; AGENTS)

I. RECITALS PERTAINING TO THE PROPERTY:

APPLICANTS: Columbia Care
3587 Heathrow Way
Medford, OR 97504

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

PURPOSE OF APPLICATION:

The applicant is requesting a change of General Land Use Plan (GLUP) map designation from GI (General Industrial) to CM (Commercial) for 3 acres of land located at 503 Airport Road and described as T-37 R-2W SEC-12A, Tax Lot 502, within the Medford city limits. The proposed change will help to address a deficit in available CM lands resulting from the recently approved Urban Growth Boundary (UGB) expansion; it will help to balance the supply of available industrial and CM lands; it will increase the efficiency of land uses in the area; and it will lead to a more economical and efficient use of existing public facilities in the vicinity.

II. APPLICABLE CRITERIA:

Comprehensive Plan Amendments to change General Land Use Plan (GLUP) Map Designation must be based on information and findings addressing the Criteria for Plan Amendments in the Goals, Policies, and Implementation Element of the Medford Comprehensive Plan, as follows:

1. A significant change in one or more Goals, Policies, or Implementation Strategies of the *Medford Comprehensive Plan*.
2. A demonstrated need for the change to accommodate unpredicted population trends to satisfy urban housing needs, or to assure adequate employment opportunities.
3. The orderly and economic provision of key public facilities.
4. The maximum efficiency of land uses within the urbanizable area.
5. The environmental, energy, economic, and social (ESEE) consequences.
6. The compatibility of the proposed change with other elements of the *Medford Comprehensive Plan*.
7. All applicable Statewide Planning Goals.

III. FINDINGS IN COMPLIANCE WITH THE CRITERIA FOR PLAN AMENDMENTS TO CHANGE GENERAL LAND USE PLAN MAP DESIGNATION, IN THE MEDFORD COMPREHENSIVE PLAN:

The Criteria for Plan Amendments, found in the Goals, Policies, and Implementation Element of the Medford Comprehensive Plan, establishes different sets of criteria for various categories of Comprehensive Plan amendments, noting:

"Because of the important functional difference among various Comprehensive Plan components, no common set of criteria can be used to assess all proposed Plan amendments."

The section goes on to note that:

"While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final

action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not."

General Land Use Plan Map Designations; Amendments Shall be Based on the following:

- 1. A significant change in one or more Goals, Policies, or Implementation Strategies of the Medford Comprehensive Plan.*
- 2. A demonstrated need for the change to accommodate unpredicted population trends to satisfy urban housing needs, or to assure adequate employment opportunities.*
- 3. The orderly and economic provision of key public facilities.*
- 4. The maximum efficiency of land uses within the urbanizable area.*
- 5. The environmental, energy, economic, and social (ESEE) consequences.*
- 6. The compatibility of the proposed change with other elements of the Medford Comprehensive Plan.*
- 7. All applicable Statewide Planning Goals.*

A significant change in one or more Goals, Policies, or Implementation Strategies of the Medford Comprehensive Plan:

The City of Medford continues to have a goal of providing land to accommodate its 20-year land need for housing and employment as required under Oregon Revised Statute (ORS) 197.296. While the City has not recently changed Goals, Policies, or Implementation Strategies relevant to the proposed change in GLUP map designation, the recent analysis completed through the process of expanding the City's UGB demonstrates an imbalance in the number of acres of available land for industrial (both GI and HI GLUP designations) and Commercial (CM GLUP) designations. As discussed in detail below, the proposed GLUP map amendment will help to adjust this imbalance.

FINDING:

The recent analysis of available lands completed through the UGB amendment process demonstrates an imbalance between the available industrial and CM land categories. The City of Medford's

Goal of providing land to accommodate its 20-year land need has not changed, however, the understanding of what exactly that need is, as it relates to each of the GLUP map designations is now better understood thanks to the UGB amendment process. The proposed change of GLUP map designation will help the City in meeting its goal of providing land to accommodate its 20-year land need.

A demonstrated need for the change to accommodate unpredicted population trends to satisfy urban housing needs, or to assure adequate employment opportunities:

The City of Medford is in the final stages of expanding its UGB to provide an adequate land supply for both residential and employment growth over the next 20 years. During that process, the City investigated its land supply, compared it against growth projections, and determined how much land was needed. According to the City's projections, there was a need for a total of 97 acres of industrial land (both GI & HI) and a total of 318 acres of Commercial (CM) land¹. The final area for UGB expansion, selected by the City Council and approved by the Jackson County Board of Commissioners, included a total of 98 buildable acres of industrial land and a total of 300 buildable acres of CM land². As shown in Table 1.1 below, the area added to the UGB created a 1-acre surplus of industrial land and left an 18-acre deficit in the supply of CM land.

Table 1.1 Industrial and Commercial Land Supply Before Amendment

	Acres of Additional Land Needed	Acres of Land Provided	Acres in Surplus (Deficit)
Industrial (GI & HI)	97	98	1
Commercial (CM)	318	300	(18)

The proposed Comprehensive Plan Amendment will change 3 net acres (approximately 3.24 gross acres) from the GI to the CM GLUP map designation. As shown in Table 1.2 below, the proposed change will help to address the existing deficit in CM land and help to balance the supply of industrial and CM lands in the urban area. In this way, the application will help to assure adequate employment opportunities across a larger spectrum of uses.

¹ Page 101 of the City of Medford Planning Commission Staff report for file no. CPA-14-114 (attached for reference)
² Page 45 of the Jackson County Planning Commission packet for file no. 439-16-00008-LRP (attached for reference)

Table 1.2 Industrial and Commercial Land Supply After Amendment

	Acres of Additional Land Needed	Acres of Land Provided	Acres Added (Subtracted) by Proposed Amendment	Acres in Surplus (Deficit)
Industrial (GI & HI)	97	98	(3)	(2)
Commercial (CM)	318	300	3	(15)

FINDING:

The proposed change in GLUP map designation will help to assure adequate employment opportunities by decreasing the existing deficit in CM land supply and by helping to balance the supply of industrial and CM lands.

The orderly and economic provision of key public facilities:

The subject property is located between Table Rock Road (a minor arterial street) to the west, and Biddle Road (a major arterial street) to the east. The Rogue Valley International–Medford Airport is located across Biddle Road from the subject property. The property was developed in 1990 with approximately 30,827 square feet of office space in three buildings which were used for years as a branch location, executive office space, and data hub for a bank.

Over the past several years this area (generally bound by Biddle Road to the north, the airport to the east, Lone Pine Creek to the south, and Table Rock Road to the west) has been developing with predominately commercial uses, some of which are permitted in the industrial zone (e.g. banks and business offices) and others that are only permitted in commercial zone or through an approved Planned Unit Development (PUD) (e.g. hotels and medical offices). Commercial development in this area is an obvious fit given the availability of major transportation routes (Table Rock Road and Biddle Road) and the proximity to the airport. A portion of this area, primarily along Biddle Road, has already been designated for commercial development, but the demand for commercial land has outpaced the supply³. The recent approval of a new Costco store approximately one-quarter of a mile from the site, on Table Rock Road in Central Point, helps to solidify this trend toward commercial development in the vicinity. While it is important to maintain a supply of industrial land near the airport it is also important to provide an adequate supply of commercial land in the same vicinity. As discussed individually below, the area is currently served with existing key public facilities that can be utilized most efficiently by accommodating both commercial and industrial uses in this area.

³ See discussion above regarding land availability by plan designation.

By appropriately locating a mix of both commercial and industrial lands in this area, the City will have an opportunity to attract new business and infill development in this crucial location; an area of existing development near the airport. The alternative would be to force a larger portion of future commercial development into areas recently added to the UGB, many of which are not well suited, currently, for large-scale commercial development. Infill development, and the intensification of existing development, use existing facilities rather than requiring the construction of new facilities. This will not change the demand for commercial development, it will only have the effect of accommodating that demand using existing infrastructure rather than forcing it to be met with the addition of new greenfield development outside of the existing urban area which requires the extension of facilities and services and leads to less orderly and more expensive provisions for key public facilities.

Sanitary Sewer:

Sanitary sewer service is provided by Rogue Valley Sewer Service. There is an 8-inch line in Airport Road adjacent to the subject property. The line flows to the west and then north, eventually connecting to a 54-inch sewer line located in Biddle Road. The site is fully developed with 30,827 square feet of office space which will be reused/repurposed with commercial uses permitted in the Commercial GLUP map designation. The sanitary sewer collection system is adequate to accommodate the types of uses permitted in both the existing industrial designation and the proposed commercial designation. The sewer system is available in condition, capacity and location for the continued use of the system for commercial uses.

Water Service:

Water service is provided by the Medford Water Commission, which is currently serving the subject property and vicinity. There is an existing 6-inch main line and an existing 10-inch main line along the south end of the subject property in Airport Road. The site is fully developed with 30,827 square feet of office space which will be reused/repurposed with commercial uses permitted in the Commercial GLUP map designation. Adequate water service lines are available to continue to serve future commercial uses on the subject site.

Water service for fire protection is also currently available on the site.

Storm Drainage:

The subject property and surrounding area have been developed to urban standards and have improved urban storm drain facilities. There is an existing 18-inch stormwater mainline to the south on Airport Road. The property is already fully improved and developed to urban standards and the proposed change in GLUP map designation will have no greater impact on the availability of stormwater facilities in the

vicinity. There is sufficient capacity in the existing storm water drainage system to serve the subject property.

Any future development of the site will require an integrated storm sewer system, with the construction drawings prepared and the engineering to provide the storm sewer system in accordance with the City of Medford, at the time any new development is proposed.

Transportation:

A traffic analysis letter has been submitted with this application. According to the analysis performed by Southern Oregon Transportation Engineering, LLC., the requested change in GLUP map designation, and eventual zone change from I-L to C-R, would result in a net increase of 3,600 Average Daily Trips (ADT) to the transportation system. The analysis also showed that an additional 45 p.m. peak hour trips would reach the intersection of OR 62 and Poplar Drive. Impacting this intersection with 25 or more peak hour trips would require some form of mitigation to meet facility adequacy requirements. In the alternative, the applicant has chosen to pursue the option of requesting a trip cap stipulation.

When unconditional approval is not possible without some form of mitigation to maintain an adequate level of service, the City of Medford Land Development Code, Section 10.461(1) allows trip stipulations to reduce traffic. For this application, the maximum trip stipulation would include the base zoning ADT (I-L) plus up to 249 ADT, which is 1,149 ADT (or an equivalent 114 p.m. peak hour trips). A trip cap stipulation of 1,149 ADT (or an equivalent 114 p.m. peak hour trips) is, therefore, proposed for this application.

FINDING:

Based upon the information contained herein, including the requested trip cap stipulation, the City of Medford finds that the key public facilities necessary to reuse/redevelop the existing 30,827 square feet of office space with uses permitted in the Commercial GLUP map designation, which includes: sanitary sewer, water service, storm sewer, and transportation infrastructure, are available in the vicinity and immediately adjacent to the site. With the trip cap stipulation, it is demonstrated that there will be no significant impact to these facilities for the proposed uses. The ability to use existing infrastructure for the reuse/redevelopment of this property to meet a portion of the City's commercial land need will lead to the orderly and economical use of existing key public facilities.

The maximum efficiency of land uses within the urbanizable area:

As discussed above, per the recently approved UGB amendment process, the City has identified a small surplus of available industrial land and an approximately 18-acre deficit in the amount of available CM land. This is not to say that there was an error in the UGB amendment process, but rather, the UGB amendment process operated on a very large scale, with a vast number of rules and other considerations that needed to be navigated. Now that the UGB amendment has been approved the City can look at opportunities to fine-tune the availability of the different GLUP designations as needed to achieve the best balance of available land types.

Given this small discrepancy in the available industrial and CM land supply, the City can consider the benefits associated with approving the proposed GLUP map amendment and providing for a mix of both commercial and industrial development in the vicinity of the airport. The application will not only help to improve the balance of available employment land types, it will also help to promote commercial infill and redevelopment in an established portion of the urban area. Both of which will have an effect in maximizing the efficiency of land uses within the urbanizable area.

FINDING:

The City of Medford finds that the requested change in GLUP map designation from GI to CM will help to maximize the efficiency of land use within the urbanizable area by providing a better balance of available employment GLUP types in the UGB and by providing a better mix of industrial and commercial uses around the airport. The mix of commercial and industrial uses around the airport is consistent with existing facilities and development patterns in the vicinity.

The environmental, energy, economic, and social (ESEE) consequences:

As discussed throughout these findings, the City of Medford recently approved a boundary expansion for its UGB. The approved expansion was the second phase of a two-step UGB amendment process. The first phase of the process was the "ISAs" or internal study areas. The first phase was done consistent with ORS 197.296(6)(b), which requires that cities, before considering expanding their UGBs must consider changes to existing land use designations for the purpose of efficiently utilizing lands within the current urban area. The proposed GLUP map amendment, like Phase I of the UGB amendment process, will help to more efficiently utilize lands within developed portions of the UGB. The proposed change in GLUP map designation from GI to CM will help to facilitate the reuse and/or redevelopment of the existing 30,827 square feet of office space on the subject property, for commercial uses.

There continues to be a demand for new commercial development in and around Medford. This demand can either be met by developing/redeveloping lands within the existing urbanizable area, nearer the core of the city, or it can be met by adding new areas into the city along the edges of the existing urban area.

Environmental: Infill/reuse development, in general, is much less impactful on the environment as it occurs in areas with existing urban development and it does not require the conversion of resource lands or natural areas. Infill/reuse development and a development pattern with a mix of uses also reduce pollution by reducing vehicle miles traveled.

Energy: Infill/reuse development, in general, is more energy efficient as it occurs in areas nearer the core of the city, helping to reduce energy consumption by reducing vehicle miles traveled. In addition, it requires less energy to reuse existing infrastructure than it does to develop new infrastructure to serve development occurring beyond the current extent of urbanization.

Economic: Infill/reuse development, in general, is more economical as it uses/reuses existing infrastructure and services rather than requiring these services to be extended. As discussed in greater detail above, there is existing infrastructure for water, sanitary sewer, storm sewer, and transportation available to this property. There is a cost associated with the development of all these existing facilities that had to be paid when these utilities and this property were developed. Now that these facilities are in place, it is much more economical to use this existing site and buildings rather than construct a new facility that would require the extension of these services.

Social: The environmental, energy, and economic benefits discussed above are all social benefits as well. That is, there are social benefits realized by reducing environmental impacts, reducing energy consumption, and by reducing costs. The additional social benefit that Infill/reuse development provides is the reduction in dilapidated or blighted buildings in the community. When buildings are left vacant and unused, their condition quickly deteriorates and it is not long before these unused assets can become liabilities for the community. By repurposing existing development, the City can help attract new investment in older portions of the community rather than pushing a disproportional share of new investment into new development along the periphery of the urban area.

FINDING:

The City of Medford finds that by promoting infill development and the reuse of existing development, the proposed change in GLUP map designation will have positive ESEE consequences overall. The benefits of infill development and the reuse of existing development include, but are not limited to: reduced cost by

utilizing existing infrastructure, using less land and preserving open space and resource lands, and less energy consumption and less pollution based on reduced vehicle miles travelled.

The compatibility of the proposed change with other elements of the Medford Comprehensive Plan and all Applicable Statewide Planning Goals:

One purpose of the Medford Comprehensive Plan is to implement the Statewide Planning Goals. This creates a large amount of overlap between various elements of the Comprehensive Plan and the corresponding Statewide Goals, for example, since the Economic Element of the Comprehensive Plan implements Goal 9, a finding of consistency with the Economic Element will also demonstrate consistency with Statewide Planning Goal 9. This being the case, the corresponding Comprehensive Plan elements and State Goals will be discussed together.

Goal #1: Citizen Involvement (Citizen Involvement Element):

The City of Medford has adopted a comprehensive citizen involvement program, involving the CCI (Committee for Citizen Involvement (the Planning Commission is also the CCI)), citizen recommendations, communications involving questionnaires and public notice for all land use actions that is consistent with state law, and in compliance with this goal. The proposed GLUP map amendment is being processed consistent with the process and procedures in place regarding citizen involvement.

FINDING:

The City of Medford, by and through the public notification program and Committee for Citizen Involvement, has provided adequate notice and has allowed for adequate citizen participation of all facets of the planning process. This application, by virtue of complying with the notice program administered by the City, is consistent with this Goal.

Goal #2: Land Use Planning (Implementation Element):

The City of Medford has adopted a long-range Comprehensive Plan and implementation strategy (The Medford Land Development Code) that is consistent with the requirements of Goal #2. The policy and framework for the land use decisions in Medford must comply with the Comprehensive Plan. The City, in reviewing this application under the provisions of the Criteria for Plan Amendments in the Goals,

Policies, and Implementation element of the Comprehensive Plan, are demonstrating compliance with Goal 2.

FINDING:

The City of Medford will review this application for a Comprehensive Plan Amendment (change of GLUP map designation) consistent with the Criteria for Plan Amendments in the Goals, Policies, and Implementation element of the Comprehensive Plan, demonstrating compliance with Goal 2.

Goal #3: Agricultural Lands:

Not applicable.

FINDING:

This property is urbanizable land within the city limits of the City of Medford and is not agricultural land.

Goal #4: Forest Lands:

Not applicable.

FINDING:

This property is urbanizable land within the city limits of the City of Medford and is not forest land.

Goal #5: Open Space, Scenic and Historic Areas; Natural Resources (Environmental and Implementation Elements):

Not applicable.

FINDING:

This property is not identified as being open space, a scenic or historic area or resource, and it is not identified as either a natural resource or an area contributing to natural resource protection. The proposed change in GLUP map designation from GI to CM for this single piece of currently

developed property will have no effect on open space, scenic and historic areas, or natural resources.

Goal #6: Air, Water and Land Resource Quality (Environmental and Implementation Elements):

The purpose of this goal is to maintain and improve the quality of air, water and land resources of the state.

The subject property is located within the Bear Creek/Larson Creek sub-watershed, a portion of the larger Bear Creek water shed. All development in the City of Medford is required to provide storm water detention and water quality controls. The Subject property will be required to adhere to applicable drainage and water quality controls at the time of development, if it is redeveloped. The property, if redeveloped, will be subject to criteria in the Comprehensive Plan and Land Development Code that are designed to provide for adequate levels of service and to protect air, water, and land resource quality.

FINDING:

Since the subject property, if redeveloped, will be subject to criteria in the Comprehensive Plan and Land Development Code that are designed to provide for adequate levels of service and to protect the air, water, and land resource quality, the City of Medford can find that conformance with the specific implementing ordinances will demonstrate compliance with this Goal.

Goal #7: Areas Subject to Natural Hazards (Environmental and Implementation Elements):

Generally, not Applicable; the site is not located in any floodway or flood hazard zone based upon a review of the FEMA mapping available through Medford GIS data. The site is not subject to mudslide, landslide, wildfire, or any other natural hazard.

FINDING:

Not Applicable: The subject property is not in any floodway, flood hazard, mudslide, landslide, wildfire, or other natural hazard area.

Goal #8: Recreational Needs (Public Facilities and Implementation Elements):

Parks, Recreation, and Leisure Services are included in the Public Facilities Element of the Medford Comprehensive Plan. The most current planning document for Medford's parks and recreation system is the 2016-2025 Medford Leisure Services Plan. The plan describes and maps the various recreational areas and facilities that are available or can be made available for the recreational needs of the people and visitors to the city. This site is not identified as either an existing or future park site and there are no additional park land needs identified near this property.

FINDING:

Not Applicable: The subject property is not identified in the 2016-2025 Medford Leisure Services Plan as an existing or future park site and there are no additional park land needs identified near this property.

Goal #9: Economic Development (Population, Land Use, Economic, and Public Facilities Elements):

The City of Medford has an adopted and acknowledged Economic Element which is intended to implement Goal 9. The City is required to provide an adequate supply of land to accommodate employment growth over the next 20 years. The City is in the final stages of expanding its UGB to provide the required supply of employment land. During the UGB amendment process, the City investigated its land supply, compared it against growth projections, and determined how much land was needed. According to the City's projections, there was a need for a total of 97 acres of industrial land (both GI & HI) and a total of 318 acres of Commercial (CM) land. The final area for UGB expansion, selected by the City Council and approved by the Jackson County Board of Commissioners, included a total of 98 buildable acres of industrial land and a total of 300 buildable acres of CM land. The area added to the UGB created a 1-acre surplus of industrial land and left an 18-acre deficit in the supply of CM land.

The proposed Comprehensive Plan Amendment will change 3 net acres (approximately 3.24 gross acres) from the GI to the CM GLUP map designation. The proposed change will help to address the existing deficit in CM land and help to balance the supply of industrial and CM lands in the urban area. In this way, the application will help to assure adequate employment opportunities across a larger spectrum of uses.

The proposed amendment is also consistent with the following Goals, Policies, and Implementation Strategies of the Economic Element:

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

Policy 1-1: The City of Medford shall strengthen its role as the financial, medical, tourist, government, and business hub of Southern Oregon and shall build on its comparative advantages in the local and regional marketplace.

Implementation 1.1(a): Partner with business, medical, and educational communities to advance common objectives.

Implementation 1-1(d): Participate in joint public/private business development programs to identify opportunities for growth of existing businesses and the attraction of new firms.

Policy 1-2: The City of Medford shall encourage the redevelopment of underutilized employment sites.

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

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

Policy 1-5: The City of Medford shall assure that adequate commercial and industrial lands are available to accommodate the types and amount of economic development needed to support the anticipated growth in employment in the City of Medford and the region.

Implementation 1-5(b): Reduce projected deficits in employment lands by changing GLUP Map designations within the existing Urban Growth Boundary.

Policy 1-9: The City of Medford shall re-evaluate existing industrial and commercial GLUP map designations to better fit current business practices.

FINDING:

This property is currently designated for employment uses and will continue to be designated for employment uses. The proposed change in GLUP map designation will help to assure adequate employment opportunities by decreasing the existing deficit in CM land supply and by helping to balance the supply of industrial and Commercial lands. By encouraging the reuse of an existing site, increasing the supply of medical facilities in the City, and aiding in the retention and expansion of

an existing business, the proposed amendment is also consistent with several Comprehensive Plan Goals, Policies, and Implementation Strategies.

Goal #10: Housing (Environmental, Population, Land Use, and Housing Elements):

The purpose of this goal is to provide for the housing needs of the citizens of the state.

This subject property is not designated for residential use.

FINDING:

Not Applicable: The property is not currently designated for residential use and the proposed change in GLUP map designation from GI to CM will not change the availability of lands for residential development.

Goal #11: Public Facilities and Services (Public Facilities Element):

The purpose of this goal is to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Sanitary sewer service is provided by Rogue Valley Sewer Service. There is an 8-inch line in Airport Road adjacent to the subject property. The line flows to the west and then north, eventually connecting to a 54-inch sewer line located in Biddle Road. The site is fully developed with 30,827 square feet of office space which will be reused/repurposed with commercial uses permitted in the Commercial GLUP map designation. The sanitary sewer collection system is adequate to accommodate the types of uses permitted in both the existing industrial designation and the proposed commercial designation. The sewer system is available in condition, capacity and location for the continued use of the system for commercial uses.

Water service is provided by the Medford Water Commission, which is currently serving the subject property and vicinity. There is an existing 6-inch main line and an existing 10" mainline along the south end of the subject property in Airport Road. The site is fully developed with 30,827 square feet of office space which will be reused/repurposed with commercial uses permitted in the Commercial GLUP map designation. Adequate water service lines are available to continue to serve future commercial uses on the subject site.

Water service for fire protection is also currently available on the site.

The subject property and surrounding area have been developed to urban standards and have improved urban storm drain facilities. There is an existing 18-inch stormwater mainline to the south on Airport Road. The property is already fully developed and the proposed change in GLUP map designation will have no impact on the availability of stormwater facilities in the vicinity. There is sufficient capacity in the existing storm water drainage system to serve the subject property.

Any future development of the site will require an integrated storm sewer system, with the construction drawings prepared and the engineering to provide the storm sewer system in accordance with the City of Medford, at the time the development is proposed.

FINDING:

The application will not place a burden on public agencies to provide or extend public services. Based upon the information contained herein, the City of Medford finds that there is available infrastructure for sanitary sewer, water service, and storm sewer in the vicinity and immediately adjacent to the site. The City of Medford also finds that future zoning of the site will require a demonstration of the availability of Category A urban services to adequately serve the subject property with the permitted used allowed under the proposed zoning.

Goal #12: Transportation (Public Facilities Element):

A traffic analysis letter has been submitted with this application. According to the analysis performed by Southern Oregon Transportation Engineering, LLC., the requested change in GLUP map designation, and eventual zone change from I-L to C-R, would result in a net increase of 3,600 Average Daily Trips (ADT) to the transportation system. The analysis also showed that an additional 45 p.m. peak hour trips would reach the intersection of OR 62 and Poplar Drive. Impacting this intersection with 25 or more peak hour trips would require some form of mitigation to meet facility adequacy requirements. In the alternative, the applicant has chosen to pursue the option of requesting a trip cap stipulation.

When unconditional approval is not possible without some form of mitigation to maintain an adequate level of service, the City of Medford Land Development Code, Section 10.461(1) allows trip stipulations to reduce traffic. For this application, the maximum trip stipulation would include the base zoning ADT (I-L) plus up to 249 ADT, which is 1,149 ADT (or an equivalent 114 p.m. peak hour trips). A trip cap stipulation of 1,149 ADT (or an equivalent 114 p.m. peak hour trips) is, therefore, proposed for this application.

FINDING:

The City of Medford finds that with the requested trip cap stipulation, the proposed GLUP change will not result in an addition of more than 249 ADT to the transportation system. Per the Medford Land Development Code, an increase of 249 ADT or less does not require traffic analysis and is viewed as being consistent with the City's Transportation System Plan.

Goal #13: Energy Conservation (Environmental Element):

The goal is simply to "Conserve Energy".

The proposed change in GLUP map designation from GI to CM will help to facilitate the reuse and/or redevelopment of the existing 30,827 square feet of office space on the subject property, for commercial uses. The net ESEE impact of the proposed GLUP map designation, and the reuse of existing development, is positive. There continues to be a demand for new commercial development in and around Medford. This demand can either be met by developing/redeveloping lands within the existing urbanizable area, nearer the core of the city, or it can be met by adding new areas into the city along the edges of the existing urban area.

Infill/reuse development, in general, is much less impactful on the environment, it is more energy efficient, it is more economical, and it has positive social consequences as it occurs in areas with existing urban development. Development near the core of the city allows for the use of existing infrastructure rather than requiring infrastructure to be extended, thus reducing the overall cost of development. Infill/reuse reduces pollution by reducing vehicle miles traveled, and it reduces environmental impacts by preserving rural lands for open space and resource uses.

FINDING:

The City of Medford finds that by promoting infill development, the proposed change in GLUP map designation will help to conserve energy. The benefits of infill development and the reuse of existing development include, but are not limited to: Reduced cost by utilizing existing infrastructure, using less land and preserving open space and resource lands, and less energy consumption and less pollution based on reduced vehicle miles travelled.

Goal #14: Urbanization (Population, Land Use, Housing, Economic, Public Facilities, GLUP, and Implementation Elements):

The goal is to "Provide for an orderly and efficient transition from rural to urban land use."

Goal 14 provides that urban growth boundaries shall be established to identify and separate urbanizable from rural land. Consistent with ORS 197.296(6)(b), cities, before considering expanding their UGBs must consider changes to existing land use designations for the purpose of efficiently utilizing lands within the current urban area. During Phase I of its Urban Growth Boundary (UGB) amendment process, the City identified lands which could be re-designated to more efficiently meet future needs for residential development and employment.

The proposed GLUP map amendment, like Phase I of the UGB amendment process, will help to more efficiently utilize lands within developed portions of the UGB. The proposed change in GLUP map designation from GI to CM will help to facilitate the reuse and/or redevelopment of the existing 30,827 square feet of office space on the subject property, for commercial uses.

The City of Medford is in the final stages of expanding its UGB to provide an adequate land supply for both residential and employment growth over the next 20 years. During that process, the City investigated its land supply, compared it against growth projections, and determined how much land was needed. According to the City's projections, there was a need for a total of 97 acres of industrial land (both GI & HI) and a total of 318 acres of Commercial (CM) land. The final area for UGB expansion, selected by the City Council and approved by the Jackson County Board of Commissioners, included a total of 98 buildable acres of industrial land and a total of 300 buildable acres of CM land. The area added to the UGB created a 1-acre surplus of industrial land and left an 18-acre deficit in the supply of CM land.

The proposed Comprehensive Plan Amendment will change 3 net acres (approximately 3.24 gross acres) from the GI to the CM GLUP map designation. The proposed change will help to address the existing deficit in CM land and help to balance the supply of industrial and Commercial lands in the urban area. In this way, the application will help to assure adequate employment opportunities across a larger spectrum of uses.

FINDING:

The application does not include a change to an urban growth boundary but rather it provides for the efficient use of land already within the UGB.

CONCLUSIONARY FINDING:

Reviewing the above discussion and findings, the City of Medford can find that the application for a GLUP map designation change from GI to CM can be found to be consistent with the applicable Statewide Planning Goals and Comprehensive Plan elements regarding citizen involvement; land use planning; air, water and land resource quality; economic development; public facilities and services; transportation; energy conservation; and urbanization, and that Statewide Planning Goals 3, 4, 5, 7, 8 & 10 do not apply to this application.

IV. SUMMARY AND CONCLUSIONS:

In order for a Comprehensive Plan Amendment to change General Land Use Plan (GLUP) Map Designation to be approved, the Planning Commission must find that the request is supported by information and findings addressing the Criteria for Plan Amendments in the Goals, Policies, and Implementation Element of the Medford Comprehensive Plan.

A review of the application and these Findings of Fact demonstrates that this application complies with the applicable standards of the Medford Comprehensive Plan. This application is for a change in GLUP map designation, from GI to CM.

With this information provided, the applicants respectfully request that the City of Medford designate the subject property, (37-2W-12A, Tax Lot 502), as Commercial (CM) on the General Land Use Plan (GLUP) map for the City of Medford, Oregon.

Respectfully Submitted,



RICHARD STEVENS & ASSOCIATES, INC.

Exhibit D

Attachment to Applicant's Findings

Exhibit E
 Staff Report

RECEIVED
NOV 21 2017
PLANNING DEPT

Table 9.7. Employment Land Need after UGBA Phase 1 (net acres)

	Supply Before SALs	Supply After SALs	Demand	Deficit
SC	172	174	352	177
GI & HI	641	519	597	78
CM	265	443	697	254
Total				509

The number of net acres needed is then converted to gross acres in order to account for roads and other infrastructure resulting in a total employment land need of 637 gross acres.

Table 9.8. Net-to Gross Conversion of Employment Land Need after UGBA Phase 1

	Deficit in Net Acres	Deficit in Gross Acres
SC	177	222
GI & HI	78	97
CM	254	318
Total		637

UGBA Council Report

File no. CP-14-114

August 18, 2016

The Planning Commission also used the public hearings process to more fully develop findings for Goal 14 locational factor 3, which requires the City to consider the comparative environmental, social, economic, and energy (ESEE) consequences of different boundary location alternatives. Based on these findings, and the revised land need figures, the Commission chose to alter staff's recommendation by removing the land recommended in staff's "Alternative 1" and most of the land recommended in staff's "Alternative 2". The Commission also chose to add approximately 180 gross acres south of Cherry Lane, north of Barnett Road, and east of the current UGB, to the recommendation.

The Council received testimony that convinced it to reverse the Planning Commission's recommendation. After reviewing four restoration options at a February 25, 2016 study session and at its regular meeting on March 17, the Council selected the option presented by CSA Planning.

In addition to expanding the urban growth boundary and assigning GLUP map designations to the areas added to the UGB, the City proposes to amend the Street Functional Classification Plan of the Transportation Element of the Comprehensive Plan to include the expansion areas and portions of the Urbanization and GLUP Elements of the Comprehensive Plan to accommodate the UGB amendment. The recommended changes are shown in Exhibit A.

MAP AMENDMENT SUMMARY

		Number of Acres
Total Expansion Proposal		4,046
Developed or Unbuildable Land		511
Prescott Park and Chrissy Park		1,877
Land for Future Development (Residential + Employment)		1,658
Residential Land Amount		1,039
Low-Density Residential	UR	891
Medium-Density Residential	UM	27
High-Density Residential	UH	121
Employment Land Amount		618
Service Commercial	SC	220
Commercial	CM	300
General Industrial	GI	92
Heavy Industrial	HI	6

-45-

Exhibit E

Letter from Southern Oregon Transportation Engineering

SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC EST. 2011
319 Eastwood Drive - Medford, Or. 97504 – Phone (541) 941-4148 – Email: Kim.parducci@gmail.com PLANNING DE

November 1, 2017

Karl MacNair, Transportation Manager
City of Medford
Public Works/Engineering Division
200 South Ivy Street, Lausmann Annex
Medford, Oregon 97501

RE: GI and I-L to CM and C-R Comprehensive Plan Map Amendment and Zone Change Analysis

Dear Karl,

Southern Oregon Transportation Engineering, LLC evaluated trip generations for a proposed comprehensive plan map amendment (GI to CM) and subsequent zone change (I-L to C-R) on 3.00 acres at Township 37S Range 2W Section 12A tax lot 502. The subject parcel is located west of Avion Drive along the north side of Airport Road in Medford.

Background

The subject parcel is estimated to generate 900 average daily trips (ADT) under I-L (Light Industrial) zoning (using the City of Medford I-L trip generation of 300 ADT/net acre) with 90 trips occurring during the p.m. peak hour. Regional Commercial (C-R) is estimated (using the City of Medford C-R trip generation of 1,500 ADT/net acre) to generate 4,500 ADT, with 450 trips occurring during the p.m. peak hour. This results in a net increase of 3,600 ADT to the transportation system. The City's land development code requires a traffic impact analysis for any proposed land use action which generates a net increase of 250 ADT or more to the transportation system. Based on this, a traffic analysis is shown to be required.

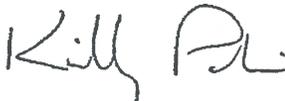
Analysis and Recommendations

For the analysis, 10% of the City's 1,500 ADT/net acre trip generation rate for C-R was used to determine an equivalent volume of p.m. peak hour trips. This produced 450 p.m. peak hour trips with 225 inbound and 225 outbound. Existing traffic patterns and volumes along Airport Road, Table Rock Road, Biddle Road, and Lawnsdale Road were used to determine trip distributions to and from the subject parcel. This resulted in approximately 14% to/from the northwest on Biddle Road and Table Rock Road, 45% to/from the southwest on Table Rock Road, and 41% to/from the southeast on Biddle Road and Lawnsdale Road (Bullock Road). From here roughly 11% reached OR 62 at Bullock Road and Poplar Drive. These percentages resulted in 45 p.m. peak hour trips at the intersection, which is considered a "substantial amount" of peak hour trips. The intersection of OR 62 and Poplar Drive is shown under adjusted year 2017 conditions to exceed the City and State's operational performance standard during the p.m. peak hour. Impacting this intersection with 25 or more peak hour trips will require some form of mitigation to meet facility adequacy requirements. Since this is known up front, the applicant would like to pursue the alternate option of requesting a trip cap stipulation.

When an unconditional approval is not possible without some form of mitigation to maintain an adequate level of service, the City of Medford Municipal Land Development Code (MLDC) 10.461(1) allows trip stipulations to reduce traffic. For this application, the maximum trip stipulation would include the base zoning ADT (I-L) plus up to 249 ADT, which is 1,149 ADT (or an equivalent 114 p.m. peak hour trips). A trip cap stipulation of 1,149 ADT (or an equivalent 114 p.m. peak hour trips) is, therefore, proposed for this application.

If you have any questions or concerns please feel free to contact me.

Sincerely,



Kimberly Parducci PE, PTOE

SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

Attachments: Parcel Vicinity Map
Trip Distributions and Assignments
Synchro Output
Medford Land Development Code
Scoping Letter

Cc: Peter Mackprang, Medford Engineering
Joe Slaughter, Richard Stevens & Associates, Inc.
Client



Exhibit F

Public Works Staff Report



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

RECEIVED

JAN 24 2018

PLANNING DEP.

LD Date: 1/24/2018
File Number: CP-17-154

PUBLIC WORKS DEPARTMENT STAFF REPORT

General Land Use Map Amendment

504 Airport Road

ColumbiaCare Services

Project: Consideration of a Minor General Land Use Plan Map amendment to reclassify a 3.0 acre property.

Location: Located at 503 Airport Road from General Industrial to Commercial.

Applicant: Applicant: Columbia Care, Agent: Richard Stevens & Associates, Planner: Sara Sousa.

I. Sanitary Sewer Facilities

This site lies within the Rogue Valley Sewer Service (RVSS) area. The Applicant shall contact RVSS to see if sanitary sewer services and facilities are available and have capacity to serve this property under the proposed zoning.

II. Storm Drainage Facilities

This site lies within the Lone Pine Creek Drainage Basin. The City of Medford has existing storm drain facilities in the area. This site is currently developed, and if redeveloped would be able to connect to these facilities. This site will be required to provide stormwater quality and detention at time of redevelopment in accordance with MLDC, Section 10.729 and/or 10.486.

III. Transportation System

Public Works received a Traffic Impact Report from Southern Oregon Transportation Engineering, dated November 1, 2017 and titled, "GI and I-L to CM and C-R Comprehensive Plan Map Amendment and Zone Change Analysis" for the property Identified as 372W12A502. The report studies the impact of a Zone Change from I-L Light Industrial to Regional Commercial on 3.0 acres.

The report shows that the intersection of Crater Lake Hwy 62 and Poplar Dr / Bullock Dr is currently exceeding both City of Medford and ODOT operational performance standards and that 25 or more peak hour trips would reach this intersection from the property. This would constitute significant impact to the intersection per Medford Municipal Code section 10.461.

The developer proposes a trip cap consisting of the allowable trips under the existing I-L Zoning on a 3.0 acre parcel; 900 ADT (average daily trips), plus the maximum allowable trips per code prior to onset of significant impact to a failing intersection; 249 ADT. The trip cap would be for a maximum of 1149 ADT.

Public Works recommends that the following condition be imposed on the Zone Change:

Trip generation on the property shall not exceed 1149 ADT. The developer shall submit a trip accounting with any subsequent development applications showing that trip generation from the proposal will not cause the total trip generation of the subject three acres to exceed 1149 ADT.

Prepared by: Doug Burroughs

Exhibit G

Medford Fire Department Report



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: Sarah Sousa

LD Meeting Date: 01/24/2018

From: Fire Marshal Kleinberg

Report Prepared: 01/22/2018

File #: CP - 17 - 154

Site Name/Description:

Consideration of a Minor General Land Use Plan Map amendment to reclassify a 3.0 acre property located at 503 Airport Road from General Industrial to Commercial. Applicant: Columbia Care, Agent: Richard Stevens & Associates, Planner: Sara Sousa

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

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.

Exhibit H

Medford Water Commission Memo



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

FROM: Rodney Grehn P.E., Water Commission Staff Engineer

SUBJECT: CP-17-154

PARCEL ID: 372W12A TL 502

PROJECT: Consideration of a Minor General Land Use Plan Map amendment to reclassify a 3.0 acre property located at 503 Airport Road from General Industrial to Commercial.

DATE: January 24, 2018

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

CONDITIONS

1. No Conditions

COMMENTS

1. There is an existing fire hydrant near the southwest property corner along Airport Road, and also at the southeast corner of the intersection Airport Road and Avion Drive.
2. MWC-metered water service does exist to this property. There is a 2-inch water meter that serves the large building located at 503 Airport Road. There is also a 1-inch water meter that serves the small building near the southeast property corner.
3. Access to MWC water lines is available. There is an existing 6-inch water line located just south of the north right-of-way line of Airport Road, and there is an existing 24-inch water transmission line along the south right-of-way line.

Exhibit I

Rogue Valley Sewer Services Letter



ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 97502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

July 14, 2015

City of Medford Planning Department
200 S. Ivy Street
Medford, Oregon 97501

Re: CP-17-154, 503 Airport Road

ATTN: Sarah,

The subject property is served by a 4 inch service connection to an existing 8 inch sewer main along Airport Road. An additional 10 inch sewer main currently runs south to north along the west property line. The proposed planning action will have no adverse impacts on RVSS service.

Future sewer or building improvements must be submitted to RVSS for approval and/or determination of SDC fees.

Sincerely,

Nicholas R. Bakke

Nicholas R Bakke, PE
District Engineer

Exhibit J

Jackson County Roads Letter



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

January 17, 2018

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

RE: Minor General Land Use Plan Map Amendment off Airport Road – a county maintained road.

Planning File: CP-17-154.

Dear Sarah:

Thank you for the opportunity to comment on the consideration of a Minor General Land Use Plan Map Amendment to reclassify a 3.0 acre property located at 503 Airport Road from I-G (General Industrial) to I-L (Light Industrial). Jackson County Roads has the following comments:

1. Any new or improved road approaches off Airport Road shall be permitted and inspected by the City of Medford.
2. The applicant shall submit construction drawings to Jackson County Roads and obtain county permits if required.
3. Airport Road is a County Minor Collector and is county-maintained. The Average Daily Traffic Count between Table Rock Road and Biddle Road was 3,100 on the Medford 2016 Traffic Volumes Map
4. If frontage improvements are required, they shall be permitted and inspected by the City of Medford.
5. We would like to be notified of future development proposals, as county permits may be required.
6. 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

January 17, 2018
Page 2 of 2

improvements to Airport Road. Jackson County Roads recommends that the city request road jurisdiction.

7. Storm water should meet City of Medford requirements that also include water quality.
8. Jackson County Roads would like to review and comment on the hydraulic report including the calculations and drainage plan. Capacity improvements or on site detention, if necessary, shall be installed at the expense of the applicant. Upon completion of the project, the developer's engineer shall certify that construction of the drainage system was constructed per plan and a copy of the certification shall be sent to Jackson County Roads.

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

Sincerely,


Kevin Christiansen
Construction Manager

Exhibit K

Jackson County Assessor's Map

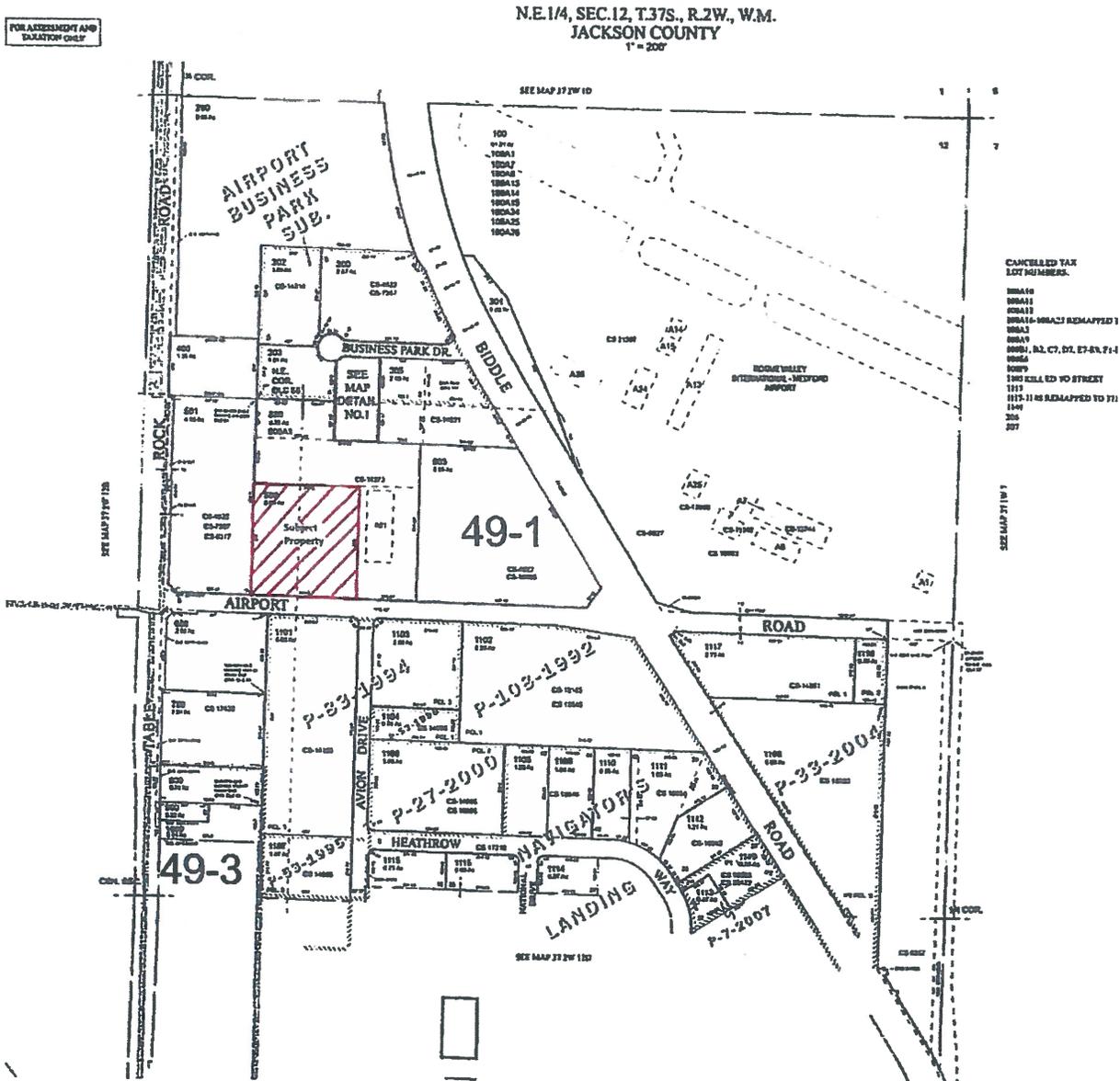


Exhibit L

Letter from CSA Planning



Memorandum

To: Clark Stevens - Richard Stevens & Associates, Inc.
Date: February 20, 2018
Subject: Commercial GLUP/Zoning Applications - Airport Road Parcels

CSA Planning, Ltd

4497 Brownridge, Suite 101
Medford, OR 97504

Telephone 541.779.0569
Fax 541.779.0114

Raul@CSAplanning.net

Clark:

This memo is provided to confirm that CSA Planning, Ltd. has been engaged by the owners of property identified as Tax Lots 500 and 503 (MAPID 372W12A) to prepare an application to rezone both parcels to the City of Medford's Community Commercial (C-C) Zone. A change to the General Land Use Plan (GLUP) Map from GI to CM will also be sought for Tax Lot 500 in conjunction with the proposed C-C zoning. Tax Lot 503 is already designated as Commercial Land. We are completing the facility adequacy studies in support of the applications now and should be able to file with the City soon.

If approved, the both the CM GLUP Map designations and the C-C zoning district would extend east from Biddle Road (a City arterial street) over our clients' property to the common property line with Tax Lot 502, which your client owns. Our clients are supportive of your client's pending application to change the GLUP Map to CM for Tax Lot 502 and a future re-zone to Community Commercial (C-C).

Very truly yours,

CSA Planning, Ltd.

A handwritten signature in blue ink, appearing to read 'Raul', is written over a horizontal line.

Raul G. Woerner
Principal

RGW/m

Exhibit M

Planning Commission Minutes Excerpt – February 22, 2018



Planning Commission

Minutes

From Public Hearing on **February 22, 2018**

The regular meeting of the Planning Commission was called to order at 5:30 PM in the City Hall Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Patrick Miranda, Chair
David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
E.J. McManus
Alex Poythress

Staff Present

Kelly Akin, Assistant Planning Director
Carla Paladino, Principal Planner
Eric Mitton, Deputy City Attorney
Terri Rozzana, Recording Secretary
Sarah Sousa, Planner IV
Dustin Severs, Planner III

Commissioners Absent

Mark McKechnie, Excused Absence
Jared Pulver, Excused Absence

50. Public Hearings – New Business

50.1 CP-17-154 Consideration of a Minor General Land Use Plan Map amendment to reclassify a 3.0 acre property located at 503 Airport Road from General Industrial (GI) to Commercial (CM). (Columbia Care, Applicant; Richard Stevens & Associates, Agent; Sarah Sousa, Planner).

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Chair Miranda disclosed that a close family friend works for Columbia Care. Also, Columbia Care is a majority holder in the Homeowner's Association of his property. It will not affect his decision regarding this application.

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

Sarah Sousa, Planner IV, stated that the General Land Use Plan Map amendment criteria can be found in the Medford Land Development Code Section 10.192. The applicable criteria were included in the staff report and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Sousa gave a staff report.

Vice Chair McFadden asked, are all health care classifications in the SIC Code excluded from industrial zones? Ms. Sousa reported that occupational health facilities are included in industrial zones. No medical offices are allowed in light industrial zones. Vice Chair McFadden asked if Ms. Sousa knew why that was. Ms. Sousa did not.

The Public Hearing was opened.

a. Joe Slaughter, Richard Stevens and Associates, P. O. Box 4368, Medford, Oregon, 97501-0168. Mr. Slaughter reported that he does not exactly why medical offices are not allowed in the light industrial zones. There are differences in industrial uses and commercial uses. There has to be a line drawn somewhere. Traffic could be one of the considerations. The applicant is comfortable with the interpretation that this facility is not allowed under the General Land Use Plan map designation and zone. Therefore, the reason for them going through this process.

There is approximately 30,000 square feet of existing building on the site. The property will be used for sixty percent administrative office use and forty percent clinic or medical use. There are no plan changes to the building.

There is an intervening property that was a manufacturing facility that is vacant. It is not comprehensive planned for commercial yet. Mr. Slaughter presented into the record a letter from Raul Woerner, CSA Planning Ltd., representing clients that own the properties that are intervening between the subject property and Biddle Road. Their plans are to submit a comprehensive plan amendment for one of the properties and a zone change for both the properties.

Vice Chair McFadden asked, is this a facility that will require additional fencing? Why should this facility be in an industrial area changing it to commercial? Mr. Slaughter stated that the use of the property will not be limited to mental health. There will be physical health. It is general medical office space.

Mr. Slaughter reserved rebuttal time.

Commissioner Foley asked, the rezoning of this property will be contingent upon the rezoning of the adjacent properties because doesn't it have to touch a commercial property to be zoned commercial? Ms. Sousa reported that the applicant is requesting regional commercial zoning that has to front an arterial or collector street. Biddle Road is the nearest higher order street. It is necessary that the two properties to the east have the same zone.

Commissioner Culbertson asked, does Columbia Care have a facility on Juanipero that was approved and an Alzheimer facility on Poplar? Kelly Akin, Assistant Planning Director,

reported that staff has received several applications from Columbia Care. One was on Juanipero and a residential facility off Swing Lane.

Commissioner Poythress wanted clarification that the property owner is planning to apply for commercial rezoning of the property to the east of the vacant manufacturing building. He wants to be clear that rezoning a manufacturing facility for commercial at which point it cannot be used for light industrial. Ms. Sousa reported that she could not answer that question other than the proximity. If it is under the same ownership and the proximity to Biddle Road it could have the potential for a commercial operation.

The Public Hearing was closed.

Motion: The Planning Commission contingent on the rezoning of the neighboring properties to commercial based on the Findings and Conclusions that all of the approval criteria are met or are not applicable, forwards a favorable recommendation for approval of CP-17-154 to the City Council per the staff report dated February 15, 2018, including Exhibits A through K.

Moved by: Vice Chair McFadden

Commissioner Foley stated that it is not a zoning it is a General Land Use Plan map amendment. He does not believe Vice Chair McFadden had the motion worded the correct way.

Mr. Mitton reported that the contingent language is not appropriate at this time.

Vice Chair McFadden withdrew that motion.

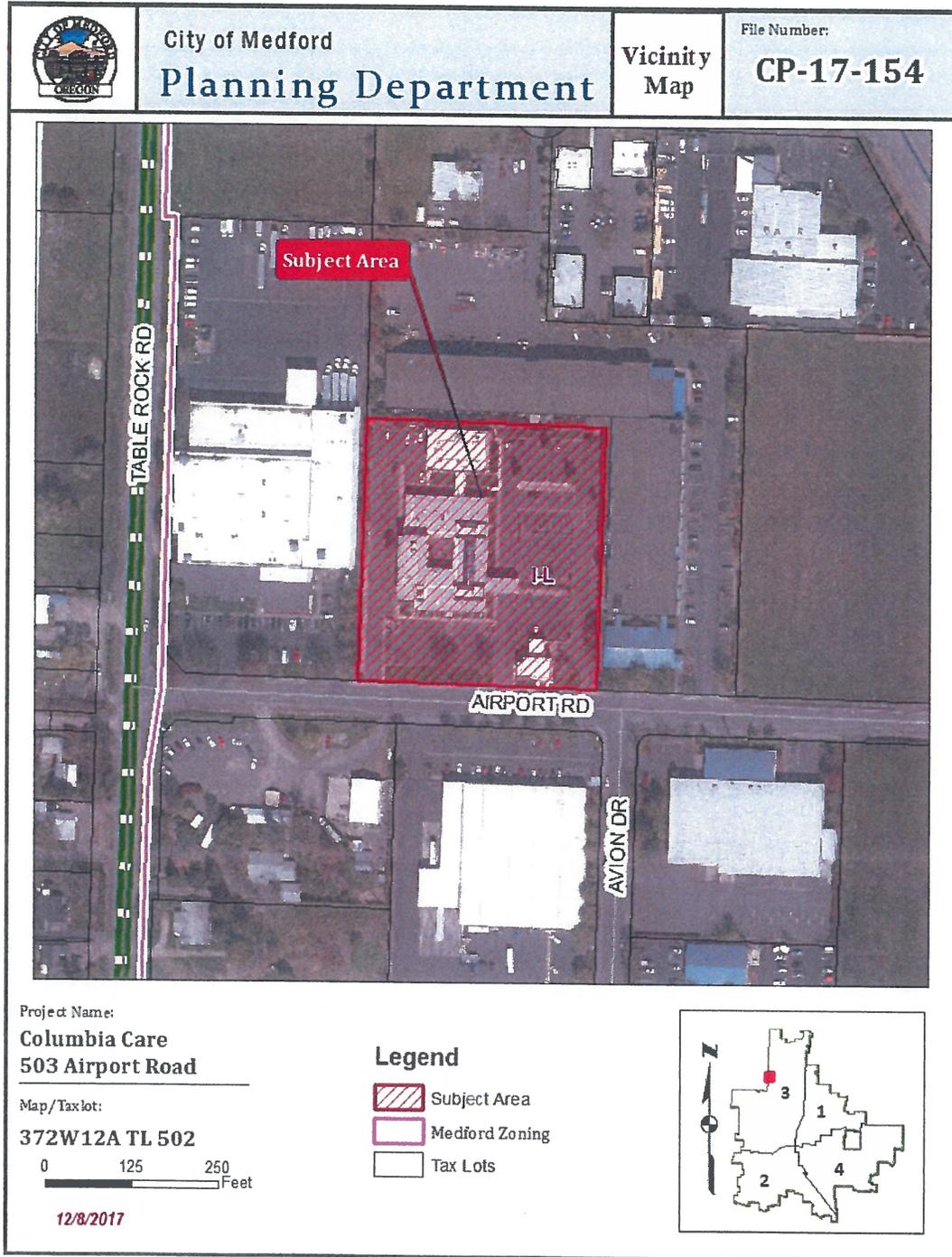
Motion: The Planning Commission based on the Findings and Conclusions that all of the approval criteria are met or are not applicable, forwards a favorable recommendation for approval of CP-17-154 to the City Council per the staff report dated February 15, 2018, including Exhibits A through K.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Culbertson

Roll Call Vote: Motion passed, 7-0.

Vicinity Map





CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.1

www.ci.medford.or.us

DEPARTMENT: Planning Department **AGENDA SECTION:** Ordinances and Resolutions
PHONE: (541) 774-2380 **MEETING DATE:** April 5, 2018
STAFF CONTACT: Matt Brinkley, AICP, CFM, Planning Director

COUNCIL BILL 2018-14

SECOND READING – An ordinance vacating an approximately 25 foot wide strip of public right-of-way, being a portion of Evergreen Street, running north-south from West Third Street to West Fourth Street, 300 feet in length. (SV-17-106)

SUMMARY AND BACKGROUND

On September 14, 2017 Linda Donovan submitted an application by petition to vacate a portion of Evergreen Street right-of-way. The portion of Evergreen Street proposed to be vacated is located between West Third and West Fourth Street, bordering the railroad tracks.

At the Planning Commission hearing on January 11, 2018, the Commission couldn't come to a decision as the votes were tied at three. Commissioner McFadden, however, recused himself and submitted an email stating his opposition prior to the public hearing (Exhibit M of Staff Report). (SV-17-106)

PREVIOUS COUNCIL ACTIONS

On January 4, 2018 – Resolution No. 2018-03 – Council approved a resolution establishing a hearing date of February 15, 2018 for consideration of the matter.

At the February 15, 2018, Council discussed this application. During the hearing, a question regarding the potential future ownership of the vacated right-of-way was raised. Staff needed time to research the answer and Council decided to continue the public hearing to March 1, 2018.

At the March 1, 2018 meeting, the City Council continued the public hearing to March 15, 2018.

On March 15, 2018, the City Council voted to approve the vacation of the westerly 25 feet by a vote of 5 – 3. The Council requested an opinion from the City Surveyor on how the ownership of the vacated area will revert.

ANALYSIS

In order for a city to vacate right-of-way it must be determined that local and state requirements are met. Per MLDC 10.202, the applicable criteria for the subject vacation request requires that the proposal comply with the Public Facilities Element of the City of Medford's Comprehensive Plan, including the Transportation System Plan. In addition, since the application was initiated by petition under ORS 271.080, the applicant must receive signed Consent to Vacation documentation from 100% of all abutting real property owners and two-thirds of all affected real property owners.

In regards to the proposal's compliance with the City's Comprehensive Plan and Transportation System Plan, the goals and policies of the Comprehensive Plan are silent on right-of-way vacations. No pedestrian and/or bicycle projects are included in the proposed update to the Transportation System Plan Element.

In the spring of 2003, the Medford City Council approved the Downtown 2050 Plan. "Evergreen Way" was shown as a proposed Secondary Pedestrian Corridor. The project was described as "Evergreen Way's function should be restricted to that of a minor local street serving as a major pedestrian link between the In-Town Village and the City Center core area." and "Evergreen Way provides an attractive pedestrian corridor reaching from the In-Town Village and Southside to Downtown Central."

In regards to the proposal's compliance with ORS 271.080, the applicant's submitted vacation application included signed *Consent to Vacation* documentation from 100 percent of all abutting real property owners and signed *Consent to Vacation* documentation from over two-thirds of all affected real property owners, consistent with the requirements found in ORS 271.080.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.1

www.ci.medford.or.us

Staff has determined both City and State requirements are met.

As noted above, the potential future ownership of the vacated right-of-way was discussed at the February 15 City Council meeting. Staff recommended that the language requiring reservation of a utility easement be stricken from the draft ordinance. At the March 15 meeting staff failed to repeat the request and it was not part of the motion. Staff is requesting that the City Council approve the ordinance without the easement reservation.

Also at the February 15 meeting, staff indicated that ownership of the entire 50 feet of Evergreen Street might become the applicant's. After further research, it appears that the ownership may revert at the centerline, which means 25 feet would become the applicant's and the other 25 feet would become part of the railroad property. Staff requested an opinion on future ownership from the applicant's title company but had not received one at the time of publication. Staff will forward any additional information to the Council as it is received.

After the City Council hearing on February 15, 2018, staff asked the applicant to reach out to their title company for an opinion on where the ownership would revert. The title company responded after the report was published, saying, "...What the City is asking for, an opinion as to whom the property should be given when the easement or right-of-way is vacated, is us to interpret Oregon Statute, which we cannot do as that would be practicing law."

At the City Council meeting of March 15, 2018, the City Council requested an opinion on the future ownership from Jon Proud, the City Surveyor. Mr. Proud provided the information below in response to a counter question in September 2017 where Planning staff asked for assistance in determining possible ownership. The excerpt below was provided to Ms. Akin in response to the Council's request via email on March 16, 2018.

From a cursory review, that portion of Evergreen Street was dedicated to the public per the "Town of Medford Plat", so the right-of-way in question would be under City jurisdiction, as opposed to fee ownership. After the vacation process there is a good chance the fee ownership of the easterly half of the street would attach to the railroad property (note: there is case law and maybe ORS statutes that deal with vacated right-of-way abutting a railroad that I am aware of but am by no means an authority on). Ultimately a title company will insure ownership of the vacated street (depending on insurance purchased). If I were the customer I would start my due diligence with a good title agent or a good land surveyor with experience in dealing with vacated right-of-way.

In my opinion, the City's part of the vacation process is no more than to relinquish the public's right to use the street. This is done by noticing the public so all parties can be heard as part of the process. The underlying ownership is a private property issue that the City should have no part of. I would advise against Planning "researching" for the customer unless you have someone on staff who is an authority on vacated streets abutting a railroad owned in fee.

To specifically answer your question, Evergreen Street between 3rd and 4th Streets is within the City's jurisdiction and procedurally should be vacated by the vacation process as it was done on the northwest end of street in question in 1988 per JCOR 1988-27430. Anything else dealing with fee ownership is for others to answer in my opinion.

On March 16, 2018, Mr. Proud wrote:

Until the time a title insurance company will insure the title to vacated property, I would not opine on who the vacated property belongs to. If the title company will not insure title they should be able to advise their client on how to get clear title, such as action to quiet title, in a court of law.



**CITY OF MEDFORD
AGENDA ITEM COMMENTARY**

Item No: 80.1

www.ci.medford.or.us

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The vacated area would become taxable property. It is the applicant's intention to develop the area.

TIMING ISSUES

None.

COUNCIL OPTIONS

- Approve the ordinance as presented
- Modify the ordinance as presented
- Decline to approve the ordinance as presented and direct staff regarding further action.

STAFF RECOMMENDATION

Adopt the ordinance vacating the westerly 25 feet of Evergreen Street between 3rd and 4th Streets.

SUGGESTED MOTION

I move to adopt the ordinance authorizing the vacation of a portion of Evergreen Street.

EXHIBITS

Ordinance

ORDINANCE NO. 2018-14

AN ORDINANCE vacating an approximately 25 foot wide strip of public right-of-way, being a portion of Evergreen Street, running north-south from West Third Street to West Fourth Street, 300 feet in length.

WHEREAS, the City Council of the City of Medford, Oregon, by Resolution No. 2018-03 accepted the petition initiating the vacation; and

WHEREAS, the City Council fixed 6:00 p.m. on February 15, 2018, in the Medford City Council Chambers, 411 W. 8th St., Medford, Oregon, as the time and place for hearing any objections to the proposed vacation of said area; and

WHEREAS, the date for hearing any objections to the proposed vacation of said area was continued to 6:00 p.m. on March 1, 2018, in the Medford City Council Chambers, 411 W. 8th St., Medford, Oregon, as the time and place for hearing any objections to the proposed vacation of said area;

WHEREAS, the date for hearing any objections to the proposed vacation of said area was continued to 6:00 p.m. on March 15, 2018, in the Medford City Council Chambers, 411 W. 8th St., Medford, Oregon, as the time and place for hearing any objections to the proposed vacation of said area;

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

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

WHEREAS, on the basis of the facts and conclusions stated in the Staff Report dated January 4, 2018, on file in the Planning Department, the City Council has deemed it to be in the public interest that said area be vacated; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That an approximately 25 foot wide strip of public right-of-way, being a portion of Evergreen Street, running north-south from West Third Street to West Fourth Street, 300 feet in length, described in Exhibit "A" and "B" attached hereto and incorporated herein, is hereby vacated, and the ownership of the said area hereby vacated shall become vested as provided by law; and

applicant shall provide six vehicle parking spaces in the area that has been vacated.

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

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

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

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2018.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2018.

Mayor

State of Oregon)
County of Jackson)

On this _____ day of _____, 2018, Gary H. Wheeler, as Mayor for the City of Medford, personally appeared before me and is known to me to be the person whose name is signed to this document, and acknowledges that he signed the document.

Notary Public for Oregon
My Commission expires:



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 80.2

www.ci.medford.or.us

DEPARTMENT: Parks, Recreation, Facilities **AGENDA SECTION:** Ordinances and Resolutions
PHONE: (541) 774-2483 **MEETING DATE:** April 5, 2018
STAFF CONTACT: Rich Rosenthal, Director

COUNCIL BILL 2018-30

A resolution adopting a recommendation from the Parks and Recreation Commission to change the name of the playground located at Bear Creek Park to The Olsrud Family Community Playground in honor of the Olsrud family.

SUMMARY AND BACKGROUND

The Parks, Recreation and Facilities Management Department requests approval to change the name of the Bear Creek Park Community Playground to “The Olsrud Family Community Playground” to honor the longtime community philanthropy of Sherm and Wanda Olsrud, and their family.

PREVIOUS COUNCIL ACTIONS

On December 5, 2002, Council approved Council Bill 2002-212, adopting the policy for naming or renaming facilities or areas within the Medford parks and recreation system.

On November 4, 2004, Council approved Council Bill 2004-219, adopting a naming-rights policy for parks, facilities and programs.

On June 15, 2006, Council approved Council Bill 2006-140, revising the naming-rights policy.

ANALYSIS

The Parks, Recreation and Facilities Department seeks Council authorization to re-name the Bear Creek Park Community Playground to recognize the longtime philanthropy of Sherm and Wanda Olsrud. If approved, and when construction of the new playground is complete, the playground name would change to “The Olsrud Family Community Playground.”

The Olsruds, who lived across Siskiyou Boulevard from the Bear Creek playground for decades, were heavily engaged in the community efforts that resulted in the construction of the wildly popular, unique castle-like play structure in 1988. In addition to making a major financial contribution to help pay for the playground, the Olsruds helped feed the hundreds of volunteers during the four-day construction process.

The now-retired founders of Sherm’s Thunderbird Markets and Food 4 Less are prolific supporters of numerous local causes, particularly those benefiting youths including Kids Unlimited, Boy Scouts of America, the Maslow Project, St. Mary’s School and Southern Oregon University. In addition to funding major capital campaigns, the Olsruds are longtime contributors to the ACCESS nutrition program.

City Council Resolution 2006-140 pertaining to naming or renaming parks facilities stipulates the Parks and Recreation Commission must recommend the proposed name for City Council consideration. The resolution states naming or re-naming facilities or areas within parks is permissible “when a person is determined to have played an essential role in the evolution of the facility or area” and that “Names should express appreciation, educate or provide a link with the past.”

The Parks and Recreation Commission reviewed the proposed playground name change at its Feb. 28, 2018 regular meeting and unanimously recommends City Council approval.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 80.2

www.ci.medford.or.us

Rejuvenating the fort-like Bear Creek Park playground with a similar style using modern materials was identified as a high-priority capital improvement project for the 2017-19 funding cycle. The City teamed with JWA Public Affairs, the Medford Parks and Recreation Foundation, the Medford School District, and original playground manufacturer Leathers Inc. to replicate the original community design-and-build process and to galvanize fundraising and community engagement. If fundraising efforts succeed on schedule, the new playground would be installed this October.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

The name change would coincide with the opening of the new playground, scheduled for October 2018.

COUNCIL OPTIONS

Approve the resolution.

Deny the resolution and provide staff with direction.

STAFF RECOMMENDATION

Staff recommends approval of the resolution.

SUGGESTED MOTION

I move to approve renaming the Bear Creek Park Community Playground to "The Olsrud Family Community Playground" to honor the philanthropy of Sherm and Wanda Olsrud, and their family.

EXHIBITS

Resolution

RESOLUTION NO. 2018-30

A RESOLUTION adopting a recommendation from the Parks and Recreation Commission to change the name of the playground located at Bear Creek Park to *The Olsrud Family Community Playground* in honor of the Olsrud family.

WHEREAS, Sherm and Wanda Olsrud were heavily engaged in community efforts that resulted in the construction of the original playground located at Bear Creek Park in 1988; and

WHEREAS, in accordance with the City's procedure for providing naming rights associated with parks, facilities, and programs contained in Resolution No. 2006-140, the Parks and Recreation Commission recommends approval of naming recognition for the Olsrud family; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON, That the recommendation from the Parks and Recreation Commission to change the name of the playground located at Bear Creek Park to *The Olsrud Family Community Playground* in honor of the Olsrud Family is hereby adopted.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2018.

ATTEST: _____
City Recorder

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.3

www.ci.medford.or.us

DEPARTMENT: Planning Department **AGENDA SECTION:** Ordinances and Resolutions
PHONE: (541) 774-2380 **MEETING DATE:** April 5, 2018
STAFF CONTACT: Matt Brinkley, CFM AICP, Planning Director

COUNCIL BILL 2018-31

An ordinance authorizing an Agreement with the Oregon Department of Land Conservation and Development (DLCD) accepting a \$40,000 technical assistance grant for the hiring of a consultant to assist in code amendments and economic incentive programs identified by the Housing Advisory Committee.

SUMMARY AND BACKGROUND

A resolution authorizing the acceptance, recognizing the revenue, and authorizing the expenditure of a grant from the Department of Land Conservation and Development (DLCD). The Planning Department was awarded a Technical Assistance Grant in the amount of \$40,000 from DLCD on December 11, 2017. With the funds, the Planning Department will hire a consultant(s) to draft code amendments and evaluate economic programs related to housing and land use changes identified by the Housing Advisory Committee. The City Council is being asked to authorize the City Manager to sign and accept the grant agreement provided by DLCD and authorize the Planning Department to expend the funds. Receipts of specific purpose grants, gifts or donations can be expended after the enactment of a resolution under ORS 294.338. (GF-18-032)

PREVIOUS COUNCIL ACTIONS

On November 2, 2017, the Council supported a motion authorizing the Mayor to sign a letter of support for the grant application submitted on October 13, 2017.

ANALYSIS

On March 9, 2018, the Planning Department received DLCD's grant agreement. The City is provided approximately one month to sign and return the agreement and accept the award. The grant will provide the Planning Department with the funds to hire a consultant(s) to assist with code amendments and economic incentive programs identified by the Housing Advisory Committee (HAC). The HAC identified nineteen regulatory changes and seventeen economic programs for the City to evaluate that promotes more housing in the City and modify development standards to simplify and clarify the development process. The assistance of a consultant will enable Planning staff to more effectively address the HAC recommendations in a timely manner.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The Planning Department did not anticipate these grant funds as part of the biennial budget. The \$40,000 can be absorbed into the Department's budget and will be adjusted through a supplemental budget process. The grant funds will be reimbursed back to the Planning Department from DLCD. The Planning Department will contract directly with the chosen consultant. A consultant has not yet been selected. (Contract #C0000281)

TIMING ISSUES

The first eight pages of the agreement must be signed by the City and returned to DLCD by April 8, 2018.

COUNCIL OPTIONS

- Approve the resolution as presented.
- Modify the resolution as presented.
- Decline to approve the resolution and provide further direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the resolution.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 80.3

www.ci.medford.or.us

SUGGESTED MOTION

I move to approve the resolution authorizing the acceptance and expenditure of grant funds in the amount of \$40,000 awarded from DLCD.

EXHIBITS

- Resolution
- DLCD 2017-2019 Technical Assistance Grant Agreement
- Housing Advisory Committee recommendations

ORDINANCE NO. 2018-31

AN ORDINANCE authorizing an Agreement with the Oregon Department of Land Conservation and Development (DLCD) accepting a \$40,000 technical assistance grant for the hiring of a consultant to assist in code amendments and economic incentive programs identified by the Housing Advisory Committee.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That an Agreement with the Oregon Department of Land Conservation and Development (DLCD) accepting a \$40,000 technical assistance grant for the hiring of a consultant to assist in code amendments and economic incentive programs identified by the Housing Advisory Committee, which agreement is on file in the City Recorder's Office, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2018.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2018.

Mayor

STATE OF OREGON
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT



2017-2019 TECHNICAL ASSISTANCE GRANT

AGREEMENT COVER SHEET	
This cover sheet is informational and not a part of the agreement	
Offer Date: March 9, 2018	
Grantee City of Medford 200 South Ivy Street Medford, Oregon 97501	Grant No. TA-19-173
Project Title: Help us House Medford through Better Code Regulations and Programs	
Grantee Representative Carla Angeli Paladino, Principal Planner 541-774-2395 carla.paladino@cityofmedford.org	DLCD Grant Manager Josh LeBombard 541-414-7932 josh.lebombard@state.or.us
GRANT AMOUNT: \$40,000	PROJECT END DATE: May 31, 2019
Last day to amend agreement: March 1, 2019	

Signature

Grantee shall return a signed agreement to DLCD by e-mail within thirty (30) days of the Offer Date. If not signed and returned without modification by Grantee within thirty (30) days of the Offer Date, the DLCD Grant Program Manager may terminate this offer of the grant award.

List of Products

Preliminary report: Project staff with contact information, advisory committee membership, and refinement of scope by May 1, 2018 (Project Requirement 8)

Signed agreement: between the Grantee and consultant, no later than three business days after both parties have signed the agreement. (Project Requirement 7)

Task 1: Hearings-ready draft code amendments to allow needed housing

Task 2: Hearings-ready draft economic/incentive program to encourage needed housing

Task 3: Notice of Proposed Change; Notice of Adopted Change

Grantee and the consultant will provide all draft and final Products, including memos, reports, and maps produced by this grant agreement in a digital media format. The term “digital media” means a compact disc, digital video disc, USB flash drive, e-mail, or FTP submittal authorized by DLCD.

STATE OF OREGON
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
2017-2019 TECHNICAL ASSISTANCE GRANT
AGREEMENT

DLCD Grant Number: TA-19-173

City of Medford

This agreement (“Agreement”) is made and entered into by and between the **State of Oregon, acting by and through its Department of Land Conservation and Development**, hereinafter referred to as “DLCD,” and **City of Medford**, hereinafter referred to as “Grantee,” and collectively referred to as the “Parties.”

1. **Effective Date and Availability of Grant Funds.** This Agreement is effective on the date on which every party has signed this Agreement and all required State approvals have been obtained (“Effective Date”). Grant Funds under this Agreement are available for eligible costs as defined in Sections 4 and 6 incurred beginning on the Effective Date and ending on the earlier of the termination of this Agreement or the Project End Date provided in Attachment A. DLCD’s obligation to disburse Grant Funds under this Agreement ends 60 days after the earlier of termination of this Agreement or the Project End Date.
2. **Agreement Documents.** The Agreement consists of this agreement (without any attachments) and the following Attachments, all of which are attached hereto and incorporated by reference:

Attachment A: **Project Description and Budget**
Attachment B: **DLCD Contact Names and Addresses**
Attachment C: **Request for Product Reimbursement Form and Instructions**
Attachment D: **Form 1, Notice of Proposed Change (35-day Notice)**
Attachment E: **Form 2, Notice of Adopted Change**

In the event of a conflict between two or more of the documents comprising this Agreement, the language in the document with the highest precedence shall control. The precedence of each of the documents comprising this Agreement is as follows: this Agreement without Attachments; Attachments as listed, in descending order of precedence.

3. **Grant Funds.** The maximum, not-to-exceed, grant amount that the DLCD will pay to Grantee is **\$40,000** (the “Grant Funds”). Disbursements will be made only in accordance with the schedule and requirements contained in this Agreement, including Attachment A.
4. **Project.** The Project is described in Attachment A. Grant Funds may be used solely for the Project described in Attachment A and may not be used for any other purpose. No Grant Funds will be disbursed for any changes to the Project unless such changes are approved by DLCD by amendment pursuant to Section 9 hereof. Grantee agrees to implement the Project in accordance with the terms and conditions of this Agreement and complete the Project no later than the Project End Date.

5. **Reports.** Grantee shall submit the reports required by this section to the DLCDC Grant Manager and Grants Administrative Specialist in writing by personal delivery, e-mailing, or mailing at the address or number set forth in Attachment B or to such other addresses or numbers as DLCDC may specify by notice to Grantee in accordance with Section 8 hererof.
 - a. **Progress Reports.** Grantee will submit a written status report at the request of the DLCDC Grant Manager or as required in the Project Requirements in Attachment A.
 - b. **Financial Reimbursement Reports.** In order to receive reimbursement, Grantee must submit to DLCDC requests for reimbursement of eligible costs incurred in producing Product(s), as provided in Attachment A, on the form provided in Attachment C. Grantee shall submit a closeout report to DLCDC within 30 days after the termination of the Agreement or the Project End Date, whichever is earlier. Reimbursements for products will be reduced or withheld if Progress or Closeout Reports have not been timely submitted or are incomplete.
6. **Disbursement and Recovery of Grant Funds.**
 - a. **Disbursement Generally.** DLCDC will disburse the Grant Funds as reimbursement for eligible costs incurred to produce Products in carrying out the Project, up to the amount provided in Section 3, and subject to the timelines and limits for each Task, as specified in Exhibit A. Grantee may request a reimbursement after completion of a Product. Reimbursements will be made by DLCDC within 30 days of DLCDC's approval of a request for reimbursement. Eligible costs are the reasonable and necessary costs incurred by Grantee, during the period specified in Section 1, in performance of the Project and that are not excluded from reimbursement by DLCDC, either by this Agreement or by exclusion as a result of financial review or audit.
 - b. **Conditions Precedent to Disbursement.** DLCDC's obligation to disburse Grant Funds to Grantee is subject to satisfaction, with respect to each disbursement, of each of the following conditions precedent:
 - i. DLCDC has received funding, appropriations, limitations, allotments or other expenditure authority sufficient to allow DLCDC, in the exercise of its reasonable administrative discretion, to make the disbursement.
 - ii. Grantee is in compliance with the terms of this Agreement.
 - iii. Grantee's representations and warranties set forth in Section 7 hereof are true and correct on the date of disbursement with the same effect as though made on the date of disbursement.
 - iv. Grantee has provided to DLCDC a request for reimbursement in accordance with Section 5.b hereof. Grantee must submit its final request for reimbursement no later than 30 days after the earlier of termination of this Agreement or the Project End Date. Grantee will not disburse Grant Funds in response to reimbursement requests submitted after that date.

7. **Representations and Warranties of Grantee.** Grantee represents and warrants to DLCD as follows:
- a. **Organization and Authority.** Grantee is duly organized and validly existing under the laws of the State of Oregon and is eligible to receive the Grant Funds. Grantee has full power, authority, and legal right to make this Agreement and to incur and perform its obligations hereunder, and the making and performance by Grantee of this Agreement (1) have been duly authorized by all necessary action of Grantee and (2) do not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board, or other administrative agency or any provision of Grantee's organizational documents, (3) do not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which Grantee is a party or by which Grantee or any of its properties may be bound or affected. No authorization, consent, license, approval of, filing or registration with or notification to any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by Grantee of this Agreement.
 - b. **Binding Obligation.** This Agreement has been duly executed and delivered by Grantee and constitutes a legal, valid and binding obligation of Grantee, enforceable in accordance with its terms subject to the laws of bankruptcy, insolvency, or other similar laws affecting the enforcement of creditors' rights generally.

The warranties set in this section are in addition to, and not in lieu of, any other warranties set forth in this Agreement or implied by law.

8. **Notices.** Except as otherwise expressly provided in this Agreement, any notices to be given hereunder shall be given in writing by personal delivery, e-mailing, or mailing the same by registered or certified mail, postage prepaid, to the Grantee's Grant Representative or DLCD's Grant Manager, as the case may be, at the address or number set forth in Attachment B, or to such other addresses or numbers as either party may indicate pursuant to this section. Any notice delivered by e-mail shall be effective on the day the party receives the transmission if the transmission was during normal business hours of the receiving party, or on the next business day if transmission was outside normal business hours of the receiving party. Any notice given by personal delivery shall be effective when actually delivered. Any notice given by mail shall be effective three days after deposit in the mail.
9. **Amendments.** The terms of this Agreement will not be waived, altered, modified, supplemented, or amended, in any manner whatsoever, except by written instrument signed by the Parties (or in the case of a waiver, by the party against whom the waiver is sought to be enforced). If the Grantee wishes to amend the Agreement, the Grantee must submit a written request, including a justification for any amendment, to the DLCD Grant Manager at least 90 calendar days before the Project End Date.
10. **Default.** Reimbursements to Grantee may be withheld or reduced if DLCD determines that Project performance under this Agreement is unsatisfactory, or if one or more terms or conditions of this Agreement have not been met. The amount of Grant Funds withheld will be based on the best professional judgment of the DLCD Grant Manager and Grant Program Manager.

11. Ownership of Product(s).

- a. **Definitions.** As used in this Section 11 and elsewhere in this Agreement, the following terms have the meanings set forth below:
- i. **“Grantee Intellectual Property”** means any intellectual property owned by Grantee and developed independently from the Project.
 - ii. **“Third Party Intellectual Property”** means any intellectual property owned by parties other than DLCD or Grantee.
 - iii. **“Product(s)”** means every invention, discovery, work of authorship, trade secret or other tangible or intangible item and all intellectual property rights therein that Grantee is required to deliver to DLCD or create pursuant to the Project, including but not limited to any Product(s) described in Attachment A.
- b. **Non-Exclusive License.** Grantee hereby grants to DLCD, under Grantee Intellectual Property and under intellectual property created by Grantee pursuant to the Project, an irrevocable, non-exclusive, perpetual, royalty-free license to use, reproduce, prepare derivative works based upon, distribute copies of, perform and display the Product(s) for governmental purposes, and to authorize others to do the same on DLCD’s behalf. If a Product(s) created by Grantee pursuant to the Project is a derivative work based on Third Party Intellectual Property, or is a compilation that includes Third Party Intellectual Property, Grantee shall secure on DLCD’s behalf and in the name of DLCD an irrevocable, non-exclusive, perpetual, royalty-free license to use, reproduce, prepare derivative works based upon, distribute copies of, perform and display, for governmental purposes, the pre-existing elements of the Third Party Intellectual Property employed in the Product(s), and to authorize others to do the same on DLCD’s behalf. If a Product(s) is Third Party Intellectual Property, Grantee shall secure on DLCD’s behalf and in the name of DLCD, an irrevocable, non-exclusive, perpetual, royalty-free license to use, reproduce, prepare derivative works based upon, distribute copies of, perform and display, for governmental purposes, the Third Party Intellectual Property, and to authorize others to do the same on DLCD’s behalf.

12. Indemnity.

- a. **GENERAL INDEMNITY.** SUBJECT TO THE LIMITS OF THE OREGON CONSTITUTION AND STATE OF OREGON TORT CLAIMS ACT, IF APPLICABLE TO GRANTEE, GRANTEE SHALL INDEMNIFY, DEFEND AND HOLD HARMLESS DLCD, THE STATE OF OREGON AND THEIR AGENCIES, SUBDIVISIONS, OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS FROM AND AGAINST ALL CLAIMS, SUITS, ACTIONS, LOSSES, DAMAGES, LIABILITIES, COSTS AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY FEES, ARISING OUT OF, OR RELATING TO THE ACTS OR OMISSIONS OF GRANTEE OR ITS OFFICERS, EMPLOYEES, SUBCONTRACTORS, OR AGENTS UNDER THIS AGREEMENT.

b. **CONTROL OF DEFENSE AND SETTLEMENT.** GRANTEE SHALL HAVE CONTROL OF THE DEFENSE AND SETTLEMENT OF ANY CLAIM THAT IS SUBJECT TO SECTIONS 12.a; HOWEVER, NEITHER GRANTEE NOR ANY ATTORNEY ENGAGED BY GRANTEE SHALL DEFEND THE CLAIM IN THE NAME OF THE STATE OF OREGON OR ANY AGENCY OF THE STATE OF OREGON, NOR PURPORT TO ACT AS LEGAL REPRESENTATIVE OF THE STATE OF OREGON OR ANY OF ITS AGENCIES, WITHOUT FIRST RECEIVING FROM THE OREGON ATTORNEY GENERAL, IN A FORM AND MANNER DETERMINED APPROPRIATE BY THE ATTORNEY GENERAL, AUTHORITY TO ACT AS LEGAL COUNSEL FOR THE STATE OF OREGON. NOR SHALL GRANTEE SETTLE ANY CLAIM ON BEHALF OF THE STATE OF OREGON WITHOUT THE APPROVAL OF THE ATTORNEY GENERAL. THE STATE OF OREGON MAY, AT ITS ELECTION AND EXPENSE, ASSUME ITS OWN DEFENSE AND SETTLEMENT IN THE EVENT THAT THE STATE OF OREGON DETERMINES THAT GRANTEE IS PROHIBITED FROM DEFENDING THE STATE OF OREGON, OR IS NOT ADEQUATELY DEFENDING THE STATE OF OREGON'S INTERESTS, OR THAT AN IMPORTANT GOVERNMENTAL PRINCIPLE IS AT ISSUE AND THE STATE OF OREGON DESIRES TO ASSUME ITS OWN DEFENSE.

13. **Recovery of Grant Moneys.** Any Grant Funds disbursed to Grantee under this Agreement that are expended in violation or contravention of one or more of the provisions of this Agreement ("Misexpended Funds") or that remain unexpended on the earlier of termination of this Agreement or the Project End Date must be returned to DLCD. Grantee shall return all Misexpended Funds to DLCD promptly after DLCD's written demand and no later than fifteen (15) days after DLCD's written demand. Grantee shall return all Unexpended Funds to DLCD within fifteen (15) days after the earlier of termination of this Agreement or the Project End Date.

14. **Termination:**

a. **DLCD's Right to Terminate at its Discretion.** At its sole discretion, DLCD may terminate this Agreement:

- i. **For its convenience** upon thirty (30) days' prior written notice by DLCD to Grantee;
- ii. **Immediately upon written notice** if DLCD fails to receive funding, appropriations, limitations, allotments or other expenditure authority at levels sufficient to allow DLCD, in the exercise of its reasonable administrative discretion, to continue to make disbursement under this Agreement; or
- iii. **Immediately upon written notice** if federal or state laws, regulations, or guidelines are modified or interpreted in such a way that the Project is no longer allowable or no longer eligible for funding under this Agreement.

- b. **DLCD's Right to Terminate for Cause.** In addition to any other rights and remedies DLCD may have under this Agreement, DLCD may terminate this Agreement immediately upon written notice by DLCD to Grantee, or at such later date as DLCD may establish in such notice, after the occurrence of any of the following events:
- i. **Grantee is in default** because Grantee institutes or has instituted against it insolvency, receivership or bankruptcy proceedings, makes an assignment for the benefit of creditors, or ceases doing business on a regular basis;
 - ii. **Grantee is in default** because Grantee commits any material breach or default of any covenant, warranty, obligation or agreement under this Agreement, fails to perform any of its obligations under this Agreement within the time specified herein or any extension thereof, or so fails to pursue its work hereunder as to endanger Grantee's performance under this Agreement in accordance with its terms, and such breach, default or failure is not cured within fourteen (14) calendar days after DLCD's notice, or such longer period as DLCD may specify in such notice.
- c. **Grantee's Right to Terminate for Cause.** Grantee may terminate this Agreement by written notice to DLCD if DLCD is in default because DLCD fails to pay Grantee any amount due pursuant to the terms of this Agreement, and DLCD fails to cure such failure within thirty (30) calendar days after Grantee's notice or such longer period as Grantee may specify in such notice; or
- d. **Termination** under Section 14 shall be without prejudice to any claims, obligations, or liabilities either party may have incurred prior to such termination.
15. **Accounting and Fiscal Records:** Grantee shall maintain its fiscal records related to this Agreement in accordance with generally accepted accounting principles. The Grantee shall maintain records of the receipt and expenditure of all funds subject to this Agreement for a period of six (6) years after the Project End Date, or for such longer period as may be required by applicable law or until the conclusion of any audit, controversy or litigation arising out of or related to this Agreement, whichever date is later. Accounting records related to this Agreement will be separately maintained from other accounting records.
16. **Governing Law, Consent to Jurisdiction.** This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively, "Claim") between DLCD (or any other agency or department of the State of Oregon) and Grantee that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County in the State of Oregon. In no event shall this section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, from any Claim or from the jurisdiction of any court. Each party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.
17. **Audit.** The Oregon Secretary of State, Attorney General of the State of Oregon and the Director of DLCD or any other duly authorized representative of DLCD shall have access to

and the right to examine any records of transactions related to this Agreement for six (6) years after the final disbursement of Grant Funds under this Agreement is authorized by DLCD.

18. **Counterparts.** This Grant Agreement may be executed in any number of counterparts, and any single counterpart or set of counterparts signed, in either case, by all the parties hereto shall constitute a full and original instrument, but all of which shall together constitute one and the same instrument.
19. **Survival.** All agreements, representations, and warranties of Grantee shall survive the execution and delivery of this Agreement, any investigation at any time made by DLCD or on its behalf and the making of the Grant.
20. **Successors and Assigns.** Recipient may not assign this Agreement or any right hereunder or interest herein, in whole or in part, without the prior written consent of DLCD. This Agreement shall be binding upon and shall inure to the benefit of the parties and their respective permitted successors and assigns.
21. **Validity and Severability.** If any provision of this Agreement is held to be invalid, such event shall not affect, in any respect whatsoever, the validity of the remainder of this Agreement and the remainder shall be construed without the invalid provision so as to carry out the intent of the parties to the extent possible without the invalid provision.
22. **Relationship of the Parties.** Nothing contained in this Agreement or any acts of the parties hereto shall be deemed or construed to create the relationship of principal and agent, or of partnership, or of joint venture or of any other association other than that of independent contracting parties.
23. **No Third Party Beneficiary Rights.** No person not a party to this Agreement is an intended beneficiary of this Agreement, and no person not a party to this Agreement shall have any right to enforce any term of this Agreement.

24. By signing this Agreement the Parties each represents and warrants that it has the power and authority to enter into this Agreement and that the Agreement is executed by its duly authorized representative. By signing the document, Grantee agrees to comply with the terms of this Agreement.

Grantee: City of Medford

Grant No. TA-19-173

Print Name of Authorized Official For the Grantee	Title	Date
Signature of Authorized Official For the Grantee		

Grantor: State of Oregon, acting by and through its Department of Land Conservation and Development

Print Name of DLCD Grant Program Manager	Title	Date
Gordon Howard		
Signature of DLCD Grant Program Manager	Community Services Division Manager	

**ATTACHMENT A
PROJECT DESCRIPTION AND BUDGET**

PROJECT PURPOSE STATEMENT

The goal of the Project is to draft and adopt a set of regulations and economic/incentive programs that will increase housing (number of units, different types, and that accommodate all income spectrums) and help improve the overall well-being and livability of the residents of Medford.

Medford, like many other communities in Oregon, and throughout the country, is facing a housing shortage that affects virtually every segment of the housing market. The availability of owner and renter occupied housing is relatively low. Shortages are particularly acute for housing that is affordable to households at or below the median family income for Medford. Twenty-three percent of the population in Medford is living in poverty.

The Project will better enable the city to complete code changes and efficiently implement programs. Some of the changes contemplated address off street parking standards, legalizing “missing middle housing,” lot size and density review, and residential design standards. Other considerations include a construction excise tax to fund affordable housing initiatives, a review of system development charges, and establishment of a community land trust.

The right policies related to housing reform will change Medford over the coming decades. The city anticipates that, if the right mix of code changes and development incentives are paired, new development and growth will occur in the city’s downtown and surrounding neighborhoods, thus supporting the city’s goal of revitalizing its urban core. More efficient land utilization and site design, parking standard reduction or alternatives, and infill and mixed-use and mixed-income developments will increase housing options, increase economic opportunity and make Medford an even more “fabulous place to live, work, and play” (the city’s vision statement). By promoting more mixed-use neighborhood centers where people can walk, bike, and take transit and access services, these changes will support other efforts to improve land development patterns in a way that will, on a larger city and region-wide scale, utilize land more efficiently by reducing the need for new urban infrastructure while reinvesting in existing vacant or under-developed sites.

PROJECT OVERVIEW AND MANAGEMENT

Overall management of the Project will be the responsibility of the Grantee as assisted by the DLCD Grant Manger. Specific Project management duties of Grantee will include:

- a. Organizing and managing the advisory committee;
- b. Selecting a consultant and contracting for consultant services;
- c. Overseeing consultant work described in this Project Description;
- d. Scheduling and managing meetings, including activities such as, preparing and distributing meeting notices, agendas, and summaries; and assisting the consultant with meeting facilitation.

Advisory Committees

The Project will employ a housing advisory committee (HAC) composed of local government and state agency staff and others identified by the HAC.

The role of the HAC is to review Project materials and advise on technical issues throughout the project. HAC members shall generally consist of representatives from the City of Medford, the housing industry, DLCD, and the Project consultant. Additional representatives from other affected agencies and organizations may serve as recommended by HAC members.

The HAC will meet on a regular basis to review technical analysis and recommendations prepared by Grantee and the consultant. Individual HAC members will be responsible for communicating with officials from their respective jurisdictions and to assure that policy issues are incorporated into technical work at the appropriate time and in the most effective way.

The Project will not use a separate policy advisory committee. Instead, members of the HAC will be responsible for reviewing technical analysis with their respective planning commissions and elected officials. HAC members must also inform other Project participants (HAC, consultant, agency contract administrator) of policy issues and implications raised by local decision-makers that may affect the technical analysis or assumptions used in the analysis.

Agency Role

DLCD will provide financial, administrative and technical assistance to the Project.

Consultant Role

The Project will use consultant services to perform technical analysis related to the project. The consultant is expected to perform the tasks listed in the work program. The consultant is expected to attend regular meetings of the TAC and to assist local planning staff in presentations to planning commissions and elected officials.

Project Meeting Materials

Grantee shall distribute meeting materials electronically to project committee members at least five (5) days prior to any scheduled meeting.

Project Schedule

The schedule identified in “Schedule, Products, and Budget” section of this Project Description will be observed. DLCD may require an amendment to this Agreement if the timeframes in the schedule are not satisfied. The Project End Date is May 31, 2019.

Expectations for All Written and Graphic Products

All reports and Products will be delivered to the DLCD Grant Manager according to the schedule provided in this Project Description.

All reports, studies, and other documents produced under the Project must bear the statement in Project Requirement 3, below.

Grantee and the consultant will provide all draft and final Products, including memos, reports, and maps produced by this Agreement in a digital media format. The term “digital media” means a compact disc, digital video disc, USB flash drive, e-mail, or FTP submittal authorized by DLCD.

PROJECT REQUIREMENTS

Grantee agrees to carry out the Project and submit Products in accordance with the requirements in this section.

1. Grantee will produce and submit to DLCD those Products as specified in this Agreement and this Project Description and Budget.
2. Grantee will provide copies of all final Product(s) produced under this Agreement to DLCD in the manner described in this Project Description.
3. All reports, studies, and other documents produced under the Project must indicate on the cover or the title page an acknowledgement of the financial assistance provided by DLCD by bearing the following statement: "This project is funded by Oregon general fund dollars through the Department of Land Conservation and Development. The contents of this document do not necessarily reflect the views or policies of the State of Oregon."
4. Grantee will identify the location of the originals of any Product(s) if a copy is submitted to DLCD or if the product is one-of-a-kind document.
5. Grantee will provide all letters, memos, reports, charts, products and maps produced under this Agreement in a digital media format.
6. Grantee will obtain DLCD approval of any chosen facilitator, contractor, or consultant before signing an agreement or contract to perform all or a portion of the Project.
7. Grantee will provide a legible copy of the signed agreement between the jurisdiction and the contractor no later than three business days after both parties have signed the agreement.
8. Grantee will complete the following by May 1, 2018:
 - a. Identify the name, address, telephone number, and e-mail address of those persons who will be completing the project and which of tasks listed under the Project Description for this Agreement they will work on.
 - b. Identify the name, address, telephone number, and e-mail address of those persons who are members of the PAC or other committee formed to carry out work on this Agreement.
 - c. List the steps that will be taken to complete each Task and any Product(s) delivered in connection with the Task(s).
9. Grantee will, in performing the Project under this Agreement, ensure consistent, coordinated use of population, employment, housing, and land needs projections associated with any post-acknowledgment plan and land use regulation amendments proposed by the Grantee.
10. Any final product must be proposed under Attachment D, Form 1, "Notice of Proposed Change," at least 35 days before the first evidentiary hearing as set forth in ORS 197.610 and

OAR 660-018-0020, -0021, and -0022, or the online equivalent. The products must be adopted by the governing body and submitted under Attachment E, Form 2, "Notice of Adoption" as set forth in ORS 197.615 and OAR 660-018-0040 or the online equivalent.

11. Grantee will consult closely with the DLCDC Grant Manager to ensure that adoption of Product(s) under the post-acknowledgment plan amendment process is completed on or before the Project End Date.
12. A draft Product may be accepted for approval instead of an adopted Product when requested in writing and received in the DLCDC Salem office at least 60 days prior to Project End Date. The request will be reviewed and approved in writing by DLCDC if substantial progress has been made toward adoption and adoption is scheduled to occur on or before the date that is 120 days after the Project End Date.
13. Any final draft product (e.g., ordinances, maps, websites, databases, supporting documents, and photographs) shall be a hearings-ready draft and shall be accompanied by a report detailing why the product was not adopted and a timeframe for the future adoption of the product.
14. Any notice issued by Grantee that is eligible for reimbursement under ORS 227.186 – Notice to city property owners for costs incurred for Measure 56 – is not reimbursable under this Agreement.
15. Grantee will consult with the DLCDC Grant Manager in the development of Products and provide an opportunity for timely review of all draft Products.
16. Grantee will not use or charge grant funds provided under this Agreement for consultant(s) trip expense(s), lodging, or any other expense submitted by consultant(s), except for the initial consultant(s) trip to Grantee. Grantee may use grant funds to pay for Product(s) produced by consultant(s).
17. Grantee will not use grant funds provided under this Agreement for any regularly scheduled or other scheduled meetings and hearings. Grantee must use its own funds, or in-kind contributions for all regularly scheduled or other scheduled meetings and hearings.
18. If a new comprehensive map or zoning map is created or an existing map is revised or updated, the Product(s) must be submitted in an electronic form compatible with Environmental Systems Research Institute's (Esri) file formats (coverage, shapefile or geodatabase).
19. Geospatial data should be free of topological errors and metadata must comply with the current State of Oregon Metadata Standards accessible at <http://www.oregon.gov/geo/Pages/standards.aspx>, "Oregon GIS Data Standards and Best Practices." The projection of the data may be determined by the jurisdiction. All data should have the projection defined with the dataset and must be documented in the metadata.
20. DLCDC may display appropriate Product(s) on its web interface including corporate GIS data generated under this Agreement and any additional data provided that is not specifically restricted into state agency databases, acknowledging that Grantee and agents of Grantee are

not responsible for the accuracy of such data. DLCDC may also share the data specifically generated under this Agreement with other agencies and organizations, as this is data that DLCDC owns as Product(s) under Grant Agreement Section 11.

21. If GIS capability is not available to the Grantee, map Product(s) on digital media will be accepted with the written approval of the DLCDC Grant Manager.

SCHEDULE, PRODUCTS, AND BUDGET

Pre-Task Submittals

The contract in Project Requirement 7 and the report in Project Requirement 8 in this Project Description and Budget will be submitted.

Timeline: By the dates specified in those requirements.

Pre-task report budget: \$0

Task 1: Housing Code Amendments

This task will result in identification of code amendments to pursue from the priority list created by the HAC and recommendations from the Regional Housing Strategy document. The Grantee, with consultant assistance, will:

- Research code topics and identify best practices in other Oregon cities and nationwide; review the state's model code for examples
- Incorporate changes into the city's Land Development Code
- Review the code changes with the planning and housing commissions as appropriate based on the subject matter
- Finalize the draft document that identifies the proposed code changes

Product: Hearings-ready draft code amendments to allow needed housing

Timeline: Project start through July 2018

Task 1 budget: \$20,000

Task 2: Economic/incentive program

This task will identify economic/incentive programs to target from a priority list (examples may include SDC reductions, construction excise tax, or fee-in-lieu options for affordable housing). The Grantee, with consultant assistance, will:

- Research other cities who implement such programs; contact staff in other jurisdictions to discuss how the program works (benefits vs. challenges)
- Draft proposal to implement program
- Review program with city council
- Finalize the document for adoption

Product: Hearings-ready draft economic/incentive program to encourage needed housing

Timeline: Project start through July 2018

Task 2 budget: \$20,000

Task 3 – Adoption

Grantee will adopt code amendments and an economic/incentive program.

Submit 35-day notice. Prepare and submit hearings-ready Products from Task 1 and 2 online at https://db.lcd.state.or.us/PAPA_Online/Account/Login?ReturnUrl=%2fPAPA_Online, or via e-mail with Attachment D, Form 1 DLCD Notice of Proposed Change to a Comprehensive Plan or Land Use Regulation, and at least 35 days before first evidentiary hearing. If the notice is submitted online, send an e-mail to the Grants Administrative Specialist listed in Attachment B, DLCD Contact Information providing notification of the submittal. If submitting via e-mail, send Task 1 and 2 Product(s) in a digital media format to the Grants Administrative Specialist listed in Attachment B, DLCD Contact Information, and to the Plan Amendment Specialist at the e-mail address specified in Attachment E, Form 1 DLCD Notice of Proposed Change to a Comprehensive Plan or Land Use Regulation.

Submit Notice of Adoption. Prepare and submit signed ordinance(s) adopting the Products from Tasks 1 and 2 online at https://db.lcd.state.or.us/PAPA_Online/Account/Login?ReturnUrl=%2fPAPA_Online, or via e-mail with Attachment E, Form 2 Notice of Adopted Change to a Comprehensive Plan or Land Use Regulation, according to the instructions on the form. If the notice is submitted online, send an e-mail to the Grants Administrative Specialist listed in Attachment B, DLCD Contact Information providing notification of the submittal. If submitting via e-mail, send the notice on digital media to the Grants Administrative Specialist listed in Attachment B, DLCD Contact Information, and to the Plan Amendment Specialist at the e-mail address specified in Attachment E, Form 2 Notice of Adopted Change to a Comprehensive Plan or Land Use Regulation.

Products:

- a. Attachment D, Form 1 DLCD Notice of Proposed Change to a Comprehensive Plan or Land Use Regulation, and the draft code amendments and economic/incentive program
- b. Attachment E, Form 2 Notice of Adopted Change to a Comprehensive Plan or Land Use Regulation, and signed ordinances, any findings, and the participation list

Timeline: August through December 2018

Task 3 budget: \$0

Payment

Reimbursement of **up to \$40,000** upon submittal of Product(s) listed in Tasks 1 and 2. Submit the Product(s) and a signed Attachment C, Final Closeout Form acceptable to DLCD on digital media to the Grant Manager and the Grants Administrative Specialist listed in Attachment B, DLCD Contact Information **no later than May 31, 2019.**

Budget Summary

Task 1 – Housing code amendments	\$20,000
Task 2 – Economic/incentive program	\$20,000
Task 3 – Adoption	\$0
TOTAL	\$ 40,000

DLCD TA Grant Agreement
Contact Information

For questions regarding your grant, please contact:

Grant Manager:

Josh LeBombard
Southern Oregon Regional Solutions Center
100 East Main Street, Suite A
Medford, Oregon 97501

Mobile: 541-414-7932

E-mail: josh.lebombard@state.or.us

OR

Grant Program Manager:

Gordon Howard
DLCD Salem Office
635 Capitol Street N.E., Suite 150
Salem, Oregon 97301-2540

Office: 503-934-0034

E-mail: gordon.howard@state.or.us

Payment requests should be sent to:

Grants Administrative Specialist

Tabatha Hoge
DLCD Salem Office
635 Capitol Street N.E., Suite 150
Salem, Oregon 97301-2540

Office: 503-934-0054

E-mail: DLCD.GFGrant@state.or.us

Attachment C – Instructions

Department of Land Conservation and Development 2017-2019 Planning Technical Assistance Grant Agreement Interim Reimbursement and Closeout Form Instructions

General and line-by-line instructions for completing the Request for Interim Reimbursement/Final Closeout form are provided herein.

General Instructions and Reminders

- This form may be completed by hand or typed on paper or completed in Microsoft Word. If you need a Word file, please contact the Grants Administrative Specialist at DLCD.GFGrant@state.or.us. In any case, submit the form with the grant Product(s) electronically, as called for in the Agreement.
- This form is used for all reimbursement requests – interim or final.
- It is important that you retain documentation of expenditures as provided in paragraph 16 of the Agreement, which provides that records be maintained for at least six years after the final reimbursement has been received by the grantee.
- Interim and final reimbursement requests must not include work performed prior to the Effective Date of this Agreement (generally the date the Agreement is signed by DLCD) and not after the Closing Date of this Agreement.

Completing the Form

Please show *total actual expenditures only* of DLCD grant award and local contributions.

First row: DLCD will complete the Grantee Name and Grant Number. In the Final Reimbursement box, highlight or circle “No” for interim reimbursements and “Yes” for final closeouts.

Second row: DLCD will complete Agreement start and close dates. Complete the “Period covered by this reimbursement” The form includes separate boxes for “from” and “to.” Please complete both. These dates must accurately depict the dates the work for the reimbursable expenditure was incurred. If there are any applicable limits on these dates, they will be provided in the reimbursement descriptions in the “Schedule, Products, and Budget” section of the Agreement.

The next section of the form includes columns for itemizing each expense category:

- **“DLCD Grant Expenditures, Previous Reported”** column -- should be blank if the submission is Reimbursement 1. If the request is for a second or later interim reimbursement or final closeout, enter the sum of previous reimbursements in this “Previously Reported” column.
- **“DLCD Grant Expenditures, This Reimbursement”** column – captures and identifies expenditures for the products that are currently being submitted for review and reimbursement.
- **“DLCD Grant Expenditures, Cumulative”** column – simply the total of the two previous columns.
- **“DLCD Grant Expenditures, Transactions”** – Complete items 1–4 as applicable and item 5, total in the “Previously Reported” column if applicable and in the “This Reimbursement” column. Complete previous and current local contributions in items 6–9 and the total on line 10 if applicable. Local contribution does not include expenses reimbursed by the grant. It is included to provide DLCD with accurate information regarding the cost of projects and/or products completed in compliance with this grant. This category includes both in-kind and cash contributions.
 - **1. Salary and Benefits** includes the grantee’s staff time, including Other Personnel Expenses. Receipts are not required with this report submission.

- **2. Supplies and Services** include allowable grantee supplies used for completion of grant products. Receipts are not required with this report submission.
 - **3. Contracts** include consultants, attorneys, and any company or individual hired by the grantee to conduct grant work. This category does not include employees of the grantee, but rather an individual or entity that invoices the grantee for services rendered. Information required for the closeout report includes name, address, phone number, and e-mail address of the payee. If there are multiple entities, please provide the amount of grant funds allocated for the reimbursement of each.
 - **4. Other** - Provide a brief explanation and cost breakdown for amounts listed as “Other.” Receipts are not required. Note: Grantee travel expenses are not eligible for reimbursement.
 - **5. Totals** – Sum the categories of grant expenditures in the Previously Reported, This Reimbursement, and Cumulative columns. The Total reimbursements at closeout cannot exceed the maximum amount in paragraph 3 of the Agreement.
- Re-enter the reimbursement request from line 5 “DLCD Grant Expenditures This Reimbursement” on line 11.

Certification: Be sure to read and understand the information in item 12 prior to signing the form.

- A legible name and title is required in cell 13.
- A mailing address, including city and zip code, where reimbursement should be sent must be provided in cell 14.
- The signature under “Signature of Authorized Certifying Official” must be of the person taking responsibility for the accuracy of the information contained in the form.

Before a reimbursement can be issued, *all grant products, required documentation, and the signed reimbursement request form* must be received, accepted, and reviewed by the grant manager and grant program manager, subject to the requirements contained in the Agreement.

Please follow the reimbursement schedule as identified in the Grant Agreement when submitting a request for reimbursement or closeout.

A **signed cover letter**, completed and signed **reimbursement request form**, and completed **Products** can be submitted in one of the following ways: (1) the preferred method – an e-mail with PDF files sent to the Grants Administrative Specialist at DLCD.GFGrant@state.or.us, or (2) via the DLCD FTP site (contact Grants Administrative Specialist for instructions) or (3) a CD or DVD mailed to the address for the Grants Administrative Specialist in Attachment B of the Agreement. If none of these options are possible, mail the relevant documents to:

Grants Administrative Specialist
 Department of Land Conservation and Development
 635 Capitol St. NE Suite 150
 Salem, OR 97301

DLCD FORM 1



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

FOR DLCD USE

File No.:

Received:

Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulation at least 35 days before the first evidentiary hearing. (See OAR 660-018-0020 for a post-acknowledgment plan amendment and OAR 660-025-0080 for a periodic review task). The rules require that the notice include a completed copy of this form.

Jurisdiction:

Grant No.:

Local file no.:

Please check the type of change that best describes the proposal:

- Urban growth boundary (UGB) amendment including more than 50 acres, by a city with a population greater than 2,500 within the UGB
Urban growth boundary (UGB) amendment including equal to or less than 50 acres
UGB amendment over 100 acres by a metropolitan service district
Urban reserve designation or amendment including over 50 acres, by a city with a population greater than 2,500 within the UGB
Periodic review task - Task no.:
Any other change to a comp plan or land use regulation (e.g., a post-acknowledgement plan amendment)

Local contact person (name and title):

Phone: E-mail:

Street address: City: Zip:

Briefly summarize the proposal in plain language. Please identify all chapters of the plan or code proposed for amendment (maximum 500 characters):

Date of first evidentiary hearing:

Date of final hearing:

This is a revision to a previously submitted notice. Date of previous submittal:

Check all that apply:

- Comprehensive Plan text amendment(s)
Comprehensive Plan map amendment(s) - Change from to
Change from to
New or amended land use regulation
Zoning map amendment(s) - Change from to
Change from to
An exception to a statewide planning goal is proposed - goal(s) subject to exception:
Acres affected by map amendment:

Location of property, if applicable (site address and T, R, Sec., TL):

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

NOTICE OF A PROPOSED CHANGE – SUBMITTAL INSTRUCTIONS

1. Except under certain circumstances,¹ proposed amendments must be submitted to DLCD's Salem office at least 35 days before the first evidentiary hearing on the proposal. The 35 days begins the day of the postmark if mailed, or, if submitted by means other than US Postal Service, on the day DLCD receives the proposal in its Salem office. **DLCD will not confirm receipt of a Notice of a Proposed Change unless requested.**

2. A Notice of a Proposed Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of a Proposed Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of a Proposed Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 1 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

This form is available here: <http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line "Notice of Proposed Amendment."

Submittals may also be uploaded to DLCD's FTP site at http://www.oregon.gov/LCD/Pages/papa_submittal.aspx.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

¹ 660-018-0022 provides:

- (1) When a local government determines that no goals, commission rules, or land use statutes apply to a particular proposed change, the notice of a proposed change is not required [a notice of adoption is still required, however]; and
- (2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review such that the local government cannot submit the proposed change consistent with the 35-day deadline, the local government may submit the proposed change to the department as soon as practicable. The submittal must include a description of the emergency circumstances.

Include this Form 1 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of a Proposed Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.

6. **Text:** Submittal of a Notice of a Proposed Change for a comprehensive plan or land use regulation text amendment must include the text of the amendment and any other information necessary to advise DLCD of the effect of the proposal. "Text" means the specific language proposed to be amended, added to, or deleted from the currently acknowledged plan or land use regulation. A general description of the proposal is not adequate. The notice may be deemed incomplete without this documentation.

7. **Staff report:** Attach any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.

8. **Local hearing notice:** Attach the notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable.

9. **Maps:** Submittal of a proposed map amendment must include a map of the affected area showing existing and proposed plan and zone designations. A paper map must be legible if printed on 8½" x 11" paper. Include text regarding background, justification for the change, and the application if there was one accepted by the local government. A map by itself is not a complete notice.

10. **Goal exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- Completed Form 1
- The text of the amendment (e.g., plan or code text changes, exception findings, justification for change)
- Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained
- A map of the affected area showing existing and proposed plan and zone designations
- A copy of the notice or a draft of the notice regarding a quasi-judicial land use hearing, if applicable
- Any other information necessary to advise DLCD of the effect of the proposal

DLCD FORM 2



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

FOR DLCD USE
File No.:
Received:

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

Jurisdiction: Grant No.

Local file no.:

Date of adoption: Date sent:

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

- Yes: Date (use the date of last revision if a revised Form 1 was submitted):
No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

Local contact (name and title):

Phone: E-mail:

Street address: City: Zip:

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

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

For a change to a comprehensive plan map:

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

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

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

- The subject property is entirely within an urban growth boundary
The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

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

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

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

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

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

For a change to a zoning map:

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

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

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

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

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

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

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

NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in [ORS 197.615](#) and [OAR 660-018-0040](#).

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

This form is available here: <http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line "Notice of Adopted Amendment."

Submittals may also be uploaded to DLCD's FTP site at http://www.oregon.gov/LCD/Pages/papa_submittal.aspx.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.

6. **Content:** An administrative rule lists required content of a submittal of an adopted change ([OAR 660-018-0040\(3\)](#)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. ([ORS 197.615](#))

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- Completed Form 2
- A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions
- The findings and the text of the change to the comprehensive plan or land use regulation
- If a comprehensive plan map or zoning map is created or altered by the proposed change:
 - A map showing the area changed and applicable designations, and
 - Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable
- Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

Housing Advisory Committee Regulatory Code Amendment Recommendations

	Strategy	High Priority	Medium Priority	Low Priority
1.	Minor Lot Partition reviewed as Director's Decision	x		
2.	Residential Design Standards with streamlined process	x		
3.	Review different ways to achieve density/adjust density numbers	x		
4.	Review lot sizes for Multi-family Residential	x		
5.	Allow cottage housing	x		
6.	Review duplex standards and where permitted/allow duplexes, triplexes, and 4-plexes in SFR zones	x		
7.	Increase building height in Multi-Family Residential zones	x		
8.	Reduce Parking Standards	x		
9.	Allow Residential Care Facilities in over 15 residents in the Multi-family Residential zones	x		
10.	Modify zone change locational criteria	x		
11.	Prioritize review of building permits for Affordable Housing projects	x		
12.	Allow pad lot development for Multi-family Residential	x		
13.	Modify Minimum Access Easement standards	x		
14.	Allow conversion of Single Family Residential in commercial zones to easily convert back and forth from residential to commercial uses	x		
15.	Expand where Accessory Dwelling Units are permitted		x	
16.	Build in flexibility for site design and lot layout (allow minor adjustments)		x	
17.	Density bonus to avoid closure of mobile home parks			x
18.	Allow pre-fabricated small or tiny homes with standards			x
19.	Residential Street Design Standards			x

Housing Advisory Committee Recommendations

	Strategy	High Priority	Medium Priority	Low Priority
1.	Minor Lot Partition reviewed as Director's Decision	×		
2.	Residential Design Standards with streamlined process	×		
3.	Review different ways to achieve density/adjust density numbers	×		
4.	Review lot sizes for Multi-family Residential	×		
5.	Allow cottage housing	×		
6.	Review duplex standards and where permitted/allow duplexes, triplexes, and 4-plexes in SFR zones	×		
7.	Increase building height in Multi-Family Residential zones	×		
8.	Reduce Parking Standards	×		
9.	Allow Residential Care Facilities in over 15 residents in the Multi-family Residential zones	×		
10.	Modify zone change locational criteria	×		
11.	Prioritize review of building permits for Affordable Housing projects	×		
12.	Allow pad lot development for Multi-family Residential	×		
13.	Modify Minimum Access Easement standards	×		
14.	Allow conversion of Single Family Residential in commercial zones to easily convert back and forth from residential to commercial uses	×		
15.	Expand where Accessory Dwelling Units are permitted		×	
16.	Build in flexibility for site design and lot layout (allow minor adjustments)		×	
17.	Density bonus to avoid closure of mobile home parks			×
18.	Allow pre-fabricated small or tiny homes with standards			×
19.	Residential Street Design Standards			×

	Strategy	High Priority	Medium Priority	Low Priority
1.	Construction Excise Tax	× February 2018		
2.	Multi-Unit Property Tax Exemption	×		
3.	Establish a Housing Advisory Committee	× May 2018		
4.	System Development Charges Deferral and/or Exemption Program	× May 2018		
5.	Finance Permit Fees (Building Permit and SDCs)	×		
6.	Incentivize construction of Accessory Dwelling Units (ADU)	×		
7.	Amend and promote the Vertical Housing Tax Credit Program	×		
8.	Incentivize Mixed Use Development (exempt SDCs for residential units above commercial)	×		
9.	Identify and use all relevant Federal and State housing programs	×		
10.	Local investment pool		×	
11.	HOME Investment Partnership Program		×	
12.	Revolving Loan Fund		×	
13.	Establish a Community Development Foundation		×	
14.	Final Plat Escrow Account		×	
15.	Density Transfers			×
16.	Fund Exchange Program			×
17.	Brownfield Redevelopment			×



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 90.2

www.ci.medford.or.us

DEPARTMENT: City Council

AGENDA SECTION: Council Business

PHONE:

MEETING DATE: April 5, 2018

STAFF CONTACT: Council Officers Mike Zarosinski and Tim D'Alessandro

SUMMARY AND BACKGROUND

Given the widespread use of social media by the public and elected officials, it is advisable to establish a City Council social media use policy. This policy is intended to mitigate risks from use of this technology where possible.

PREVIOUS COUNCIL ACTIONS

A Council study session to discuss the need for a social media policy was held on January 11, 2018.

ANALYSIS

With the rapid growth of social media use by the public, as well as many local, state, and federal governmental entities, it is apparent that social media can be used effectively to enhance communication with the public. The use of social media presents opportunity and risk to individual City Councilors, as well as the City as a whole.

The proposed policy establishes a formal process for the use of social media by individual City Councilors in their capacity as elected officials. As social media creates personal contacts between individuals, this presents a new set of challenges in a professional environment.

Many governmental entities across the nation, including Oregon, have recently adopted social media policies for elected officials. The attached draft policy is modeled after the City of Bend's policy. The policy covers definitions, compliance with public records and open meetings act laws, political advocacy and campaigning, limits on blocking social media used in an official capacity, and a recommended notice to be used by elected officials when communicating their personal opinions.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

N/A

TIMING ISSUES

Given the widespread use of social media by the public and by elected officials, it would be helpful to have a policy adopted soon.

COUNCIL OPTIONS

- Approve the policy as presented.
- Modify the policy as presented.
- Do not adopt a policy at this time.

STAFF RECOMMENDATION

Staff makes no recommendation.

SUGGESTED MOTION

I move to adopt the social media policy for elected officials.

EXHIBITS

Draft Social Media Policy for Elected Officials.

Social Media Policy for Elected Officials

1. Purpose. The City maintains an official City website and other official social media, and has adopted a policy related to such media, which does not apply to Elected Officials. This policy outlines the roles, responsibilities, and best practice recommendations for use of social media by the City's elected officials ("Council members"), when they may be using personal or professional social media to communicate in their official capacity, including as a means to disseminate information or provide for engagement with constituents. It is primarily each Council member's responsibility to ensure compliance with this Policy.

2. Definitions:

Social media: Any digital platform that allows the user to create and share information, ideas or questions with other users or audiences. Social media channels include but are not necessarily limited to Facebook, Twitter, Instagram, Pinterest, and others.

Post: Any content generated or shared on social media presences. Posts can include, but are not limited to, messages, links, images, maps, videos and emoticons.

Content: The text, messages, maps, links, photos, images, or videos used in a post.

Comment: A post made in response to a post or another comment.

Political Advocacy: Only that political advocacy restricted by ORS 260.432 - supporting or opposing ballot measures, candidates, recalls, political committees, or petitions. Supporting or opposing political issues which do not fall into any of these categories is not restricted by the statute or this policy.

3. Public Records Act Compliance. Any content maintained in social media format that is related to City business, including communication between an individual Council member and constituents or the general public, or a site's listing of "friends" or "followers," may be considered a public record subject to disclosure under the Oregon Public Records Act. The Council member is responsible for maintaining records for any required retention periods.

4. Open Meetings Act Compliance. Communication between Council members via social media, as with email, may constitute a "meeting" under the Open Public Meetings Act if it involves the discussion of public business subject to open meetings laws. For this reason, Council members are discouraged from commenting or posting on each other's social media pages.

In addition, receiving or making comments regarding quasi-judicial matters via social media may violate rules for quasi-judicial proceedings. Councilors are encouraged to exercise caution in inviting any comments related to land use proceedings that may include a quasi-judicial matter, and to refrain from making comments on any pending application. Council members should also be cognizant that any statements they make on an issue that involves

or eventually involves a quasi-judicial proceeding could be raised as evidence of bias, prejudice, or personal interest that the Council member would then be obligated to address in response to a challenge on that basis.

5. Link to City Website. A social media site used by a Council member to communicate with a constituent on City business should include a link back to the City's official website for detailed information if relevant to the specific discussion.

6. Political Advocacy and Campaigning. Council members who use social media for political advocacy may not request public employees on the job or in an official capacity to engage in political advocacy, including by editing, reviewing, or creating political advocacy content.

7. Blocking. If a Council member uses social media in their official capacity for communication with constituents, they may be creating a limited public forum subject to First Amendment speech protections. Therefore, Council members shall not deny access to social media to any individual based in whole or in part on content or viewpoint, which includes disagreement with or opposition to the Council member or their viewpoints.

8. Notice. Any Council member who uses social media for City business should include a notice on his or her platform stating the following:

This page expresses the personal opinions of the Councilor. It is not the official page for the City of Medford and does not represent the position of the City of Medford.

All content submitted by members of the public may be subject to public disclosure to third parties under Oregon Public Records law.

Comments should relate to the post and issue being discussed. Once comments are posted, the Elected Official reserves the right to determine which submissions are unacceptable for its page and delete them, including those that contain profane or obscene language, personal attacks of any kind, or language or content that targets, disparages, or discriminates against individuals or groups based on race, ethnicity, religion, color, gender, age, sexual orientation, mental or physical disability, gender identity, national origin, or other protected status under applicable law. Further, the Elected Official reserves the right to delete comments, when possible, that: (i) are spam or include links to other sites; (ii) are clearly off topic; (iii) advocate illegal activity; (iv) promote particular services, products or political organizations; (v) infringe on copyrights or trademarks; (vi) are comments in support of or opposition to current political campaigns, candidates, or ballot measures; or (vii) contain solicitations of commerce or charitable or other contributions, except for official City-sponsored activities.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 100.1

www.cityofmedford.org

DEPARTMENT: City Manager's Office
PHONE: (541) 774-2000
STAFF CONTACT: Brian Sjothun, City Manager

AGENDA SECTION: City Manager's Report
MEETING DATE: April 5, 2018

SUMMARY AND BACKGROUND

On October 5, 2017, a motion was made by Council to direct staff to develop and present an action plan to enforce City Code in the downtown Medford area and the Bear Creek Greenway, with special emphasis on eliminating intimidation and bullying. The plan will recommend funding options for all new assets and new personnel.

Councilmember Dick Gordon commented that Medford Police is stretched and we need to find out how we can cure the problem.

PREVIOUS COUNCIL ACTIONS

On December 7, 2006, City Council approved Council Bill 2006-274 authorizing an ordinance for the creation of a Public Safety Fund for the purpose of providing funding for public safety.

ANALYSIS

As a result of the Council directive of October 5, the following staff members were assigned to review current programs and practices in place and to develop recommendations for consideration:

- Brian Sjothun – City Manager
- Kelly Madding – Deputy City Manager
- Randy Sparacino – Police Chief
- Scott Clauson – Deputy Police Chief
- Brian Fish – Fire Chief
- Matt Brinkley – Planning Director
- Rich Rosenthal – Parks & Recreation Director
- Sam Barnum – Building Safety Director
- Cory Crebbin – Public Works Director

The group detailed efforts the City currently has underway to enhance the safety of the downtown area along with the Bear Creek Greenway:

- **Health and Safety Operations on the Greenway (Police)**
 - Enforcement of no camping ordinance along the Bear Creek Greenway
 - Ability to link violators to services including Veteran's
 - Cost of \$11,300 per year through combined efforts of Police and Parks & Recreation
- **Greenway Patrols and Maintenance (Parks & Recreation)**
 - Bear Creek Greenway Joint Powers Agreement
 - Jackson County provides patrols and some maintenance along the 7 miles that are within the City jurisdiction
 - Cost of \$68,000 per year and is within the Parks & Recreation budget
 - Extensive vegetation removal along the Greenway and Bear Creek corridor
- **Enhanced Police Patrol (Police)**
 - Police department provided extra patrols within the downtown core from August to November 2017 at a cost of \$11,500 through overtime



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➤ **Exclusionary Zone (Police & Municipal Court)**

- Though somewhat controversial, enforcement data from Police indicate that unwanted activities within this zone have decreased since the area expansion.

Staff discussed potential new programs for Council consideration. The team reviewed programs from other cities in developing a recommendation based on the direction provided by Council.

Creation of a Livability Team

After reviewing other similar options that have been established, staff is proposing in to create a Livability Team that is modeled closely to what is in existence in Corvallis. In 2015 the Corvallis Police Department implemented the Community Livability Unit (CLU) which was developed to address chronic criminal behaviors which negatively impact the community and to improve livability. The team was developed out of a voter approved tax levy in 2013 and was expanded in 2017 from a \$400,000 annual grant for three years from Oregon State University.

CLU focuses on addressing neighborhood and community concerns which have a negative impact on livability. The staff work in collaboration with other units within the police department, community groups, and Oregon State University to provide a safe and secure environment for all community members. The team conducts directed foot and bicycle patrols while taking a proactive approach to enforcement.

- 3 Police Officers
- 1 Code Enforcement Officer
- 1 Records Specialist
 - Total Cost = \$560,000 per year

There is an opportunity for the City to apply for funding of the police officer positions through the federal Community Oriented Policing Services (COPS) Grant program. This is a three year partial funding option, and if funded would allow for an evaluation on the effectiveness of the program before deciding on how to continue with this option.

Other Potential Programs

The following ideas are either expansion of current programs or new ideas that could be part of an effort that could be included with the Livability Team concept:

- **Additional Police Patrol** – Provided through an increase in overtime. Specific to areas and only when needed for short durations. Funding could come from an increase to the Police Utility Fee.
- **Health and Safety Operations on Greenway** – Expand to twice per month.
- **Downtown Clean-ups** – Modeled after other cities where funds are provided to non-profits or other business improvement associations to provide clean-up of trash and have a presence in the area during key days and times. Costs for this program have not been developed, but other cities have developed similar programs in the \$200K-\$300K range.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Livability Team Option = \$560,000 per year. Based on the current 38,500 billable units that have been verified by Utility Billing, the annual cost would equal \$14.52 per year or \$1.21 cents per month.

Other financial considerations for the Livability Team is to apply for a federally funded COPS Grant that would provide funding at \$125,000 per year for three years. This would reduce the cost to \$435,000 per year or equal \$11.28 per year or \$.94 cents per month on the Public Safety Fund.



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TIMING ISSUES

There is no immediate timing issue. If Council directs staff to apply for funding this program via COPS Grant and an application would be submitted in the third quarter of 2018.

COUNCIL OPTIONS

- Options A: Direct staff to move forward with preparing the necessary items to increase the Police Public Safety Fund in order to establish a Livability Team.
- Options B: Place on hold all options, but direct staff to apply for COPS Grant funding. If awarded, Council would then increase the Police Public Safety Fund by the necessary amount to cover the entire cost of the program.
- Option C: Refer all matters of discussion to a future study session and provide direction to staff on other information that Council would like to review.
- Option D: Refer program to the Budget Committee for review as a budget issue for the 2019-21 biennial budget.

STAFF RECOMMENDATION

Staff is recommending Option B as CFM Strategic Communications, contract lobbying firm, has indicated that such grant application for COPS Grant funding should score highly and addresses many of the priority areas for the program.

SUGGESTED MOTION

Based on the discussion and direction provided by Council to staff.

EXHIBITS

None



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 100.2

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DEPARTMENT: City Manager's Office
PHONE: (541) 774-2000
STAFF CONTACT: Brian Sjothun, City Manager

AGENDA SECTION: City Manager's Report
MEETING DATE: April 5, 2018

CITY OF MEDFORD



2018 LEGISLATIVE AGENDA

GRANT REQUESTS

PROJECT DESCRIPTION

FEDERAL REQUEST

South Stage Road Overcrossing

\$35,000,000

The City of Medford is currently bisected by Interstate 5 and Bear Creek with limited connectivity from east to west sides. Existing and planned urban areas are located on the eastside of Interstate 5 while Medford's urban center, planned employment center, employment hubs, the region's largest urban trail system and the Bear Creek Greenway are located on the west side of Interstate 5.

The proposed South Stage Road Overcrossing would connect the east and west sides of Interstate 5 and Bear Creek by providing connection for auto, bicycle and pedestrian travel that does not now exist between the two sides of the Interstate for three miles. The location of this overcrossing will also support future economic growth, provide alternate routes in the case of the Cascadia event and allow for connection of two regional trail networks and the north-south Bear Creek Greenway.

Funding Option: Department of Transportation TIGER, not counting 30% local match, for \$50,000,000 total project amount.

Downtown "Livability Team" Police Force (Pending Council Direction)

\$450,000

The City of Medford is seeking funds to support the hiring of new police officers for the creation of a "Livability Team" that will help address issues associated with the City's homelessness population in its downtown core. The City is looking to add three officers and two support staff for this initiative which aims to improve safety and general livability for all individuals in Medford's downtown area. The addition of these positions will enhance the capabilities of the Medford Police Department by providing resources needed to curb systemic homelessness issues in Medford and ensure the levels of safety and security that are essential for a healthy downtown core.

Account: Department of Justice COPS Hiring Program

Prescott Park Accessible Trails Project

\$300,000

The City is seeking funds to address the recreational deficiency of outdoor, multi-use trails close to the City's urban center by improving access to Prescott Park and development of planned multi-use trails. Prescott Park is located just northeast of Medford and is home to Roxy Ann Peak, an elevated summit standing 2,000 feet above the Rogue River Valley floor. Located within a 15-minute drive for 92.2% of Medford's residents, the Park offers 1,700 acres of City-owned land with panoramic views of the Rogue River Valley, Mt. Shasta, Mt. Ashland, Table Rock, and the City of Medford.

Grant funds would be used to expand the miles of multi-use trails, enhance access to trail heads through road improvements, construct additional trails that will provide essential firebreaks during wildland fires,

and develop trails for residents and visitors to the region. This project will enhance outdoor recreation opportunities for nearly the entire total population living in Medford and southern Oregon, as well as visitors to the region.

Account: LWCF Outdoor Recreation Legacy Partnership Program

Downtown Reinvestment

\$500,000

The City of Medford is at a turning point with a vision to restore, regenerate and boost the downtown core. New, energetic and enthusiastic management is working hard to begin the challenging process of creating dynamic and positive revitalization to the downtown area. The structures within this district consist of commercial and residential uses that contribute to the health, wealth and beauty of Medford's history. The repurposing of these buildings is essential to keeping the vitality alive downtown. However, most structures downtown are unreinforced, soft-story, older tilt-up concrete or have parapets that would trigger seismic upgrades. Any construction project that exceeds \$100,000 or \$15 per square foot, and/or a Change of Occupancy to higher category occupancy requires a seismic retrofit.

Medford's overall vacancy rate is 5%. However, the downtown vacancy rate is 18.9%, more than three times the city average. These properties in the Central Business District are clearly underutilized. Medford is interested in capitalizing a revolving loan fund to help ease the burden to retrofit the historic buildings downtown.

Account: FEMA Pre-Disaster Mitigation Grant Program

Bear Creek Restoration Project

\$50,000

Bear Creek bisects the Rogue Valley, beginning at the confluence of Walker Creek and Emigrant Creek in the southeast portion of the valley near the city of Ashland. It flows in a northwesterly direction, emptying into the Rogue River near the city of Central Point. Tributaries to Bear Creek drain the mountain slopes on both the east and west sides of the riparian plain. Bear Creek is very warm for much of the late spring, summer, and early fall. Young steelhead and coho salmon able to survive the hot summer months by finding pockets of cool water. The presence of a vegetative canopy over riparian water courses is crucial to providing protective cover for fish and other wildlife species in these habitats, and in regulating water temperature within the stream ecosystem.

Today, there is a study underway to estimate riparian shade within the Bear Creek Watershed, across a variety of land uses and ownerships, to identify areas with suitable riparian cover where preservation of the riparian habitat may be encouraged or protected, and other areas that perhaps may be suitable for restorative actions. Using Urban Waters funding, we will be able to implement habitat protection measures to protect young salmon. Medford is partnering with Middle Rogue Steelheaders, Oregon Department of Fish and Wildlife, Rogue Valley Council of Governments, and The Freshwater Trust.

Account: EPA Urban Waters; National Fish and Wildlife Foundation Five Star and Urban Waters Restoration Program

Medford I-5 Viaduct Corridor Improvements

A major earthquake could wipe out one of Jackson County's most important bridges on Interstate 5 - the 3,222-foot-long viaduct that cuts through the heart of Medford and serves as a critical link in the West Coast's primary north-south transportation corridor. The aging structure, built in 1962, already is an economic engine for the region, and transportation officials expect freight traffic on Interstate 5 to double by 2020.

Because of its importance to West Coast traffic and worries about its longevity, the Oregon Department of Transportation is investing \$4 million from the Oregon Transportation Commission to study safety, operational, and structural needs of bridge and surrounding corridor. The viaduct's ability to withstand an earthquake or other major disaster is critical from public safety and economic standpoints.

POLICY AGENDA

Affordable Housing and Homelessness

The City has worked with community partners to form the Jackson County Homeless Task Force to develop cohesive strategies for addressing the extensive homelessness crisis in Medford and Jackson County. The Jackson County Continuum of Care receives funding through the HUD Continuum of Care program that are critical for achieving this mission. Unfortunately, despite increased efforts by the local community to address this problem and recent, more accurate measures that reflect an even higher homeless population than previously expected, the Jackson County Continuum of Care has consistently seen their allocation of HUD CoC funds decrease over recent years. Funding for this program is critical, as well as improved funding distribution for communities like Medford and Jackson County that continue to lose funding to larger metropolitan areas.

Forest Management Reform and Wildfire Relief

Due to a lack of proper land management, catastrophic wildfires continue to destroy federal forestlands every summer while local communities suffer significant air quality hazards caused by wildfire smoke. Last summer, health risks of smoke inhalation forced many Medford residents to stay indoors for extended weeks on end while visitors avoided the area. As a result, the City suffered from a decrease in tourism, commerce, and quality of life. The City supports reform of federal forest management policies, including the management of O&C forest lands, to improve the health of our federal forests, mitigate wildfires, and provide long-term economic benefits for the community.

Medford Casino Proposal

The Coquille Indian Tribe applied to have 2.42 acres of land located in Medford acquired in trust for class II gaming. The City has several concerns regarding the proposed project including its loss of regulatory jurisdiction over City land, the impacts a class II casino will have on the City, the potential for future casino expansion at the site and the introduction of class III games, and the economic impacts related to substitution effects and problem gambling and related issues. Before any project moves forward, it must include extensive input from the local community to address these concerns and ensure fair local service agreements with the City.

Investment Package – Infrastructure Spending

President Trump has proposed a ten-year, \$1 trillion investment package to create American jobs and stimulate economic development. The City supports a robust federal infrastructure package that will address the growing transportation, water and housing infrastructure backlog in our community and communities around the country.

Increase HIDTA Funding Within Office of National Drug Control Policy (NDCP)

Funding from the High Intensity Drug Trafficking Area (HIDTA) program provides critical support for the success of the Medford Area Drug Gang Enforcement Team (MADGE). MADGE is an interagency drug and gang task force comprised of personnel from the Medford Police Department, Jackson County Sheriff's Office, Oregon State Police, Federal Bureau of Investigation, Jackson County Community Justice and the Jackson County District Attorney's Office. The team focuses on disrupting and dismantling middle to upper level drug trafficking organizations in the county and surrounding region. In addition, the team works with the various law enforcement agencies within the county to address controlled substance activity within neighborhoods through strict enforcement and nuisance abatement laws.

The City supports increasing HIDTA funding and maintaining its administration through ONDCP, rather than a large federal agency such as DOJ that would jeopardize this program's strong record of success through flexible and reliable administration of funds.

FY 2019 Program Levels

Increase funding levels for HUD Continuum of Care Homeless Assistance, CDBG, HOME Investment Partnerships, TIGER, BYRNE Justice Assistance Programs, Economic Development Administration and Assistance to Firefighters funding.

Police Equipment Funding

The City strongly supports funding for police equipment, including restoration of COPS Technology Grants. There are very few funding options at the federal level to help police departments purchase equipment even though federal mandates continue to require costly upgrades. Federal funds for upgrades are important especially for police departments with cash strapped budgets.

EPA Regulatory Concerns and Unfunded Mandates – The City opposes legislative or regulatory initiatives that undermine local government decision making and contributes to reduction in our workforce.

- *Waters of the U.S.:* The City has strong concerns over the potential impacts of the EPA and the U.S. Army Corps of Engineers' rule to amend the definition of "waters of the U.S." and expand the range of waters that fall under federal jurisdiction. The City supports the agencies' decision to postpone implementation of the rule until 2019 until it can be further reviewed and rescinded as needed.
- *FEMA and Endangered Species:* A recent National Marine Fisheries Service (NMFS) Biological Opinion concluded that FEMA must change its implementation of the National Flood Insurance Program to better protect endangered species within floodplains. NMFS's recommendations, as written, would require FEMA to go above and beyond its legal authority, amending and issuing new regulations that would subject communities to excessively restrictive floodplain development standards. Along with other local governments throughout the Pacific Northwest, the City has strong concerns with the unnecessary limitations this would place on communities within floodplains.

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