

# CITY COUNCIL AGENDA



**MEDFORD**  
OREGON

September 3, 2020

6:00 P.M.

Medford City Hall, Council Chambers

411 W. 8<sup>th</sup> Street, Medford, Oregon

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This meeting may be viewed via livestream at [www.cityofmedford.org](http://www.cityofmedford.org). Click on COUNCIL MEETINGS at the bottom of the first page. From there click on LIVE STREAM GOVERNMENT CHANNEL.

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. Comments on all matters scheduled for a Public Hearing under Agenda Item 80 must be given during the public hearings on those matters. PLEASE SIGN IN

40. Approval or Correction of the Minutes of the August 20, 2020 Regular Meeting

50. Consent Calendar

50.1 COUNCIL BILL 2020-113

An ordinance amending Section 2.441 of the Medford Municipal Code pertaining to the Medford Community Development Grants Commission.

50.2 COUNCIL BILL 2020-114

An ordinance accepting transfer of ownership of Pear Blossom Park by Bargain & Sale Deed for zero dollars consideration, from the Medford Urban Renewal Agency.

50.3 COUNCIL BILL 2020-115

A resolution approving a modification to the 2020 Council Vision Fund Grant in the amount of \$100,000 to Kid Time Children's Museum for a "Preschool Scholarship Fund".

60. Items Removed from Consent Calendar

70. Ordinances and Resolutions

70.1 COUNCIL BILL 2020-116

A resolution designating a maximum of \$90,000 from Federal Coronavirus Relief Fund reimbursement monies to fund extended operation of the transitional housing campground to December 31, 2020.

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Meeting locations are generally accessible to persons with disabilities. To request interpreters for hearing impaired or other accommodations for persons with disabilities, please contact the ADA Coordinator at (541) 774-2074 or [ada@cityofmedford.org](mailto:ada@cityofmedford.org) at least three business days prior to the meeting to ensure availability. For TTY, dial 711 or (800) 735-1232.

**80. Public Hearings**

For land use matters and other quasi-judicial appeals, comments are limited to a total of 30 minutes for applicants and/or their representatives. They 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 other participants will be limited to 4 minutes.

For matters that are legislative or administrative and are not quasi-judicial, comments are limited to 4 minutes per individual, group or organization. PLEASE SIGN IN.

**YOU ARE ENCOURAGED TO SUBMIT WRITTEN COMMENTS INSTEAD OF TESTIFYING IN PERSON. IF YOU PROVIDE TIMELY WRITTEN TESTIMONY BY NOON OF THE DATE OF THE MEETING, YOU NEED NOT TESTIFY IN PERSON.**

**80.1 COUNCIL BILL 2020-108 – Continued from August 6, 2020**

An ordinance amending sections 10.142 and 10.228, and adding section 10.159A of the Medford Municipal Code, related to the removal of Public Utility Easements. (DCA-19-013). Land use, Legislative

**80.2 COUNCIL BILL 2020-117**

An ordinance establishing an application fee effective October 1, 2020 in the amount of \$1,200 for the removal of Public Utility Easements under Medford Municipal Code Section 10.159A. (GF-20-242) Land use, Legislative

**90. Council Business**

**90.1 Proclamations issued:**

Days of Service & Remembrance - September 11, 2020  
Emergency Preparedness Month – September 2020

**90.2 Committee Reports and Communications**

- a. Council Officers Update
  
- b. Committee Reports and/or Communications

**100. City Manager and Staff Reports**

**100.1 2020-21 Legislative Policy Statements**

**110. Adjourn to Executive Session**



**AGENDA ITEM COMMENTARY**

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**DEPARTMENT:** Planning  
**PHONE:** (541) 774-2390  
**STAFF CONTACT:** Angela Durant, Principal Planner

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** September 3, 2020

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**COUNCIL BILL 2020-113**

An ordinance amending Section 2.441 of the Medford Municipal Code pertaining to the Medford Community Development Grants Commission.

**SUMMARY AND BACKGROUND**

City Council is requested to consider approval of an ordinance amending Medford Municipal Code (MMC) 2.441: Medford Community Development Grants Commission (CDGC), as described below.

- 1) Increase the membership to include two individuals who have experienced homelessness in the past or who are currently homeless, referred to as having "lived experience;"
- 2) Increase the voting members constituting a quorum to six members;
- 3) Advise the City Council on matters associated with homelessness, including implementing the Medford Homeless System Action Plan (HSAP); and
- 4) Change the name of the commission to the Community Services and Development Commission.

On August 5, 2020, the CDGC approved the proposed amendments for recommendation to Council. As directed by legal counsel, a few minor formatting and grammatical changes were made which are reflected in the proposed ordinance.

**PREVIOUS COUNCIL ACTIONS**

On July 2, 2020, Council approved Council Bill 2020-88 adopting the Medford Homeless System Action Plan (HSAP) revised as of July 2020.

On November 21, 2019, Council approved Council Bill 2019-122 adopting the HSAP Implementation Plan.

On May 30, 2019, Council approved Council Bill 2019-63 adopting the 2019-2021 Biennial Goals for the City of Medford.

On June 21, 2018, Council adopted Council Bill 2018-73 establishing the Medford Community Development Grants Commission, under MMC section 2.441.



**ANALYSIS**

Approving the proposed amendments to section 2.441 would help accomplish Goal 2 of the HSAP: Increase Leadership, Collaboration, and Funding. Amendments 1, 2, and 3 (as proposed above) are directly associated with Actions 2.1 and 2.6 of the HSAP Implementation Plan (attached as Exhibit B). Proposed amendment 4 is inspired by feedback from members of the CDGC and staff, that the word "grants" in the existing commission name does not accurately reflect the nature of the commission's work required to implement the City's Consolidated Plan, Annual Action Plan, and Analysis of Impediments to Fair Housing Choice. The CDGC's recommendation to remove "grants" and add "services" relates to the commission's work with nonprofits and other agencies to provide services and seek ways to develop more services for the community. Keeping "development" in the name would maintain the significance of capital projects; such as sidewalks, community centers, parks, home repairs, and other development projects that are funded through the City's Community Development Block Grant (CDBG) program.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

This action is not specifically requesting funds from Council, but investments in the HSAP may be part of future budget and grant opportunities, along with partnerships.

**TIMING ISSUES**

City Council's approval is requested on September 3, 2020, in order to implement the proposed amendments.

**COUNCIL OPTIONS**

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

**STAFF RECOMMENDATION**

Staff recommends that City Council approves the ordinance.

**SUGGESTED MOTION**

I move to approve the ordinance amending section 2.441 of the Medford Municipal Code regarding the Medford Community Development Grants Commission.

**EXHIBITS**

- Ordinance
- Exhibit A: Medford HSAP Implementation Plan

ORDINANCE NO. 2020-113

AN ORDINANCE amending Section 2.441 of the Medford Municipal Code, pertaining to the Medford Community Development Grants Commission.

WHEREAS, on November 21, 2019, Council approved Council Bill 2019-122 adopting the Medford Homeless System Action Plan (HSAP);

WHEREAS, on January 9, 2020, Council held a study session to discuss the adoption of a revised HSAP after consideration of community feedback, and directed staff to make revisions for further consideration. On July 2, 2020, Council approved Council Bill 2020-88 adopting the revised HSAP incorporating the suggested staff revisions;

WHEREAS, the currently configured Community Development Grants Commission has recommended amendments to Medford Municipal Code Section 2.441 a) to have the Commission name changed to more accurately reflect the nature of the Commission's work; b) to add two additional members to the Commission who have experienced homelessness; and c) to change the operative provisions to better describe the responsibilities of the Commission; and

WHEREAS, the proposed amendments to Section 2.441 will help accomplish the aspirations of Goal 2 of the HSAP, which are to "Increase Leadership, Collaboration, and Funding"; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1: Section 2.441 of the Medford Municipal code is amended to read as follows:

~~Medford~~ Community **Services and Development Grants** Commission

(1) The ~~Medford~~ Community **Services and Development Grants** Commission shall consist of ~~eleven~~ **nine** (9) voting members as follows:

One (1) current member of the Budget Committee; one (1) member representing healthcare; one (1) member representing social services; one (1) member representing local business; one (1) member representing workforce development; one (1) member representing an educational institution; one (1) member representing affordable housing; two (2) members-at-large encouraging representation from throughout the whole community; **and two (2) members who have experienced homelessness in the past or who are currently homeless, referred to as having "lived experience."** Voting members of the Commission shall be appointed by the Mayor and Council for terms of three years.

(2) The ~~Medford~~ Community **Services and Development Grants** Commission shall adopt rules of procedure, as necessary, and shall by resolution establish either a regular meeting date or rules of procedure under which a meeting may be called. ~~Five~~ **Six** voting members shall constitute a quorum.

(3) The ~~Medford~~ Community **Services and Development Grants** Commission shall administer the City's General Fund Grant program, **including:**

- (a) **Administering the General Fund grant selection process; and**
- (b) **Overseeing General Fund Grant reporting.**

(4) **The Community Services and Development Commission shall advise the City Council on matters associated with homelessness, including, without limitation, implementing the Medford Homeless System Action Plan.**

(45) The ~~Medford~~ Community **Services and Development Grants** Commission shall ~~aet as an advisor to~~ **advise** the City Council on the appropriate implementation of the City's Community Development Block Grant (CDBG) program and related programs and statutory responsibilities, including, **without limitation:**

- (a) Administering the CDBG annual grant selection process;
- (b) Implementing the City's CDBG Citizen Participation Plan;
- (c) Assisting the Housing Advisory Commission to implement the City's Consolidated Plan, Annual Action Plan, and Analysis of Impediments to Fair Housing Choice;
- (d) ~~Overseeing General Fund Grant reporting and~~ CDBG regulatory requirements including, but not limited to subrecipient reporting, risk assessment and monitoring; **and**
- (e) Advising City Council on grant opportunities; ~~and~~
- (f) ~~Other duties as directed by Council.~~

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

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of September, 2020.

ATTEST: \_\_\_\_\_  
Deputy City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2020

\_\_\_\_\_  
Mayor



Exhibit A

**Medford Homeless System Action Plan Implementation Plan**  
*Adopted by Medford City Council on November 21, 2019*

The following table lists the original five goals and 31 actions recommended in the Medford Homeless System Action Plan (HSAP), in order of priority, by LeSar Development Consultants. City Council added the development of a reunification program as a diversion strategy listed under Goal 5, Action 5.5. The table also serves as the HSAP Implementation Plan, which includes staff recommended implementation tasks, responsible groups, proposed resources, and begin/end dates. The implementation plan is intended to serve as a roadmap for the City to develop and/or support programs, partnerships and funding priorities. All actions are proposed for consideration or implementation in some capacity during the 2019-21 Biennium. However, 16 of the 32 are identified as priority actions based on need, timing, funding and ability to implement during the targeted timeframe. Collective feedback from community stakeholders, leadership bodies, and Council advisory commissions prompted focus on priority actions that seek to accomplish the following:

- Support the City's Livability Team with outreach and housing resources for chronically homeless individuals;
- Support development of permanent and transitional housing options;
- Provide assistance to rapidly rehouse homeless individuals and families;
- Coordinate distribution of services;
- Increase resources for homelessness diversion and prevention;
- Prioritize City funding programs including the Housing Opportunity Fund (HOF), Community Development Block Grant (CDBG), General Fund Grant (GFG) and HSAP implementation funds; and
- Establish City roles to address homelessness and oversee the HSAP.

**Acronyms and Abbreviations**

Acronym/Abbreviation	Description	Acronym/Abbreviation	Description
CDBG	City of Medford Community Development Block Grant Program	HOF	City of Medford Housing Opportunity Fund
CDGC	Medford Community Development Grants Commission	HSAP	City of Medford Homeless System Action Plan
CCO	Coordinated Care Organization	HTF	Homeless Task Force (CoC Workgroup)
COC	Jackson County Continuum of Care	LVT	Medford Police Department's Livability Team
GFG	City of Medford General Fund Grant Program	MPD	City of Medford Police Department
HAC	Medford Housing Advisory Commission	MURA	Medford Urban Renewal Agency
HCDD	Medford Planning Department's Housing and Community Development Division	RVCOG	Rogue Valley Council of Governments

**Goal #1: Increase the Supply of Affordable and Supportive Housing**

<b>Actions</b>	<b>Role of the City</b>	<b>Proposed Implementation Task(s)</b>	<b>Responsible Group(s)</b>	<b>Proposed Resources</b>	<b>Begin Date – End Date</b>
<b>Action #1.1:</b> Continue implementing ad hoc Housing Advisory Committee recommendations, through the newly appointed permanent Housing Advisory Commission including prioritizing affordable housing project review, creating developer incentives, and updating policies and standards to facilitate increased density and innovative housing models.	Maintain current role within HAC and ensure recommendations from the Action Plan are incorporated into ongoing HAC recommendations.	<ol style="list-style-type: none"> <li>1) Develop Strategic Housing Plan as part of the consolidated planning process required as a CDBG entitlement jurisdiction.</li> <li>2) Request Council establish funding priorities under the HOF and CDBG programs for the development of affordable housing.</li> </ol>	<ol style="list-style-type: none"> <li>1) HCDD and HAC</li> <li>2) HCDD, CDGC, HAC and Council</li> </ol>	HOF, CDBG, GFG, MURA and community leverage	9/1/17 – 6/30/22
<b>Actions</b>	<b>Role of the City</b>	<b>Proposed Implementation Task(s)</b>	<b>Responsible Group(s)</b>	<b>Proposed Resources</b>	<b>Begin Date – End Date</b>
<b>Action #1.2:</b> City and County work collaboratively to set annual housing production goals.	Reach out to appropriate County personnel to begin discussions regarding setting goals.	<ol style="list-style-type: none"> <li>1) City support and/or fund the production of 100 units, as established by the 2019-21 Council Goals.</li> <li>2) Establish 5-year housing production goal during the CDBG consolidated planning process.</li> </ol>	HCDD, HAC, CDGC and MURA	HOF, CDBG and community leverage	7/1/19 – 6/30/22

Actions	Role of the City	Proposed Implementation Task(s)	Responsible Group(s)	Proposed Resources	Begin Date – End Date
<p><b>Action #1.3:</b> City and County work collaboratively to inventory all available publicly-owned land (City, County, State, and Federal) that may be suitable for housing development. Additionally, work with faith-based community and non-profits to identify land they may own for affordable/supportive housing development.</p>	<p>Begin inventorying land and reach out to County personnel to work with them on creating regional inventory list. City and County engage faith-based community and non-profits.</p>	<ol style="list-style-type: none"> <li>1) Develop Surplus Property List including properties in Downtown and Liberty Park.</li> <li>2) Work with the COC Housing Pipeline and Faith-based workgroups to identify additional suitable land.</li> <li>3) Expand surplus property list to include properties, citywide.</li> <li>4) Research opportunities to create a Community Housing Foundation.</li> </ol>	<ol style="list-style-type: none"> <li>1) City Manager's Office and MURA</li> <li>2) HCDD and COC</li> <li>3) City Manager's Office and MURA</li> <li>4) HCDD and HAC</li> </ol>	<p>City, MURA and COC staffing</p>	<p>9/1/19 – 6/30/21</p>
<p><b>Action #1.4:</b> Engage private landlords in the city to rent to homeless households and develop a city or region-wide landlord engagement program that could provide funding for financial incentives to local landlords, deposits and application fees, and damage/mitigation funds.</p>	<p>Create landlord engagement campaign targeted at landlords to rent to homeless households. Work with partners to create funding pool that would provide financial incentives to landlords, deposits, damage funds, and other housing related expenses for homeless households to access.</p>	<p>Conduct research and present case studies to HAC and CDGC prior to presentation to Council</p>	<p>HCDD</p>	<p>City staffing</p>	<p>7/1/21 – 6/30/22</p>

Actions	Role of the City	Proposed Implementation Task	Responsible Group(s)	Proposed Resources	Begin Date - End Date
<p><b>Action #1.5:</b> Increase RRH resources for non-Veteran households, both families and single adults. It is estimated that the region needs to create a <b>MINIMUM</b> of 83 RRH units for single non-Veteran adults and 22 units for non-Veteran families to meet current demand.</p>	<p>City needs to prioritize existing City funds that could be used for the rental assistance portions of RRH. The City should also work with the Housing Authority to understand if there are any rental assistance funds that could be paired with City funds for the use of RRH. The City should then engage in discussions with the County and CCO's to help determine funds to be used to provide the case management support with the rental assistance. The City can work with COC to determine best way to roll out the new RRH program</p>	<ol style="list-style-type: none"> <li>1) Develop strategic RRH program in partnership with the COC.</li> <li>2) Request Council establish funding priorities under the GFG program.</li> <li>3) Establish a performance goal that 85% of households served are stabilized in housing for six months or longer, which mirrors Oregon Housing and Community Services' 2019-23 homelessness goal.</li> </ol>	<p>HCDD, HAC, and CDGC and Council</p>	<p>CDBG, GFG and community leverage</p>	<p>10/10/19 – 6/30/22</p>
<p><b>Action #1.6:</b> Increase the supply of new PSH units for Non-Veteran single adults. It is estimated that the region needs to create a <b>MINIMUM</b> of 259 PSH units (Includes 245 for non-Veteran single adults and 14 for non-Veteran families to meet current demand).</p>	<p>Prioritize the creation of new PSH. This can include acquiring and rehabbing underutilized or closed hotels or motels, using pre-fabricated or modular units on City-owned land while traditional development is considered, and use City-owned property for PSH development. Work with County, VA, CCOs, and ACCESS to discuss funding of supportive services.</p>	<ol style="list-style-type: none"> <li>1) Develop Surplus Property List referenced in Action 1.3 and work with community partners to explore opportunities with hotels and/or modular units.</li> <li>2) Develop Strategic Housing Plan as referenced Action 1.1 which will include strategies to increase production of PSH units.</li> </ol>	<ol style="list-style-type: none"> <li>1) City Manager's Office and MURA</li> <li>2) HCDD and HAC</li> </ol>	<p>HOF, CDBG and community leverage</p>	<p>9/1/19 – 6/30/22</p>

Actions	Role of the City	Proposed Implementation Task(s)	Responsible Group(s)	Proposed Resources	Begin Date - End Date
<p><b>Action #1.7:</b> Engage the County, Housing Authority, CCOs, and hospitals to create a PSH pilot targeted to frequent users of healthcare systems.</p>	<p>Convene partners to discuss the creation of a PSH pilot that could be targeted to high-cost homeless individuals. To quickly create a pilot, the most efficient way would be to determine how to create new PSH rental assistance (in form of voucher or other source) and pair with services funds ideally funded by the healthcare sector.</p>	<p>Facilitate a convening including interested culturally specific service providers, behavioral health providers, housing developers, housing funders, Medicaid funders, elected officials, City staff and lived experience.</p>	<p>HCDD and HAC</p>	<p>HOF, CDBG, GFG and MURA</p>	<p>12/18/19 – 6/30/22</p>
<p><b>Action #1.8:</b> Explore zone changes that would facilitate development of affordable housing, including density bonuses, multi-family zoning, and by-right development</p>	<p>City is responsible for this action.</p>	<ol style="list-style-type: none"> <li>1) Develop code amendment to address the multi-family residential review process (by-right development)</li> <li>2) Complete City-initiated zone and GLUP change project</li> </ol>	<p>Planning Department, Planning Commission and HAC</p>	<p>City staffing</p>	<p>8/1/19 – 3/31/20</p>
<p><b>Action #1.9:</b> Implement an ADU program to include SDC waivers. Explore opportunities to create a low-interest ADU loan program for homeowners. Develop permit-ready ADU design options.</p>	<p>City is responsible for this action.</p>	<p>Develop ADU and SDC Reduction programs for implementation during the second round of the HOF</p>	<p>HCDD and HAC</p>	<p>HOF, General Fund and City staffing</p>	<p>10/10/19 – 3/31/20</p>

Goal #2: Increase Leadership, Collaboration and Funding

Actions	Role of the City	Proposed Implementation Task(s)	Responsible Group(s)	Proposed Resources	Begin Date – End Date
<p><b>Action #2.1:</b> Identify a single point of contact within the City who is responsible for homelessness and can oversee Action Plan implementation.</p>	<p>City is responsible for this action.</p>	<ol style="list-style-type: none"> <li>1) Develop a proposal to the CDGC for recommendation to Council to amend Medford Code 2.441: a) increase the membership to include two individuals with lived experience; b) increase the voting members constituting a quorum to six members; and c) add “acting as the advisory body to Council on matters associated with homelessness” and “implementing the Homeless System Action Plan” as statutory responsibilities.</li> <li>2) Appoint HCDD staff as the single point of contact for the HSAP.</li> </ol>	<p>CDGC and HCDD</p>	<p>City staffing</p>	<p>9/25/19 – 12/31/19</p>
<p><b>Action #2.2:</b> Continue to assess the estimated City and public costs of managing homelessness, including calculating staff time, emergency response, property damage, etc. Use the information to quantify needs and continue to strengthen the business case to invest in housing and services for homeless households.</p>	<p>Work with other sectors including healthcare and criminal justice to identify the costs associated with homelessness.</p>	<p>Complete a Cost Analysis of Homelessness</p>	<p>HCDD, CDGC and COC</p>	<p>CDBG and community leverage</p>	<p>7/1/20 – 12/31/21</p>

Actions	Role of the City	Proposed Implementation Task(s)	Responsible Group(s)	Proposed Resources	Begin Date – End Date
<p><b>Action #2.3:</b> Create a cross-sector Funders Collaborative that includes both public- and private- sector funders.</p>	<p>Convene all regional public and private funders to establish a regional funders collaborative to begin discussion of funding needs, priorities, and best way to align and increase funding for impact.</p>	<p>City is now an active member of the <b>Jefferson Funders Forum</b>, which is an existing regional funders collaborative.</p>	<p>HCDD staff</p>	<p>City staffing</p>	<p>9/12/19 – ongoing</p>
<p><b>Action #2.4:</b> Support creation and implementation of a City and faith-based collaborative to identify shared goals, coordinate activities, and explore opportunities related to safe parking programs, shared housing opportunities, and affordable housing development. (This can be combined or expanded with COC Faith-Based Workgroup)</p>	<p>Convene all faith-based organizations within the City on an ongoing basis to discuss needs, strategies, and share best practices.</p>	<ol style="list-style-type: none"> <li>1) Facilitate a convening of all organizations that distribute services to the homeless including nonprofits, faith-based organizations, known individuals, and businesses.</li> <li>2) Request Council establish funding priorities under the HSAP to cover associated costs.</li> </ol>	<ol style="list-style-type: none"> <li>1) HCDD, HTF, CDGC and MPD</li> <li>2) HCDD, CDGC, HAC and Council</li> </ol>	<p>HSAP</p>	<p>1/6/20 – 1/30/20</p>
<p><b>Action #2.5:</b> Support creation and implementation of a City and business sector work group to address issues, develop education materials, and explore partnership opportunities related to workforce development and training.</p>	<p>Convene the Chamber, Downtown Association, and other interested businesses in the city on an ongoing basis to discuss needs, strategies, and share best practices.</p>	<p>Facilitate initial convening to establish local interest</p>	<p>HCDD and CDGC</p>	<p>City staffing</p>	<p>7/15/20 – 12/31/19</p>

Actions	Role of the City	Proposed Implementation Task(s)	Responsible Group(s)	Proposed Resources	Begin Date - End Date
<p><b>Action #2.6:</b> Support the creation and implementation of a Lived Experience Advisory Board that would provide input on City policies and programs as well as regional approaches. Determine with the COC, if this is best created at a regional level as part of the COC, but could still provide input on City specific activities.</p>	<p>Work with COC and other non-profits to identify potential board members who are current or past participants in homeless services or have been homeless in the city. Act as the group convener and support Board members with incentives for their participation.</p>	<ol style="list-style-type: none"> <li>1) Develop a proposal to the CDGC for recommendation to Council to amend Medford Code 2.441: a) increase the membership to include two individuals with lived experience; b) increase the voting members constituting a quorum to six members; and c) add "acting as the advisory body to Council on matters associated with homelessness" and "implementing the Homeless System Action Plan" as statutory responsibilities.</li> <li>2) Make a request to the COC that one of the members with lived experience be appointed to the COC Board.</li> </ol>	<p>HCDD</p>	<p>GFG Program</p>	<p>12/4/19 – 1/1/20</p>
<p><b>Action #2.7:</b> Create an area resource map using Geographic Information Systems (GIS).</p>	<p>Work with COC and other partners to identify and document available resources for homeless households throughout the city.</p>	<ol style="list-style-type: none"> <li>1) Resource completed.</li> <li>2) Obtain the enhanced resources list from the COC Manager to provide to the Medford Livability Team for distribution.</li> </ol>	<ol style="list-style-type: none"> <li>1) RVCOG</li> <li>2) HCDD</li> </ol>	<p>RVCOG and City staffing</p>	<p>10/15/19 - ongoing</p>
<p><b>Action #2.8:</b> Continue to participate and provide leadership within the COC and invest in build-out of infrastructure through the COC.</p>	<p>Work with COC to determine infrastructure needs of the COC and dedicate funds with other regional partners.</p>	<p>City funds COC through noncompetitive GFG program.</p>	<p>City leadership staff and Council</p>	<p>GFG</p>	<p>ongoing</p>

Actions	Role of the City	Proposed Implementation Task(s)	Responsible Group(s)	Proposed Resources	Begin Date - End Date
<p><b>Action #2.9:</b> Require applicants demonstrate adherence to best practices and community standards in all City contracts for homeless services.</p>	<p>City is responsible for this action but may need input from COC on community standards.</p>	<p>Add best practices and standards to the City's CDBG public services and capital improvement project guidebooks and update contracts to include federally recommended standards.</p>	<p>CDGC and COC</p>	<p>CDBG, City and COC staffing</p>	<p>8/5/2020 - ongoing</p>
<p><b>Action #2.10:</b> Develop a performance culture within the City where City funds are only provided to programs that demonstrate positive outcomes. Review current contracts and potentially shift funding to higher performing projects.</p>	<p>City is responsible for this action but may need input from COC on performance measures.</p>	<ol style="list-style-type: none"> <li>1) Enhance City's quarterly performance reporting platform and regularly attend Jefferson Funders Forum meetings and implement best practices for measuring performance outcomes learned through the JFF.</li> <li>2) Hold training on evidence-based performance measurement for all City grant recipients.</li> </ol>	<p>HCDD and CDGC</p>	<p>City staffing</p>	<p>2/26/20</p>

**Goal #3: Address Unsheltered Homelessness and Encampments**

Actions	Role of the City	Proposed Implementation Task(s)	Responsible Group(s)	Proposed Resources	Begin Date - End Date
<p><b>Action #3.1:</b> Create a Chronically Homeless Response Group to support activities and increase collaboration between key agencies and outreach partners such as street outreach personnel, MPD, Public Works, Behavioral Health and businesses.</p>	<p>Convene all partners who have a stake in unsheltered homelessness and encampments.</p>	<p>Establish group similar to the Neighborhood Livability Team and hold regular meetings to target individuals through the Chronically Homeless Outreach Partnership referenced in Action 3.3</p>	<p>MPD Livability Team</p>	<p>City's and other agency's staffing</p>	<p>9/19/19 - 6/30/22</p>

Actions	Role of the City	Proposed Implementation Task(s)	Responsible Group(s)	Proposed Resources	Begin Date - End Date
<p><b>Action #3.2:</b> Increase resources for non-uniformed street outreach services dedicated to single adults and pair outreach staff with MPD.</p>	<p>Dedicate City funds to increasing street outreach services and work with County and other partners such as CCOs and business groups to identify funding to match.</p>	<p>Target specific partners to develop sustainable volunteer outreach program to accompany the LVT along the Greenway, in parks and Downtown.</p>	<p>HCDD, MPD, CDGC and HTF</p>	<p>HSAP, CDBG, City staffing and community volunteerism</p>	<p>9/3/19 – 6/30/22</p>
<p><b>Action #3.3:</b> Create a pilot to address encampments on the Greenway, in parks, and Downtown to assess individuals, provide intensive supports, and offer housing placements.</p>	<p>As part of Chronically Homeless Response Ad Hoc Working Group discuss idea of a pilot.</p>	<ol style="list-style-type: none"> <li>1) Establish the Chronically Homeless Outreach Partnership pilot program, which may include shelter beds, an interim housing facility, integrated mental health and addictions recovery services, job training, and permanent housing placement services. This program is meant to be a primary resource for the LVT to house chronically homeless individuals. Data will be collected through the working group referenced in Action 3.1.</li> <li>2) Request Council establish funding priorities under the HSAP to lease one housing unit with five rooms to provide an interim, co-housing resource for the LVT.</li> </ol>	<ol style="list-style-type: none"> <li>1) MPD, HCDD, CDGC and community partners</li> <li>2) HCDD, CDGC, HAC and Council</li> </ol>	<p>HSAP, shared resources from partners and local grants</p>	<p>10/18/19 – 6/30/22</p>

Actions	Role of the City	Proposed Implementation Task(s)	Responsible Group(s)	Proposed Resources	Begin Date - End Date
<b>Action #3.4:</b> Update City policies related to encampment abatement to include proactive outreach responses and offer support prior to 24-hour posting and abatement.	City is responsible for this action. Update policies based on input from Ad Hoc Working Group and pilot activities	Assess through the Chronically Homeless Outreach Partnership to identify and update outreach responses, accordingly.	MPD	City staffing	1/1/20 – 6/30/22

**Goal #4: Increase Temporary Housing Programs and Successful Placements**

Actions	Role of the City	Proposed Implementation Task(s)	Responsible Group(s)	Proposed Resources	Begin Date - End Date
<b>Action #4.1:</b> Support the creation of a year-round, low barrier shelter program for single adults, families, and couples. Keep the winter shelter program during first year of operation and consider if needed beyond that timeframe.	Identify site within the city to be used for shelter program and provide funding to help develop and operate as needed.	<ol style="list-style-type: none"> <li>1) Year-round shelter completed.</li> <li>2) Request Council establish a funding priority under the HSAP to provide financial assistance to the Kelly Shelter as a resource essential to the success of the LVT.</li> <li>3) Support the search for a location to maintain a temporary winter shelter in addition to the new year-round shelter.</li> </ol>	<ol style="list-style-type: none"> <li>1) ACCESS and Rogue Retreat</li> <li>2) HCDD, HAC, CDGC and Council</li> <li>3) HCDD, CDGC, COC, Rogue Retreat, Fire Department and Building Safety Department</li> </ol>	HSAP, CDBG, and City, COC and agency staffing	10/15/19 – 6/30/22
<b>Action #4.2:</b> As part of year-round shelter, consider creating a Central Access Point within the city that could be the starting place for all populations to access the homeless services system.	Work with COC to understand if this is needed.	Work with the CoC and other partners to identify the need for and options related to a central access point that could also serve as a site for distribution of services.	CDGC, CoC, and other partners	Community partners	11/22/19 - 5/21/20

Actions	Role of the City	Proposed Implementation Task(s)	Responsible Group(s)	Proposed Resources	Begin Date - End Date
<p><b>Action #4.3:</b> Only provide City funds to temporary housing programs that have adopted best practices such as Housing First that includes a low-barrier entry criteria and harm reduction, uses HMIS, and uses the CES.</p>	<p>City is responsible for this action.</p>	<p>Hold study session to research best practices and the effective use of multiple models for addressing homelessness.</p>	<p>HCDD, CDGC and COC</p>	<p>City and COC staffing</p>	<p>12/18/19 - 3/18/20</p>
<p><b>Action #4.4:</b> Work with interested churches to create safe parking programs in their parking lots. Promote partnerships that provide funding to churches to ensure adequate restrooms and basic services at the lots and funds for service engagement. Engage church volunteers to assist with other services at the parking lots.</p>	<p>Engage area churches to develop safe parking programs. Identify funds to provide to area non-profits or churches to operate programs. Engage COC to ensure that parking programs are interacting with CES.</p>	<ol style="list-style-type: none"> <li>1) Identify 1-2 interested churches to implement a pilot program, potentially using City funding for rehabilitation costs to meet code requirements including access to restrooms and other services.</li> <li>2) Review code to consider including nonprofits as authorized organizations to offer safe parking under certain circumstances.</li> </ol>	<ol style="list-style-type: none"> <li>1) CDGC and COC</li> <li>2) Planning Department, City Attorney and Fire Department</li> </ol>	<p>HSAP, CDBG, and City and COC staffing</p>	<p>3/1/20 - 6/30/20</p>

**Goal #5: Increase Diversion and Prevention Strategies**

Actions	Role of the City	Proposed Implementation Task(s)	Responsible Group(s)	Proposed Resources	Begin Date - End Date
<p><b>Action #5.1:</b> Increase resources for homelessness prevention and ensure City funds are targeted to households most likely to become homeless and funds are used efficiently.</p>	<p>Conduct assessment of current contracts where the City is providing funds for homelessness prevention and/or emergency assistance and evaluate target populations and outcomes. Based on assessment, increase funding for activities that are making an impact in preventing households from becoming homeless.</p>	<p>1) Request Council establish a funding priority under the GFG program to increase funding to housing stabilization programs that provide temporary financial assistance to low-income households at risk of losing their housing. Assistance may include rent and utilities, mortgage payments, child care, transportation costs, eviction prevention services, job training expenses, etc. 2) Implement the 85% performance standard presented in Action 1.5.</p>	<p>HCDD, CDGC, HAC and Council</p>	<p>GFG and CDBG</p>	<p>10/10/19 - 6/30/22</p>
<p><b>Action #5.2:</b> Provide increased funding for legal services to support City residents facing eviction.</p>	<p>City is responsible for this action.</p>	<p>Request Council establish a funding priority under the GFG, as referenced under Action 5.1. Center for Nonprofit Legal Services is the only local agency offering eviction prevention services to low-income residents.</p>	<p>HCDD, CDGC, HAC and Council</p>	<p>GFG</p>	<p>10/10/19 - 6/30/22</p>
<p><b>Action #5.3:</b> Increase diversion training and activities and incorporate into CES and temporary housing programs.</p>	<p>Provide funding to COC to create and expand Diversion training to non-profits. Work with partners such as the County to provide match.</p>	<p>Hold study session with CDGC and COC Manager to explore priority need.</p>	<p>HCDD, CDGC and COC Manager</p>	<p>GFG</p>	<p>3/25/20</p>

Actions	Role of the City	Proposed Implementation Task(s)	Responsible Group(s)	Proposed Resources	Begin Date - End Date
<p><b>Action #5.4:</b> As part of a diversion strategy, increase shared housing and/or roommate matching strategies to connect homeowners who may have a room to rent or to connect homeless individuals together to live as roommates.</p>	<p>Work with COC to engage in discussions with COC partners to discuss shared housing models.</p>	<p>Hold study session through the HAC and CDGC to explore opportunities and existing code.</p>	<p>HAC, CDGC, Planning Department, COC Manager, and ACCESS Housing Director</p>	<p>City's and organization's staffing</p>	<p>7/15/20</p>
<p><b>Action #5.5:</b> As directed by Council, increase resources to reunite homeless individuals with their family or support network outside the City of Medford.</p>	<p>Work with the COC and other interested partners to develop a reunification program that follows best practices and community standards.</p>	<p>Work with COC, through a Request for Interest, to identify an agency to administer the program and to develop best practices, standards, and procedures.</p>	<p>HCDD, CDGC and COC</p>	<p>HSAP \$50K</p>	<p>11/22/19 - 12/31/19</p>



**AGENDA ITEM COMMENTARY**

**DEPARTMENT:** Medford Urban Renewal  
**PHONE:** (541) 774-2701  
**STAFF CONTACT:** Harry Weiss

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** September 3, 2020

**COUNCIL BILL 2020-114**

An ordinance accepting transfer of ownership of Pear Blossom Park by Bargain & Sale Deed for zero dollars consideration, from the Medford Urban Renewal Agency.

**SUMMARY AND BACKGROUND:**

Council is requested to accept the transfer of ownership of Pear Blossom Park by Bargain & Sale Deed for zero consideration from the Medford Urban Renewal Agency (MURA).

**PREVIOUS COUNCIL ACTIONS**

On May 4, 2006, Council approved Council Bill 2006-82, approving a Substantial Amendment to the City Center Revitalization Plan (CCRP) adding "Project No. 20 Middleford Park" to the Plan.

On September 7, 2006, Council approved Council Bill 2006-2012, authorizing the execution of the "Middleford Commons Disposition and Development Agreement" between the City of Medford, MURA, and Lithia Real Estate, Inc.

On February 18, 2010, Council approved Council Bill 2010-32, authorizing the execution of "The Commons Project Amended and Restated Agreement for Disposition and Development of Property" between the City of Medford, MURA, and Lithia Real Estate, Inc. [BNS1]

**ANALYSIS**

Pear Blossom Park (PBP) comprises the two park blocks located between the North Bartlett Street one-way couplet from 4<sup>th</sup> Street to 6<sup>th</sup> Street. PBP is the final product of MURA Project No. 20 Middleford Park. The objective of MURA was the development of a public common that would catalyze and anchor private investment in urban mixed-use redevelopment of the surrounding area. MURA's role in the creation of PBP was as the capital funding agency responsible for the park's development. Since its completion PBP has operated as a unit of the City of Medford park system under the supervision of the Parks & Recreation Department, and MURA has had no role in the ongoing operation and maintenance of PBP.

It has always been anticipated that MURA would transfer ownership of PBP to the City of Medford. Construction of PBP is complete and MURA's obligations under the Amended & Restated DDA have been fulfilled. There is no further purpose under the urban renewal plan for MURA's continued ownership of PBP.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

Pursuant to the City Center Revitalization Plan Section 606.A, the MURA Board may dispose of real property without consideration to any other public entity. On August 27, 2020, by Resolution 2020-015



**AGENDA ITEM COMMENTARY**

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the MURA Board of Directors approved the transfer of ownership of Pear Blossom Park to the City of Medford for zero consideration. The City will continue to fund the cost of operations and maintenance of the Park as it has done since the Park's completion. By accepting ownership the City will assume the financial responsibility for future capital improvement and replacement expenses.

**TIMING ISSUES**

Transfer of ownership will occur following approval of this ordinance.

**BOARD OPTIONS**

Approve the ordinance.

Modify the ordinance.

Deny the ordinance.

**STAFF RECOMMENDATION**

Staff recommends approval of the ordinance.

**SUGGESTED MOTION**

I move to approve the ordinance accepting the transfer of ownership of Pear Blossom Park from the Medford Urban Renewal Agency.

**EXHIBITS**

Ordinance

Map of Pear Blossom Park

Bargain & Sale Deed

ORDINANCE NO. 2020-114

AN ORDINANCE accepting transfer of ownership of Pear Blossom Park, by Bargain & Sale Deed for zero dollars consideration, from the Medford Urban Renewal Agency.

WHEREAS, Pear Blossom Park is identified as "Project No. 20, Middleford Park" in Section 601.C.20 of the Medford Urban Renewal Agency ("MURA") City Center Revitalization Plan ("CCRP"). Pear Blossom Park is comprised of the two park blocks located between the N. Bartlett Street couplet from 4<sup>th</sup> Street to 6<sup>th</sup> Street and was developed by MURA for the purpose of creating "a public common centered in a high density mixed-use re-development area";

WHEREAS, the City of Medford ("City") has operated and maintained Pear Blossom Park under the direction of the Parks and Recreation Department since completion of the park's construction, and MURA has had no role in the ongoing operation and maintenance of PBP; and

WHEREAS, pursuant to the City Center Revitalization Plan Section 606.A, the MURA Board may dispose of real property without monetary consideration to any other public entity and on August 27, 2020, by Resolution 2020-015, the MURA Board of Directors approved the transfer of ownership of Pear Blossom Park to the City of Medford, for zero dollars consideration via a Bargain and Sale Deed; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

The City Council hereby accepts ownership of Pear Blossom Park, via Bargain & Sale Deed, for zero dollars consideration, from the Medford Urban Renewal Agency.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of September, 2020.

ATTEST: \_\_\_\_\_  
Deputy City Recorder

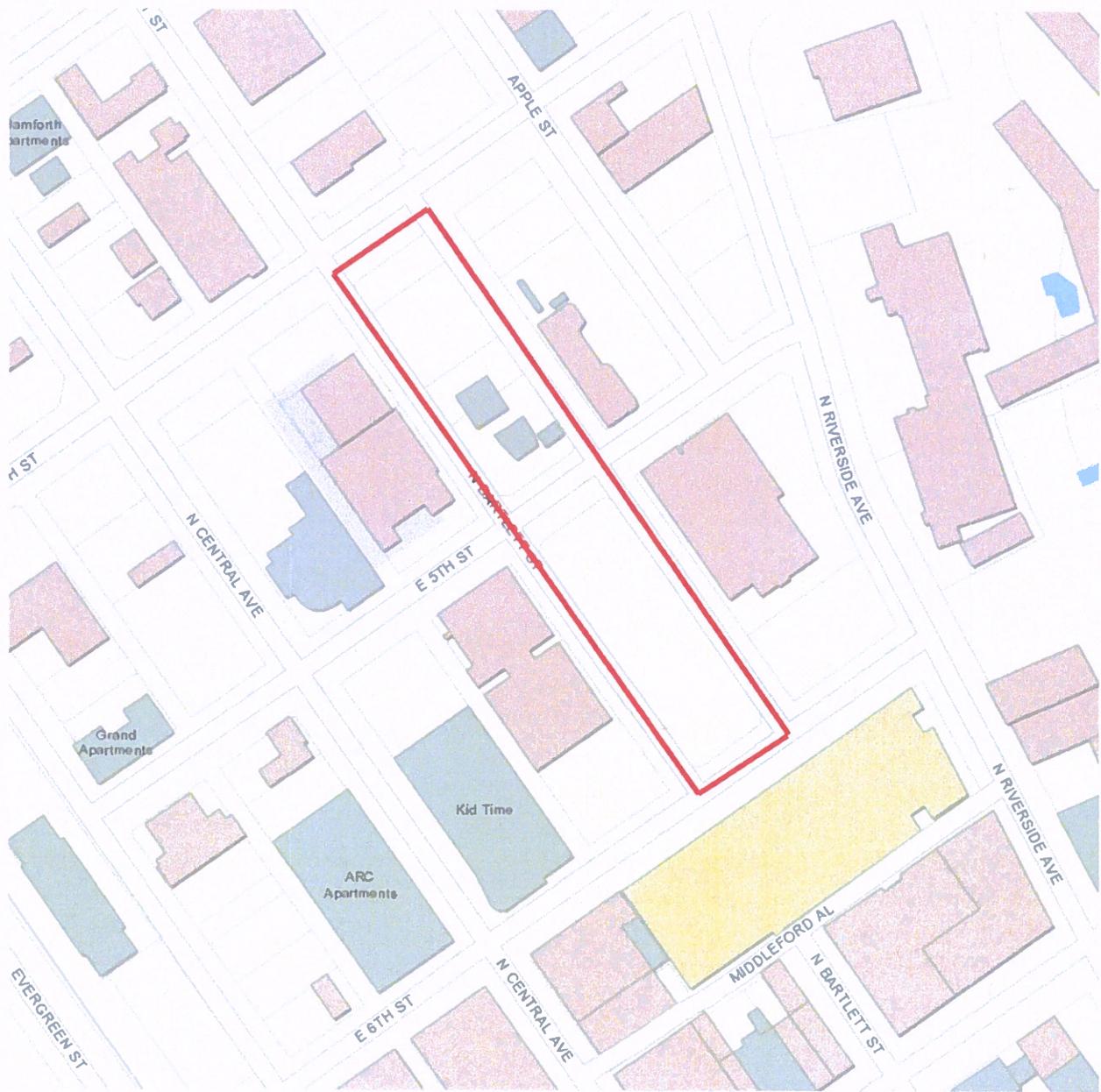
\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2020

\_\_\_\_\_  
Mayor

**MAP:**

**PEAR BLOSSOM PARK BOUNDED BY N BARTLETT COUPLER BETWEEN 4<sup>TH</sup> & 6<sup>TH</sup> STREETS**





**EXHIBIT A**  
**LEGAL DESCRIPTION**

**TRACT ONE**

A tract of land in the City of Medford, Oregon, being more particularly described as follows: Commencing at the southeastern corner of Block Twelve (12) in the Town (now City) of Medford, Jackson County, Oregon. Thence 54°29'43" East (deed record North 54°30' East), along the northwestern right of way line of Sixth Street, 130.40 feet to the southwest corner of the strip of land described in Dedication No.1 of Document No. 2011-019189 of the Official Records of Jackson County, Oregon, for the **true point of beginning**; thence along the southwestern boundary of said described dedicated strip North 03°11'52" West 21.675 feet; thence North 35°33'22" West, parallel with and 112.0 feet northeasterly of and normal to the monumented centerline of North Bartlett Street, 274.18 feet; thence North 85°25'42" West 12.425 feet to the southeastern right of way line of Fifth Street, being 30.00 feet southeasterly of and normal to the monumented centerline of said Fifth Street; thence South 54°29'58" West (record South 54°30' West), parallel with and 30.00 feet southeasterly of and normal to said centerline of Fifth Street, 84.25 feet to the northeast corner of the strip of land described in Dedication No. 2 of said Document No. 2011-019189 of said Official Records; thence along the northeastern boundary of said described dedicated strip, South 14°49'42" West 11.36 feet; thence South 35°33'22" East, parallel with and 9.50 feet northeasterly of and normal to the monumented centerline of North Bartlett Street, 285.755 feet; thence South 82°22'23" East 10.97 feet to the aforesaid northwestern right of way line of Sixth Street; thence North 54°29'43" East, along said northwestern right of way line, 82.90 feet to the true point of beginning.

Containing 30,596 square feet, more or less.

And being the Consolidation of Tax Lots 7500, 7600, 7700, 7800, 37-1W-30BB pursuant to Property Line Adjustment and Lot Consolidation PLA-11-067 & PLA-11-068 (Account # 10369009, MAP #371W30BB, Tax Lot #7500)

**TRACT TWO**

A tract of land in the City of Medford, Oregon, comprising four parcels, being more particularly described as follows:

**Parcel One:**

Beginning at the northwest corner of Phipps Reserve in the Town (now City) of Medford, Jackson County, Oregon, at the intersection of the southerly line of East Fourth Street and the easterly line of North Bartlett Street; thence Southerly, along said easterly line, 50.0 feet; thence Easterly parallel with the southerly line of East Fourth Street 100.0 feet; thence Northerly, parallel with the easterly line of North Bartlett Street, 50.0 feet; thence Westerly, parallel with the southerly line of East Fourth Street, 100.0 feet to the point of the beginning; TOGETHER WITH that portion of Bartlett Street vacated by Ordinance No. 2008-74, recorded May 1, 2008, as Document No. 2008-016590, which inures to the benefit of the premises by operation of law; AND EXCEPTING THEREFROM those portions dedicated by the Medford Urban Renewal Agency to the City of Medford via Street Right-Of-Way Dedication dated May 24, 2012, and recorded June 21, 2012, as Document No. 2012-019726, Jackson County Official Records.

(Account #10368726, MAP #371W30BB, Tax Lot #4700)

**Parcel Two:**

The southerly one-half of the following described tract: Beginning at the northwest corner of PHIPPS RESERVE in the Town (now City) of Medford, Jackson County, Oregon, at the intersection of the southerly line of East Fourth Street and the easterly line of North Bartlett Street; thence Southeasterly, along said easterly line, 100.0 feet; thence Northeasterly, parallel with the southerly line of East Fourth Street, 100.0 feet, thence Northwesterly, parallel with the easterly line of North Bartlett Street, 100.0 feet to the southerly line of East Fourth Street; thence Southwesterly, along said southerly line, 100.0 feet to the Point of the Beginning. ALSO, the northerly one-half of the following described tract: Beginning at a point of the easterly line of North Bartlett Street in the City of Medford, Jackson County, Oregon, 100.0 feet southeasterly from the southeast corner of North Bartlett and East Fourth Street; thence Southeasterly, along said easterly line, 100.0 feet to the northerly line of that tract described in instrument recorded in Volume 273, Page 329, of the Deed Records of Jackson County, Oregon; thence Northeasterly, along said northerly line, 100.0 feet; thence Northwesterly, parallel with the easterly line of North Bartlett Street, 100.0 feet; thence Southwesterly, parallel

with the southerly line of East Fourth Street, 100.0 feet to the Point of the Beginning; TOGETHER WITH that portion of Bartlett Street vacated by Ordinance No. 2008-74, recorded May 1, 2008, as Document No. 2008-016590, which inures to the benefit of the premises by operation of law; AND EXCEPTING THEREFROM those portions dedicated by the Medford Urban Renewal Agency to the City of Medford via Street Right-Of-Way Dedication dated May 24, 2012, and recorded June 21, 2012, as Document No. 2012-019726, Jackson County Official Records.

(Account #10368734, MAP #371W30BB, Tax Lot #4800)

Parcel Three:

The southerly one-half of the following described tract: Beginning at a point on the easterly line of North Bartlett Street in the City of Medford, Jackson County, Oregon, 100.0 feet southeasterly from the southeast corner of North Bartlett Street and East Fourth Street; thence Southeasterly, along said easterly line, 100.0 feet to the northerly line of that tract described in instrument recorded in Volume 273, Page 329, of the Deed Records of Jackson County, Oregon; thence Northeasterly, along said northerly line, 100.0 feet; thence Northwesterly, parallel with the easterly line of North Bartlett Street, 100.0 feet; thence Southwesterly, parallel with the southerly line of East Fourth Street, 100.0 feet to the Point of Beginning; TOGETHER WITH that portion of Bartlett Street vacated by Ordinance No. 2008-74, recorded May 1, 2008, as Document No. 2008-016590, which inures to the benefit of the premises by operation of law; AND EXCEPTING THEREFROM those portions dedicated by the Medford Urban Renewal Agency to the City Of Medford via Dedication of Street Right- Of-Way dated May 24, 2012, and recorded June 21, 2012, as Document No. 2012-019726, Jackson County Official Records.

(Account #10368742, MAP #371W30BB, Tax Lot #4900)

Parcel Four:

Beginning at a point from which the southeast corner of Block Eleven (11), in the Town (now City) of Medford, Jackson County, Oregon, according to the official plat thereof, now of record, bears South 54° 30' West 60.0 feet; thence North 54° 30' East 100.0 feet; thence North 35° 30' West 100.0 feet; thence South 54° 30' West 100.0 feet to the easterly line of Bartlett Street (formerly "B" Street); thence South 35° 30' East, along said easterly line, 100.0 feet to the Point of the Beginning; TOGETHER WITH that portion of Bartlett Street vacated by Ordinance No. 2008-74, recorded May 1, 2008, as Document No. 2008-016590, which inures to the benefit of the premises by operation of law; AND EXCEPTING THEREFROM those portions dedicated by the Medford Urban Renewal Agency to the City Of Medford via Dedication of Street Right-Of-Way dated June 23, 2011 and recorded June 29, 2011, as Document No. 2011-019188, Jackson County Official Records, and that portion dedicated by the Medford Urban Renewal Agency to the City of Medford via Street Right-Of-Way Dedication dated May 24, 2012, and recorded June 21, 2012, as Document No. 2012-019726, Jackson County Official Records.

(Account #10368759, MAP #371W30BB, Tax Lot #5000)



**AGENDA ITEM COMMENTARY**

**DEPARTMENT:** City Manager’s Office  
**PHONE:** (541) 774-2000  
**STAFF CONTACT:** Kelly Madding, Deputy City Manager

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** September 3, 2020

**COUNCIL BILL 2020-115**

A resolution approving a modification to the 2020 Council Vision Fund Grant in the amount of \$100,000 to Kid Time Children’s Museum for a “Preschool Scholarship Fund”.

**SUMMARY AND BACKGROUND**

Council is requested to consider approval a resolution amending the Council Vision Fund allocation of \$100,000 to Kid Time for a Preschool Scholarship Fund to allow those funds to be used for children in sixth grade or younger. They would continue with the requirements that only families at or below 230 percent of the Federal Poverty income level would be eligible for the scholarships.

**PREVIOUS COUNCIL ACTIONS**

On September 9, 2019 a Council motion was passed approving a process to allocate marijuana funds via Vision Fund requests. The motion outlined a process to allocate the funds which included: sponsorship by a councilmember with two council co-sponsors before it comes to the full Council. The funds were to be distributed twice per year.

On May 14, 2020 the City Council held a Study Session to discuss the received Vision Fund applications. They asked Councilor Stark to reach out to the YMCA and the Downtown Medford Association and provide additional information related to two of the grant requests.

On June 4, 2020 the City Council approved Resolution No. 2020-70, which allocated \$100,000 in Council Vision funds to Kid Time for a Preschool Scholarship program.

**ANALYSIS**

COVID-19 continues to wreak havoc with our area’s child care sector. Recently the Governor of Oregon announced that it was likely that in-person school would not begin for 200 days. This news has put incredible pressure on child care providers such as Kid Time to increase their childcare offerings and reduce the cost. As a result Kid Time would like to offer the scholarships funded by the Council Vision funds to children in sixth grade or younger in families at or below 230 percent of the Federal Poverty income level.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

This amendment does not alter the total Council Vision fund award to Kid Time.

**TIMING ISSUES**

None.



**COUNCIL OPTIONS**

- Approve the resolution as presented.
- Modify the resolution as presented.
- Deny the resolution or motion and provide direction to staff.

**STAFF RECOMMENDATION**

Staff recommends approval of the resolution.

**SUGGESTED MOTION**

I move to approve the resolution modifying the 2020 Council Vision Fund grant to Kid Time to broaden the Scholarship Fund program to those in sixth grade or younger in families who are at or below 230 percent of the Federal Poverty Level.

**EXHIBITS**

- Resolution
- Email from Sunny Spicer, Executive Director of Kid Time

RESOLUTION NO. 2020-115

A RESOLUTION approving a modification to the 2020 Council Vision Fund Grant in the amount of \$100,000 to Kid Time Children's Museum for a "Preschool Scholarship Fund."

WHEREAS, City Council previously created the "Council Vision Fund" to utilize marijuana tax revenues for programs that further Council Goals instead of funding routine ongoing, operational expenditures;

WHEREAS, the Council Vision Fund is administered pursuant to an internal application and review process memorialized in Resolution 2019-128, which sets forth procedures and a time line for expenditure requests from the Council Vision Fund;

WHEREAS, on June 4, 2020 Council adopted Resolution 2020-70, which allocated \$100,000 to Kid Time Children's Museum ("Kid Time") to establish the Medford Preschool Scholarship Fund for low income families in Medford. The funding was to be distributed by Kid Time in partnership with the Medford School District and the YMCA to expand sites and opportunities; and

WHEREAS, due to the COVID-19 pandemic and associated health restrictions imposed by the State of Oregon, it is not possible for Kid Time to use the funds exclusively for preschool scholarships and Kid Time has requested permission to use the funds to offer services and scholarship support on a sliding scale for families at or below 230% of the Federal Poverty income level with children in sixth grade or younger; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON, that the 2020 Council Vision Fund Grant in the amount of \$100,000 to Kid Time Children's Museum for a Preschool Scholarship Fund is hereby modified to allow utilizing the funding to offer services and scholarship support on a sliding scale for families at or below 230% of the Federal Poverty income level with children in sixth grade or younger.

PASSED by the Council and signed by me in authentication of its passage this 3<sup>rd</sup> day of September, 2020.

ATTEST: \_\_\_\_\_  
Deputy City Recorder

\_\_\_\_\_  
Mayor

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**Subject:** FW: Request Modification of Grant

**From:** Sunny Spicer [mailto:sunny@kid-time.org]  
**Sent:** Monday, August 24, 2020 11:47 AM  
**To:** Kelly A. Madding <Kelly.Madding@cityofmedford.org>  
**Subject:** Request Modification of Grant

Kelly

We would like to request a slight modification to the grant we've received to provide childcare for families in need. Because of the unusual situation the COVID-19 crisis has brought, and the Governor's announcement that schools are unlikely to return to in-person instruction for at least 200 days, working families with children of all ages are in need of childcare support. Those with lower incomes in particular are in need of financial support or at risk of losing their employment because they need to stay home with their children. We would like the flexibility to offer services and scholarship support on a sliding scale to families in need up to 6th grade, keeping the integrity of the original plan in place and still working with partners including the Medford School District and the YMCA. Also, we would still be looking at families at or below 230% of the Federal Poverty Level.

<https://aspe.hhs.gov/poverty-guidelines>

Thank you

--  
Sunny Spicer  
Executive Director  
Kid Time Children's Museum  
413 West Main Street  
Medford, OR 97501

[www.kid-time.org](http://www.kid-time.org)  
541-772-9922  
541-944-6206 mobile



**AGENDA ITEM COMMENTARY**

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**DEPARTMENT:** Finance

**AGENDA SECTION:** Ordinances and Resolutions

**PHONE:** (541) 774-2030

**MEETING DATE:** September 3, 2020

**STAFF CONTACT:** Ryan Martin CFO/Deputy City Manager

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**COUNCIL BILL 2020-116**

A resolution designating a maximum of \$90,000 from Federal Coronavirus Relief Fund reimbursement monies to fund extended operation of the transitional housing campground to December 31, 2020.

**SUMMARY AND BACKGROUND**

Council is requested to consider a resolution approving the funding of an extension for the Medford transitional campground through December 31, 2020.

**PREVIOUS COUNCIL ACTIONS**

On November 17, 2016, Council Bill 2016-140 was approved designating a portion of City-owned property near the Service Center at 821 N. Columbus Avenue as a campground under the terms of ORS 446.265 and to be operated by Rogue Retreat.

On July 2, 2020, Council Bill 2020-92 was approved designating a portion of the property near the corner of Biddle and Midway Roads in Medford, Oregon, as a temporary, transitional housing campground under the provisions of ORS 446.265.

**ANALYSIS**

Council Bill 2020-92 approved the designation of the aforementioned property as a transitional housing campground. Rogue Retreat agreed to manage the campground through September 30<sup>th</sup> when the funding would likely run out.

In August 2020, The City received \$2.4 million of federal Coronavirus Relief Fund (CRF) reimbursements. \$250,000 of the \$2.4 million will reimburse the small business grants in the Council Vision Fund. Staff is recommending allocating a maximum of \$90,000 of the CRF monies to Rogue Retreat to extend the transitional housing campground operations to December 31, 2020. City staff are working with Rogue Retreat to determine the feasibility of continuing to manage the operations of the campground.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

A supplemental budget will need to be adopted to record the \$2.4 million revenue and the subsequent \$90,000 expense. This budget amendment will be on the September 17, 2020 Council agenda.

**TIMING ISSUES**

The transitional campground has enough funding to operate through approximately September 30, 2020.



**COUNCIL OPTIONS**

- Approve the resolution as presented.
- Modify the resolution as presented.
- Deny the resolution as presented and provide direction to staff.

**STAFF RECOMMENDATION**

Staff recommends approval of the resolution.

**SUGGESTED MOTION**

I move to approve a resolution designating a maximum of \$90,000 to fund an extension for operation of the transitional housing campground to December 31, 2020.

**EXHIBITS**

Resolution

RESOLUTION NO. 2020-116

A RESOLUTION designating a maximum of \$90,000 from Federal Coronavirus Relief Fund reimbursement monies to fund extended operation of the transitional housing campground to December 31, 2020.

WHEREAS, on July 2, 2020, Council approved Council Bill 2020-92 designating a portion of the property near the corner of Biddle and Midway Roads in Medford, Oregon, as a temporary, transitional housing campground under the provisions of ORS 446.265. Rogue Retreat contracted with the City to manage and operate the campground through September 30, 2020. It is anticipated that funding for the transitional campground will be depleted by September 30, 2020; and

WHEREAS, in August 2020, the City received \$2.4 million of Federal Coronavirus Relief Fund (CRF) reimbursements. \$250,000 of the \$2.4 million will be used to reimburse the small business grants in the Council Vision Fund and staff is recommending a maximum of \$90,000 be allocated to Rogue Retreat to extend the transitional housing campground operations to December 31, 2020. City staff is working with Rogue Retreat to determine the feasibility of continuing to manage campground operations; now, therefore;

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

The City Council hereby designates a maximum of \$90,000 from Federal Coronavirus Relief Fund reimbursement monies to fund extended operation of the transitional housing campground to December 31, 2020.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of September, 2020.

ATTEST: \_\_\_\_\_  
Deputy City Recorder

\_\_\_\_\_  
Mayor



**AGENDA ITEM COMMENTARY**

**DEPARTMENT:** Planning

**PHONE:** (541) 774-2380

**STAFF CONTACT:** Matt Brinkley, AICP CFM, Planning Director

**AGENDA SECTION:** Public Hearings

**MEETING DATE:** September 3, 2020

**COUNCIL BILL 2020-108 – Continued from August 6, 2020**

An ordinance amending sections 10.142 and 10.228, and adding section 10.159A of the Medford Municipal Code, related to the removal of Public Utility Easements. (DCA 19 013). Land Use, Legislative

**SUMMARY AND BACKGROUND**

Council is requested to consider a legislative amendment to portions of Chapter 10, Article II that creates a new Type I land use procedure for the removal of Public Utility Easements (PUE). Currently, removing a PUE from a parcel requires a Type IV land use review (i.e. 10.228, Vacation of Public Right-of-Way). As proposed, the new PUE removal process would save approximately one to two months in the approval process. These applications are always related to development projects where time is often of the essence and delays can be costly. The proposed procedure will also simplify workflow and eliminate unnecessary work for Planning Department staff.

The proposal (Exhibit A) would not amend the process for vacating streets, alleys, or other similar transportation-related right-of-way.

The Planning Commission voted 9-0 in favor of adopting the amendment during its June 25, 2020, hearing. (File No. DCA-19-013)

**PREVIOUS COUNCIL ACTIONS**

Council continued this item from the August 6, 2020, City Council hearing in order to better address comments provided by the City Surveyor (Exhibit F). Staff's findings and conclusions address the bulk of these comments. It should be noted that the "recommendations" made by the City Surveyor are relevant to the current Street Vacation process and were not directed toward the amendment under consideration with this application. Be that as it may, one comment per Exhibit F has been addressed in the proposed amendment (Exhibit A) under 10.228(E)(2). The revised language removes the requirement that vacation plats be submitted only electronically as the plats often require physical stamps on them.

**ANALYSIS**

At or near the time of development of a parcel of land, a PUE is platted on a parcel to provide an easement to utility providers to convey public utilities. According to the Medford Land Development Code (MLDC) Section 10.471, a " [...] public utility easement ten feet in width shall be provided adjoining all lot lines abutting a street, or as otherwise required by the City of Medford." However, utilities are not always installed in every PUE. The result, as development concludes and time passes, is that a PUE may be empty of utilities; yet the easement will remain on the parcel and prevent placement of structures within the easement.



Property owners who wish to construct within a PUE without utilities must resolve this site development constraint. Currently, to remove a PUE, a property owner would need to seek a Type IV land use review using the Vacation process found in MLDC Section 10.228. This requires a public notice to surrounding property owners within 200 feet, a public hearing, City Council initiation, and conformance with the Public Facilities element and ORS 271. However, through researching other cities' processes for PUE removal, staff concluded that Medford's process is onerous and can be updated.

Of the cities surveyed (Ashland, Bend, Corvallis, Hillsboro, and Redmond) the removal of a PUE is administered as a Type I land use review or administrative process, approved by city staff. The proposal will create a Type I land use review for the removal of a PUE rather than the existing Type IV land use process. As identified in MLDC Section 10.106, Type I land use reviews are intended for "non-discretionary administrative decisions" with "clear and objective criteria and standards". Type IV land use reviews, per Section 10.106, are identified as a land use review that are "legislative" with "the greatest degree of discretion" and "widespread and significant impacts beyond the immediate area." The removal of a PUE not needed for future development has very immediate, typically site specific impacts that are not widespread. Furthermore, the criteria proposed (Exhibit A) for removing a PUE are non-discretionary and clear and objective, making it a Type I land use review.

Additionally, the Medford Legal Department has concluded that the Oregon Revised Statute (ORS 271) governing the process for vacations of right-of-way is not pertinent to the process of removing a PUE. The legal department has indicated that an easement is categorically different from the list of public rights-of-way identified in the statute. Given the limited extent to which removing a PUE can impact public rights-of-way and surrounding properties, staff has concluded that the proposed Type I land use process proposed is more appropriate for removing a PUE than the current, Type IV land use review.

In short, the amendment proposes an administrative review process to approve PUE removals. Approval would come as a final sign-off on a quit claim deed, stating the removal of the PUE. The proposal is summarized as follows:

- Section 10.159A, Removal of Public Utility Easement (PUEs)
- Created criteria for application submittal and review
- Set Planning Director as final approval body
- Set a 60 day time frame in which to record with the Jackson County Clerk

#### **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

The modification of the PUE removal process will reduce the approval timeframe for the development community and eliminate staff tasks associated with a dual hearing process.



**AGENDA ITEM COMMENTARY**

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A new application form and fee will be needed for the creation of this new Type I land use review process. Staff proposes a new Type I fee for Council to consider if this amendment is approved. It is recommended the fee structure be the same as that for a property line adjustment which is \$1,200. Currently, the removal of a PUE is processed as a Street Vacation which costs \$5,490. Applicants would be responsible for paying recording costs.

**TIMING ISSUES**

There are no timing issues; however, the benefits of this code amendment cannot be brought to fruition without adoption.

**COUNCIL OPTIONS**

Approve the ordinance as presented.

Modify the ordinance as presented.

Decline to adopt the ordinance and provide direction to staff.

**STAFF RECOMMENDATION**

Staff recommends approval of the ordinance.

**SUGGESTED MOTION**

I move to approve the ordinance authorizing the Land Development Code Amendment as described in the Council Report dated August 27, 2020, and as recommended by the Planning Commission.

**EXHIBITS**

Ordinance

Council Report, including Exhibits A-I (Exhibits A, F – I are attached) All other exhibits can be found at the link below.

Full Council Report Link: [http://www.ci.medford.or.us/SIB/files/Council%20Report\\_DCA-19-013\\_PUE%20Removal\\_9\\_3\\_20\\_for%20website.pdf](http://www.ci.medford.or.us/SIB/files/Council%20Report_DCA-19-013_PUE%20Removal_9_3_20_for%20website.pdf)

ORDINANCE NO. 2020-108

AN ORDINANCE amending sections 10.142 and 10.228, and adding Section 10.159A of the Medford Municipal Code, related to the removal of Public Utility Easements. (DCA-19-013)

WHEREAS, Chapter 10 of the Medford Municipal Code (MMC) is often referred to as the Medford Land Development Code (MLDC);

WHEREAS, at or near the time of development of a parcel of land, MLDC Section 10.471 requires a developer to dedicate a public utility easement (PUE) ten feet in width, thereby allowing utility providers to convey public utilities to City residents. However, utilities are not always installed in every PUE, and the easement remains as an encumbrance on the parcel and prevents placement of structures other than utilities within the easement;

WHEREAS, a property owner currently seeking to remove a PUE is required under MLDC Section 10.228 to seek a Type IV land use "vacation" review, which requires notice to surrounding property owners within 200 feet, a public hearing, City Council initiation, and compliance with the Public Facilities element of the Medford Comprehensive Plan and ORS Chapter 271; and

WHEREAS, given the limited degree to which removing a PUE can impact public rights of way and surrounding properties, staff is recommending that Council adopt the proposed Type I, administrative land use process for removing a PUE as opposed to the current, Type IV, public hearing review process; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. Section 10.142 of the Medford Municipal Code is hereby amended to read as follows:

10.142 Type I Land Use Actions.

Type I land use actions comprise the following land use reviews:

Type I Land Use Actions

De Minimis Revision(s) to an Approved PUD Plan

Final PUD Plan

Final Plat, **Partition**/Subdivision

Minor Historic Review

Minor Modification to Conditional Use Permit

Minor Modification to a Park Development Review

Minor Modification to a Site Plan and Architectural Review

Nonconformities

Pre-Application

Property Line Adjustment

**Removal of Public Utility Easement (PUE)**

Riparian Corridor Reduction or Deviation

Sign Permit  
Wireless Communication Facilities in Public Right-of-Way

\* \* \*

Section 2. Section 10.228 of the Medford Municipal Code is hereby amended to read as follows:

10.228 Vacation of Public Right-of-Way.

(A) Vacations of public rights-of-way are a means of returning ~~ownership of~~ unneeded public streets and alleys to adjacent property owners. Vacations of plats ~~and public utility easements (PUEs)~~ are a means of removing unnecessary plat designations from a parcel of land. **For the process of removing public utility easements (PUEs) from plats, see Section 10.159A.**

(B) Vacation of Public Right-of-Way Application. A request to vacate a public street, alley, easement, plat, or public place shall, in addition to the requirements contained herein, be subject to ORS Chapter 271.

(C) Vacation of Public Right-of-Way Initiation.

Vacations of public rights-of-way shall be initiated either by petition under ORS 271.080 or by City Council under ORS 271.130.

(D) Vacation of Public Right-of-Way Approval Criteria. A request to vacate shall only be approved by City Council when the following criteria have been met:

- (1) Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.
- (2) If initiated by petition under ORS 271.080, the findings required by ORS 271.120.
- (3) If initiated by the Council, the applicable criteria found in ORS 271.130.

(E) Vacation Application Form

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

- (1) Vicinity Map drawn at a scale of 1" = 1,000' identifying the proposed area of vacation.
- (2) Legal description **and map of survey accurately depicting the boundaries and the** of area proposed to be vacated ~~electronic form, per the instructions of the City of Medford Planning Department.~~ **Submittals of hard copies shall be accompanied by documents in an electronic format acceptable to the City of Medford Planning Department.**

Section 3. Section 10.159A is hereby added to the Medford Municipal Code and reads as follows:

**10.159A Removal of Public Utility Easement (PUE).**

**(A) Purpose. Certain properties contain public utility easements (PUEs) without any utilities located in them. It is the intent of this section to create a process for removing these PUEs.**

**(B) Application Form.** An application to remove a PUE shall be made by the property owner or their designee. Request to remove PUEs shall be submitted to the Planning Department on application forms supplied by the Planning Department. The Planning Director or designee may waive the submittal of any of the materials or information that is deemed to be excessive, repetitive, or unnecessary. The application for the PUE removal shall require the following information:

- (1) A scaled site plan or vicinity map identifying the location of the public utility easement to be removed;
- (2) Legal description of the easement to be removed prepared by an Oregon registered surveyor;
- (3) Assessor's map and tax lot identification for subject properties;
- (4) A statement or letter from all franchise utilities verifying that they have been notified of the proposed removal of the PUE and do not oppose its removal;
- (5) A quitclaim deed, with a signature line for the Planning Director, acting on behalf of the City as grantor; and
- (6) Written findings that address the approval in Section 10.159A(C).

**(C) Approval Criteria.** The removal of a PUE shall be approved by the Planning Director if it complies with the following:

- (1) The easement does not grant public access for open space, trails, shared-use paths or other similar facilities.
- (2) The City, or a franchise utility provider licensed by the City, have no need for the public utility easement or any portion thereof.
- (3) There are no existing or known utility facilities within the easement.
- (4) Future plans for development of the property do not necessitate the PUE.

**(D) Removal of PUE, Procedure.**

Once the application has been submitted and deemed complete within 30 calendar days of receipt, the Planning Department shall send a copy to affected agencies, including the City and County Surveyor, Medford Public Works Engineering and other applicable agencies for review; agencies shall have 15 calendar days to provide comment. Following the agency comment period, the Planning Director, or designee, shall send a written report to the applicant indicating:

- (1) The application has been conditionally approved and is consistent with the criteria in Section 10.159A(C); or
- (2) The application has been disapproved as it is not consistent with the criteria in Section 10.159A(C).

**(E) PUE Removal Recordation, Notification and Expiration.**

- (1) Within sixty days of the final decision date, applicant shall, at applicant's expense, record the PUE removal quitclaim deed with the Jackson County Recorder's Office. If the quitclaim deed is not filed within sixty days the approval shall expire.

**(2) Once a decision on the removal of the public utility easement (PUE) has been made, the property owner, agent, and franchise utility companies shall be sent written notification of the decision, with a copy of the recorded quitclaim deed.**

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

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of September, 2020.

ATTEST: \_\_\_\_\_  
Deputy City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2020

\_\_\_\_\_  
Mayor



## COUNCIL REPORT

for a Type- IV legislative decision: **Development Code Amendment**

**Project** Public Utility Easement (PUE) Removal  
**File no.** DCA-19-013  
**To** Mayor & City Council *for 09/03/2020 hearing*  
**From** Planning Commission via Kyle Kearns, AICP, Planner II  
**Reviewer** Carla Angeli Paladino, Principal Planner  
**Date** August 27, 2020

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### BACKGROUND

#### Proposal

An amendment to portions of Chapter 10, Article II, by creating a new Type I land use procedure for the removal of Public Utility Easements.

#### Authority

The amendments will be reviewed as a Type IV Legislative Development Code Amendment. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to the Municipal Code under Medford Municipal Code Sections 10.214 and 10.218.

#### History

After examining PUE vacations over the past three years, Staff representing Planning and other development services departments concluded that the City's current process was unnecessarily burdensome and adds avoidable uncertainty to the land development process. Staff is proposing that requests for removing PUEs become ministerial land use reviews (Type I) rather than the current Type IV land use review (Planning Commission and City Council hearings). The City processed two PUE vacations in 2019, none in 2018, one in 2017 (another was associated with a street vacation), and none in 2016 and 2015. As proposed, the new PUE removal process would save approximately a month to two months. The proposal (Exhibit A) would not amend the process for vacating streets, alleys, or other similar transportation related right-of-way.

### Land Development Committee Meeting December 12, 2019

Staff submitted the proposal for review in a Land Development committee meeting in December of 2019. Staff received comments from several agencies, the majority required no action, however three of the comments aided in drafting the current proposal. The materials submitted for the LD meeting, proposed an amendment to set the removal of a PUE as an entirely administrative process, removing the public hearings. Comments received from the City and County surveyors (Exhibit F & G, respectively) advocated for maintaining a public hearing, per Oregon Revised Statute (ORS) 271. As proposed, PUE removals would be reviewed administratively by the Planning Director or designee. Comments from agencies and the public are addressed further in the Findings and Conclusions of this Council report.

### Planning Commission Hearing June 25, 2020

The Planning Commission voted 9-0 in favor of the proposal at the June 25, 2020 public hearing. According to the minutes (Exhibit I) there was no public testimony received and Deputy City Attorney Eric Mitton clarified the legal position taken on the proposal and conformance with State law.

### City Council Hearing August 6, 2020

Council continued this item from the August 6, 2020 City Council hearing in order to better address the comments provided by the City Surveyor (Exhibit F). More specifically, their comments consisted of a set of three policy recommendations pertaining to the City's current Street Vacation process and the proposed Public Utility Easement removal process considered by proposed amendment. Nevertheless, their recommendations have been addressed (discussion of which is provided in the following section of this report).

## **ISSUES AND ANALYSIS**

Removal of a public utility easement from land within the City of Medford, is put through the same land use review as vacating a road or sidewalk. ORS 271, Use and Disposition of Public Lands Generally; Easements states that a party wishing to petition for a vacation may do so for "...any street, avenue, boulevard, alley, plat, public square or other public place..." §ORS 271.080(1). Although not explicitly stated as utility easements in ORS 271, public place is identified. Therefore, it has been the practice of the City to send public utility easements through the vacation process.

But this reading unnecessarily conflates the PUE with "public place". Deputy City Attorney Eric Mitton offered the following opinion:

"No LUBA or Court of Appeals case has expressly addressed whether the statutory vacation process is necessary to terminate a PUE, but based on a commonly-applied maxim of statutory construction, I do not believe that the "or other public place" catchall in ORS 271.080 is referring to public utility easements. Under Oregon rules of statutory construction, when a general catchall follows a list of specific items, the catchall refers to others of the same kind. *State v. Corcilius*, 294 Or App 20, 29 (2018) (explaining "ejusdem generis" and summarizing Oregon's case law on the maxim). Here, that catchall follows the list of specifics "street, avenue, boulevard, alley, plat, public square," all of which are places where members of the public inherently have a right to travel and pass through. A PUE is a fundamentally different concept than those list of specifics, so I don't think the catchall was intended to include PUEs."

Email Communication from Eric Mitton to Kyle Kearns "RE: PUE Vacation Amendment" dated Tuesday, April 14, 2020.

Medford's current process differs from one that is consistent with this opinion as well as those utilized in other municipalities in this state. For example, Ashland reviews PUE removals through City Council with a quitclaim deed. Scott Fleury, the Public Works Director of Ashland, stated in an email (dated November 19, 2019) that "I don't think we have anything formally adopted in our municipal code with respect to PUE vacations only ROW vacations that generally follows ORS requirements." The City of Hillsboro has an administrative process, which once completed, the PUE vacation is considered at the next City Council meeting for a consent calendar reading. The City of Corvallis and Bend process requests for PUE vacation administratively, without a public hearing.

The City of Medford uses the provisions outlined in ORS 271 to administer the process of vacating a PUE. Yet, as identified by the aforementioned research, the current process for "vacating PUEs" is not needed to be considered in the same manner as streets, public plazas or boulevards. Therefore, staff has proposed Exhibit A for replacing the PUE "vacation" process with a new, administrative process (Type I).

The City Surveyor also made three recommendations in his email dated December 19, 2019. All of these recommendations are related to the current Street Vacation process, and not the proposal to create a new process for acting on request to remove Public Utility Easements. Nevertheless, staff have reviewed these recommendations and revised the proposal where it was needed:

1. Staff revised Section 10.228(A) of the proposal to address the first recommendation regarding the use of the word "ownership" months prior to Planning Commission and City Council's consideration of the amendment.
2. The second recommendation pertains to materials and information required for submittal of an application to vacate public right-of-way (not a Public Utility Easement). It had also been addressed in the text of the proposal presented on August 6. The language had been revised to allow for the submittal of a legal description "of [the] area proposed to be vacated, including [in] an electronic [format] [...]". In other words, a stamped hard copy original legal description could be submitted along with an electronic copy (probably a PDF). NOTE: Minor grammatical revisions have been made to improve the syntax of this section for the September 3 public hearing.
3. The final recommendation has been addressed in the proposed text with the addition of a requirement that the applicant shall submit a

*(2) Legal description and map of survey accurately depicting the boundaries and the area proposed to be vacated. Submittals of hard copies should be accompanied by documents in an electronic format acceptable to the City of Medford Planning Department.*

### Proposal Summarized

In regards to process, the removal of a PUE will now be consistent with a Type I land use review. Staff modeled the draft text after the processes reviewed in Hillsboro and Ashland, while combining Medford's process for Property Line Adjustments (§10.158). As proposed, the new process has clear and objective criteria included that is not currently in the MLDC.

Staff is proposing that the Planning Director review and approve PUE removals. Approval would be made final with the execution of a quit claim deed, stating the removal of the PUE.

The proposal is summarized as follows:

- Section 10.159A, Removal of Public Utility Easement (PUEs)
- Criteria for application submittal and review
- Set Planning Director or designee as final approval body
- Set a sixty day time frame in which to record with the Jackson County Recorder

## **FINDINGS AND CONCLUSIONS**

The criteria that apply to code amendments are in Medford Municipal Code §10.218. The criteria are rendered in italics; findings and conclusions in roman type.

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

### *10.218(A). Explanation of the public benefit of the amendment.*

#### Findings

When a parcel is considered for development review, typically a land division or site plan review, in the City of Medford it is a requirement of the Land Development Code that a "...public utility easement ten feet in width...be provided adjoining all lot lines abutting a street, or as otherwise required by the City of Medford," (per section 10.471). PUEs can be located in the front, side and rear yards. At or near the time of development of a parcel the PUE is used to accommodate utilities needed to support development. However, utility providers do not use every PUE.

The result, as development concludes and time passes, is that a PUE may be empty of utilities; yet the easement will remain on the parcel and prevent placement of structures within the easement. Property owners who wish to construct within a PUE without utilities are then restricted. Currently, to remove such a PUE, a property owner would need to seek a Type IV land use review using the Vacation process found in MLDC section 10.228. This requires a public notice to surrounding property owners within 200 feet, a public hearing, City Council initiation, and compliance with the Public Facilities element and ORS 271. However, through researching other cities' processes for PUE removal, staff concluded that Medford's process is unnecessary and onerous.

#### Conclusions

Of the cities surveyed (Ashland, Bend, Corvallis, Hillsboro, and Redmond) the removal of a PUE is administered as a Type I land use review or administrative process, approved by city staff. As identified in MLDC, Section 10.106 Type I land use reviews are intended for "non-discretionary administrative decisions" with "clear and objective criteria and standards". Type IV land use reviews, per Section 10.106, are identified as a land use review that are "legislative" with

“the greatest degree of discretion” and “widespread and significant impacts beyond the immediate area.” The removal of a PUE not needed for future development has very immediate impacts that are not widespread, Furthermore, the criteria proposed (Exhibit A) for removing a PUE is non-discretionary and clear and objective, making it a Type I land use review.

Additionally, the criteria proposed for removing PUEs adds transparency and clarity to the process. Current Medford Land Development Code (MLDC) lacks criteria on what to submit for a PUE removal. As proposed, the additional criteria will alleviate this deficiency. Furthermore, the removal of the public hearing will shorten the timeline for approval by more than two months as the new process has a turnaround time of 45 days as opposed to two public hearings requiring a minimum of three-four months.

In short, the intent of the amendment is to add clarity to this process; remove an onerous land use process that has little public benefit; and to shorten timelines for removing PUEs, all benefiting the public.

The criterion has been satisfied.

*10.218(B). The justification for the amendment with respect to the following factors:*

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

### Findings

The proposed code amendment supports the goals, policies, and action items of the following Comprehensive Plan Elements; they are as follows:

#### **Public Facilities – General Public Facilities Goals, Policies, and Implementation Measures**

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

Policy 1-B: The City of Medford shall encourage other agencies that are responsible for the planning and/or provision of public facilities and services within Medford to coordinate public facility planning consistent with Medford’s Comprehensive Plan. Such coordination

should assure, to the greatest extent possible, the logical and efficient provision of the following public facilities and services:

- Energy and communication services

### Conclusions

In creating a Type I land use process for the removal of PUEs (Exhibit A), the City would enable private property owners, utility providers, and “other agencies that are responsible for the planning and/or provision of public facilities and services within Medford to coordinate public facility planning consistent with Medford’s Comprehensive Plan. The new process requires sign off from the utility providers and review from City staff including the Planning Director, Public Works department and City Surveyor, all of whom would ensure compliance with the Comprehensive Plan. Lastly, the new process is consistent with the “logical and efficient provision of ... energy and communication services,” as the new process relies on clear and objective standards for review and approval.

The criterion has been satisfied.

*2) Comments from applicable referral agencies regarding applicable statutes or regulations.*

### Findings

Staff took the proposal to the Land Development Committee (LD) meeting on December 18, 2019. The intent of LD meetings is to solicit comment from applicable agencies who review development in the City. Official “No Comment” memorandums were received from the following departments/agencies:

Medford Fire and Rescue – (Exhibit B)

Medford Building Department – (Exhibit C)

Medford Public Works, Traffic Signal Electrical Inspector – (Exhibit D)

Jackson County Roads – (Exhibit E)

Additional comments were received from the City Surveyor (Exhibit F),

Jackson County Surveyor (Exhibit G) and Avista Corporation (Exhibit H).

Comments received from the Avista Corporation provided the direction to include a requirement that franchise utility companies be informed of the

vacation, when approved (see Exhibit A, §10.159A[C][3][b]). Comments from the City and County surveyors provided additional insight into the process of establishing and then removing PUEs; the aforementioned surveyors supported maintaining the current Type IV land use review.

### Conclusions

A large majority of the comments received required no changes to the proposed text or staff made different conclusions. Staff has incorporated applicable directives.

As reviewed in the "Issues and Analysis" section of this report, the Medford Legal Department has concluded that "A PUE is a fundamentally different concept than those list of specifics [in ORS 271], so I don't think the catchall was intended to include PUEs." The City and County surveyor concluded that a PUE is dedicated to the public and therefore should be reviewed under the provisions of ORS 271 and the Type IV land use review, Vacations (MLDC Section 10.228).

However, the planning staff and Planning Commission agree with the legal department that a PUE is not a "public place" as in substance or law as defined in ORS 271, and therefore removal of a PUE should not be considered as a Type IV land use review. Per Section 10.106, Type IV land use reviews are "legislative" with "the greatest degree of discretion" and "widespread and significant impacts beyond the immediate area." Staff addressed this in the above Findings addressing 10.218(A). The removal of a vacant PUE is not "widespread", nor does it have "significant impacts beyond the immediate area." Thus, the application of broad discretion allowed by Type IV Legislative Land Use Decisions is neither required nor is it appropriate. To the contrary, a Type I review process that is a "non-discretionary administrative decision" with "clear and objective criteria and standards" provides a review process that is sufficient to protect the public interest and the rights of private property owners.

It is staff's conclusion that a PUE removal (Exhibit A) is consistent with the Type I land use review and is not considered a public place as defined in ORS 271, contrary to the comments received.

This criterion is found to be satisfied.

### *3) Public comments.*

### Findings

Testimony was provided by Robert Neathamer during the August 6, 2020, City Council hearing. He is not in favor of modifying the review process for the removal of public utility easements.

Additionally, staff had solicited public comment from a group of local professionals, experts, developers, non-profit organizations and other agencies affected by changes to the Medford Land Development Code. This list is in excess of 45 individual persons. Lastly, staff will post the amendment to the City website a minimum of a week prior to the public hearing.

### Conclusions

This criterion is found to be satisfied.

#### *4. Applicable governmental agreements.*

### Findings

Staff is proposing amendments to land use approvals, consistent with State law. Additionally, no agreements are proposed to change.

### Conclusions

This criterion is found to be not applicable.

## **RECOMMENDED ACTION**

Upon finding that all of the applicable criteria are satisfied or not applicable, adopt the ordinance per the Council Report dated August 27, 2020 including Exhibits A through I.

**Note: Exhibits B – E are not attached. The full set of exhibits can be obtained from the Planning Department and at the link below.**

**[http://www.ci.medford.or.us/SIB/files/Council%20Report DCA-19-013 PUE%20Removal 9 3 20 for%20website.pdf](http://www.ci.medford.or.us/SIB/files/Council%20Report%20DCA-19-013%20PUE%20Removal%209%203%2020%20for%20website.pdf)**

**EXHIBITS**

- A Proposed amendment – DCA-19-013
- B Medford Fire-Rescue Department Comment
- C Medford Building Department Comment
- D Medford Public Works, Traffic Signal Electrical Inspector Comment
- E Jackson County Roads Comment
- F City Surveyor, Jon Proud, Comment
- G Jackson County Surveyor, Scott Fein, Comment
- H Avista Corporation Comment
- I Planning Commission Hearing Minutes – June 25, 2020

**CITY COUNCIL AGENDA:**

**SEPTEMBER 3, 2020**

# Exhibit A

## Proposed Text DCA-19-013

~~Deleted Text~~ New Text

### ARTICLE II - PROCEDURAL REQUIREMENTS

#### 10.142 Type I Land Use Actions.

Type I land use actions comprise the following land use reviews:

##### Type I Land Use Actions

De Minimis Revision(s) to an Approved PUD Plan

Final PUD Plan

Final Plat, Partition/Subdivision

Minor Historic Review

Minor Modification to Conditional Use Permit

Minor Modification to a Park Development Review

Minor Modification to a Site Plan and Architectural Review

Nonconformities

Pre-Application

Property Line Adjustment

Removal of Public Utility Easement (PUE)

Riparian Corridor Reduction or Deviation

Sign Permit

Wireless Communication Facilities in Public Right-of-Way

\* \* \*

#### 10.159A Removal of Public Utility Easement (PUEs)

(A) Purpose. Certain properties contain public utility easements (PUEs) without any utilities located in them. It is the intent of this section to create a process for removing these PUEs

(B) Application Form. An application to remove a PUE shall be made by the property owner or their designee. Request to remove PUEs shall be submitted to the Planning Department on application forms supplied by the Planning Department. The Planning Director or designee may waive the submittal of any of the materials or information that is deemed to be excessive, repetitive, or unnecessary. The application for the PUE removal shall require the following information:

(1) A scaled site plan or vicinity map identifying the location of the public utility easement to be removed;

(2) Legal description of the easement to be removed prepared by an Oregon registered surveyor;

(3) Assessor's map and tax lot identification for subject properties;

- (4) A statement or letter from all franchise utilities verifying that they have been notified of the proposed removal of the PUE and do not oppose its removal;
- (5) A quitclaim deed, with a signature line for the Planning Director,
- (6) Written findings that address the approval in Section 10.159A(C).

(C) Approval Criteria. The removal of a PUE shall be approved if it complies with the following:

- (1) The easement does not grant public access for open space, trails, shared-use paths or other similar facilities.
- (2) The City, or a franchise utility provider licensed by the City, have no need for the public utility easement or any portion thereof.
- (3) There are no existing or known utility facilities within ~~or near~~ the easement.
- (4) Future plans for development of the property do not necessitate the PUE.

(D) Removal of PUE, Procedure.

Once the application has been submitted and deemed complete within 30 calendar days of receipt, the Planning Department shall send a copy to affected agencies, including the City and County Surveyor, Medford Public Works Engineering and other applicable agencies for review; agencies shall have 15 calendar days to provide comment. Following the agency comment period, the Planning Director, or designee, shall send a written report to the applicant indicating:

- (1) The application has been conditionally approved and is consistent with, the criteria in Section 10.159A(C); or
- (2) The application has been disapproved as it is not consistent with the criteria in Section 10.159A(C).

(E) PUE Removal Recordation, Notification and Expiration.

- (1) Within sixty days of the final decision date, the PUE removal quitclaim deed shall be recorded with the Jackson County Recorder's Office. If the quitclaim deed is not filed within ~~sixty~~<sup>thirty</sup> days the approval shall expire.
- (2) Once a decision on the removal of the public utility easement (PUE) has been made, the property owner, agent, and franchise utility companies shall be sent written notification of the decision, with a copy of the quitclaim deed.

\* \* \*

#### **10.228 Vacation of Public Right-of-Way.**

(A) Vacations of public rights-of-way are a means of returning ~~ownership of~~ unneeded public streets and alleys to adjacent property owners. Vacations of plats ~~and public utility easements (PUEs)~~ are a means of removing unnecessary plat designations from a parcel of land. For the process of removing public utility easements (PUEs) from plats, see Section 10.159A.

(B) Vacation of Public Right-of-Way Application. A request to vacate a public street, alley, easement, plat, or public place shall, in addition to the requirements contained herein, be subject to ORS Chapter 271.

(C) Vacation of Public Right-of-Way Initiation.

Vacations of public rights-of-way shall be initiated either by petition under ORS 271.080 or by City Council under ORS 271.130.

(D) Vacation of Public Right-of-Way Approval Criteria. A request to vacate shall only be approved by City Council when the following criteria have been met:

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

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

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

(E) Vacation Application Form

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

(1) Vicinity Map drawn at a scale of 1" = 1,000' identifying the proposed area of vacation.

(2) Legal description and map of survey accurately depicting the boundaries and of the area proposed to be vacated. —electronic form per the instructions of the City of Medford Planning Department. Submittals of hard copies should be accompanied by documents in an electronic format acceptable to the City of Medford Planning Department.

\* \* \*

## Exhibit F

# City Surveyor, Jon Proud, Comment

**From:** [Jon M. Proud](#)  
**To:** [Jodi K. Cope](#); [Kyle W. Kearns](#)  
**Cc:** [Douglas E. Burroughs](#); [Alex T. Georgevitch](#)  
**Subject:** RE: DCA-19-013 PUE Vacation  
**Date:** Monday, December 16, 2019 1:24:59 PM  
**Attachments:** [image002.jpg](#)  
[image004.jpg](#)

Jodi and Kyle, I believe the planning department sent this proposed code change to me for my professional input as the City Surveyor opposed to public works input (?). Either way I have compiled the following for consideration of amending the code section.

To whom it may concern:

Re: DCA-19-013 PUE Vacation proposed code amendment

It is my opinion as the City Surveyor of Medford that the amendment to Land Development Code to remove public utility easements (PUE's) from the vacation process is not in the public's best interest for the following reasons.

When PUE's are created as they are in the City of Medford (COM), they are dedicated to the **Public of the City of Medford** opposed to a single entity or person. It is my understanding that the vacation process is the correct process to use to "vacate" the **interest of the public** in the easement. Our own standard documents for PUE's state "\_\_\_\_\_, Grantor, hereby **dedicate(s) to the public of the City of Medford, a perpetual easement,** for **facilities of public utilities,** described as follows:.....". Furthermore the standard language used in declarations on land division plats use language similar to

length of all lines are plainly set forth, and that this is a correct representation of the subdivision. The City of Medford Urban Renewal Agency, **dedicates to the public for public use the street and those areas shown as "Area to be dedicated to the city for public street right of way", together with those easements labeled as public utility easements, storm drainage easement and sewer easement,** over across and through those strips of land as shown hereon. The City of Medford Urban Renewal Agency does hereby designate said subdivision as SOUTH GATEWAY CENTER SUBDIVISION to the City of Medford.

**depicted hereon, and hereby designates this subdivision as 10TH FAIRWAY OFFICE PARK. Declarant hereby dedicates that area depicted as a 15.00 foot wide Public Utility Easement, a 6.00 foot wide Storm Drain Easement across a portion of Lots 4 and 5, a 10.00 foot wide Storm Drain Easement across a portion of Lot 5, a 10.00 foot wide Sanitary Sewer Easement, and a 15.00 foot wide Sanitary Sewer Easement across a portion of the Common Area, all for public use and as depicted hereon. Declarant hereby creates: a 5.00 foot wide Private Storm Drain Easement across a portion of Lot 3,**

These above two snippets are from two subdivisions within the city as declared by the owner(s) in the declarations. First is South Gateway Center Subdivision (sn #13449) and second is 10<sup>th</sup> Fairway Office Park Subdivision (sn #22741).

It is my understanding that the City acts as a type of “trustee” for the public on lands dedicated for public use and the proper vehicle to withdraw the public from that use is a vacation process as provided in ORS 271 and “replatting” process per ORS 92. Opposed to the owner granting a utility easement (Sewer, Storm Drain, electrical, gas....) to the COM (or some other entity) for a specific use. In which the two parties (property owner and entity (city, Gas Company, Power Company)) can extinguish said easement with a quitclaim deed or another type of extinguishment document because there is no public interest.

It should also be mentioned that when an easement is dedicated to the public on a land division plat, ORS 271 calls for the county surveyor to be notified as part of the vacation process so that he can note the vacation on the surveyor’s office “exact copy” of the recorded plat therefore being further public notice that something shown on the original plat has changed e.g. vacated public utility easement. I see no mention of this being within the amended part of the code which could have real consequences to the public and the public utility companies. For instance, a PUE is vacated and not noted on the exact copy in the county surveyor’s office. A few years go by and some entity, say the gas company pulls a copy of the land division plat that shows a PUE along X Street so they place a gas line in the platted PUE with no understanding that the said PUE has been vacated causing issues with the adjoining property owner and the entity.

To minimize the vacation process by what is proposed in this code amendment could expose the city to unwanted liability and would not serve to protect the public safety, health and welfare in my opinion as a Land Surveyor.

While the code is open I have the following recommendations for changes:

- In the first line of 10.228(A) the word “ownership” is incorrect. Unless the city owns the underlying fee title to the property or the city received the dedication in “fee” the city does not have “ownership” only a right to use the property for specific purpose (Road, Park, Pedestrian walk way ....) according Black’s Law dictionary and many other reference materials.
- In 10.228(E)(2) “in electronic form per ....” Should be removed because the language is obsolete according to the city recorder and troublesome since licensed land surveyors are required to stamp their work.
- In 10.228(E) (2) I would suggest that language be added to the legal description to require an exhibit map attached thereto depicting the area to be vacated. This is in accordance with ORS 93.310 and the rules for construing legal descriptions. Section (6) states “When the description refers to a map, and that reference is inconsistent with other particulars, it controls them, if it appears that the parties acted with reference to the map; otherwise the map is subordinate to other definite and ascertained particulars.” It has been my experience that many maps of convenience such as vicinity maps and GIS maps seem to accompany vacations during the public process and even get recorded with vacations. If the legal description had an exhibit map attached it would be more assured that the parties acted upon a legal map instead of a map of convenience.

It should also be noted that language in the "Proposed Text" states that there is "New text" and "~~Deleted Text~~" I noticed that text has been omitted from the code as it now exists. Specifically in 10.228(A) "...of removing unnecessary plat designations..." should say ....of removing unnecessary *easements or plat designations*...

In closing I believe that the vacation process and replatting has been and is the proper procedure for removing the public's interest in real property and to make changes to this code section would not be in the public's best interest.

Sincerely, Jon

Jon Proud, L.S.

City Surveyor

200 S. Ivy Street

Medford, Or. 97501

[jon.proud@ci.medford.or.us](mailto:jon.proud@ci.medford.or.us)

p.541-774-2126

f.541-774-2552

---

**From:** Jodi K. Cope

**Sent:** Friday, December 13, 2019 3:54 PM

**To:** Jon M. Proud

**Cc:** Douglas E. Burroughs

**Subject:** DCA-19-013 PUE Vacation

Hi Jon,

Did you get routed, and have any comments on the code amendment for PUE Vacations?

Thanks,

[Jodi K Cope](#) | *Engineering Technician*  
City of Medford, Oregon | *Public Works | Engineering*  
Development Services  
200 S. Ivy Street, Medford, OR 97501  
Ph: 541-774-2137 | Ph: 541-774-2100  
[Website](#) | [Facebook](#) | [Twitter](#)

## Exhibit G

# Jackson County Surveyor, Scott Fein, Comment

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**From:** [Scott Fein](#)  
**To:** [Kyle W. Kearns](#)  
**Cc:** [Jon M. Proud](#)  
**Subject:** DCA-19-013 PUBLIC UTILITY EASEMENT VACATION  
**Date:** Monday, December 16, 2019 11:58:04 AM

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Mr. Kearns,

Hope this finds you well. This email is the official comment in response to request for comment in relation to code amendments surrounding the vacations of public utility easements in the city of Medford.

Specifically section 10.228 of the code.

The interest of the County Surveyors Office pertains to the requirements for posting vacations on plats which the County Surveyor is required to do under ORS 271.230.

Many of these public utility easements defined under ORS 92.012(19) which are dedicated to the public and held in public trust by the city of Medford at time of platting in accordance with ORS 92.175.

Much of the physical infrastructure inside of said easements are part of the public utility commission. These easements are frequently for sewer, water, communications, and gas lines. Without having Land Surveyor certified as-built surveys of all of the underground utilities combined with Medford and failing to provided public notice through standard vacation proceedings outlined in ORS 271; there is substantial risk that utilities whose true location is unknown and/or are not a part of the "franchise utilities" licensed by the city that active infrastructure which serves residences and business will then exist without an easement by failing to hold the appropriate public hearings. It appears the city is attempting to define public utility easements as not being a "other public place" in the context of ORS 271 to avoid going through the seemingly burdensome vacation process. This appears to conflict with the city's acceptance on plats under ORS 92.175. I would encourage the city to not do this within the context or ORS 271.230 to ensure that a vacation order is issued by the governing body (City Council) to ensure that we are properly noticed to be able to post said vacations on plats.

Keeping accurate and thorough land records is essential for cohabitation and to avoid costly disputes.

I feel that it would be a disservice to not follow the required vacation process outlined in ORS 271 for

what is created as a public dedication for public utilities under ORS 92.  
Please feel free to contact me with any questions.

**Scott Fein, PLS, CWRE, CFEDS**

## County Surveyor

Jackson County Surveyor's  
Office

[feinsd@jacksoncounty.org](mailto:feinsd@jacksoncounty.org)

[541-774-6190](tel:541-774-6190)

[www.co.jackson.or.us/surveyor](http://www.co.jackson.or.us/surveyor)

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# Exhibit H

## Avista Corporation Comment

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**From:** [Vincent, Steve](#)  
**To:** [Kyle W. Kearns](#)  
**Subject:** FW: Vacationing of Public Utility Easements  
**Date:** Friday, December 6, 2019 9:58:22 AM  
**Attachments:** [\[Untitled\].pdf](#)

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&lt;EXTERNAL EMAIL \*\*Be cautious with links and attachments\*\*&gt;

Kyle,

In reviewing the draft amendments to 10.228 Vacation of Public Right-of-Way, at Avista we'd like to make one additional request that you may want to add to the of (F)(1). Would you consider adding that copy of the recorded document be provided to franchise utilities licensed by the City? While (F)(1)(b) already requires notification of a proposed PUE vacation, in some circumstances we may need to know that a vacation was approved so as to have a record of it where natural gas facilities may exist.

Thank you.

Steve Vincent, Oregon Regional Business  
Manager 580 Business Park Dr, Medford,  
OR 97504  
Ph 541-858-4773 Cell 541-944-8992  
[www.myavista.com](http://www.myavista.com)

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-----Original Message-----

**From:** McFadden, David  
**Sent:** Friday, December 6, 2019 6:56 AM  
**To:** Vincent, Steve <[Steve.Vincent@avistacorp.com](mailto:Steve.Vincent@avistacorp.com)>; Hesler, Greg  
<[Greg.Hesler@avistacorp.com](mailto:Greg.Hesler@avistacorp.com)> **Subject:** Vacationing of Public Utility Easements

Mr. Vincent and Mr. Hess:

I received this notice from the City of Medford Oregon this morning.

While I see no particular concern for Avista, I thought you should see this proposal.

To my knowledge, and maybe our Real Estate would know more, but Avista do not currently track the creation, occupancy of utilities in specific PUEs, vacation of such PUEs, nor does Avista map system show Public or Private Utility Easements in our AFM/GIS system.

However, if they pass this amendment to their Land Development Code, it might be nice to ask the City to send Avista and other utilities a copy of any recorded document concerning such Vacations.

David  
McFadden  
Avista  
Medford

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# Exhibit I

## Planning Commission Hearing Minutes – June 25, 2020

### June 25, 2020

5:30 P.M.

Medford City Hall, Council Chambers  
411 West 8<sup>th</sup> Street, Medford, Oregon

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The regular meeting of the Planning Commission was called to order at 5:30 PM in the Medford City Hall, Council Chambers, 411 West 8th Street, Medford, Oregon on the above date with the following members and staff in attendance:

#### **Commissioners Present**

Mark McKechnie, Chair  
Joe Foley, Vice Chair  
David Culbertson  
David Jordan  
Bill Mansfield  
David McFadden  
E.J. McManus  
Jared Pulver  
Jeff Thomas

#### **Staff Present**

Matt Brinkley, Planning Director  
Kelly Evans, Assistant Planning Director  
Carla Paladino, Principal Planner  
Eric Mitton, Deputy City Attorney  
Alex Georgevitch, City Engineer  
Greg Kleinberg, Fire Marshal  
Terri Richards, Recording Secretary  
Dustin Severs, Planner III  
Steffen Roennfeldt, Planner III  
Seth Adams, Planner III

#### **10. Roll Call**

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

#### **30. Approval or Correction of the Minutes from June 11, 2020 hearing**

30.1 The minutes for June 11, 2020, were approved as submitted.

#### **40. Oral Requests and Communications from the Public. None.**

Eric Mitton, Deputy City Attorney read the Quasi-Judicial statement

\* \* \*

**50.5 DCA-19-013** An amendment to portions of Chapter 10, Article II, to revise the City's Vacation land use review standards to omit Public Utility Easements (PUEs) from review at a public hearing, making them a Type I review. Applicant: City of Medford; Planner: Kyle Kearns.

Carla Angeli Paladino, Principal Planner reported that the Development Code Amendment approval criteria can be found in the Medford Land Development Code Section 10.218. The applicable criteria were addressed in the staff report and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Paladino gave a staff report.

The public hearing was opened.

Mr. Mitton reported that he wanted to address page 172 of the agenda packet. Mr. Jon Proud, City Surveyor stated that this proposal would expose the City to liability and would not protect the public safety, health and welfare. Mr. Mitton believes that the proposed plan is compliant and consistent with State law. There is a policy decision to be weighed by policy makers which is not his job. The current method is extremely cautious and conservative way that emphasizes making sure there is any possibility that there could be notice slipped through the cracks by having this lengthy Vacation process.

The public hearing was closed.

Motion: The Planning Commission, based on the findings and conclusions that all of the applicable criteria are either satisfied or not applicable, forwards a favorable recommendation for approval of DCA-19-013 to the City Council per the staff report dated June 18, 2020, including Exhibits A through H.

Moved by: Vice Chair Foley

Seconded by: Commissioner McFadden

Roll Call Vote: Motion passed, 9-0-0.

\* \* \*

Submitted by:



Terri L. Richards  
Recording Secretary



Mark McKechnie  
Planning Commission Chair

Approved: July 9, 2020



**AGENDA ITEM COMMENTARY**

---

**DEPARTMENT:** Planning

**PHONE:** (541) 774-2380

**STAFF CONTACT:** Matt Brinkley, AICP CFM, Planning Director

**AGENDA SECTION:** Public Hearings

**MEETING DATE:** September 3, 2020

---

**COUNCIL BILL 2020-117**

An ordinance establishing an application fee effective October 1, 2020 in the amount of \$1,200 for the removal of Public Utility Easements under Medford Municipal Code Section 10.159A. (GF-20-242) Land use, Legislative

**SUMMARY AND BACKGROUND**

Council is requested to consider an ordinance establishing an application fee for the removal of Public Utility Easements. The City Council deliberated on a Land Development Code amendment modifying the land use process for the removal of public utility easements on private property from a Type IV land use action to a Type I land use action. If the amendment is approved, the creation of a new fee structure for this type of application is required. (File No. GF-20-242)

**PREVIOUS COUNCIL ACTIONS**

On May, 19, 2016, Council adopted Council Bill 2016-62, increasing application fees for annexations, right-of-way vacations, publication and recording costs for annexations and right-of-way vacations, expedited land divisions and portable storage containers.

On June 6, 2019, Council adopted Council Bill 2019-45, adopting the budget for the City of Medford for the biennium commencing July 1, 2019, and making appropriations.

On June 20, 2019, Council adopted Council Bill 2019-54, which amended the planning application fees.

On August 6, 2020, Council opened the public hearing for a code amendment modifying the process for the removal Public Utility Easements from a Type IV land use action to a Type I land use action. The hearing was continued to September 3, 2020, to clarify comments received from the City Surveyor.

**ANALYSIS**

Prior to adoption of the code amendment, the removal of public utility easements on private property was categorized under street vacations and subject to a Type IV land use review. The elimination of such an easement included a public hearing before the Planning Commission and a second public hearing before City Council for final decision. The processing time averaged around 120 days. The application fee for a street vacation is \$5,490.

Under the proposed Type I land use process, the review is an administrative process. The applicant submits the application, the information is routed to internal and external agencies for review, and a final decision is made by the Director or designee. The processing time is reduced and approval is



based on objective criteria. The removal of a public utility easement is likened to a property line adjustment application, and staff recommends the fee be modified to the same amount of \$1,200.

Last June, Council adopted the fee schedule for planning applications based on a cost estimating model aimed at accurately assessing the real cost to deliver planning services while recovering 20% of department expenses. The \$1,200 application fee is deemed appropriate for the public utility easement application based on similar staff time, overhead, and cost recovery used when calculating property line adjustment applications.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

The application fee for the removal of public utility easements is proposed at \$1,200. In the last five years, the Planning Department has processed three public utility easement removal applications. The annual revenue generated by these types of applications may be minimal based on historical numbers, but the streamlined process for applicants and staff will be beneficial.

**TIMING ISSUES**

If Council adopts the ordinance, the fee schedule for the removal of Public Utility Easements will become effective on October 1, 2020.

**COUNCIL OPTIONS**

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

**STAFF RECOMMENDATION**

Staff recommends approval of the ordinance establishing a new application fee for the removal of public utility easements.

**SUGGESTED MOTION**

I move to approve the ordinance establishing a new application fee for the removal of public utility easements.

**EXHIBITS**

Ordinance  
GF-20-242 – Proposed Application Fee Schedule

ORDINANCE NO. 2020-117

AN ORDINANCE establishing an application fee effective October 1, 2020 in the amount of \$1,200 for the removal of Public Utility Easements under Medford Municipal Code Section 10.159A. (GF-20-242)

WHEREAS, on May, 19, 2016, Council adopted Council Bill 2016-62, revising the application fees for various land use actions;

WHEREAS, at its meeting on September 3, 2020, Council approved Council Bill 2020-108, which established a new, Type I administrative land use process for the removal of Public Utility Easements (PUEs);

WHEREAS, prior to adoption of the code amendment, the removal of public utility easements on private property was categorized under street vacations and subject to a Type IV land use review. The previous procedure required a minimum of two public hearings, the processing time averaged around 120 days, and the application fee was \$5,490;

WHEREAS, there is no existing application fee for the new PUE process and staff recommends the fee be established at \$1,200; and

WHEREAS, the \$1,200 application fee is deemed appropriate for the public utility easement application based on similar staff time, overhead, and cost recovery used when handling a property line adjustment application, which is a similar process; now, therefore;

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

The City Council hereby establishes a \$1,200 application fee, effective October 1, 2020, for the removal of Public Utility Easements, a Type 1 land use action.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of September, 2020.

ATTEST: \_\_\_\_\_  
Deputy City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2020

\_\_\_\_\_  
Mayor



**APPLICATION AND PERMIT  
SCHEDULE OF FEES  
October 1, 2020**

APPLICATION TYPE	FEE
<b>Annexation</b> (includes Publication and Recording)	\$4,890.00
<b>Appeal</b>	One-half of original application fee (\$100 minimum - \$600 maximum)
<b>Code Amendment</b>	\$2,500.00
<b>Comprehensive Plan Amendment</b>	\$4,500.00
<b>Concurrent/Simultaneous Review Fee</b>	100% of the greatest application fee plus 50% of the fee of each additional application concurrently reviewed by the same approving authority
<b>Conditional Use Permit</b>	\$3,300.00
<b>Conditional Use Permit - Type II</b>	\$1,650.00
<b>Exception</b>	\$3,500.00
<b>Exception - Type II</b>	\$1,750.00
<b>Expedited Land Divisions</b>	\$4,900.00
<b>Floodplain Development Permit Review - Commercial Development</b>	\$800.00
<b>Floodplain Development Permit Review - Residential Development</b>	\$700.00
<b>Floodplain Development Review - Residential Single Parcel</b>	\$200.00
<b>Historic Review - Major</b> (New buildings that increase motor vehicle trip generation by more than 10 average daily trips, and building additions greater than a 20% or 2,500 sq. ft. increase in gross floor area, per MLDC 10.031)	\$3,300.00
<b>Historic Review - Minor</b> (Changes in type of roofing materials, exterior colors, or sign face design for an existing sign conducted by staff according to adopted approval criteria)	\$50.00

PLANNING DEPARTMENT SCHEDULE OF FEES

<b>Historic Review - Standard</b> (All other exterior changes, except those that are Major or Minor)	\$500.00
<b>Land Use Compatibility Statement</b>	\$75.00
<b>LOMA, LOMR, CLOMR</b>	\$75.00
<b>LUBA Remand Fee</b>	\$600.00
<b>Parks Development Review</b>	\$2,900.00
<b>Partition</b>	\$3,100.00
<b>Planned Unit Development</b>	\$4,200.00
<b>Planned Unit Development - De Minimis Revision</b>	\$750.00
<b>Planning Commission Amendment to Previously Approved Action</b>	If an amendment does not constitute a total revision, then an abbreviated review is in order. For these circumstances, the Planning Director is given the authority to reduce the fee up to one-half of the original fee
<b>Portable Storage Containers</b>	\$500.00
<b>Pre-Application Conference</b> To be credited to the application fee if submitted within 6 months of the pre-application conference	\$400.00
<b>Property Line Adjustment</b>	\$1,200.00
<b>Publication and Recording - fee cannot be reduced</b> (Annexations and Right-of-Way Vacations)	\$990.00
<b>Public Utility Easement Removal</b>	\$1,200.00
<b>Riparian Corridor Reduction</b>	\$400.00
<b>Sign Permit</b>	\$50.00
<b>Sign Permit - Temporary Sign</b>	\$25.00
<b>Single Family Building Permit Surcharge</b>	\$200.00
<b>Site Plan Amendment to Previously Approved Action</b> The purpose of the fee is to cover the cost of employee conversations with the applicant, review of materials, drafting the report to the Commission, and meeting time. If the Commission determines that a full hearing is necessary, this fee will be applied to the new application fee.	\$1,550.00

PLANNING DEPARTMENT SCHEDULE OF FEES

<b>Site Plan and Architectural Review</b>	\$3,100.00
<b>Street Name Change</b>	\$900.00
<b>Subdivision</b>	\$4,700.00
<b>Transportation Facility</b>	\$1,500.00
<b>Urbanization - with Annexation (includes Publication and Recording)</b>	\$8,440.00
<b>Urbanization - without Annexation</b>	\$5,500.00
<b>Vacation - Right-of-Way (includes Publication and Recording)</b>	\$5,490.00
<b>Vacation - Subdivision Plat (includes Publication and Recording)</b>	\$1,990.00
<b>Wireless Communication Facilities in ROW</b>	\$550.00



**AGENDA ITEM COMMENTARY**

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

**AGENDA SECTION:** City Manager Reports  
**MEETING DATE:** September 3, 2020

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**SUMMARY AND BACKGROUND**

Council is requested to consider for approval the proposed 2020-21 Legislative Policy Statements for the upcoming State Legislative Session.

Annually, the City updates our position on various legislative policy issues which could potentially have an impact on our citizens as well as the ability to accomplish Council and community identified goals. Establishing these policy issues along with setting priorities for specific direct funding support requests allows the Council, staff and contracted lobbyist to work collectively in disseminating our position to those elected to state offices representing the City.

**PREVIOUS COUNCIL ACTIONS**

On September 6, 2018, Council approved the 2019 Legislative Policy Statement.

**ANALYSIS**

The Council appointed Oregon Legislative Liaisons (Kevin Stine, Mike Zarosinski, Tim D'Alessandro, and Clay Bearson) worked in collaboration with input from the City Manager's office, department directors and Cindy Robert, contracted lobbyist, in developing the attached draft Legislative Policy Statements. This draft contains statements that represent the 2019-21 Biennial Goals and positions on issues and specific project requests that have been part of past policy statements. Finally, the policy statements follow similar language for various items that are also identified priorities for the League of Oregon Cities (LOC). Aligning with the LOC will provide additional resources when needed for advocacy and collaboration.

Approving the Legislative Policy Statements does not prevent the Council from changing or adding specific positions, issues or projects at a future date. As specific bills are introduced leading up to the 2020 Legislative Session, along with anticipated Special Sessions called by the Governor between now and December 31, there could be a need for Council to discuss impacts that may not have been identified in these statements.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

The complete financial and or resources impacts are unknown at this time. However, staff is requesting Council consideration in making specific funding requests for three projects.

**TIMING ISSUES**

The City will be hosting a candidate meeting for those running for state offices representing our district in late September or early October. Staff prefers to present the Legislative Policy Statements as part of this event in order for candidates to understand specific requests and positions by the City of Medford. As a result of COVID-19, this event will be virtual.



**COUNCIL OPTIONS**

- Approve the 2020-21 Legislative Policy Statements as presented
- Modify the 2020-21 Legislative Policy Statements and approve
- Assign the Council Oregon Legislative Liaisons to modify and present to Council at the October 1, 2020 Council meeting for consideration.

**STAFF RECOMMENDATION**

Staff recommends approval of the 2020-21 Legislative Policy Statements.

**SUGGESTED MOTION**

I move to approve the 2020-21 Legislative Policy Statements.

**EXHIBITS**

Draft 2020-21 Legislative Policy Statements



## 2020-21 Legislative Policy Statements

DRAFT

**Standing Principles:** The City of Medford is responsible for addressing the day-to-day public issues and responding directly to the needs of our residents. City elected officials and staff need flexibility to exercise the full range of their local decision-making authority to make appropriate decisions for Medford. Because cities must determine their priorities and set their budgets through a public process that reflects local choices and priorities, Medford opposes legislation that creates unfunded state mandates, increases existing costs or reduces current revenues to local governments, restricts local revenues, or otherwise preempts local government authority. Medford supports revenue reform that provides budget stability for municipalities and better enables cities to meet the service demands of the community.

**Positions on Similar Bills:** To make the most efficient use of staff, Legislative Committee and Council time, the City Council allows legislative positions and priorities approved by the City Council during the course of the Legislative Session to apply to future bills with substantially similar language and intent during the same Legislative Session.

**Economic Development:** The ability for Medford to provide municipal services and maintain community viability depends on a healthy local economy. Our community requires economic development tools that assist in maintaining, expanding and diversifying our local economy and support our continued role as the regional service provider for the Rogue Valley. These tools must include appropriate state infrastructure financing programs and flexible local options.

- **Job Creation and Incentive Programs:** Foster opportunities for the State to invest in its people and jobs. Oppose cuts to, or elimination of, Business Oregon's economic development programs that create and retain jobs.
- **Enterprise & E-Commerce Zones:** Renew and preserve existing Enterprise Zone and E-Commerce Zone authority in order to maintain the program's effectiveness as a tool for cities to encourage business recruitment and expansion.
- **Urban Renewal:** Preserve urban renewal statutory authority in order to maintain the statewide program as a tool for cities to encourage business recruitment and retention through capital infrastructure investments. Oppose legislation which



may hinder municipal appointment and decision making authority in matters related to use of urban renewal.

- **Brownfields Redevelopment Proposal:** Support and participate in developing legislation that encourages assessment, cleanup and re-use or redevelopment of brownfields and other underutilized sites, including incentives for cleaning up and redeveloping brownfield properties.
- **Statewide Infrastructure Funds:** Support capitalization of the Special Public Works Fund and programs to provide municipalities with the financial incentives necessary to make industrial sites ready for development.

**Finance, Revenue and Cost of Service:** Cities in Oregon will continue to see reduced revenues as a result of COVID-19 for the next 2-3 years, while demand for services will continue. Medford, just like other cities in Oregon, continues to experience substantial difficulty in maintaining basic services while meeting increased service demands of our residents. Residents desire quality services and deserve to have tax dollars spent efficiently and effectively on services they deem most important. Our elected officials and staff must be allowed to work with our residents to determine revenue sources and service priorities.

- **Property Tax Reform:** Support the League of Oregon Cities' efforts to refer property tax measures that mitigate the tax inequities and negative fiscal impacts created by Measures 5 and 50.
- **State Shared Revenues:** Oppose any effort that violates the historic agreement between the State and local governments regarding shared revenues from liquor, cigarettes, marijuana, and 9-1-1 taxes.
- **Preemption of Local Government Taxing Authority:** Insist our residents have a say in how their taxes are spent. Oppose legislation that restricts or pre-empts local decision making and local control over revenues, including urban renewal. Maintain local government authority to adopt revenue raising measures.
- **Modification of the Tax Structure:** Encourage and participate in efforts to evaluate changes to Oregon's current tax structure. Southern Oregon is rarely represented during these discussions. It is imperative that our elected officials and staff be involved in order to protect local interests in our area and in cooperation with other cities.



- **System Development Charges:** Allow cities to choose and prioritize infrastructure growth strategies to meet capacity demands. Oppose attempts to limit or otherwise dilute the ability of cities to charge system development fees that fund infrastructure improvements for community growth and to mitigate deficiencies created by future growth.
- **Public Contracting Policy:** Assure public dollars for contracting are spent wisely and via strategies determined by local decision makers. Oppose legislation that restricts local authority in public contracting policy. Support legislation that preserves the right of local government to select the most appropriate service delivery methods.
- **Public Records Requests and Responses:** Support legislation providing citizens the ability to access information about how their government works. Oppose legislation which creates unreasonable public records request response timelines, caps fees or limits recovery of expenses associated with records requests, increases the City's defensible cost to produce or retain the public record, or expands the definition of public records.
- **Protection of Franchise Fees:** Oppose any effort to limit our ability to negotiate franchise fees. This is in response to the intent of Senate Bill 840 from the last session.

**Human Resources:** Personnel-related expenses account for nearly 80% of municipal expenditures. All cities should be given broad discretion to manage their work forces and Medford is committed to making sure our specific workers are heard.

- **Managements Rights and Collective Bargaining:** Oppose legislation that broadens the scope of bargaining unit membership, mandates or guarantees staffing or scheduling levels. Oppose legislation that requires mid-term bargaining to be subject to binding arbitration or increases the scope of binding arbitration. Support efforts to provide cities with broad latitude to provide services and programs in the most efficient and cost effective manner.
- **Workers' Compensation:** Oppose legislation that erodes exclusive remedy protections; or increases benefit levels for public employees; or mandates certain illnesses to be presumptive and narrows self-insured rights of public employers.



- **Liability:** Oppose legislation that erodes Oregon Tort Claims Act, increases employer liability and legal defense costs, or narrows recreational or discretionary immunity.
- **Personnel Administration:** Oppose legislation that creates duplicate regulations currently mandated by federal legislation. Support legislation to streamline and clarify current contradictory legislative mandates.
- **PERS:** Support incremental changes to existing programs allowed under the constitutional structure that equitably provides for retirees while reducing current and future costs to the City.

**Land Use:** A core function of cities is planning for management and protection of land use and municipal services within their borders. These fundamental activities are frequently the subject of considerable community interest and are undertaken within an increasingly complex array of state and federal laws governing land use and environmental protection.

- **Shelters:** Support legislative rule or building code changes that allow temporary and emergency shelters to exceed current limit on days of operability.

**Housing:** Like most jurisdictions in the state, Medford is faced with a lack of affordable and low-income housing options. The Council supports legislation that will provide local jurisdictions with additional funding options to increase the availability of housing that is affordable to middle and lower income households. Specifically, we will advocate for funding to provide such housing and feel that additional regulations beyond what is contained within House Bill 2001 would not be effective.

- **Medford's Homeless System Action Plan:** The Council has approved a comprehensive strategy to address the growing homeless population. This plan has already been shared with our local state elected officials and has received support for the initial implementation. We encourage the legislature to continue supporting the actions outlined in this plan and to not pass legislation that would stop the momentum gained through this plan. Any additional state mandate requirements beyond what is currently contained within this plan does not meet our local vision on addressing these issues.
- **Housing Waiver:** Support a waiver from state housing options for those cities that can show alternatives that will lead to significantly increased affordable housing options. The City currently has implemented or is working on implementation of



19 Regulatory and 17 Economic Incentive Strategies for the development of all categories of affordable housing.

**Public Safety:** City officials are best positioned to direct emergency response efforts that reflect community values and standards to ensure public safety within their boundaries. To achieve this, cities need adequate resources, tools and authority.

- **Police Reforms:** Citizens across the State are currently requesting policing changes that should be addressed by our public safety force and our residents. It is of the utmost importance that options be “right-sized” as our city has different issues, concerns and solutions than other larger metropolitan regions in the state. We need to make sure to discover those points, hear voices and find Southern Oregon solutions on this issue.
- **Public Safety Answering Points (PSAP):** Oppose legislation that pre-empts the authority of a municipality to select its own PSAP (9-1-1 center) and forces state-mandated, regional consolidation of existing PSAPs.
- **Interoperability:** Support cost effective solutions that leverage partnerships to achieve interoperability within the public safety communications system.
- **Technology and Equipment:** Support legislation that will enable police agencies to retain data gathered from electronic devices for a sufficient amount of time to investigate and solve crimes. Oppose legislation that eliminates the option for cities to receive equipment from federal agencies that will increase the ability to protect residents. Oppose body camera legislation that creates unreasonable demands on city resources for required data retention and records requests.
- **Mental Health Services:** Support increased resources across the state for persons with mental health issues and those who assist them, particularly in crisis situations. We encourage the legislature to engage in immediate review into funding, delivery structures and partnerships to address changes that can be made. The City has spent years advocating for more mental health funding with little changes, or changes to structures that look promising.



**Mental Health Services:** Support increased resources across the state for persons with mental health issues and those who assist them, particularly in crisis situations. The City has spent years advocating for more mental health funding with little change in stable funding from the state.

We encourage the legislature to engage in immediate review of funding programs, delivery structures and partnerships to address changes that can be made. Specifically the state should:

- Survey current programs and resources concerning.
  - Immediate response capabilities of local public safety and provision of services to those in crisis.
  - Placement of those in crisis including number of beds and follow-up services.
  - Short and long-term solutions for those in crisis to prevent recurrence.
  - Establishment of dedicated funding streams to increase beds and services.
  - Capacity to create and sustain permanent supportive housing.
- Evaluate current Coordinated Care Organization (CCO) purview and authority for mental health.
  - Establish how CCO's prioritize and fund various mental health services.
  - Create and report on effectiveness metrics by CCO's in providing mental health services.

**Right of Way Management:** Oppose attempts to pre-empt or dilute city authority to manage the public's rights of way (ROW) and to determine and collect just and reasonable compensation on behalf of the public for use of the ROW. Oppose efforts to direct use of compensation or take away the City's right to determine the party responsible for relocation of facilities in the ROW.

- **Telecommunications:** Support telecommunications policies that protect and enhance local government authority without interfering with competition or creating barriers to private investment in the telecommunications industry.
- **Franchise Fee/Privilege Tax:** Oppose caps to franchise fees charged to telecommunications providers and pre-emption on future taxation of internet.

**Environment:** City officials place high importance on protecting and enhancing the environment in order to maintain the quality of life for both current and future generations. Preserving our natural resources must be done in concert with providing adequate economic opportunities.



- **Municipal Water Rights:** Support protection and preservation of municipal water rights and drinking water sources, and affirm the needs of growing communities to have sufficient resources to efficiently serve expanding populations.
- **Greenhouse Gas Emissions:** Establish ongoing, comprehensive and robust programs, partnerships, and commitments to support the reduction of greenhouse gas emissions in our community. Support the development of a model Climate and Energy Plan.
- **Carbon Reduction Policies:** Support climate change and carbon policies that do not disproportionately and negatively impact Medford residents or businesses.

**Specific Project Requests:** The City of Medford is requesting consideration of direct funding support for the following priorities.

- **Navigation Center:** The City was scheduled to receive \$2.5 million in the 2020 legislative session for acquisition and establishment of a Navigation Center for homeless services. This funding was not provided as the session ended without a resolution for such services.
- **Bear Creek Greenway Restoration:** Over the past decade, the City has been eliminating areas along the greenway that contain non-native vegetation. This removal assists with controlling fire hazards and better serves public safety officials to identify and enforce illegal activities. The City is requesting funds that would be used to complete this work along the 7.5 miles of the Bear Creek Greenway which includes land owned and managed by Jackson County and Oregon Department of Transportation. Requesting \$100,000 for restoration work.
- **Liberty Park Neighborhood Development:** The City completed a comprehensive update to the infrastructure needs of this neighborhood in 2019. Council has since adopted the plan and staff has begun development of an implementation strategy for public works improvements. The City is requesting funding for various aspects of this plan that would be leveraged with Urban Renewal funding to provide for better connectivity through construction of sidewalks, lighting and other safety improvements. Requesting \$150,000.
- **Transportation Projects**
  - Transportation System Plan – matching funds for identified priority projects
  - Infill Sidewalk Priorities