



Medford City Council Meeting

Agenda

February 15, 2018

6:00 P.M.

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

10. Roll Call

20. Recognitions, Community Group Reports

20.1 Employee Recognition

20.2 Quarterly Economic Development update from SOREDI by Colleen Padilla

30. Oral Requests and Communications from the Audience

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

30.1 MWC Quarterly Report by General Manager Brad Taylor

40. Public Hearings

Comments are limited to a total of 30 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. Appellants and/or their representatives are limited to a total of 30 minutes and if the applicant is not the appellant they will also be allowed a total of 30 minutes. All others will be limited to 4 minutes. PLEASE SIGN IN.

40.1 COUNCIL BILL 2018-10 – CONTINUED - An ordinance proclaiming annexation to the City of Medford of an approximately 2.98 acre parcel, including an adjacent right-of-way located on the north side of East Vilas Road, and approximately 4,900 feet west of Crater Lake Highway, and concurrent zone change from County LI (Light Industrial) to City I-L (Light Industrial) and designated within the Limited Industrial Overlay District (I-00), and withdrawal of said property from Medford Rural Fire Protection District #3, effective pursuant to State Law. (A-17-105) Land Use, Quasi-Judicial

40.2 COUNCIL BILL 2018-14 An ordinance vacating an approximately 50 foot wide strip of public right-of-way, being a portion of Evergreen Street, running north-south from West Third Street to West Fourth Street, 300 feet in length. (SV-17-106) Land Use, Quasi-Judicial

40.3 COUNCIL BILL 2018-15 An ordinance adopting an Affordable Housing Construction Excise Tax, related administrative regulations, and establishing new Medford Municipal Code sections 9.280 through 9.295, to be effective after the Department of Land Conservation and Development or the Land Conservation and Development Commission acknowledges the City's proposed Urban Growth Boundary amendment. Legislative

50. Approval or Correction of the Minutes of the February 1, 2018 Regular Meeting

60. Consent Calendar

60.1 COUNCIL BILL 2018-16 A resolution authorizing the City of Medford Parks, Recreation, and Facilities Department to apply for a Local Government Grant in the amount of \$491,000 from the Oregon Parks and Recreation Department for Cedar Links Park development.

- 60.2 COUNCIL BILL 2018-17 A resolution authorizing the City of Medford Parks, Recreation, and Facilities Department to apply for a Local Government Grant in the amount of \$69,100 from the Oregon Parks and Recreation Department for development assistance with the Bear Creek Community Playground replacement project.
- 60.3 COUNCIL BILL 2018-18 An ordinance amending sections 5.120, 5.350, 5.365, 5.370, 5.380, 5.385, 5.390, 5.990 and adding sections 5.720 and 5.725 of the Medford Municipal Code to provide consistency with and implement new state laws.

70. Items Removed from Consent Calendar

80. Ordinances and Resolutions

- 80.1 COUNCIL BILL 2018-19 An ordinance authorizing termination and release of a utility easement granted by the City to Southern Oregon Friends of Hospice and granting utility, sewer, and gas line easements.
- 80.2 COUNCIL BILL 2018-20 An ordinance awarding a contract in an amount of \$230,480 to Vitus Construction for remodeling of the Public Works Department at the Service Center.
- 80.3 COUNCIL BILL 2018-21 An ordinance amending section 3.470 of the Medford Municipal Code pertaining to interest on assessments.

90. Council Business

- 90.1 Proclamations issued: None
- 90.2 Committee Reports and Communications

100. City Manager and Staff Reports

- 100.1 Medford Housing Advisory Committee Housing Strategies Recommendations and Estimated Timelines – Matt Brinkley
- 100.2 Housing Advisory Committee Recommendations Regarding Establishing a Permanent Housing Committee and a System Development Charges Deferral Program – Matt Brinkley
- 100.3 Further reports from City Manager

110. Adjournment



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.1

www.ci.medford.or.us

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

AGENDA SECTION: Public Hearings
MEETING DATE: February 15, 2018

COUNCIL BILL 2018-10

CONTINUED - An ordinance proclaiming annexation to the City of Medford of an approximately 2.98 acre parcel, including an adjacent right-of-way located on the north side of East Vilas Road, and approximately 4,900 feet west of Crater Lake Highway, and concurrent zone change from County LI (Light Industrial) to City I-L (Light Industrial) and designated within the Limited Industrial Overlay District (I-00), and withdrawal of said property from Medford Rural Fire Protection District #3, effective pursuant to State Law.

SUMMARY AND BACKGROUND

Consideration of a request for the annexation of a 2.98-acre parcel, including adjacent right-of-way, located on the north side of East Vilas Road and approximately 4,900 feet west of Crater Lake Highway (549 East Vilas Road). The current County zoning designation of Light Industrial will be changed to the City's I-L (Light Industrial) zone, and designated within the Limited Industrial (I-00) Overlay District. The property will be removed from Medford Rural Fire Protection District #3. (A-17-105)

The subject property is the site of Quantum Innovations, a company specializing in anti-reflective coating technology. As stated in the applicant's submitted narrative, their request to be annexed into the City is in the interest of having access to City water. The site currently suffers from a scarcity of water and, therefore, relies on well and stored water which do not adequately serve the demands of their growing business.

PREVIOUS COUNCIL ACTIONS

On January 4, 2018 – Resolution No. 2018-02 – Council approved a resolution establishing a hearing date of February 1, 2018, for consideration of the matter. The hearing date was later continued by staff to the February 15, 2018, date in order to meet statutory noticing requirements.

ANALYSIS

The applicant/owner has submitted the request for annexation and has consented in writing. The property is located within the City's Urban Growth Boundary and is contiguous with the City limits along the portion of its south property line abutting East Vilas Road. The property has a General Land Use Plan (GLUP) map designation of General Industrial (GI), which is compatible with the Light Industrial (I-L) City zoning designation. The property is currently zoned by Jackson County as Light Industrial (LI).

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Based on its assessed value of \$461,770, the subject property is estimated to pay \$4,562 in annual utility fees, and \$2,445 in annual property taxes – a total annual contribution to the City of approximately \$7,007. Quantum Innovations is currently undergoing renovation improvements to the site, which could potentially increase this contribution total to the City when the property's assessed value is reappraised.

TIMING ISSUES

The applicant has requested an expedited conclusion to this process, if possible, as access to City water has become an immediate necessity for the company.

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 annexation.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.1

www.ci.medford.or.us

SUGGESTED MOTION

I move to adopt the ordinance authorizing the annexation of the 2.98-acre parcel, including the adjacent right-of-way, located at 541 East Vilas Road.

EXHIBITS

Ordinance

Staff Report and Exhibits dated February 8, 2018

Maps

ORDINANCE NO. 2018-10

AN ORDINANCE proclaiming annexation to the City of Medford of an approximately 2.98 acre parcel, including an adjacent right-of-way located on the north side of East Vilas Road, and approximately 4,900 feet west of Crater Lake Highway, and concurrent zone change from County LI (Light Industrial) to City I-L (Light Industrial) and designated within the Limited Industrial Overlay District (I-00), and withdrawal of said property from Medford Rural Fire Protection District #3, effective pursuant to State Law.

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

WHEREAS, the City Council by Resolution No. 2018-02 adopted January 4, 2018, dispensed with submitting the question of the proposed annexation to the electors of the city and set 6:00 p.m. on the 1st day of February, 2018, in Medford City Council Chambers as the time and place of hearing thereon, together with a zone change to City I-L (Light Industrial), designated within the Limited Industrial Overlay District (I-00), and withdrawing said property from Medford Rural Fire Protection District #3, at which time and place the registered voters of the city and other interested parties were given an opportunity to be heard on the question; and

WHEREAS, on the 1st day of February, 2018, the City Council continued the hearing to the 15th day of February, 2018 at 6:00 p.m. in Medford City Council Chambers to meet statutory noticing requirements; and

WHEREAS, notices of said public hearing were published and posted in the manner and for the time prescribed by law and the public hearing was duly held by and before the City Council as provided by law and by the terms of said resolution and the published notice, and it appears to be in the best interest of the city and of the area involved that it be annexed to the City of Medford, that the area be rezoned to City I-L (Light Industrial), designated within the Limited Industrial Overlay District (I-00) and that the area be withdrawn from Medford Rural Fire Protection District #3; and

WHEREAS, the City Council finds and determines that the facts and conclusions in the Staff Report dated February 8, 2018, on file in the Planning Department and incorporated herein by reference, are true and correct and are hereby adopted as the findings of the Council; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. The property described in Exhibit A & B, attached hereto and incorporated herein, shall be annexed to the City of Medford, Oregon, and rezoned to City I-L (Light Industrial), designated within the Limited Industrial Overlay District (I-00) as provided herein.

Section 2. The above-described property annexed to the City of Medford is hereby withdrawn from Medford Rural Fire Protection District #3 at the effective date of annexation.

Section 3. The City Recorder shall submit to the Secretary of the State of Oregon a certified copy of this Ordinance. The City Recorder shall also, within ten days of the effective date of this annexation, send copies of this Ordinance to the County Clerk and County Assessor of Jackson County, Oregon, and to Medford Rural Fire Protection District #3.

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

ATTEST: _____
City Recorder

Mayor

APPROVED: _____, 2018.

Mayor

TELEPHONE
541-772-2782

JAMES E. HIBBS, PLS



L.J. FRIAR & ASSOCIATES P.C.

CONSULTING LAND SURVEYORS

P.O. BOX 1947
PHOENIX, OR 97535

FAX
541-772-8465

ljfriar@charter.net

LEGAL DESCRIPTION

A-17-105

Beginning at the Southwest corner of Section 31, Township 36 South, Range 1 West, Willamette Meridian, Jackson County, Oregon said point being on the existing City of Medford Boundary set forth in Ordinance No. 6463 passed February 1, 1990; thence along said City Boundary, South 89°43'30" East, 664.42 feet to an angle point in said City Boundary; thence along said City Boundary set forth in Ordinance No. 1999-104, North 00°10'10" West, 44.29 feet to North line of Vilas Road; thence leaving said City Boundary, along said North line, North 89°43'30" West, 332.14 feet to the Southeast corner of that tract described in Document No. 2007-038002, Official Records of Jackson County, Oregon; thence along the East line thereof, North 00°06'53" West, 1296.59 feet to the Northeast corner thereof; thence along the North line thereof, North 89°46'22" West, 166.32 feet to the Northwest corner thereof; thence along the West line thereof, South 00°07'26" East, 671.16 feet to the West-Southwest corner thereof; thence along the South line thereof, South 89°53'51" East, 136.27 feet to the interior ell corner thereof; thence along the West line thereof, South 00°06'53" East, 625.70 feet to the North line of Vilas Road; thence along said North line, North 89°43'30" West, 302.34 feet to the West line of said Section 31 also being on the existing City of Medford Boundary set forth in Ordinance No. 2005-25; thence along said West line and along said City Boundary and along the existing City of Medford Boundary set forth in Ordinance No. 7789 passed December 15, 1994, South 00°10'10" East, 44.29 feet to the point of beginning. Containing 3.667 acres, more or less.

TRACT TO BE ANNEXED
361W31C TL4500
Quantum Innovations
17-220
December 18, 2017

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 17, 1986
JAMES E. HIBBS
2234

RENEWAL DATE : 6-30-19

EXHIBIT A
Page 7

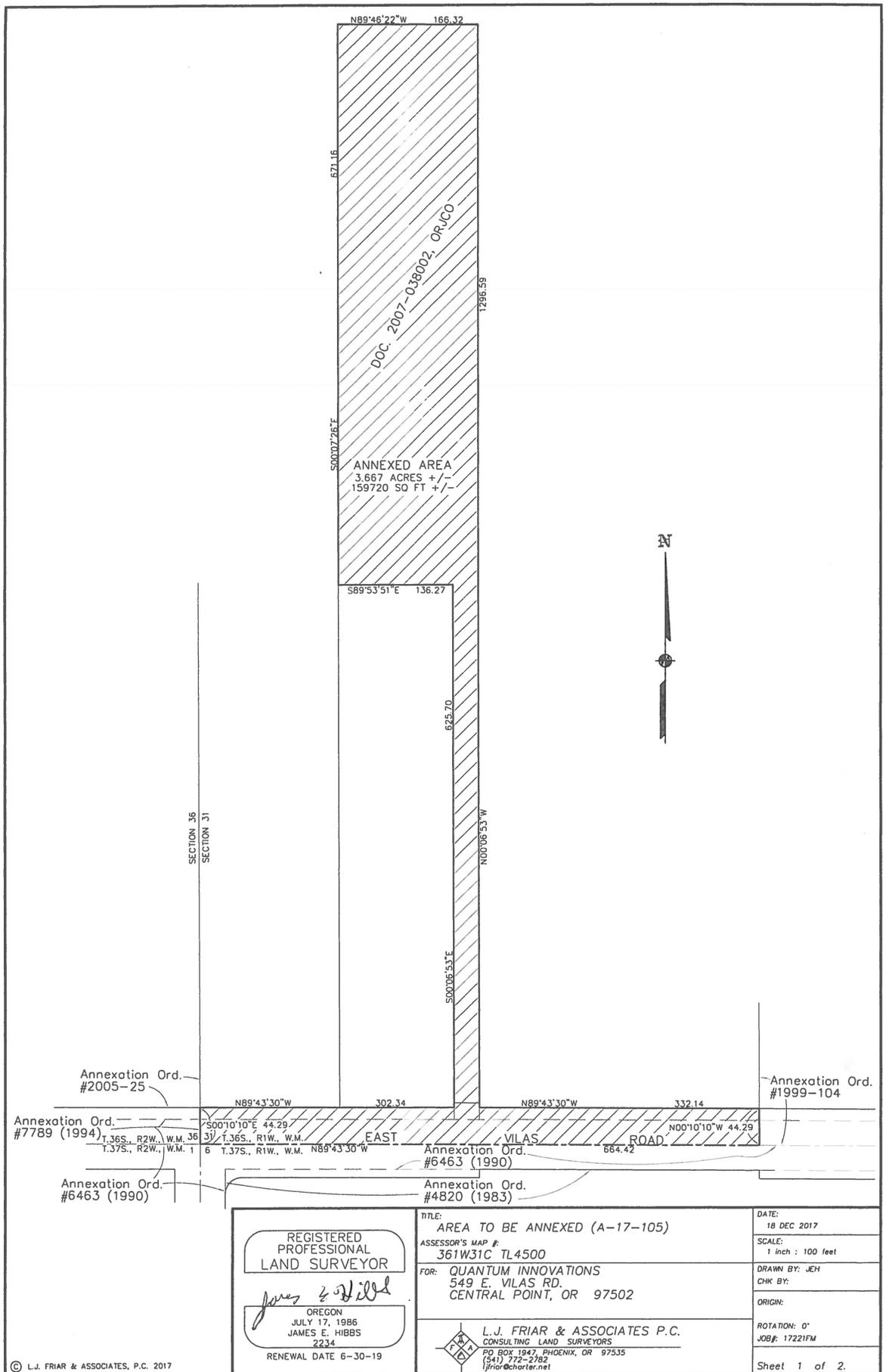


EXHIBIT B



City of Medford

Planning Department

STAFF REPORT

Working with the community to shape a vibrant and exceptional city

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

Project Quantum Innovations - Annexation

File no. A-17-105

To Mayor and City Council

for 2/15/2018 hearing

From Dustin Severs, Planner III

Reviewer Kelly Akin, Assistant Director

Date February 8, 2018

BACKGROUND

Proposal

Consideration of a request for the annexation of a 2.98-acre parcel, including adjacent right-of-way, located on the north side of East Vilas Road and approximately 4,900 feet west of Crater Lake Highway (549 East Vilas Road). The current County zoning designation of Light Industrial will be changed to the City's I-L (Light Industrial) zone, and designated within the Limited Industrial (I-00) Overlay District. The property will be removed from Medford Rural Fire Protection District #3. (A-17-105)

Vicinity Map



History

On January 4, 2018 – Resolution No. 2018-02 – Council approved a resolution establishing a hearing date of February 1, 2018, for consideration of the matter. The hearing date was later continued by staff to the February 15, 2018, date in order to meet statutory noticing requirements.

Authority

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

FINDINGS AND CONCLUSIONS

Criteria

MLDC 10.197

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

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

Findings

- The property is located within the City's Urban Growth Boundary.
- The property is contiguous with the City limits along the portion of its south property line abutting East Vilas Road.
- The applicant/owner has submitted the request for annexation and has consented in writing in accordance with the applicable state statutes.

Staff finds that all three of the above criteria are satisfied.

Conclusions

The property under consideration meets the applicable criteria for annexation.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and approve the ordinance for approval of the annexation per the staff report dated January 25, 2018, including Exhibits A through G.

EXHIBITS

- A Applicant’s Findings
- B Signed Consent to Annexation Form
- C Medford Water Commission
- D Medford Fire Department
- E Medford Public Works Department
- F Jackson County Roads
- G Legal description and Exhibit Map
Vicinity Map

CITY COUNCIL AGENDA:

FEBRUARY 15, 2018

Dustin J. Severs

From: Stacie Grier <sgrier@qtmi.net>
Sent: Thursday, September 14, 2017 1:39 PM
To: Dustin J. Severs
Cc: Dan Gilkison
Subject: Findings of Fact - Quantum Innovations Annexation Request 36 1W 31C Tax Lot 4500

Good afternoon Dustin!

Per your discussion with Dan Gilkison in our office, please accept the following "Finding of Fact" as an addition to our Annexation Application for the real property mentioned above:

- CHUNK LLC, dba Quantum Innovations, hereby makes application for Annexation into the City of Medford for the real property located at 549 E. Vilas Rd., Central Point, OR 97502, described as 36 1W 31C, Tax Lot 4500.
- The purpose of the annexation is to access City Water, whereas we currently rely on a well and stored water that is not adequate for our business growth.
- The subject property is within the City's Urban Growth Boundary
- The Land is contiguous to the current City limits
- No person resides at the parcel in question.
- The total acreage of the annexation area is 2.98 acres.
- The assessed value of the annexation area, according to Jackson County records, is currently \$461,770, inclusive of improvements.
- Improvements on the property include one building and two storage sheds.
- The owner of the property/business, Norm Kester, has consented to this annexation request, per forms already submitted.

Thank you for your consideration. If you have any further questions, please contact me or Dan.

Stacie

Stacie Grier
Quantum Innovations, Inc.
549 E. Vilas Rd.
Central Point, OR 97502
Ph: 541-608-7772 / TF: 888-268-3414 / Cell: 541-621-7291 / Fax: 541-608-7774

CITY OF MEDFORD
EXHIBIT # A
File # A-17-105

ANNEXATION APPLICATION

CONSENT TO ANNEX

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

Map and Tax Lot: 36 1W 31C

Address: 549 E. Vilas Rd., Central Point OR 97502

Legal Description:

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

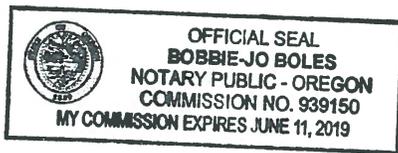
DATED this 1 day of NOVEMBER, 20 17.

[Signature]

STATE OF OREGON)
County of Jackson) ss

On this 1 day of November, 20 17, personally appeared
Norman L Kester

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



[Signature]
Notary Public for Oregon
My Commission expires June 11, 2019

Filed with the City of Medford this 21ST day of DECEMBER, 20 17.

[Signature]
Planning Director or designee



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: A-17-105

PARCEL ID: 361W31C TL 4500

PROJECT: Consideration of a request for annexation to the City of Medford of an approximate 2.98-acre parcel, including the adjacent right-of-way, located north of East Vilas Road (549 East Vilas Road) and approximately 4,900 feet west of Crater Lake Highway. The current County zoning designation of Light Industrial will be changed to the City's (I-L) Light Industrial zone, and designated within the Limited Industrial (I-00) Overlay District. The property will be removed from Medford Rural Fire Protection District #3. Applicant, Quantum Innovations; Agent, Dan Gilkison; Planner, Dustin Severs.

DATE: December 13, 2017

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

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. Upon annexation the applicant can coordinate with Medford Water Commission for metered water service if desired for this parcel. Water meter will be required to be located along the north side of Vilas Road, outside of any proposed driveway improvements.

COMMENTS

1. The MWC water system does have adequate capacity to serve this parcel. It is recommended that an "oversized" water service line from the water meter to the on-site building to overcome friction loss through a long pipe.
2. Approximate static water pressure at Vilas Road is 88 psi.
3. Access to MWC water lines is available. There is an existing 20-inch water line located on the south side of Vilas Road for metered water service connections.

CITY OF MEDFORD
EXHIBIT # C
File # A-17-105



Page 15



0 50 100 200 Feet
Scale: 1"=200'

Water Facility Map for A-17-105

Legend

- Air Valve
 - Sample Station
 - Fire Service
 - ◆ Hydrant
 - ▲ Reducer
 - Blow Off
 - + Plugs-Caps
- Water Meters:**
- Active Meter
 - On Well
 - Unknown
 - Vacant
- Water Valves:**
- Butterfly Valve
 - Gate Valve
 - Tapping Valve

- Water Mains:**
- Active Main
 - - - Abandoned Main
 - Reservoir Drain Pipe
 - Pressure Zone Line
- Boundaries:**
- ▭ Urban Growth Boundary
 - ▭ City Limits
 - ▭ Tax Lots

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



This map is based on a digital orthophoto acquired by Medford Water Commission from a variety of sources. Medford Water Commission cannot be held responsible for errors, omissions, or any third-party's use of the information depicted on this map.
Date: 1/25/2017
Path: G:\MRD\Roads\MFC Map - MWC SDE - Layer L5.mxd



Medford Fire Department

200 S. Ivy Street, Room #180
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
www.medfordfirerescue.org

LAND DEVELOPMENT REPORT - PLANNING

To: Dustin Severs

LD Meeting Date: 12/13/2017

From: Greg Kleinberg

Report Prepared: 12/12/2017

Applicant: Applicant, Quantum Innovations; Agent, Dan Gilkison

File #: A - 17 - 105

Site Name/Description:

Consideration of a request for annexation to the City of Medford of an approximate 2.98-acre parcel, including the adjacent right-of-way, located north of East Vilas Road (549 East Vilas Road) and approximately 4,900 feet west of Crater Lake Highway. The current County zoning designation of Light Industrial will be changed to the City's (I-L) Light Industrial zone, and designated within the Limited Industrial (I-00) Overlay District. The property will be removed from Medford Rural Fire Protection District #3. Applicant, Quantum Innovations; Agent, Dan Gilkison; Planner, Dustin Severs.

DESCRIPTION OF CORRECTIONS	REFERENCE
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Requirement MINIMUM ACCESS ADDRESS SIGN

OFC

505

The developer must provide a minimum access address sign. A pre-approved address sign can also be utilized. A brochure is available on our website.

Requirement FIRE HYDRANTS-INTERNAL

OFC

508.5.1

Either fire hydrants are required to protect this property, or, if it is not feasible to install compliant Medford Water Commission fire hydrants, an on-site firefighting water supply is required (Compliant with NFPA 1142 or ISO Guide for Determining Needed Fire Flow).

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m).

The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.

Plans and specifications for fire hydrant system shall be submitted to Medford Fire Department for review and approval prior to construction. Submittal shall include a copy of this review (OFC 501.3).

EXHIBIT # D
File # A-17-105



Medford Fire Department

200 S. Ivy Street, Room #180
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
www.medfordfirerescue.org

LAND DEVELOPMENT REPORT - PLANNING

To: Dustin Severs

LD Meeting Date: 12/13/2017

From: Greg Kleinberg

Report Prepared: 12/12/2017

Applicant: Applicant, Quantum Innovations; Agent, Dan Gilkison

File #: A - 17 - 105

Site Name/Description:

Requirement FIRE DEPARTMENT TURN-AROUND

OFC

503.2.5

Dead-end Fire Apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

The Fire department turn-around area must be posted with "NO PARKING-FIRE LANE" signs. These signs shall be spaced at 50' intervals along the fire lane and at fire department designated turn-around's.

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

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

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

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

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



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 12/13/2017
File Number: A-17-105

PUBLIC WORKS DEPARTMENT STAFF REPORT
Quantum Innovations Annexation – 549 East Vilas Road
TL 4500

Project: Consideration of a request for annexation to the City of Medford of an approximate 2.98-acre parcel, including the adjacent right-of-way.

Location: Located north of East Vilas Road (549 East Vilas Road) and approximately 4,900 feet west of Crater Lake Highway. The current County zoning designation of Light Industrial will be changed to the City’s (I-L) Light Industrial zone, and designated within the Limited Industrial (I-00) Overlay District. The property will be removed from Medford Rural Fire Protection District #3.

Applicant: Applicant, Quantum Innovations; Agent, Dan Gilkison; Planner, Dustin Severs.

A. STREETS

East Vilas Road is classified as a Major Arterial street and runs along the south side of the parcel. Currently East Vilas Road is paved with no curb and gutter.

B. SANITARY SEWERS

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

C. STORM DRAINAGE

The area under consideration is located in the Midway drainage basin.

Future development on this parcel will require stormwater detention and stormwater quality facilities, which shall comply with Medford Land Development Code (MLDC) Sections 10.486 and 10.729 and the Rogue Valley Stormwater Quality Design Manual.

Also with future development, standard development conditions for stormwater detention will apply if the Developer is able to procure a storm drainage easement to the existing piped storm drain on the south side of Maplot 362W36D126. With the easement, developer needs to show

capacity or make improvements to the drainage leading to the piped system. Without an easement, developer is conditioned to provide stormwater detention for the 25 year event, with an allowable discharge rate at or below the predevelopment 10 year rate.

D. SYSTEM DEVELOPMENT CHARGES

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

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

E. UTILITY FEES

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

Prepared by: Doug Burroughs



JACKSON COUNTY

Roads

Roads Engineering

Kevin Christiansen
Construction Manager

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

www.jacksoncounty.org

November 28, 2017

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

RE: Annexation off East Vilas Road – a county-maintained road.
Planning File: A-17-105

Dear Dustin:

Thank you for the opportunity to comment on the annexation to the City of Medford of an approximate 2.98 acre parcel, including adjacent right-of-way, located north of East Vilas Road (549 East Vilas Road), and approximately 4,900 feet west of Crater Lake Highway. Current County zoning designation of Light Industrial will be changed to the City's (I-L) Light Industrial zone, and designated within the Limited Industrial (I-00) Overlay District. The property will be removed from Medford Rural Fire Protection District #3. Jackson County Roads has the following comments:

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

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

Sincerely,

Kevin Christiansen
Construction Manager

TELEPHONE
541-772-2782

JAMES E. HIBBS, PLS



L.J. FRIAR & ASSOCIATES P.C.

CONSULTING LAND SURVEYORS

P.O. BOX 1947
PHOENIX, OR 97535

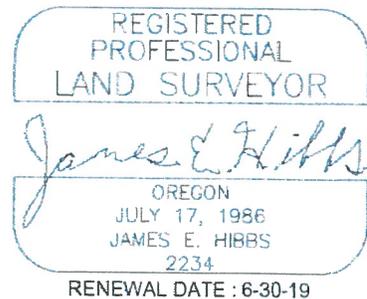
FAX
541-772-8465

ljfriar@charter.net

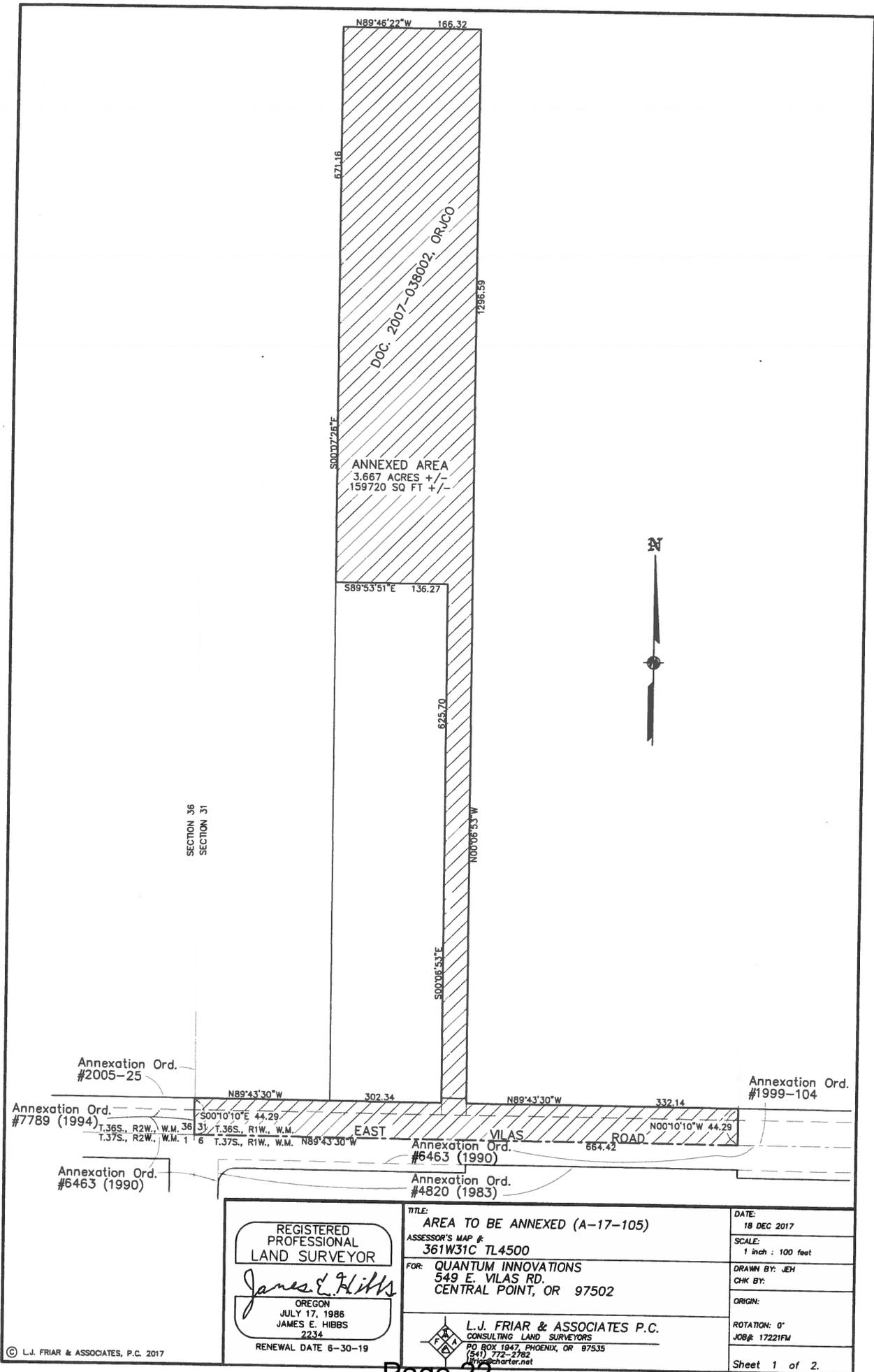
LEGAL DESCRIPTION
A-17-105

Beginning at the Southwest corner of Section 31, Township 36 South, Range 1 West, Willamette Meridian, Jackson County, Oregon said point being on the existing City of Medford Boundary set forth in Ordinance No. 6463 passed February 1, 1990; thence along said City Boundary, South 89°43'30" East, 664.42 feet to an angle point in said City Boundary; thence along said City Boundary set forth in Ordinance No. 1999-104, North 00°10'10" West, 44.29 feet to North line of Vilas Road; thence leaving said City Boundary, along said North line, North 89°43'30" West, 332.14 feet to the Southeast corner of that tract described in Document No. 2007-038002, Official Records of Jackson County, Oregon; thence along the East line thereof, North 00°06'53" West, 1296.59 feet to the Northeast corner thereof; thence along the North line thereof, North 89°46'22" West, 166.32 feet to the Northwest corner thereof; thence along the West line thereof, South 00°07'26" East, 671.16 feet to the West-Southwest corner thereof; thence along the South line thereof, South 89°53'51" East, 136.27 feet to the interior ell corner thereof; thence along the West line thereof, South 00°06'53" East, 625.70 feet to the North line of Vilas Road; thence along said North line, North 89°43'30" West, 302.34 feet to the West line of said Section 31 also being on the existing City of Medford Boundary set forth in Ordinance No. 2005-25; thence along said West line and along said City Boundary and along the existing City of Medford Boundary set forth in Ordinance No. 7789 passed December 15, 1994, South 00°10'10" East, 44.29 feet to the point of beginning. Containing 3.667 acres, more or less.

TRACT TO BE ANNEXED
361W31C TL4500
Quantum Innovations
17-220
December 18, 2017



CITY OF MEDFORD
EXHIBIT # G
File # A-17-105



Annexation Ord. #2005-25

Annexation Ord. #7789 (1994)

Annexation Ord. #6463 (1990)

SECTION 35
SECTION 31

N89°46'22"W 166.32

671.16

50007.26'E

ANNEXED AREA
3.667 ACRES +/-
159720 SQ FT +/-

DOC. 2007-038002, ORUCO

1296.59

589°53'51"E 136.27

625.70

50006.53'E

N00°06'53"W



Annexation Ord. #1999-104

N89°43'30"W 302.34

N89°43'30"W 332.14

Annexation Ord. #6463 (1990)

Annexation Ord. #4820 (1983)

EAST VILAS ROAD

500°10'10"E 44.29

T.36S., R2W., W.M. 36

T.37S., R2W., W.M. 16

T.36S., R1W., W.M. 31

T.37S., R1W., W.M. 6

N89°43'30"W

N00°10'10"W 44.29

664.42

<p>REGISTERED PROFESSIONAL LAND SURVEYOR</p> <p><i>James E. Hibbs</i></p> <p>OREGON JULY 17, 1986 JAMES E. HIBBS 2234</p> <p>RENEWAL DATE 6-30-19</p>	<p>TITLE: AREA TO BE ANNEXED (A-17-105)</p>	<p>DATE: 18 DEC 2017</p>
	<p>ASSESSOR'S MAP # 361W31C TL4500</p>	<p>SCALE: 1 inch : 100 feet</p>
<p>FOR: QUANTUM INNOVATIONS 549 E. VILAS RD. CENTRAL POINT, OR 97502</p>	<p>DRAWN BY: JEH CHK BY:</p>	<p>ORIGIN:</p>
<p>L.J. FRIAR & ASSOCIATES P.C. CONSULTING LAND SURVEYORS PO BOX 1847, PHOENIX, OR 97535 541-772-2782 lfriar@charter.net</p>	<p>ROTATION: 0° JOB# 17221FM</p>	<p>Sheet 1 of 2.</p>



Project Name:

**Quantum Innovations
Annexation**

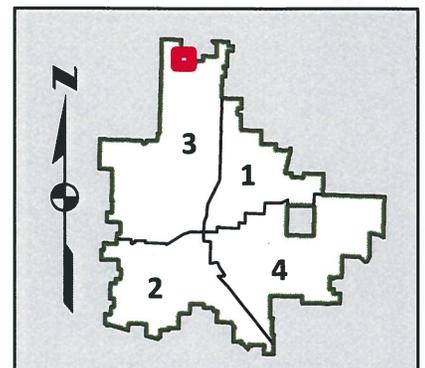
Map/Taxlot:

361W31C TL 4500



Legend

-  Subject Area
-  Tax Lots





CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.2

www.ci.medford.or.us

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

AGENDA SECTION: Public Hearings
MEETING DATE: February 15, 2018

COUNCIL BILL 2018-14

An ordinance vacating an approximately 50 foot wide strip of public right-of-way, being a portion of Evergreen Street, running north-south from West Third Street to West Fourth Street, 300 feet in length.

SUMMARY AND BACKGROUND

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

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

PREVIOUS COUNCIL ACTIONS

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

ANALYSIS

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

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

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

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

Staff has determined both City and State requirements are met.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

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

TIMING ISSUES

None.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.2

www.ci.medford.or.us

COUNCIL OPTIONS

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

STAFF RECOMMENDATION

Since the Commission did not make a recommendation and the applicant is in compliance with all applicable criteria of MLDC Section 10.202, it is staff's recommendation to approve the street vacation request.

SUGGESTED MOTION

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

EXHIBITS

Ordinance

Minutes – Planning Commission hearing from January 11, 2018

Planning Commission Staff Report, including Exhibits A through M

ORDINANCE NO. 2018-14

AN ORDINANCE vacating an approximately 50 foot wide strip of public right-of-way, being a portion of Evergreen Street, running north-south from West Third Street to West Fourth Street, 300 feet in length.

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

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

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

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

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

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That an approximately 50 foot wide strip of public right-of-way, being a portion of Evergreen Street, running north-south from West Third Street to West Fourth Street, 300 feet in length, described in Exhibit "A" and "B" attached hereto and incorporated herein, is hereby vacated, and the ownership of the said area hereby vacated shall become vested as provided by law; and an easement retained for any existing public utilities.

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

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

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

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

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2018.

Mayor

State of Oregon)
County of Jackson)

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

Notary Public for Oregon
My Commission expires:

RECEIVED

OCT 10 2017

PLANNING DEPT.

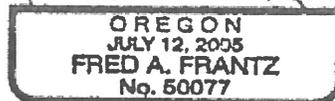
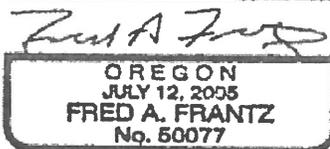
EXHIBIT 'A'

A vacation description for a portion of Evergreen Street right of way as shown on the Map of the Town of Medford, recorded May 4, 1888 now of record, located in the Northeast Quarter of Section 25, Township 37 South, Range 2 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon, more particularly described as follows:

BEGINNING AT the most easterly corner of Block 34 of the City of Medford according to the Official Map thereof, now of record, located in the Northeast Quarter of Section 25, Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon; thence North 35°30' West, along the northeasterly line of said block, a distance of 225.00 feet, to the most southerly corner of that tract described in Instrument Number 88-27430 of the Official Records of Jackson County, Oregon; thence North 54°30' East, along the southeasterly line of said tract, a distance of 10.00 feet, to the most easterly corner thereof; thence North 35°30' West, along the northeasterly line of said tract, a distance of 75.00 feet, to the most northerly corner thereof; thence North 54°30' East, 30.00 feet southeasterly of and parallel with the center line of Third Street, a distance of 40.00 feet to the southwesterly right of way line of the Central Oregon and Pacific Railroad; thence South 35°30' East, along said right of way, a distance of 300.00 feet, to the intersection of said right of way line and a point 30.00 feet northwesterly of, when measured at right angles from, the centerline of Fourth Street; thence South 54°30' West, 30.00 feet northwesterly of and parallel with said center line, a distance of 50.00 feet, to the POINT OF BEGINNING.

Basis of Bearing used in this description is based on the Map of the Town of Medford, according to the Official Plat thereof, now of record.

Prepared by:
Terrasurvey, Inc.
274 Fourth Street
Ashland, Oregon 97520



Renewal 12-31-17

CITY OF MEDFORD
EXHIBIT # A 10f2
File # SV-17-106

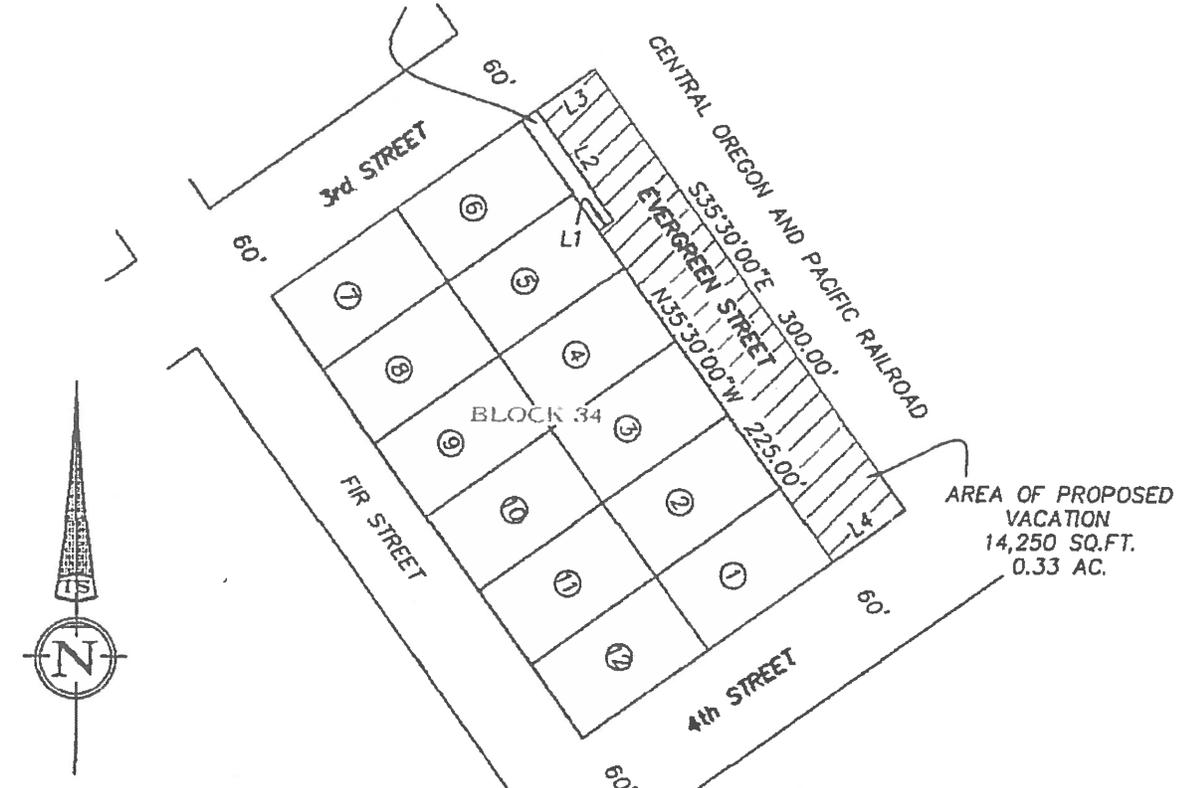
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OCT 10 2017

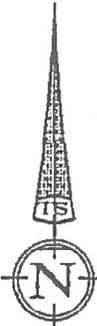
PLANNING DEPT.

EXHIBIT 'B'
FOR
VACATION OF A PROTION OF EVERGREEN STREET
LOCATED IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 37 SOUTH,
RANGE 2 WEST, IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON

PORTION OF EAVEGREEN STREET
VACATED BY CITY OF MEDFIORD ORDINANCE No. 6262
AND RECORDED AS INSTRUMENT No. 88-27430



AREA OF PROPOSED VACATION
14,250 SQ.FT.
0.33 AC.



SCALE: 1" = 100'
OCTOBER 9, 2017

LINE TABLE		
LINE	BEARING	LENGTH
L1	N54°30'00"E	10.00'
L2	N35°30'00"W	75.00'
L3	N54°30'00"E	40.00'
L4	S54°30'00"W	50.00'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Fred A. Frantz

OREGON
JULY 12, 2005
FRED A. FRANTZ
No. 50077

Renewal 12-31-17

TERRASURVEY, INC.
PROFESSIONAL LAND SURVEYORS
274 FOURTH STREET
ASHLAND, OREGON 97520
JOB NO. 1142-17

CITY OF MEDFORD
EXHIBIT # *A 2017*
File # SV-17-106



Minutes

From Public Hearing on **January 11, 2018**

Excerpted Minutes (SV-17-106)

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

Commissioners Present

Patrick Miranda, Chair
David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
Mark McKechnie
Alex Poythress

Staff Present

Matt Brinkley, Planning Director
Kelly Akin, Assistant Planning Director
Eric Mitton, Deputy City Attorney
Alex Georgevitch, City Engineer
Greg Kleinberg, Fire Marshal
Terri Rozzana, Recording Secretary
Dustin Severs, Planner III
Steffen Roennfeldt, Planner III
Liz Conner, Planner II

Commissioner Absent

Jared Pulver, Excused Absence
E.J. McManus, Excused Absence

New Business

50.2 SV-17-106 Consideration of a request for the vacation of an approximate 50-foot wide strip of public right-of-way being a portion of Evergreen Street, running roughly north-south from West Third Street to West Fourth Street, 300 feet in length within the C-H, Heavy Commercial, zoning district. (Linda Donovan, Applicant; Steffen Roennfeldt, Planner).

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Vice Chair McFadden does not have a conflict of interest or ex-parte communication but the Commissioners will find on their desk a letter that he wrote to Planning staff expressing his concern about this application. He recused himself.

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

Steffen Roennfeldt, Planner III, stated that Vice Chair McFadden's letter will be entered into the record as Exhibit M. The street vacation criteria can be found in the Medford Land Development Code Sections 10.202. The applicable criteria were included in the staff report, property owner notices and hard copies are available at the entrance of

Council Chambers for those in attendance. Mr. Roennfeldt gave a staff report. In the staff report he stated that criterion 1. Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan was "Satisfied". It should have read "Not Applicable". He will make that change in the Planning Commission Report.

Commissioner McKechnie is the street owned by the Medford Urban Renewal Agency (MURA) public or privately owned? Mr. Roennfeldt reported it is privately owned.

Commissioner McKechnie asked, is the block to the north public right-of-way? Mr. Roennfeldt stated it is. Commissioner McKechnie assumes there are no improvements on this side of the railroad tracks. Mr. Roennfeldt reported that the property to the north is fenced off. Commissioner McKechnie is more concerned if there is public right-of-way on the block from Third to wherever the platted Evergreen Street goes. Mr. Roennfeldt stated that it goes to Main Street.

Commissioner Mansfield asked if there was a question about the subject property being public right-of-way. Mr. Roennfeldt reported there is no question about that.

Commissioner Foley asked, the Medford Urban Renewal Agency requested some parking spaces, did he not include that in the criteria? Mr. Roennfeldt responded that is not a land use dedication. It is a private agreement between the property owners.

Commissioner Mansfield commented that if this application is passed and the public right of way is vacated then it is no longer the City's business. It belongs to the adjoining property owners.

The Public Hearing was opened.

The applicant and agent were not present.

The Public Hearing was closed.

Motion: The Planning Commission, based on the findings and conclusions that all of the approval criteria are met or are not applicable, forwards a favorable recommendation to the City Council for approval of SV-17-106 per the staff report dated January 4, 2018, including Exhibits A through M.

Moved by: Commissioner Mansfield

Seconded by: Commissioner McKechnie

Roll Call Vote: Motion failed, 3-3-1, with Commissioner Mansfield, Commissioner McKechnie and Chair Miranda voting no. Vice Chair McFadden recused himself.



STAFF REPORT

for a Class-B decision: Vacation

Project Evergreen Street Vacation
Applicant: Linda Donovan

File no. SV-17-106

To Planning Commission

for January 11, 2018 hearing

From Steffen Roennfeldt, Planner III

Reviewer Kelly Akin, Assistant Planning Director

Date January 4, 2018

BACKGROUND

Proposal

Consideration of a request for the vacation of an approximate 50-foot wide strip of public right-of-way being a portion of Evergreen Street, running roughly north-south from West Third Street to West Fourth Street, 300 feet in length within the C-H, Heavy Commercial, zoning district.

Vicinity Map



History

On September 14, 2017, the applicant submitted the subject application requesting to vacate a portion of the existing right-of-way in order to install a food-cart court like use as well as outdoor seating for the existing wine tasting use.

A resolution setting the City Council hearing date of February 15, 2018 will be on the Council's Agenda for the Council Meeting on January 4, 2017.

Authority

This proposal is a Class-B application for vacation of public right-of-way. The Planning Commission is authorized to act as the advisory agency to the City Council for vacations, providing a recommendation to the City Council, and with the City Council serving as the approving authority under Medford Municipal Code Sections 10.102–122, 10.165, and 10.185.

ISSUES AND ANALYSIS

Background

The request is being made for the vacation of Evergreen Street, a public right-of-way, bordering the applicant's property to the northeast between West Third Street and West Fourth Street.

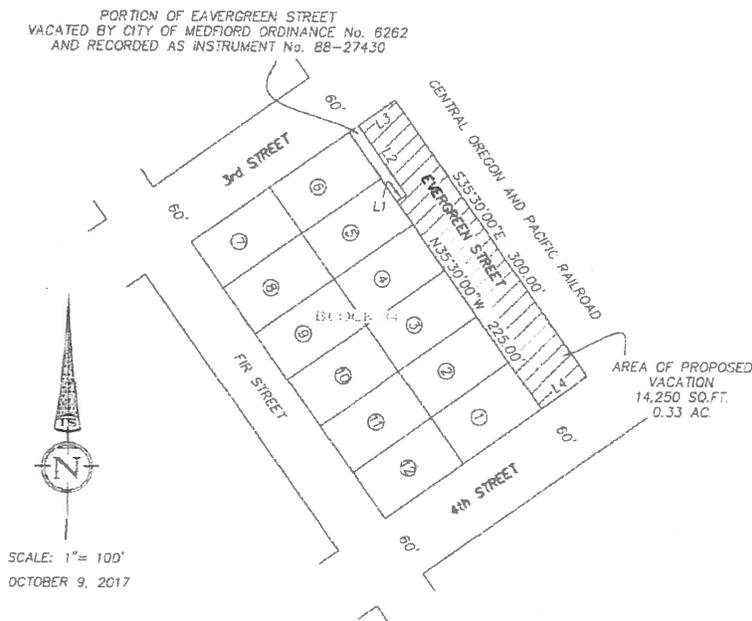


Figure 1 - Location of Proposed Vacation

As can be seen in Figure 1 above, the applicant is proposing to vacate an area located between the railroad tracks, owned and operated by the Central Oregon and Pacific Railroad, and property owned by the applicant (all of Block 34). The area to be vacated is 14,250 square feet in size. Not included in the application is a portion of Evergreen Street (750 square feet) that was already vacated by the City in 1988 (Ordinance No. 88-27430).

Analysis

Medford Land Development Code (MLDC) 10.200 states that a request to vacate a public street, in addition to the requirements of the Code, be subject to the vacation procedures outlined in ORS Chapter 271. Since the vacation request was initiated by petition, the requirements of ORS 271.080 apply: Pursuant to ORS 271.080(2), the consent of the owners of all abutting property and not less than two-thirds in area of the real property affected is required. The applicant has provided written consent of all abutting property owners, as well as 86% of the property owners of the affected area (Exhibits H & I).

Agency Comments

Per the agency comments submitted to staff (Exhibits C to G), it can be found that the submitted legal description accurately describes the area to be vacated. Also, the Rail and Public Transit Division (RPTD) of ODOT requested to be contacted prior to any work being done near the railroad crossings on W. Third Street and W. Fourth Street.

Other Agency Comments (Exhibit J)

The Medford Urban Renewal Agency (MURA) stated its support for the vacation in a memo dated December 29, 2017.

Committee Comments (Exhibit K)

The Medford Bicycle and Pedestrian Advisory Commission opposes the proposed street vacation.

FINDINGS AND CONCLUSIONS

The criteria that apply to vacations are in Medford Municipal Code Section 10.202.

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

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

Findings

The goals and policies in the Comprehensive Plan that relate to public facilities, transportation and the Transportation System Plan (TSP) do not specifically address the topic of right-of-way vacation. There are no pedestrian and/or bicycle projects identified in the draft update to the Transportation System Plan.

Conclusion

Since the goals and policies of the comprehensive plan are silent on right-of-way vacations, using the Comprehensive Plan directly for approval is unnecessary in this instance. This criterion is not applicable to the project.

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

Findings

The application was initiated by petition per the requirements in ORS 271.080(2).

Conclusion

The submitted application contains the requisite material and provides a petition conforming to the standards of ORS 271.080, including the signed consent to vacation documents from 100 percent of all abutting real property owners, and the signed consent to vacate documents from 86 percent of all affected real property owners (Exhibit I). This criterion is satisfied.

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

Findings

The applicant has chosen to initiate the vacation by submitting a petition as allowed per ORS 271.080; therefore, initiation by the Council is not requested.

Conclusion

This criterion is not applicable to the project.

RECOMMENDED ACTION

Based on the findings and conclusions that all of the approval criteria are met or are not applicable, forward a favorable recommendation to the City Council for approval of the vacation per the staff report dated January 4, 2018, including Exhibits A through K.

EXHIBITS

- A Legal description and Exhibit Map of vacation area, received October 10, 2017.
- B Applicant's Findings of Fact and Conclusions of Law, received October 10, 2017.
- C Medford Public Works Department Staff Report, received December 13, 2017.
- D Medford Fire Department Report, received December 13, 2017.
- E Medford Water Commission Memo and Facility Map, received December 13, 2017.
- F City Surveyor comments, received November 8, 2017.
- G ODOT Rail and Public Transit Division comments, received November 20, 2017.
- H Abutting Property Owners consent forms, received October 25, 2017.
- I Affected Property Owners consent forms, received October 25, 2017.
- J Medford Urban Renewal Agency memo, received December 29, 2017.
- K Medford Bicycle and Pedestrian Advisory Committee (BPAC) Memo, received January 3, 2018.
- L Utility Company Sign-Offs, received January 4, 2018
- M E-Mail from Commissioner McFadden, received January 11, 2018
Vicinity map

RECEIVED

OCT 10 2017

PLANNING DEPT.

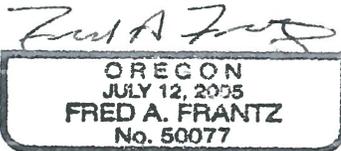
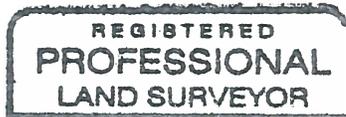
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Basis of Bearing used in this description is based on the Map of the Town of Medford, according to the Official Plat thereof, now of record.

Prepared by:
Terrasurvey, Inc.
274 Fourth Street
Ashland, Oregon 97520

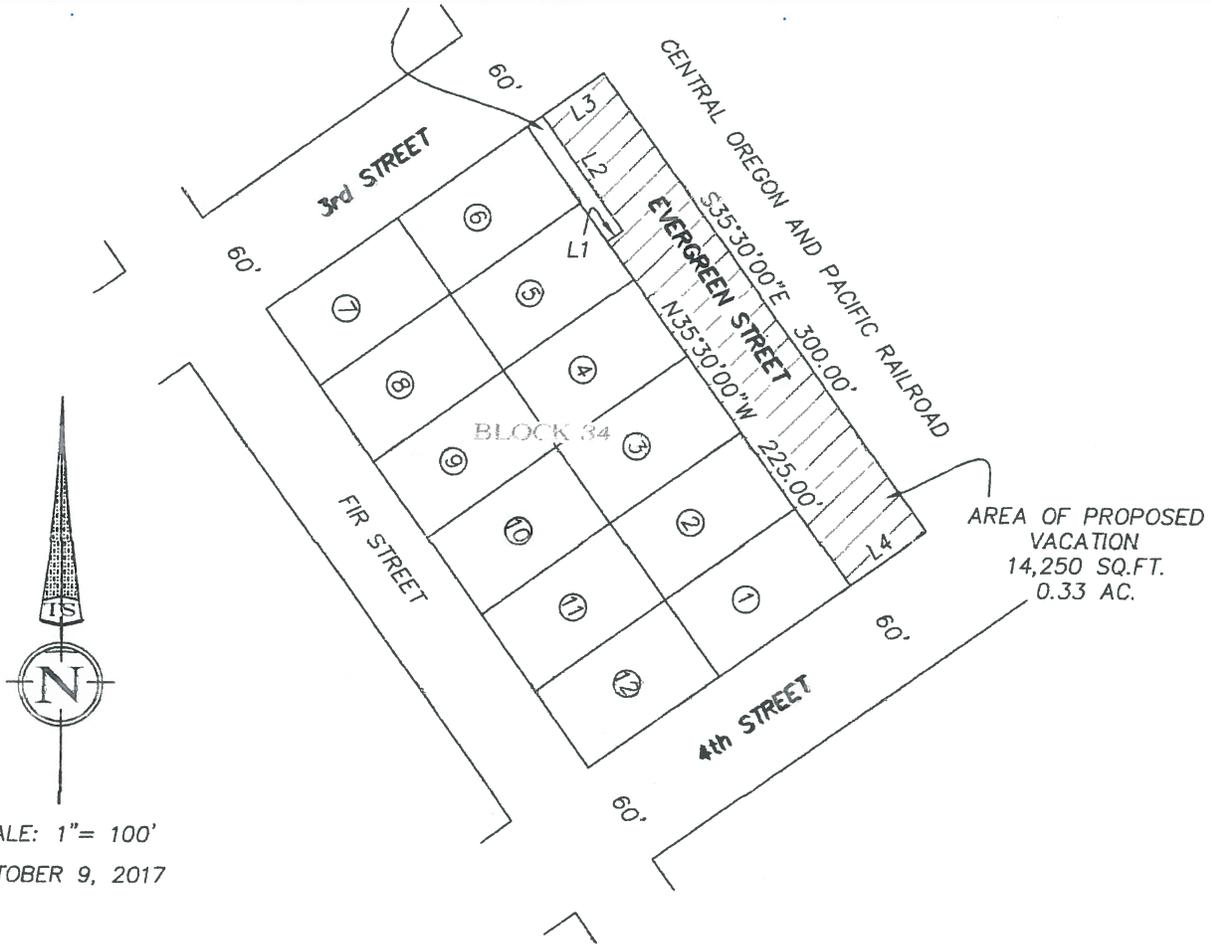


Renewal 12-31-17

OCT 10 2017
PLANNING DEPT.

EXHIBIT 'B'
FOR
VACATION OF A PROTION OF EVERGREEN STREET
LOCATED IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 37 SOUTH,
RANGE 2 WEST, IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON

PORTION OF EAVERGREEN STREET
VACATED BY CITY OF MEDFIORD ORDINANCE No. 6262
AND RECORDED AS INSTRUMENT No. 88-27430



SCALE: 1" = 100'
OCTOBER 9, 2017

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Fred A. Frantz
OREGON
JULY 12, 2005
FRED A. FRANTZ
No. 50077

Renewal 12-31-17

LINE TABLE		
LINE	BEARING	LENGTH
L1	N54°30'00"E	10.00'
L2	N35°30'00"W	75.00'
L3	N54°30'00"E	40.00'
L4	S54°30'00"W	50.00'

TERRASURVEY, INC.
PROFESSIONAL LAND SURVEYORS
274 FOURTH STREET
ASHLAND, OREGON 97520
JOB NO. 1142-17

CITY OF MEDFORD
EXHIBIT # A 2 of 2
File # SV-17-106

FINDINGS OF FACTS

Criteria 1.

1. That the vacation complies with the Public Facilities Element of the Comprehensive plan, including the Transportation System plan.

Applicants Response:

After reviewing the Public Facilities and Transportation System plans of the Comprehensive Plan, the applicant finds the following facts to be true:

- A) The vacation lies within the City of Medford's Urban Growth Boundary.
- B) The vacation is bordered on all sides by City of Medford commercial zoned land.
- C) The physical facilities necessary to support the vacated property, including water service, sanitary sewer collection and treatment and storm water management are in place.
- D) The vacated property has access to public services that include fire protection, law enforcement, solid waste management, schools and health services.
- E) The property has access to and complies with the City of Medford's Transportation System Plan.

Criteria 2.

2. If initiated by petition under ORS 271.080 per ORS 271.120, the City Council must determine the following:
 - a. For a plat vacation or part thereof: that two-thirds of the affected property owners consent in writing. Affected property owners are all owners of property embraced within the plat or part thereof.

For a street or alley vacation: that 100 percent of the abutting property owners and two-thirds of the affected property owners consent in writing. Affected property owners are owners of all land lying on either side of the street or alley proposed to be vacated and extending laterally to the next street that serves as a parallel street not to exceed 200 feet, and within 400 feet of the terminus of the part of the street or alley to be vacated.

- b. That the required notice has been given.

Applicants Response:

The required notice has been given by way of preparing mailing labels and delivering them to the city planning department.

3. If initiated by the City Council under ORS 271.130, the City Council must determine the following:
 - a. That more than 50 percent of the affected property owners do not object in writing; and,

- b. That the vacation will not substantially affect the property value of any abutting property, or if the vacation will substantially affect the market value of any abutting property where the owner objects, the City will provide for paying damages.

Applicants Response:

As evidenced by the attached Written Consent of Owner, all lands to the West of the portion of the abandoned Evergreen Street project to be vacated represent 100% ownership of all real property deemed potentially affected by a vacation initiated by the Council under ORS 271.130. The ownership of these properties feel that the vacation will not substantially affect the market value of their property that would require the City to be responsible for any damages as required under ORS 271.130.



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 12/13/2017
File Number: SV-17-106

PUBLIC WORKS DEPARTMENT STAFF REPORT Evergreen Street Vacation Linda Donovan

- Project:** Consideration of a request for the vacation of an approximate 50-foot wide strip of public right-of-way being a portion of Evergreen Street.
- Location:** Running roughly north-south from West Third Street to West Fourth Street, 300 feet in length within the C-H, Heavy Commercial, zoning district.
- Applicant:** Linda Donovan, Applicant; Steffen Roennfeldt, Planner.
-

Public Works concurs with the request to vacate the subject existing right-of-way, with the condition that sign-offs shall be obtained from all applicable utility companies to confirm they have relocated their facilities out of the area to be vacated or an easement over the entire area shall be reserved for public utilities that exist therein. If required, the easement shall include the right to access, maintain, and construct these utilities within the easement area. No structures shall be built over the easement area.

Prepared by: Doug Burroughs

P:\Staff Reports\SV\2017\SV-17-106 Evergreen Street Vacation (TL 3700-4000)\SV-17-106 Staff Report-LD.docx

Page 1

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

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

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

CITY OF MEDFORD
EXHIBIT # C
File # SV-17-106



Medford Fire Department

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

LAND DEVELOPMENT REPORT - PLANNING

To: Steffen Roennfeldt

LD Meeting Date: 12/13/2017

From: Fire Marshal Kleinberg

Report Prepared: 12/12/2017

File #: SV - 17 - 106

Site Name/Description:

Consideration of a request for the vacation of an approximate 50-foot wide strip of public right-of-way being a portion of Evergreen Street, running roughly north-south from West Third Street to West Fourth Street, 300 feet in length within the C-H, Heavy Commercial, zoning district; Linda Donovan, Applicant; Steffen Roennfeldt, Planner.

DESCRIPTION OF CORRECTIONS

REFERENCE

Approved as Submitted

Meets Requirement: No Additional Requirements

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

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

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

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

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



BOARD OF WATER COMMISSIONERS
Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: SV-17-106

PARCEL ID: 362W25AA TL 3700-4000

PROJECT: Consideration of a request for the vacation of an approximate 50-foot wide strip of public right-of-way being a portion of Evergreen Street, running roughly north-south from West Third Street to West Fourth Street, 300 feet in length within the C-H, Heavy Commercial, zoning district; Linda Donovan, Applicant; Steffen Roennfeldt, Planner.

DATE: December 13, 2017

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

CONDITIONS

1. No Conditions.

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.
3. Static water pressure is approximately 90 psi in this area.
4. MWC-metered water service does NOT exist to this property.
5. Access to MWC water lines is available. There is an existing 8-inch water line in W 4th Street, and a 6-inch water line in N Fir Street.



0 25 50 100 Feet
Scale: 1"=100'

Water Facility Map for SV-17-106

Legend

- Air Valve
- Sample Station
- Fire Service
- ⊕ Hydrant
- ▲ Reducer
- Blow Off
- ⊕ Plugs-Caps
- Water Meters:**
- Active Meter
- On Well
- Unknown
- Vacant
- Water Valves:**
- Butterfly Valve
- Gate Valve
- Tapping Valve
- Water Mains:**
- Active Main
- - - Abandoned Main
- Reservoir Drain Pipe
- Pressure Zone Line
- Boundaries:**
- ▭ Urban Growth Boundary
- ▭ City Limits
- ▭ Tax Lots
- MWC Facilities:**
- C Control Station
- P Pump Station
- R Reservoir



This map is based on a digital orthorectified image provided by the Medford Water Commission. The Medford Water Commission cannot accept responsibility for errors, omissions, or any third-party claims. There are no warranties, expressed or implied.

Date: 12/26/17
Path: C:\Users\mrc\OneDrive\Map - MWC SDE - Layer L1.mxd

Page 43

Steffen K. Roennfeldt

From: Jon M. Proud
Sent: Wednesday, November 8, 2017 1:32 PM
To: Steffen K. Roennfeldt
Cc: Karen M. Spoons
Subject: VACATION SV-17-106
Attachments: Scanned from a Xerox Multifunction Device.pdf

Steffen, I have no comments on the attached description and exhibit map. I do ask that if and when Council acts on the vacation that the original surveyor stamped documents are given to Karen for recordation with the county clerk. This preserves the scale and legibility of the document.

Thanks, Jon

Jon Proud, L.S.
City Surveyor
200 S. Ivy Street
Medford, Or. 97501
jon.proud@ci.medford.or.us
p.541-774-2126
f.541-774-2552

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

From: Steffen K. Roennfeldt
Sent: Friday, November 03, 2017 2:52 PM
To: Jon M. Proud
Subject: FW: Scanned from a Xerox Multifunction Device

Hi Jon,

Could you please do me a favor and look at the attached legal description and verify that everything is ok!? This is part of a street vacation application.

Thank you & have a good weekend,
Steffen

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

From: planning@cityofmedford.org [mailto:planning@cityofmedford.org]
Sent: Thursday, November 2, 2017 1:19 PM
To: Steffen K. Roennfeldt <Steffen.Roennfeldt@cityofmedford.org>
Subject: Scanned from a Xerox Multifunction Device

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Device.

Attachment File Type: pdf, Multi-Page

Steffen K. Roennfeldt

From: HUNTER Zackary <Zackary.HUNTER@odot.state.or.us>
Sent: Monday, November 20, 2017 1:21 PM
To: Steffen K. Roennfeldt; GOODMAN Cary
Cc: SMITH David R
Subject: RE: File No. SV-17-106

Hi Steffen,

My name is Zack Hunter, Crossing Compliance Specialist and I need to chime in on is vacation. Any alterations to 3rd or 4th street within the safe stopping sight distance to the Railroad crossings will require the City to contact the Rail and Public Transit Division (RPTD). These alterations include;

- Access points onto 3rd and 4th Streets
- Adding sidewalks
- Reconfiguration of the pavement markings on 3rd or 4th Streets
- Widening of 3rd or 4th Streets

I do not have any data before me at this time to indicate plans at affect these crossing. Any future plans at or near these crossings that is planned by the City or the respective landowner owner of the vacated street between 3rd and 4th Streets please have the City contact RPTD at (503) 986 4273.

Thank you

Feel free to contact me with any questions.

Zack Hunter
Crossing Compliance Specialist
(503) 986 6780
Zackary.hunter@odot.state.or.us

From: Steffen K. Roennfeldt [<mailto:Steffen.Roennfeldt@cityofmedford.org>]
Sent: Monday, November 20, 2017 11:37 AM
To: GOODMAN Cary
Cc: HUNTER Zackary; SMITH David R
Subject: RE: File No. SV-17-106

Hi Cary,

Please see attached for the requested Property Disposition form and a vicinity map.
Please let me know if there's anything else I have to take care of at this point.

Thank you,
Steffen

From: GOODMAN Cary [<mailto:Cary.GOODMAN@odot.state.or.us>]
Sent: Wednesday, November 15, 2017 2:06 PM
To: Steffen K. Roennfeldt <Steffen.Roennfeldt@cityofmedford.org>
Cc: HUNTER Zackary <Zackary.HUNTER@odot.state.or.us>; SMITH David R <David.R.SMITH@odot.state.or.us>
Subject: File No. SV-17-106



Planning Department

OCT 25 2017

Working with the community to shape a vibrant and healthy future. PLANNING DEPT.

ABUTTING PROPERTY OWNER SIGNATURES (100% REQUIRED)

PETITION:

In the matter of the vacation of right of way of Evergreen St
In the City of Medford.

We, the undersigned, do hereby give our consent to said vacation:

Owner Signature:	
Print Name:	Brian Spothun
Property Address:	Fourth st W Medford
Map & Tax Lot:	372 W 25 AA 12100
Date:	

Medford Urban Renewal



City of Medford

Planning Department

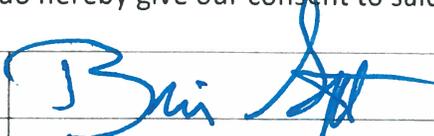
Working with the community to shape a vibrant and exceptional city

ABUTTING PROPERTY OWNER SIGNATURES (100% REQUIRED)

PETITION:

In the matter of the vacation of right-of-way of Evergreen St
In the City of Medford.

We, the undersigned, do hereby give our consent to said vacation:

Owner Signature:	
Print Name:	Brian Siethun
Property Address:	Fourth St W, Medford, OR 97501
Map & Tax Lot:	372 W 25 AA 12000
Date:	

Medford Urban Renewal



City of Medford

Planning Department

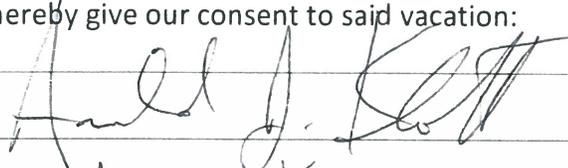
Working with the community to shape a vibrant and exceptional city

ABUTTING PROPERTY OWNER SIGNATURES (100% REQUIRED)

PETITION:

In the matter of the vacation of right-of-way of Evergreen St
In the City of Medford.

We, the undersigned, do hereby give our consent to said vacation:

Owner Signature:	
Print Name:	ARNOLD KLOTT
Property Address:	335 N Front St, Medford OR 97501
Map & Tax Lot:	372W25AA 3200
Date:	

Klott Arnold J/Terri L



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

ABUTTING PROPERTY OWNER SIGNATURES (100% REQUIRED)

PETITION:

In the matter of the vacation of right-of-way Evergreen st
In the City of Medford.

We, the undersigned, do hereby give our consent to said vacation:

Owner Signature:	
Print Name:	Gileen Lee
Property Address:	17 Fourth st W Medford
Map & Tax Lot:	372 W 25 AA 3600
Date:	

Ming and Lee LLC



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

ABUTTING PROPERTY OWNER SIGNATURES (100% REQUIRED)

PETITION:

In the matter of the vacation of right-of-way of Evergreen st
In the City of Medford.

We, the undersigned, do hereby give our consent to said vacation:

Owner Signature:	
Print Name:	Snowm Johns
Property Address:	4 Third st W Medford
Map & Tax Lot:	372W25AA 4100
Date:	10/20/17

Southern Oregon Goodwill



Planning Department

OCT 25 2017

PLANNING DEPT.

Working with the community to shape a vibrant and exceptional city

AFFECTED PROPERTY OWNER SIGNATURES (2/3RD OF AREA REQUIRED)

PETITION:

In the matter of the vacation of right of way Evergreen st
In the City of Medford.

We, the undersigned, do hereby give our consent to said vacation:

Owner Signature:	
Print Name:	JENNIFER MYLENK
Property Address:	409 Front st N Medford
Map & Tax Lot:	372 W 25 AA 3000
Date:	10.25.17

CASA



Planning Department

Working with the community to shape a vibrant and exceptional city

AFFECTED PROPERTY OWNER SIGNATURES (2/3RD OF AREA REQUIRED)

PETITION:

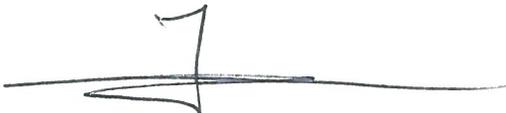
In the matter of the vacation of right of way Evergreen st
In the City of Medford.

We, the undersigned, do hereby give our consent to said vacation:

Owner Signature:	
Print Name:	BRIAN PORTER
Property Address:	147 Front st N Medford
Map & Tax Lot:	372W25AA 11900
Date:	

Restaurant Professionals LLC

 10/20/17
MICHAEL JONOERE


TIMOTHY TOLMAN 10/20/17



Planning Department

Working with the community to shape a vibrant and exceptional city

AFFECTED PROPERTY OWNER SIGNATURES (2/3RD OF AREA REQUIRED)

PETITION:

In the matter of the vacation of right of way Evergreen St
In the City of Medford.

We, the undersigned, do hereby give our consent to said vacation:

Owner Signature:	
Print Name:	BRIAN PORTER
Property Address:	Front St N Medford
Map & Tax Lot:	372W25AA 11700
Date:	

Restaurant Professionals LLC

MICHAEL HONDORF 10-20-17

TIMOTHY TOLMAN 10/20/17



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

AFFECTED PROPERTY OWNER SIGNATURES (2/3RD OF AREA REQUIRED)

PETITION:

In the matter of the vacation of right of way Evergreen st
In the City of Medford.

We, the undersigned, do hereby give our consent to said vacation:

Owner Signature:	
Print Name:	LOUIS J. BUDGE
Property Address:	220 Fir st N Medford
Map & Tax Lot:	372W25AA 3500
Date:	

BDL Partnership



City of Medford

Planning Department

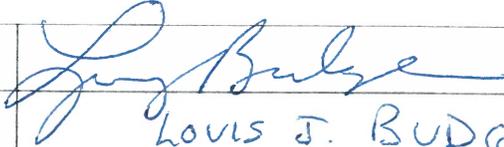
Working with the community to shape a vibrant and exceptional city

AFFECTED PROPERTY OWNER SIGNATURES (2/3RD OF AREA REQUIRED)

PETITION:

In the matter of the vacation of right of way Evergreen st
In the City of Medford.

We, the undersigned, do hereby give our consent to said vacation:

Owner Signature:	
Print Name:	LOUIS J. BUDGE
Property Address:	1600 Fir st N Medford
Map & Tax Lot:	372W 25 AA 3400
Date:	

BDL Partnership



Planning Department

Working with the community to shape a vibrant and exceptional city

AFFECTED PROPERTY OWNER SIGNATURES (2/3RD OF AREA REQUIRED)

PETITION:

In the matter of the vacation of right of way Evergreen St
In the City of Medford.

We, the undersigned, do hereby give our consent to said vacation:

Owner Signature:	
Print Name:	Jack K Schmidt
Property Address:	425 Front st N Medford
Map & Tax Lot:	372W25AA 2900
Date:	10/24/17

Jack Schmidt



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

AFFECTED PROPERTY OWNER SIGNATURES (2/3RD OF AREA REQUIRED)

PETITION:

In the matter of the vacation of right of way Evergreen st.
In the City of Medford.

We, the undersigned, do hereby give our consent to said vacation:

Owner Signature:	
Print Name:	
Property Address:	442 Fir st N Medford
Map & Tax Lot:	372W25AA 4200
Date:	

Eve Hess/Sharon Singer



City of Medford

Office of the City Manager

Continuous Improvement ~ Customer Service

To: Medford Planning Department
From: Kelly A. Madding, Deputy City Manager
Date: 12/29/2017
Re: Vacation of Public Right-of-Way: Evergreen Street from 3rd to 4th Street,
File No. SV-17-106

On December 7, 2017 the City of Medford Urban Renewal Agency (MURA) directed staff to prepare a memo to the Steffen Roennfeldt, Planner III stating support for the vacation of the City-owned right-of-way known as Evergreen Street between 3rd and 4th Streets. The MURA Board requests that the applicant provide six parking spaces on-site to mitigate the impacts that the development's parking will have on the surrounding area.

411 West 8th Street, Medford, OR 97501

Tel. 541.774.2000 • email: citymanager@cityofmedford.org • Fax 541.774.1700

www.cityofmedford.org

Page 58

CITY OF MEDFORD
EXHIBIT # J
File # SV-17-106



City of Medford

Bicycle and Pedestrian Advisory Committee

RECEIVED
JAN 3 2018
PLANNING DEPT.

MEMORANDUM

Subject Medford Bicycle and Pedestrian Advisory Committee (BPAC) comments regarding SV-17-106, Evergreen Street Vacation

To Steffen Roennfeldt, Planning III

From Joseph Smith, BPAC Chair

Date January 2, 2018

The Medford Bicycle and Pedestrian Advisory Committee passed a motion to voice its opposition to vacating the Public Right-of-Way partially based on lack of information of the exact dimensions of the land being requested. Also, this land could be used for future Evergreen Street or multi-use path connecting between 3rd and 4th streets. BPAC would support Public Works working with the property owner to utilize the land until the time needed for the future transportation extension. Thank you for the opportunity to comment.

CITY OF MEDFORD
EXHIBIT # K
File # SV-17-106

RECEIVED

JAN 04 2018

Planning Dept.

PALLET

December 27th, 2017

Utility Providers

RE: Evergreen Street vacate

Dear Utility Providers,

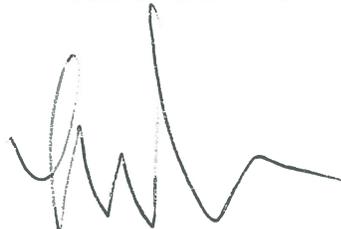
Attached is an exhibit of the proposed Evergreen Street vacation located in downtown Medford between 3rd and 4th street. There are currently no known easements for power, or water, etc.... We are requesting that this location be vacated by the city and that no easements are remaining for the utility providers. We are attaching the surveys showing where the vacation is to take place. There are some overhead powerlines above the buildings that need not be removed at this time. If they are to be removed, it will be done at owner's expense, as would any other utilities discovered. A vacation description and legal description are also attached. If you are in agreeance with this, please sign this document below relinquishing your rights to the above noted public utility & electric easements and return to me. If you have any questions or need further information, please feel free to contact us.

Pacific Power



Avista Utilities

Medford Public Works


Linda Donovan
Pallet Wine Company
(541) 779-1788



Charter Communications



Century Link

City of Medford (Water)

CITY OF MEDFORD
EXHIBIT # L
File # SV-17-106

RECEIVED
JAN 04 2018
Planning Dept.



December 27th, 2017

Utility Providers

RE: Evergreen Street vacate

Dear Utility Providers,

Attached is an exhibit of the proposed Evergreen Street vacation located in downtown Medford between 3rd and 4th street. There are currently no known easements for power, or water, etc.... We are requesting that this location be vacated by the city and that no easements are remaining for the utility providers. We are attaching the surveys showing where the vacation is to take place. There are some overhead powerlines above the buildings that need not be removed at this time. If they are to be removed, it will be done at owner's expense, as would any other utilities discovered. A vacation description and legal description are also attached. If you are in agreeance with this, please sign this document below relinquishing your rights to the above noted public utility & electric easements and return to me. If you have any questions or need further information, please feel free to contact us.

A handwritten signature in black ink, appearing to be "S. H. H.", written over a horizontal line.

Pacific Power

Charter Communications

Avista Utilities

Century Link

Medford Public Works

City of Medford (Water)

A handwritten signature in black ink, appearing to be "Linda Donovan", written over a horizontal line.

Linda Donovan
Pallet Wine Company
(541) 779-1788

RECEIVED

Steffen K. Roennfeldt

JAN 11 2018

From: McFadden, David <David.McFadden@avistacorp.com>
Sent: Thursday, January 11, 2018 3:30 PM
To: cory.crebbins@cityofmedford.org; City Manager's Office
Cc: Kelly A. Akin; Steffen K. Roennfeldt
Subject: CITY PLANNING

PLANNING DEPT.

Brian and Cory

Sorry, I didn't get a chance to mention this before the end of last night's meeting. *Unfortunately, this letter also obligates me to disqualify myself from taking part in this hearing at tonight's planning commission meeting.*

On tonight planning commission agenda, there is an application for the
Vacation of Evergreen Street between W 3rd and 4th Streets. SV-17-106

I am surprised that the application is supported by both Public Works and MURA, and I believe that the City of Medford should say no to this application.

Some of my reasoning is that the City of Medford has already spent lots of public money to improve Evergreen from 10th to 4th Streets, and there can be no doubt that it has improved the looks of downtown Medford, especially the interface between the Railroad and Downtown properties. There is no evidence at this time that the vacation request will continue to improve the looks of this interface.

Also if developed further as a roadway, it could provide the only direct North to South road way between 10th and Jackson Streets west of the railroad, until you get all the out to Columbus. Once this roadway is vacated, the City will never get it back.

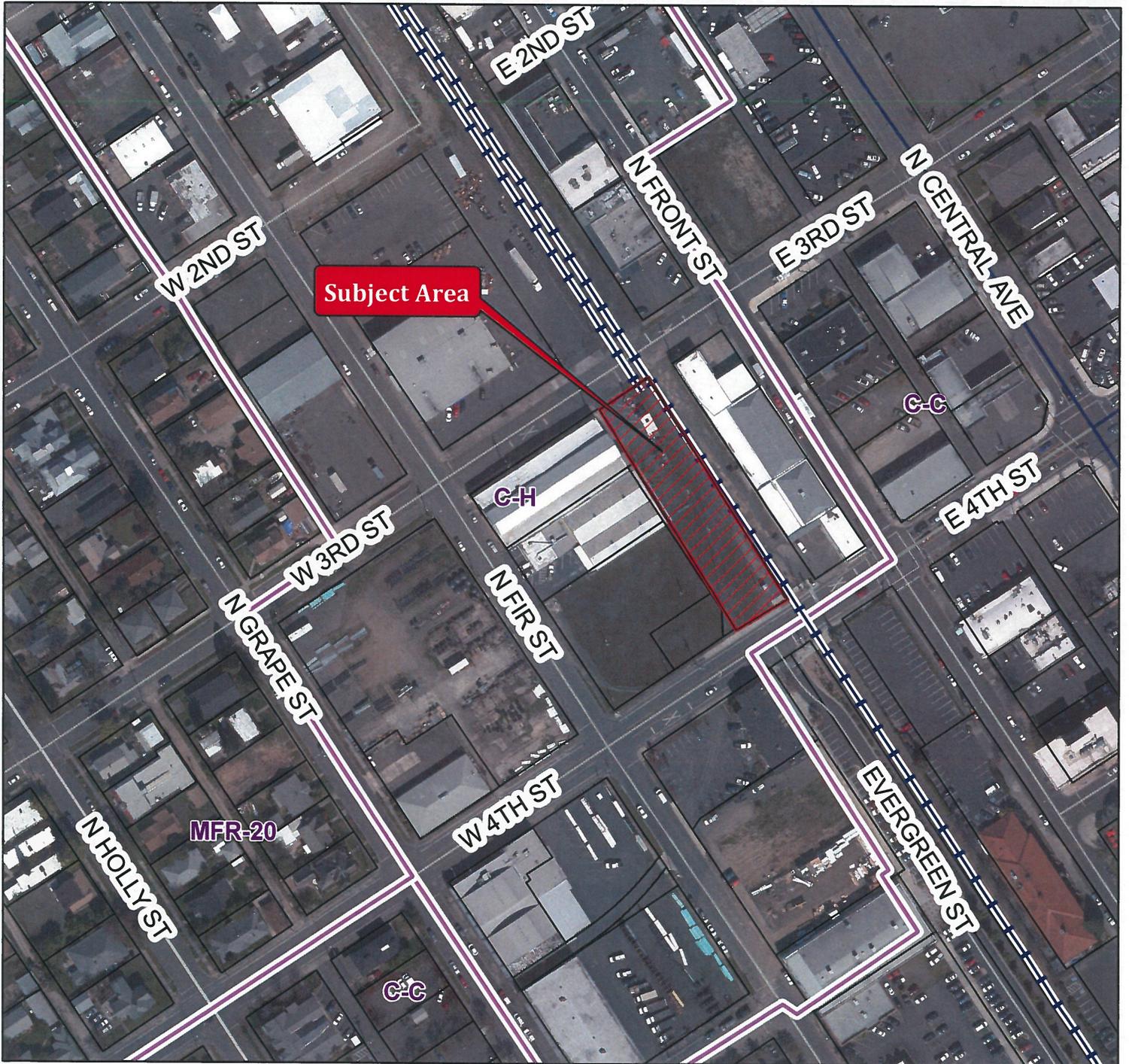
It's not uncommon, but I also see no comment or evidence that this property will necessarily become owned by the applicant. That fact is usually determined by the County after the City takes action.

Might I recommend that you discuss this with your staffs this afternoon, to see if it doesn't really make sense to deny this application, and thereby keep the door open for further improvement of Evergreen as a useful and potential part of an improved downtown Medford.

Sincerely Yours
David McFadden
Medford

CITY OF MEDFORD
EXHIBIT # M
File # SV-17-106

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or an agent of the intended recipient, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments.



Project Name:

Evergreen Street Vacation

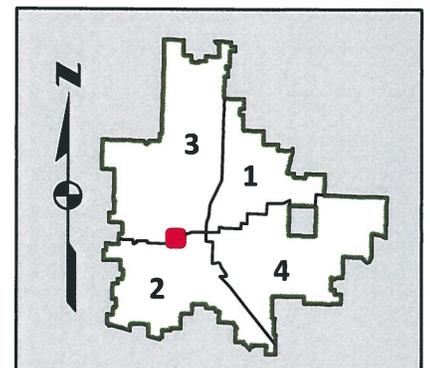
Map/Taxlot:

362W25AA TL 3700-4000



Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots





CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.3

www.ci.medford.or.us

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

AGENDA SECTION: Public Hearings
MEETING DATE: February 15, 2018

COUNCIL BILL 2018-15

An ordinance adopting an Affordable Housing Construction Excise Tax, related administrative regulations, and establishing new Medford Municipal Code sections 9.280 through 9.295, to be effective after the Department of Land Conservation and Development or the Land Conservation and Development Commission acknowledges the City's proposed Urban Growth Boundary amendment.

SUMMARY AND BACKGROUND

The City Council is being asked to consider the adoption of a Construction Excise Tax (CET) to fund affordable housing projects within the City. The City is facing rising housing costs, low or stagnant growth in wages, persistently low vacancy rates, and a shortage of a range of housing types to serve residents at all income levels within the community. In order to begin addressing the housing issue, Council approved the creation of a Housing Advisory Committee (HAC) in August 2017. By December 2017, the committee outlined thirty-six (36) policy recommendations that include a mix of regulatory code changes and economic program incentives to encourage the construction of additional housing units.

The Committee recognized the need to create a funding source that would provide a means to assist and incentivize the development of more housing. Such a funding source could be established through the adoption of a Construction Excise Tax. In 2016, the State enacted Senate Bill 1533 allowing cities to impose such a tax of up to one (1) percent of the permit value on residential construction and an uncapped percentage on commercial and industrial construction in order to create affordable housing. Since then cities around the State have begun adopting such regulations including Bend, Milwaukie, Portland, Corvallis, Cannon Beach, Hood River, and Newport.

On January 18, 2018, City Council held a study session to discuss the Committee's recommendations and specifically addressed the details in bringing forward a construction excise tax for adoption.

PREVIOUS COUNCIL ACTIONS

On August 17, 2017, Council made a motion approving the formation of the Housing Advisory Committee (HAC) to begin identifying policies to address Medford's housing shortage.

On January 18, 2018, Council provided staff direction regarding the Housing Advisory Committee recommendations presented during the noon study session specifically related to the proposed affordable housing Construction Excise Tax.

ANALYSIS

Why a Construction Excise Tax? To date, Medford does not have a local funding source to support programs that would provide financial incentives that would encourage development of certain housing types. Sources of funding are limited to the Community Development Block Grant (CDBG) program and other grant sources. While this is an important tool that the City effectively leverages from to support construction of affordable housing units, it is very restricted in its application and relatively more expensive to administer than a locally funded program. In other words, locally supported housing initiatives, whether they are funded by CET or not, return greater outcomes on a dollar-for-dollar basis because program costs are significantly less.

The approval of a CET would establish a dedicated revenue source and allow for distribution of funds to identified housing programs and projects that meet locally identified needs as established by the City. It is



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.3

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envisioned the collected funds would be distributed through an annual Request for Proposal (RFP)- like process that would be competitive and allow for developers to identify the economic incentives that best match the needs of their projects. A committee, similar to the Housing Advisory Committee, could be the reviewer of the projects and make recommendations to City Council for final approval of dollars awarded.

What is the proposed cost of the CET? As noted previously, the State caps the allowable tax on residential real property to not exceed one percent and an uncapped amount on commercial and industrial real property. The Housing Advisory Committee discussed the amount to charge and agreed that one-third of one percent was a reasonable amount. The City of Bend charges the same percentage. The proposal, if approved, would impose the tax on the permit valuation for any residential, commercial, and industrial permits that result in a new structure, the addition of square footage to an existing structure, and alterations of an existing structure that adds living space. For commercial and industrial improvements, it is proposed that the amount of CET collected would not exceed \$50,000 per building permit or \$50,000 per structure, whichever is less (Section 9.283).

What is the forecasted revenue? At one-third of one percent, it is forecasted the Construction Excise Tax would generate approximately \$493,890 annually excluding statutorily-required exemptions (see Forecast Summary Exhibit). The following are examples of the cost of the tax for construction of a single family home and a commercial development.

- Median Valued Single Family Home: Value of Improvement \$272,000 x .0033 = \$900
- Commercial Development: Value of Improvement \$10,000,000 x .0033 = \$33,000

What types of improvements are exempted from paying the CET? The State outlines nine uses that are exempt from paying the tax. These uses are listed in the proposed code provisions (Section 9.294) and include such uses as private school improvements, public or private hospital improvements, and the following facilities operated by not-for-profit corporations: long term care facilities, residential care facilities, and continuing care retirement communities.

How will the revenues be dedicated? Per Oregon Revised Statute (ORS) 320.195, the revenues collected from the residential improvements must be distributed in the following manner less a four percent administrative fee the City may retain. Fifteen (15) percent shall be distributed to the Housing and Community Services Department (OHCS). The money provided to OHCS funds down payment assistance programs through its Home Ownership Assistance Program (HOAP). The funds provided to OHCS through a CET will be returned to the City of Medford through local organizations that administer the HOAP. Thirty-five (35) percent of the CET shall be used for programs and incentives related to affordable housing as defined by the City and per ORS 320.192 as applicable. For purposes of this allocation, affordable housing is for households up to eighty (80) percent of area median income. The remaining fifty (50) percent shall be dedicated to fund developer incentives allowed or offered pursuant to ORS 197.309 (5)(c) and (d) and (7). ORS 197.309 (5)(c) and (d) does not apply at this time as the City has not imposed a land use regulation that requires a certain number of units to be designated as affordable. Section 7 of ORS 197.309 provides for the City to offer developers voluntary incentives to build housing units. Any incentives provided would be allowed for housing that is affordable to households up to one hundred and twenty (120) percent of area median income.

For those revenues collected from commercial and industrial improvements, less the four (4) percent administrative fee, one hundred (100) percent of the funds shall be used to fund housing programs in the City.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.3

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Other items for Council consideration. The imposition of a tax especially one which adds cost to development and will be paid by one group (builders, developers) may raise concerns for Council and community members. These types of equity questions were raised and discussed during the HAC meetings. The recommendation of the percentage of tax at one-third of one percent and other parameters the HAC discussed were intended to make the requirement more acceptable to those impacted. With these issues in mind, the Committee recommended the Council consider the following along with adoption of the tax:

- Adopt a maximum cap of \$50,000 on commercial and industrial improvements (Section 9.283(B))
- Set a timeframe in order to review the program and evaluate how it is working (Section 9.293)
- Include a sunset provision after 10 years within the code language (Section 9.295)
- Automatically replace the tax upon adoption of a reliable alternative revenue source
- Evaluate a tax credit program allowing donations of developable residential land in-lieu of CET or some portion thereof
- City to provide a match to complement the generated revenues

The Council may direct staff to make modifications to the code related to the topics above. A list of changes for consideration is identified under Council options below.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The affordable housing fund created by adopting a Construction Excise Tax is forecasted to generate approximately \$493,890 annually with statutorily-imposed exemptions for nine types of projects.

TIMING ISSUES

The ordinance is proposed to be effective upon acknowledgement of the City's Urban Growth Boundary amendment to the State. The completion of the review process for the UGB has been anticipated for many years and the adoption of this Ordinance is tied to submittal of the City's application. A timely decision from the Council on the adoption of a CET is requested.

COUNCIL OPTIONS

- Approve the ordinance as presented.
- Modify the ordinance as presented with the following changes:
 - Section 9.283(B): Adjust or remove maximum cap on commercial and industrial permits
 - Section 9.293: Review the CET program every three (3) years
 - Section 9.295: Omit this section, requiring no sunset date
- Decline to approve the ordinance and provide further direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance

SUGGESTED MOTION

I move to approve the ordinance establishing a Construction Excise Tax to promote affordable housing effective upon acknowledgement of the Urban Growth Boundary expansion application to the State.

EXHIBITS

- A - Ordinance
- B - Forecast Summary
- C - Proposed Municipal Code Sections 9.280 to 9.295
- D - Oregon Revised Statutes Sections 197.309 and 320.170 to 320.195

ORDINANCE NO. 2018-15

AN ORDINANCE adopting an Affordable Housing Construction Excise Tax, related administrative regulations, and establishing new Medford Municipal Code sections 9.280 through 9.295, to be effective after the Department of Land Conservation and Development or the Land Conservation and Development Commission acknowledges the City's proposed Urban Growth Boundary amendment.

WHEREAS, the City recognizes it has a low area median income that is disproportionate to the median home sale price and market rentals; and

WHEREAS, on August 17, 2017 the City Council established a Housing Advisory Committee to inform housing policy and provide suggestions to address the City's housing shortage for a range of income levels; and

WHEREAS, the Regional Plan requires a Housing Strategy be completed by March 2018; and

WHEREAS, the Housing Advisory Committee recommends a range of regulatory and economic incentives be considered by the City Council, including the adoption of a Construction Excise Tax to fund affordable housing; and

WHEREAS, the 2016 Oregon Legislative Assembly enacted Senate Bill 1533 allowing cities to impose a Construction Excise Tax for the purpose of promoting affordable housing; and

WHEREAS, the City is taking steps to address the housing crisis for its current and future residents; now therefore,

Section 1. Section 9.280 of the Medford Municipal Code is hereby added to read as follows:

9.280 Purpose.

The purpose of this section is to establish a construction excise tax of one-third of one percent on the value of residential, commercial, and industrial improvements to provide funding for affordable housing in the City.

Section 2. Section 9.281 of the Medford Municipal Code is hereby added to read as follows:

9.281 Definitions.

For purposes of Affordable Housing Construction Excise section, the terms defined below shall mean the following:

"Area Median Income" (AMI) means median family or household income by household size for Jackson County as defined by the United States Department of Housing and Urban Development as adjusted and published periodically.

"Affordable Housing" means a household's ability to find housing within their financial

means. Household is divided into three categories: 1) Low-income households (households earning less than sixty (60) percent of Area Median Income), 2) Moderate-income households (households earning between sixty (60) and eighty (80) percent of Area Median Income), and 3) Middle-income households (households earning between eighty (80) and one hundred and twenty (120) percent of Area Median Income).

“Commercial” means any structure designed or intended to be used, or actually used, for occupancy for purposes other than residential and includes structures otherwise categorized or described as industrial.

“Construct” or “Construction” means erecting, constructing, building, assembling, enlarging, altering, repairing, improving, or converting any building or structure for which the issuance of a building permit is required pursuant to the provisions of Oregon law.

“Improvement” means a permanent addition to, or modification of, real property resulting in a new structure, additional square footage in an existing structure, or alteration of an existing structure that adds living space.

“Living Space” means any floor usable for living purposes, which includes but is not limited to working, sleeping, eating, cooking, recreating, or a combination thereof.

“Net Revenue” means revenues remaining after the administrative fees are deducted from the total construction excise tax collected and payment of any refunds of such taxes.

“Residential” means any structure designed or intended to be used, or actually used, for occupancy for residential purposes including any residential structure, dwelling, or dwelling unit.

“Value of improvement” means the total value of the improvement as determined by the construction permit(s) or building permit(s), regardless of number of separate permits issued. The City Building Official shall calculate the total value in accordance with Oregon Administrative Rule 918-050-0100 Statewide Methodologies for Residential and Commercial Permits.

Section 3. Section 9.282 of the Medford Municipal Code is hereby added to read as follows:

9.282 Administration and Enforcement Authority.

The City Manager or authorized designee is responsible for the administration of the Affordable Housing Construction Excise Tax as described in this Section.

Section 4. Section 9.283 of the Medford Municipal Code is hereby added to read as follows:

9.283 Imposition of Tax.

A. Each person who obtains a permit to construct a residential, commercial, or industrial improvement in the City shall pay a construction excise tax in the amount of one-third of one percent of the value of the improvement.

B. The construction tax imposed on structures intended for commercial or industrial use may not exceed \$50,000 per building permit or \$50,000 per structure, whichever is less.

C. The construction excise tax shall be due and paid at the time of issuance of a building permit.

Section 5. Section 9.284 of the Medford Municipal Code is hereby added to read as follows:

9.284 Exemptions.

A. The construction excise tax shall not be imposed on the following types of improvements:

1. Any improvement funded by Affordable Housing Construction Excise Tax proceeds, or other dedicated affordable housing funding through the City's Community Development Block Grant program.

2. Private school improvements.

3. Public improvements as defined in ORS 279A.010.

4. Residential housing that is guaranteed to be affordable, under guidelines established by the United States Department of Housing and Urban Development, to households that earn no more than 80 percent of the median household income for the area in which the construction tax is imposed, for a period of at least 60 years following the date of construction of the residential housing.

5. Public or private hospital improvements.

6. Improvements to religious facilities primarily used for worship or education associated with worship.

7. Agricultural buildings, as defined in ORS 455.315 (2)(a).

8. Long term care facilities, as defined in ORS 442.015, operated by a not-for-profit corporation.

9. Residential care facilities, as defined in ORS 443.40, operated by a not-for-profit corporation.

10. Continuing care retirement communities, as defined in ORS 101.020, operated by a not-for-profit corporation.

11. Residential housing guaranteed to be affordable up to 120 percent of Area Median Income for a period of at least 30 years following the date of construction of the housing. A person using this exemption and also awarded funds under Section 9.292(C)(1) would receive an amount less the exempted portion.

B. The City may require any person seeking an exemption to demonstrate the improvements are eligible for an exemption and to establish all facts necessary to support granting of the exemption.

Section 6. Section 9.285 of the Medford Municipal Code is hereby added to read as follows:

9.285 Statement of the Full Value of Improvement.

It is a violation of this section for any person to fail to state, or to understate, the full value of the improvements to be constructed.

Section 7. Section 9.286 of the Medford Municipal Code is hereby added to read as follows:

9.286 Failure to Pay.

The City shall not issue a building permit for construction of improvements to any person who has failed to pay the applicable construction excise tax.

Section 8. Section 9.287 of the Medford Municipal Code is hereby added to read as follows:

9.287 Failure to Maintain Units as Affordable.

A. The exemption for affordable unit(s) provided in Sections 9.284(A)(4) and (A)(11) automatically terminates if the unit(s) cease to qualify as affordable at any time during the specified period of affordability. For purposes of this section, affordability shall be calculated using the Area Median Income determination for the preceding calendar year.

B. The tax shall be immediately due and payable to the City as of the date the unit no longer qualifies as affordable, together with the penalty described in Section 9.288. The amount of the construction excise tax shall be calculated using the percentage in effect at the time the unit(s) ceases to qualify.

C. The person responsible to pay shall be the owner of record of the unit(s) at the time the unit(s) ceases to qualify. The seller and buyer, jointly and separately, shall be obligated to pay if the unit(s) ceases to qualify as the result of a sale; including a sale to a person occupying the unit whose income exceeds the Area Median Income determination for the prior year.

Section 9. Section 9.288 of the Medford Municipal Code is hereby added to read as follows:

9.288 Penalty for Failure to Comply.

A. A penalty of five percent of the underpayment of construction excise tax shall apply to:

1. Any person who removes a unit from the affordability exemption provided in Section 9.284(A)(4) and (A)(11). The person shall pay a five percent penalty for each unit that is no longer exempt.

2. Any person who fails to state the full value of the improvement.

B. The penalty shall be due on the entire amount that the City Manager or authorized designee determines has not been paid. The penalty shall be assessed to the 25th day of the month following the due date.

Section 10. Section 9.289 of the Medford Municipal Code is hereby added to read as follows:

9.289 Enforcement by Civil Action.

The construction excise tax, and any assessed penalties due and owing under this Section, constitutes a debt owing to the City by the person liable for the tax as set forth in Section 9.283.

Section 11. Section 9.290 of the Medford Municipal Code is hereby added to read as follows:

9.290 Refunds.

A. The City shall issue a refund to any person who has paid a construction excise tax if:

1. The person establishes the tax was paid for improvements that were otherwise eligible for an exemption under Section 9.284 at the time the permit was issued;

2. The person establishes that construction of the improvement was not commenced and the

associated building permit has been cancelled by the City; or
3. The City Manager or authorized designee determines the amount of construction excise tax, penalty, or interest was erroneously collected or paid to the City.

Section 12. Section 9.291 of the Medford Municipal Code is hereby added to read as follows:

9.291 Appeals.

A person who objects to a determination issued by the City applying the provisions of this section may appeal the determination to the City Council as provided in Section 1.025.

Section 13. Section 9.292 of the Medford Municipal Code is hereby added to read as follows:

9.292 Dedication of Revenue.

A. The City may retain up to four percent of the tax collected as an administrative fee in order to recover costs for administering the program.

B. The net revenue from the tax on residential improvements shall be allocated by the City as follows:

1. Fifteen percent of net revenue shall be remitted to the Oregon Department of Housing and Community Services to fund home ownership programs.

2. Thirty-five percent of net revenue shall be used to fund programs and incentives of the City related to affordable housing as defined by the City for purposes of this section and ORS 320.192. Affordable Housing for purposes of this section shall apply to households at or below eighty (80) percent AMI (Low-income and Moderate-income households).

3. Fifty percent of net revenue shall be used to fund incentives for the development and construction of affordable housing authorized by the City as provided for in state law.

C. The net revenue from the tax on commercial improvements shall be allocated by the City as follows:

1. One hundred percent shall be used to fund programs and incentives for the development and construction of housing that is affordable to households up to 120 percent of Area Median Income.

Section 14. Section 9.293 of the Medford Municipal Code is hereby added to read as follows:

9.293 Review of Program.

The City shall review the Affordable Housing Construction Excise Tax program every five (5) years to evaluate its impact on housing. The Planning Department shall provide a report to the Council outlining the number of units created, revenue collected, and the types of projects created by the recipients of the funds.

Section 15. Section 9.294 of the Medford Municipal Code is hereby added to read as follows:

9.294 Effective Date.

Sections 9.280 through 9.295 shall be effective upon acknowledgement of the City of Medford’s proposed Urban Growth Boundary amendment by the Department of Land Conservation and Development or the Land Conservation and Development.

Section 16. Section 9.295 of the Medford Municipal Code is hereby added to read as follows:

9.295 Expiration.

The Affordable Housing Construction Excise Tax shall expire on December 31, 2028, unless renewed by the City Council.

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

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2018.

Mayor

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

FORECAST SUMMARY			
1/3 of 1% of Total Building Permit Valuations:		0.0033	
<i>forecasted funding</i>			
Partial Year no Reductions		@ 86.54% Annual Completion (45 weeks)	Less 15%
Full Year no Reductions	\$ 636,251.66	@ 100% Annual Completion Assuming Weekly Avg. (52 weeks)	540,813.91
Full Year with Reductions	\$ 581,047.31	@ 100% Annual Completion Assuming Weekly Avg. (52 weeks)	493,890.21

* Reductions include valuations from churches, other nonprofits and affordable housing development.

FORECAST SUMMARY			
1/2 of 1% of Total Building Permit Valuations:		0.0050	
<i>forecasted funding</i>			
Partial Year no Reductions		@ 86.54% Annual Completion (45 weeks)	
Full Year no Reductions	\$ 954,377.49	@ 100% Annual Completion Assuming Weekly Avg. (52 weeks)	811,220.87
Full Year with Reductions	\$ 871,570.96	@ 100% Annual Completion Assuming Weekly Avg. (52 weeks)	740,835.32

* Reductions include valuations from churches, other nonprofits and affordable housing development.

FORECAST SUMMARY			
1% of Total Building Permit Valuations:		0.0100	
<i>forecasted funding</i>			
Partial Year no Reductions		@ 86.54% Annual Completion (45 weeks)	
Full Year no Reductions	\$ 1,908,754.98	@ 100% Annual Completion Assuming Weekly Avg. (52 weeks)	1,622,441.73
Full Year with Reductions	\$ 1,743,141.92	@ 100% Annual Completion Assuming Weekly Avg. (52 weeks)	1,481,670.63

* Reductions include valuations from churches, other nonprofits and affordable housing development.

Total Valu: \$ 190,875,498
 Demo \$ 879,848

		Fee: 1/3 of 1% of all valuations		15% paid to OHCS for ownership programs		Adjusted CET Funding	
Nonprofit	\$15,681,458.00		Adjusted CET				
Adjusted v	\$ 174,314,192	0.003333333	\$ 581,047.31	\$ 87,157.10	\$	493,890.21	

**Municipal Code Revisions
Chapter 9 - Building
Affordable Housing Construction Excise Tax
Sections 9.280 to 9.295**

Sections:

9.280	Purpose
9.281	Definitions
9.282	Administration and Enforcement Authority
9.283	Imposition of Tax
9.284	Exemptions
9.285	Statement of the Full Value of Improvement
9.286	Failure to Pay
9.287	Failure to Maintain Units as Affordable
9.288	Penalty for Failure to Comply
9.289	Enforcement by Civil Action
9.290	Refunds
9.291	Appeals
9.292	Dedication of Revenue
9.293	Review of Program
9.294	Effective Date
9.295	Expiration

9.280 Purpose

The purpose of this section is to establish a construction excise tax of one-third of one percent on residential, commercial, and industrial improvements to provide funding for affordable housing in the City.

9.281 Definitions

For purposes of Affordable Housing Construction Excise section, the terms defined below shall mean the following:

“Area Median Income” (AMI) means median family or household income by household size for Jackson County as defined by the United States Department of Housing and Urban Development as adjusted and published periodically.

“Affordable Housing” means a households ability to find housing within their financial means. Household is divided into three categories: 1) Low-income households (households earning less than sixty (60) percent of Area Median Income; 2) Moderate-income households (households earning between sixty (60) and eighty (80) percent of

Area Median Income, and 3) Middle-income households (households earning between eighty (80) and one hundred and twenty (120) percent of Area Median Income.

“Commercial” means any structure designed or intended to be used, or actually used, for occupancy for purposes other than residential and includes structures otherwise categorized or described as industrial.

“Construct” or “Construction” means erecting, constructing, building, assembling, enlarging, altering, repairing, improving, or converting any building or structure for which the issuance of a building permit is required pursuant to the provisions of Oregon law.

“Improvement” means a permanent addition to, or modification of, real property resulting in a new structure, additional square footage in an existing structure, or alteration of an existing structure that adds living space.

“Living Space” means any floor usable for living purposes, which includes but is not limited to working, sleeping, eating, cooking, recreating, or a combination thereof.

“Net Revenue” means revenues remaining after the administrative fees are deducted from the total construction excise tax collected and payment of any refunds of such taxes.

“Residential” means any structure designed or intended to be used, or actually used, for occupancy for residential purposes including any residential structure, dwelling, or dwelling unit.

“Value of improvement” means the total value of the improvement as determined by the construction permit(s) or building permit(s), regardless of number of separate permits issued. The City Building Official shall calculate the total value in accordance with Oregon Administrative Rule 918-050-0100 Statewide Methodologies for Residential and Commercial Permits.

9.282 Administration and Enforcement Authority

The City Manager or authorized designee is responsible for the administration of the Affordable Housing Construction Excise Tax as described in this Section.

9.283 Imposition of Tax

- A. Each person who obtains a permit to construct a residential, commercial, or industrial improvement in the City shall pay a construction excise tax in the amount of one-third of one percent of the value of the improvement.

- B. The construction tax imposed on structures intended for commercial or industrial use may not exceed \$50,000 per building permit or \$50,000 per structure, whichever is less.
- C. The construction excise tax shall be due and paid at the time of issuance of a building permit.

9.284 Exemptions

- A. The construction excise tax shall not be imposed on the following types of improvements:
 - 1. Any improvement funded by Affordable Housing Construction Excise Tax proceeds, or other dedicated affordable housing funding through the City's Community Development Block Grant program.
 - 2. Private school improvements.
 - 3. Public improvements as defined in ORS 279A.010.
 - 4. Residential housing that is guaranteed to be affordable, under guidelines established by the United States Department of Housing and Urban Development, to households that earn no more than 80 percent of the median household income for the area in which the construction tax is imposed, for a period of at least 60 years following the date of construction of the residential housing.
 - 5. Public or private hospital improvements.
 - 6. Improvements to religious facilities primarily used for worship or education associated with worship.
 - 7. Agricultural buildings, as defined in ORS 455.315 (2)(a).
 - 8. Long term care facilities, as defined in ORS 442.015, operated by a not-for-profit corporation.
 - 9. Residential care facilities, as defined in ORS 443.40, operated by a not-for-profit corporation.
 - 10. Continuing care retirement communities, as defined in ORS 101.020, operated by a not-for-profit corporation.

11. Residential housing guaranteed to be affordable up to 120 percent of Area Median Income for a period of at least 30 years following the date of construction of the housing. A person using this exemption and also awarded funds under Section 9.292(C)(1) would receive an amount less the exempted portion.
- B. The City may require any person seeking an exemption to demonstrate the improvements are eligible for an exemption and to establish all facts necessary to support granting of the exemption.

9.285 Statement of the Full Value of Improvement

It is a violation of this section for any person to fail to state, or to understate, the full value of the improvements to be constructed.

9.286 Failure to Pay

The City shall not issue a building permit for construction of improvements to any person who has failed to pay the applicable construction excise tax.

9.287 Failure to Maintain Units as Affordable

The exemption for affordable unit(s) provided in Sections 9.284(A)(4) and (A)(11) automatically terminates if the unit(s) cease to qualify as affordable at any time during the specified period of affordability. For purposes of this section, affordability shall be calculated using the Area Median Income determination for the preceding calendar year.

The tax shall be immediately due and payable to the City as of the date the unit no longer qualifies as affordable, together with the penalty described in Section 9.288. The amount of the construction excise tax shall be calculated using the percentage in effect at the time the unit(s) ceases to qualify.

The person responsible to pay shall be the owner of record of the unit(s) at the time the unit(s) ceases to qualify. The seller and buyer, jointly and separately, shall be obligated to pay if the unit(s) ceases to qualify as the result of a sale; including a sale to a person occupying the unit whose income exceeds the Area Median Income determination for the prior year.

9.288 Penalty for Failure to Comply

- A. A penalty of five percent of the underpayment of construction excise tax shall apply to:
 - 1. Any person who removes a unit from the affordability exemption provided in Section 9.284(A)(4) and (A)(11). The person shall pay a five percent penalty for each unit that is no longer exempt.
 - 2. Any person who fails to state the full value of the improvement.
- B. The penalty shall be due on the entire amount that the City Manager or authorized designee determines has not been paid. The penalty shall be assessed to the 25th day of the month following the due date.

9.289 Enforcement by Civil Action

The construction excise tax, and any assessed penalties due and owing under this Section constitutes a debt owing to the City by the person liable for the tax as set forth in Section 9.283.

9.290 Refunds

- A. The City shall issue a refund to any person who has paid a construction excise tax if:
 - 1. The person establishes the tax was paid for improvements that were otherwise eligible for an exemption under Section 9.284 at the time the permit was issued;
 - 2. The person establishes that construction of the improvement was not commenced and the associated building permit has been cancelled by the City; or
 - 3. The City Manager or authorized designee determines the amount of construction excise tax, penalty, or interest was erroneously collected or paid to the City.

9.291 Appeals

A person who objects to a determination issued by the City applying the provisions of this section may appeal the determination to the City Council as provided in Section 1.025.

9.292 Dedication of Revenue

- A. The City may retain up to four percent of the tax collected as an administrative fee in order to recover costs for administering the program.

- B. The net revenue from the tax on residential improvements shall be allocated by the City as follows:
1. Fifteen percent of net revenue shall be remitted to the Oregon Department of Housing and Community Services to fund home ownership programs.
 2. Thirty-five percent of net revenue to fund programs and incentives of the City related to affordable housing as defined by the City for purposes of this section and ORS 320.192. Affordable Housing for purposes of this section shall apply to households at or below eighty (80) percent AMI (Low-income and Moderate-income households).
 3. Fifty percent of net revenue to fund incentives for the development and construction of affordable housing authorized by the City as provided for in state law.
- C. The net revenue from the tax on commercial improvements shall be allocated by the City as follows:
1. One hundred percent to fund programs and incentives for the development and construction of housing that is affordable to households up to 120 percent of Area Median Income.

9.293 Review of Program

The City shall review the Affordable Housing Construction Excise Tax program every five (5) years to evaluate its impact on housing. The Planning Department shall provide a report to the Council outlining the number of units created, revenue collected, and the types of projects created by the recipients of the funds. The Council shall direct staff to make any changes to the program or determine if the program shall be terminated.

9.294 Effective Date

The Affordable Housing Construction Excise Tax program shall go into effect after the Department of Land Conservation and Development or the Land Conservation and Development Commission acknowledges the City of Medford's proposed Urban Growth Boundary amendment.

9.295 Expiration

The Affordable Housing Construction Excise Tax shall expire on December 31, 2028, unless renewed by the City Council.

Oregon Revised Statutes 197.309

197.309 Local ordinances or approval conditions effectively establishing housing sale or rental price; exceptions. (1) As used in this section:

(a) “Affordable housing” means housing that is affordable to households with incomes equal to or higher than 80 percent of the median family income for the county in which the housing is built.

(b) “Multifamily structure” means a structure that contains three or more housing units sharing at least one wall, floor or ceiling surface in common with another unit within the same structure.

(2) Except as provided in subsection (3) of this section, a metropolitan service district may not adopt a land use regulation or functional plan provision, or impose as a condition for approving a permit under ORS 215.427 or 227.178 a requirement, that has the effect of establishing the sales or rental price for a housing unit or residential building lot or parcel, or that requires a housing unit or residential building lot or parcel to be designated for sale or rent to a particular class or group of purchasers or renters.

(3) The provisions of subsection (2) of this section do not limit the authority of a metropolitan service district to:

(a) Adopt or enforce a use regulation, provision or requirement creating or implementing an incentive, contract commitment, density bonus or other voluntary regulation, provision or requirement designed to increase the supply of moderate or lower cost housing units; or

(b) Enter into an affordable housing covenant as provided in ORS 456.270 to 456.295.

(4) Notwithstanding ORS 91.225, a city or county may adopt a land use regulation or functional plan provision, or impose as a condition for approving a permit under ORS 215.427 or 227.178 a requirement, that has the effect of establishing the sales or rental price for a new multifamily structure, or that requires a new multifamily structure to be designated for sale or rent as affordable housing.

(5) A regulation, provision or requirement adopted or imposed under subsection (4) of this section:

(a) May not require more than 20 percent of housing units within a multifamily structure to be sold or rented as affordable housing;

(b) May apply only to multifamily structures containing at least 20 housing units;

(c) Must provide developers the option to pay an in-lieu fee, in an amount determined by the city or county, in exchange for providing the requisite number of housing units within the multifamily structure to be sold or rented at below-market rates; and

(d) Must require the city or county to offer a developer of multifamily structures, other than a developer that elects to pay an in-lieu fee pursuant to paragraph (c) of this subsection, at least one of the following incentives:

(A) Whole or partial fee waivers or reductions.

(B) Whole or partial waivers of system development charges or impact fees set by the city or county.

(C) Finance-based incentives.

(D) Full or partial exemption from ad valorem property taxes on the terms described in this subparagraph. For purposes of any statute granting a full or partial exemption from ad valorem property taxes that uses a definition of “low income” to mean income at or below 60 percent of

the area median income and for which the multifamily structure is otherwise eligible, the city or county shall allow the multifamily structure of the developer to qualify using a definition of “low income” to mean income at or below 80 percent of the area median income.

(6) A regulation, provision or requirement adopted or imposed under subsection (4) of this section may offer developers one or more of the following incentives:

- (a) Density adjustments.
- (b) Expedited service for local permitting processes.
- (c) Modification of height, floor area or other site-specific requirements.
- (d) Other incentives as determined by the city or county.

(7) Subsection (4) of this section does not restrict the authority of a city or county to offer developers voluntary incentives, including incentives to:

- (a) Increase the number of affordable housing units in a development.
- (b) Decrease the sale or rental price of affordable housing units in a development.
- (c) Build affordable housing units that are affordable to households with incomes equal to or lower than 80 percent of the median family income for the county in which the housing is built.

(8)(a) A city or county that adopts or imposes a regulation, provision or requirement described in subsection (4) of this section may not apply the regulation, provision or requirement to any multifamily structure for which an application for a permit, as defined in ORS 215.402 or 227.160, has been submitted as provided in ORS 215.416 or 227.178 (3), or, if such a permit is not required, a building permit application has been submitted to the city or county prior to the effective date of the regulation, provision or requirement.

(b) If a multifamily structure described in paragraph (a) of this subsection has not been completed within the period required by the permit issued by the city or county, the developer of the multifamily structure shall resubmit an application for a permit, as defined in ORS 215.402 or 227.160, as provided in ORS 215.416 or 227.178 (3), or, if such a permit is not required, a building permit application under the regulation, provision or requirement adopted by the city or county under subsection (4) of this section.

(9)(a) A city or county that adopts or imposes a regulation, provision or requirement under subsection (4) of this section shall adopt and apply only clear and objective standards, conditions and procedures regulating the development of affordable housing units within its jurisdiction. The standards, conditions and procedures may not have the effect, either individually or cumulatively, of discouraging development of affordable housing units through unreasonable cost or delay.

(b) Paragraph (a) of this subsection does not apply to:

(A) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(B) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(c) In addition to an approval process for affordable housing based on clear and objective standards, conditions and procedures as provided in paragraph (a) of this subsection, a city or county may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(A) The developer retains the option of proceeding under the approval process that meets the requirements of paragraph (a) of this subsection;

(B) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(C) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in paragraph (a) of this subsection.

(10) If a regulation, provision or requirement adopted or imposed by a city or county under subsection (4) of this section requires that a percentage of housing units in a new multifamily structure be designated as affordable housing, any incentives offered under subsection (5)(d) or (6) of this section shall be related in a manner determined by the city or county to the required percentage of affordable housing units. [1999 c.848 §2; 2007 c.691 §8; 2016 c.59 §1]

ORS 320.170-320.195 LOCAL CONSTRUCTION TAXES

320.170 Restriction on construction tax imposed by school district. (1) A school district, as defined in ORS 330.005, may impose a construction tax only in accordance with ORS 320.170 to 320.195.

(2) Construction taxes imposed by a school district must be collected, subject to ORS 320.179, by a local government, local service district, special government body, state agency or state official that issues a permit for structural improvements regulated by the state building code. [2007 c.829 §2; 2009 c.534 §1; 2016 c.59 §2]

320.171 Restriction on construction tax imposed by local government, local service district or special government body. (1) A local government or local service district, as defined in ORS 174.116, or a special government body, as defined in ORS 174.117, may not impose a tax on the privilege of constructing improvements to real property except as provided in ORS 320.170 to 320.195.

(2) Subsection (1) of this section does not apply to:

(a) A tax that is in effect as of May 1, 2007, or to the extension or continuation of such a tax, provided that the rate of tax does not increase from the rate in effect as of May 1, 2007;

(b) A tax on which a public hearing was held before May 1, 2007; or

(c) The amendment or increase of a tax adopted by a county for transportation purposes prior to May 1, 2007, provided that the proceeds of such a tax continue to be used for those purposes.

(3) For purposes of ORS 320.170 to 320.195, construction taxes are limited to privilege taxes imposed under ORS 320.170 to 320.195 and do not include any other financial obligations such as building permit fees, financial obligations that qualify as system development charges under ORS 223.297 to 223.314 or financial obligations imposed on the basis of factors such as income. [2007 c.829 §1; 2016 c.59 §4]

320.173 Exemptions. Construction taxes may not be imposed on the following:

(1) Private school improvements.

(2) Public improvements as defined in ORS 279A.010.

(3) Residential housing that is guaranteed to be affordable, under guidelines established by the United States Department of Housing and Urban Development, to households that earn no more than 80 percent of the median household income for the area in which the construction tax is imposed, for a period of at least 60 years following the date of construction of the residential housing.

(4) Public or private hospital improvements.

(5) Improvements to religious facilities primarily used for worship or education associated with worship.

(6) Agricultural buildings, as defined in ORS 455.315 (2)(a).

(7) Facilities that are operated by a not-for-profit corporation and that are:

(a) Long term care facilities, as defined in ORS 442.015;

(b) Residential care facilities, as defined in ORS 443.400; or

(c) Continuing care retirement communities, as defined in ORS 101.020. [2007 c.829 §3; 2009 c.534 §2]

320.176 Limitations; rates; adjustment by Department of Revenue. (1) Construction taxes imposed by a school district pursuant to ORS 320.170 may be imposed only on improvements to real property that result in a new structure or additional square footage in an existing structure and may not exceed:

(a) \$1 per square foot on structures or portions of structures intended for residential use, including but not limited to single-unit or multiple-unit housing; and

(b) \$0.50 per square foot on structures or portions of structures intended for nonresidential use, not including multiple-unit housing of any kind.

(2) In addition to the limitations under subsection (1) of this section, a construction tax imposed on structures intended for nonresidential use may not exceed \$25,000 per building permit or \$25,000 per structure, whichever is less.

(3)(a) For years beginning on or after June 30, 2009, the limitations under subsections (1) and (2) of this section shall be adjusted for changes in construction costs by multiplying the limitations set forth in subsections (1) and (2) of this section by the ratio of the averaged monthly construction cost index for the 12-month period ending June 30 of the preceding calendar year over the averaged monthly construction cost index for the 12-month period ending June 30, 2008.

(b) The Department of Revenue shall determine the adjusted limitations under this section and shall report those limitations to entities imposing construction taxes. The department shall round the adjusted limitation under subsection (2) of this section to the nearest multiple of \$100.

(c) As used in this subsection, “construction cost index” means the Engineering News-Record Construction Cost Index, or a similar nationally recognized index of construction costs as identified by the department by rule. [2007 c.829 §4; 2016 c.59 §5]

320.179 School district resolutions; collections; requirements. (1) A school district imposing a construction tax shall impose the tax by a resolution adopted by the district board of the school district. The resolution shall state the rates of tax, subject to ORS 320.176.

(2) Prior to collecting a construction tax, a school district shall enter into an intergovernmental agreement with each local government, local service district, special government body, state agency or state official collecting the tax that includes:

- (a) Collection duties and responsibilities;
- (b) The specific school district accounts into which construction tax revenues are to be deposited and the frequency of such deposits; and
- (c) The amount of the administrative fee that the entity or official collecting the tax may use to recoup expenses incurred in collecting the construction tax, either through retention or reimbursement. An administrative fee under this paragraph may not exceed four percent of tax revenues. [2007 c.829 §5; 2009 c.534 §§3,4]

320.183 Long-term facilities plan for capital improvements. (1) After deducting the costs of administering a construction tax and payment of refunds of such taxes, a school district shall use net revenues only for capital improvements.

(2) A construction tax may not be imposed under ORS 320.170 to 320.195 unless the school district imposing the tax develops a long-term facilities plan for making capital improvements. The plan shall be adopted by resolution of the district board of the school district.

(3) As used in this section, “capital improvements”:

- (a) Means:
 - (A) The acquisition of land;
 - (B) The construction, reconstruction or improvement of school facilities;
 - (C) The acquisition or installation of equipment, furnishings or other tangible property;
 - (D) The expenditure of funds for architectural, engineering, legal or similar costs related to capital improvements and any other expenditures for assets that have a useful life of more than one year; or
 - (E) The payment of obligations and related costs of issuance that are issued to finance or refinance capital improvements.

(b) Does not include operating costs or costs of routine maintenance. [2007 c.829 §6]

320.186 Payment of obligations. A school district may pledge construction taxes imposed pursuant to ORS 320.170 to the payment of obligations issued to finance or refinance capital improvements as defined in ORS 320.183. [2007 c.829 §7; 2016 c.59 §6]

320.189 Payment of taxes. Construction taxes must be paid by the person undertaking the construction at the time that a permit authorizing the construction or the expansion of square footage of a facility or building is issued. [2007 c.829 §8; 2009 c.534 §5]

320.192 City or county ordinance or resolution to impose tax; requirements; payment of taxes. (1) The governing body of a city or county may impose a construction tax by adoption of an ordinance or resolution that conforms to the requirements of this section and ORS 320.195.

(2)(a) A tax may be imposed on improvements to residential real property that result in a new residential structure or additional square footage in an existing residential structure, including remodeling that adds living space.

(b) An ordinance or resolution imposing the tax described in paragraph (a) of this subsection must state the rate of the tax. The tax may not exceed one percent of the permit valuation for residential construction permits issued by the city or county either directly or through the Building Codes Division of the Department of Consumer and Business Services.

(3)(a) A tax may be imposed on improvements to commercial and industrial real property, including the commercial and industrial portions of mixed-use property, that result in a new structure or additional square footage in an existing structure, including remodeling that adds living space.

(b) An ordinance or resolution imposing the tax described in paragraph (a) of this subsection must state the rate and base of the tax.

(4) Taxes imposed pursuant to this section shall be paid at the time specified in ORS 320.189 to the city or county that imposed the tax.

(5)(a) This section and ORS 320.195 do not apply to a tax described in ORS 320.171 (2).

(b) Conformity of a tax imposed pursuant to this section by a city or county to the requirements of this section and ORS 320.195 shall be determined without regard to any tax described in ORS 320.171 (2) that is imposed by the city or county. [2016 c.59 §8]

320.195 Deposit of revenues; required uses. (1) As soon as practicable after the end of each fiscal quarter, a city or county that imposes a construction tax pursuant to ORS 320.192 shall deposit the construction tax revenues collected in the fiscal quarter just ended in the general fund of the city or county.

(2) Of the revenues deposited pursuant to subsection (1) of this section, the city or county may retain an amount not to exceed four percent as an administrative fee to recoup the expenses of the city or county incurred in complying with this section.

(3) After deducting the administrative fee authorized under subsection (2) of this section and paying any refunds, the city or county shall use the remaining revenues received under ORS 320.192 (2) as follows:

(a) Fifty percent to fund developer incentives allowed or offered pursuant to ORS 197.309 (5)(c) and (d) and (7);

(b) Fifteen percent to be distributed to the Housing and Community Services Department to fund home ownership programs that provide down payment assistance; and

(c) Thirty-five percent for programs and incentives of the city or county related to affordable housing as defined by the city or county, respectively, for purposes of this section and ORS 320.192.

(4) After deducting the administrative fee authorized under subsection (2) of this section and paying any refunds, the city or county shall use 50 percent of the remaining revenues received under ORS 320.192 (3) to fund programs of the city or county related to housing. [2016 c.59 §9]



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.1

www.ci.medford.or.us

DEPARTMENT: Parks, Recreation, Facilities
PHONE: (541) 774-2483
STAFF CONTACT: Rich Rosenthal, Director

AGENDA SECTION: Consent Calendar
MEETING DATE: February 18, 2018

COUNCIL BILL 2018-16

A resolution authorizing the City of Medford Parks, Recreation, and Facilities Department to apply for a Local Government Grant in the amount of \$491,000 from the Oregon Parks and Recreation Department for Cedar Links Park development.

SUMMARY AND BACKGROUND

The Parks, Recreation and Facilities Department requests approval of a resolution to apply for a Local Government Grant through the Oregon Parks and Recreation Department for development assistance with Cedar Links Park.

PREVIOUS COUNCIL ACTIONS

On February 21, 2008, Council approved Council Bill 2008-37, authorizing the Department to apply for a Local Government Grant for U.S. Cellular Community Park development.

On March 3, 2011, Council approved Council Bills 2011-28 and -29, authorizing the Department to apply for Local Government Grants for Lone Pine and Oregon Hills park development, respectively.

On March 6, 2014, Council approved Council Bill 2014-27, adopting the Cedar Links Park master plan.

On February 1, 2018, Council approved Council Bill 2018-12, authorizing the Department to apply for a Local Government Grant in the amount of \$100,000 on behalf of Southern Oregon Veterans Benefit for the Vietnam Memorial Wall project.

ANALYSIS

The Oregon Parks and Recreation Department is accepting applications for the 2018 Local Government Large Grant Program cycle. The Department intends to submit a \$491,000 funding request for Phase 2 development of Cedar Links Park, and City Council approval of the resolution is a requirement for the grant application.

The grant program has a requirement for a 50 percent match by the applicant. The playground project easily meets this requirement based on the \$704,500 in funding allocated through the FY15-17 biennial budget process.

Park development is divided into three phases: the street and parking lot infrastructure phase; the pathway installation and irrigation installation phase (Phase 1); and installation of park features including a playground, a basketball court, two dedicated pickleball courts, a community garden, a dog off-leash area, a restroom, and a picnic shelter (Phase 2). The Department intends to move forward with the initial phases this summer, as funding permits.

The maximum Local Government Large Grant allocation is \$750,000 per request. The Department is also requesting authorization for a Small Grant request for Bear Creek Park Community Playground replacement, and Council approved the Department's application to the State Veteran's War Memorial grant program on Feb. 1.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

City to apply for grant funds in the amount of \$491,000.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 60.1

www.ci.medford.or.us

TIMING ISSUES

Approval of the resolution is a grant application requirement. The application deadline is April 2018.

COUNCIL OPTIONS

Approve the resolution as presented.

Amend the resolution.

Deny the resolution and provide staff with direction.

STAFF RECOMMENDATION

Staff recommends approval of the resolution.

SUGGESTED MOTION

I move approval of the resolution authorizing the Parks, Recreation and Facilities Department to apply for a Local Government Grant for Cedar Links Park development.

EXHIBITS

Resolution

RESOLUTION NO. 2018-16

A RESOLUTION authorizing the City of Medford Parks, Recreation, and Facilities Department to apply for a Local Government Grant in the amount of \$491,000 from the Oregon Parks and Recreation Department for Cedar Links Park development.

WHEREAS, the Oregon Parks and Recreation Department is accepting applications for the 2018 Local Government Large Grant Program; and

WHEREAS, the City of Medford Parks, Recreation, and Facilities Department desires to participate in this grant program to the greatest extent possible as a means of providing needed park and recreation acquisitions, improvements, and enhancements; and

WHEREAS, the City Council has identified improvements at Cedar Links Park as a high priority need in Medford; and

WHEREAS, the Medford Parks, Recreation, and Facilities Department desires to complete Phase 2 development at Cedar Links Park; and

WHEREAS, the Medford Parks, Recreation, and Facilities Department has available local matching funds to fulfill its share of obligation related to this grant application should the grant funds be awarded; and

WHEREAS, the Medford Parks, Recreation, and Facilities Department will provide adequate funding for on-going operations and maintenance of Cedar Links Park should the grant funds be awarded; now, therefore,

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

Section 1. The City Council demonstrates its support for the submittal of a grant application to the Oregon Park and Recreation Department for Cedar Links Park development.

Section 2. Parks, Recreation, and Facilities Department Director Rich Rosenthal is hereby delegated the authority to sign the grant application.

Section 3. This Resolution shall be effective following its adoption by the City Council.

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

ATTEST: _____
City Recorder

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.2

www.ci.medford.or.us

DEPARTMENT: Parks, Recreation, Facilities
PHONE: (541) 774-2483
STAFF CONTACT: Rich Rosenthal, Director

AGENDA SECTION: Consent Calendar
MEETING DATE: February 15, 2018

COUNCIL BILL 2018-17

A resolution authorizing the City of Medford Parks, Recreation, and Facilities Department to apply for a Local Government Grant in the amount of \$69,100 from the Oregon Parks and Recreation Department for development assistance with the Bear Creek Community Playground replacement project.

SUMMARY AND BACKGROUND

The Parks, Recreation and Facilities Department requests approval of a resolution to apply for a Local Government Grant through the Oregon Parks and Recreation Department for development assistance with the Bear Creek Park Community Playground replacement project.

PREVIOUS COUNCIL ACTIONS

On February 21, 2008, Council approved Council Bill 2008-37, authorizing the Department to apply for a Local Government Grant for U.S. Cellular Community Park development.

On March 3, 2011, Council approved Council Bills 2011-28 and -29, authorizing the Department to apply for Local Government Grants for Lone Pine and Oregon Hills park development, respectively.

On February 1, 2018, Council approved Council Bill 2018-12, authorizing the Department to apply for a Local Government Grant in the amount of \$100,000 on behalf of Southern Oregon Veterans Benefit for the Vietnam Memorial Wall project.

ANALYSIS

The Oregon Parks and Recreation Department is accepting applications for the 2018 Local Government Small Grant Program cycle. The Department intends to submit a \$69,100 funding request for the Bear Creek Park Community Playground replacement project, and City Council approval of the resolution is a requirement for the grant application.

The grant program has a requirement for a 50 percent match by the applicant. The playground project easily meets this requirement based on the \$190,000 in funding allocated through the FY15-17 biennial budget process as well as over \$30,000 in cash donations received to date.

Approximately \$610,000 is needed to construct the playground concept developed in October 2017 through a comprehensive community input process.

The maximum Local Government Small Grant allocation is \$75,000 per request.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

City to apply for grant funds in the amount of \$69,100. The required match is contained within the 2017-19 biennial budget, p. 5-35, project RZZ1008.

TIMING ISSUES

Approval of the resolution is a grant application requirement. The application deadline is April 2018.

COUNCIL OPTIONS

Approve the resolution as presented.

Amend the resolution.

Deny the resolution and provide staff with direction.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 60.2

www.ci.medford.or.us

STAFF RECOMMENDATION

Staff recommends approval of the resolution.

SUGGESTED MOTION

I move approval of the resolution authorizing the Parks, Recreation and Facilities Department to apply for a Local Government Grant for the Bear Creek Park Community Playground replacement project.

EXHIBITS

Resolution

RESOLUTION NO. 2018-17

A RESOLUTION authorizing the City of Medford Parks, Recreation, and Facilities Department to apply for a Local Government Grant in the amount of \$69,100 from the Oregon Parks and Recreation Department for development assistance with the Bear Creek Community Playground replacement project.

WHEREAS, the Oregon Parks and Recreation Department is accepting applications for the 2018 Local Government Small Grant Program; and

WHEREAS, the City of Medford Parks, Recreation, and Facilities Department desires to participate in this grant program to the greatest extent possible as a means of providing needed park and recreation acquisitions, improvements, and enhancements; and

WHEREAS, the City Council has identified improvements at Bear Creek Park as a high priority need in Medford; and

WHEREAS, the Medford Parks, Recreation, and Facilities Department desires to replace the playground equipment at Bear Creek Park; and

WHEREAS, the Medford Parks, Recreation, and Facilities Department has available local matching funds to fulfill its share of obligation related to this grant application should the grant funds be awarded; and

WHEREAS, the Medford Parks, Recreation, and Facilities Department will provide adequate funding for on-going operations and maintenance of Bear Creek Park should the grant funds be awarded; now, therefore,

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

Section 1. The City Council demonstrates its support for the submittal of a grant application to the Oregon Park and Recreation Department for development assistance with the Bear Creek Community Playground replacement project.

Section 2. Parks, Recreation, and Facilities Department Director Rich Rosenthal is hereby delegated the authority to sign the grant application.

Section 3. This Resolution shall be effective following its adoption by the City Council.

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

ATTEST: _____
City Recorder

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.3

www.ci.medford.or.us

DEPARTMENT: Legal

PHONE: 541-774-2020

STAFF CONTACT: Katie Zerkel, Senior Assistant City Attorney

AGENDA SECTION: Consent Calendar

MEETING DATE: February 15, 2018

COUNCIL BILL 2018-18

An ordinance amending sections 5.120, 5.350, 5.365, 5.370, 5.380, 5.385, 5.390, 5.990 and adding sections 5.720 and 5.725 of the Medford Municipal Code to provide consistency with and implement new state laws.

SUMMARY AND BACKGROUND

Council is requested to consider an ordinance amending Chapter 5 of the Medford Municipal Code to implement new laws and provide consistency between state law and the Medford Municipal Code.

PREVIOUS COUNCIL ACTIONS

The offense of Disorderly Conduct, section 5.120 of the Medford Municipal Code has not been updated since it was enacted in 1981. The marijuana offenses section of the Medford Municipal Code was enacted by Council Bill 2016-59 in May of 2016. The tobacco offenses section of the Medford Municipal Code was last amended in March of 2000 by Council Bill 2000-45.

ANALYSIS

The main purpose of these amendments is to incorporate state law changes into relevant provisions of Chapter 5 of the Medford Municipal Code.

The following three Bills were passed and signed into law in 2017:

- Senate Bill 302- A law regulating Possession of Marijuana in quantities over the legal limit. This bill was signed into law on April 21, 2017 and went into effect immediately.
- Senate Bill 303- A law aligning the penalties for Minor in Possession of Marijuana to those already in place for Minor in Possession of Alcohol. This bill was signed into law on April 21, 2017 and went into effect immediately.
- Senate Bill 754- A law raising the minimum age to legally buy or obtain tobacco products from 18 years to 21 years and putting the onus on retailers to comply with the law. This bill was signed into law on August 9, 2017 and went into effect on January 1, 2018.

Additionally, the proposed amendments update references to current Oregon Revised Statutes and update Medford Municipal Code Provisions to provide consistency with state law. This consistency, both in language and penalties, will reduce confusion for the public and provide Medford Police officers clarity when citing people into Medford Municipal Court.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

The above Senate Bills are already in effect, therefore the Medford Municipal Code needs to be brought into alignment with state law.

COUNCIL OPTIONS

Approve the ordinance as presented.

Modify the ordinance as presented.

Deny the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 60.3

www.ci.medford.or.us

SUGGESTED MOTION

I move to approve the ordinance amending Chapter 5 of the Medford Municipal Code.

EXHIBITS

Ordinance

ORDINANCE NO. 2018-18

AN ORDINANCE amending sections 5.120, 5.350, 5.365, 5.370, 5.380, 5.385, 5.390, 5.990 and adding sections 5.720 and 5.725 of the Medford Municipal Code to provide consistency with and implement new state laws.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 5.120 of the Medford Code is amended to read as follows:

5.120 Disorderly Conduct.

(1) **A person commits the crime of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, the person:** ~~No person, acting with intent to cause public alarm or a breach of the peace or with reckless disregard for creating a risk thereof, shall:~~

(a) Engages in fighting or violent, **tumultuous, or threatening** behavior; or

(b) Makes unreasonable noise; or

~~(b)~~ **(c)** Obstructs vehicular or pedestrian traffic on a public way; or

~~(c)~~ **(d)** Fails or refuses to comply with a lawful order of the police to disperse from a public place; or

~~(d)~~ **(e)** Creates a hazard to person or property by any act which the actor is not licensed or privileged to do.

~~(2) For purposes of this section, a breach of the peace means a disturbance where there is both a threat of bodily harm or damage to property and the immediate power to carry out the threat, or where there is an unlawful act of violence.~~

SECTION 2. Section 5.350 of the Medford Code is amended to read as follows:

5.350 Purchase or Possession of Alcoholic Beverages by Minor.

(3) Violation of this section constitutes a violation.

(4) When a person violates this section, the court shall order that the person's driving privileges and right to apply for driving privileges be suspended pursuant to ORS 809.260 and 809.280. The court notification made to the Department of Transportation under this paragraph may include a recommendation that the person be granted a hardship permit under ORS 807.240 if the person is otherwise eligible for the permit.

SECTION 3. Section 5.365 of the Medford Code is amended to read as follows:

5.365 ~~Purchase or Possession of Tobacco by a Minor.~~

(1) No person under 18 years of age shall ~~purchase, attempt to purchase or acquire~~ **possess tobacco products or an inhalant delivery system** as defined in ORS 431.840~~(2)~~ **431A.175.**

~~(2) Except when such minor is in a private residence accompanied by the parent or guardian of the minor and with the consent of such parent or guardian, no person under 18 years of age shall have personal possession of tobacco products.~~

~~(3) A minor acting under the supervision of an adult may purchase, attempt to purchase or~~

~~acquire tobacco products for the purpose of testing compliance with a federal law, state statute, local law or retailer management policy limiting or regulating the delivery of tobacco products to minors.~~

(42) Any person who violates subsection (1) of this section commits a violation.

SECTION 4. Section 5.370 of the Medford Code is amended to read as follows:

5.370 Sale of ~~Smoking Devices~~ Tobacco Products or Inhalant Delivery System.

(1) No person shall knowingly sell **tobacco products or an inhalant delivery system** to a person under ~~18~~ **21** years of age. ~~a smoking device designed for smoking tobacco or any controlled substance.~~ For the purposes of this section, **smoking devices tobacco products and inhalant delivery systems** are those described in ~~chapter 838, Oregon Laws of 1981~~ **ORS 431A.175.**

(2) A person who sells ~~any smoking device~~ **tobacco products or inhalant delivery systems** described in subsection (1) shall display a sign clearly stating that the sale of such ~~devices~~ **items** to persons under ~~18~~ **21** years of age is prohibited by law.

(3) **Violation of subsection (1) of this section constitutes a specific fine violation punishable by a fine of \$50.**

(34) Violation of subsection (2) of this section constitutes a violation **punishable as provided in section 5.990 (5).**

SECTION 5. Section 5.380 of the Medford Code is amended to read as follows:

5.380 Intent and Purpose of Sections 5.380 to 5.390.

The City Council of the City of Medford finds and declares that the health and welfare of the citizens of the City of Medford are promoted by limiting the availability of cigarettes and tobacco products to children under the age of ~~18~~ **21** years, through the means of restricting the location of vending machines dispensing cigarettes or tobacco products.

SECTION 6. Section 5.385 of the Medford Code is amended to read as follows:

5.385 Definitions.

(1) Accessible to persons under the age of ~~18~~ **21** years means, in reference to premises, that no prohibition exists to the entry upon premises, or a discrete portion of premises, by persons who have not attained the age of ~~18~~ **21** years.

(5) Tobacco products has the meaning set out in ~~ORS 323.500~~(914).

(7) Under control of a person in charge means that the tobacco vending machine is:

(a) in direct view of, and

(b) within 25 feet of, a person who owns the tobacco vending machine or who has the right to control the use of premises where the tobacco vending machine is located; or, an employee of either who is charged with the duty to prevent persons under ~~18~~ **21** years of age from obtaining cigarettes or tobacco products from the tobacco vending machine.

SECTION 7. Section 5.390 of the Medford Code is amended to read as follows:

5.390 Tobacco Vending Machines Prohibited.

- (2) The prohibitions of subsection (1) shall not apply to premises or to tobacco vending machines on premises that are:
- (a) licensed by the Oregon Liquor Control Commission for on-premises consumption of alcoholic beverages or as a retail liquor store;
 - (b) maintained for the use of employees and not open to the public;
 - (c) not accessible to persons under the age of ~~18~~ **21** years;
 - (d) under the control of a person in charge of the tobacco vending machine; or
 - (e) configured in a way that will allow a blind person, as that term is defined in ORS 346.110(~~32~~), who has training and skills that enable the blind person to determine if a person obtaining cigarettes or any tobacco product from a tobacco vending machine is under ~~18~~ **21** years of age, and which blind person is in control of the tobacco vending machine.
- (3) Violation of this section constitutes a violation.

SECTION 8. Section 5.720 of the Medford Code is added to read as follows:

5.720 Purchase or Possession of Marijuana Items by Minor.

- (1) **A person under 21 years of age may not possess, attempt to purchase, or purchase a marijuana item.**
- (2) **For purposes of this code provision, purchasing a marijuana item includes accepting a marijuana item, and possessing a marijuana item includes consuming a marijuana item, provided that the consumption of the marijuana item occurred no more than 24 hours before the determination that the person consumed the marijuana item.**
- (3) **Violation of this section constitutes a violation.**
- (4) **The court shall order that, when a person violates subsection 1 of this section, the person's driving privileges and right to apply for driving privileges be suspended pursuant to ORS 809.260 and 809.280. The court notification made to the Department of Transportation under this paragraph may include a recommendation that the person be granted a hardship permit under ORS 807.240 if the person is otherwise eligible for the permit.**
- (5) **In addition to and not in lieu of any penalty established by law, the court may order a person who violates this section to undergo assessment and treatment. The court shall order a person to undergo assessment and treatment if the person has previously been found to have violated this section.**

SECTION 9. Section 5.725 of the Medford Code is added to read as follows:

5.725 Possession of Marijuana

- (1) **Except as explicitly permitted by state law, no person over the age of 21 shall intentionally or knowingly possess more than one ounce of useable marijuana in a public place.**
- (2) **Violation of this section constitutes a violation punishable as provided in section 5.990 (5).**

SECTION 10. Section 5.990 of the Medford Code is amended to read as follows:

5.990 Penalties.

(5) A violation of sections **5.370(2)**, 5.602, **and 5.725** is a violation and is punishable by fine not exceeding ~~\$500~~**440**.

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

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2018.

Mayor

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



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.1

www.ci.medford.or.us

DEPARTMENT: Parks, Recreation, Facilities **AGENDA SECTION:** Ordinances and Resolutions
PHONE: (541) 774-2689 **MEETING DATE:** February 15, 2018
STAFF CONTACT: Tim Stevens, Assistant Director

COUNCIL BILL 2018-19

An ordinance authorizing termination and release of a utility easement granted by the City to Southern Oregon Friends of Hospice and granting utility, sewer, and gas line easements.

SUMMARY AND BACKGROUND

City Council is asked to consider authorizing underground easements and to extinguish an existing easement within Holmes Park by the Southern Oregon Friends of Hospice for the property located at 217 S. Modoc.

PREVIOUS COUNCIL ACTIONS

On June 1, 2017, Council Bill 2017-49 was approved, granting right-of-way easements to Southern Oregon Friends of Hospice and Pacific Power to provide electrical and communication service to the hospice facility.

On September 7, 2017, Council Bill 2017-100 was approved, authorizing an exchange of City-owned property, via a property line adjustment, located at Holmes Park for property located at 217 S. Modoc Avenue.

ANALYSIS

In April 2016, Southern Oregon Friends of Hospice (SOFH) purchased the residence bordered on three sides by Holmes Park along Modoc Avenue with the intention of creating a residence specializing in providing hospice resource information and in-house hospice care. The Holmes Park House would provide in-house hospice care for up to 12 patients at a time. SOFH also intends to provide a plethora of hospice services for up to 180 patients per year.

SOFH requests Council approval to extinguish the utility easement granted by City Council in June 2017 and to replace it with a new multipurpose utility easement that more accurately reflects installed underground utilities. Additionally, SOFH requests authorization to recognize two underground utility easements for natural gas and sewer that were discovered traversing park property because of the September 2017 property line adjustment. These two utility lines do not have easements recorded by the City.

In June of 2017, an easement was granted by City Council to supply additional power to SOFH. However, once installation began this underground line needed to be rerouted in order to protect existing mature vegetation, a deviation not delineated in the original easement. At the same time, SOFH identified that water and communication utility rerouting was necessary to support construction, and it added these utilities to the underground utility trench.

Legal and map descriptions have been submitted accurately representing the actual route of the proposed multipurpose utility easement that now contains power, water and communication. A termination of easement request has been submitted requesting extinguishment of the June 2017 easement that is no longer reflective of SOFH development needs.

Additionally, as a result of the November 2017 property line adjustment, two separate underground utility lines were discovered for sanitary sewer and natural gas. These lines traverse park property without documented utility easements. They are located on the north side of their entry driveway traveling diagonally across developed park property.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 80.1

www.ci.medford.or.us

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None. All costs are borne by SOFH.

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve the ordinance as presented.

Modify the ordinance as presented.

Deny the ordinance and provide staff with direction.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance authorizing easement requests that cross City property at Holmes Park by the Southern Oregon Friends of Hospice for the property located at 217 S. Modoc, and to extinguish the easement granted by Council in June 2017.

EXHIBITS

Ordinance

Map and Legal descriptions

SOFH Termination of Easement

ORDINANCE NO. 2018-19

AN ORDINANCE authorizing termination and release of a utility easement granted by the City to Southern Oregon Friends of Hospice and granting utility, sewer, and gas line easements.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That termination and release of a utility easement granted by the City to Southern Oregon Friends of Hospice, which is on file in the City Recorder's office, is hereby authorized.

Section 2. That easements for sewer, gas, and utilities, which is on file in the City Recorder's office, are hereby granted to Southern Oregon Friends of Hospice.

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

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2018.

Mayor

EXHIBIT "B"

UTILITY EASEMENT MAP

LYING SITUATE IN

NORTHEAST QUARTER OF SECTION 29
TOWNSHIP 37 SOUTH, RANGE 1 WEST, W.M.
CITY OF MEFORD, JACKSON COUNTY, OREGON

FOR

Southern Oregon Friends of Hospice

217 South Modoc Avenue
Medford, Oregon 97504

O.R. 2016-012002

TABLE OF COURSES		
FLAG	BEARING	DISTANCE
①	N 74°14'23" E	35.00'
②	N 85°30'48" E	13.47'
③	S 64°00'00" E	109.00'
④	N 66°00'00" E	26.50'
⑤	S 58°00'00" E	41.00'
⑥	S 04°00'00" E	23.00'
⑦	N 79°00'00" E	25.89'
⑧	N 85°17'40" E	22.83'



SCALE: 1" = 60'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

ELECTRONIC COPY

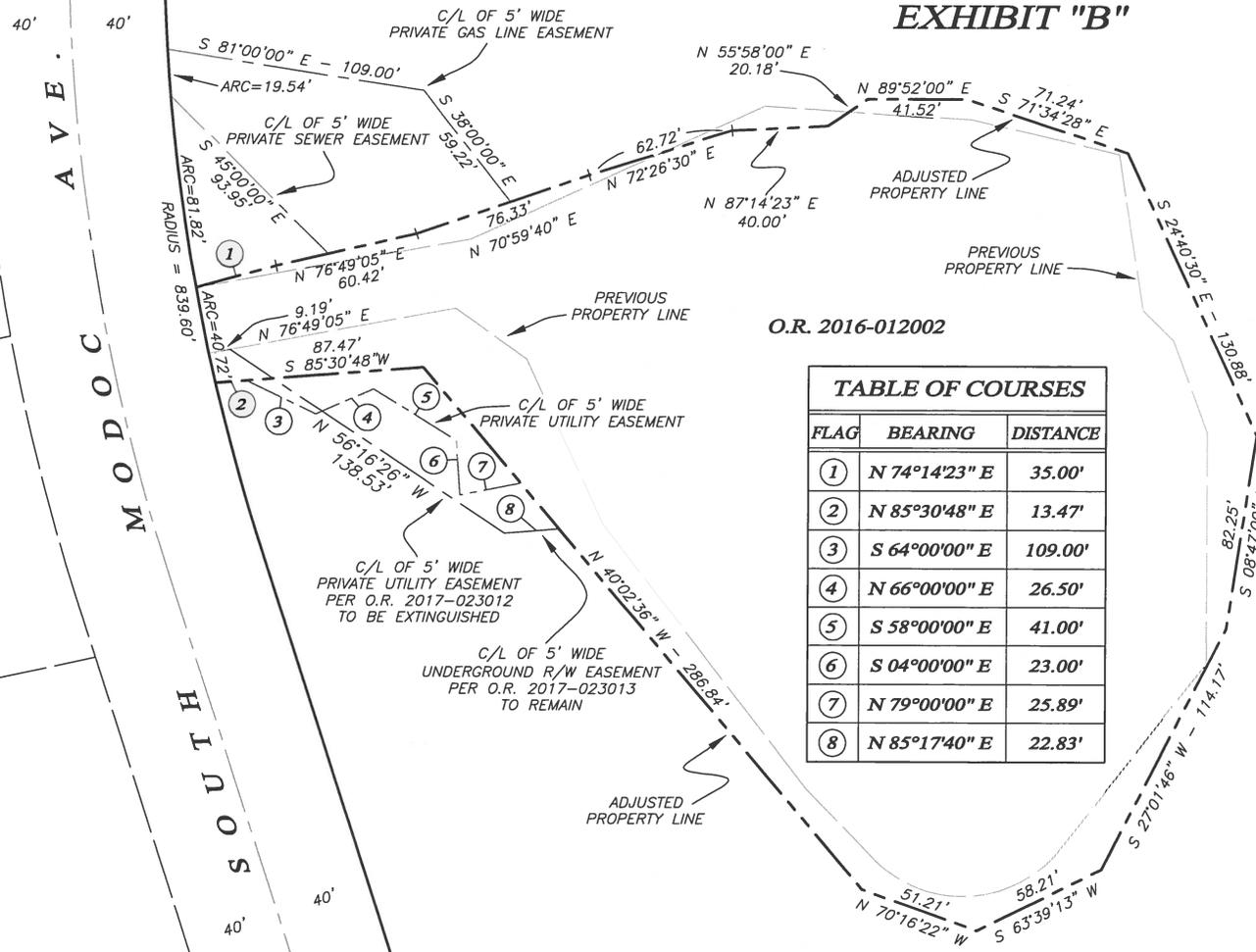
OREGON
JULY 14, 1998
SHAWN KAMPMANN
2883 LS

RENEWAL DATE: 6/30/2019

SURVEYED BY:

POLARIS LAND SURVEYING LLC
P.O. BOX 459
ASHLAND, OREGON 97520
(541) 482-5009

DATE: DECEMBER 19, 2017
PROJECT NO. 1149-17



Assessor's Map No. 37 1W 29 AD, Tax Lots 3900 & 4000

POLARIS LAND SURVEYING



EXHIBIT "A"

LEGAL DESCRIPTION – PRIVATE UTILITY EASEMENT
CITY OF MEDFORD – SOUTH MODOC AVENUE, MEDFORD
ASSESSOR'S MAP NO. 37 1W 29 AD, TAX LOT 3900

A five (5.00) foot wide strip of land for a Private Utility Easement, over and across that tract of land described in Instrument No. 73-16177 of the Official Records in Jackson County, Oregon, for the benefit of that tract of land described within Instrument No. 2016-012002 of said Records, lying situate within the Northeast Quarter of Section 29, within Township 37 South, Range 1 West of the Willamette Meridian, City of Medford, Jackson County, Oregon, more particularly described and bounded as follows, to wit;

Commencing on the easterly line of South Modoc Avenue the northwesterly corner of that tract of land described within Instrument No. 2016-012002 of the Official Records in Jackson County, Oregon; thence 40.72 feet along the arc of a 839.60 foot radius curve to the right, having a delta angle of 02°46'44" (Chord bearing South 11°49'31" East, 40.72 feet); thence North 85°30'48" East, leaving said easterly line, a distance of 13.47 feet to the POINT OF BEGINNING of a five (5.00) foot wide strip of land, being 2.50 feet each side of, parallel with and adjacent to the following described centerline: thence South 64°00'00" East, 32.00 feet; thence North 66°00'00" East, 26.50 feet; thence South 58°00'00" East, 41.00 feet; thence South 04°00'00" East, 23.00 feet; thence North 79°00'00" East, 25.89 feet to the POINT OF TERMINUS.

Prepared by:

Shawn Kampmann
Professional Land Surveyor

Polaris Land Surveying LLC
P.O. Box 459
Ashland, Oregon 97520

Date: October 4, 2017

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RENEWAL DATE: 6/30/19



EXHIBIT "A"

LEGAL DESCRIPTION – PRIVATE SEWER EASEMENT
CITY OF MEDFORD – SOUTH MODOC AVENUE, MEDFORD
ASSESSOR'S MAP NO. 37 1W 29 AD, TAX LOT 3900

A five (5.00) foot wide strip of land for a Sanitary Sewer Easement, over and across that tract of land described in Instrument No. 73-16177 of the Official Records in Jackson County, Oregon, for the benefit of that tract of land described within Instrument No. 2016-012002 of said Records, lying situate within the Northeast Quarter of Section 29, within Township 37 South, Range 1 West of the Willamette Meridian, City of Medford, Jackson County, Oregon, more particularly described and bounded as follows, to wit;

Commencing on the easterly line of South Modoc Avenue the northwesterly corner of that tract of land described within Instrument No. 2016-012002 of the Official Records in Jackson County, Oregon; thence 81.82 feet along the arc of a 839.60 foot radius curve to the right, having a delta angle of 05°35'00" (Chord bearing North 07°38'38" West, 81.78 feet) to the POINT OF BEGINNING of a five (5.00) foot wide strip of land, being 2.50 feet each side of, parallel with and adjacent to the following described centerline: thence South 45°00'00" East, leaving said easterly line, a distance of 93.95 feet to the POINT OF TERMINUS.

Prepared by:

Shawn Kampmann
Professional Land Surveyor

Polaris Land Surveying LLC
P.O. Box 459
Ashland, Oregon 97520

Date: October 4, 2017

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Shawn Kampmann



RENEWAL DATE: 6/30/19



EXHIBIT "A"

LEGAL DESCRIPTION – PRIVATE GAS LINE EASEMENT
CITY OF MEDFORD – SOUTH MODOC AVENUE, MEDFORD
ASSESSOR'S MAP NO. 37 1W 29 AD, TAX LOT 3900

A five (5.00) foot wide strip of land for a Gas Line Easement, over and across that tract of land described in Instrument No. 73-16177 of the Official Records in Jackson County, Oregon, for the benefit of that tract of land described within Instrument No. 2016-012002 of said Records, lying situate within the Northeast Quarter of Section 29, within Township 37 South, Range 1 West of the Willamette Meridian, City of Medford, Jackson County, Oregon, more particularly described and bounded as follows, to wit;

Commencing on the easterly line of South Modoc Avenue at the northwesterly corner of that tract of land described within Instrument No. 2016-012002 of the Official Records in Jackson County, Oregon; thence 101.36 feet along the arc of a 839.60 foot radius curve to the right, having a delta angle of 06°55'00" (Chord bearing North 06°58'38" East, 101.29 feet) to the POINT OF BEGINNING of a five (5.00) foot wide strip of land, being 2.50 feet each side of, parallel with and adjacent to the following described centerline: thence South 81°00'00" East, leaving said easterly line, a distance of 109.00 feet; thence South 38°00'00" East, a distance of 59.22 feet to the POINT OF TERMINUS.

Prepared by:

Shawn Kampmann
Professional Land Surveyor

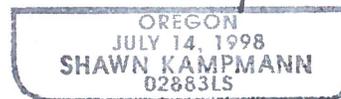
Polaris Land Surveying LLC
P.O. Box 459
Ashland, Oregon 97520

Date: October 4, 2017

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Shawn Kampmann



RENEWAL DATE: 6/30/19

After Recording Return to:
Christian E. Hearn | OSB #911829
Davis Hearn Anderson & Turner PC
515 E. Main St.
Ashland, OR 97520

Grantor:
Southern Oregon Friends of Hospice
217 S. Modoc Ave.
Medford, OR 97504

Grantee:
City of Medford
411 W. 8th St.
Medford, OR 97501

Actual Consideration Paid: \$0.00

Mail Tax Statements To:
Owner of record per Assessor's data

(This Space for Recorder's Use)

TERMINATION AND RELEASE OF 2017 UTILITY EASEMENT

THIS TERMINATION AND RELEASE OF 2017 UTILITY EASEMENT is made by and between the following Parties:

- A. **Southern Oregon Friends of Hospice ("SOFOH"); and,**
- B. **City of Medford, Oregon ("City")**

RECITALS

1. On or about July 6, 2017, City granted to SOFOH a Utility Easement, which was thereafter duly recorded on July 7, 2017, as Jackson County Official Records Doc. **2017-023012** (the "2017 Utility Easement").
2. The purpose of the 2017 Utility Easement was to provide SOFOH with a perpetual utility easement to install, construct, maintain, inspect, reconstruct, repair, replace, remove and keep obstacles clear from SOFOH's facilities consisting of underground telecommunication lines and other appurtenances as SOFOH might require across and under a portion of City's adjacent property, as more specifically described in the Exhibit "A" and Exhibit "B", which were appended to the 2017 Utility Easement.
3. After the 2017 Utility Easement was recorded in the Official Records of Jackson County, subsequent construction and site work by SOFOH revealed that the specific location of the easement area described in the 2017 Utility Easement created unnecessary challenges for the Parties.
4. City has agreed to grant to SOFOH new replacement easements which will render the 2017 Utility Easement unnecessary.
5. Based on the foregoing, the Parties now desire to terminate and release the 2017 Utility Easement.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.2

www.ci.medford.or.us

DEPARTMENT: Parks, Recreation, Facilities **AGENDA SECTION:** Ordinances and Resolutions
PHONE: (541) 774-2657 **MEETING DATE:** February 15, 2018
STAFF CONTACT: James Bryant, Facilities Management Superintendent

COUNCIL BILL 2018-20

An ordinance awarding a contract in an amount of \$230,480 to Vitus Construction for remodeling of the Public Works Department at the Service Center.

SUMMARY AND BACKGROUND

City Council is asked to consider awarding a contract to Vitus Construction in the amount of \$230,480 to remodel Public Works Department offices at the Service Center.

PREVIOUS COUNCIL ACTIONS

On June 15, 2017, Council approved Council Bill 2017-57 adopting the 2017-2019 Biennial Budget and making appropriations thereunder, including funds for the Public Works Service Center office remodel project.

ANALYSIS

Built in 1975, the Service Center located along North Columbus Avenue is the operational hub for the City of Medford's Public Works, Parks, Recreation, and Facilities; Police Property Control departments or divisions, as well as the Medford Water Commission. Approximately 45 percent of Public Works employees are assigned to the Service Center.

The proposed remodel of the Public Works front office area will increase energy efficiency with a new storefront entrance, including dual pane windows, LED lighting upgrades, improved insulation, and modifications to the existing heating and ventilation system. In addition to extending the life of the existing facility, the work will realign the entrance to make it easier to find and more customer friendly.

The new front door will be ADA accessible but will retain the security necessary for the Service Center location. Lobby modifications will create a better flow for employee work and communication.

Employees currently located in the remodel area would be temporarily relocated to interior areas or to the warehouse until work is complete. Customers will access the Public Works Department from a temporary egress door until construction is completed.

If the contract is approved, construction is scheduled to start on February 26, 2018, and finish late June 2018.

The need for this modification was based on growing number of employees, increasing numbers of heating and ventilation issues, and customer's confusion as to locating Public Works offices. ORW Architecture, the same firm that is working on the City's Space Needs Analysis, helped design the project and obtained the necessary permits.

The City used a public low-bid procurement process. Three general contractors attended the mandatory walk-through meeting, and two companies submitted bids:

Company	Bid
Vitus Construction	\$230,480
Adroit Construction	\$232,400



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.2

www.ci.medford.or.us

A total of \$550,000 was budgeted for the project in the current biennium from Public Works fund sources.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

\$550,000 budgeted in current biennium as a capital improvement project, p. 8-36 of the biennial budget binder, project MAA1801. This project funding is split between the Street Utility Fund, Storm Drain Fund, Sewer Utility Fund and Gas Tax Fund.

TIMING ISSUES

Remodel work is projected to take approximately four months. If approved, construction is scheduled to begin on February 26, 2018 and finish late June 2018.

COUNCIL OPTIONS

Approve the project as presented.
Deny the project and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the contract, per permitted plans and bid documents.

SUGGESTED MOTION

I move to approve a construction contract with Vitus Construction in the amount of \$230,480 to remodel Public Works Department offices at the Service Center.

EXHIBITS

Ordinance

ORDINANCE NO. 2018-20

AN ORDINANCE awarding a contract in an amount of \$230,480 to Vitus Construction for remodeling of the Public Works Department at the Service Center.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in an amount of \$230,480 for remodeling of the Public Works Department at the Service Center, which is on file in the City Recorder's office, is hereby awarded to Vitus Construction.

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

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2018.

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.3

www.ci.medford.or.us

DEPARTMENT:	City Attorney's Office	AGENDA SECTION:	Ordinances and Resolutions
PHONE:	(541) 774-2020	MEETING DATE:	February 15, 2018
STAFF CONTACT:	Eric Mitton, Deputy City Attorney; Karen Spoons, City Recorder		

COUNCIL BILL 2018-21

An ordinance amending section 3.470 of the Medford Municipal Code pertaining to interest on assessments.

SUMMARY AND BACKGROUND

Staff is presenting a proposed Code change and seeking Council direction in regards to reducing or eliminating interest in response to voluntary payment of liens on properties being proposed for foreclosure. Annually, Staff presents a list of properties which have past due liens for such items as nuisance and sidewalk abatements for Council consideration in moving forward with foreclosure proceedings. In the past, Council has indicated concern about moving forward with foreclosure proceedings for homes that are occupied and where dollar amounts due are below certain thresholds.

PREVIOUS COUNCIL ACTIONS

On May 19, 2016, Council granted an interest reduction to 6% simple interest on a lien related to a defective sidewalk to a property owner who was suffering financial hardship but agreed to make fixed monthly payments to the City.

On February 2, 2017 Council Bill 2017-14 a resolution to commence foreclosure to recover delinquent assessments was approved.

On February 1, 2018, Council instructed staff to propose a code change that would allow the City Recorder to reduce or eliminate interest while a property owner whose property is on the foreclosure list made monthly payments, providing the City Recorder with tools necessary to negotiate monthly payment plans.

ANALYSIS

At its February 1, 2018 meeting, Council discussed the possibility of giving the City Recorder the discretion to work with owners of properties potentially subject to foreclosure in an attempt to set up payment plans with a reduced interest rate. There was discussion of reducing the interest rate to 0% or to 6% interest under such circumstances, with 6% interest being the predominant viewpoint, although no vote was taken on that issue. Staff was instructed to draft a Code amendment that would allow the City Recorder to deviate from the code-mandated interest rate of 18% when an owner of a property on the foreclosure list was making monthly payments toward the liens owed on the property.

The decision of which properties, if any, should currently be subject to foreclosure still remains an open question for Council. There are currently nine homes identified for foreclosure proceedings with three being vacant and six listed as occupied. Amounts owed to the City vary from \$154.35 to \$11,845.86. Interest amounts on the totals are through November 30, 2017.

The proposed Code amendment will provide the City Recorder with tools to negotiate voluntary payment, including setting up payment plans, for properties where liens exist but no foreclosure action is initiated. Two versions of the proposed Code amendment are presented: one which would give the City Recorder discretion to either reduce interest to 6% or eliminate it entirely, and the other which would allow the City Recorder to reduce interest to 6% but would not allow for complete elimination of interest.

Finally, it was stated during the previous City Council meeting that staff has been in contact with an attorney representing the owner of one of the properties on the foreclosure list, a commercial property on Riverside



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.3

www.ci.medford.or.us

Ave., and staff is requesting that foreclosure actions not be initiated on that property at this time due to those discussions.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Collection of revenue is dependent upon Council direction.

TIMING ISSUES

There is no immediate timing issue.

COUNCIL OPTIONS

Staff has developed the following options for consideration. At the February 1 meeting, Council expressed disapproval of foreclosure on occupied properties prior to significant attempts to set up a payment plan, but no vote was taken on the various options presented by staff. The original four options proposed by staff were:

Option A: Initiate foreclosure action only on properties that are listed as vacant, and attempt to negotiate voluntary payment with reduced or eliminated interest on the remainder.

Option B: Initiate foreclosure action only on properties that are listed as vacant and have a balance owing in excess of \$1,000.00, and attempt to negotiate voluntary payment with reduced or eliminated interest on the remainder.

Option C: Initiate foreclosure action on all properties listed.

Option D: Initiate foreclosure action on all properties listed which have a balance owing in excess of \$1,000.00, and attempt to negotiate voluntary payment with reduced or eliminated interest on the remainder.

In response to Council's request for a proposed Code amendment regarding reduced interest for property owners on a monthly payment plan, staff has developed the following options for consideration:

Ordinance 1: Provides the City Recorder authority to reduce or eliminate interest while negotiating a payment plan with a property owner.

Ordinance 2: Provides the City Recorder authority to reduce interest as low as 6% while negotiating a payment plan with a property owner.

STAFF RECOMMENDATION

As to initiating foreclosure actions, staff recommends Option A or B. As to interest, staff is neutral on the issue.

SUGGESTED MOTION

I move to direct staff to bring forward an Agenda Item Commentary to consider at the March 15, 2018 meeting to initiate foreclosure action as set forth in (insert option A, B, C, or D) while giving the City Recorder discretion to negotiate with the other properties as described in (insert ordinance 1 or 2).

EXHIBITS

Ordinance 1 (allowing reduction or elimination of interest)

Ordinance 2 (allowing reduction of interest)

Properties on Foreclosure List

ORDINANCE NO. 2018-21

AN ORDINANCE amending section 3.470 of the Medford Municipal Code pertaining to interest on assessments.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 3.470 of the Medford Municipal Code is amended to read as follows:

3.470 Interest on Assessments.

(2) Assessments levied by the city upon real property for incurred charges shall bear interest on the unpaid balance from the date the assessment is due and payable at the rate of eighteen percent (18%) per annum. **The City Recorder shall have the discretion and the authority to reduce or eliminate this interest on a retroactive basis if (a) the property owner has agreed to a monthly payment plan and is faithfully and consistently making payments according to that plan, or (b) the property owner is making complete payment of the principal owing, and circumstances exist that would make reduction or elimination of interest fair and just under the totality of the circumstances. Under such agreements, interest shall accrue at the reduced or eliminated rate while monthly payments are being made, and preexisting interest above and beyond the reduced or eliminated rate shall be forgiven upon complete payment of the owed principal and any reduced interest.**

(3) Non-delinquent assessments levied when a different rate was in effect shall continue to bear interest at the rate in effect at the time the assessments were levied.

(4) Delinquent assessments for local improvements and delinquent systems development charges shall bear interest at the rate of eighteen percent (18%) per annum while delinquent.

(5) An assessment shall be deemed delinquent if any payment is not made within 60 days after it becomes due and payable.

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

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2018.

Mayor

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

ORDINANCE NO. 2018-21

AN ORDINANCE amending section 3.470 of the Medford Municipal Code pertaining to interest on assessments.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 3.470 of the Medford Municipal Code is amended to read as follows:

3.470 Interest on Assessments.

(2) Assessments levied by the city upon real property for incurred charges shall bear interest on the unpaid balance from the date the assessment is due and payable at the rate of eighteen percent (18%) per annum. **The City Recorder shall have the discretion and the authority to reduce this interest to 6% per annum on a retroactive basis if (a) the property owner has agreed to a monthly payment plan and is faithfully and consistently making payments according to that plan, or (b) the property owner is making complete payment of the principal owing, and circumstances exist that would make reduction of interest to 6% fair and just under the totality of the circumstances. Under such agreements, interest shall accrue at 6% while monthly payments are being made, and preexisting interest above and beyond the 6% per annum shall be forgiven upon complete payment of the principal and the 6% per annum owing.**

(3) Non-delinquent assessments levied when a different rate was in effect shall continue to bear interest at the rate in effect at the time the assessments were levied.

(4) Delinquent assessments for local improvements and delinquent systems development charges shall bear interest at the rate of eighteen percent (18%) per annum while delinquent.

(5) An assessment shall be deemed delinquent if any payment is not made within 60 days after it becomes due and payable.

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

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2018.

Mayor

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

PROPERTIES TO FORECLOSE ON

Liens placed between 2012-2016

Address	Map/Taxlot	Occupany Status	Lien Type	Customer	Owner per Jackson County	Original Lien Amount	Int Thru 11/30/17	2017 Foreclosure Fees
1016 W Eleventh St	372W25DB22400	Vacant	Nuisance Abatement	Barnett-Myers, Wesley & Linda	Wilmington Savings Fund	2,894.75	2,417.70	3,061.21 *
515 W Eleventh St	371W30CC14600	Occupied	Nuisance Abatement	Hurst, Scott & Sarah	Hurst, Scott & Sarah	184.95	121.88	
2539 Delta Waters Rd	371W08CD13500	Vacant	Nuisance Abatement	Larson, Jeffery & Tanya	Larson, Jeffery & Tanya	-	-	1,315.56 **
1914 Prune St	372W26DD01703	Vacant	Nuisance Abatement	Haynes, Ray	Haynes, Ray & Hart, Stephen	118.75	35.60	
2994 Barclay Rd	371W17AA00700	Occupied	Sidewalk Abatement	Moore, Michael/Linda	Moore, Michael	4,137.50	1,055.02	
3140 Circlewood Dr	372W12CC01604	Occupied	Sidewalk Abatement	Hartley, Hope	Hartley, Hope & Kesterson, Melissa	2,812.50	717.16	
229 N Riverside Ave	371W30BB04000	Occupied	Sidewalk Abatement	Reisinger, Elaine Trustee Et Al	Reisinger, Elaine & Jennings, Velma	9,553.13	2,292.73	
60 N Peach	372W25AC15900	Occupied	Nuisance Abatement	Fereira, Kelly/Libby, Edward	Fereira, Kelly & Libby, Edward	2,634.38	401.95	
35 Jeanette	372W25CB02600	Occupied	Nuisance Abatement	Litchfield, Gary Dale	Hardage, Mitchell	716.87	107.44	
						23,052.83	7,149.48	4,376.77

* - Includes 2015 & 2016 Foreclosure Fees as well

** - Original lien was paid during 2017 Foreclosure, however 2017 Foreclosure Fees were not paid



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 100.1

www.ci.medford.or.us

DEPARTMENT: Planning Department
PHONE: (541) 774-2000
STAFF CONTACT: Matt Brinkely, Planning Department

AGENDA SECTION: City Manager's Report
MEETING DATE: February 15, 2018



MEMORANDUM

Subject Medford Housing Advisory Committee Housing Strategies
Recommendations and Estimated Timeline

To Mayor and City Council *for 02/15/2018 Hearing*

From Carla Angeli Paladino, CFM, Principal Planner

Date January 23, 2018

Council Motion to Direct Staff to Begin Working on Housing Recommendations

The City Council is being asked to make a motion directing Planning staff to begin working on the regulatory and economic incentive recommendations proposed by the Housing Advisory Committee (HAC).

Housing Advisory Committee Formation and Purpose

In August 2017, City Council approved the formation of the Housing Advisory Committee (HAC) to identify policies to address Medford’s housing shortage for a range of income levels. The HAC’s stated purpose was to “inform policy that supports the development of a range of housing choices that meet the needs/preferences of Medford’s current and future residents while supporting the City’s broader community development goals.” Based on discussions among the committee members there was an emphasis on finding strategies to support the development of housing affordable to households at between 60 – 120% of area median family and household income as well. In addition, the Regional Plan requires that a Housing Strategy be completed by March 2018. The work of the HAC was aligned with this requirement and provided an opportunity to have local representatives dealing with housing from different perspectives weigh in, discuss, and outline recommendations to address housing affordability and availability in Medford. Additionally, the need to complete the Regional Housing Strategy ties into the City’s proposal to expand its Urban Growth Boundary, and thus the Committee’s parallel work was made a priority. The final composition of the committee included a diverse mix of representatives from fifteen stakeholder groups including employers and representatives of the development community.

Committee Meetings

The Committee met seven times between October and December 2017 to discuss policy recommendations that would help create opportunities for additional housing in Medford. In mid-December, the Committee had identified nineteen regulatory reforms and seventeen economic incentive programs deemed important for the City to begin

work on. Each recommendation was ranked as a high, medium, or low priority strategy to be accomplished and is provided below for the Council’s consideration.

HAC Recommendations

The first list identifies the seventeen economic strategies for Council consideration and how the Committee ranked their priority. Staff will begin working on the seven high priority items listed over the next 12 months. As presented during the Council study session on January 18th, staff is proposing Council adopt a construction excise tax to fund housing projects as a start to the economic incentives. In the next six months, a proposal that provides a deferral program for the payment of System Development Charges will follow along with the detailed establishment of a Housing Advisory Committee. Staff is seeking direction from Council to begin working on the details of this committee immediately. The remaining top priorities will be drafted and presented to Council in the next 6-12 months. The medium and low priority items are estimated to be drafted and presented to City Council in 18 to 24 months unless Council identifies a strategy that needs to be worked on sooner.

	Strategy	High Priority	Medium Priority	Low Priority
1.	Construction Excise Tax	× February 2018		
2.	Multi-Unit Property Tax Exemption	×		
3.	Establish a Housing Advisory Committee	× May 2018		
4.	System Development Charges Deferral and/or Exemption Program	× May 2018		
5.	Finance Permit Fees (Building Permit and SDCs)	×		
6.	Incentivize construction of Accessory Dwelling Units (ADU)	×		
7.	Amend and promote the Vertical Housing Tax Credit Program	×		
8.	Incentivize Mixed Use Development (exempt SDCs for residential units above commercial)	×		
9.	Identify and use all relevant Federal and State housing programs	×		

10.	Local investment pool		×	
11.	HOME Investment Partnership Program		×	
12.	Revolving Loan Fund		×	
13.	Establish a Community Development Foundation		×	
14.	Final Plat Escrow Account		×	
15.	Density Transfers			×
16.	Fund Exchange Program			×
17.	Brownfield Redevelopment			×

The following list identifies the nineteen regulatory strategies and their rankings. Fourteen of the strategies are identified as high priority. Staff thinks that a majority of these topics can be drafted and ready for hearing in the next 6-8 months. Staff will have assistance drafting these amendments through the City's award of a Technical Assistance (TA) grant from the Department of Land Conservation and Development but will begin working on these strategies prior to hiring a consultant through the grant process. The medium priority items may also be presented to Council in the 6-8 month timeframe proposed. The remaining three items are estimated to be ready for Council review in 12-18 months.

	Strategy	High Priority	Medium Priority	Low Priority
1.	Minor Lot Partition reviewed as Director's Decision	×		
2.	Residential Design Standards with streamlined process	×		
3.	Review different ways to achieve density/adjust density numbers	×		
4.	Review lot sizes for Multi-family Residential	×		
5.	Allow cottage housing	×		
6.	Review duplex standards and where permitted/allow duplexes, triplexes, and 4-plexes in SFR zones	×		
7.	Increase building height in Multi-Family Residential zones	×		
8.	Reduce Parking Standards	×		

9.	Allow Residential Care Facilities in over 15 residents in the Multi-family Residential zones	×		
10.	Modify zone change locational criteria	×		
11.	Prioritize review of building permits for Affordable Housing projects	×		
12.	Allow pad lot development for Multi-family Residential	×		
13.	Modify Minimum Access Easement standards	×		
14.	Allow conversion of Single Family Residential in commercial zones to easily convert back and forth from residential to commercial uses	×		
15.	Expand where Accessory Dwelling Units are permitted		×	
16.	Build in flexibility for site design and lot layout (allow minor adjustments)		×	
17.	Density bonus to avoid closure of mobile home parks			×
18.	Allow pre-fabricated small or tiny homes with standards			×
19.	Residential Street Design Standards			×



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 100.2

www.ci.medford.or.us

DEPARTMENT: Planning Department
PHONE: (541) 774-2000
STAFF CONTACT: Matt Brinkely, Planning Department

AGENDA SECTION: City Manager's Report
MEETING DATE: February 15, 2018



MEMORANDUM

Subject Housing Advisory Committee Recommendations Regarding Establishing a Permanent Housing Committee and a System Development Charges Deferral Program

To Mayor and City Council *for 02/15/2018 Hearing*

From Carla Angeli Paladino, CFM, Principal Planner

Date February 1, 2018

Council Motion

The City Council is being asked to make a motion directing Planning staff to:

- 1) Work on establishing a permanent Housing Advisory Committee; and
- 2) Establish a System Development Charges Deferral Program

Both items will be drafted and brought before Council for review and approval

Housing Advisory Committee Recommendations

The Housing Advisory Committee was formed in August 2017 and by December had identified a list of regulatory reforms and economic incentive programs for City Council to consider related to housing. The Affordable Housing Construction Excise Tax (CET) was drafted for Council consideration this evening and was one of the economic programs identified on the Committee’s list.

In conjunction with the CET, the Committee recommends Council establish a permanent housing committee to oversee the distribution of the funds generated by the CET program. The other program for Council to consider is the creation of a System Development Charges Deferral Program.

Permanent Housing Committee

With the establishment of housing funds and new housing programs, the Committee thought it would be important to create a committee to help review program applications and determine project selection for allocation of funds. This committee could be a subcommittee of the Housing Commission or include members from the Commission. Staff will begin discussions with the existing Housing Commission, review their duties, responsibilities, and composition, and make recommendations to Council about how to best structure a new committee or restructure the existing Commission to fit this new role.

The Committee heard from Jim Long, the Affordable Housing Manager from the City of Bend, and he was in favor of establishing a committee in Medford with a similar membership. The City of Bend's committee is comprised of one representative from each of the following: Builders Association, Chamber of Commerce, local lending institution, affordable housing provider, tenant organization, and the Realtors Association. The remaining three members are at large representatives.

System Development Charges Deferral Program

The payment of System Development Charges (SDC) for services such as water, sewer, and storm drain are required to be paid or financed prior to issuance of a building permit. The SDC fees for a single-family residence are approximately \$12,000 which is an additional cost added to the building permit fees. The creation of a deferral program would enable the builder to defer these specific costs until the time of certificate of occupancy of the building or upon sale of property, depending on how the program is structured. The benefit to deferring is that the fees are removed from the overall cost of the permit reducing the amount of money needed to secure the building permit. For larger residential or commercial projects, this deferment of costs may be a substantial benefit to the project and may provide the additional financial incentive needed to construct the development.

The Housing Advisory Committee identified this strategy as a high priority. It is an important incentive to complement the adoption of the Affordable Housing Construction Excise Tax.

Timeframe

It is estimated staff would present both of these strategies to City Council by May 2018.