Medford City Council Meeting

Agenda

March 17, 2016
12:00 Noon AND 7:00 P.M.
Medford City Hall, Council Chambers
411 West Eighth Street, Medford, Oregon

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10. Roll Call

Employee Recognition

20. Approval or Correction of the Minutes of the March 3 Regular Meeting

30. Oral Requests and Communications from the Audience
Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. PLEASE SIGN IN.

40. Consent Calendar

50. Items Removed from Consent Calendar

60. Ordinances and Resolutions

60.1 COUNCIL BILL 2016-34 – SECOND READING – An ordinance authorizing execution of an amended Agreement with the Chamber of Medford/Jackson County to include requested additions and to allow for an extension of time to finalize negotiations.

60.2 COUNCIL BILL 2016-25 – SECOND READING – An ordinance awarding a contract in the amount of $346,760 to Tyler Technologies, Inc. for software and professional services required for the implementation of Municipal Court software.

60.3 COUNCIL BILL 2016-37 A resolution authorizing the transfer of $332,000 from various current biennium projects to replenish the General Fund Contingency.

60.4 COUNCIL BILL 2016-38 A resolution denying a vacation of an approximate 8,080 square feet of public right-of-way located north of Dakota Avenue between Park and South Oakdale Avenues.

60.5 COUNCIL BILL 2016-39 A resolution authorizing the transfer of $300,000 from the Regional Sewage Treatment Fund Contingency to the Public Works Department to construct improvements pertaining to pollutants in stormwater discharge.

60.6 COUNCIL BILL 2016-40 An ordinance awarding a contract in the amount of $139,807.70 to Blackline, Inc., to perform slurry seal on various streets.

60.7 COUNCIL BILL 2016-41 An ordinance authorizing execution of an Agreement between the City of Medford and the International Association of Fire Fighters Local 1431 to allow a Battalion Chief to return to a previously held classification and preserve seniority.

60.8 COUNCIL BILL 2016-42 An ordinance authorizing execution of an Agreement between the City of Medford and the International Association of Fire Fighters Local 1431 concerning the classification of a Battalion Chief in the event of a reduction of personnel.

70. Council Business

80. City Manager and Other Staff Reports

80.1 Further reports from City Manager

90. Propositions and Remarks from the Mayor and Councilmembers

90.1 Proclamations issued:
Arbor Month – April 2016
Fair Housing Month – April 2016
Water Conservation Month – April 2016

90.2 Further Council committee reports

90.3 Further remarks from Mayor and Councilmembers

100. Adjournment to the Evening Session

EVENING SESSION
7:00 P.M.

Roll Call

110. Oral Requests and Communications from the Audience

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

120. Public Hearings

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

120.1 COUNCIL BILL 2016-43 An ordinance approving a minor amendment to the General Land Use Plan (GLUP) Map of the Medford Comprehensive Plan by changing the land use designation of 5.72 acres located between Corona and Covina Avenues north of East McAndrews Road from Urban Residential (UR), to Service Commercial (SC). (CP-15-163) Land Use, Quasi-Judicial

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

130. Ordinances and Resolutions

140. Council Business

150. Further Reports from the City Manager and Staff

160. Propositions and Remarks from the Mayor and Councilmembers

160.1 Further Council committee reports

160.2 Further remarks from Mayor and Councilmembers

170. Adjournment

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

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Item No: 60.1

DEPARTMENT: City Manager's Office **AGENDA SECTION:** Ordinances and Resolutions
PHONE: 541-774-2000 **MEETING DATE:** March 17, 2016
STAFF CONTACT: John W. Hoke, City Manager Pro Tem

COUNCIL BILL 2016-34
SECOND READING. An ordinance authorizing execution of an amended Agreement with the Chamber of Medford/Jackson County to include requested additions and to allow for an extension of time to finalize negotiations.

SUMMARY AND BACKGROUND
The City of Medford has an agreement with the Chamber of Medford/Jackson County (Chamber) to provide promotional services for recreational, cultural, convention and tourism-related activities and programs for a portion of the transient occupancy tax.

PREVIOUS COUNCIL ACTIONS
The City Council adopted Ordinance 2389 on October 20, 1975 authorizing a contract with the Chamber for utilization of transient lodging taxes for the purpose of promoting the use of the City of Medford for recreational, cultural, convention and tourist-related services and programs. Since that time, Council has approved contracts for the Chamber to continue this service. The current contract, approved on June 17, 2010, was scheduled to expire on June 30, 2015. On June 3, 2015, Council approved the extension of the contract until June 30, 2016 to allow time for negotiations. Council voted five to two to approve the two-year extension of the agreement with the Chamber on March 3, 2016. This is the second reading of the ordinance.

ANALYSIS
Negotiations on a new agreement with the Chamber are continuing, however are not expected to be finalized prior to June 30, 2016. An extension of time to the current contract is requested in order to continue negotiations and finalize an agreement for adoption. In addition, Council requested the addition of several items into the amended agreement. These include a section on maintaining records for a period of 180 days after expiration of the agreement, providing financial records semi-annually, the addition of an audit, and promoting Medford and the Rogue Valley without discrimination or affiliation with the Chamber.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
Approximately $750,000 per year

TIMING ISSUES
The current agreement expires on June 30, 2016

COUNCIL OPTIONS
Approve, modify or deny the ordinance.

STAFF RECOMMENDATION
Staff recommends approval of the ordinance to extend the agreement with the Chamber of Medford/Jackson County until June 30, 2018 with the requested additions.

SUGGESTED MOTION
I move to approve the ordinance extending the agreement between the City of Medford and the Chamber of Medford/Jackson County to June 30, 2018.

EXHIBITS
Ordinance
Current and amended agreement

ORDINANCE NO. 2016-34

AN ORDINANCE authorizing execution of an amended Agreement with the Chamber of Medford/Jackson County to include requested additions and to allow for an extension of time to finalize negotiations.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That execution of an amended Agreement with the Chamber of Medford/Jackson County to include requested additions and to allow for an extension to finalize negotiations, which agreement is on file in the City Recorder's office, is hereby authorized.

Section 2. The findings to support the award of this contract are attached hereto as Exhibit A and incorporated herein by reference.

Section 3. The effective date of this Agreement is July 1, 2016, to June 30, 2018.

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

ATTEST:_____ _____

City Recorder Mayor

APPROVED_____, 2016. _____

Mayor

Findings to Support Award of Amended Contract to the Chamber of Medford/Jackson County

1. The Medford City Charter provides that a portion of the transient lodging tax (an amount not to exceed 25% of such tax) may be used for the purpose of promoting, directly or through contract, the use of the City of Medford for recreational, cultural, convention, and tourist-related activities and services. The City has contracted with the Chamber of Medford/Jackson County ("Chamber") to provide these services since approximately 1975.
2. Contracts for promoting the use of the City of Medford for recreational, cultural, convention and tourist-related activities and services are exempt from competitive bidding and competitive quoting pursuant to Medford City Ordinance 2.579. However, the City Council desires to formally adopt these findings to support its award of a contract to the Chamber.
3. The City has determined that such services are in the public interest and will be for a public purpose for the benefit of the City and that securing tourism business produces revenue for the City by increasing business license fees and transient lodging taxes, and revenue for City owned properties such as the U.S. Cellular Park.
4. The promotion of tourism is a highly specialized service requiring expertise and the confidence of participating local businesses.
5. The Chamber has a unique position as a promoter of recreational, cultural, convention, and tourist-related activities and services.
6. The Chamber has been recommended by persons whose businesses are subject to the tax imposed, as the non-profit corporation the City should contract with for aforesaid purposes.
7. That considerable additional time and expenditure of funds would be needed if other firms were required to develop the expertise necessary for this work, which the Chamber already has by virtue of previous work on the project.

EXHIBIT A

AGREEMENT

THIS AGREEMENT is entered into between the City of Medford, a municipal corporation organized under the laws of Oregon, hereinafter referred to as "MEDFORD" and THE CHAMBER OF MEDFORD/JACKSON COUNTY, hearinafter referred to as "CHAMBER".

WHEREAS, the voters of Medford on August 5, 1975, approved a charter amendment authorizing the City to levy a tax not exceeding six percent on the privilege of transient occupancy within the City and authorizing the utilization of a portion not exceeding twenty-five percent of the proceeds of the tax for the purpose of promoting the use of the City of Medford for recreational, cultural, convention and tourist-related services and programs;

WHEREAS, on December 6, 1984, the City Council enacted Ordinance No. 5316 levying a six-percent transient lodging tax to be effective January 1, 1985; and

WHEREAS, as a result of the voter-approved increase of the transient lodging tax to nine-percent,

For and in consideration of the mutual terms and conditions contained herein, the parties agree as follows:

1. Medford shall pay to Chamber from funds lawfully appropriated during the fiscal years commencing July 1, 2010 and ending June 30, 2015, twenty-five percent of the net proceeds from the transient lodging tax. Actual payments shall be made as follows: not later than thirty (30) days from the date upon which monthly collections from the tax are required to be paid to Medford by operators, Medford shall pay to Chamber twenty-five percent of the net proceeds of said collections. Any such funds from each fiscal year disbursed to Chamber and not expended by Chamber at the close of business on September 30 each year shall be repaid to Medford not later than November 30 each year.

2. Chamber shall maintain adequate accounting records of all revenues and expenditures with supporting invoices. Said records shall be maintained by Chamber for a period of three (3) years. Chamber shall deposit all Medford funds received pursuant to this agreement in a separate checking account. No funds shall be disbursed from this account except for purposes authorized by this agreement. Provided however, that Chamber may deposit such amounts of its own funds in this account as may from time to time be necessary to carry out their duties under this agreement in the most efficient manner. Such advances may be repaid out of the separate account without interest. Provided, further, that Chamber shall be allowed to charge against the separate account an

amount not exceeding 50% per year for the share of overhead (salaries, fringe benefits, rent and utilities) attributable to the services performed for Medford under this agreement. All other funds received from Medford shall be spent for materials and services to be provided for the benefit of Medford. Expenditures shall be in substantial compliance with an annual Budget Proposal that shall be provided to Medford on or before July 1 of each.

3. The Finance Director of Medford, or any persons authorized in writing by him, may examine during normal business hours the books and accounting records of Chamber after notifications to Chamber. Information regarding the contents of books, paper, and accounting records shall be considered confidential, provided that nothing shall prevent the disclosure to other Medford officials for the purpose of enforcing any provisions of this agreement. Chamber shall provide Medford with an annual accounting of all funds received and expenditures thereof under this agreement. The accounting shall be by a certified public accountant in accordance with agreed upon procedures, attached hereto as Exhibit "A", to evaluate compliance with the terms of this agreement and to be furnished to Medford not later than December 31 of each year during the term of this agreement.

4. Chamber, in receiving monies from Medford and in providing services to Medford hereunder, shall.

   a) At all times be deemed an independent contractor and not an agent or partner or joint association with Medford. The parties acknowledge that any contracts entered into between Chamber and any third party shall not be obligation of Medford, and Chamber shall not represent that it has the power or authority to contractually bind or obligate Medford.

   b) Cooperate with any governmental agency as directed by Medford in preparation of various studies and reports related to the Chamber's promotional activities hereunder.

   c) Not discriminate in providing services hereunder on the basis of age, race, sex, color, religion, or national origin.

5. Chamber shall, upon written request, furnish the Finance Director with all information concerning services performed for Medford as may be deemed necessary to verify compliance with this agreement.

6. Chamber agrees to and does indemnify and agree to hold harmless Medford from all liabilities except for payments required to be made by Medford pursuant to the terms of this agreement.

7. Notwithstanding any other provisions of this agreement, Medford shall be obligated to make payments due to Chamber only to the extent of monies available and on deposit in the City's Community Promotions Fund.

8. This agreement is extended for an additional term of five (5) years. Either party, upon one hundred eighty (180) days' written notice to the other, may terminate this agreement without further obligations. Waiver by either party of any breach or violation of this agreement shall not be construed or deemed as continuing waiver and shall not prevent the party from terminating this agreement for any subsequent breaches or violations.

9. In the event any suit, action, or proceeding is brought to enforce the terms of this agreement, or any portion hereof, the prevailing party in such suit, action or proceeding, or any appeal therefrom shall be entitled to reasonable attorney's fees in an amount to be set by the court.

10. Chamber, for the value received from Medford, agrees to provide services to Medford as described in Exhibits "B" and "C" attached hereto and by this reference incorporated herein.

THIS AGREEMENT is entered into this 14 day of JUNE, 2010

CITY OF MEDFORD

By _____
Mayor

ATTEST:

Glenda Owens
City Recorder

THE CHAMBER OF MEDFORD/JACKSON COUNTY

By _____
PRESIDENT & CEO

EXHIBIT A

AGREED UPON PROCEDURES TO DETERMINE THE CHAMBER'S COMPLIANCE WITH AGREEMENT BETWEEN THE CITY AND THE CHAMBER

1. Identify the separate bank account used by the Chamber to receipt and disburse funds received under the contract with the City.

2. Trace all payments from the City to deposits to the separate VCB bank account.

3. Total the amounts deposited and compare to the amount the City advises was paid to the VCB. Compute any difference in amounts paid and received.

4. Total amount paid to the Chamber for overhead (salaries, fringe benefits, rent and utilities) attributable to VCB services; compare to fifty percent (50%) of receipts and compute the difference.

5. Review all other disbursements of funds in excess of $1,500 received under the contract for substantial compliance with the budget proposal.

   Document the review as follows:

   a) purpose;
   b) classification;
   c) comparison of payee and endorsement;
   d) accuracy of posting to the general ledger; and
   e) identify the check signers.

6. Obtain the VCB financial statement for each year ended June 30, with comparison to the proposed budget.

   a) Trace actual amounts to the VCB general ledger.
   b) Trace the budget amounts to the proposed budget required by the City contract.
   c) Compare the actual amounts by classification to the totals of amounts by classification that were examined under procedure 4 and 5, and compute the difference.
   d) Identify the amounts received that were not spent by June 30 of each year.

7. Total all amounts disbursed by the VCB, relating to payments received from the City, and identified in procedure 3, by the close of business on September 30 each year. Compare to the total amounts received from the City and compute the difference.

8. Agreed upon procedures are to be undertaken by a firm of CPA's in accordance with professional standards.

Exhibit B

SERVICES TO BE PROVIDED BY THE VISITORS AND CONVENTION BUREAU 2010-2015 (contract with city)

1. Visitor Information Center
   Provide information and services for visitors to Medford at the Visitor Information Center located at Harry and David Country Village. This includes daily management, recruitment and training of volunteers, complete and updated brochures, and information provided in a friendly, attractive atmosphere.

2. Conventions, Meetings, Events
   a) Promote Medford as a convention and meeting destination by a direct sales effort to meeting planners, association and corporate executives, and local officials.

   b) Encourage major events in Medford that bring in overnight visitors.

   c) Provide services to conventions, meetings and events in Medford, which include planning, information, literature, welcome speeches, gift baskets, resources, etc.

3. Brochure Production and Distribution
   Update, produce and distribute the following promotional brochures: Medford Visitors Guide (which includes dining, lodging, and attractions. Other promotional pieces include golf, convention promotion bid packet and group planners guide, Medford's historic walking tour, and Medford kid's guide. Other promotional pieces produced as needed.

4. Visitor Packet Requests
   Promptly answer all correspondence and requests for information relative to recreational, cultural, tourist and convention related activities in Medford and the area.

5. Media Advertising
   Develop and implement an advertising plan to position Medford as "The Center Of The Rogue Valley"... the place to stay when vacationing here. Develop partnerships with private businesses and other tourism marketing organization, (i.e., Southern Oregon Visitors Association, Travel Oregon, etc.)

6. Market Research and Analysis
   a) Conduct local industry surveys for use as economic indicators. Continue to survey visitors at the Visitor Information Center to determine the visitor profile, (i.e. why they visit, what they visit, length of stay, etc.) Participate in other state or local surveys as requested and appropriate.

   b) Conduct research and surveys to measure advertising effectiveness.

c) Develop and keep updated statistics and data on the visitor industry in Medford, the region and statewide. Work cooperatively with SOREDI in tourism business development.

7. Public Relations

a) Prepare articles, news stories and photographs descriptive of Medford's resources to attract travel writers and as a resource for film and video recruitment.

b) Promote Medford to the Group Travel Market (motor coach tour operators) using the Group Tour Manual, CD's, and attend the annual tour association conferences where one-on-one meetings are held with tour operators.

c) Participate in trade and travel shows in our primary marketing area (WA, CA, AZ & OR) in cooperation with the local tourism industry.

8. Local Community, Region, State

a) Be an advocate for the visitor industry and build local awareness through public speaking, customer service training, and community involvement.

b) Work with the Southern Oregon Visitors Association to provide strong regional marketing and regional publications for expanded exposure.

c) Continue involvement with the state Tourism Commission (aka) Travel Oregon and other state and industry organizations to ensure that the voice of southern Oregon is heard.

d) Maintain communication with legislators and awareness of legislative action as it relates to the tourism industry.

Competent and trained professional staff employed by the Chamber of Medford/Jackson County shall carry out the above services. The Chamber shall provide necessary office space, equipment and material for the purposes of carrying out the promotional program with maximum efficiency and effectiveness.

Exhibit C

ADDITIONAL SERVICES TO BE PROVIDED BY CHAMBER REGARDING U.S. CELLULAR COMMUNITY PARK ("USCCP")

1. Chamber, through its Medford Visitors and Convention Bureau Department (VCB) shall budget $10,000 to line item USCCP in 2010-11 fiscal year for use of:
   - A Tournament Solicitation
   - B. Hosting
   - C. Promotions

2. VCB and the City of Medford Parks and Recreation Department ("MPRD") to discuss each February/March new opportunities for Tournament Solicitation, Hosting and Promotions for USCCP. At that time VCB and MPRD can discuss needs for upcoming year/years

3 Chamber, through its VCB, ~~to~~ shall give staff support of $15,000 in 2010-2011 fiscal year.

A. Committed staff resources

a) Convention Sales Director to reflect 20% of their described responsibilities to USCCP and its endeavors.

b) Visitor Center Manager to reflect 5% of their described responsibilities to USCCP and its endeavors. (i.e Visitor booth at USCCP/Airport during selected tournaments - tournaments will be determined by VCB/MPRD.

c) Micro-sites / List major MPRD events on calendar of events / secure donations, promoting USCCP.

4. In the event USCCP Phase IV is completed, event hosting capacity will be increased, and future annual funding can be determined during the annual meetings prescribed in item #2.

AMENDMENT TO AGREEMENT

This amendment is made this _____ day of _____, 2016, by and between the City of Medford, hereinafter referred to as "Medford", and THE CHAMBER OF MEDFORD/JACKSON COUNTY, hereinafter referred to as "Chamber".

The Agreement entered into between Medford and Chamber on June 17, 2010, and extended on June 3, 2015 is amended as follows:

Section 1. Paragraph 1 thereof is amended as follows:

"1. Medford shall pay to Chamber from funds lawfully appropriated during the fiscal years commencing July 1, ~~2015~~**2016,** and ending June 30, ~~2016~~**2018,** or until a new contract is negotiated**,** twenty-five percent of the net proceeds from the transient lodging tax. * * *"

SECTION 2. Paragraph 8 thereof is amended as follows:

"8. This agreement is extended for an additional term of **two (2) years, or until a new a contract is negotiated. * * *"**

Add the following:

Section 9. Records and Accounting

a. **CHAMBER shall maintain records and accounts that will allow MEDFORD to assure a proper accounting for all funds paid for the performance of this Agreement. MEDFORD shall have the right during the term of this Agreement or within 180 days after expiration or termination of this Agreement, to audit the Travel Medford fund records for the period of three years prior to the date of the audit.**
b. **The audits shall be undertaken by a qualified person or entity to be paid for by CHAMBER from transient lodging tax funds referred to in Section 1 of this Agreement.**
c. **CHAMBER agrees that, semi-annually, it will provide financial records from its accountants relating to the preceding six months to the MEDFORD. The financial records shall include, but not be limited to, a balance sheet and income and expense reports. CHAMBER shall maintain financial records for at least six (6) years after the expiration of the Agreement.**

Section 10. Local Community, Region, State

a. **CHAMBER will promote Medford and the Rogue Valley without discrimination, and regardless of affiliation with the Chamber of Medford/Jackson County, in order to fulfill its duties to the MEDFORD as described in Exhibits A, B, and C of this Agreement.**

All remaining terms and conditions of the June 17, 2010 Agreement agreed to by the parties remain unchanged.

IN WITNESS WHEREOF, the parties have executed this document as of the day and year first written above.

CITY OF MEDFORD

By:_____
Mayor

THE CHAMBER OF MEDFORD/
JACKSON COUNTY

By:_____
Authorized Representative

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

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

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Item No: 60.2

DEPARTMENT: Technology Services
PHONE: (541) 774-2051
STAFF CONTACT: Doug Townsend, Director TS

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: March 17, 2016

COUNCIL BILL 2016-25
SECOND READING. An ordinance awarding a contract in the amount of $346,760 to Tyler Technologies, Inc. for software and professional services required for the implementation of Municipal Court software.

SUMMARY AND BACKGROUND
An ordinance awarding a $346,760 contract to Tyler Technologies, Inc. for software and the professional services required to implement Municipal Court software. The City's Municipal Court has been using the current software solution for twenty years. Maintenance extended the software's life, but the current product relies upon aging technology to operate. The City budgeted to replace the software and issued an RPF for software and the professional services required to implement it. Tyler Technologies, Inc. was selected.

PREVIOUS COUNCIL ACTIONS
This item was denied by Council at the noon meeting February 18th. During the evening meeting, Council reconsidered this item and directed staff to resubmit it for consideration by Council on March 3rd. The results of voting at the March 3rd meeting, requires a second reading for this AIC on March 17th.

ANALYSIS
The Municipal Court software implementation will proceed as soon as the contract is approved by City Council.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
The cost to implement Municipal Court software is projected at $346,760, which includes estimated travel at $50,000. This is budgeted in the 2015-2017 biennial budget.

TIMING ISSUES
Estimated go-live for Municipal Court is November 1, 2016

COUNCIL OPTIONS
Approve or deny the ordinance.

STAFF RECOMMENDATION
Staff recommends approval of the ordinance.

SUGGESTED MOTION
I move to approve the ordinance authorizing a $346,760 contract with Tyler Technologies, Inc. for the implementation of Municipal Court software.

EXHIBITS
Ordinance
Project Charter
Contract is on file in the City Recorder's office.

ORDINANCE NO. 2016-25

AN ORDINANCE awarding a contract in the amount of $346,760 to Tyler Technologies, Inc. for software and professional services required for the implementation of Municipal Court software.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in the amount of $346,760 for software and professional services required for the implementation of Municipal Court software, which is on file in the City Recorder's office, is hereby awarded to Tyler Technologies, Inc.

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

ATTEST: _____ _____

City Recorder Mayor

APPROVED _____, 2016. _____

Mayor

Project Charter: Incode Municipal Court

Background

The City of Medford is currently utilizing a software solution that was implemented over 20 years ago. There is a benefit to migrating to a Microsoft Windows application and to utilizing a Microsoft SQL database. After a lengthy RFP evaluation process, staff selected Tyler Technology Incode software to replace the existing Municipal Court legacy solution.

Goals

- Increase productivity
  - Increase ease of use
  - Increase automation
  - Reduce training time for new employees
- Bolster disaster preparedness
  - Automate data replication
  - Increased fault-tolerance
- Improve business processes
  - Simplify diversity of technology
  - Improve data exchange
  - Improve workflow
- Enhance access to information
  - Expanded business intelligence
  - Implement informational dashboards
  - Improve reporting capabilities

Scope

Tyler Technology consultants will be guiding the City through the Incode implementation. There are three components to the solution: Case Management, Court Scheduling, and Jury Management.

Key Stakeholders

Role	Stakeholder Name
Project Sponsor	Bill Hoke
Project Manager	Barbara Madruga
Project Champion	Doug Townsend
Project Change Champion	Alison Chan
Project Stakeholder	Lori Cooper
Project Lead	Denise Bostwick

Project Milestones	Go-Live Date
Complete Solution	October 2016

Project Budget

The budget for the project is $346,760.

Constraints, Assumptions, and Risks

Constraints	Adequate funding, go-live dates, staffing, business processes
Assumptions	Well-defined requirements, selected solution meets requirements, sufficient staffing, participation and minimal aversion to change, competent vendor support, reasonable implementation timeline, adequate funding
Risks	Loss of institutional knowledge, limits to staff participation, scope creep, network/desktop hardware performance, satisfied business processes, sufficient training/knowledge transfer

Approval Signatures

Bill Hoke, Project Sponsor	Barbara Madruga, Project Manager
Doug Townsend, Project Champion	Alison Chan, Project Change Champion

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 60.3

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

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: March 17, 2016

COUNCIL BILL 2016-37
A resolution authorizing the transfer of $332,000 from various current biennium projects to replenish the General Fund Contingency.

SUMMARY AND BACKGROUND
At the February 18, 2016 Council meeting, Council directed staff to present a plan to replenish General Fund Contingency for $700,000 that was transferred for the ERP Project FN1222. At the March 3, 2016 Council meeting $368,000 was replenished from recognizing and appropriating a greater than beginning fund balance. The remaining $332,000 needed to be replenished. A list of General Fund projects that had not been started or could be reduced was presented and discussed. Council directed staff to transfer the required amounts out of current biennium projects and replenish General Fund Contingency. The amounts of appropriation to be removed from projects and transferred to General Fund Contingency are listed below:

BR0074	Fire Station 5 Renovations	$ 20,000
BR0101	Santo Community Center Modifications	52,000
BR0107	Property Impound Lot Resurfacing	75,000
BR0108	Citywide Space Assessment	100,000
PR0107	Prescott Tower Upper Road	35,000
PR0110	Toro Central Irrigation	50,000
Total to be transferred to Contingency		$332,000

PREVIOUS COUNCIL ACTIONS
On February 18, 2016, Council transferred $700,000 out of contingency and directed staff to determine how to replenish the amount taken. On March 3, 2016, Council recognized and appropriated $368,000 of a greater than budgeted beginning fund balance. The entire amount was appropriated for contingency. The remaining $332,000 is addressed in this Council item.

ANALYSIS
A transfer to/from contingency does not require a supplemental budget as a transfer does not increase appropriations.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
There is no increase in appropriations, only a transfer of an existing appropriation within the General Fund.

TIMING ISSUES
None

COUNCIL OPTIONS
Approve, modify or deny the resolution

STAFF RECOMMENDATION
Staff recommends approval of the resolution.

SUGGESTED MOTION
I move to approve the resolution authorizing a transfer of $332,000 from General Fund projects to General Fund Contingency

EXHIBITS
Resolution and Exhibit A: Appropriations Modification Form

RESOLUTION NO. 2016-37

A RESOLUTION authorizing the transfer of $332,000 from various current biennium projects to replenish the General Fund Contingency.

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

The transfer of $332,000 from various current biennium projects to replenish the General Fund Contingency is hereby authorized as indicated on the Appropriations Transfer Requests attached as Exhibit A and incorporated herein.

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

ATTEST: _____ _____

City Recorder Mayor

CITY OF MEDFORD **Appropriation Modifications**

Requesting Department: Finance

Biennium **FY15/16 - FY16/17**

Date of Proposed Council Action: 3/17/16

Date **March 4, 2016**

Explanation of Requested Transfer: See AIC

Account Number	Description	Project Number	Debit	Credit
001-1609-614.99-00	Contingency		332,000	
001-1102-611.51-00	CIP	BR0074	-	20,000
001-1102-611.51-00	CIP	BR0101		52,000
001-1102-611.51-00	CIP	BR0107		75,000
001-1102-611.51-00	CIP	BR0108		100,000
001-5208-652.51-00	CIP	PR0107		35,000
001-5208-652.51-00	CIP	PR0110		50,000
TOTALS			**332,000**	**332,000**

Requested by _____ Department Head

Approved by _____ City Manager CITY MANAGER PRO TEM

Appropriation Modification Cont Mar 17 16.xlsx, Supplement Presented

EXHIBIT A

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

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Item No: 60.4

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

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: March 17, 2016

COUNCIL BILL 2016-38
A resolution denying a vacation of an approximate 8,080 square feet of public right-of-way located north of Dakota Avenue between Park and South Oakdale Avenues. (SV-15-160)

SUMMARY AND BACKGROUND
Public Works petitioned the Council to vacate an alley extending northward 404 feet from Dakota Avenue between Park and South Oakdale Avenues. Council denied an ordinance to vacate the alley.

PREVIOUS COUNCIL ACTIONS
Council initiated the vacation by Resolution 2016-05 on January 7, 2016. Council denied Ordinance 2016-36 on March 3, 2016.

ANALYSIS
Council was uncomfortable vacating an alley right-of-way that has two utilities running along it and that evidently serves a useful function for two or more lots that back onto it. The retained right-of-way acts as a better protector of the utility line than an easement that would allow fence encroachment and, hence, create access difficulties for regular or emergency maintenance of underground gas and overhead cables.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
None.

TIMING ISSUES
None.

COUNCIL OPTIONS
Approve or modify the resolution.

STAFF RECOMMENDATION
Staff recommends approval of the resolution.

SUGGESTED MOTION
I move to approve the resolution that the Council denied the ordinance vacating the alley north of Dakota Avenue.

EXHIBITS
Resolution

RESOLUTION NO. 2016-38

A RESOLUTION denying a vacation of an approximate 8,080 square feet of public right-of-way located north of Dakota Avenue between Park and S. Oakdale Avenues.

WHEREAS, the City Council of the City of Medford, Oregon, by Resolution No. 2016-05 initiated proceedings for the vacation; and

WHEREAS, the City Council fixed 7:00 p.m. on March 3, 2016, in the Medford City Council Chambers, 411 W. 8th St., Medford, Oregon, as the time and place for hearing any objections to the proposed vacation of said area; and

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

WHEREAS, the City Council determined a vacation would create access difficulties for regular or emergency maintenance of underground gas and overhead cables and the retained right-of-way acts as a better protector of the utility line than an easement; now, therefore,

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

A vacation of an approximate 8,080 square feet of public right-of-way located north of Dakota Avenue between Park and S. Oakdale Avenues, is hereby denied.

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

ATTEST:_____ _____

City Recorder Mayor

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 60.5

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

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: March 17, 2016

COUNCIL BILL 2016-39
A resolution authorizing the transfer of $300,000 from the Regional Sewage Treatment Fund Contingency to the Public Works Department to construct improvements pertaining to pollutants in stormwater discharge.

SUMMARY AND BACKGROUND
The Oregon Department of Environmental Quality (DEQ) is requiring the City to reduce Zinc and E. Coli levels in the Regional Wastewater Treatment Plant's stormwater discharge. An additional $300,000 from the Regional Sewage Treatment Fund Contingency account is necessary to pay for these unforeseen expenses.

PREVIOUS COUNCIL ACTIONS
None.

ANALYSIS
The Stormwater National Pollutant Discharge Elimination System (NPDES) permit required sampling of stormwater discharge during the period July 1, 2014 - June 30, 2015. The samples indicate that the stormwater discharge exceeds the established benchmarks for Zinc and E. Coli. On October 5, 2015, the City received notice from DEQ that corrective action is required. The City submitted a Stormwater Pollution Control Plan to DEQ late last year with proposals to resolve the Zinc and E. Coli issues. On January 13, 2016, the City received approval of its plan from DEQ with a deadline of June 30, 2017, to complete construction of the improvements.

A capital improvement project will be necessary to address the Zinc and E. Coli issues at an estimated cost of $300,000.

It was not possible to budget for these improvements because the stormwater testing data had not been collected and reviewed by DEQ prior to the beginning of the current biennium. A transfer from contingency is necessary.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
Transfers from Contingency do not change the budget total.

TIMING ISSUES
DEQ has mandated that the construction improvements be completed by June 30, 2017. Work must begin soon in order to meet the deadline.

COUNCIL OPTIONS
Approve, modify, or deny the budget transfer.

STAFF RECOMMENDATION
Approve the budget transfer.

SUGGESTED MOTION
I move to transfer $300,000 from the Regional Sewage Treatment Fund contingency to pay for unforeseen expenses necessary to comply with the Oregon DEQ's requirement to reduce Zinc and E. Coli in stormwater discharge by June 30, 2017.

EXHIBITS
Resolution and Exhibit A: Appropriations Transfer Request

RESOLUTION NO. 2016-39

A RESOLUTION authorizing the transfer of $300,000 from the Regional Sewage Treatment Fund Contingency to the Public Works Department to construct improvements pertaining to pollutants in stormwater discharge.

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

The transfer of $300,000 from the Regional Sewage Treatment Fund Contingency to the Public Works Department to construct improvements pertaining to pollutants in stormwater discharge is hereby authorized as indicated on the Appropriations Transfer Request attached as Exhibit A and incorporated herein.

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

_____
Mayor

ATTEST:_____
City Recorder

CITY OF MEDFORD **Appropriation Modifications**

Requesting Department: PW WRD

Biennium: FY15/16 - FY16/17

Date of Proposed Council Action: 3/17/16

Date: March 4, 2016

Explanation of Requested Transfer: See AIC

Account Number	Description	Project Number	Debit	Credit
090-4503-673-51-00	CIP	WN1608	300,000	
090-1608-614.99-00	Contingency		-	300,000
TOTALS			**300,000**	**300,000**

Requested by _____ Department Head

Approved by _____ City Manager

CITY MANAGER PRO TEM

Appropriation Modification Fd 90 Mar 16.xlsx, Supplement Presented

EXHIBIT A

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 60.6

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

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: March 17, 2016

COUNCIL BILL 2016-40
An ordinance awarding a contract in the amount of $139,807.70 to Blackline, Inc., to perform slurry seal on various city streets.

SUMMARY AND BACKGROUND
Blackline, Inc. is the low bidder for a contract to perform slurry seal on various streets in the City of Medford. The City contracts for a large portion of pavement maintenance because the City does not have the specialized equipment or expertise to perform this work.

Timely maintenance of streets decreases long-term costs by postponing the need for more costly reconstructions and produces a smoother ride for the traveling public. Slurry Seal is a cost-effective option for preserving the structural integrity of a sound street section.

PREVIOUS COUNCIL ACTIONS
None.

ANALYSIS
The existing pavement condition has been analyzed and it has been determined that this maintenance action will preserve the existing pavement and produce a smoother and safer ride for the traveling public at the lowest life-cycle cost.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
Expenditure of $139,807.70 which is included in the 2016/2017 biennium budget for the Street Utility Fund (Fund 24).

TIMING ISSUES
The work will start after May 16, 2016 and is scheduled to be complete by the end of June 2016.

COUNCIL OPTIONS
Approve, modify or deny the ordinance.

STAFF RECOMMENDATION
Approve the ordinance for a contract with Blackline Inc.

SUGGESTED MOTION
I move to approve the ordinance for a contract in the amount of $139,807.70 to Blackline, Inc., for slurry seal.

EXHIBITS
Ordinance
Bid Tabulation
Work To Be Done
Contract documents are available in the City Recorder's office

ORDINANCE NO. 2016-40

AN ORDINANCE awarding a contract in the amount of $139,807.70 to Blackline, Inc., to perform slurry seal on various city streets.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in the amount of $139,807.70 to perform slurry seal on various city streets, which contract is on file in the City Recorder's office, is hereby awarded to Blackline, Inc.

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

ATTEST: _____ _____

City Recorder Mayor

APPROVED _____, 2016. _____

Mayor

BID TABULATIONS SLURRY SEAL VARIOUS STREETS IN THE CITY OF MEDFORD

CITY OF MEDFORD
PUBLIC WORKS - OPERATIONS

Project: Slurry Seal Various Streets in the City of Medford 2016
Location: Various Streets
Project No: MS-1702
Date of Bid Opening: February 25, 2016
Peter Brown
Public Works Operations
Engineering Tech III

				Blackline Inc Low Bidder		Intermountain Slurry Seal	Telfer Hwy Tech	VSS International Inc.
Item No.	Item Description	Unit of Measure	Estimated Quantity	Unit Bid	Amount	Unit Bid	Unit Bid	Unit Bid
1	MOBILIZATION	LS	1	$10,000.00	$10,000.00	$15,000.00	$17,000.00	$8,999.40
2	TEMPORARY WORK ZONE TRAFFIC CONTROL, COMPLETE	LS	1	$12,500.00	$12,500.00	$12,000.00	$27,000.00	$13,775.00
3	EROSION CONTROL	LS	1	$1,300.00	$1,300.00	$1,000.00	$8,500.00	$1,250.00
4	REMOVE VEGETATION FROM CRACKS	HOUR	250	$25.00	$6,250.00	$50.00	$65.00	$50.00
5	TYPE II LATEX MODIFIED SLURRY SEAL	SQYD	93,810	$1.17	$109,757.70	$1.31	$1.80	$1.36
				Total Bid =	**$139,807.70**	**$163,391.10**	**$237,608.00**	**$164,106.00**

SPECIAL PROVISIONS

WORK TO BE DONE

The Work to be done under this Contract consists of the following all materials, labor, and equipment necessary to place a Type II latex modified Slurry Seal as specified; on five (5) collector / industrial street sections and thirty (30) residential street sections in the City of Medford, to total approximately 93,810 S.Y.

1. Remove vegetation from cracks
2. Sweep Street prior to Slurry Seal
3. Install Type II Latex Modified Slurry Seal
4. Perform additional and incidental Work as called for by the Specifications.

This project includes work at the following locations:

Slurry Seal 2016

	Street	From	To		
1	Airway Dr.	E Vilas Rd	South End	4770.3	SY
2	Alderwood Dr.	Larson Creek Dr.	Nadia Way	2083.3	SY
3	Beekman Ave	Dakota Ave	Cul-De-Sac	3465.0	SY
4	Bermuda Dr.	Cloudcrest Dr.	North End	380.6	SY
5	Blossum Ct	Peachwood Ct	Cul-De-Sac	742.8	SY
6	Burton Dr.	Hogan Ave	Maaike Dr.	1180.6	SY
7	Century Wy	Golf View Dr.	Cul-De-Sac	4021.7	SY
8	Char Wy	Louise Ave	Mckenzie Dr.	2388.9	SY
9	Cherry Ln	110' N of Cloudcrest Dr.	Hillcrest Rd	4334.0	SY
10	Cloudcrest Dr.	100' W of Anglecrest Dr.	Cherry Ln	7993.3	SY
11	Creekview Dr.	N Phoenix Rd	Golf View Dr.	7742.2	SY
12	Devonshire Pl	Upland Pl	West End	2511.7	SY
13	Diamond St	130' E of McKenzie Dr	120' W of Louise Ave	4341.3	SY
14	Enterprise Dr.	Airway Rd	West End	887.3	SY
15	Enterprise Dr.	Airway Rd	East End	869.0	SY
16	Ginger Wy	Louise Ave	Mckenzie Dr.	3226.7	SY
17	Hogan Ave	Century Wy	Miller Ct	2555.6	SY
18	Louise Ave	100' S Ginger Wy	Diamond St	2053.3	SY
19	Maaike Dr.	E Barnett Rd	Cul-De-Sac	2215.0	SY
20	Mckenzie Dr.	Diamond St	Ginger Wy	2420.0	SY
21	Miller Ct	Golf View Dr.	Cul-De-Sac	1770.6	SY
22	Mission Hills Dr.	Torry Pines Dr.	Cloudcrest Dr.	766.7	SY
23	Navaro Springs Rd	Park Ridge Tr	Vista Point Dr.	2694.4	SY
24	Nottingham Cr	Upland Pl	Cul-De-Sac	1423.4	SY
25	Oregon Ave	Oregon Terrace	Sunrise Ave	6363.3	SY
26	Palm St	N Columbus Ave	Summit Ave	2208.0	SY
27	Pinnacle Dr.	Highcrest Dr	Stardust Wy	1783.3	SY

28	Rose Ave	W Main St	W 4th St	2352.0	SY
29	N Runway Dr.	E Vilas Rd	South End	2078.3	SY
30	Sarah Wy	Char Wy	Diamond St	1041.7	SY
31	Satellite Dr.	Montclair Tr	Highcrest Dr.	2013.9	SY
32	Stardust Wy	Pinnacle Dr.	Cloudcrest Dr.	2166.7	SY
33	Upland Pl	Satellite Dr.	Devonshire Pl	3868.3	SY
34	Voss Dr.	Gene Cameron Wy	West End	513.3	SY
35	Wolf Run Dr.	Eagle Trace Dr.	Highcrest Dr.	2583.3	SY
				93810.0	Total SY

APPLICABLE SPECIFICATIONS

The Specification that is applicable to the Work on this Project is the 2008 edition of the "Oregon Standard Specifications for Construction".

All number references in these Special Provisions shall be understood to refer to the Sections and subsections of the Standard Specifications and Supplemental Specifications bearing like numbers and to Sections and subsections contained in these Special Provisions in their entirety.

CLASS OF PROJECT

This is a City of Medford Project

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 60.7

DEPARTMENT: Human Resources
PHONE: (541) 774-2010
STAFF CONTACT: Mike Snyder, Human Resources Director

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: March 17, 2016

COUNCIL BILL 2016-41
An ordinance authorizing execution of an Agreement between the City of Medford and the International Association of Fire Fighters Local 1431 to allow a Battalion Chief to return to a previously held classification and preserve seniority.

SUMMARY AND BACKGROUND
The Human Resources Department, with the approval of the City Manager Pro Tem, is requesting that the agreement between the City of Medford and IAFF Local 1431 – representing the classifications of Captain, Engineer, Firefighter and Fire Inspector be amended.

PREVIOUS COUNCIL ACTIONS
The City Council periodically amends the agreement between the City of Medford and IAFF Local 1431 – representing the classifications of Captain, Engineer, Firefighter and Fire Inspector.

ANALYSIS
The proposed amendment allows a Battalion Chief, that is reduced in classification, to return to the general Fire bargaining unit and preserves his/her seniority based on the employee's hire date with the Fire Department.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
None.

TIMING ISSUES
None.

COUNCIL OPTIONS
Approve or deny the ordinance.

STAFF RECOMMENDATION
Staff recommends approving the ordinance.

SUGGESTED MOTION
I move to approve the ordinance amending the agreement between City of Medford and IAFF Local 1431 pertaining to Article X – Seniority.

EXHIBITS
Ordinance
The agreement between the City of Medford and IAFF Local 1431 is on file in the office of the City Recorder.

ORDINANCE NO. 2016-41

AN ORDINANCE authorizing execution of an Agreement between the City of Medford and the International Association of Fire Fighters Local 1431 to allow a Battalion Chief to return to a previously held classification and preserve seniority.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of an Agreement between the City of Medford and the International Association of Fire Fighters Local 1431 to allow a Battalion Chief to return to a previously held classification and preserve seniority, which agreement is on file in the office of the City Recorder, is hereby authorized.

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

ATTEST: _____ _____

City Recorder Mayor

APPROVED _____, 2016. _____

Mayor

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 60.8

DEPARTMENT: Human Resources **AGENDA SECTION:** Ordinances and Resolutions
PHONE: (541) 774-2010 **MEETING DATE:** March 17, 2016
STAFF CONTACT: Mike Snyder, Human Resources Director

COUNCIL BILL 2016-42
An ordinance authorizing execution of an Agreement between the City of Medford and the International Association of Fire Fighters Local 1431 concerning the classification of a Battalion Chief in the event of a reduction of personnel.

SUMMARY AND BACKGROUND
The Human Resources Department, with the approval of the City Manager Pro Tem, is requesting that the agreement between the City of Medford and IAFF Local 1431 – representing the classifications of Captain, Engineer, Firefighter and Fire Inspector be amended.

PREVIOUS COUNCIL ACTIONS
The City Council periodically amends the agreement between the City of Medford and IAFF Local 1431 – representing the classifications of Captain, Engineer, Firefighter and Fire Inspector.

ANALYSIS
The proposed amendment would provide direction regarding the application of time in classification in the event there is a reduction in personnel for a Battalion Chief that returned to the bargaining unit.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
None.

TIMING ISSUES
None.

COUNCIL OPTIONS
Approve or deny ordinance.

STAFF RECOMMENDATION
Staff recommends approving the ordinance.

SUGGESTED MOTION
I move to approve the ordinance amending the agreement between City of Medford and IAFF Local 1431 pertaining to Article XIV – Reductions in Personnel.

EXHIBITS
Ordinnace
The agreement between the City of Medford and IAFF Local 1431 is on file in the office of the City Recorder.

ORDINANCE NO. 2016-42

AN ORDINANCE authorizing execution of an Agreement between the City of Medford and the International Association of Fire Fighters Local 1431 concerning the classification of a Battalion Chief in the event of a reduction of personnel.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of an Agreement between the City of Medford and the International Association of Fire Fighters Local 1431 concerning the classification of a Battalion Chief in the event of a reduction of personnel, which agreement is on file in the office of the City Recorder, is hereby authorized.

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

ATTEST: _____ _____

City Recorder Mayor

APPROVED _____, 2016. _____

Mayor

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 120.1

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

AGENDA SECTION: Public Hearings
MEETING DATE: March 17, 2016

COUNCIL BILL 2016-43
An ordinance approving a minor amendment to the General Land Use Plan (GLUP) Map of the Medford Comprehensive Plan by changing the land use designation of 5.72 acres located between Corona and Covina Avenues north of East McAndrews Road from Urban Residential (UR), to Service Commercial (SC). (CP-15-163)

SUMMARY AND BACKGROUND
Hath, LLC, petitioned the City to change the General Land Use Map (GLUP) designation of 5.72 acres from Urban Residential to Service Commercial. Property is located between Corona and Covina Avenues north of East McAndrews Road. The Planning Commission recommended approval by an 8–0 vote on February 25, 2016. The Commission also approved the rezoning of the property contingent on the Council approving this change.

PREVIOUS COUNCIL ACTIONS
None.

ANALYSIS
The Planning Commission heard testimony against the petition but recommended approval because of the inherent compatibility of service and office uses adjacent to residential, and because the location well off of McAndrews Road mitigates against development of retail or other intensive uses on the site. Facility capacity is adequate to serve any development allowed in the SC designation. Street conditions will be improved at time of development.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
None.

TIMING ISSUES
None.

COUNCIL OPTIONS
Approve or deny the ordinance redesignating 5.72 acres from UR to SC.

STAFF RECOMMENDATION
Staff recommends approving the ordinance.

SUGGESTED MOTION
I move to approve the ordinance redesignating 5.72 acres of land north of East McAndrews Road between Corona and Covina Avenues from Urban Residential to Service Commercial.

EXHIBITS
Ordinance with Exhibit A: Commission Report dated March 4, 2016.
Slideshow presentation available in Planning Department.

ORDINANCE NO. 2016-43

AN ORDINANCE approving a minor amendment to the General Land Use Plan (GLUP) Map of the *Medford Comprehensive Plan* by changing the land use designation of 5.72 acres located between Corona and Covina Avenues north of East McAndrews Road from Urban Residential (UR) to Service Commercial (SC).

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That a minor amendment to the GLUP Map of the *Medford Comprehensive Plan* to change the land use designation of 5.72 acres located between Corona and Covina Avenues north of East McAndrews Road from Urban Residential (UR) to Service Commercial (SC) is hereby approved.

Section 2. The approval is based upon the Findings of Fact and Conclusions of Law included in the Commission Report dated March 4, 2016, attached as Exhibit A and incorporated herein.

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

ATTEST: _____ _____

City Recorder Mayor

APPROVED _____, 2016. _____

Mayor

COMMISSION REPORT

to City Council for Class-B quasi-judicial decisions: **Minor Comprehensive Plan (General Land Use Plan Map) Amendment**

Project	HATH, LLC, GLUP Map Amendment	
File no.	CP-15-163	
To	Mayor and City Council	*for March 17, 2016 hearing*
From	Planning Commission *via* Jennifer Jones, AICP, Planner III	
Reviewer	John Adam, AICP, Principal Planner	
Date	March 03, 2016	

BACKGROUND

Proposal

A minor General Land Use Plan amendment from Urban Residential (UR) to Service Commercial (SC) for 5.72 acres located between Corona Avenue and Covina Avenue and between East McAndrews Road and Grand Avenue.

History

This proposal was initiated by the property owner. The Planning Commission held a hearing on February 25, 2016 and voted 8–0 to recommend adoption to the Council. The findings in support of this amendment are contained in Exhibit A at the end of this report.

Related projects

The applicant has also submitted a zone change request (ZC-15-164), subsequent to this General Land Use Plan amendment. The Planning Commission held a hearing on February 25, 2016 and voted 8–0 for approval, subject to the approval of the GLUP change.

Authority

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

EXHIBIT A

ANALYSIS

Review of the proposed GLUP map designation change of the subject property reveals underutilized land, in close proximity to Providence Hospital, medical and professional offices, and single-family homes, which is well suited for redevelopment. Much of the vacant land is interior to the site and not easily accessible from Corona or Covina Avenues. Redevelopment as only low density single-family homes would require the creation of many flag lots, multiple minimum access drives, or the creation of new through street.

The area currently includes single-family residences adjacent to medical and professional office; the proposed changes would only continue this mix of land uses and would not introduce any new, incompatible land uses. At the time of development, notice, posting, and a public hearing would be required for the approval of all plans. In addition, the Land Development Code includes bufferyard requirements which would further ensure compatibility between the zoning districts.

RECOMMENDATION

The Planning Commission recommends adopting the proposed amendment based on the analyses, findings, and conclusions in the Commission Report dated March 03, 2016, including Exhibits A through G.

EXHIBITS

A Findings and Conclusions
B Minutes, Planning Commission, February 25, 2016
C Applicant's Findings of Fact, received December 04, 2015
D General Land Use Plan (GLUP) Map, received December 04, 2015
E Proposed General Land Use Plan (GLUP) Map, received December 04, 2015
F Public Works Report, received February 02, 2016
G Medford Water Commission Memo, received January 27, 2016
Vicinity Map

CITY COUNCIL AGENDA: **March 17, 2016**

Exhibit A
Findings and Conclusions

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

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

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

   Findings

   The City is currently undergoing an Urban Growth Boundary amendment to address future land needs of all types. The subject proposal includes less than six total acres and would create only minimal changes resulting in an insignificant difference of residential and commercial inventories.

   Conclusions

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

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

   Findings

   The Economic Element of the Comprehensive Plan identifies a projected need for Service Commercial land to provide employment opportunities. While the proposal is quite small in size and the changes would be minimal, it does provide an opportunity to provide a greater mix of uses to an area mostly composed of low-density residential development.

   Conclusions

   The proposal responds to a demonstrated need for adequate employment opportunities. The subject property's location near a major arterial, in close proximity to a major hospital and existing medical and professional office highlights the appropriateness of the SC designation.

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

Findings

Transportation, water, and sewer utilities are available to the site and are adequate to serve the changes without upgrading the facilities.

Conclusions

Sufficient facilities exist to accommodate the proposed classification change.

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

Findings

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

Conclusions

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

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

Findings

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

Energy: No energy consequences are discernable.

Economic: The designation change would help address a deficit in employment land.

Social: The General Land Use Plan Element of the Comprehensive Plan states that the Service Commercial designation may be located adjacent to residential designations. Additional provisions for compatibility are made through the use of buffering standards at time of development. For example, building height is limited to 35 feet within 150 feet of residential GLUP designations, coverage by structures is limited to 40 percent of the lot, and retail uses are very limited.

Conclusions

Environmental: Since the subject property is not in a natural state and has long been identified for urban development, there will be no adverse environmental impacts.

Energy: There are no energy consequences.

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

Social: The Service Commercial designation is appropriately located adjacent to the Urban Residential designation.

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

Findings

Economic Element

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

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

Conclusions

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

7. *All applicable Statewide Planning Goals.*

Goal 1—Citizen Involvement

Findings

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

Conclusions

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

Goal 2— Land-use Planning

Findings

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

Conclusions

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

Goal 3—Agricultural Lands does not apply in this case.
Goal 4—Forest Lands does not apply in this case.
Goal 5—Natural Resources, Scenic & Historic Areas, and Open Spaces does not apply in this case.

Goal 6—Air, Water, and Land Resources Quality

Findings

The allowable uses in the Service Commercial designation do not generally produce discharges that are notably different from allowed uses in the Urban Residential designation. There are no streams on the property that would be impacted. The land in question is not classified as a resource in terms of agriculture because it is classified as urbanizable.

Conclusions

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

Goal 7—Areas Subject to Natural Hazards does not apply in this case.
Goal 8—Recreation Needs does not apply in this case.

Goal 9—Economic Development

Findings

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

Conclusions

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

Goal 10—Housing

Findings

The goal requires that "plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density." The proposed change would remove the potential for a definite number of low-density housing units and replace it with a potential for a greater number of high-density housing units.

Conclusions

Despite the loss of low-density potential, there is a benefit in retaining a housing potential on the subject property.

Goal 11—Public Facilities and Services

Findings

Refer to findings under Criterion 3, above.

Conclusions

Refer to conclusions under Criterion 3, above.

Goal 12—Transportation

Findings

The "Transportation Planning Rule" (OAR 660-012) requires cities to have plans to accommodate anticipated transportation system needs. A traffic impact analysis was provided with this proposal and the corresponding zone change.

Conclusions

The submitted traffic impact analysis states that the potential development associated with the proposed GLUP designation change and subsequent zone change would generate approximately 2,915 trips, with 292 trips in the PM peak hour. The traffic engineering division of the Public Works Department has reviewed the analysis and concluded that the proposed changes and corresponding trip generation would not significantly impact the surrounding system facilities.

Goal 13—Energy Conservation does not apply in this case.
Goal 14—Urbanization does not apply in this case.
Goals 15–19 do not apply to this part of the State.

Exhibit B
Minutes (Draft), Planning Commission, February 25, 2016

50.2 CP-15-163 / ZC-15-164 Consideration of a request for a minor general land use plan map amendment from Urban Residential (UR) to Service Commercial (SC) and a zone change from SFR-4 (Single-Family Residential, four dwelling units per gross acre) to C-S/P (Service Commercial and Professional Office) for 5.72 acres located between Corona Avenue and Covina Avenue and between East McAndrews Road and Grand Avenue. (HATH LLC, Applicant; CSA Planning Ltd., Craig Stone, Agent)

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

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

John Adam, Principal Planner, reviewed the proposal, read the minor Comprehensive Plan amendment criteria, and gave a summary of analysis.

Commissioner Fincher asked how much more traffic would be expected on the roads and would those roads need additional improvements? Mr. Adam reported that development would be the trigger for improvements. Mr. Adam deferred the question to Mr. Georgevitch. Mr. Georgevitch stated that the development will generate 2,915 trips. The applicant's traffic engineer showed there were no impacts on any of the higher-order streets.

Vice Chair McFadden asked if the analysis was helped by the lot having access on both side streets. Mr. Georgevitch said traffic analyses are impacted by more distribution routes. A recent change to the Code allows a 10% increase in traffic at an intersection by changing the peak-hour factor.

Vice Chair McFadden stated that to the northwest there is a public school area and to the northeast is Crater Lake Avenue that is a busy street with no signal lights and Corona and McAndrews has no signal light. Is Mr. Georgevitch saying that the traffic study is stating that those intersections have the capacity to safely move the traffic? Mr. Georgevitch deferred the question to the applicant's traffic engineer; he said Engineering staff had reviewed the report and had no concerns. The Code requires Public Works to look at higher-order streets. Corona is a residential street coming onto McAndrews.

It would not be considered a high level-of-service standard. If there is a concern at time of development for safety, Public Works will occasionally ask for a traffic analysis to see if it is safe to have full movement or if some other traffic control is required.

Vice Chair McFadden asked if this GLUP area is increased, plus other developments on the other side of the street, would that trigger development to improve the streets or would that be left up to the City when it changes from a residential street to a commercial street. Mr. Georgevitch stated that when this develops and comes in for a Site Plan and Architectural Commission application, Public Works will require all frontages to be improved. If there is development at the same time on the other side of the street, Public Works would require their frontages to be improved. Improvements are only made when there is vertical construction occurring and it is only across their frontage. If the traffic study showed a need for additional Category "A" facilities, Public Works would have made recommendations for those facilities. There are none on this application.

Commissioner Pulver asked at time of development what type of street will they end up with on Corona and Covina? Mr. Georgevitch reported that under the Code if it is a residential street there are several classifications from a lower standard to a residential standard which is a 36-foot-wide street. If it is commercial there is one standard that is also a 36-foot width. In an area like this where there is mixed developments, Public Works would request improvements along the frontage to meet commercial street standards. If it stays residential or as it transitions into residential it becomes a residential street and could drop to a minor residential street.

Commissioner Pulver asked with the neighboring residential development are there buffer standards? Mr. Adam stated that there are development standards for buffering when commercial is adjacent to residential. There are separations of distance and also screening requirements.

The public hearing was opened.

a. Craig Stone, CSA Planning, Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504-9173. Mr. Stone requested that the applicant's findings and conclusions of law be entered into the record along with the additional evidence that they submitted with it. They went to some length to perform special directed studies in certain areas. One had to do with the sanitary sewer system, another with the storm drainage system and a traffic impact study with the author, Ms. Kimberly Parducci that is in the audience this evening. He will submit Ms. Parducci with questions relating to traffic. They analyzed nine surrounding intersections and found those to operate acceptably under the standards of the City. The Comprehensive Plan's Economic Element identifies that the City of Medford has a high competitive advantage with respect to medical facilities. This application focuses on the area in and around Providence Medical Center. The lands around it have become occupied with offices with a general business nature. There is

not much land remaining in or around Providence Medical Center. There is some additional land on their campus but when the applicant examined the surrounding area about a half mile they were able to identify only five potential parcels none of which worked well. They were either too small or they have problems with access. The applicant believes that there is a community need to have space for medical offices in near proximity to a regional hospital and to allow those spaces to also accommodate retirement housing.

Commissioner McKechnie asked if the traffic study was based on how many square feet of offices and how many square feet of residential units in the development? Mr. Stone stated that they did not go at it that way. They took a broader look because they do not know exactly how many square feet. In the City Code it prescribes that one uses a factor of 500 trips per day per acre for service commercial and commercial land. That is the worst case scenario and that is what they used.

Commissioner McKechnie asked if the traffic study was based on service commercial and not residential? Mr. Stone replied yes.

b. Kimberly Parducci, Southern Oregon Transportation Engineering, LLC, 112 Monterey Drive, Medford, Oregon, 97504. Ms. Parducci reported that they generated traffic for this study based on the City's methodology that has a certain generation of traffic for professional office commercial. They generated traffic based on a 500 trip per acre number. Fifty of those trips per acre are generated in the pm peak hour. They generated 292 trips for this site. They distributed out onto the local street system according to what the traffic showed. They took the trips to and from McAndrews, Crater Lake Avenue, Poplar, and such, according to the existing traffic load. They evaluated every intersection that was a higher-order street that had 25 or more peak-hour trips. That resulted in the nine study area intersections that were in the study as well as the two driveways. Ms. Parducci also pointed out that Corona is a local street and they did not initially include that because there is no facility adequacy standard for that street. Public Works in their first review asked her to include Corona. They did an addendum, included that intersection, and evaluated it. That intersection operates acceptably.

Commissioner Pulver stated that the traffic study was not included in the Planning Commission's agenda packets. Vice Chair McFadden stated that usually the results are included in the agenda packet but the study is lengthy and too mathematically inclined for most people's taste.

c. Jami Ronda, 1244 Covina Avenue, Medford, Oregon, 97504-5358. Ms. Ronda has concerns with semi-trucks of food and other supplies coming down Covina. This area enjoys a "country feel" and Ms. Ronda is concerned that it could be negatively impacted. She experiences a lot of traffic clogs from Crater Lake Avenue going onto Covina Avenue and McAndrews and Corona. There is a traffic problem at Corona and Royal.

Chair Miranda stated that he knows the next testifier but it will not influence his decision on this application.

d. James Ronda, 1210 Covina Avenue, Medford, Oregon, 97504-5358. Mr. Ronda stated that his view from his living room will be impacted by the development. The unknown of what is going to be developed concerns him a lot. There is a traffic problem at the intersection of Covina and Crater Lake Avenue. There is always a bottle-neck there. He also is concerned with trucks coming and going on Covina. There is nothing prohibiting them from using that street. There are no sidewalks, curbs or gutters on Covina and Corona. He is concerned that since he is the corner lot on Covina he will have to pay for the improvements on his lot. There are too many unknowns.

e. Lucille Nichols, 1325 Covina Avenue, Medford, Oregon, 97504-5361. Ms. Nichols reiterated what has already been said about the narrowness of the streets and no sidewalks, curbs or gutters. Wilson Elementary School is right there and children walk up and down Grand Avenue before and after school. They also walk along Covina Avenue and it is very difficult to get out of Covina Avenue onto Crater Lake Avenue. At the back of her house she can look out at the mountains but her concern is that a building will block her view. She would like some thought given to heights and walls.

Vice Chair McFadden stated that the City does have a limit on heights. In an area between a commercial designation and a residential designation there will be buffering. There will be other hearings to have the same type of input as what was testified this evening to make sure their livability is maintained.

Mr. Adam said commercial building within 150 feet of a residential zoning district are restricted to the residential height limit of 35 feet. He reported that the uses allowed in that area is mostly office uses. There is very little retail allowed in the C-S/P zoning district. The area in question does not have the visibility that would be attractive to retail uses.

Chair Miranda stated that when the development comes in and they have to do the street improvements, the street improvements will be restricted to the development's frontage. What impact, if any, will that have on any other developments in the area? His presumption is none. Mr. Georgevitch reported that is correct. The conditions that are placed on a development are to build a half street plus 12 feet or to the edge of pavement depending on the width of the road. This development would be required to build only their frontage. It could be the entire width of the street and it may be beyond that—depending on how wide it is—to City standards, or show the existing facility meets standards and then widen it to the appropriate width on their side only.

Mr. Stone addressed the concern regarding a property owner paying for his side of the street improvement stating that the answer is no. Mr. Stone reiterated the Local Improvement District that Mr. Georgevitch mentioned. In this instance there are no other

consenting property owners. The applicant will improve their frontage of the street. The Plan amendment and the rezoning are the first steps. The detailed development plans for the property will either come before the Planning Commission or the Site Plan and Architectural Commission with notice to neighboring property owners for an opportunity to testify.

Mr. Stone addressed the 35 foot height requirement stating that Mr. Adam mentioned that when a building is 150 feet from a residential zoning district that the height has to be 35 feet or less. That is the standard throughout most of Medford. As far as view blockage, this is flat land, the neighborhood is equally on level terrain and just about anything that is developed in that area over eye level is going to block someone's view. There is nothing in the Comprehensive Plan or Land Development Code that guarantees against a view being blocked. That is something that comes with living in an urban environment.

Ms. Parducci addressed the traffic to Covina Avenue stating that Southern Oregon Transportation Engineering, LLC., had the same concerns when they first looked at this. Covina Avenue is a small local street and it does not carry a lot of traffic currently. They did not generate a lot of traffic on Covina Avenue for that same reason. The two-story title company has access onto Covina Avenue as well as one that is directly off McAndrews. The traffic that goes to Covina Avenue is significantly less. They made the conclusion that most of the traffic has the option to go to either Corona Drive or Covina Avenue and will probably take Corona Drive directly to McAndrews or go north to Grand to Crater Lake Avenue.

Mr. McConnell expounded on a comment from Mr. Stone that later in the process when this development goes before the Site Plan and Architectural Commission, one of the criteria is that the development is compatible with the uses and development that exist on adjacent land. The citizens will have another opportunity to testify their concerns.

The public hearing was closed.

Motion: For the Minor Comprehensive Plan (GLUP Map) Amendment the Planning Commission forwards a favorable recommendation for approval of CP-15-163 to the City Council per the staff report dated February 18, 2016, including Exhibits A through C.

Moved by: Vice Chair McFadden Seconded by: Commissioner McKechnie

Commissioner D'Alessandro thanked the residents for coming forward to voice their concerns in this early stage of the process. It is rare to see people at this level of a development. It is a pleasure to have the citizens present.

Voice Vote: Motion passed, 8–0.

Mr. Adam read the zone change approval criteria and gave a staff report.

Commissioner McKechnie stated that he sat through this when it when to the Land Development Committee meeting and there was an issue with water on either Covina Avenue or Corona Drive. He did not see anything in the agenda packet referencing that. Does Mr. Adam have any comments on that? Mr. Adam reported that there were no major conditions with the facility that could not be solved at the time of development.

Commissioner McKechnie stated that he thought the lines on Covina Avenue and Corona Driver were old or too small for the development but they were also in different service districts. That does not allow them to cross back and forth and to bring this up in the staff report. Commissioner Pulver stated that he also was at the Land Development Committee meeting. It does address it in the report. It was not an insurmountable problem. It is more of a fact than a problem.

Mr. Adam reported that staff did leave out the traffic impact analysis due to its size. It was his intention to have it hyperlinked on the website and include that in the staff report for the Planning Commission to use. It was an oversight on his part and he apologized for that.

The public hearing was opened.

a. Craig Stone, CSA Planning, Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504-9173. Mr. Stone reported that he does not have additional testimony but given the Planning Commission divided this into two proceedings he requested that the earlier testimony of him and Ms. Parducci be incorporated into the record of the zone change as well.

Mr. Stone addressed the waterline issue brought up by Commissioner McKechnie. This property is in two different pressure zones on either side of the Hopkins Canal that traverses the property. In his initial interview with Eric Johnson, City of Medford Water Commission Engineer, Mr. Johnson indicated that the applicant might be able to cross it and do other things. By the time of the Land Development Committee meeting Mr. Johnson had done some additional thinking and believes no they will not be able to cross it. It is not an issue without solution. The water system is sufficient in the area. It was just simply a question of whether the applicant ties the two together or serves them separately from Covina Avenue and Corona Drive.

The public hearing was closed.

Motion: For the Zone Change the Planning Commission adopts the findings as recommended by staff and directs staff to prepare a Final Order for approval of ZC-15-164 per the staff report dated February 18, 2016, including Exhibits C through F, provided the City Council approves the GLUP map amendment.

Moved by: Vice Chair McFadden Seconded by: Commissioner D'Alessandro

Voice Vote: Motion passed, 8–0.

Exhibit C
Applicant's Findings of Fact

[Cover sheet]

BEFORE THE CITY COUNCIL

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

THE MATTER OF A MINOR GENERAL LAND USE PLAN MAP AMENDMENT, CHANGING THE COMPREHENSIVE PLAN MAP DESIGNATION FROM URBAN RESIDENTIAL (UR) TO SERVICE COMMERCIAL (SC) AND A ZONE CHANGE FROM SFR-4 TO C-S/P FOR FIVE PARCELS TOTALLING 5.72 ACRES, LOCATED ON CORONA AVENUE NORTH OF EAST MCANDREWS ROAD WITHIN THE CORPORATE LIMITS OF THE CITY OF MEDFORD, OREGON.	)	**FINDINGS OF FACT AND CONCLUSIONS OF LAW Applicant's Exhibit 2**
Applicant: HATH, LLC	)	
Agent of Record: CSA Planning, Ltd.	)	

I

SCOPE AND NATURE OF THE APPLICATION

This action concerns two contemporaneously filed land use applications. The first is a minor comprehensive plan map amendment to change the map designation[1] on the subject property from *Urban Residential* to *Service Commercial.* The second is a zone change application that involves changing the zone from SFR-4 to C-S/P. The scope and nature of the applications are such that they are both required to be treated as quasi-judicial land use matters.

The subject property is owned in fee simple by HATH, LLC and consists of five parcels that have an aggregate 5.72 acres. The property is situated between Corona Avenue and Covina Avenue, fronting upon the west side of Covina Avenue and the east side of Corona Avenue. The property is approximately 365 feet north of the intersection of Corona Avenue and East McAndrews Road and is located less than a block from Providence Hospital. Applicant's projected future use of the subject property is for medical office buildings along Corona Avenue and a retirement community along Covina and the northern border of the property, a design hoped to achieve a compatible transition between the planned medical offices (and other offices along McAndrews Road) and the single family dwellings which adjoins the property.

[1] Medford sometimes refers to its comprehensive plan map by the acronym GLUP which stands for General Land Use Plan.

There is presently a very limited amount of property available near Providence Hospital that can support future use as medical offices notwithstanding that medical services is recognized in the Medford Comprehensive Plan Economic Element as a key source of jobs and economic vitality. Applicant believes that the proposed *Service Commercial* designation and C-S/P zone supports the City's broader goals to intensify urban land uses within the existing UGB in a manner that is compatible with the existing land use pattern in the area. Both anticipated future uses are permitted in the C-S/P zone which allows both medical offices and residential uses at the MFR-30 density (which is appropriate for a retirement community). It is of common understanding that retirement housing seeks locations as near as possible to hospitals and other medical facilities.

Precise plans for development of the property must and would be submitted for approval to the City of Medford following approval of these applications and before any development would occur.

II

EVIDENCE SUBMITTED WITH APPLICATION

The following evidence was submitted with this application to amend the Comprehensive Plan Map:

Exhibit 1. Signed and Completed Application Forms and Authorization from the current property owners, HATH, LLC

Exhibit 2. The proposed findings of fact and conclusions of law (this document) which demonstrates how this proposed GLUP Map amendment and zone change comply with the relevant substantive criteria of the City of Medford and State of Oregon

Exhibit 3. Vicinity Map to a Scale of 1" = 1,000'

Exhibit 4. Jackson County Assessor plat map 37-1W-19AB which contains and depicts the subject property

Exhibit 5. Current City of Medford General Land Use Plan (GLUP) depicting the subject property

Exhibit 6. Proposed General Land Use Plan (GLUP) depicting the subject property

Exhibit 7. Current City of Medford Zoning Map on Aerial depicting the subject property

Exhibit 8. Proposed City of Medford Zoning Map

Exhibit 9. Key Map and Photos of site and surrounding properties

Exhibit 10. Traffic Impact Analysis dated June 10, 2015 prepared by Southern Oregon Transportation Engineering, LLC

Exhibit 11. Medford Water Commission Water Facilities Map – Subject Property

Exhibit 12. Letter from engineers CEC Engineering, Inc. dated October 9, 2015 which goes to the adequacy of public sanitary sewer facilities

Exhibit 13. Letter from engineers CEC Engineering, Inc. dated November 6, 2015 which goes to the adequacy of public storm drainage facilities

Exhibit 14. Surrounding Vacant Lands Map

III

APPLICABLE SUBSTANTIVE CRITERIA

COMPREHENSIVE PLAN MAP (GLUP) AMENDMENT

Article II of the City of Medford Land Development Code (MLDC) establishes the local requirements for planning and development applications. Minor Comprehensive Plan Amendments are categorized as Procedural Class "B" Plan Authorizations pursuant to MLDC 10.102 and the Medford City Council ("Council") is designated as the approving authority pursuant to MLDC 10.111 while the Planning Commission's designated role is to act in an advisory capacity pursuant to MLDC 10.122.

CITY OF MEDFORD LAND DEVELOPMENT CODE

MLDC 10.191, Application Form, identifies the informational requirements for a Minor Comprehensive Plan amendment.

10.190 Application, Minor Comprehensive Plan Amendment.

A minor revision to the Comprehensive Plan is one typically focused on specific individual properties and therefore considered quasi-judicial. Applications for minor Comprehensive Plan amendments shall contain the information as herein required.

10.191 Application Form.

An application for a minor Comprehensive Plan amendment shall contain the following items:

(1) Vicinity map drawn at a scale of 1" = 1,000' identifying the proposed area to be changed on the General Land Use Map.

(2) Written findings which address the following:

- *(a) Consistency with applicable Statewide Planning Goals.*
- *(b) Consistency with the goals and policies of the Comprehensive Plan.*
- *(c) Consistency with the applicable provisions of the Land Development Code.*

Facts that go to consistency with applicable Statewide Planning Goals, the goals and policies of the Comprehensive Plan, and the applicable provisions of the Land Development Code are set forth in Section IV herein. In Section V, the facts are applied to the approval standards and explained in the form of conclusions of law. The required vicinity map, drawn at a scale of 1" = 1,000' is attached as Applicant's Exhibit 3.

In addition to the procedural requirements outlined in MLDC Article II, local governments are required to forward proposed amendments to an acknowledged comprehensive plan to the Director of the Department of Land Conservation and Development at least 35 days before the first evidentiary hearing on adoption pursuant to the post-acknowledgment procedures set forth in ORS 197.610 and OAR 660-018-0020. Proper notice has been given.

10.192 Minor Comprehensive Plan Amendment Criteria

Refer to the Review and Amendment section of the Comprehensive Plan.

Medford's adopted approval criteria that governs minor comprehensive plan amendments are contained in the Review and Amendments section of the Medford Comprehensive Plan.[2] The approval criteria are set forth as follows and again in Section V where each is followed by the conclusions of law and ultimate conclusions of the City Council. Applicable state law is cited and addressed in context.

CITY OF MEDFORD COMPREHENSIVE PLAN

Review and Amendment Procedures

The distinction between major and minor plan amendments is based on the following definitions which were derived from the Guidelines associated with Statewide Goal 2:

> Major Amendments are those land use changes that have widespread and significant impact beyond the immediate area, such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or many different ownerships.
>
> Minor Amendments are those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established.

CRITERIA FOR PLAN AMENDMENTS

Because of the important functional differences among the various Plan components, no common set of criteria can be used to assess all proposed Plan amendments. Below are listed the criteria which must be considered when evaluating proposed amendments to each of the specified Plan components. While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not.

Map Designations – Amendments shall be based on the following:

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

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

(3) The orderly and economic provision of key public facilities

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

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

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

(7) All applicable Statewide Planning Goals.

CITY OF MEDFORD COMPREHENSIVE PLAN

[2] MLDC, Section 10.192 (Minor Comprehensive Plan Amendment Criteria), states only: "See the Review and Amendment section of the Comprehensive Plan Text." It does not contain the actual approval criteria, but instead directs the review authority to the specific criteria adopted as part of the Comprehensive Plan.

Goals and Policies

Goals and policies relevant to this application are cited and properly addressed in Section V (Conclusions of Law). As therein explained, not all plan goals and policies constitute approval criteria. Pursuant to *Bennett v. City of Dallas*, 17 Or. LUBA 450, 456, aff'd 96 Or. App. 645 (1989) and other cases, to be considered an approval standard, a goal or policy must by nature and context have been intended to operate as such. Moreover, goals and policies that are aspirational in nature are also not approval standards. Most plan goals and policies are not, in these contexts, approval criteria.

STATEWIDE PLANNING GOALS

GOAL 1: CITIZEN INVOLVEMENT
To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process...

GOAL 2: LAND USE PLANNING
To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions...

GOAL 3: AGRICULTURAL LANDS
To preserve and maintain agricultural lands...

GOAL 4: FOREST LANDS
To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture...

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES
To protect natural resources and conserve scenic and historic areas and open spaces...

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY
To maintain and improve the quality of the air, water and land resources of the state...

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS
To protect people and property from natural hazards...

GOAL 8: RECREATIONAL NEEDS
To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts...

GOAL 9: ECONOMIC DEVELOPMENT
To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens...

GOAL 10: HOUSING
To provide for the housing needs of citizens of the state...

GOAL 11: PUBLIC FACILITIES AND SERVICES
To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development...

GOAL 12: TRANSPORTATION
To provide and encourage a safe, convenient and economic transportation system...

GOAL 13: ENERGY CONSERVATION

To conserve energy. Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles...

GOAL 14: URBANIZATION
To provide for an orderly and efficient transition from rural to urban land use...

ZONE CHANGE

The City of Medford criteria under which a zone change application must be considered are in MLDC 10.227 and the relevant approval criteria are recited verbatim below:

MLDC 10.227 ZONE CHANGE CRITERIA (Inapplicable provisions omitted)[3]

The approving authority (Planning Commission) shall approve a quasi-judicial zone change if it finds that the zone change complies with subsections (1) and (2) below:

(1) The proposed zone is consistent with the Oregon Transportation Planning Rule (OAR 660) and the General Land Use Plan Map designation. (When the City of Medford's Transportation System Plan (TSP) is adopted, a demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.

(2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.

(a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.

(b) Adequate streets and street capacity must be provided in one of the following ways:

(i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or

(ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:

(a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or

(b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be

[3] Inapplicable provisions involve the "locational criteria." These are specific as to zoning district and none apply where the zoning sought is to C-S/P.

used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

(iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.

(c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction or covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:

(i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,

(ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,

(iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

The proposed amendment and zone change are also subject to the Oregon Transportation Planning Rule at Oregon Administrative Rules (OAR) Chapter 660, Division 012. Provisions relevant to this application are:

OREGON TRANSPORTATION PLANNING RULE
Oregon Administrative Rules Chapter 660, Division 12

SECTION 660-012-0060
Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance

standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards.

IV

FINDINGS OF FACT

The Council reaches the following facts and finds them to be true with respect to this matter:

1. **Property Location**: The subject property is situated between Corona Avenue and Covina Avenue, with 277.6 feet of frontage on the west side of Covina Avenue and 332.7 feet of frontage on the east side of Corona Avenue. The property is located approximately 365 feet north of the intersection of Corona Avenue and East McAndrews Road. The property is within the corporate limits of the City of Medford and its urban growth boundary.

2. **Ownership and Property Description**: The property consists of five parcels that have an aggregate 5.72 acres. The property is identified on the Jackson County Assessor's map 37-1W-19AB as Tax Lots 1700 and 1800 that have frontage on Corona Avenue and Tax Lots 2100, 2200 and 2201 that have frontage on Covina Avenue. See, Exhibit 4 Jackson County Assessors Map.

3. **Existing Land Use:** Subject Tax lot 1700 has a small garage/shop building that has been used for a plumbing contractor headquarters. A portion of Tax Lot 1800 is occupied by a single family residence and related yard spaces and the remainder is vacant, with the area around the adjacent plumbing shop being used for temporary storage of construction materials and vehicles for the plumbing business. Tax Lot 2201 is presently vacant. The piped/underground Hopkins Irrigation Canal runs beneath the boundary between Tax Lots 1800 and 2100. A 30 foot easement centered on the boundary line provides for

access to and maintenance of the canal. Tax Lots 2100 and 2200 contain single family residences that are currently occupied.

4. **Existing and Proposed Comprehensive Plan (GLUP)**: The subject property's GLUP map designation is presently *Urban Residential.* This application seeks to change the GLUP designation to *Service Commercial.*

5. **Existing Zoning:** The subject property is presently zoned *Single Family Residential – 4 Units per Acre* (SFR-4). This application seeks to rezone the property to C-S/P, consistent with the contemporaneously proposed *Service Commercial* GLUP map designation.

6. **Surrounding Land Uses**: The Exhibit 7 aerial/zoning map accurately depicts the pattern of land partitioning and development in the surrounding area. Also see Exhibits 3 through 6. The land uses which presently surround the property are:

   South: Immediately south of the subject property are a set of professional and medical office buildings that front upon East McAndrews Road and Corona Avenue. One single family residence is present on Corona abutting the subject property, however that parcel has been rezoned C-S/P and there are plans to eventually remove the dwelling and replace it with a commercial office building. Across East McAndrews Road to the south lies Providence Hospital.

   East: Properties immediately to the east are designated as an Urban Residential Area, zoned SFR-4 and contain predominantly single family dwellings. Beyond the one block of residential properties however, is Crater Lake Avenue which has a mixture of commercial and residential uses lining the street.

   North: On the north side of the property are predominately large lot, single family residential properties that front upon Corona, Grand and Covina Avenues. These properties are designated Urban Residential and zoned SFR-4.

   West: The area to the west of Corona Avenue is designated Urban Residential and includes a mix of housing densities. Uses and housing densities include large lot single family residential properties and an area that is zoned SFR-10 and occupied by higher density housing.

7. **Commercial GLUP and Zone Proximity:** As evidenced by Exhibits 5 and 7 (current plan and zoning maps) the entire subject property's southern boundary abuts properties that are designated Service Commercial and zoned C-S/P.

8. **Need for the Change (to accommodate adequate employment opportunities)**: In 2007 the City of Medford updated its comprehensive plan Economic Element which has been adopted by the City of Medford and acknowledged by the State of Oregon. The Economic Element contains expert analysis and conclusions that are cited herein below and used here to describe the land supply versus demand for employment land uses. The Economic Element projects land needs for major employment development pattern types that include office, industrial and retail development patterns. The Economic Element also recognizes that employment land services as supply for other types of special uses and for overnight lodging. The Service Commercial GLUP map designation serves as a

designated supply source for office development patterns, some special use development pattern types and some retail commercial uses.

- ***Quantitative Acreage Supply:*** The Economic Element provides 20-year projections for needed land in various employment (commercial and industrial) categories. Among these is a category called "Office Commercial." The Economic Element further provides land need projections based upon low, medium and high growth scenarios. The Medford City Council adopted as a policy matter the high growth scenario as part of its adoption of the Economic Element. Over the Economic Element's 20-year planning horizon (and under the adopted high growth scenario) the City of Medford is expected to require approximately 403 (gross) acres of Office Commercial,[4] a development pattern type that can be located within the Service Commercial designation. As to net buildable acreage, Medford (under the high growth scenario) and in consideration of the existing office commercial land supply, has deficits over the planning period of 25 acres for large office sites, 29 acres for medium office sites and 178 acres for small office sites producing a 232-acre net buildable acre deficit in total or approximately 290 *gross* buildable acres. Other than a handful of small quasi-judicial amendments, the only significant amendments that have been approved by the City that address the acreage supply deficits identified in the 2007 Economic Element were the approval of the Selected Amendment Locations (SALs) and approval of Service Commercial at the southeast intersection corner of McAndrews and Springbrook Roads. That site has been approved for a congregate care facility which has a building permit pending with the City and is considered "in-process" under the Economic Element methodology and is not, therefore, expected to function as additional employment land supply. Thus, the remaining significant changes since the 2007 Economic Element, occurred as part of the Internal Study Area (ISA) project. The same resulted in numerous GLUP designation changes within the City's UGB that were identified as Selected Amendment Locations (SALs). The ISA project redesignated only 2.3 acres of land to Service Commercial and did not remove any land from the Service Commercial designation. The findings supporting the ISA project did, however, make certain assumptions about how the development pattern types would be satisfied by GLUP Map designations in the future. These assumptions are detailed on page 30 and 31 of the City's findings adopting the ISA map amendments and Table 2.1 projects a shortfall of 225 acres of service commercial land over the 20-year planning period. The proposed amendment would supply 5.72 acres that would go toward rectifying the identified deficits.

  Concurrent with the proposed quasi-judicial GLUP Map Amendment, the City is processing a legislative UGB amendment that is intended to address land supply shortages in several categories. The legislative UGB process has been somewhat challenged to find appropriate locations for commercial and service commercial lands on the periphery of the City. This proposed amendment to Service Commercial may allow some of the land being considered for UGB inclusion to be designated residential be adding the subject property to the supply for Service Commercial and removing it from the residential lands supply.

[4] See, Economic Element Figure 28.

- ***Quantitative Site Supply:*** In addition to estimating acreages, OAR 660-009 requires cities to compare the supply and demand for sites by type. Economic Element Figure 27 reports that over the 20-year planning period, Medford (under the high growth scenario) will require 11 large office sites (sites having approximately 5.00 acres), 65 medium sites (sites having approximately 1.50 acre), and 554 small sites (sites having approximately 0.45 acre). Based upon the existing supply of office commercial sites, Medford has *existing* ***deficits*** of 4 large sites, 10 medium sites, and 445 small sites. At just over 5 acres, the subject property would be considered as supply for a large size office site under the Economic Element or as supply for two medium office sites.

  Other than a handful of relatively small amendments, no significant amendments have been processed by the City of Medford that address the site supply deficits identified in the 2007 Economic Element and no additional large office sites have been supplied. The assumption in the ISA project is that medium and large office sites will continue to be supplied in the Service Commercial designation. As such, the proposed amendment would serve as potential supply to meet the need for one large office site or two medium office sites both of which will still have site type deficits even after the proposed amendment is approved.

- ***Qualitative Site Characteristics:*** Service Commercial is a plan designation that supplies office sites and can be permissibly located adjacent to residential uses. In this instance, the adjacent residential uses are typically wells screened with existing fencing and vegetation and the dwellings (many of which are on large urban lots) are most often located an appreciable distance from the subject property. See, Exhibit 7. Office sites require some degree of visibility but less when compared to retail commercial. Access to labor is essential via proximity to higher order arterial streets and proximity to major labor sources; the proposed location is within 800 feet of two arterials — McAndrews Road and Crater Lake Avenue. The location is in a central urban setting near existing labor markets at Providence Hospital and is over two miles from the UGB in all directions. The Economic Element (and its associated Economic Opportunities Analysis) provides a generalized identification and evaluation of site types and characteristics to meet typical user needs requirements. Ultimately, employment land use needs are quite specific to the actual user. In this instance, Applicant has evaluated sites throughout the Medford market area for a suitable site to provide medical offices in conjunction with new retirement living facilities. Applicant and its principals are well experienced in the delivery of facilities of the type envisioned. As mentioned the proposed C-S/P zone permits medical offices and retirement/assisted care housing and the same is envisioned by Applicant to occur over a period of many years. The uses ultimately sought are ones that provide both employment and housing opportunities. After much research, Applicant believes this is the ideal site for the proposed employment and residential uses.

9. **Urban Housing Need**: The subject property is presently under-developed and largely vacant. Oregon law requires cities to provide adequate buildable residential lands and needed housing types. The property is presently designated Urban Residential (UR) — the GLUP designation implemented by the City's single family zones. According to the adopted and acknowledged comprehensive plan Housing Element (adopted December 2,

2010) there were about 2,122 vacant and partially vacant acres of UR land in the city and UGB in 2009. Based on the Housing Element, there is a need for an additional 465 acres of UR designated land over the 20-year planning period — 2009 through 2029. While larger in total aggregate acres of deficit (when compared to commercial land for office uses) the percentage deficit is much smaller (465 deficit of acres versus a demand of 2,587 or 18 percent) when compared to the percentage amount of available land for office development (232 acre deficit versus a demand of 403 acres or 57 percent). Thus, the deficit of land for office development is significantly more acute than the deficit for Urban Residential land.

In this instance, Applicant's ultimate objective is to construct medical offices and a senior living project that will provide both employment and housing opportunities. This development pattern will support ultimate housing and employment needs within the City. The City's Housing Element contemplates that approximately 692 dwelling units will be constructed in areas designated commercial during the planning period from 2009 through 2029. The proposed amendments would support these projections to some degree.

10. **Vacant/Developable Service Commercial Lands**. Vacant and partially vacant lands in the vicinity of the Providence Hospital medical campus were inventoried as part of this project by Applicant's representatives, CSA Planning, Ltd. The inventory is distilled into a map (Exhibit 14) which shows the vacant and partially vacant lands that exist within certain distances from the hospital campus. The inventory shows that there is very little developable land within one-half mile of the hospital campus. Of the five vacant (or partially vacant) parcels, one is on the opposite (west) side of Interstate 5, two are quite small including the sites on Bennett Avenue and the small single parcel on the north side of McAndrews Road which lies between parcels occupied by Premier West Bank and the Jensen Cosmetic Surgery Office. This parcel might support a single small medical office and has reasonable access to accommodate the same. The only other parcel is one on Poplar Drive north of the McAndrews intersection and lying north and adjacent to and owned by Rogue Credit Union (RCU). The site might also accommodate medical offices but has access problems owing to long peak hour queues that make entering and exiting the site difficult. In the longer range, the RCU property might supply some additional land for medical offices, however it will not accommodate the long term medical office needs and land is similarly (but less) constrained around the Asante Campus.

11. **Essential (Category 'A') Public Facilities:** The comprehensive plan defines Category 'A' public facilities to include the below components. Relevant facts pertaining to these follow:

    A. **Sanitary Sewage Collection and Treatment:**

    - **Sanitary Sewer Collection Lines**: There are existing 8-inch sanitary sewer lines within the rights-of-way of Corona Avenue and Covina Avenue upon which the subject property fronts and these flow into a 10-inch line located in Grand Avenue. The lines are located in Sanitary Sewer Drainage Basin D as depicted in Figure 2-1 of the City of Medford Sanitary Sewer Master Plan. Representatives of the Public Works Department indicated to Applicant's representatives that there may be downgrade sections of existing concrete sanitary sewer pipe that

may require upgrading in accordance with the Sanitary Sewer Master Plan prior to project development. In response, Applicant engaged Construction Engineering Consultants (CEC) Inc.[5] to evaluate the downgrade sanitary sewer system and its findings are set forth in Exhibit 12 and are summarized verbatim as follows:

> "The sewer analysis was performed using the current City of Medford Sanitary Sewer Master Plan (2005) and City supplied data. The study was conducted on the existing sanitary sewer system downstream of the HATH property. All flows generated are based on full build-out of the flow basin. As specified in the City's Sanitary Sewer Master Plan, commercial properties are to use a flow factor of 1700gal/acre/day to determine the anticipated sewer flows.
>
> "Sewer model analysis was run with the 'Pre-Zone Change' flows and the 'Post-Zone Change' flows. The analysis shows that the proposed zone change will generate additional flow from this property. The additional flow will add 10.77 gallons per minute and 0.09' to the hydraulic grade line (HGL) during the prescribed peak (5-year) event. This additional flow is insignificant within the flow basin with a flow increase of 0.6%. The "Pre-Zone Change" basin flow is anticipated to be 1661.50 gallons per minute and the "Post-Zone Change" basin flow is anticipated to be 1672.27 gallons per minute. Both pre and post analysis show that the same two pipe segments will surcharge during the 5-year event. Although the sewer pipes will surcharge, the master plan allows for surcharging during the 5-year event as long as the HGL is 3 feet below the ground surface (See attached Appendix A). The "Pre-Zone Change" HGL is 8.06' below the surface and the "Post-Zone Change" HGL is 7.97' below the surface.
>
> "Medford has adopted standards designed to ensure that key public facilities (including sanitary sewer) are available and adequate as a prerequisite to plan or zone changes. The sanitary sewer standard is expressed in Goal 2, Policy 2(A) which states that sanitary sewers are considered adequate if they are consistent with the applicable sewer plan document. Under the terms of the Medford Sanitary Sewer Master Plan (2005), the sanitary sewers that serve this property are adequate, and pipe replacement is not required."

B. Sanitary Sewer Service (Treatment): According to representatives of the Medford Engineering Department, sewage wastewater collected and transported by the Bear Creek Interceptor is treated at the Medford Regional Water Reclamation Plant. The principal staff person in charge of operations at the regional plant, which is located near Bybee Bridge where Table Rock Road crosses the Rogue River. The plant serves the Rogue Valley Sewer Services (RVSS)[6] and the cities of Central Point, Jacksonville, Medford, Phoenix and Eagle Point. A portion of the service charges levied on customers is allocated to treatment costs. The Regional Rate Committee as

[5] Construction Engineering Consultants (CEC) Inc. are civil engineers licensed in Oregon who are qualified to express an expert opinion on matters related to the capacity of Medford's public sanitary sewer and storm drainage lines.

[6] Formerly Bear Creek Valley Sanitary Authority (BCVSA)

established in the September 23, 1985 Regional Sewer Agreement is authorized to set treatment charges and rates for the regional system. The Regional Rate Committee reviews the charges and rate structures annually, and rate adjustments are made as necessary. Systems development charges are allocated to plant expansion. Monthly service charges levied on customers are allocated to treatment costs, equipment repair and replacement, and plant upgrades to meet changing regulations.

- The Vern Thorpe Regional Water Reclamation Facility, more commonly known as the Medford Regional Water Reclamation Facility (RWRF), was built in 1970 by the City of Medford as a regional facility to treat sewage from the cities of Central Point, Jacksonville, Medford, Phoenix, Talent and certain rural areas within unincorporated Jackson County which are served by Rogue Valley Sewer Service (RVSS). The original RWRF capacity was 10 million gallons per day (MGD) average dry weather flow
- RWRF capacity was doubled between 1980 and 1990 through several incremental expansions. In 1992 the RWRF was permitted for a 20 MGD average dry weather flow, and 60 MGD wet weather flow. Subsequent to 1992 several more projects have been constructed to improve plant operating reliability, energy efficiency, and bio-solids handling capabilities, as well as increase the reliable wet weather flow handling capacity to 80 MGD.
- The average daily influent flow for 2004 was 15.7 mgd, an increase from 13.2 mgd in 1988 and 14.1 mgd in 1994.
- In 2012, West Yost Associates updated the Medford Regional Water Reclamation Facility Master Plan. Table 4-8 states that the Peak Wet Weather Flow (PWWF) at the plant is currently 91 MGD. The plan lays forth the capital improvements to the plant that are planned over the next ten years specifically and the subsequent 10 years more generally. The planned improvements are funded by rate payers and systems development charges and will increase the capacity of the plant to handle a PWWF of 118 MGD by 2030 to serve a future 2030 City of Medford population of 115,286.

C. Storm Drainage: Applicant also engaged Construction Engineering Consultants Inc. (CEC) to evaluate the downgrade storm drainage system and its findings are set forth in Exhibit 13. CEC evaluated the storm drainage system that serves the subject property and coordinated its findings with representatives at the Medford Public Works Department who are reported in Exhibit 13 to concur with CEC's findings which conclude that the existing storm drainage system is adequate to serve the subject property under the plan/zoning designations sought under this application. See, Exhibit 13.

D. Water Service:

- **Water Distribution Lines**: According to the records of the Medford Water Commission, there is an existing 8-inch cast iron water main within the Corona Avenue right-of-way and a 4-inch main in Covina. The lines were first installed in the 1950's. According to Medford Water Commission engineers the property lies within two pressure zones. Lands east of the irrigation canal (which traverses

the property) is in a "gravity pressure zone" (which produces 105 psi) while land to the west is in a "reduced pressure zone" (which produces 75 psi). Commission engineers indicated that water can likely be provided from either zone but as a worst case, water service for fire flows might require crossing the irrigation canal which Medford engineers expressed their belief can be accomplished but at added cost.

- **Water Supply**: According to Medford Water Commission representatives, the Medford water utility presently serves a population of approximately 80,000. The present maximum daily use is 45 million gallons per day, (MGD). The present source and distribution system has an existing capacity of 56.5 MGD. There is an additional water source capability of 35 MGD available. Water Commission engineers have stated their belief that present water supply facilities will be adequate until Year 2050.

E. Transportation Facilities: Applicant engaged Southern Oregon Transportation Engineering to assess the traffic impacts expected to result from the proposed GLUP map amendment and zone change. A copy of the Traffic Impact Analysis (TIA) is attached as Exhibit 10. The City Council reaches the following findings of fact with respect to streets and traffic based upon the evidence in Exhibit 10:

- **Access**: The primary property access is from Corona Avenue between East McAndrews Road and Grand Avenue. The property also has frontage for access along Covina Avenue. In addition, there is a potential for cross access easement connections to some of the commercial properties to the south which front upon East McAndrews Road (which would provide this property with additional access to McAndrews Road).

- **Street Functional Classification**: According to Figure 2.1 of the City of Medford Transportation System Plan, Corona and Covina Avenues are classified as Standard Residential Streets. Nearby East McAndrews Road and Crater Lake Avenue (to which Corona and Covina directly connect) are both classified as major arterials in the City of Medford Transportation System Plan (a part of the City's comprehensive plan).

- **Summary Traffic Impacts**: See, Exhibit 10, the Traffic Impact Analysis prepared by Southern Oregon Transportation Engineering, LLC. The findings of the traffic impact analysis conclude that the proposed comprehensive plan map amendment and zone change can be accommodated on the existing transportation system (pursuant to City of Medford standards) without exceeding the City's "Level of Service 'D' standard. Intersection operations and traffic safety were also evaluated to address the potential development impacts to the surrounding area. The overall results and conclusions of the traffic impact analysis state as follows:

> The findings of the traffic impact analysis conclude that the proposed zone change from SFR-4 to C-S/P can be approved without causing any adverse impacts to the transportation system. Intersection operations and safety was evaluated to address development impacts to the surrounding area. Results of the analysis show the following:

1. All study area intersections operate acceptably under existing year 2015, design year 2017, and future year 2023 no-build and build conditions during the p.m. peak hour.

2. There were no safety concerns as a result of 95th percentile queue lengths or crash histories.

This analysis was undertaken to address issues of compliance with the City of Medford Comprehensive Plan, Land Development Code, and Oregon Transportation Planning Rule (TPR) in Oregon Administrative Rules (OAR) Chapter 660, Division 012. Based upon our analysis of streets and intersection capacities, it is concluded under TPR that the proposed plan and zoning amendment will not significantly affect any existing or planned transportation facility nor would it result in types or levels of travel or access that are inconsistent with the functional classification of any existing or planned transportation facility such that it would not meet the performance standard identified in the TSP or comprehensive plan which, for the City of Medford, is a level of service "D". Additionally, the plan/zoning amendment would not degrade the performance of any existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan. Finally, we conclude that streets and street capacity (for streets that service the property) are available to adequately serve the property with the various permitted uses that are allowed under the proposed C-S/P zoning based upon the City's level of service "D" standard. Therefore, the applications for plan and zoning amendment are found to be in compliance with the Medford Comprehensive Plan pursuant to the Medford Land Development Code, and are consistent with the TPR.

12. **Police and Fire Protection:** The property is served by the Medford Fire-Rescue Department from its Fire Station 5 located near North Medford High School on Roberts Road, approximately two miles from the subject property. Police protection is provided by the Medford Police Department, which is headquartered at Medford City Hall on 8th Street. The City's police and fire departments maintain mutual aid agreements with other local, state and federal fire and law enforcement agencies.

V

CONCLUSIONS OF LAW

The City Council reaches the following conclusions of law and ultimate conclusions with respect to this proposed GLUP Map amendment and zone change. The following discussion and conclusions of law are preceded by the criteria to which they relate:

City of Medford Comprehensive Plan Amendment Approval Criteria
Medford Land Development Code (MLDC) 10.190

(Inapplicable provisions omitted)

MLDC 10.190 Application, Minor Comprehensive Plan Amendment.

A minor revision to the Comprehensive Plan is one typically focused on specific individual properties and therefore considered quasi-judicial.

MLDC 10.192 Minor Comprehensive Plan Amendment Criteria

Refer to the Review and Amendment section of the Comprehensive Plan.

Discussion: The adopted substantive approval criteria which govern minor comprehensive plan amendments are contained in the Review and Amendments section of the Medford

Comprehensive Plan.[7] The approval criteria in the plan's Review and Amendment Procedures section are preceded by the following language which gives context to how the criteria are to be considered:

CITY OF MEDFORD COMPREHENSIVE PLAN

Review and Amendment Procedures

The distinction between major and minor plan amendments is based on the following definitions which were derived from the Guidelines associated with Statewide Goal 2:

> Major Amendments are those land use changes that have widespread and significant impact beyond the immediate area, such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or many different ownerships.
>
> Minor Amendments are those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established.

Discussion; Conclusions of Law: Pursuant to the foregoing language from the Review and Amendment Procedures and MLDC 10.190, the City Council concludes that this application involves a *minor* amendment to the GLUP map because, involving only a 5.72 acre tract containing five parcels under single ownership, any impacts are unlikely to be widespread and are more likely to be confined to only the immediate area of the proposed change. The reasons supporting this conclusion, based upon the evidence, include the following. The adjoining properties (which would remain in residential use and zoning following approval of the instant applications) are typically fenced along their rear and side boundaries in common with the subject property. The location of abutting and nearby dwellings are either located an appreciable distance from the subject property (100 feet or more) and are reasonably well buffered by existing mature vegetation which screen the homes from the subject property. In most but not all instances, dwellings in this area (bounded by Corona, Covina and Grand) typically located on larger urban lots. Provisions of the comprehensive plan and MLDC underscore that the C-S/P zone and uses are compatible with urban residential uses. While in most urban settings traffic impacts are often argued, in this instance, the evidence shows that streets serving the subject property can be accommodated *without* violating the traffic standards of the City of Medford or State of Oregon. In context, the City of Medford also does not view the traffic volumes shown in the Exhibit 10 Traffic Impact Analysis to be especially large and because the added volumes are accommodated within the existing street system, the impacts are not concluded to be significant.

The Council also concludes that the special studies mentioned under "minor amendments" are the studies contained in Medford's most recent Economic and Housing plan elements which form the most important foundations for the proposed amendment. The special studies also include the provided Traffic Impact Analysis (Exhibit 10) and special studies of sanitary sewer and storm drainage adequacy (Exhibits 12 and 13). The Council also concludes that the public need is served by Medford supplying land in sufficient amounts and types to accommodate its forecast and acknowledged Goal 9 employment needs as expressed

[7] MLDC, Section 10.192 (Minor Comprehensive Plan Amendment Criteria), states only: "See the Review and Amendment section of the Comprehensive Plan Text." It does not contain the actual approval criteria, but instead directs the review authority to the specific criteria adopted as part of the Comprehensive Plan.

in the City's plan Economic Element. The following findings of fact and conclusions of law establish that this change will supply land for which the plan Economic Element shows there to be a relative shortage and in a location well situated for office and limited retail uses generally and specifically well located for the senior housing project that is one of Applicant's ultimate objectives. Its other objective includes building medical offices in near proximity to Providence Hospital; the hospital is located across McAndrews Road (one tier of parcels removed) from the subject property.

Based upon the foregoing, the Council herewith concludes that this comprehensive plan map amendment application is consistent with the requirements of the above cited comprehensive plan *Review and Amendment Procedures* and the application is deemed to constitute a *minor* amendment. The Council further incorporates and adopts the following findings of fact and conclusions of law, in total, and concludes based thereupon, that there is established a public need and proper justification has been shown for this particular change.

The approval criteria (Comprehensive Plan Amendment Criterion 1 through 8, below) prerequisite to changing comprehensive plan (GLUP) map designations, is preceded by the following:

CITY OF MEDFORD COMPREHENSIVE PLAN
Review and Amendment Procedures

CRITERIA FOR PLAN AMENDMENTS

Because of the important functional differences among the various Plan components, no common set of criteria can be used to assess all proposed Plan amendments. Below are listed the criteria which must be considered when evaluating proposed amendments to each of the specified Plan components. While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not.

Map Designations – Amendments shall be based on the following:

***Comprehensive Plan Amendment* - Criterion 1**

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

Conclusions of Law: Since the existing Urban Residential (UR) GLUP map designation was applied to the subject property, the City of Medford has adopted new plan Housing and Economic Elements and the same have been acknowledged by the State of Oregon and now exist as components of the City of Medford Comprehensive Plan.[8] The two new plan elements contain updated land analysis which goes to the amounts of land needed for future housing and employment. The new plan elements also included new goals and policies and the City Council concludes that the changes to Medford's plan Housing and Economic Elements are significant pursuant to Criterion 1 and form a general basis for this GLUP map amendment. More specifically, the Council concludes that Economic Element Policy 1-5 and its associated Implementation 1-5(b) sets forth adopted policy direction to address employment land deficits. The Council concludes that the observed deficits of office lands in the Service Commercial designation are some of the most acute in the entire City. The

[8] There is no evidence and none exists that this property was ever designated other than Urban Residential since after the plan Economic Element and Housing elements were updated in 2007 and 2010 respectively.

proposed amendment will serve to help alleviate that deficit and do so in an area where land for new medical offices is in short supply (and where retirement housing typically and for commonly understood reasons desires locations near hospitals). Based upon the foregoing, the Council concludes that this application is consistent with Comprehensive Plan Amendment Criterion 1.

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***Comprehensive Plan Amendment* - Criterion 2**

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

Discussion; Conclusions of Law: Based upon the findings of fact set forth in Section IV, the Council concludes that changing the designation of the subject property from *Urban Residential* to *Service Commercial* supports development of needed medical office buildings near Providence Hospital. The *Service Commercial* GLUP designation (and its associated C-S/P zoning) also permits retirement housing at a density equivalent to that permitted in the MFR-30 zone. Changing the designation to *Service Commercial* increases the flexibility such that the subject property can be developed for employment uses to help reduce a significant shortfall in Medford's vacant *Service Commercial* lands inventory as above described in the conclusions of law for Comprehensive Plan Amendment Criterion 1 (which are herewith incorporated and adopted). Additionally and more specifically, there is a demonstrated need for this proposed change to assure adequate employment opportunities while at the same time satisfying urban housing needs, both needs that are underpinned in the City's Housing and Economic plan elements. Therefore, the City Council concludes that this application is consistent with Comprehensive Plan Amendment Criterion 2.

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***Comprehensive Plan Amendment* - Criterion 3**

(3) The orderly and economic provision of key public facilities

Conclusions of Law: Criterion 3 requires a consideration of proposed changes (to Service Commercial) in context of the orderly and economic provision of key public facilities. Criterion 3 is general and contains no specific ways to measure what is meant by orderly and economic in the provision of key public facilities. However, plan Public Facilities and Services Element, Goal 2 and its companion Policy 2-A (below) establish the more precise ways to measure the adequacy of public facilities and the same are addressed hereinbelow.

Public Facilities Element

General Section

Goal 2: To assure that land use plan designations and the development approval process remain consistent with the ability to provide adequate levels of essential public facilities and services.

Policy 2-A: [Limited Service Area Language Omitted] "Timely provision of essential urban facilities and services" shall mean that such services can be provided in adequate condition and capacity prior to or concurrent with development of the subject area. "Essential urban facilities and services" shall mean sanitary sewers, water systems, stormwater management facilities, and transportation facilities. A determination of minimum adequate service levels for essential urban facilities and services shall be based on the following:

> **Sanitary Sewers:** Sufficient to serve any proposed development consistent with the General Land Use Plan (GLUP) map designation. Sanitary sewer facilities shall be considered adequate if they are consistent with the applicable sewer plan document as interpreted by the City Engineer.
>
> **Domestic water:** Sufficient to serve any proposed development with a permanent urban domestic water system capable of supplying minimum pressure and volume for projected domestic and fire control needs consistent with the General Land Use Plan (GLUP) designation. Water facilities shall be considered adequate if they are consistent with the applicable water system plan document as interpreted by the Water Commission Manager.
>
> **Storm drainage facilities:** Sufficient to serve any proposed development consistent with the General Land Use Plan GLUP map designation. Stormwater management facilities shall be considered adequate if they are consistent with the adopted drainage plan document, as interpreted by the City Engineer.[9]

Conclusions of Law (continued): The City Council herewith incorporates and adopts the Findings of Fact in Section IV and concludes as follows:

- **Sanitary Sewers**: Based upon the Exhibit 12 analysis of sanitary sewer facilities conducted by CEC Engineering for sanitary sewers that serve the subject property, there are existing 8-inch sanitary sewer lines within the rights-of-way of Corona Avenue and Covina Avenue upon which the subject property fronts and these flow into a 10-inch line located in Grand Avenue. The standard in above cited Policy 2-A states that sanitary sewer facilities are considered adequate if found consistent with the "applicable sewer plan document" (as interpreted by the City Engineer). Exhibit 12 analyzes sanitary sewer adequacy based upon that standard (and using Medford's adopted and acknowledged Sanitary Sewer Master Plan as the "applicable sewer plan document"). Based upon CEC's analysis in Exhibit 12, the Council concludes that the sanitary sewer facilities which serve the subject property are adequate in ways required by Medford adopted Sanitary Sewer Master Plan and requires no interpretation. As such, sanitary sewers are deemed to be adequate pursuant to above cited Policy 2-A and pursuant to the evidence in Exhibit 12.
- **Public Water**. Based upon the Findings of Fact in Section IV, Applicant's agent contacted engineers at the Medford Water Commission to ascertain whether public water can be made available to serve the subject property. The Section IV Findings of Fact report that inquiry and show that there are existing water mains that can provide service to the property, even though service in the area is within two water pressure zones. As explained in the Findings of Fact, while the extension of service to all portions of the subject property may require crossing the existing irrigation canal which traverses the property, the same can be accomplished and MWC engineers have agreed albeit at additional cost if crossing the canal becomes desirable. As such, the Council concludes that domestic water can be supplied to the property in amounts sufficient to accommodate development under both the existing or proposed GLUP map designations and zoning districts.
- **Storm Drainage**. Based upon an analysis conducted by CEC Engineering for storm drainage facilities that serve the subject property (Exhibit 13) the property is served by an existing 4 by 8 feet concrete storm drain box culvert and 30-inch storm drain. There is a roadside ditch system along Corona Avenue. Exhibit 13 reports that representatives of CEC Engineering met with representatives of the Medford Public Works Department to discuss the existing storm drainage system in relation to the subject property and the

[9] The comprehensive plan Public Facilities Element notes at Section I: "Transportation will be temporarily covered in this element until adoption of the new Transportation Element when Medford's Transportation System Plan (TSP) is completed."

proposed land use actions. According to Exhibit 13, no concerns were expressed by city officials regarding the capacity in the existing storm drainage system and CEC concludes that the existing storm drainage system is adequate to serve the subject property with the proposed zoning (and proposed comprehensive plan map designation). As such, the Council concludes that storm drainage can be supplied to the property in amounts sufficient to accommodate development under both the existing or proposed GLUP map designations and zoning districts.

The Council further observes that upon future development, the MLDC at minimum requires the frontage of the subject property, at owners expense, to be improved with public sanitary sewer, domestic water, storm drainage, streets and utilities.

Therefore, the Council concludes that this application is consistent with Comprehensive Plan Amendment Criterion 3.

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***Comprehensive Plan Amendment* - Criterion 4**

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

Conclusions of Law: The term maximum efficiency goes to a utilization of the available land base within incorporated Medford in ways that forestall the need to expand the size of its UGB (notwithstanding that Medford is now doing just that). The evidence set forth in the Section IV Findings of Fact shows that Medford's plan Economic Element reports shortages of land in both its *Service Commercial* and *Urban Residential* land categories, with the most acute shortages occurring in *Service Commercial*. The Council concludes that placing the subject property in a *Service Commercial* designation helps to satisfy an acute categorical land shortfall while still maintaining the possibility of residential development.[10] The Council concludes that addressing a serious *Service Commercial* land shortfall in a strategic location while maintaining an option of also accommodating needed high density residential (also in a strategic location for retirement housing) allows the market to use the property to service two types of identified land demands and, therefore, satisfies the need to maximize the efficiency of land uses currently within incorporated Medford. As such, the Council concludes that the proposed change is consistent with the requirements of Comprehensive Plan Amendment Criterion 4.

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***Comprehensive Plan Amendment* - Criterion 5**

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

Conclusions of Law: The City Council considers the environmental, energy, economic and social consequences of the proposed change as follows and reaches the following conclusions of law:

- **Environmental Consequences**: Applicant is unaware (and no party has alleged) any environmental contamination on the property, and any significant environmental impacts on this site (in relation to its once natural state) has long since occurred given that this

[10] As earlier noted, the corresponding zoning district — C-S/P — also permit high density residential housing commensurate with the City's MFR-30 zone.

land is located centrally in Medford and is surrounded by urban development. Even if environmental contamination were present, the same would have to be mitigated pursuant to the requirements of the Department of Environmental Quality (DEQ). The property now exists as a cleared and largely vacant parcel. Future development will proceed under the rules of the City of Medford and State of Oregon on matters of environmental import, the same rules applicable under either existing or proposed GLUP map designations. For these reasons, the City Council concludes that it has properly considered the environmental consequences in connection with this matter and the same are deemed to be neither unusual nor significant.

- **Energy Consequences**: The Council can find no important energy consequences, positive or negative, in connection with this application. However, the Council also observes that the subject property is located in an area that contains intense land uses including large commercial office buildings along McAndrews Road near and adjacent to the subject property (to its south) and urban residential housing to the north, east and west. An intensification of land use in this area has the potential to place additional development and uses in an appropriate location that is easily accessed by the surrounding population (and nearby Providence Hospital) and thereby reduce energy consumption for transportation to access similar facilities that must otherwise locate further from the surrounding population or regional hospital.
- **Economic Consequences**: The Council concludes there to be positive economic consequences owing to this change in that it helps reduce an existing shortfall of *Service Commercial* land in the community, while leaving open the potential for also needed multiple-family housing and does so in a strategic location near Providence Hospital. See, the findings of fact in Section IV and conclusions of law for Comprehensive Plan Amendment Criterion 2 and 4 both of which the Council herewith incorporates and adopts. The qualitative characteristics necessary for a site to support development that can be expected to yield positive economic consequences are more limited than the site characteristics suitable for standard single family residential development. In other words, Service Commercial land uses are much more discriminating as to location than is land for single family housing. In this instance, the site is located in close proximity to a large market area and regional hospital and is well located to fill the land use needs expressed in the plan Economic Element and the same is concluded, in the future, to yield positive economic consequences.
- **Social Consequences**: The GLUP Map Element of the Comprehensive Plan recognizes that *Service Commercial* is a designation that is compatible when adjacent to residential development. For this reason, the GLUP Map amendment is well positioned to capture beneficial economic consequences that will result from the intensification of land use on this well located site through a designation that is generally compatible with and expected to benefit the surrounding community. Moreover, Applicant has expressed its intention to separate existing nearby housing from medical offices with low-impact retirement housing. While some may argue that office uses of any kind (or higher density senior housing) is incompatible with nearby single family dwellings, the Council concludes that the mere existence of land uses different from single family dwellings does not in itself produce an incompatibility. Provisions of the comprehensive plan and MLDC as mentioned above treat service commercial and residential land uses, when

adjacent to one another, as compatible uses. Moreover, the Council observes that offices are typically only occupied during Monday through Friday during business hours and are vacant or otherwise mostly quiet the remainder of the time. It might also be argued that construction of offices would block views. To that, the Council concludes there is nothing in the comprehensive plan, MLDC or Oregon law that prohibits new development from blocking the views of existing residents. The Council also concludes that the subject property and surrounding area is generally level and does not have views that would not be blocked by any form of urbanization that might occur on the property.

Therefore, based upon the foregoing, the City Council concludes that it has given proper consideration to potential environmental, energy, and social consequences that may result from the proposed change, and further concludes that the anticipated consequences in all respects will be positive or less than significant in scope and magnitude. For these reasons, the Council concludes that this application is consistent with Comprehensive Plan Amendment Criterion 5.

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Comprehensive Plan Amendment - Criterion 6

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

Discussion; Conclusions of Law: The Council concludes that Criterion 6 requires a showing that the proposed amendment is compatible with other elements of the comprehensive plan which are not intended to be amended. Moreover, the Council further holds that no responsive findings are required when local government policies are expressed not as regulatory requirements, but as aspirational objectives. *See, Ellison v. Clackamas County*, 28 Or LUBA 521, 525 (1995); *Wissusik v. Yamhill County*, 20 Or LUBA 246, 254-55 (1990); *McCoy v. Tillamook County*, 14 Or LUBA 108, 118 (1985). That a decision does not adequately address aspirational policies or that the record does not contain evidentiary support for findings of compliance with these goals or policies provides no basis for reversal or remand of the challenged decision. Also see, *Bennett v. City of Dallas*, 17 Or LUBA 450, aff'd > 96 Or App 645 (1989). In that case it was held that for plan goals and policies to be applicable, their language or context must indicate that they were intended to operate as approval standards. The City Council concludes that only the following goals and policies (addressed below) were intended to function as approval criteria for comprehensive plan map (GLUP) amendments and all others are held to be inapplicable and do not constitute a burden for an applicant. The below cited goals and policies are followed by the conclusions of law of the Council.

ECONOMIC ELEMENT

Goal 2: Assure an adequate commercial and industrial land base to accommodate the types and amount of economic development and growth anticipated in the future, while encouraging efficient use of land and public facilities within the city.

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

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

Policy 1-6: The City of Medford shall maintain a competitive Short-Term (five-year) supply of employment land equal to at least one-quarter (25%) of the amount of land projected to be demanded over the twenty-year planning horizon.

Discussion; Conclusions of Law (continued): As noted in the Findings of Fact in Section IV, the plan Economic Element observes there to be a substantial *deficiency* in vacant land for commercial/employment enterprises amounting to over 250 acres. Amending the designation of this property to *Service Commercial* will help reduce the deficiency by adding property suitable for office and service commercial uses and/or for a senior retirement housing (all of which are permissible in Medford's C-S/P zone). As noted above, the proposed GLUP amendment will increase the efficient use of land within the City by converting land in another category to supply needed *Service Commercial* employment land. The Council observes that although there is also an existing shortfall of Urban Residential land, based upon the comprehensive plan, the shortages of Commercial land are more acute. Based upon the foregoing findings of fact and conclusions of law, the City Council concludes that this application is consistent with the requirements of Economic Element Goal 2, Policy 1-5 and Policy 1-6.

PUBLIC FACILITIES ELEMENT

General Section

Goal 2: To assure that land use plan designations and the development approval process remain consistent with the ability to provide adequate levels of essential public facilities and services.

Policy 2-A: [Limited Service Area Language Omitted] "Timely provision of essential urban facilities and services" shall mean that such services can be provided in adequate condition and capacity prior to or concurrent with development of the subject area. "Essential urban facilities and services" shall mean sanitary sewers, water systems, stormwater management facilities, and transportation facilities. A determination of minimum adequate service levels for essential urban facilities and services shall be based on the following:

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

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

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

Discussion; Conclusions of Law (continued): The City Council herewith incorporates and adopts its findings of fact and conclusions of law for Comprehensive Plan Amendment Criterion 3 and concludes that there has been demonstrated compliance with Comprehensive Plan Public Facilities Element, Goal 2, Policy 2-A.

For the reasons noted, the Council also concludes that this application is consistent with Comprehensive Plan Amendment Criterion 6.

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Comprehensive Plan Amendment - Criterion 7

(7) All applicable Statewide Planning Goals.

Discussion; Conclusions of Law: The proposed comprehensive plan map amendment is required to comply with the applicable goals and policies of the comprehensive plan. Medford's LCDC-acknowledged comprehensive plan addresses the state goals. That is, the State of Oregon has found the city's comprehensive plan to be consistent with the Statewide Planning Goals (and the relevant administrative rules in OAR Chapter 660 that implement the Goals). To the extent that any Statewide Planning Goals or implementing administrative rules operate as approval standards in the context of this post-acknowledgement plan amendment, it is in required compliance with applicable provisions of OAR 660-0012 (the "Oregon Transportation Planning Rule"). The standards in OAR 660-0012 are addressed separately below under Criterion 8, the findings of fact and conclusions of law for which are herewith incorporated and adopted.

Based upon the foregoing, the Council concludes that the scope and nature of the proposed change is minor, such that it will not violate any of the applicable Statewide Planning Goals nor it's implementing administrative rules and no party has contended otherwise. Therefore the Council concludes that the application is consistent with Comprehensive Plan Amendment Criterion 7.

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Comprehensive Plan Amendment - Criterion 8

OREGON TRANSPORTATION PLANNING RULE

Oregon Administrative Rules Chapter 660, Division 12
Section 660-012-0060
Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards.

Discussion; Conclusions of Law: The City Council takes note of the Exhibit 10 Traffic Impact Analysis prepared by Southern Oregon Transportation Engineering, LLC and its summary conclusions which are reported in the Findings of Fact in Section IV. The Traffic Impact Analysis (TIA) was "scoped" by the City in accordance with the MLDC and traffic impacts scenarios examined. The first examination dealt with traffic impacts if the applications are not approved (the "no-build" scenario) and a scenario that includes traffic if the applications are approved. Both scenarios were examined in the prescribed present term and the prescribed future year. The TIA examined the impacts upon the operations of nine surrounding intersections, tracking traffic until fewer than 25 p.m. peak hour vehicle trips occur (in accordance with the comprehensive plan and MLDC). The TIA demonstrates that all affected streets and their intersections operate within the City's acknowledged standard — Level of Service (LOS) 'D,' including the Future Year 2023 under the "build" scenario. *See*, Exhibit 10, Table 13. The Exhibit 10 TIA also examined traffic safety and traffic queuing to address the potential development impacts to the surrounding area and finds no unusual or unacceptable impacts to traffic queuing or safety and the Council concludes that none exist.

As explained in Exhibit 10, the Traffic Impact Analysis was undertaken to address issues of compliance with the Oregon Transportation Planning Rule (TPR) in Oregon Administrative Rules (OAR) Chapter 660, Division 012 and requirements of the City of Medford. With respect to the Oregon Transportation Planning Rule (addressed here as Comprehensive Plan

Amendment Criterion 8, and based upon the Exhibit 10 Traffic Impact Analysis and the findings of fact in Section IV the Council concludes that the comprehensive plan map amendment will not significantly affect any existing or planned transportation facility when measured in the ways required by Medford's acknowledged comprehensive plan and MLDC. Therefore, the Council concludes that the instant land use applications are consistent with relevant provisions of the Oregon Transportation Planning Rule at OAR 660-012-0060 addressed hereinabove as Comprehensive Plan Amendment Criterion 8.

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City of Medford Zone Change Approval Criteria
Medford Land Development Code (MLDC) 10.227

MLDC 10.227 ZONE CHANGE CRITERIA

The approving authority (Planning Commission) shall approve a quasi-judicial zone change if it finds that the zone change complies with subsections (1) and (2) below:

Zone Change Criterion 1

(1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.

Conclusions of Law: Before proceeding with the substance of this criterion, the City Council notes that in Section III, the clearly inapplicable standards contained in MLDC 10.227 are omitted in reciting Zone Change Criterion 1. The provisions thus omitted involve the "locational criteria." These are specific as to zoning district and the City Council concludes that there are no locational criteria which apply for zone changes to C-S/P.

The substantive provisions Criterion 1 as relate to this zone change is twofold: consistency with Medford's Transportation System Plan (TSP) and with consistency with the General Land Use Plan Map.

Regarding Medford's Transportation System Plan, the Council concludes that the Exhibit 10 Traffic Impact Analysis was properly undertaken pursuant to provisions in the comprehensive plan and MLDC which govern the conduct of traffic impact analysis. The Council further concludes that it has evaluated the proposed zone change (and plan map amendment) against the relevant requirements of the Oregon Transportation Planning Rule in OAR 660-012-0060 (addressed hereinabove as Comprehensive Plan Amendment Criterion 8) the findings of fact and conclusions of law for which are herewith incorporated and adopted. These show that this zone change (and its related comprehensive plan map amendment) is consistent with both the City of Medford Transportation System Plan (TSP) and Oregon Transportation Planning Rule. Moreover, the MLDC serves to implement the TSP and additional linkages to transportation reside in MLDC 10.227(2) addressed hereinbelow as Zone Change Criterion 2, the findings of fact and conclusions of law for which are also herewith incorporated and adopted.

Regarding consistency with the General Land Use Plan (GLUP) Map, the Council concludes that the application is a contemporaneously proposed comprehensive plan map amendment and zone change. If the subject property's GLUP map designation is changed to *Service Commercial* on the GLUP Map, the sought C-S/P zoning is then, in all respects, consistent with the subject property's proposed *Service Commercial* GLUP Map.

Therefore and based upon the foregoing findings of fact and conclusions of law, the City Council concludes that this application is consistent with the requirements of Zone Change Criterion 1.

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Zone Change Criterion 2

(2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.

(a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.

(b) Adequate streets and street capacity must be provided in one (1) of the following ways:

(i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or

(ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs:

(a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or

(b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

(iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.

(c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction or covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:

(i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future

development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,

(ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,

(iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

Discussion; Conclusions of Law: The City Council concludes that the requirements of Zone Change Criterion 2 consist of several facets and subparts. These deal with public sanitary sewer, water, storm drainage and streets/transportation and their respective ability to accommodate the zone change in ways further set out in the criterion. As such, the Council tackles the four Category 'A' public facilities as follows:

Storm Drainage. Storm drainage has been examined by qualified civil engineers Construction Engineering Consultants (CEC) Inc.[11] licensed in Oregon. The CEC Engineering analysis of storm drainage is in Exhibit 13 (and summarized in the findings of fact in Section IV). This evidence shows that storm drainage facilities are already adequate in condition, capacity and location to serve the property with the permitted uses allowed under the proposed C-S/P zoning.

Sanitary Sewer. On recommendation of representatives of the Public Works Department, sanitary sewer service was similarly studied by civil engineers, CEC Engineering and its analysis is in Exhibit 12. The evidence shows there to be existing 8-inch sanitary sewer lines within the rights-of-way of Corona Avenue and Covina Avenue upon which the subject property fronts; these flow into a 10-inch line located in Grand Avenue. The lines are located in Sanitary Sewer Drainage Basin D (as shown in the City of Medford Sanitary Sewer Master Plan). Exhibit 12 (as summarized in the findings of fact in Section IV) shows that while some sanitary sewers serving the property are near capacity, none have reached capacity in the way capacity is required to be measured in the adopted Sanitary Sewer Master Plan. Exhibit 12 further concludes that with the additional sanitary flow (that would be produced by this zone change). Also worth noting and the Council concludes that both sanitary sewer and storm drainage were evaluated based upon Applicant's intended use of the property for medical offices and retirement housing, both of which are uses that commonly locate within the City's C-S/P zone and which are representative of the various uses permitted in that zone. Based upon the foregoing, the Council agrees with CEC Engineering and concludes that under the terms of the Medford Sanitary Sewer Master Plan (2005), the sanitary sewers that serve this property are adequate, and pipe replacement is not required. As such, the Council concludes that the property can be served by existing sanitary sewers sufficient to accommodate the uses which are permitted under the proposed C-S/P zone. If, by the time building permits are sought, the sanitary sewer system serving the property reaches capacity, no building permits can or would be approved until steps are taken to add additional capacity to the system. In such event,

[11] Construction Engineering Consultants (CEC) Inc. are civil engineers licensed in Oregon, who routinely practice in Medford and who are qualified to express an expert opinion on matters related to the capacity of Medford's public sanitary sewer and storm drainage lines.

Applicant might be required to participate financially in system upgrades, although and again the same is not required at this time.

Water Facilities. From the evidence it is clear and the City Council concludes that public water facilities supplied by the Medford Water Commission are presently available to the property and adequate to serve it for the uses permitted in the C-S/P zone. The property is concluded to lie within two pressure zones, as explained in the findings of fact in Section IV. While water service is believed to be feasibly be taken from either or both Corona and Covina Avenues, if the canal must be crossed, the same can be undertaken at reasonable cost. As such, the Council concludes that public water facilities are available (or can and will be provided/improved) to serve the potential uses permitted by C-S/P zoning.

Streets and Street Capacity; Transportation Safety. The findings of the traffic impact analysis in Exhibit 10 conclude that the proposed zone change and comprehensive plan map amendment for the subject property can be accommodated on the existing transportation system without impacts that cause any streets or intersections (which serve the property) to operate outside of the standards established in the comprehensive plan.

Discussion and Conclusions of Law Continued: Based upon the foregoing findings of fact and conclusions of law, the Council concludes that the application is consistent with the requirements of Zone Change Criterion 2 and it is unnecessary in this instance to impose any special development conditions as the same are not needed because the named public facilities that serve the subject property have been found to be adequate to support the potential uses allowed in the City's C-S/P zone.

VI

ULTIMATE CONCLUSIONS

Based upon the foregoing findings of fact and conclusions of law, the City Council ultimately concludes that the criteria prerequisite to changing the designation of the subject property from *Urban Residential* (UR) to *Service Commercial* (CM) have been substantiated for each of the relevant criteria enumerated herein above as Comprehensive Plan Amendment Criterion 1 through 8. Additionally the City Council ultimately concludes that the criteria prerequisite to changing the zone of the subject property from *SFR-4* to *C-S/P* have been substantiated for each of the relevant criteria enumerated herein above as Zone Change Criterion 1 and 2. As such, the application has been determined to conform to all of the relevant substantive approval criteria of the City of Medford and the State of Oregon. Therefore, the Council orders that the application be and the same hereby is approved, and that the official City of Medford General Land Use Map shall be amended for the subject property identified as Map 37-1W-19AB, tax lots 1700 and 1800, 2100, 2200 and 2201 and surrounding right-of-way to the *Service Commercial (CM)* GLUP map designation, and, that the official City of Medford Zoning Map shall be changed for the above identified parcels and (adjacent right-of-way) to *C-S/P*.

Respectfully submitted on behalf of Applicant HATH, LLC:

CSA PLANNING, LTD.

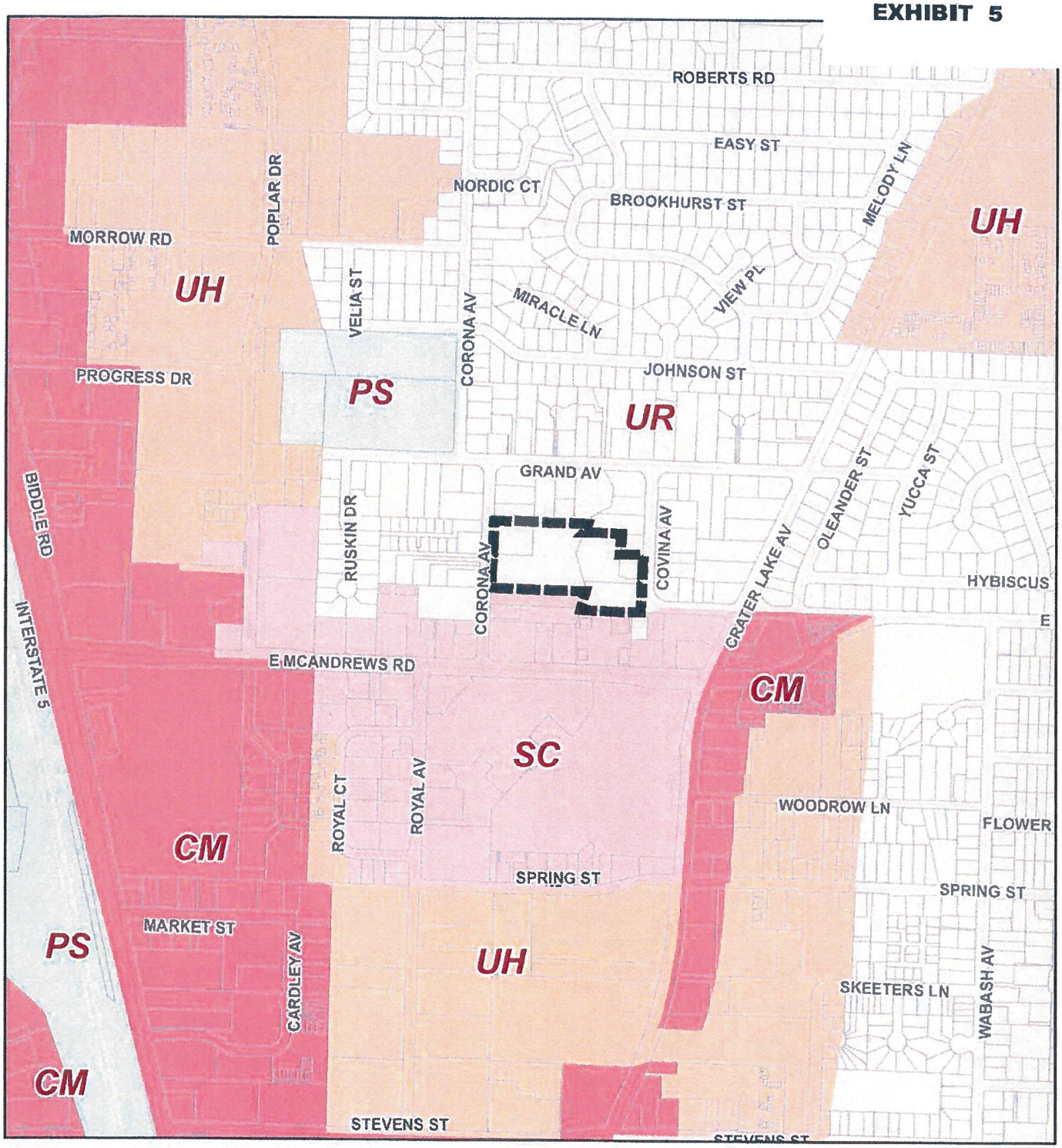
Craig A. Stone
President

Dated: December 3, 2015

Exhibit D
General Land Use Plan Map

[Cover sheet]

EXHIBIT 5



Subject Property

Tax Lots

Medford GLUP

CM
SC
PS
UH
UM
UR

700 350 0 700 Feet

General Land Use Plan (GLUP)

Plan Amendment & Zone Change
Hath, LLC

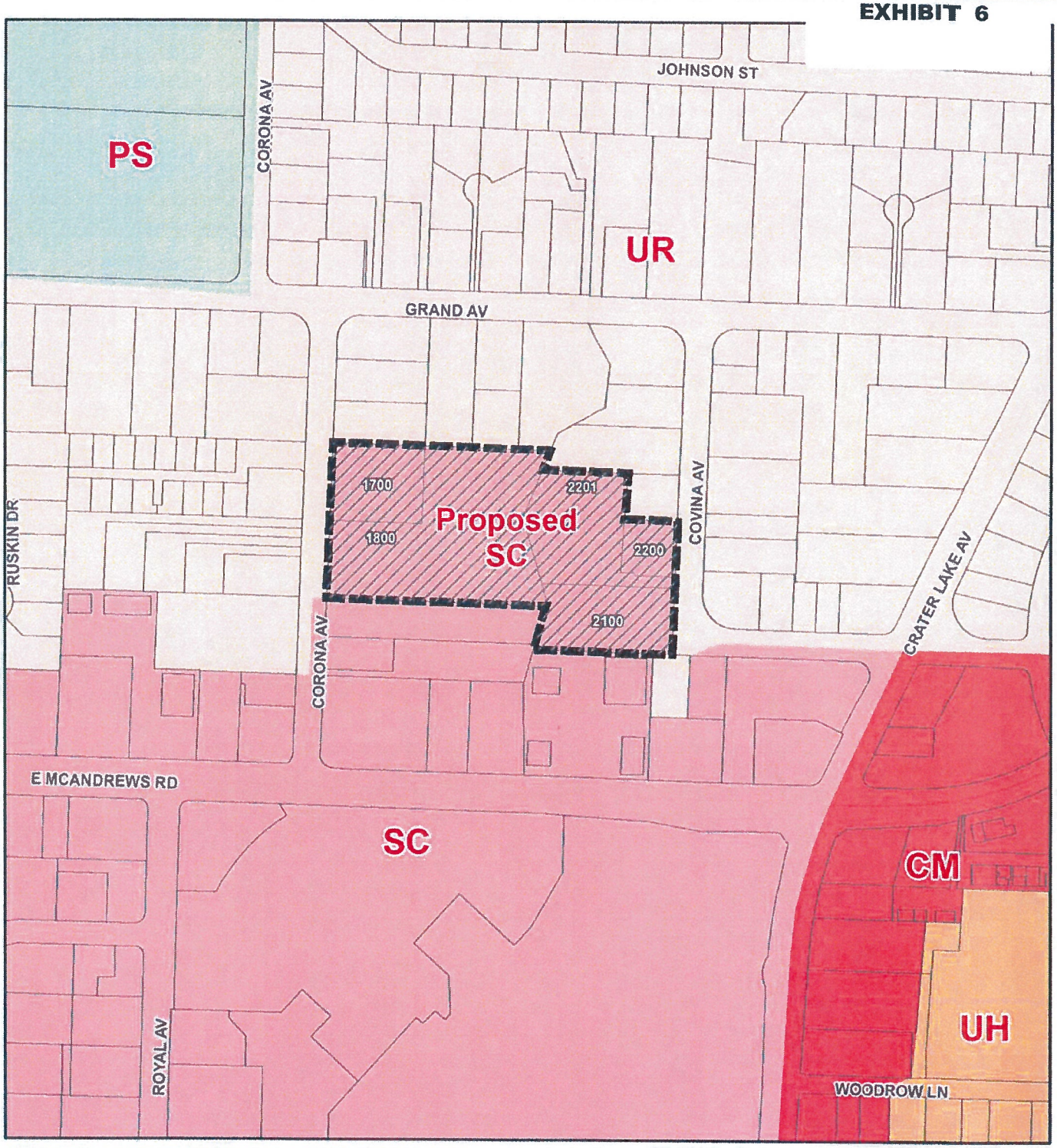
N
W E
S

8-31-2015

Exhibit E
Proposed General Land Use Plan Map

[Cover sheet]

EXHIBIT 6



Subject Property
Tax Lots

Proposed GLUP

- CM
- SC
- PS
- UH
- UM
- UR

Proposed GLUP

Plan Amendment & Zone Change
Hath, LLC

N W E S

300 150 0 300 Feet

8-31-2015

Exhibit F
Public Works Report

[Cover sheet]

Continuous Improvement Customer Service

CITY OF MEDFORD

LD Date: 1/27/2016
File Number: CP-15-163/ZC-15-164

PUBLIC WORKS DEPARTMENT STAFF REPORT
HATH GLUP Map & Zone Change

Project: **Request for a minor general land use plan map amendment from Urban Residential (UR) to Service Commercial (SC) and a zone change from SFR-4 (Single Family Residential, four dwelling units per gross acre) to C-S/P (Service Commercial and Professional Office) for 5.72 acres.**

Location: **Located between Corona Avenue and Covina Avenue; and between East McAndrews Road and Grand Avenue.**

Applicant: **HATH LLC., Applicant (CSA Planning Ltd, Agent). Jennifer Jones, Planner.**

The Medford Land Development Code (MLDC), Section 10.227 (2) requires a zone change application demonstrate Category 'A' urban services and facilities are available or can and will be provided to adequately serve the subject property. The Public Works Department reviews zone change applications to assure the Category 'A' urban services and facilities under its jurisdiction meet those requirements. The Category urban services and facilities the Public Works Department manages are sanitary sewers within the City's sewer service boundaries, storm drains, and the transportation system.

I. Sanitary Sewer Facilities

The subject area lies within the City of Medford Sewer Service area. There are existing 8 inch sanitary sewer mains in Corona Avenue and Covina Avenue. It is not clear where the existing buildings on the subject area are connected. There is capacity in the existing sanitary sewer system to allow this zone change.

II. Storm Drainage Facilities

The subject area lies within the Bear Creek East Drainage Basin. These properties drain generally east to west, with the lowest area of the subject area at the westerly edge of the subject frontage. The City of Medford has existing storm drain facilities in the area. The subject area

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

would be able to connect to these facilities at the time of development. Development of the subject area will require storm drainage detention and water quality improvements in accordance with Sections 10.486 and 10.729 of the Municipal Code.

III. Transportation System

On December 4th, 2015, Public Works received a Traffic Impact Analysis (TIA) dated June 10, 2015. The subject of the TIA is a zone change application from SFR-4 to C-S/P on five lots (371W19AB lots 1700, 1800, 2100, 2200, and 2201; totaling 5.83 acres) between Corona Ave and Covina Ave, generally north of McAndrews Road. The TIA reports that the development is expected to generate 2,915 trips, with 292 trips in the P.M. peak hour. According to our review of their analysis, the proposed development will not significantly impact the surrounding street system facilities. There are therefore no conditions of approval imposed by the Traffic Engineering section.

At the time of future land division or development permit, Public Works may require additional right-of-way and public utility easement (PUE) dedications and will condition the developer to improve their street frontage to the City's current standards. Improvements shall include paving, drainage, and curb, gutter, street lighting, sidewalk, and planter strips.

Prepared by: Jodi Cope/Doug Burroughs

The above report is based on the information provided with the Zone Change Application submittal and is subject to change based on actual conditions, revised plans and documents or other conditions. A full report with additional details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection shall be provided with a Development Permit Application.

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Exhibit G

Medford Water Commission Memo

[Cover sheet]

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JAN 27 2016
PLANNING DEPT.

MEDFORD WATER COMMISSION

BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: CP-15-163 & ZC-15-164

PARCEL ID: 371W19AB TL's 1700, 1800, 2100, 2200, and 2201

PROJECT: Request for a minor general land use plan map amendment from Urban Residential (UR) to Service Commercial (SC) and a zone change from SFR-4 (Single Family Residential, four dwelling units per gross acre) to C-S/P (Service Commercial and Professional Office) for 5.72 acres located between Corona Avenue and Covina Avenue; and between East McAndrews Road and Grand Avenue; HATH LLC., Applicant (CSA Planning Ltd, Agent). Jennifer Jones, Planner.

DATE: January 26, 2016

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

COMMENTS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."

2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.

3. The MWC system does have adequate capacity to serve this property.

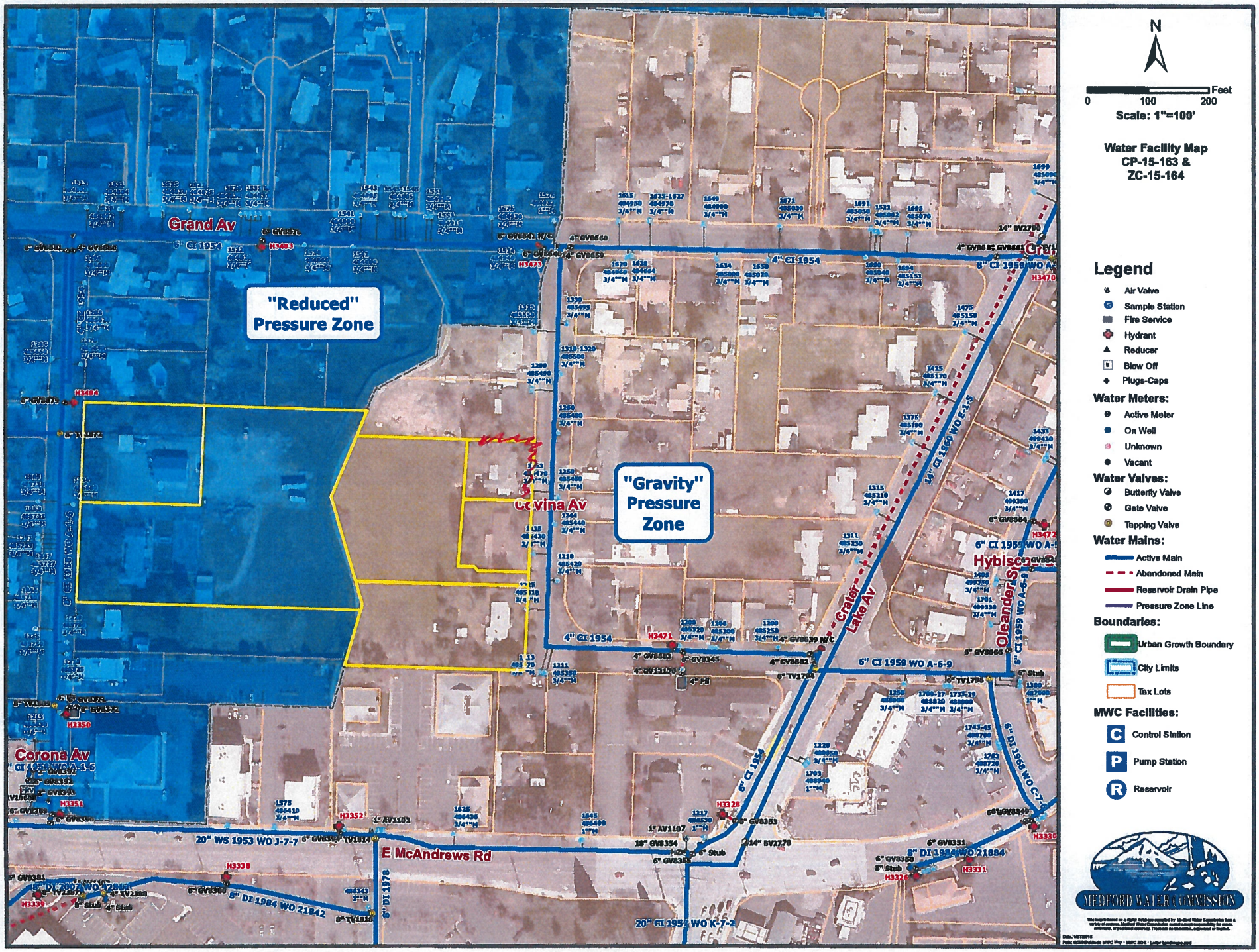
4. The parcels involved in this "Change of Zone" are located with two (2) of MWC Pressure Zone. Coordination with MWC Engineering staff is required for proposed onsite water lines within the two Pressure Zones.

5. Off-site water facility construction may be required depending on future land development review, and Fire Department requirements.

6. On-site water facility construction may be required depending on future land development review, and Fire Department requirements.

7. MWC-metered water service does exist to this property. There are a total of two (2) ¾-inch water meters that serve existing homes located at 1215 and 1235 Covina Avenue. There is one (1) ¾-inch water meter that serves water to the existing home located at 1234 Covina Avenue.

8. Access to MWC water lines for connection is available. There is a 4-inch water line in Covina Avenue within MWC's "Gravity Pressure Zone", and a 8-inch water line in Corona Avenue within MWC's "Reduced Pressure Zone:".


"Reduced" Pressure Zone
"Gravity" Pressure Zone
Grand Av
Covina Av
Corona Av
E McAndrews Rd
Crater Lake Av
Oleander St
Hybiscus
20" WS 1953 WO J-7-7
8" DI 1984 WO 21842
20" CI 1955 WO K-7-2
6" CI 1959 WO A-6-9
4" CI 1954
N
Feet
0
100
200
Scale: 1"=100'
Water Facility Map
CP-15-163 &
ZC-15-164
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:
Control Station
Pump Station
Reservoir
MEDFORD WATER COMMISSION

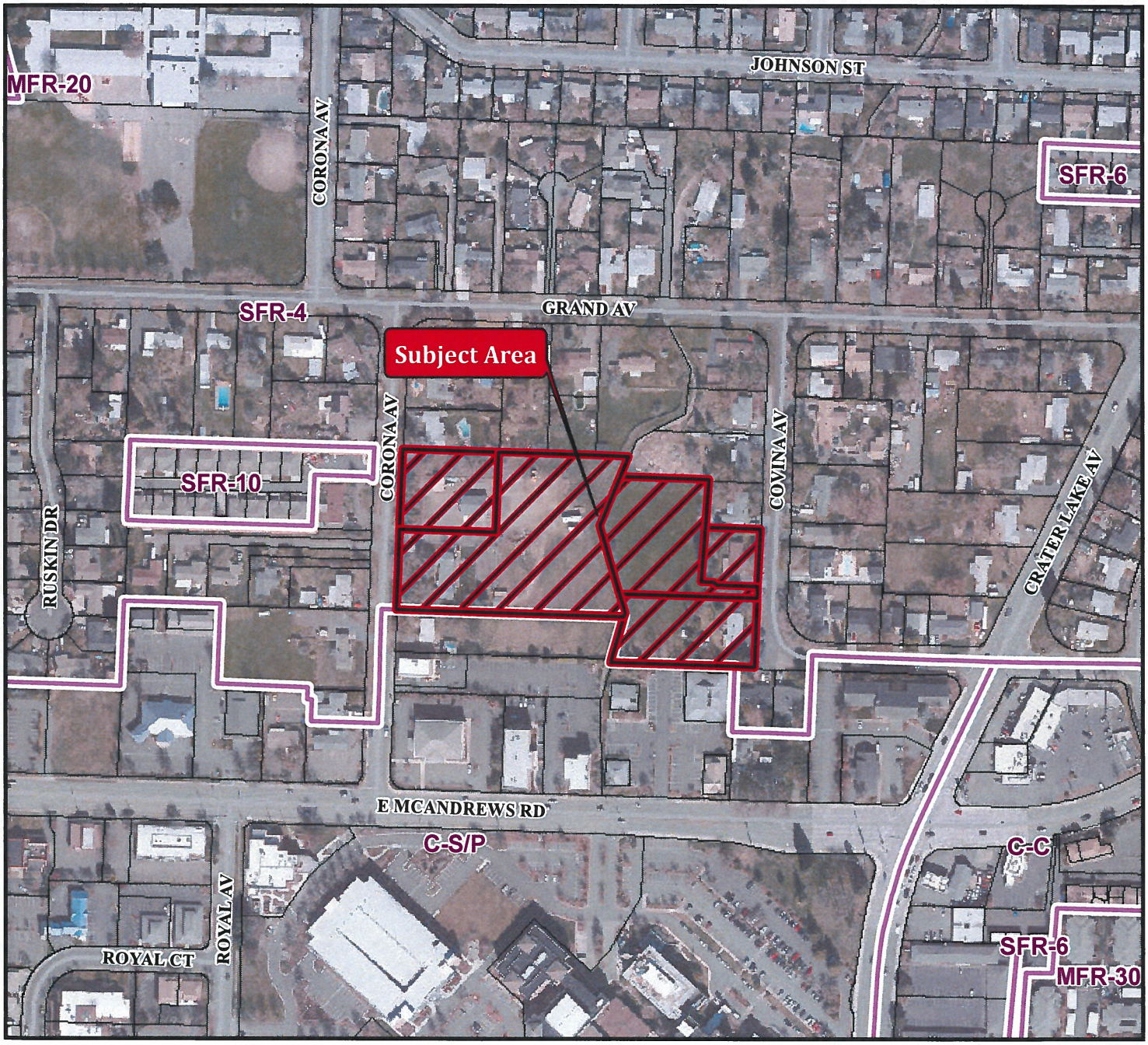
City of Medford

Planning Department

Vicinity Map

File Number:

CP-15-163 & ZC-15-164



Project Name:

Hath, LLC - GLUP Map Amendment & Zone Change

Map/Taxlot:

371W19AB TL's 1700, 1800, 2100, 2200 & 2201

0 250 500 Feet

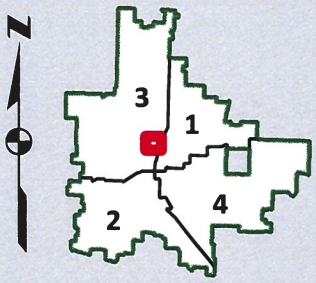
12/11/2015

Subject Area

Medford Zoning

Tax Lots

Medford UGB with Wards



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 120.2

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

AGENDA SECTION: Public Hearings
MEETING DATE: March 17, 2016

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

SUMMARY AND BACKGROUND
On August 6, 2015, Council began the public hearing on the proposal to expand the City's urban growth boundary. After a few meetings the Council closed oral testimony and kept the record open for new submittals. Council held a study session on October 22, 2015 to review recalculated "unbuildable lands" scenarios. At the December 17, 2015 meeting, Council directed staff to return with options that restored residential acres that the Planning Commission recommended removing. Staff presented three options at a study session on February 25, 2016. Council directed staff to return on March 17, 2016 so they may consider the options at a regular meeting.

PREVIOUS COUNCIL ACTIONS
Council held numerous hearings and study sessions on this item since August 2015.

ANALYSIS
There are four expansion options for the Council to consider—three from staff and a fourth from CSA Planning.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
Discussion of water, sewer, and transportation conditions is detailed in the commission report.

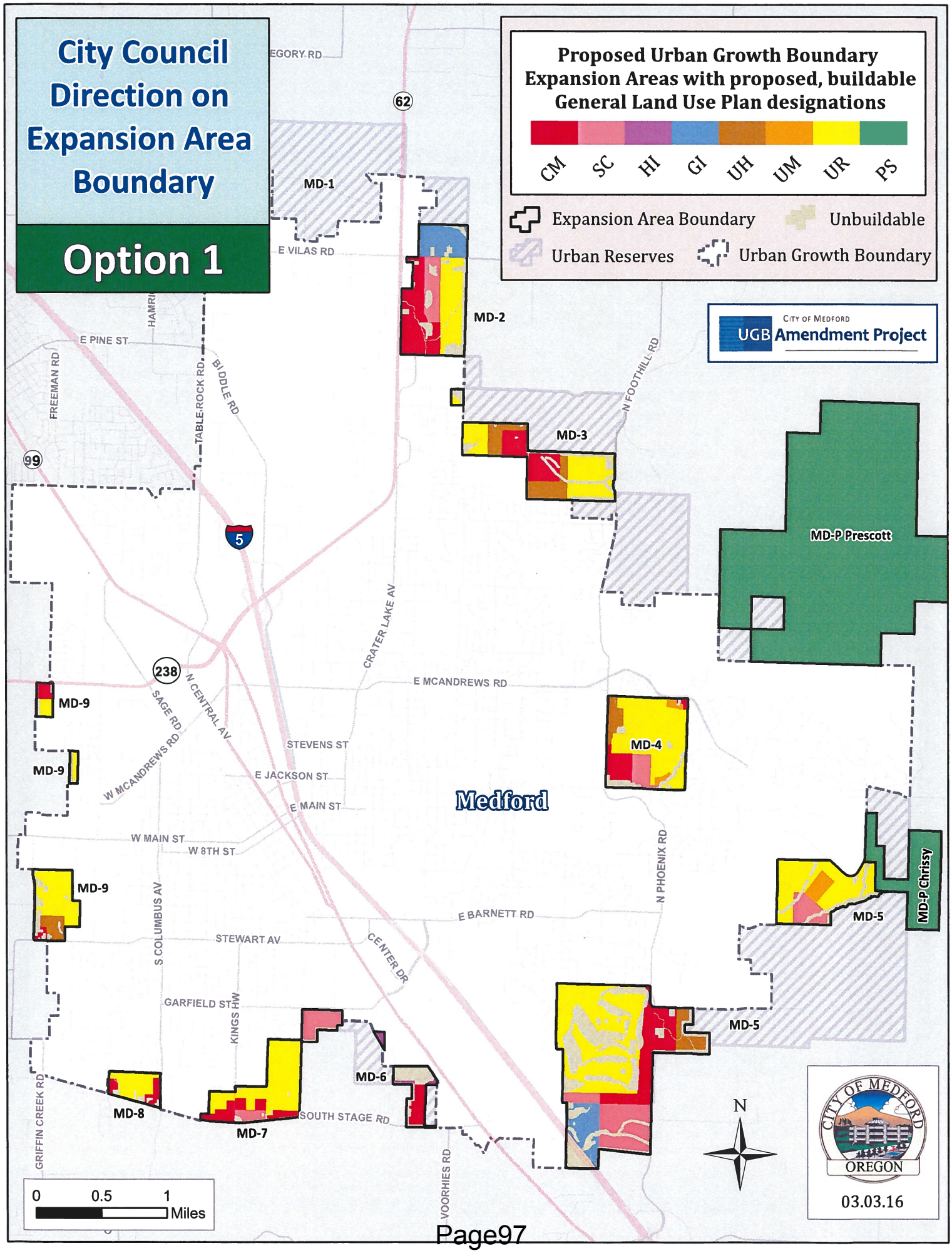
TIMING ISSUES
None. However, after the Council decision the UGBA will go to Jackson County and then to Land Conservation and Development Commission for approvals.

COUNCIL OPTIONS
Select or modify one of the expansion options.

STAFF RECOMMENDATION
Staff recommends that the Council select one of the presented options and direct staff to compile the findings and conclusions and return with an ordinance to adopt the urban growth boundary amendment.

SUGGESTED MOTION
I move to select Option no. ___ and to direct staff to compose findings and conclusions in support of Council's decision, then return with an ordinance to adopt the urban growth boundary amendment.

EXHIBITS
Map: Options 1 – 4.
Slideshow presentation available in the Planning Department.


City Council Direction on Expansion Area Boundary
Option 1
Proposed Urban Growth Boundary Expansion Areas with proposed, buildable General Land Use Plan designations
CM
SC
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UR
PS
Expansion Area Boundary
Unbuildable
Urban Reserves
Urban Growth Boundary
City of Medford
UGB Amendment Project
MD-1
MD-2
MD-3
MD-4
MD-5
MD-6
MD-7
MD-8
MD-9
MD-9
MD-9
MD-P Prescott
MD-P Chrissy
Medford
EGORY RD
62
E VILAS RD
E PINE ST
HAMRI
FREEMAN RD
TABLE ROCK RD
BIDDLE RD
99
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N FOOTHILL RD
CRATER LAKE AV
E MCANDREWS RD
238
N CENTRAL AV
SAGE RD
W MCANDREWS RD
STEVENS ST
E JACKSON ST
E MAIN ST
W MAIN ST
W 8TH ST
N PHOENIX RD
E BARNETT RD
S COLUMBUS AV
STEWART AV
CENTER DR
GARFIELD ST
KINGS HW
SOUTH STAGE RD
GRIFFIN CREEK RD
VOORHIES RD
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City of Medford
Oregon
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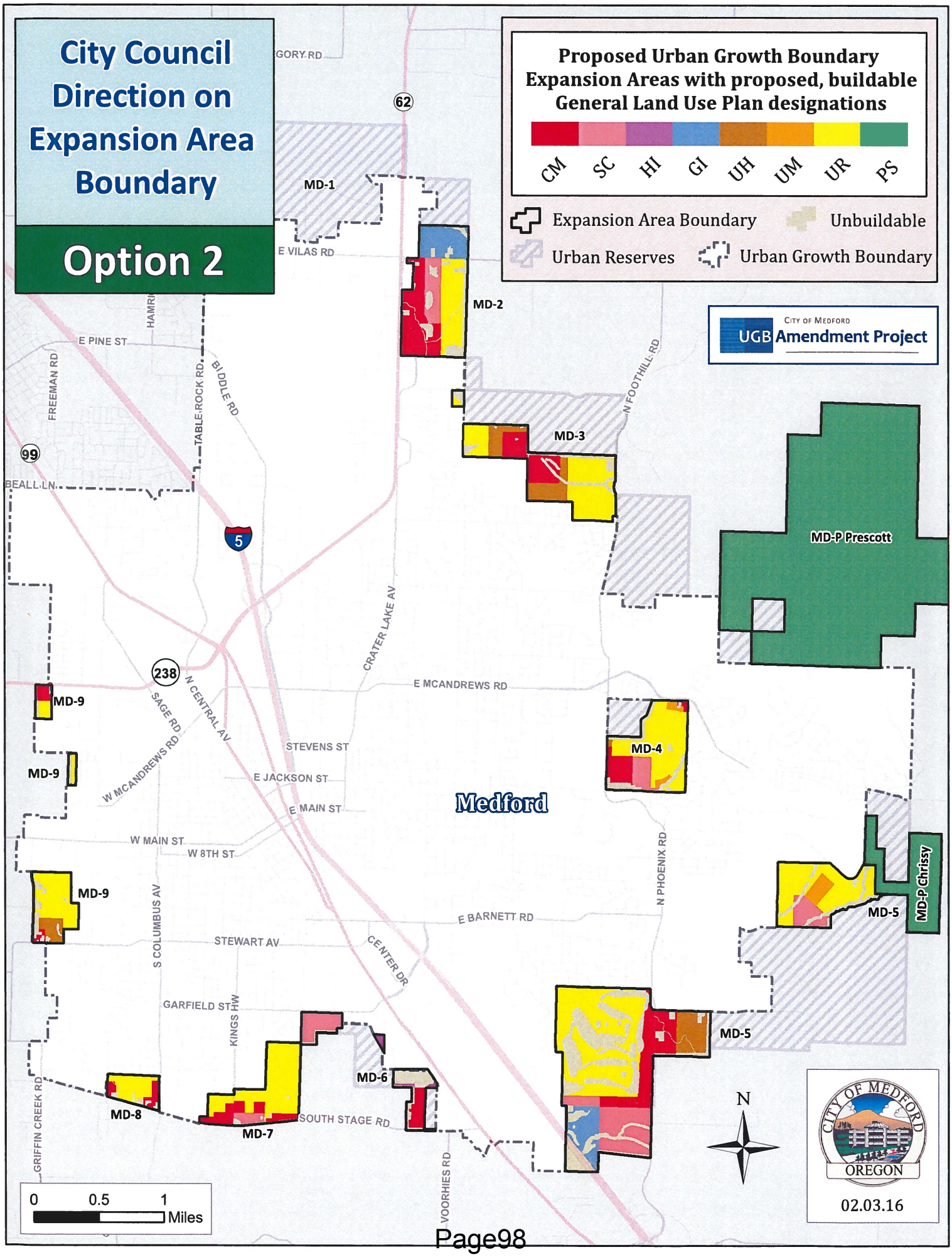
City Council Direction on Expansion Area Boundary
Option 2
Proposed Urban Growth Boundary Expansion Areas with proposed, buildable General Land Use Plan designations
CM
SC
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UR
PS
Expansion Area Boundary
Unbuildable
Urban Reserves
Urban Growth Boundary
City of Medford
UGB Amendment Project
MD-1
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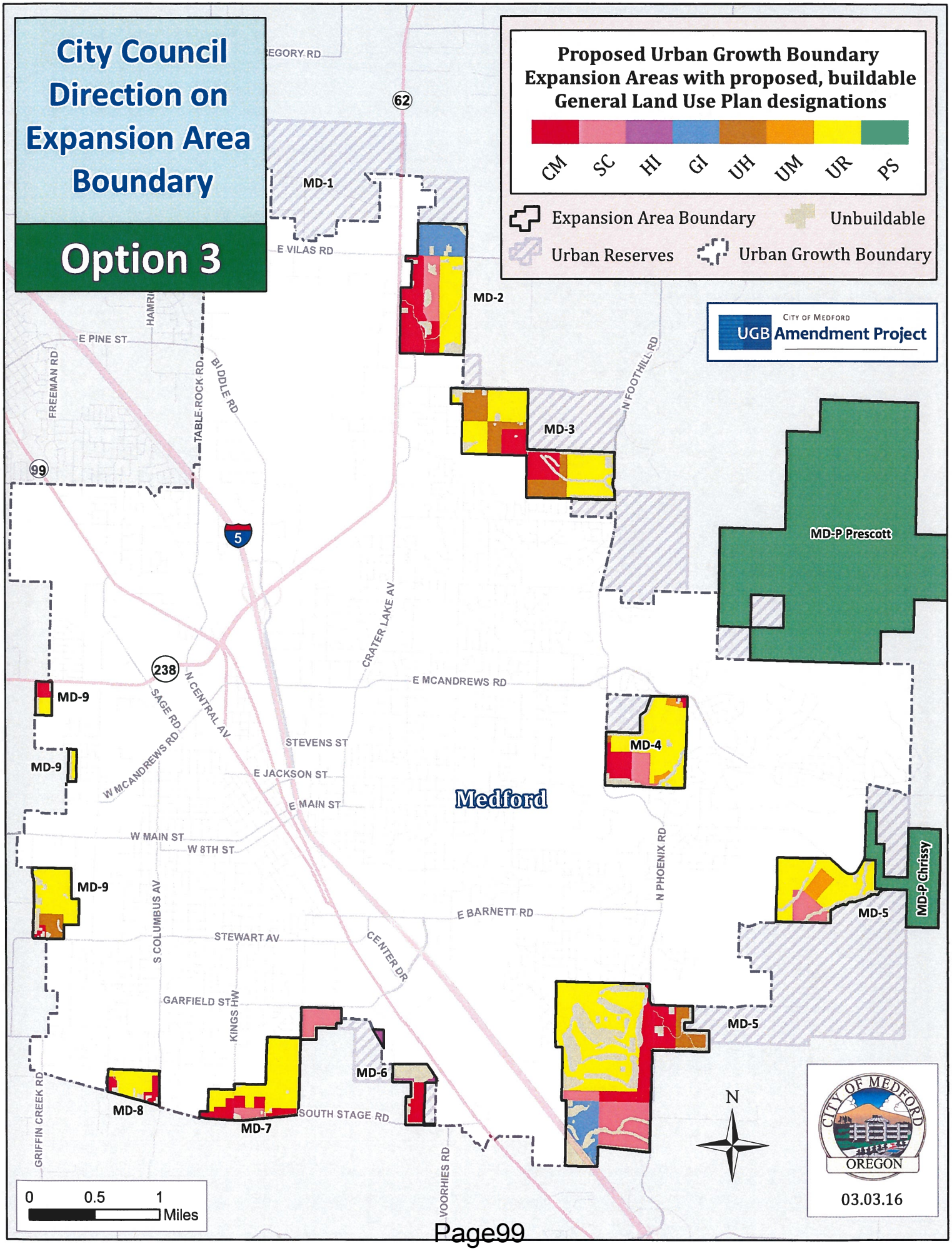
City Council Direction on Expansion Area Boundary
Option 3
Proposed Urban Growth Boundary Expansion Areas with proposed, buildable General Land Use Plan designations
CM
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Expansion Area Boundary
Unbuildable
Urban Reserves
Urban Growth Boundary
City of Medford
UGB Amendment Project
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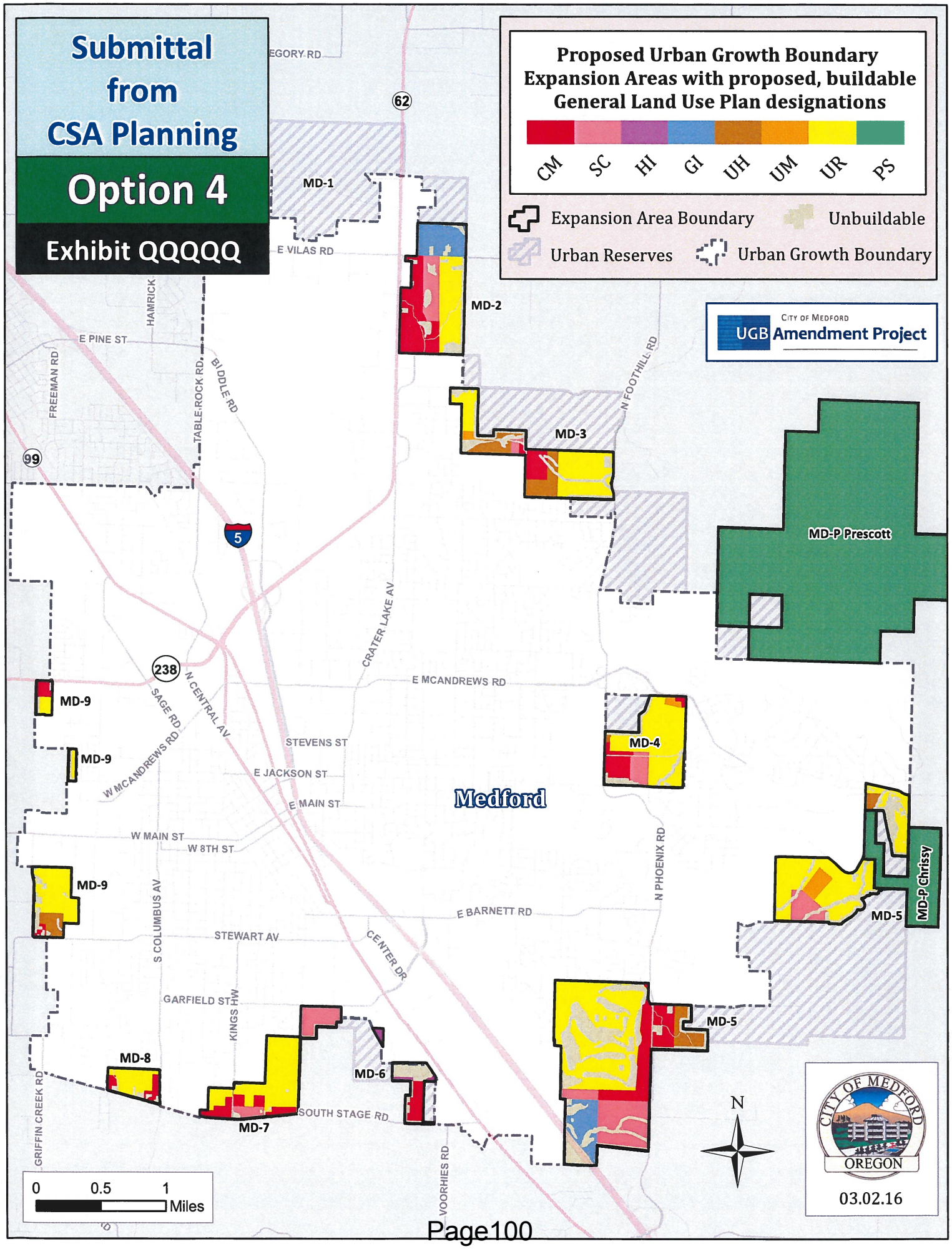
Submittal from CSA Planning
Option 4
Exhibit QQQQQ
Proposed Urban Growth Boundary Expansion Areas with proposed, buildable General Land Use Plan designations
CM
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PS
Expansion Area Boundary
Unbuildable
Urban Reserves
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City of Medford
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MD-9
MD-9
MD-9
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KINGS HW
GRIFFIN CREEK RD
SOUTH STAGE RD
VOORHIES RD
CENTER DR
E BARNETT RD
N PHOENIX RD
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Miles
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CITY OF MEDFORD
OREGON
03.02.16