



Medford City Council Meeting

Agenda

April 20, 2017

12:00 Noon AND 7:00 P.M.

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

10. Roll Call

Employee of the Quarter

20. Approval or Correction of the Minutes of the April 6, 2017 Regular Meeting

30. Oral Requests and Communications from the Audience

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

40. Consent Calendar

- 40.1 COUNCIL BILL 2017-35 A resolution reversing the Landmarks and Historic Preservation Commission denial of new signage for the building located at 14 North Central Avenue located within a C-C/CB/H zoning district.
- 40.2 COUNCIL BILL 2017-36 An ordinance awarding a contract in an amount of \$607,080.90 to Knife River Materials to perform asphalt pavement overlays on various city streets.
- 40.3 COUNCIL BILL 2017-37 An ordinance granting to Mobilitie, LLC, Grantee, the non-exclusive privilege (Franchise) to use the public way to locate, construct, operate and maintain facilities within the City of Medford.
- 40.4 COUNCIL BILL 2017-38 An ordinance amending section 2.715 and replacing section 2.725 of the Medford Municipal Code regarding the selection and term of municipal court jurors to be effective May 1, 2017.
- 40.5 COUNCIL BILL 2017-39 An ordinance approving a legislative amendment to the Public Facilities Element and the Conclusions, Goals, Policies, and Implementation Strategies of the *Medford Comprehensive Plan* to incorporate the 2016 Leisure Services Plan.

50. Items Removed from Consent Calendar

60. Ordinances and Resolutions

- 60.1 COUNCIL BILL 2017-40 An ordinance replacing section 5.256 of the Medford Municipal Code to allow exclusion notices to be issued to individuals within a designated downtown district.
- 60.2 COUNCIL BILL 2017-41 An ordinance amending sections 7.950, 7.951, 7.954, 7.955, 7.956, 7.957, and 7.958 of the Medford Municipal Code pertaining to vacant residential property.
- 60.3 COUNCIL BILL 2017-42 An ordinance repealing sections 5.511 through 5.518 and adding sections 7.960, 7.962, 7.964, 7.966, 7.968, 7.970, 7.972, 7.974, 7.976, 7.978 of the Medford Municipal Code pertaining to chronic nuisance property.
- 60.4 COUNCIL BILL 2017-43 An ordinance adding section 2.197 of the Medford Municipal Code pertaining to real property.

- 60.5 COUNCIL BILL 2017-44 An ordinance amending the contract with Ogden Roemer Wilkerson Architecture for additional redesign services for Fire Station #3 in an amount not to exceed \$50,333.

70. Council Business

80. City Manager and Other Staff Reports

80.1 Quarterly Travel Medford Update by Eli Matthews

80.2 Further reports from City Manager

90. Propositions and Remarks from the Mayor and Councilmembers

90.1 Proclamations issued:
Administrative Professionals Day – April 26, 2017
Tai Chi and QiGong Day – April 29, 2017

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 4 minutes per individual, 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 4 minutes. PLEASE SIGN IN.

120.1 Consideration of an appeal to reverse the Street Tree Permit decision for 101 N. Central Avenue.

130. Ordinances and Resolutions

140. Council Business

150. Further Reports from the City Manager and Staff

160. Propositions and Remarks from the Mayor and Councilmembers

160.1 Further Council committee reports

160.2 Further remarks from Mayor and Councilmembers

170. Adjournment



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 40.1

www.ci.medford.or.us

DEPARTMENT: Planning Department

PHONE: (541) 774-2380

STAFF CONTACT: Matt Brinkley, AICP, Planning Director

AGENDA SECTION: Consent Calendar

MEETING DATE: April 20, 2017

COUNCIL BILL 2017-35

A resolution reversing the Landmarks and Historic Preservation Commission denial of new signage for the building located at 14 North Central Avenue located within a C-C/CB/H zoning district.

SUMMARY AND BACKGROUND

A resolution approving the appeal and reversing the Landmarks and Historic Preservation Commission approval of new signage for the building located at 14 North Central Avenue, within a C-C/CB/H (Community Commercial/Central Business District/Historic Preservation Overlay) zoning district. The appellant contends that the Landmarks and Historic Preservation Commission erred in its decision to approve the proposal but disallow internal illumination of the sign. (File No. HC-17-002)

PREVIOUS COUNCIL ACTIONS

After the public hearing on April 6, 2017, the City Council voted to grant the appeal and reverse the Landmarks and Historic Commission decision.

ANALYSIS

An Executive Summary prepared by staff was included in the City Council agenda packet for April 6, 2017.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None identified.

TIMING ISSUES

Under Medford Land Development Code (MLDC) Section 10.166, the approving authority shall take final action on an application within 120 days after the application is deemed complete. ORS 227.178(1) further requires that, "...the governing body of a city...shall take final action on an application...including resolution of all appeals...within 120 days after the application is deemed complete." The 120th day for this application is May 12, 2017. The City Council must render its decision by that date.

COUNCIL OPTIONS

Approve, modify or deny the resolution.

STAFF RECOMMENDATION

Staff recommends approval of the resolution.

SUGGESTED MOTION

I move to approve the resolution to approve the appeal and reverse the Landmarks and Historic Preservation Commission decision to approve HC-17-002 and disallow internal illumination of the signage.

EXHIBITS

Resolution

RESOLUTION NO. 2017-35

A RESOLUTION reversing the Landmarks and Historic Preservation Commission denial of new signage for the building located at 14 North Central Avenue located within a C-C/CB/H zoning district.

WHEREAS, the Landmarks and Historic Preservation Commission's (LHPC) denial in this matter was appealed to the City Council; and

WHEREAS, the City Council reviewed the applicable criteria and heard legal arguments from the parties on April 6, 2017; now, therefore,

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

Section 1. The City Council hereby reverses LHPC's decision to disallow the requested lighting for the signage on the building located at 14 North Central Avenue.

Section 2. This decision is based upon the Findings of Fact and Conclusions of Law attached as Exhibit A and incorporated herein as the findings and conclusions of the City Council.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

EXHIBIT A

Before the City Council for the City of Medford, Oregon

In the Matter of the Landmarks and)	Findings of Fact and Conclusions of Law
Historic Commission Decision of)	Reversing the Landmarks and Historic
New Signage for the Building)	Commission Decision Disapproving
Located at 14 North Central)	Sign Illumination
Avenue)	
)	
Hornecker Cowling, LLC,)	HC-17-002
)	
Applicants.)	
)	

I. Facts

On January 6, 2017, Hornecker Cowling LLP, Attorneys at Law (Applicant) submitted an Application for Review of New Signs in Historic Districts, which is reviewed by the Landmarks and Historic Commission. The proposal is to install new signage for the building at 14 North Central Avenue. The subject site is a developed property in an “L” shaped configuration with addresses at 14 N. Central and 215 E. Main Street (File No. HC-17-002)

On February 7, 2017, the Planning Commission held a public hearing on HC-17-002. The Commission heard the staff report and testimony from the applicant’s agent. The Commission voted to adopt the Final Order conditionally approving HC-17-002 but removing the illumination on all proposed signage.

On February 23, 2017, the City received an appeal on the decision to allow the sign but to disallow illumination of the proposed sign. The appellants contend that the Landmarks and Historic Commission erred in its decision to disallow illumination of the sign.

On April 6, 2017, the City Council held its local appeal hearing under Medford Municipal Code §10.051. Notice of the appeal hearing was mailed to persons who had previously appeared, and the Council gave persons in attendance the chance to speak.

II. City Council Findings

The Landmarks and Historic Commission Committed Legal Error Because the Proposed Sign Does Not Meet the Definition of “Internally Illuminated.”

The City Council found that the Landmarks and Historic Commission committed legal error because the proposed sign is not “internally illuminated” as defined in the Sign

EXHIBIT A

Approval Guidelines for the Medford Downtown Historic Preservation Overlay District (“Guidelines”).

The Guidelines define “internally illuminated” as a “method of illumination in which neon, fluorescent or incandescent light sources are placed within a semi-transparent ‘can’ and shine through sign panels, typically made of plastic. Internally illuminated signs became popular in the 1960’s and later and are generally inconsistent with downtown Medford’s historic character.”

The applicant’s agent testified at the public hearing before the Landmarks and Historic Commission that the proposed sign would be lit by LED lights embedded in “pan channel” letters made of stainless steel, bumped off the wall approximately 1.5 inches by studs, and sealed in the back by clear acrylic, creating a “soft halo” effect. “Halo” lighting is a style where individual letters, in this case brushed or painted stainless steel are fitted with backwards-facing lighting, in this case LED lights, inside the hollow letters.

The lighting for the applicant’s proposed sign does meet the Guideline’s definition of “internally illuminated” because it will not use neon, fluorescent, or incandescent light sources, and the light sources are not placed within a semi-transparent panel which the light can shine through.

The proposed sign is made entirely of opaque metal, not semi-transparent material, and the light comes from behind and around the sign letters, not through them. The sign itself is not being lit from within; instead, the LED lights on the back of the metal lettering are projecting on the wall behind the sign.

Therefore, since the proposed sign is not “internally illuminated,” the Landmarks and Historic Commission committed legal error, and its decision is reversed.

Conclusion

For the reasons stated herein, the City Council of the City of Medford finds that the Landmarks and Historic Commission committed legal error, and its decision to disallow the proposed illumination of the sign is reversed. The effect of this reversal is that the sign illumination as proposed in the applicant’s application is allowed.

Dated this 20th Day of April, 2017.

Gary H. Wheeler, Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.2

www.ci.medford.or.us

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

AGENDA SECTION: Consent Calendar
MEETING DATE: April 20, 2017

COUNCIL BILL 2017-36

An ordinance awarding a contract in an amount of \$607,080.90 to Knife River Materials to perform asphalt pavement overlays on various city streets.

SUMMARY AND BACKGROUND

Knife River Materials is the low bidder for a contract to perform asphalt pavement overlays on various streets in the City of Medford. The City contracts for a large portion of pavement maintenance because it is seasonal work that exceeds the capacity of Public Works crews.

Timely repair of streets decreases long-term maintenance costs by postponing the need for more costly reconstructions and produces a smoother ride for the traveling public. This contract includes overlays of locally failed pavement areas. Overlays are a cost-effective option for restoring structural integrity to an otherwise sound street section.

PREVIOUS COUNCIL ACTIONS

Council last awarded a contract for asphalt overlays on April 21, 2016.

ANALYSIS

The existing pavement condition has been analyzed and it has been determined that this maintenance option will produce a smoother and safer ride for the traveling public at the lowest life-cycle cost. The City's Pavement Management Analysis Report is used to determine which pavements will receive asphalt overlays.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Expenditure of \$607,080.90 which is included in the 2017/2019 biennium budget for the Street Utility Fund (Fund 24). If the proposed budget does not include sufficient funds for this work, the contract award will be cancelled.

TIMING ISSUES

Work will start after July 10, 2017 and is scheduled to be complete by September 8, 2017.

COUNCIL OPTIONS

Approve, modify or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance for a contract with Knife River Materials.

SUGGESTED MOTION

I move to approve the ordinance for a contract in the amount of \$607,080.90 to Knife River Materials for asphalt pavement overlays.

EXHIBITS

Ordinance
Bid Tabulation
Work To Be Done
Contract documents are on file in the City Recorder's Office

ORDINANCE NO. 2017-36

AN ORDINANCE awarding a contract in an amount of \$607,080.90 to Knife River Materials to perform asphalt pavement overlays on various city streets.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in an amount of \$607,080.90 to perform asphalt pavement overlays on various city streets, which is on file in the City Recorder's office, is hereby awarded to Knife River Materials.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor

WORK TO BE DONE

The Work to be done under this Contract consists of asphalt repairs, cold plane removal of pavement and overlay of various streets, manhole adjustments and other appurtenances, etc. on three (3) street sections, in the City of Medford, Oregon.

1. Minor Adjustment of Manholes & Minor Adjustment of Manholes Cast Iron.
2. Cold Plane Removal of Pavement.
3. 4 inch Asphalt Concrete Repairs
4. Place Level 3, 1/2 Dense HMA or WMA
5. Install Traffic Loops & Home Runs
6. Perform additional and incidental Work as called for by the Specifications and Plans.

This project includes work at the following locations:

STREET SECTION	FROM	TO	4 INCH ASPHALT CONCRETE REPAIR	EDGE GRIND / BUTT JOINTS
Black Oak Dr.	Siskiyou Blvd.	Acorn Way	720 SY	7,850 SY
S Holly St	W Barnett Rd.	W 10th St.	580 SY	11,550 SY
Merriman Rd.	Debarr Ave.	City Limits	2,600 SY	11,500 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

Item No: 40.3

www.ci.medford.or.us

DEPARTMENT: City Manager's Office
PHONE: (541) 774-2020
STAFF CONTACT: Lori Cooper, City Attorney

AGENDA SECTION: Consent Calendar
MEETING DATE: April 20, 2017

COUNCIL BILL 2017-37

An ordinance granting to Mobilitie, LLC, Grantee, the non-exclusive privilege (Franchise) to use the public way to locate, construct, operate and maintain facilities within the City of Medford.

SUMMARY AND BACKGROUND

This ordinance authorizes a franchise agreement between the City of Medford and Mobilitie, LLC granting the non-exclusive privilege to use the public right-of-way to construct and maintain communication facilities within the City of Medford.

PREVIOUS COUNCIL ACTIONS

None. This is a request from a company that has not previously had a franchise agreement with the City. The use of small-cell technology (see "Analysis" section below for description) is a relatively recent development. Some of the larger wireless phone communications companies which have existing franchise agreements with the City may be using small cell deployments, but Mobilitie is the first company which exclusively uses small cell technology to request a franchise agreement with the City.

ANALYSIS

Mobilitie, LLC has requested permission to use the public rights-of-way to construct and maintain communication facilities within the City of Medford. Mobilitie develops and operates "distributed antenna systems," also known as "small cell" systems that wireless carriers use to provide coverage for their customers. Mobilitie's installations typically consist of briefcase-sized antennas on utility poles located within public rights-of-way. Mobilitie anticipates deploying approximately six installations in City rights-of-way.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

7% of Mobilitie's gross revenues generated within the City.

TIMING ISSUES

Mobilitie requests that the agreement be approved as soon as possible. Due to staffing changes in the City Manager's Office, Mobilitie's request has been pending for several months. The City will be able to collect the first quarter of revenue from Mobilitie within four months of adoption of the ordinance.

COUNCIL OPTIONS

Approve, modify, or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance authorizing a franchise agreement between the City of Medford and Mobilitie, LLC.

EXHIBITS

Ordinance

ORDINANCE NO. 2017-37

AN ORDINANCE granting to Mobilitie, LLC, Grantee, the non-exclusive privilege (Franchise) to use the public way to locate, construct, operate and maintain facilities within the City of Medford.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. As used in this ordinance, the following words and phrases shall mean:

City: The City of Medford, Oregon.

City Manager: The City Manager or his or her designee.

Facilities: All pipelines, conduits and associated structures managed or controlled by Grantee for use by Grantee in providing telecommunications services to the inhabitants and City of Medford including, without limitation, antennas, radios, wireless microwave and other backhaul equipment, fiber optic cable, ducts, control boxes, vaults, poles, cables, power sources, and/or other equipment, structures, appurtenances and improvements.

Grantee: Mobilitie, LLC, a Nevada limited liability company, its successors and assigns.

Public way: Any highway, street, road, alley, public right-of-way or utility easement for public use under control of the City within the corporate limits of the City now existing and as annexed during the term of this Franchise.

Gross revenues: Grantee's revenues received from utility operations within the city less related net uncollectibles. Gross revenues shall include revenues from the use, rental, or lease of the utility's operating facilities other than residential type space and water heating equipment. Gross revenues shall not include (a) proceeds from the sale of bonds, mortgage or other evidence of indebtedness, securities or stocks, (b) sales at wholesale by one utility to another when the utility purchasing the service is not the ultimate customer, (c) any payments, reimbursements or pass-throughs from the third party to Grantee: (i) for utility charges, taxes and other pass-through expenses, or (ii) in connection with maintenance work performed or equipment installed by Grantee; (d) site acquisition, construction management or supervision fees related to the installation of the Facilities; and (e) contributions of capital by any third party to reimburse Grantee in whole or in part for the installation of the Facilities.

Section 2. A reliable source for telecommunications services is in the public interest of the City and its inhabitants. Therefore, subject to the provisions and restrictions of this ordinance and the Code of Medford, the City grants to Grantee the non-exclusive privilege to locate, construct, operate and maintain its facilities in the public way.

Section 3. Except as provided in this section, Grantee's facilities shall be installed under ground except those existing otherwise at the time of enactment of this ordinance, and Grantee may at any time for any reason discontinue use of or remove any or all of its facilities from the City's public way. Subject to the City Manager's authority to prescribe which public ways will be used and the location within the public way, it shall be lawful for Grantee to make all necessary excavations in any public way for the purpose of locating, constructing, operating and maintaining its facilities. Grantee's use of the public way and all construction and removal of facilities by Grantee shall comply with the standard specifications and special provisions of the City and all other applicable Federal, State and local laws and regulations. No work affecting the public way shall be done by the Grantee without first obtaining the permits required by the City, which may include plan submittal and approval before work begins. Any new Facilities proposed to be located above-ground shall be placed on existing authorized utility poles or on new utility poles, provided that such new utility poles shall comply with all applicable City requirements and the provisions of this Section. During the approval process, Grantee shall bear the burden of proof when requesting customary above-ground facilities.

Section 4. New plans will be furnished promptly for any additions or modifications; provided, however, notwithstanding anything herein to the contrary, modifications shall not be subject to the additional permitting to the extent that: (i) such modification to the facilities involves only substitution of internal components, and does not result in any change to the external appearance, dimensions, or weight of the facilities, as approved by the City; or (ii) such modification involves replacement of any facilities with facilities that are the same, or smaller in weight and dimensions as the approved facilities. Grantee will notify the City of any such modification within 15 days after modification is made. Plans for facilities already existing on the effective date of this Franchise that Grantee has not already provided to the City under previous agreement or ordinance shall be furnished to City within 60 days after the effective date of this Franchise.

Section 5. Nothing in this Ordinance shall be construed in any way to prevent the City from constructing and maintaining any public improvement in any public way. In its construction and maintenance of public improvements, the City shall endeavor not to obstruct or prevent the free use by Grantee of its facilities; however, the City's rights shall be paramount.

Section 6. The City shall have the right to require Grantee to change the location of any facility within the public way to a location mutually acceptable to the City and Grantee when the City determines that the public convenience requires such change, and the expense thereof shall be

paid by Grantee, provided the City's request is not unreasonable or discriminatory in nature. IF the proposed change in location is not acceptable to Grantee, then Grantee shall have the right to terminate this Agreement with respect to such facility and shall have no further obligations under this Agreement with respect to such facility following such termination.

If the City requires Grantee to relocate its facilities located within the City, the City will make a reasonable effort to provide Grantee with an alternate location for its facilities within the public way. City shall give Grantee written notice to relocate its facilities at least 90 days prior to the date established by the City as the deadline for relocation. Within 30 days receipt of such notice, Grantee shall do any necessary field investigation and furnish the City with a plan showing the exact location of all of Grantee's facilities in the construction area and showing necessary adjustments and reasonable time requirements. Thereafter, the City will furnish Grantee with plans for the project necessitating relocation and allow Grantee a reasonable time to complete the relocation of its facilities.

Should Grantee fail to relocate any such facilities by the date established by the above-referenced final improvement plans and schedule, the City may effect such relocation using a qualified contractor reasonably acceptable to Grantee. The expense thereof shall be paid by Grantee, including a thirty-four percent (34%) charge to reflect costs and expenses incurred by the City due to Grantee's delay. Grantee shall pay the City's charges for such work within 30 days after receipt of City's statement of charges.

Section 7. Should it ever become necessary to permanently or temporarily rearrange, or permanently or temporarily relocate Grantee's facilities at the request of a private person or business, Grantee shall perform such rearrangement or relocation as expeditiously as possible upon receipt of reasonable written notice from the person or business desiring the temporary change of the facilities. The notice shall:

- (a) be approved by the City Manager,
- (b) provide all necessary information about the project,
- (c) provide that the costs incurred by Grantee in making the temporary change be borne by the person or business giving said notice,
- (d) provide that the person or business giving notice shall indemnify and hold harmless the Grantee and City of and from any and all damages or claims of whatsoever kind or nature caused directly or indirectly from such temporary change of Grantee's facilities, and

- (e) be accompanied by a cash deposit or a good and sufficient bond to pay any and all of the Grantee's estimated costs as estimated by Grantee, unless Grantee provides written confirmation that it waives such requirement.

Section 8. Grantee shall at all times maintain all of its facilities in a good state of repair. Any damage to the public way caused by Grantee shall be promptly repaired by Grantee at no cost to the City. Grantee shall have a local representative available at all times through the local utility coordinating notification center, whether it be the Rogue Basin Utilities Coordinating Council, the Oregon Utility Notification Center, or any such successor authority, to locate Grantee's facilities for persons who need to excavate in the public way. Should Grantee fail to maintain or repair any such facilities by the date established by the City, the City may affect such repair, and the expense thereof shall be paid by Grantee, including all costs and expenses incurred by the City due to Grantee's delay. Procedures and costs shall be as in Section 6 above.

Section 9. Grantee shall indemnify and hold harmless the City from any and all damages of any kind or character growing out of or arising by reason of the location, installation, operation and maintenance of the Grantee's facilities in the City, except when solely resulting from City's negligence, recklessness or willful misconduct. Grantee or City shall promptly advise the other in writing of any known claim or demand against Grantee or the City related to or arising out of Grantee's activities in the Public right-of-way.

Section 10. In consideration of the privileges and franchise granted, Grantee shall pay as compensation for the use of the public way seven percent (7%) of the gross revenue collected by Grantee from its customers for telecommunications services provided within the corporate limits of the City.

Said franchise fee shall not be in addition to any other special license, occupation, franchise or excise taxes or charges which might otherwise be levied or collected by the City from Grantee with respect to Grantee's telecommunications business or the exercise of this franchises within the corporate limits of the City and the amount due to the City under any other special license, occupation, franchise or excise taxes or other charges for corresponding periods shall be reduced by deducting therefore the amount of said franchise fee paid hereunder. A deductible "special" tax or charge is one that is levied only on Grantee or only on utility companies.

Grantee shall not deduct any general business taxes or general sales taxes levied or collected by the City. Grantee shall not deduct charges and penalties imposed by the City for noncompliance with charter provisions, ordinances, resolutions or permit conditions from the franchise fee payment required by this section. Nothing contained herein shall relieve the Grantee from the requirement to pay a system development charge properly imposed by the city in the appropriate cases and system development charges shall not reduce the franchise fee. Except as required by

the City's moratorium on pavement cuts, Grantee shall not be required to pay any permit fees or similar charges for street opening, installations, construction and the like.

Grantee's payment shall be paid quarterly by the 15th day of each January, April, July and October for the immediately preceding calendar quarter and shall be computed on the gross revenues accruing during the previous quarter or portion thereof. Example: The first quarterly payment, if any, shall be due on _____ 15, 2017, for the calendar quarter ending _____, 2017.

With each franchise fee payment, the Grantee shall furnish a statement setting forth the amount and calculation of the payment. The statement shall detail the revenues received by the Grantee from its operations within the City and shall specify the nature and amount of all exclusions and deductions from such revenues claimed by the Grantee in calculating the franchise fee.

Payment not received within thirty (30) days from the due date shall be assessed interest at the rate of one percent (1%) compounded monthly from the due date. Except as otherwise required by law, no portion of this franchise fee shall be noted separately on any bill to any customer or user of services or commodities furnished by Grantee. The look-back period for overages and underages shall be thirty-six (36) months from the due date of the quarterly payment. No acceptance of any payment shall be construed as an accord that the amount paid is in fact the correct amount, nor shall any acceptance of payments be construed as a release of any claim the City may have for further or additional sums payable. All amounts paid shall be subject to confirmation and re-computation by the City.

Section 11. Payment of this franchise fee shall not exempt Grantee from the payment of any other license fee, tax or charge on the business, occupation, property or income of Grantees that may be imposed by the City, except as may otherwise be provided in the ordinance or ordinances imposing such other license fee, tax or charge.

Section 12. This Franchise shall be for a period of ten (10) years and shall continue and be in force until midnight _____, 2027. This Franchise may be terminated at any time upon 45 days written notice for failure to pay the fee pursuant to Section 10 of this ordinance or by either party upon failure of the other party to comply with other material provisions of this agreement or the Code of Medford unless such failure is remedied within the 45-day period. Otherwise, this agreement shall remain in effect.

Section 13. Grantee shall notify the City of any transfers to such entities within ten (10) days of such transfers. The City's granting of consent in one instance shall not render unnecessary any subsequent consent in any other instance. Nothing contained herein shall be deemed to prohibit the mortgage, pledge or assignment of fiber optic cable system tangible assets for the purpose of

financing the acquisition of equipment for the construction, lease and operation of the system without the City's consent.

Grantee shall not lease or sublease Grantee's non-exclusive privileges to use the public right-of-way in which such are contained, without the City's consent as expressed by ordinance. Nothing herein shall be interpreted to limit Grantee's rights to use contractors.

Notwithstanding anything to the contrary within the terms of this Franchise, Grantee shall have the right, without notice or consent, to (i) assign its rights and interest under the Franchise to its parents, subsidiaries, affiliates or successor legal entities or to the subsidiaries or affiliates of Mobilitie, LLC, or to any person, firm, or corporation that shall control, be under the control of, or be under common control with Grantee, or to any entity into which Grantee may be merged or consolidated or which purchases all or substantially all of the assets of Grantee that are subject to this Franchise, and (ii) provide capacity to Grantee's customers using, or permit such customers to use, facilities installed in the right-of-way by Grantee without the consent and/or notification required in this Section, provided that Grantee remains solely responsible for such facilities.

City shall be notified within 10 days of Grantee's assignment, transfer, merger, lease or mortgage.

Section 14. The City Manager is authorized to act for the City in all matters pertaining to this Franchise. Grantee may appeal any action of the City Manager to the City Council by giving written notice thereof within twenty-one (21) days after Grantee was notified of such action. The City Council will hear the appeal and render a final decision within thirty (30) days after the notice of appeal is given.

Section 15. Whenever any notice is to be given pursuant to this ordinance, it shall be effective on the date it is sent in writing by registered or certified mail, addressed as follows:

To the City: City Manager
Medford City Hall
411 West 8th Street
Medford, OR 97501

To Grantee: Mobilitie, LLC
660 Newport Center Drive
Suite 200
Newport Beach, CA 92660
Attn: Legal Department

Notice of change of address may be given in the same manner as any other notice.

Section 16. Neither party will be liable under this Franchise for consequential, indirect, or punitive damages (including lost revenues, loss of equipment, interruption, loss of service, or loss of data) for any cause of action, whether in contract, tort, or otherwise, even if the party was or should have been aware of the possibility of these damages, whether under theory of contract, tort (including negligence), strict liability, or otherwise.

Section 17. This franchise supersedes all prior franchises between City and Grantee.

Section 18. Proprietary information as identified and provided by the Grantee to the City under this Ordinance is entitled to protection as trade secrets and shall be governed by confidentiality procedures pursuant to ORS 192.501, ORS 192.502 and under any other applicable State or Federal laws.

Section 19. This ordinance shall be governed by Oregon law. Nothing in this Ordinance is intended to be inconsistent with the State or Federal Law and further neither the City nor Grantee waives any rights granted under State or Federal Law by agreeing to this Ordinance. If any clause, sentence, or section of this Ordinance, or any portion thereof, shall be held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder, as a whole or any part thereof, other than the part declared invalid.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

APPROVED: _____, 2017.

Mayor



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 40.4

www.ci.medford.or.us

DEPARTMENT: Finance/Court
PHONE: (541) 774-2033
STAFF CONTACT: Alison Chan, Finance Director

AGENDA SECTION: Consent Calendar
MEETING DATE: April 20, 2017

COUNCIL BILL 2017-38

An ordinance amending section 2.715 and replacing section 2.725 of the Medford Municipal Code regarding the selection and term of municipal court jurors to be effective May 1, 2017.

SUMMARY AND BACKGROUND

Medford Municipal Court is requesting an amendment to the Medford Municipal Code to modify the required four month jury term to a term of one jury trial within a 24 month period. This modification will provide improved efficiency and improved customer service for jurors.

PREVIOUS COUNCIL ACTIONS

A study session was held on this matter on March 23, 2017. Council directed staff to present the code changes that are reflected in this agenda item.

ANALYSIS

In October of 2016 the City of Medford upgraded the Municipal Court software system. The new software has a jury management application which will allow for greater flexibility and convenience for jurors. Removal of the required four month jury term and allowing jurors to only serve one jury trial within a 24 month period will provide improved customer service to the citizens of Medford who are selected for jury duty. This code amendment will also allow for future enhancement of jury management by allowing jurors on-line access, enabling them to submit questionnaires electronically and track their trial status. The changes make our processes similar to other Municipal Court systems.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

The current jury term ends on April 30, 2017, thus staff is requesting approval prior to expiration of the current term.

COUNCIL OPTIONS

Approve or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance amending sections 2.715 and 2.725 of the Medford Municipal Code.

EXHIBITS

Ordinance

ORDINANCE NO. 2017-38

AN ORDINANCE amending section 2.715 and replacing section 2.725 of the Medford Municipal Code regarding the selection and term of municipal court jurors to be effective May 1, 2017.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 2.715 of the Medford Municipal Code is amended to read as follows:

2.715 Term of Court.

The terms of municipal court **jurors** shall be ~~for a period of four months, beginning on January 1, May 1 and September 1 of each year.~~ **limited to one jury trial within a 24 month period.**

SECTION 2. Section 2.725 of the Medford Municipal Code is replaced to read as follows:

2.725 Jury Panel.

~~The jury panel for each term shall be selected after the commencement of the prior term and before the first day of each new term of court, and the court clerk shall select 100 names of persons, by lot, from the preliminary jury list, to serve as a jury panel until the next panel is selected. No person shall be required to serve more than one term during any calendar year.~~ **The clerk of the court shall generate by means of electronic equipment or other random selection method, a number of names sufficient to meet the projected need for a jury panel for a particular date.**

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor

NOTE: Matter in **bold** in an amended section is new. Matter ~~struck out~~ is existing law to be omitted.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.5

www.ci.medford.or.us

DEPARTMENT: Planning Department

PHONE: (541) 774-2380

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

AGENDA SECTION: Consent Calendar

MEETING DATE: April 20, 2016

COUNCIL BILL 2017-39

An ordinance approving a legislative amendment to the Public Facilities Element and the Conclusions, Goals, Policies, and Implementation Strategies of the *Medford Comprehensive Plan* to incorporate the 2016 Leisure Services Plan.

SUMMARY AND BACKGROUND

A legislative amendment to revise the Public Facilities element and the Conclusions, Goals, Policies, and Implementation Strategies of the Comprehensive Plan to incorporate the 2016 Leisure Services Plan. (CP-17-013)

PREVIOUS COUNCIL ACTIONS

The City Council approved Council Bill 2016-130 on October 20, 2016, which initiated an amendment to the City's Comprehensive Plan to include the updated Leisure Services Plan and the 10-year Capital Facilities Plan.

ANALYSIS

An update to the Leisure Services Plan was completed by the Parks, Recreation, and Facilities Department in 2016. This document sets the priorities for the Department and community for parks and recreational services over the next ten year planning period. Staying current with community needs is important as Medford is the regional provider of park and recreation services in Southern Oregon. Prior to the 2016 update, there was an update completed in 2006.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The Leisure Services Plan includes a capital facilities plan to be realized over the ten year planning horizon. No specific financial consideration is required with the amendment.

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve, modify or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance amending the Comprehensive Plan to incorporate the 2016 Leisure Services Plan.

EXHIBITS

Ordinance

Commission Report, including Exhibits A - F

ORDINANCE NO. 2017-39

AN ORDINANCE approving a legislative amendment to the Public Facilities Element and the Conclusions, Goals, Policies, and Implementation Strategies of the *Medford Comprehensive Plan* to incorporate the 2016 Leisure Services Plan.

WHEREAS, the City Council has determined that the proposed 2016 Leisure Services Plan satisfied the applicable criteria as demonstrated by the Findings and Conclusions which are on file in the City of Medford Planning Department and incorporated by reference and which are hereby adopted as the findings and conclusions of the City Council; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That the 2016 Leisure Services Plan, by reference, is hereby adopted as part of the *Medford Comprehensive Plan*.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor



PLANNING COMMISSION REPORT

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

Project 2016 Leisure Services Plan
File no. CP-17-013
To Mayor and City Council *for 04/20/2017 hearing*
From Planning Commission *via* Carla Angeli Paladino, Long-Range Planning
Reviewer Matt Brinkley, AICP, CFM, Planning Director
Date April 13, 2017

BACKGROUND

Proposal

A legislative amendment to incorporate by reference the 2016 Leisure Services Plan into the Public Facilities element of the Comprehensive Plan and update the Conclusions, Goals, Policies, and Implementation Strategies. (See Exhibits C, D, and E)

Note: The 2016 Leisure Services Plan can be viewed on the City's website at <http://www.ci.medford.or.us/Page.asp?NavID=1203>

History

In 2016, the Parks and Recreation Department completed the ten-year Leisure Services Plan for Medford. The plan was completed through input and guidance from stakeholders and residents. Citizen input was collected through completion of a community survey. The information received helped shape the goals and improvements to be completed over the next decade.

On October 20, 2016, the City Council approved Council Bill 2016-130 initiating an amendment to the City's Comprehensive Plan to include the updated Leisure Services Plan which also includes the 10-year Capital Facilities Plan.

Authority

This proposed plan authorization is a Class-A legislative 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, 10.164, and 10.184.

ANALYSIS

Medford is the regional provider of park and recreation services in Southern Oregon. As such there is an increased demand for parks, recreation facilities, and programs throughout the community. The 2016 Leisure Services Plan update is a guide to address community needs and provide direction for the development of parks and leisure services over the next ten years. As the city and region continue to grow the plan helps support improvements to existing facilities and looks ahead to acquire and build new parks, trails, and facilities to serve the community.

The City received comments from the Medford Irrigation District dated February 24, 2017. (See Exhibit F)

The Planning Commission reviewed the proposal on March 23, 2017 and voted 6-0 to forward a favorable recommendation to the City Council. No public testimony was provided at the hearing. Their findings and conclusions and hearing minutes are found below. (Exhibits A and B)

RECOMMENDATION

The Planning Commission recommends adopting the proposed amendment based on the analyses, findings, and conclusions in the Commission Report dated April 13, 2017, including Exhibits A through F.

EXHIBITS

- A Findings and Conclusions
- B Minutes, Planning Commission, March 23, 2017
- C 2016 Leisure Services Plan (electronic version found at the link below)
- D Amended Public Facilities Element
- E Amended Conclusions, Goals, Policies, and Implementation Strategies
- F Medford Irrigation District comments dated February 24, 2017

The 2016 Leisure Services Plan can be viewed on the City's website at <http://www.ci.medford.or.us/Page.asp?NavID=1203>

CITY COUNCIL AGENDA: APRIL 20, 2017

Exhibit A

Findings and Conclusions

Comprehensive Plan, Review and Amendments chapter: Amendments [to Conclusions] shall be based on the following:

- 1. A change or addition to the text, data, inventories, or graphics which substantially affects the nature of one or more conclusions.***

Findings

The 2016 Leisure Services Plan has been updated to replace the prior plan completed in 2006. This new Plan serves as a forward looking guide that promotes outdoor recreation, public health, and environmental stewardship. It serves to support appointed and elected officials as well as staff in making decisions when planning and implementing parks, open spaces, paths, trails, and recreational programs and facilities. The Plan is revised every ten years to remain up-to-date with the community's recreational interests and provides the relevance and data for the City to use when pursuing funding at all levels.

The Plan covers the timeframe from 2016-2025. It provides an array of updated figures, numbers, projections, and capital improvement timelines. The Plan includes goals, objectives, and action items for developing and maintaining the parks facilities throughout the community and over the next planning period.

The existing conclusions noted in the 2006 Plan have been revised to reflect the changes identified in the 2016 Plan.

Conclusions

The sixteen conclusions related to Parks, Recreation, and Leisure Services have been revised to reflect the changes identified in the 2016 Plan. Thirteen conclusions now summarize some of the key points from the updated Leisure Services Plan. Criterion 1 is found to be satisfied.

Comprehensive Plan, Review and Amendments chapter: Amendments [to Goals and Policies] shall be based on the following [criteria 1–6]:

1. A significant change in one or more Conclusion.

Findings

The conclusions section currently contains sixteen conclusions reflective of the 2006 Plan. The conclusions have been reviewed and revised to correspond to the information in the 2016 updated Plan.

The revised conclusions include changes to the planning period from 2016–2025. The plan envisions Medford neighborhoods being served by either a neighborhood or community park. To fulfill this, the City will need to acquire approximately 45 acres of neighborhood parkland and 91 acres of community parkland in the future. The top ranked responses from the community survey included rehabilitating older parks, developing a new indoor recreation center/pool, and expanding programming for youth under 18 years of age. The conclusions also discuss the need for facility upgrades to Jackson Aquatic Center, the development of Prescott Park, and the need to provide better trail connectivity between parks and major destinations.

Conclusions

The conclusions section has been revised to reflect the changes noted in the 2016 Leisure Services Plan. Criterion 1 is found to be satisfied.

2. Information reflecting new or previously undisclosed public need.

Findings

Generally, the Leisure Services Plan notes a need for updating and rehabilitating existing parks and acquiring and developing new parks and trail networks.

The capital facilities plan identifies proposed park upgrades and development within seven of the existing parks. Future upgrades include items such as new playground equipment, renovated restrooms, trails, Americans with Disabilities Act (ADA) enhancements, and signage and lighting. Path and trail development within Prescott Park and within southeast Medford along Larson Creek and other trail sections are noted. In addition, future acquisition of neighborhood and community parks in all wards are proposed over the planning period.

Conclusions

The 2016 Leisure Services Plan provides an inventory of existing assets and identifies new facilities needed over the next ten years. The capital facilities plan is updated to reflect needed upgrades to existing parks and the development of new parks to serve the community into the future. Criterion 2 is found to be satisfied.

3. *A significant change in community attitudes or priorities.*

Findings

Citizen input and feedback helped establish community priorities for parks, trails, and recreation facilities and programs. The responses helped to shape policy statements within the plan and prioritize needed improvements identified in the capital facilities plan.

The plan describes the creation and distribution of the community survey to the public. The Parks and Recreation Department received 685 completed surveys which represented a total of 1,854 Medford residents. Some of the key findings include:

- 77% of respondents are satisfied with the physical condition of Medford's neighborhood parks but improvements or maintenance needs exist at Jackson School Park, Cedar Links Park (undeveloped), and Union Park (recently renovated).
- The top two park improvements noted by respondents included new or upgraded restrooms (62%) and picnic table/benches or shelters (46%).
- 83% of those surveyed support the construction of a new aquatic facility.

Nearly 80% of respondents noted the City's neighborhood parks either meet or exceed their expectations and 75% had a positive view of community parks. On the other hand, 40% noted personal safety and a sense of poor facility maintenance as reasons why they do not use parks. These findings translate into making maintenance and renovation of parks top priorities to ensure public satisfaction remains at a high level. The capital facilities plan carries these findings forward into an action plan.

Conclusions

The plan notes that the community values and appreciates parks and the recreational programming provided by the City. However to maintain this level of service for current and future residents, the City will need to maintain and upgrade its existing facilities, enhance and expand its programming, and acquire and develop new park land to accommodate a growing community. Criterion 3 is found to be satisfied.

4. *Demonstrable inconsistency with another Plan provision.*

Findings

Parks are a Category "B" public facility in the Comprehensive Plan and is one that both enhances development and occurs in response to development. Some of the other Category "B" facilities include schools, police and fire protection, and solid waste management. No inconsistencies have been identified with other plan provisions.

Conclusions

Parks are a noted public facility in the Comprehensive Plan. The summary, goals, policies, and conclusions sections have been amended to reflect the 2016 Leisure Services plan. There are no identified inconsistencies in the Comprehensive Plan. Criterion 4 is found to be satisfied.

5. *Statutory changes affecting the Plan.*

Findings

Local park planning is identified in Statewide Planning Goal 8 and Oregon Administrative Rule (OAR) 660-034-0040. The Comprehensive Plan makes reference to both of these state requirements and is found to be consistent with the provisions.

The Leisure Services Plan also addresses compliance with the Americans with Disabilities Act (ADA) of 1990 which prohibits discrimination on the basis of disability. Titles II and III of the ADA require local government facilities and places of public accommodation and commercial facilities be readily accessible and usable by individuals with disabilities. Recreation facilities are among the types of facilities covered by these titles of the ADA.

The plan also references the U.S. Department of Justice 2010 ADA Standards for Accessible Design that provides guidelines intended to remove barriers preventing use of recreation facilities to all users. As upgrades are made to existing facilities and new parks are developed, the City will need to keep ADA compliance in the forefront. The City initiated an ADA Transition Plan in 2016 to help document barriers to outdoor recreation accessibility. The Transition Plan will outline phasing, cost estimates, and implementation measures over a period of time to address ADA compliance issues.

Conclusions

The Comprehensive Plan and the Leisure Services Plan both address federal and state regulations that must be followed. The Comprehensive Plan specifically addresses state regulations related to local park planning. The Leisure Services Plan specifically addresses ADA compliance related to park facilities. Criterion 5 is found to be satisfied.

6. *All applicable Statewide Planning Goals.*

Goal 1—Citizen Involvement

Findings

The City has an adopted Citizen Involvement Element in compliance with Statewide Planning Goal 1. Notice of the amendment was provided to the Department of Land Conservation and Development for review and comment. The review bodies (Planning Commission and City Council) will consider and vote on the proposed amendment during televised public hearings, providing an additional forum to discuss the proposal.

Citizen input and involvement were the cornerstone for updating the Leisure Services Plan. A number of tools were used to gather feedback from the public, stakeholder groups, and Parks and Recreation staff to inform the plan. These methods included a mail and on-line community survey, five stakeholder discussions, four community meetings, mySidewalk online engagement, social media content and e-mails, and Parks and Recreation Commission meetings.

Conclusions

Based on the public engagement during the creation of the Leisure Services Plan and the public process provided through the adoption of the plan, it is found that Goal 1 is satisfied.

Goal 2—Land-use Planning

Findings

Goal 2 ensures compliance and incorporation of various plans into the City's Comprehensive Plan. The 2016 Leisure Services Plan reflects national and local recreation trends and identifies facility needs over the planning period in order maintain and expand parks services for the community. The plan has been reviewed and portions of the plan incorporated into the various elements of the Comprehensive Plan. The addition of the entire 2016 plan will be incorporated by reference into the Comprehensive Plan.

Conclusions

The proposal is found to comply with Goal 2.

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

Findings

The Leisure Services Plan discusses paths, trails, and greenways in Chapter 6. A section is dedicated specifically to recognizing Medford's natural greenways and open spaces located along Bear Creek, Larson Creek and within Prescott and Chrissy parks. The linear corridors along the creeks include riparian areas and floodplains that are better protected from development. These natural surroundings provide habitat for birds, wildlife, and plants as well as stormwater and air quality benefits to the community. Connectivity to the existing trail network and creation of new trails along these natural corridors should be the focus as land develops over time. Likewise, a commitment to protecting, enhancing, and restoring these areas is also noted in the plan.

Conclusions

The plan addresses the specific components related to natural resources and open spaces and the importance of maintaining and protecting existing and new segments into the future. Goal 5 is satisfied.

Goal 6—Air, Water, and Land Resources Quality does not apply in this case.

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

Goal 8—Recreation Needs

Findings

Medford is responsible for meeting the community’s recreational needs today and into the future in the appropriate quantity, quality, and location as available. Eleven guidelines are outlined in the statewide goal regarding how to plan for these facilities. The 2016 Leisure Services Plan meets these guidelines because the plan takes into consideration the needs and wants of the community, has inventoried existing recreational resources, and is conscientious of a number of factors such as meeting the needs of those with disabilities, recognizing the health, environmental and transportation benefits of these integrated systems, and looking to the future to develop and acquire lands in order to meet a growing demand.

Conclusions

The Leisure Services Plan meets the local requirements for planning for recreational facilities. Goal 8 is satisfied.

Goal 9—Economic Development

Findings

The plan makes the connection between walkable and bike-able communities/neighborhoods with an increase in home values and the desire of residents to live in locations that provide these amenities. Several national associations including the National Association of Realtors and the National Association of Homebuilders recognize the economic benefits of creating such neighborhoods. The City’s trail and park system and their proximity to businesses and neighborhoods enhance real estate values and the overall economic well-being of the community.

Conclusions

The Leisure Services Plan identifies the connection between strong parks and trail systems and the economic benefits they provide to a community. Goal 9 is satisfied.

Goal 10—Housing does not apply in this case

Goal 11—Public Facilities and Services

Findings

Parks and recreation facilities are identified as a public facility in the statewide goal and within the City’s Comprehensive Plan. Existing parks and trail systems provide a range of benefits including built in transportation facilities that allow walking and biking to destinations. As noted previously, the greenway areas provide areas of shade to protect stream functions and other storm water benefits. The plan serves the recreational needs of the community while also providing ancillary benefits that support transportation and environmental functions.

Conclusions

The Leisure Services Plan is one of the public facilities the City provides. Goal 11 is satisfied.

Goal 12—Transportation

Findings

A goal of the plan is to focus on making more trail and greenway connections not only as a health benefit but as a transportation benefit to the community. The location of park sites near neighborhoods also is a factor in providing opportunities for residents to walk, bike, and reduce vehicle miles traveled to schools and other destinations.

Conclusions

The plan recognizes the benefits of having an interconnected trail system and identifies walkshed distances from neighborhoods to existing trails and paths located throughout the city. Goal 12 is satisfied.

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.

Comprehensive Plan, Review and Amendments chapter: Amendments [to Implementation Strategies] shall be based on the following [criteria 1–6]:

1. A significant change in one or more Goal or Policy.

Findings

The Goals, Policies, and Implementation Strategies have been revised based on the updated Leisure Services Plan. They are categorized under seven main headings: System Growth & Stewardship, Natural Areas Management, Bicycle & Pedestrian Opportunities, Management & Maintenance, Partnerships, Aesthetics, and Engagement & Communications. Revisions have been made to almost all of the identified policies or new ones have been added. Two new goals under Partnerships and Engagement & Communications have been included as well.

Conclusions

The goals and policies have been revised to reflect the changes in the Leisure Services Plan. This criterion is found to be satisfied.

2. *Availability of new and better strategies such as may result from technological or economic changes.*

Findings

It is noted that implementation of the parks and recreation services will require funding beyond what is identified in the capital facilities plan. Chapter 11 of the plan identifies partnerships and strategies to help bring the plan to its fullest potential. Sustaining the existing park system and looking at the creation of new parks, trails, and programs will require partnerships with public and private entities, donations from citizen donors, developer assistance, and volunteers. Funding from a wide variety of sources (grants, system development charges (SDC), and fees) will also need to be used to make projects happen.

Conclusions

A combination of factors will help to bring the Leisure Services Plan to fruition. The strategies and options noted in the plan provide guidance to help implement the park and recreational needs and desires of the community. Criterion 2 is found to be satisfied.

3. *Demonstrable ineffectiveness of present strategy(s).*

Findings

The Leisure Services Plan was last updated in 2006. In order to stay current with demographic and recreational services and needs, the plan has been updated. There is no finding that the present strategy was ineffective.

Conclusions

This criterion is found to be not applicable to the proposal.

4. *Statutory changes affecting the Plan.*

Findings

This criterion has been addressed in Criterion 5 above.

Conclusions

This criterion is found to be satisfied based on the findings noted in Criterion 5 above.

5. *Demonstrable budgetary constraints in association with at least one of the above criteria.*

Findings

The Leisure Services Plan includes a capital facilities plan that outlines proposed projects and estimated costs. The amended goals and policies reflect actions that require funding. The plan prioritizes the specific improvements that will occur over the next decade.

Conclusions

The plan outlines a set of goals and policies to meet the needs and wants of the community. In order to achieve these objectives, capital projects have been identified to fulfill these goals. Criterion 5 is found to be satisfied.

6. All applicable Statewide Planning Goals.

Findings

The relevant Statewide Planning Goals have been addressed in detail under Criterion 6 above. The plan is found to be in compliance with the goals.

Conclusions

The Statewide Planning Goals have been addressed above. This criterion is found to be satisfied.

Exhibit B

Planning Commission Hearing Minutes 3/23/2017 Excerpt

The regular meeting of the Planning Commission was called to order at 5:35 PM in the City Hall Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Patrick Miranda, Chair
David McFadden, Vice Chair
David Culbertson
Joe Foley
Mark McKechnie
E. J. McManus

Staff Present

Matt Brinkley, Planning Director
Eric Mitton, Senior Assistant City Attorney
Alex Georgevitch, City Engineer
Ralph Sartain, Deputy Fire Marshal
Rich Rosenthal, Parks & Recreation Director
Carol Wedman, Office Administrator
Carla Paladino, Principal Planner
Dustin Severs, Planner II
Liz Conner, Planner II

Commissioners Absent

Jared Pulver, Excused Absence
Bill Mansfield, Excused Absence

50. Public Hearings – New Business

50.1 CP-17-013 A Comprehensive Plan Amendment to incorporate the 2016 Leisure Services Plan into the Public Facilities element and update the Goals, Policies, and Implementation strategies within the Comprehensive Plan. (City of Medford, Applicant)

Carla Paladino, Principal Planner, reviewed the proposal, criteria, plan update, overview, public facilities element, proposed parkland acquisition target areas, conclusions, goals, policies, & implementation strategies and compliance with applicable criteria.

Commissioner McKechnie asked, are the future park sites and school sites listed in priority? Ms. Paladino deferred the question to the Parks & Recreation Department.

Rich Rosenthal, Parks & Recreation Director, stated that there is no priority. Development will depend on the acquisition through either cash acquisitions, trade of land or donations of land.

The Public Hearing was opened and there being no testimony the Public Hearing was closed.

Motion: The Planning Commission finds that based on the findings and conclusions that all of the applicable criteria are either satisfied or not applicable, forwards a favorable recommendation for approval of CP-17-013 to the City Council per the staff report dated March 16, 2017, including Exhibits A through D.

Moved by: Vice Chair McFadden

Seconded by: Commissioner McManus

Roll Call Vote: Motion passed, 6-0.

Exhibit C

2016 Leisure Services Plan Document

(reference only)

Electronic Version of the document found at
<http://www.ci.medford.or.us/Page.asp?NavID=1203>

Paper copy can be viewed at the Planning Department

Exhibit D

Amended Public Facilities Element

New text = underlined; Deleted text = ~~struck through~~

PARKS, RECREATION, AND LEISURE SERVICES

The Parks, Recreation, and Leisure Services section of the Public Facilities Element (hereinafter called "Parks Element") is a component of the City of Medford *Comprehensive Plan*.

This section is intended to comply with statewide planning policies and requirements that govern recreational planning, including Goal 8 (Recreational Needs), and OAR 660 Division 34. The primary purpose of this section is to (1) describe characteristics of the existing park system, (2) project the need for parks in Medford for the ~~2~~10-year period between 2010~~6~~ and 203~~0~~25 based upon research and analysis of public wants and funding ability, and (3) provide the City with Goals and Policies, ~~based on Conclusions derived from the analysis of existing conditions and future needs~~ as well as Strategies to implement those policies.

This section summarizes core aspects of the 2016 Leisure Services Plan, which was adopted by City Council in October 2016 and is incorporated by reference into the Comprehensive Plan. The 2016 Leisure Services Plan creates a vision for an innovative, inclusive and interconnected system of parks and open spaces that promotes outdoor recreation, health and environmental stewardship as integral elements of a livable community. The Plan is a document that will guide City elected and appointed officials, management and staff when making decisions or taking actions regarding planning, acquiring, developing or implementing parks, open space, paths and trails, recreation programs or recreational facilities.

Introduction

~~Medford is the largest city in Southern Oregon and a regional provider of park and recreation services. Rapid population growth has increased the demand for parks, recreation facilities, and programs community-wide, and the City has developed this new plan to address existing financial challenges while expanding recreation opportunities and maintaining existing resources.~~

~~In the past, the City has shown vision in acquiring and developing park and recreation facilities to meet community needs. Facilities such as numerous sports fields, U.S. Cellular Community Park, the Bear Creek Greenway and Bear Creek Park have become great community assets, attracting residents from all parts of Jackson County. In addition, through a cooperative effort with the Medford School District, the City has developed one of the best neighborhood school/park systems in~~

~~the Northwest. However, a funding deficit has created problems in maintaining many park sites, and some parks are underdeveloped. Moreover, the City continues to utilize outdated facilities, such as Hawthorne and Jackson pools, which accrue operations costs that are not offset due to lower than typical user fees. Past levels of recreation programming and community participation in City programs were lower than comparable communities; particularly for youth, teens, and seniors, driving a recent priority to increase recreation programs and services.~~

~~As Medford continues to grow and the City looks to the future, this plan will address community needs and provide direction for the development of parks and leisure services for the twenty-year period. The City has an excellent foundation for a thriving park system and the potential to provide comprehensive recreation programming for the entire community. However, to provide a higher level of service to residents, this plan supports both improvements to the existing system and early acquisition of new park land while the opportunity exists to do so.~~

The City of Medford Parks and Recreation Department is Southern Oregon's largest provider of recreation services and is a nationally accredited agency through the National Recreation and Parks Association. The City currently provides over 2,500 acres of public parkland and recreation facilities distributed among 36 park sites and numerous open space parcels. This system of parks supports a range of active and passive recreation experiences. The Department is responsible for the maintenance and programming of the U.S. Cellular Community Park and the Santo Community Center, and its staff coordinate over 300 programs, services and events each year.

Medford's shining star is the U.S. Cellular Community Park. This sport field complex is the largest synthetic turf sports park in the United States. Since its opening in 2008, the U.S. Cellular Community Park has generated over \$67 million in economic benefit for the Medford community. MPRD is well known locally and regionally for coordination of youth and adult sports leagues and tournaments. Medford also boasts the largest adult softball program in Oregon.

Medford is preparing for continued growth tied to the planned expansion of the urban growth boundary. As the City grows, new investments in parks and recreation will be necessary to meet the needs of the community, support youth development, provide options for residents to lead healthy, active lives and foster greater social and community connections.

State Recreational Planning Laws

Statewide Planning Goal 8 -- Recreational Needs

Oregon's Statewide Planning Goal for Recreational Needs ~~(Goal 8)~~ states:

"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 8 requires recreation planning, including an inventory of needs and existing opportunities, and a long-range plan with an action program. It recommends that the highest priority be given to

facilities that: meet the needs of high density population centers; meet the needs of persons of limited mobility and finances; conserve energy; minimize environmental deterioration; are available to the public at nominal cost; and meet the needs of visitors to the state.

Goal 8 recommends that unique areas or resources that also meet recreational needs be inventoried and protected, or acquired, with high priority given to enhancing recreational opportunities on the public waters of the state and Oregon Recreational Trails. The Bear Creek Greenway path is a designated "Oregon Recreation Trail". Recreational plans should consider the carrying capacity of the air, land and water resources of the planning area, and actions should not exceed the capacity of such resources. It also recommends that parks and recreation planning take into account various techniques for acquisition, such as easements, cluster developments, preferential assessments, development rights acquisition, subdivision park land dedication that benefits the subdivision, etc.

The Parks Element includes an inventory of areas and resources unique to Medford including special use areas, natural open space areas, trails, paths, bikeways, and greenways.

OAR Division 660 Division 34 – State and Local Park Planning

660-034-0040 – Planning for Local Parks:

- (1) Local park providers may prepare local park master plans, and local governments may amend acknowledged comprehensive plans and zoning ordinances pursuant to the requirements and procedures of ORS 197.610 to 197.625 in order to implement such local park plans. Local governments are not required to adopt a local park master plan in order to approve a land use decision allowing parks or park uses on agricultural lands under provisions of ORS 215.213 or 215.283 or on forestlands under provisions of OAR 660-006-0025(4), as further addressed in sections (3) and (4) of this rule. If a local government decides to adopt a local park plan as part of the local comprehensive plan, the adoption shall include:
 - (a) A plan map designation, as necessary, to indicate the location and boundaries of the local park; and
 - (b) Appropriate zoning categories and map designations (a "local park" zone or overlay zone is recommended), including objective land use and siting review criteria, in order to authorize the existing and planned park uses described in local park master plan.
- ~~(2) Unless the context requires otherwise, this rule does not require changes to:
 - ~~(a) Local park plans that were adopted as part of an acknowledged local land use plan prior to July 15, 1998; or~~
 - ~~(b) Lawful uses in existence within local parks on July 15, 1998.~~~~
- ~~(3) All uses allowed under Statewide Planning Goal 3 are allowed on agricultural land within a local park and all uses allowed under Statewide Planning Goal 4 are allowed on forest land within a local park, in accordance with applicable laws, statewide goals, and rules.~~
- ~~(4) Although some of the uses listed in OAR 660-034-0035(2)(a) to (g) are not allowed on agricultural or forest land without an exception to Goal 3 or Goal 4, a local government is not required to take an exception to Goals 3 or 4 to allow such uses on land within a local park provided such uses, alone or in combination, meet all other statewide goals and are described and authorized in a local park master plan that:
 - ~~(a) Is adopted as part of the local comprehensive plan in conformance with Section (1) of this rule and consistent with all statewide goals;~~
 - ~~(b) Is prepared and adopted applying criteria comparable to those required for uses in state parks under OAR chapter 736, division 18; and~~
 - ~~(c) Includes findings demonstrating compliance with ORS 215.296 for all uses and activities proposed on or adjacent to land zoned for farm or forest use.~~~~

The City of Medford complies with ORS 660-034-0040(1)(a) and (b) through the adoption and implementation of a Parks and Schools designation on the *General Land Use Plan Map*, which depicts existing public parks and schools. There is no specific zoning district associated with this designation. Instead, parks and schools are permitted conditionally in all single-family residential

zones, multi-family residential zones, commercial and light industrial zones. The City intends to pursue the development of objective land use and siting review criteria for parks.

Needs Assessment

Citizen Involvement

~~One of the nineteen Statewide Planning Goals that must be addressed in a comprehensive plan is Citizen Involvement (Goal 1). The development of this Parks Element update incorporated citizen involvement in several ways, including: a community workshop, a sports group questionnaire, a city-wide recreation survey, and steering committee and Parks Commission involvement.~~

Community Workshop

~~A community workshop was held on September 14, 2004, in the Santo Community Center to obtain the attendees' vision for parks, recreation facilities, and programs in Medford.~~

~~Key findings are summarized below:~~

- ~~● Participants identified the following as the top facilities for priority development:
 - ~~● Sports field complex~~
 - ~~● Indoor recreation center~~
 - ~~● City-wide path and trail system~~~~
- ~~● Preservation of Prescott Park as a natural area was emphasized. Greater notoriety, easier access, additional parking and a trail head were desired, along with improved trail systems for pedestrians, bicycles, and horses.~~
- ~~● Participants supported the expansion of recreational programming.~~
- ~~● The top three issues identified for Medford parks and recreation were:
 - ~~1. Funding~~
 - ~~2. Park and facility maintenance~~
 - ~~3. Upgrades to existing parks~~~~

Sports Group Questionnaire

~~In Fall 2004, organizations providing sports leagues in Medford were asked to fill out a questionnaire regarding the number of teams and players in the league, season of play, and field requirements. The sports group survey obtained information regarding twenty-seven different programs for adults and youth provided by both the City and private providers in Medford. This data was used to determine sports field and facility needs.~~

City-Wide Recreation Survey

~~A city-wide survey of public attitudes, recreation interests, and recreation participation was conducted in Fall 2004. Completed questionnaires were obtained from 438 households from the four quadrants of the City.~~

Key findings included:

- ~~Neighborhood parks were the most frequently visited type of park or facility by respondents.~~
- ~~Of all park and recreation services, respondents wanted most:~~
 - ~~Upgrades to existing parks~~
 - ~~Sports field development~~
 - ~~More trails and paths~~
- ~~Respondents clearly preferred an indoor aquatic center to meet future needs.~~
- ~~The respondents supported increased programming for seniors, one of the fastest growing segments of the City of Medford population.~~
- ~~The respondents supported increases to youth and teen programming. A growing national trend and awareness associating relatively minor teen programming costs with exponentially greater reduced law enforcement costs point to a substantial City cost benefit.~~
- ~~Respondents wanted more off-street, paved multi-purpose paths throughout Medford.~~

Committee and Commission

~~A Steering Committee consisting of key City staff and citizens representing a variety of community interests met regularly throughout the planning process. This group provided advice and insight by discussing critical issues facing Medford parks and recreation and by reviewing key reports in the development of this Parks Element. Similarly, the Medford Parks and Recreation Commission also provided direction during the planning process.~~

Community engagement and input played an important role in establishing a clear planning framework that reflects current community priorities. Public outreach provided a baseline of demand and need, and outreach methods were varied and extensive, including:

- A mail- and online-based community survey
- Stakeholder discussions
- Community meetings
- mySidewalk online engagement
- Social media content & email blasts
- Parks & Recreation Commission meetings

Throughout the planning process for the 2016 Leisure Services Plan, the public provided information and expressed opinions about their needs and priorities for parks, trails and recreation facilities and programs in Medford. This feedback played an important role in updating policy statements and prioritizing the capital facilities project list contained within this Element.

Classifications & Standards

PARKLAND CLASSIFICATIONS

Parkland is classified to assist in planning for the community's recreational needs. The Medford park system is composed of a hierarchy of various park types, each offering recreation and/or natural area opportunities. Separately, each park type may serve only one function, but collective-

ly the system will serve the full range of community needs. Classifying parkland by function allows the City to evaluate its needs and to plan for an efficient, cost effective and usable park system that minimizes conflicts between park users and adjacent uses. The classification characteristics are meant as general guidelines addressing the intended size and use of each park type. The following seven classifications are in effect in Medford and are defined as follows.

- Community Parks
- Neighborhood Parks
- Linear Parks
- Greenways & Natural Open Space Areas
- Special Use Areas
- Beautification Areas
- Paths & Trails

Community Parks

Community parks are larger sites developed for organized play, containing a wider array of facilities and, as a result, appealing to a more diverse group of users. They are planned to provide active and structured recreation opportunities, as well as passive and non-organized opportunities for individual and family activities. Community parks are generally 15 to 50 acres in size, should meet a minimum size of 15 acres when possible and serve residents within a 2-mile drive, walk or bike ride from the site. In areas without neighborhood parks, community parks can also serve as local neighborhood parks.

In general, community park facilities are designed for organized or intensive recreational activities and sports, although passive components such as pathways, picnic areas and natural areas are highly encouraged and complementary to active use facilities. Community parks may provide pools, community gardens or indoor facilities to meet a wider range of recreation interests. Since community parks serve a larger area and offer more facilities than neighborhood parks, parking and restroom facilities should be provided. Fichtner-Mainwaring Park, U.S. Cellular Community Park and Hawthorne Park are examples of community parks.

Neighborhood Parks

Neighborhood parks are generally considered the basic unit of traditional park systems. They are small park areas designed for unstructured, non-organized play and limited active and passive recreation. They are generally 2-5 acres in size, depending on a variety of factors including neighborhood need, physical location and opportunity, and should meet a minimum size of 3 acres in size when possible.

Neighborhood parks are intended to serve residential areas within close proximity (up to ½-mile walking or biking distance) of the park and should be geographically distributed throughout the community. Access to neighborhood parks is mostly pedestrian, and park sites should be located such that people living within the service area can reach the park safely and conveniently. Neighborhood parks should be located along road frontages to improve visual access and community awareness of the sites. Connecting and frontage streets should include sidewalks or other safe pedestrian access. Additionally, street plans should encourage maximum connectivity and public access to park sites.

Generally, developed neighborhood parks typically include amenities such as pedestrian paths, picnic tables, benches, play equipment, open field area for informal play, sport courts or multi-purpose paved areas and landscaping. When neighborhood parks are designed in conjunction with school sites, these sites typically include multi-use sport fields. Restrooms and parking are generally provided. Donahue-Frohnmayr Park and Lone Pine School Park are examples of neighborhood parks.

Linear Parks

Linear parks are developed, landscaped areas that follow linear corridors such as street rights-of-way, creeks and other elongated features. This type of park usually contains a paved path, landscaped areas, viewpoints and seating areas. The Biddle Road Pathway is an example of a linear park.

Greenways & Natural Open Space Areas

Greenways are undeveloped lands primarily left in a natural state with recreation use as a secondary objective. Greenways provide for connected or linked open space corridors that can support broader ecological functions than stand-alone properties. Natural areas are individual or isolated tracts of open space that are not connected to a larger greenway network.

These conserved open spaces are usually owned or managed by a governmental agency and may or may not have public access. This type of land often includes wetlands, steep hillsides or other similar spaces. In some cases, environmentally sensitive areas are considered greenways and can include wildlife habitats, stream and creek corridors, or unique and/or endangered plant species. Greenways may serve as trail corridors, and low-impact or passive activities, such as walking, nature observation and fishing may be allowed, where appropriate. No standards exist or are proposed for greenways. The Bear Creek Greenway is an example of the greenway classification.

Special Use Areas

Special use areas include single-purpose recreational areas or stand-alone sites designed to support a specific, specialized use. This classification includes stand-alone sport field complexes, arenas, community centers, community gardens or sites occupied by buildings. Specialized facilities may also be provided within a park of another classification. No standards exist or are proposed concerning special facilities, since facility size is a function of the specific use. The portion of Railroad Park used by the train clubs would be an example of a special use area.

Beautification Areas

Beautification areas may include landscaped areas around buildings, entry ways, street islands and maintained strips along street rights-of-way and pathways. The landscaping in these areas may vary widely, ranging from low maintenance trees and mulch to high maintenance flowerbeds and facilities, such as fountains, picnic tables, hanging baskets, sculpture/artwork, gardens and signage.

Paths & Trails

Trails are non-motorized recreation and transportation networks generally separated from roadways. These corridors can be developed to accommodate multiple or shared uses, such as pedestrians and bicyclists, or a single use. Recreational path and trail alignments aim to emphasize a

strong relationship with the natural environment and may not provide the most direct route from a practical transportation viewpoint. The City has the foundation to a path and trail system with the Bear Creek Greenway. It connects Medford to adjacent cities from Ashland to Central Point, as well as parks within the City.

Four classifications exist within the Medford network: regional path, connector path, local/park path or trail and equestrian trail. These path and trail classes serve as the primary linkages across and through the City. The differences between the classifications are based on purpose, intensity of use and connections, rather than on width, material or user. The 2016 LSP contains detailed descriptions and characteristics for the four classifications.

Existing Park Facilities and Functions

~~The Medford park system consists of both active and passive recreational areas, including a variety of park types, paths, trails and facilities. As can be seen in **Figure 1, Existing Park & Recreation Resources**, the City of Medford manages approximately 2,500 acres of park land, including nearly 75 acres leased from the Medford and Phoenix/Talent School Districts. The park land inventory includes over 454 acres of active parks, 14 acres of linear parks, nearly 1,923 acres of natural areas and greenways, and more than 124 acres of undeveloped sites. In addition, the City maintains nearly 15 acres of beautification areas, including greenways, roadway strips and islands, and landscaped areas around buildings.~~

~~Per **Figure 2, Path and Trails Plan**, the City has the foundation to a path and trail system. The Bear Creek Greenway path connects the City to adjacent cities from Ashland to Central Point as well as parks within the City. The path and trail system includes two standards: ten foot wide asphalt multi-use paths and five foot wide gravel or native soil multi-use trails built to the International Mountain Bike Association standards. Maintenance of paths and trails includes repairs from root damage, occasional flooding and erosion, removal of trees that have fallen, and general wear from use. The City has entered into a Joint Powers Agreement with Jackson County for the maintenance of the portion of the Bear Creek Greenway Path that is within the City of Medford Urban Growth Boundary. Development and maintenance of the Bear Creek Greenway Path is overseen by the Bear Creek Greenway Foundation. Adopted in January 2003, the Bear Creek Master Plan is an action plan for current and future redevelopment of the corridor.~~

PARKS & RECREATION FIGURE 1—Existing Park & Recreation Resources

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~~PARKS & RECREATION FIGURE 2—Path and Trails Plan~~

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~~The City of Medford is a significant provider of recreation and sport facilities. Additional facilities are provided by other entities as well, such as school districts and private providers. When all resources are counted, the total inventory for all recreation facilities in Medford is relatively high. However, some sports fields suffice as practice fields only, because they are inadequate for games. Other facilities have scheduling restrictions. The City provides many sports fields, but depends on school facilities for use of gymnasiums and adult baseball fields. The City has two outdoor pools, but the community relies on private providers to meet indoor swimming needs.~~

~~The following facilities in Medford were counted as part of Medford's unrestricted inventory in 2006, meaning they were considered adequate for games/practice at that time:~~

- ~~• One adult baseball field~~
- ~~• Six adult softball fields~~
- ~~• Six youth softball/baseball fields~~
- ~~• Twelve soccer fields~~
- ~~• One football field~~
- ~~• Two gymnasiums~~
- ~~• Zero square feet of pool space~~

~~Medford's 2010 unrestricted inventory is listed below. As a note, the new artificial turf fields at the U.S. Cellular Community Park (USCCP) all are rated as having the capacity of three natural grass fields. This equivalency has been promoted by the industry for many years and was demonstrated by the Tualatin Hills Parks and Recreation District in their *HMT Complex, Field One "Artificial Surface" Usage Comparison*. This has more recently been confirmed by the increase in usage of the artificial turf fields at the USCCP during the 2009 - 2010 season and the information is documented in the *2010 Parks & Recreation Artificial Turf Comparison to Natural Grass Ball Fields Use*.~~

- ~~• One natural grass and one artificial turf adult baseball field (four equivalent fields)~~
- ~~• Five natural and five artificial* turf (60% use) adult softball fields (fourteen equivalent fields)~~
- ~~• Eight natural and five artificial** turf (40% use) youth softball/baseball fields (fourteen equivalent fields)~~
- ~~• Fifteen natural turf and five artificial turf soccer fields (thirty equivalent fields)~~
- ~~• Five artificial turf football fields (fifteen equivalent fields)~~
- ~~• One gymnasium~~
- ~~• Zero square feet of indoor pool space~~

~~* Adults share use of these five fields with youth leagues. Adult use is 60% of the total use. Five fields multiplied by three and then by 60% equal thirteen equivalent fields when the four natural fields are added in.~~

~~** Youth share use of these five fields with adult leagues. Youth league use is 40% of the total use. Five fields multiplied by three and then by 40% equal thirteen equivalent fields when the four natural fields are added in.~~

~~Additional inventory exists in a restricted capacity which is not considered readily available or adequate for games/practice.~~

~~In addition to park lands, path/trails, and sports facilities, the City of Medford has a public arts program, an urban forestry program and Tree Committee. As well, the Parks Department reviews landscape plans for all multi-family, commercial and industrial developments in the City for the Site Plan and Architectural Commission.~~

~~The Arts Commission was formed in 2000 to begin the process of bringing to fruition the vision for arts and culture in Medford. The Commission has developed a master plan which was adopted in 2009 (Public Art Selection and Acquisition Policy) to improve existing City sites with the addition or incorporation of public art. The plan includes funding sources and a priority listing for existing sites. The Arts Commission administers a Partnership Program whereby non-profit organizations, and their affiliates, may apply twice a year to partner with the Arts Commission on art-related projects/programs that serve Medford residents. By providing access to art they hope to create an environment of enrichment and pride for all citizens. Public art within our City adds a sense of discovery and vibrancy to public spaces.~~

~~The City of Medford recognizes the benefits and importance of its trees and urban forest. Therefore, the City has instituted an Urban Forestry Program and hired a Certified Professional Arborist in 2005 to manage that resource. One of the goals of the Urban Forestry Program is to inventory the current tree population and develop a system that is composed of a wide variety of species and age classes that will protect the urban forest from insect and disease outbreaks. The Urban Forestry Program manages trees on public rights-of-ways, in parks, and open spaces. Education on tree care is also provided to residents, and all tree care and maintenance is performed to currently accepted professional standards. The program is funded through the City's general fund with the goal to develop an urban forest that will be an environmental and economic asset and a source of community pride.~~

~~The City of Medford's ongoing excellence in urban forestry has been awarded with two prestigious honors from the Arbor Day Foundation. Medford received "Tree City USA" status for the fourteenth consecutive year as a result of meeting four required standards: having a tree board, a tree care ordinance, a comprehensive community forestry program and an Arbor Day observance and proclamation. Medford's municipal urban forestry efforts also earned a Growth Award for the fifth year, an accolade that hails environmental improvement and higher levels of tree care as a result of excellence in providing education programs, effective public relations, fruitful partnerships and wildland fire prevention coordination. The City's tree program has spurred the planting of 1,233 trees and pruning of 2,133 others on civic property along with an overall investment of over \$1.46 million from a variety of funding sources since 2005.~~

~~The Tree Committee is a sub-committee of the Parks and Recreation Commission. It was formed to advise the Commission on matters regarding trees in the right-of-ways and in park lands. The Committee strives to maintain and enhance the livability of the community through education on the benefits of trees, proper tree maintenance and fostering planting and preservation of trees~~

where appropriate. Each year they plan and develop an Arbor Day observance and celebration for the City.

The Site Plan and Architectural Commission consists of seven City residents, including one Planning Commissioner. The Commission's duties include making quasi-judicial decisions on proposed multi-family, commercial and industrial development projects relative to architecture, landscaping, and site design. The Parks and Recreation Director is charged with ensuring that a department review of landscape code requirements occurs to assist the Commission. A Parks Planner currently serves as staff to the Commission, providing said reviews.

Inventory of Existing Parks

PARKS & RECREATION TABLE 1: EXISTING PARKS

Park Type-Site Number ¹	Area
NP-16	Alba Park
OSG-8	Bear Creek Greenway
OSG-3	Bear Creek Greenway Park
CP-22	Bear Creek Park
LP-30	Biddle Road Path
SU-14	Carnegie Building
NP-60/SU	Chrissy Park
NP-34	Delta Waters School Park
NP-37	Donahue-Frohnmayor Park
MP-32	Earhart Park
LP-52	East McAndrews Path
CP-23	Fichtner-Mainwaring Park
CP-31	Hawthorne Park
NP-40	Holmes Park
NP-41	Hoover School Park
NP-5	Howard School Park
SU-39	IOOF/Eastwood Historic Cemetery
NP-11	Jackson School Park
NP-24	Jefferson School Park
NP-35	Kennedy School Park
OSG-44	Larson Creek Greenway
OSG-42	Lazy Creek Greenway
NP-17	Lewis Park
NP-46	Lone Pine School Park
CP-26/OSG	U.S. Cellular Community Park
CP-36	North Medford High School Park

¹ Each site is coded with letters and numbers (such as NP-12). The letter represents the park type, the legend to these abbreviations can be found at the bottom of the Table. Some sites have more than one designation. For example, CP/OSG is a Community Park with Open Space Areas within part of the park land. The site number is for site identification only. These site numbers are included in **Figure 3, Facilities Plan**.

Park Type-Site Number ¹	Area
NP-43	Orchard Hill School Park
NP-54	Oregon Hills Park
OSG-61	Prescott Park
NP/SU-7	Railroad Park
OSG-6	Railroad Park Greenway
NP-33	Roosevelt School Park
MP-38	Ruhl Park
SU-48	Summerfield Park
SU-9	Santo Community Center
NP-2/OSG	Table Rock Park
NP-18	Union Park
NP-25	Veterans Park
SU-15	Virginia Vogel Plaza
NP-19	Washington School Park
NP-20	Wilson School Park

Park Type Legend:

- NP — Neighborhood Park
- CP — Community Park
- SU — Special Use Area
- LP — Linear Park
- OSG — Natural Open Space Areas/Greenways
- UD — Undeveloped Park Land
- P — Path

PARKS & RECREATION TABLE 2: EXISTING PATH/TRAILS

Site Number ²	Index of Existing Path/Trails Name	Linear Park (LP) and/or Open Space Greenway (OSG)	Comments
NP-16	Alba Park	NP	Minimal path system
P-13	Bear Creek Greenway	OSG	North/south through Medford
CP-22	Bear Creek Park	CP	Numerous paved paths & trails
LP-30	Biddle Road	LP	Hawthorne Park to Morrow Lane
NP-34	Delta Waters School Park	NP	Moderate loop path & trail
NP-37	Donahue-Frohnmayr Park	NP	Moderate loop path & trail
LP-52	East McAndrews Rd. Path	LP	North side of McAndrews Road
NP-40	Holmes Park	NP	Path & trails
NP-5	Howard Park	NP	Moderate loop path
NP-11	Jackson Park	NP	Moderate path system
OSG-44	Larson Creek Path/Trail	OSG	Black Oak Dr. to N. Phoenix Rd.
OSG42	Lazy Creek Path	OSG	Burgundy to Siskiyou Blvd.

² The site number is for site identification only. These site numbers are included in **Figure 3, Facilities Plan**.

Site Number ²	Index of Existing Path/Trails Name	Linear Park (LP) and/or Open Space Greenway (OSG)	Comments
NP-46	Lone Pine Park	NP	Moderate loop path
CP-55	Prescott Park Trail system	OSG	Numerous trails
NP-48	Summerfield	NP	Short loop path
NP-38	Rhul Park	NP	Short path
P-16	Lone Pine Creek Path	OSG	Lone Pine Creek at Navigators' Landing
NP-18	Union Park	NP	Short path

Prescott and Chrissy Parks

During the public involvement process, citizens expressed a desire to improve trails within Prescott Park and envisioned a path/trail system within Chrissy Park once brought into the UGB.

Prescott Park, located on and around Roxy Ann Peak, totals 1,740 acres. The park was established with an initial gift of 200 acres purchased by the Lions Club and donated to the City of Medford in 1930. An additional 1,500 acres was acquired by the City through the Federal Lands to Parks Act of 1931. An additional 40 acre parcel was later purchased by the City and added to the park holdings. Prescott Park in its entirety has been set aside and reserved for exclusive park use and federal regulations restrict the land from being used for other than public park purposes. Prescott Park is largely undeveloped but has a network of hiking trails, overlooks, and picnic areas with restrooms. Communication facilities are located near the summit. Efforts to more fully improve and utilize the land as an urban public park has been hampered by its being located outside but adjacent to Medford's corporate jurisdiction. That Prescott Park is located outside Medford, has made land use permitting and public facility extensions difficult, time consuming and costly, requiring the City of Medford to obtain land use approvals for park improvements through Jackson County.

Chrissy Park, located east of Medford, south of Hillcrest Road on Cherry Lane, totals 160 acres. The site, located just outside City limits, was donated to the City in 1997 by a Medford resident. The park is undeveloped, and the City will have to reverse damage done to the land over the past century due to orchard operations, development and open grazing. Mitigation of soil and water problems due to the site's steep, unstable slopes also needs to occur throughout the park.

In the future, Prescott and Chrissy Parks, currently outside but abutting the current Urban Growth Boundary, will serve to meet a variety of park needs for Medford residents. These include provisions of open space that is conveniently located and economically accessible to all City residents. Medford has a policy to pursue inclusion of Prescott and Chrissy Parks in the Medford Urban Growth Boundary for eventual inclusion within the City limits. This will enable the City to extend needed urban infrastructure and services, such as police and fire protection, streets and sanitary sewer, to these parks.

~~Medford's policy of striving to acquire parkland having natural features or resources, or that is of significant interest to the public, is partially met through these parks. Prescott Park is given special consideration in protecting the City's most significant natural and recreational resource and most significant scenic view and viewpoint for the enjoyment of present and future generations. Prescott Park contains 1,725 acres of natural open space.~~

~~The identified need for nature trails, trailheads, and overlooks/viewpoints can also be well accommodated in these parks. By the year 2030, Medford will need an additional 15 miles of recreational trails. Upon annexation, the City plans to develop Chrissy Park, as both a Neighborhood Park and a Special Use Area, combining path/trail uses with a Neighborhood Park. An interconnected system of trails, paved paths and bikeways will provide a safe place for non-motorized transportation in east Medford.~~

~~Thus, both Prescott and Chrissy Parks, upon inclusion into the City of Medford UGB, are planned to include an integrated park environment that includes both intensive urban park elements and natural park elements. The urban park elements are expected to function as activity centers that attract concentrations of urban populations into these unique areas where City residents can enjoy recreation experiences with urban and natural dimensions in immediate proximity to the largest population center in Jackson County. The special mix of land uses expected for these parks can be better administered pursuant to the objectives of Statewide Planning Goal 8 where the urban park elements may be freely planned to support intensive urban elements and appropriate planning for the natural areas. This will assure the parks are planned under the City's Comprehensive Plan to include use intensities that balance the unique resources and assets these parks represent in a manner that advances the City's Statewide Planning Goal 8 objectives.~~

FACILITY INVENTORY

Parks and open space represent the basic foundation of a healthy park and recreation system, providing opportunities for residents of all ages to meet, play, grow and thrive. Medford's parks provide residents with a diverse array of active and passive recreational amenities and options. They are a place to come together with family and friends, to exercise and play, to learn and explore, and to engage with the City's landscape, history and culture.

Medford provides and maintains a growing system of parks that supports a range of active and passive experiences. The park and open space inventory identifies the recreational assets within Medford. The City provides over 2,500 acres of public parkland and recreation facilities distributed among 36 park sites and numerous open space parcels. The following tables summarize the current land inventory in Medford.

Figure 1. Existing Inventory: City-owned Community Parks

Park Name	Status	Acres (Total)	Acres (Developed)
Bear Creek Park	Developed	62.44	61.03
Fichtner-Mainwaring Park	Developed	30.95	30.95
Hawthorne Park	Developed	14.22	14.22
Prescott Park (F)*	Undeveloped	15.00	0.00
U.S. Cellular Park	Developed	125.34	120.34
Total Community Park Acreage		247.95	226.54

(F): Future Park

* : Remainder of acreage for Prescott Park is noted in the Greenway & Natural Open Space category

Figure 2. Existing Inventory: City-owned Neighborhood Parks

Park Name	Status	Acres (Total)	Acres (Developed)
Alba Park	Developed	1.51	1.51
Cedar Links (F)	Undeveloped	5.42	0.00
Chrissy Park (F)	Undeveloped	10.00	0.00
Donahue-Frohnmayr	Developed	14.03	10.19
Earhart Park	Developed	1.69	1.69
Holmes Park	Developed	18.35	18.35
Howard Park	Developed	9.22	9.22
Jackson Park	Developed	10.50	10.50
Jefferson Park	Developed	4.93	4.93
Kennedy Park	Developed	8.11	8.11
Lewis Park	Developed	7.33	7.33
Liberty Park	Developed	0.23	0.23
Lone Pine Park	Developed	4.82	4.38
Midway Park (F)	Undeveloped	3.00	0.00
Orchard Hill Park	Developed	4.16	4.16
Oregon Hills Park	Developed	14.91	3.00
Pear Blossom Park 1	Developed	0.70	0.70
Pear Blossom Park 2	Developed	0.68	0.68
Railroad Park	Developed	2.18	2.18
Ruhl Park	Developed	1.22	1.22
Summerfield Park	Developed	1.56	1.56
Union Park	Developed	2.13	2.13
Veterans Park	Developed	1.74	1.74
Total Neighborhood Park Acreage		128.42	93.81

(F): Future Park

Figure 3. Existing Inventory: Special Use Areas

Park Name	Status	Acres (Total)	Acres (Developed)
Carnegie Building	Developed	1.48	1.48
Chrissy Park	Undeveloped	20.00	0.00
City Hall	Developed	3.06	3.06
IOOF Cemetery	Developed	19.32	19.32
Railroad Park	Developed	9.03	9.03
Santo Community Center	Developed	3.80	3.80
Service Center	Developed	2.35	2.35
Vogel Plaza	Developed	0.24	0.24
Total Special Use Acreage		59.28	39.28

Figure 4. Existing Inventory: City-wide Parks, Greenways & Natural Areas

Park Name	Classification	Acres (Total)	Acres (Developed)
Bear Creek Greenway (BCG	Linear Park	22.10	
BCG: Hawthorne to USCCP	Greenway	9.40	
BCG: W McA - Hawthorne	Greenway	0.00	
Bear Creek Park	Greenway	37.40	
Biddle Road	Linear Park	7.10	
Chrissy Park	Greenway	136.10	
E. McAndrews	Linear Park	5.34	
Larson Creek Greenway	Linear Park	3.66	7.24
Larson Creek Greenway	Greenway	7.18	
Lazy Creek Greenway	Linear Park	1.08	
Lazy Creek Greenway	Greenway	2.07	
Lewis Park	Greenway	0.90	
Lone Pine Creek	Linear Park	1.66	
Lone Pine Creek Greenway	Greenway	1.23	
Midway Park	Greenway	8.70	
Oregon Hills	Greenway	11.91	
Prescott Park	Greenway	1,725.00	
Railroad Park	Greenway	24.20	
U.S. Cellular Park	Greenway	53.50	
Total Greenway & Linear Park Acreage		2,058.53	7.24

Parkland Walksheds

A gap analysis of the park system was conducted to examine and assess the current distribution of parks throughout the city to better understand where acquisition efforts should be directed. The analysis reviewed the locations and types of existing facilities, land use classifications, transportation/access barriers and other factors as a means to identify preliminary acquisition target areas. In reviewing parkland distribution and assessing opportunities to fill identified gaps, residentially zoned lands were isolated, since neighborhood and community parks primarily serve these areas.

Walksheds were defined for neighborhood parks using a ¼-mile primary and ½-mile secondary service area with travel distances calculated along the road network starting from known and accessible access points at each park. Walksheds for community parks were derived using ¼-mile, ½-mile, 1-mile and 2-mile travel distances to acknowledge that community parks serve a wider array of users and driving to such sites is typical.

Gaps in parkland distribution appear in nine main areas of the city:

- Central Medford, between North Medford High School and Wilson Elementary School
- Southwest Medford, near South Medford High School
- West Medford, generally near Rossanley Drive and N Ross Lane
- South Medford, east of I-5 from U.S. Cellular Community Park
- Southeast Medford, near N Phoenix Road in the Larson Creek area
- Southeast Medford, southwest of Hillcrest Road and Foothill Road
- Southeast Medford, northwest of Hillcrest Road and Foothill Road
- Southeast Medford, near Hillcrest Road between Prescott Park and Chrissy Park
- North Medford, near Abraham Lincoln Elementary School

Meeting the intent to provide a neighborhood or community park within a reasonable walking distance (e.g., ½-mile) will require both acquiring new park properties in currently under-served locations, improving multi-modal transportation connections to allow local residents to safely and conveniently reach their local park and re-evaluating the potential use of school sites as surrogates for local neighborhood parks. As the City of Medford continues to grow and acquisition opportunities diminish, the City will need to be prepared to take advantage of acquisition opportunities in strategic locations to better serve the community.

In years past, the City of Medford had an interlocal agreement with the Medford School District for access to certain school sites for off-hour and weekend usage as parkland. The agreement expired, and several school sites were removed from the parks inventory, which exacerbated existing gaps in parkland access. Several of the gaps areas noted above can be served through the re-establishment of certain school sites as neighborhood parks during non-school hours. Specifically, the City should re-initiate conversations with the District for the renewed usage of, at least, the following sites to serve as proxy neighborhood parks and as a means to enhance public access to recreational lands within reasonable walking distances:

- Abraham Lincoln Elementary School

- Wilson Elementary School
- Roosevelt Elementary School
- Lone Pine Elementary School (to improve access from the west)

Resulting from this assessment, potential acquisition areas are identified for future parks and are noted in the Capital Facilities Plan component. The greatest documented need is for additional neighborhood and community parks to improve overall distribution and equity, while promoting active-use recreational spaces that can accommodate field sports, court sports and open play.

Parks Facilities Plan

~~A new planning concept involves improving pedestrian and bicycle access and connectivity for parks and facilities in Medford. Strategies include developing bike lanes and paths connecting into the existing Bear Creek Greenway path and adding east-west connections, along with connections between parks.~~

~~The strategies in the facility plan are designed, in part, to provide facilities that will accommodate new programs and services, as the City expands its role in providing recreation programs and services to the Medford community and the region overall.~~

~~The Facilities Plan Map is a graphic representation of the park system at build-out. **Figure 3, Facilities Plan**, illustrates the conceptual location and routing of proposed park sites and paths/trails, along with the location of existing facilities. This conceptual plan takes into account general land-use patterns, the expertise of key City staff, and existing plans for parks (i.e., the Southeast Plan). However, the map does not pinpoint exact locations for these sites. Some important notes about the Facility Plan include:~~

- ~~1. Each site is coded with letters and numbers (such as NP-12). The letter represents the park type, and the number is for site identification only. These references are included on the **Figure 3, Facilities Plan** and with project descriptions for each site. Some sites have more than one designation (CP/OSG, a Community Park with Open Space Areas within part of the park land).
NP ——— Neighborhood Park
CP ——— Community Park
SU ——— Special Use Area
LP ——— Linear Park
OSG ——— Natural Open Space Areas/Greenways
UD ——— Undeveloped Park Land
P ——— Path~~
- ~~2. On **Figure 3, Facilities Plan**, colored asterisks indicate proposed neighborhood parks, community parks, and special use areas. The symbols show a general location for each proposed park. The final location of park sites will be determined later in the development of City plans and~~

~~will be influenced by land availability, acquisition costs, and property ownership. When possible, the proposed location matches existing City plans.~~

- ~~3. Names for proposed sites are for *reference only* and have not been approved by City staff, the Parks Commission, or the City Council.~~

PARKS & RECREATION FIGURE 3—Facilities Plan

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Key points of the facilities plan are summarized below:

- Improvements are proposed to most of the City's parks. Improvements include replacement or repair of aging facilities, changes to facilities to reduce maintenance costs, repair due to vandalism, and the addition of new facilities to reflect the changing needs of a maturing park system. These projects are not growth-related, and therefore not eligible for System Development Charge (SDC) funding.
- Significant upgrades are proposed for the outdoor pools at Hawthorne and Jackson parks. Maintenance costs for these two pools (which have aged beyond a pool's typical lifecycle) have become extreme. It recommends that the City evaluate the feasibility of replacing Hawthorne Pool with a water park at some location within the City.
- The plan also recommends that the City develop an indoor recreation center/aquatic facility in the long term to meet swimming and gymnasium needs.
- One new gymnasium with two courts was funded in the 2005–2007 biennial budget at the existing Santo Community Center, and was completed in 2009.
- Four new community park sites have been identified to meet future service area needs as well as community needs for sports facilities.
- The plan identifies U.S. Cellular Community Park as having mixed park uses.
- The acquisition and development of several small greenway connectors is planned to support the intra-community path/trail system and to increase park connectivity.
- A joint plan for developing Alba Park and the Carnegie Building is contemplated.
- The plan supports efforts for funding and implementing the *Bear Creek Master Plan* and completing path/trail linkages along Bear Creek.
- Existing City park land will be utilized for new parks whenever park service area requirements can be met.
- Working with partner agencies to help meet the demand for indoor and outdoor sports facilities will be a high priority.
- The City will seek to acquire park land in advance of need to reduce land acquisition costs.
- Opportunities for program marketing and public information will continually be sought out.
- An increase in the following recreation programs and services is anticipated: aquatics, instructional classes, special interest programs, outdoor programs, special events, and senior programs.
- The Plan anticipates increasing recreation programs fees in alignment with fees charged by other providers community-wide, while implementing scholarship programs and discounted services for residents in need.
- Improved maintenance management through cost tracking to improve maintenance levels of service at parks and recreation facilities is identified as a priority.
- The City will consider all sources of funding, including bonds, levies, grants, donations, and sponsorships, to address existing financial challenges.

Level of Service Assessment

Medford’s current level of service (LOS) is examined using the existing, adopted standard of 1.56 acres per 1,000 residents for neighborhood parks, 2.75 acres per 1,000 residents for community parks and 20 acres per 1,000 residents for greenways and open space. When current populations of the City is compared to the park acreage standards for measuring park land needs, the difference between existing acreage and “demand” for park acreage to meet the standard is considered the “need” in future acreage. The tables below highlight the measurements for the City’s current level of service (LOS) at the existing standards.

In examining Medford’s neighborhood park acreage, the City has reached 105% of its adopted standard for park acreage. This performance measurement weighs the existing acreage (128.4 acres) against the “demand” (121.1 acres) at the current population (77,655). A surplus of 7.28 acres exists today for neighborhood parks. As the regional industrial, medical and service center, Medford can expect significant population changes in coming years, especially with the proposed UGB expansion, planned developments in southeast Medford and proposed residential density increases. Using the current park land inventory and the projected increase in population, the level of service for neighborhood parks will decrease from 1.65 acres per 1,000 to 1.16 acres per 1,000. In order to reach the existing standard of 1.56 acres per 1,000 for neighborhood parks, Medford will need to acquire nearly 45 acres in the coming ten years.

Figure 5. Medford Level of Service Performance for Neighborhood Parks

Metric	Measurement			
Existing Level of Service (LOS) Standard	1.56 acres per 1,000 residents			
2015 Population	77,655 residents			
2026 Population Projection	111,025 residents			
Parkland Acreage (Neighborhood Parks)	Total		Developed	
City-owned & maintained	127.08	acres	93.81	acres
Total	128.42	acres	93.81	acres
Level of Service	2015	2026	2015	2026
Effective Level of Service based on total acreage (acres/1,000 residents)	1.65	1.16	1.21	0.84
Net LOS to Standard (acres/1,000 residents)	0.09	(0.40)	(0.35)	(0.72)
Performance to Standard	106%	74%	77%	54%
Acreage surplus (deficit)	7.28	(44.78)	(27.33)	(79.39)

The removal of 65.4 acres of school lands classified as neighborhood parks has reduced the City’s level of service, and the relationship with the school district should be re-assessed to include school sites into the inventory to help address both the acreage need projected for the future, as well as the parkland distribution need to fill the identified watershed gaps in the system.

The City currently is meeting its adopted service standard for community parks, as well, and has reached 116% of its adopted standard for park acreage. However, with projected population growth, the current surplus of 34.4 acres will turn to a deficit of 57 acres by 2026. Population growth will create a demand for an additional 91 acres of community parkland to meet this adopted standard.

Figure 6. Medford Level of Service Performance for Community Parks

Metric	Measurement			
Existing Level of Service (LOS) Standard	2.75 acres per 1,000 residents			
2015 Population	77,655 residents			
2026 Population Projection	111,025 residents			
Parkland Acreage (Core Parks - City + MUGA)	Total		Developed	
City-owned & maintained	247.95	acres	226.54	acres
Total	247.95	acres	226.54	acres
Level of Service	2015	2026	2015	2026
Effective Level of Service based on total acreage (acres/1,000 residents)	3.19	2.23	2.92	2.04
Net LOS to Standard (acres/1,000 residents)	0.44	(0.52)	0.17	(0.71)
Performance to Standard	116%	81%	106%	74%
Acreage surplus (deficit)	34.40	(57.37)	12.99	(78.78)

Community and neighborhood parks are the ‘work horse’ parks of the Medford park system, inasmuch as they provide the land base to accommodate a range of mixed recreational uses, park infrastructure (i.e., parking, restroom, etc) and the potential for sport fields. As such, the City’s priority should be to secure adequately-sized properties to design as neighborhood or community parks to maximize the recreational utility value of those sites for the future.

A similar approach was used to examine the level of service for the City’s greenways and natural open space. The performance to the standard is 127%, representing 1,978 acres of existing open space in relation to the demand at the adopted standard of 1,553 acres. If the open space inventory were held constant, the existing surplus of 424 acres will grow to a deficit of 242 acres by 2026, which represents a growth-based demand for an additional 667 acres of greenway and open space in the coming decade. The 2016 LSP eliminated the acreage standard for greenways and open space lands and recommended the development of a specific conservation and greenways plan to assess and identify key targets for future land conservation and corridor linkages.

As noted above, the City should consider re-establishing an interlocal agreement with the Medford School District for the usage of school sites to serve as proxy parks during non-school hours. While

this option may not be ideal, it can illustrate the power of cooperation between the organizations for the benefit of the residents of Medford. The inclusion of at least some of the previously delisted school sites into the inventory will substantially aid Medford in attaining the service standards for both neighborhood and community parks. Additionally, the City should continue to coordinate and negotiate with residential developers to secure, set-aside and construct future parks in areas with planned residential growth.

Park Land and Facility Needs

Proposed Park Land

Ten additional neighborhood park sites and four community park sites were identified by the community to meet Medford's vision for parks. However, the 25-year project list adopted on January 19, 2006 did not include a number of the proposed sites because the City could not support a Parks System Development Charge (SDC) large enough to include all park projects. As these are typical facilities for a city the size of Medford, additional creative funding sources will be pursued for these facilities. As opportunities to develop greenways and linear parks along creeks, canals, utility corridors, and roadways arise, the City will seek to develop a path/trail system that will interconnect parks, schools, and recreation facilities. The City will also seek opportunities to add linear park and open space/greenways to include trails and paths.

PARKS & RECREATION TABLE 3: PROPOSED PARKS

Park Type-Site Number ³	Area
NP-47	Brookdale Park
NP-45	Cedar Links Park
NP-56	Cherry Park
NP-21	Columbus Park
NP-49	Country Club Park
NP-51	Foothills Park
CP-55	Hillcrest Park
CP-27	Hopkins Creek Park
SU-62	Larson Creek (Middle Fork) Park
SU-50	Larson Creek (North Fork) Park
SU-59	Larson Creek (South Fork) Park
NP-12	Liberty Park
NP-4	Midway/Merriman Park
NP-13	Oak Grove Park
NP-58	Oak Tree Park
CP-53	Orchard Park
NP-10	Ross Lane Park

³ Each site is coded with letters and numbers (such as NP-12). The letter represents the park type, the legend to these abbreviations can be found at the bottom of the Table. Some sites have more than one designation. For example, CP/OSG is a Community Park with Open Space Areas within part of the park land. The site number is for site identification only. These site numbers are included in **Figure 3, Facilities Plan**.

Park Type-Site Number ³	Area
CP-57	Shamrock Park
CP-20	Sunset Park
NP-28	Whittle Avenue Park

Legend:

- NP ——— Neighborhood Park
- CP ——— Community Park
- SU ——— Special Use Area
- LP ——— Linear Park
- OSG ——— Natural Open Space Areas/Greenways
- UD ——— Undeveloped Park Land
- P ——— Path

Proposed Paths and Trails

The following table lists the proposed paths/trails that are noted in the Path and Trails Plan. Each proposed path/trail should be assessed for its suitability to develop as part of a linear park or greenway, in order to meet community needs for these park types. Preliminary indications for path/trail inclusion as a linear park (LP) or open space greenway (OSG) are noted in the table, along with any applicable comments. Each proposed path/trail should also be assessed to determine its type. As new parks are developed, internal paths/trails will be constructed in addition to those noted in the following Table 4.

Figure 2, Path and Trails Plan shows the proposed path/trails, including existing paths and conceptual routes for proposed multi-use paths, planned sidewalks, and planned bicycle lanes. Park trails are typically too short to be visible on a City-wide map, at the scale shown. Note that bike lanes not only provide connections where off-street paths are not possible, but they also support commuter bicycle travel. The 2009 project list funds a new category of “trails” to be constructed in Prescott Park.

PARKS & RECREATION TABLE 4: Proposed Paths

Site Number ⁴	Name	Linear Park (LP) and/or Open Space Greenway (OSG)	Comments
P-2	East Vilas Road Path		
P-3	Medco Haul/Cedar Links Road Path	LP	Connects P-2, Kennedy School, NP-45 and P-6
P-4	Crater Lake Hwy Path		
P-5	Hopkins Creek Path	OSG	Follows the Hopkins Canal
P-6	Foothill Road/Main Canal Path	LP/OSG	Connects Prescott, East McAndrews Path, SU-48, SU-50, and Larson Creek Greenway
P-7	North Fork Lazy Creek Path	OSG	Connects Prescott, East McAndrews

⁴The site number is for site identification only. These site numbers are included in **Figure 3, Facilities Plan**.

Site Number ⁴	Name	Linear Park (LP) and/or Open Space Greenway (OSG)	Comments
			Path, Oregon Hills Park, SU-48, P-6, and P-8
P-8	East McAndrews Path Extension	LP	Connects East McAndrews Path, Oregon Hills Park, and CP-55
P-9	Prescott/Chrissy/SE Area Path	LP	Connects Prescott and Chrissy Parks
P-10	Larson Creek (North Fork) Path	OSG	Connects P-9, NP-56, CP-57, and SU-50
P-11	Larson Creek (Middle Fork) Path	OSG	Connects the Bear Creek Greenway to the two existing OSG for Larson Creek
P-12	Larson Creek (South Fork) Path	OSG	South Larson Creek
P-14	Garfield Street Path	LP	Connects Jefferson School Park to Bear Creek Greenway
P-15	S. Stage Road Path	OSG	Connects Bear Creek Greenway at the Medford US Cellular Community Park along S. Stage Road
P-16	Table Rock Path	OSG	Connects Biddle Rd. to Table Rock Rd.

Proposed Specialized Facilities

Aquatic Facilities

~~As of summer 2010, the City of Medford is involved in a multi-year evaluation of the City's aquatic facility needs. Therefore, this 2010 update does not report any final conclusions from the multi-year aquatic facilities study because it is still underway. Although outdated, 2006 aquatic facility needs have been included for historical reference, and will be updated upon the conclusion of the current evaluation of the City of Medford aquatic facility needs.~~

~~In January 2007, the City retained ORW Architecture and Councilman Hunsaker to evaluate an aquatic master plan (called the Aquatic Facility Planning Study) to focus on the future of aquatics for the community. Seven concepts for continuing aquatic improvement for the City of Medford were developed for consideration.~~

~~In November of 2008, REMI Northwest completed an analysis evaluating fiscal regional economic impacts of pool facilities improvement alternatives for the City. In November of 2009, the City of Medford contracted Ogden, Roemer Wilkerson Architecture (ORW) with the following scope of work:~~

~~*Follow a public input process along with major considerations that have been made through recommendations to the City of Medford through the 2007 Aquatic Facility Planning Study and REMI Northwest Feasibility Study in developing a master plan for a regional water park facility. Identify necessary land use studies that will need to be completed and develop cost estimates associated with the facility. Identify possible*~~

~~sites for relocation of the current dog park and BMX facilities along with cost estimates for those relocations.~~

- ~~1. **Indoor Swimming Pool:** For many years, City residents have desired an indoor swimming pool. In 1999, a bond measure was introduced to fund such a facility, but it failed. The 2004 recreation survey, conducted as part of the Parks Element update effort, showed continued support for an indoor pool. The needs assessment identified market support for an indoor swimming pool. However, it was recognized that an indoor aquatic complex would have a regional draw and should be developed and funded by either a regional agency or a partnership with adjoining cities. The City has identified a need for one indoor pool, and the future need for two additional indoor pools.~~
- ~~2. **Outdoor Swimming Pool:** Currently, both outdoor pools managed by the City are old and have reached the end of their useful life. The future of Hawthorne and Jackson pools will depend on the timing of the construction of an indoor swimming pool. In the near term, the City will seek to keep both pools operational. In the long term, they will become prohibitively expensive to maintain, and the pools will need to be replaced. Replacement of these pools will not be eligible for System Development Charge (SDC) funds.~~
- ~~3. **Large Water Park/Playground:** This Parks Element proposes the development of a large water park/playground. The proposed water park/playground may replace one or both of the aging outdoor pools in a manner that recognizes the most contemporary trends for outdoor pool facilities.~~

~~*Youth Activity Center*~~

~~Youth activities that were formerly offered at the Jackson Park Activity Center have been moved across the street to the Santo Community Center into an existing building which has been converted for this purpose. This facility compliments the existing meeting/class rooms and gymnasium at the Santo Center.~~

~~*Jefferson Nature Center*~~

~~A natural resource center has been developed at the U.S. Cellular Community Park. This facility utilized an existing farmhouse located on the site. The facility houses offices, exhibits, and educational opportunities focusing on local ecosystems, as well as the current and historic aspects of the Rogue Valley. This facility is operated and managed by the Jefferson Nature Center, a non-profit special interest group.~~

~~*Indoor Recreation Center*~~

~~Because of the demand for indoor recreation space including gymnasiums, the City has adopted a project list that includes the development of three multi-purpose indoor recreation centers, twelve gymnasium courts, and a 10,500 square foot indoor swimming pool. Currently, access to school facilities has become difficult because of the demands of other user groups. Such indoor facilities would expand recreation opportunities considerably and help meet community needs for gymnasium and programming space. According to the 2004 survey and input at the public meetings, recreation centers would have substantial community support.~~

~~Desired amenities within or adjacent to a recreation center include:~~

- ~~• Indoor pool/outdoor water park~~
- ~~• Gymnasium space for basketball, volleyball and similar activities, and organized sports~~
- ~~• Fitness space (exercise/aerobics areas and weight training rooms)~~
- ~~• Places for large group gatherings~~
- ~~• Multi-purpose classrooms and meeting space~~
- ~~• Specialized activity areas, such as dance studios, stage for performing arts, and other indoor recreation activities. An indoor recreation center could become a part of an indoor aquatic complex described above.~~

Public Restrooms

~~The public has clearly requested that restrooms be placed in public parks. Although public restrooms in parks are expensive to construct and maintain, they provide a convenience to the park user.~~

- ~~• Permanent restrooms will be provided in Neighborhood and Community parks~~
- ~~• Portable restrooms may be provided to facilitate seasonal uses of parks~~

Sports Facilities

~~The current deficiencies in sports facilities are:~~

- ~~• Two adult natural turf or one artificial turf baseball fields~~
- ~~• One additional indoor pool to meet the current need~~

~~The need for additional sports fields and facilities were noted in the survey and documented in the Needs Assessment. The following is a list of objectives for the development and management of sports facilities:~~

Sports Facility Development Objectives

- ~~• Work with partner agencies, especially schools, to help meet demand for indoor and outdoor sports facilities. Develop and maintain inventories and evaluations of shared sports facilities.~~
- ~~• Continue partnering with the school districts to ensure community access to school gymnasiums.~~
- ~~• Assess existing and proposed sites for the feasibility of developing additional sports fields, particularly adult softball fields, youth baseball/softball fields, and adult and youth soccer fields.~~
- ~~• Design soccer fields to accommodate related field sports, such as lacrosse, ultimate Frisbee, and rugby.~~
- ~~• Provide all-weather field surfaces and outdoor lighting to expand usability and playing seasons in community parks, special-use facilities, or in shared school/park facilities. Consider lighting impacts to nearby residences when developing plans for these facilities.~~
- ~~• Design sports fields in complexes to facilitate tournament play and league play, as well as to improve maintenance and programming efficiencies.~~
- ~~• Pursue partnerships to develop a multi-use, indoor aquatic complex (in the long term).~~

Sports Facility Management and Operations Objectives

- Consider a three-tier maintenance schedule for sport fields with tournament fields receiving the highest level of maintenance and practice fields receiving the lowest level of maintenance.
- Create a field scheduling committee to maintain the most efficient use of fields. This committee should be headed by City staff, but include representatives of the user groups and school officials. The procedure for scheduling should follow the methodology created in the Needs Assessment.
- To maintain the fields for quality playing conditions, a rest and rotation schedule should be developed and followed.

Path and Trails Plan

The Path and Trails Plan identifies potential routes for recreational trails, paths, and bikeways to provide a safe path network that links neighborhoods, parks, schools, recreation sites, and other community attractions.

The plan includes:

- Off-street paved, multi-purpose paths for walking and recreational biking.
- A geographic distribution of path/trails balanced throughout the City. Acquisition of additional routes for future trails and paths can be extremely challenging and/or expensive, especially in West Medford where development is extensive.
- Creation of a path and trail system will require inter-departmental cooperation for successful development of off-street paths during the construction of new streets.

The Path and Trails Plan includes a major intra-community system to provide linkages between parks, community facilities, residential areas, schools, and open space sites. The system is based on providing east-west linkages to connect to the Bear Creek Greenway path.

Some of the path pieces are already owned and maintained by the City. However, most of the system is not in place. Much of Medford will have to be retrofitted to accommodate paths. With an aggressive approach toward connecting existing and future pieces, Medford could create an extensive network to provide a wide variety of path/trail experiences. The focus of path/trail development should be placed on undeveloped areas with consideration for development in "future growth areas" outside the current Urban Growth Boundary. Since the City's undeveloped areas are fast being developed, these paths/trails are most urgent. Medford also needs to place more emphasis on the maintenance of paths and trails already in existence.

In public involvement venues, the community expressed a preference for off-street, paved paths for pedestrian and bicycle use. However, where path opportunities have been lost to development, it may be necessary to construct on-street sidewalks and bike lanes to complete specific segments. The plan also contemplates coordinating with Jackson County the joint planning and/or development of paths or trails that lay outside of the City's Urban Growth Boundary.

Several of the proposed paths may be developed within linear parks and greenways, where wider corridors (minimum fifty feet) can be acquired. This development will help meet identified community needs for open space, greenways, and linear parks.

Paths will have concrete or asphalt surfacing, with their width varying from five feet to twelve feet. Paths currently exist throughout the City, within parks, along streets, and adjacent to greenways. The Parks Element identifies the need for 18.7 miles of paths. The 2009 SDC Capacity Improvements Plan has included thirteen miles of paths for development to serve future needs.

Trails will have gravel or natural soil surfacing, with their width varying from five feet to twelve feet. Trails currently exist within Prescott Park and are scattered throughout a few Neighborhood and Community Parks, such as Bear Creek, Donahue-Frohnmyer and Holmes Park. The Parks Element identifies the need for 13.2 miles of trails. The 2009 SDC Capacity Improvements Plan has included 11.3 miles of trails for development to serve future needs.

Path and Trail Types

The purpose of the ***Path and Trails Plan***, shown in ***Figure 2***, is to show how existing and proposed park and recreation facilities can be interconnected via a path system. The proposed plan identifies conceptual routes for paths. However, park trails would require a level of detail that can not be made visible on a City-wide map, at the scale shown.

Paths within Public Street Rights-of-Way

- The easiest walkways and bikeways to build are those within public street rights-of-way. These include three types:
 - *Sidewalks and on-street bicycle lanes:* Pedestrian/bicycle ways within public street rights-of-way are typically sidewalks and on-street bicycle lanes. By state law, all new streets must have sidewalks and all new major streets must have bicycle lanes. Medford also requires sidewalks to be set back from traffic lanes by a planter strip. The adopted *Medford Transportation System Plan* (TSP) indicates existing and planned bicycle lanes and sidewalks. The planned walkways and bikeways will be part of new streets or improvement projects. The Medford Bicycle and Pedestrian Advisory Committee have developed recommendations regarding funding priorities.
 - *Paths within street rights-of-way but separated:* Paths that are within street rights-of-way but separated have two major concerns: (1) they can be dangerous, and (2) they result in having to acquire a much wider right-of-way. These separated paths are undesirable because they are not perceived as a sidewalk, yet they cross many driveway and street intersections. These paths require very detailed design for even minimal safety. Paths that are along a continuous feature, such as the Biddle Road Path, can be safer since there are few intersections. These routes are ideal within linear parks; however, they are unsafe for cyclists if they do not have suitable locations to enter or exit from the street without causing the cyclist to ride against traffic. Additional on-street bicycle lanes are needed when a path abuts a major street to avoid conflicts between walkers and faster cyclists. This results in the need for a very wide right-of-way which can be

nearly impossible to acquire in a developed area due to cost and impact. A separated path along a street, if necessary, can be accommodated more easily in undeveloped areas and would have to be coordinated very closely with street design engineers.

- *Accessways:* Accessways are short public paths that serve as connections for non-vehicular travel. The City requires accessways to be constructed when cul-de-sacs are necessary or where there are overly long blocks. They are also useful to provide access to parks and schools if they do not abut a street.

Paths Not Within Street Rights-of-Way

- Rights of ways for paths that are not within streets are very difficult to acquire unless done at the time of initial land planning and development. Property owners are often reluctant to grant or sell easements or land, and often object to having the public near their property if not on a street. These issues can be reduced if a detailed path and trail plan is adopted prior to any development. Studies have shown that properties near paths/trails have higher values. Paths should not be crossed frequently by at-grade intersections, so the best locations are along linear features that have few access points or crossings such as creeks, canals, freeways, airports, railroads, etc. Several proposed paths have been adopted in the *Medford Transportation System Plan*. Many irrigation canals exist in Medford, usually within easements granted to the Irrigation Districts. The City should work with the property owners and districts to obtain public access easements along the canals as some other Southern Oregon cities are doing. This opportunity will peak when the canals are piped to reduce evaporative loss from the open ditch that exists today. The path can then be developed over the piped irrigation canal.

Paths/Trails in Greenways

- Greenways are typically linear open space areas and contain natural habitat or vegetation, and most often, a waterway or wetland. Greenways can be less difficult to acquire since they are undevelopable, and property owners may be willing to donate or sell them. Medford already has regulations that restrict disturbance within fifty feet of the top of bank of Bear Creek, Larson Creek, and other fish-bearing streams. Medford also has an adopted Greenways and Paths Plan for the Southeast Plan Area. Policies to guide the management of these existing greenways are needed.

To meet community needs for both path/trails and greenways, it is recommended that the City Council set a policy to strive to acquire all remaining natural areas that lend themselves to being greenways. Eugene has similar policies in place to protect riparian habitat. A Riparian Area Inventory and Assessment has already been prepared for the Medford UGB. In the past, Medford has avoided acquiring natural areas or their maintenance responsibility due to a lack of committed funding. However, public agencies may be the best stewards of such areas and greenways lend themselves to outdoor education/recreation opportunities as well as creating open space and separation between residential areas. Greenway path/trails also provide opportunities for many top ranking recreational activities, both in terms of measured local participation and national and state trends.

~~Greenways often contain paths/trails, which can conflict with habitat preservation. However, path/trails in greenways are less objectionable to property owners because few greenway path/trails directly abut private properties. It is recommended that the City Council set a policy to acquire public access easements when storm water maintenance easements are acquired within and along waterways. This dual purpose use is required within the Southeast Area.~~

Needs / Priorities

Community Parks

With the exception of Prescott Park, all of Medford's community parks are developed and in good condition. The City should improve community parks as needed to ensure proper maintenance, usability and quality of park features and grounds. Future enhancements or upgrades to community parks should include shaded picnic areas or picnic tables, shade structures for playgrounds, nature play areas, community gardens and accessibility improvements. The City should also pursue the development of a fully-inclusive, accessible playground to provide play opportunities for people with physical or mobility disabilities.

The pending development of Prescott Park is a long-awaited improvement for the Medford community. The site was master planned in 1984 with updates in 1999, 2008 and 2010. Improvements to the park are planned to include an all-weather loop road, trails for hiking, bicycling and horseback riding, overlooks, interpretive signs, restrooms, equestrian/auto parking, lodge for classes and covered pavilions, off-leash dog area, caretaker residence and maintenance yard. Beyond the improvements noted in the master plan, Prescott Park could provide regional value via connections to the Pacific Crest Trail (PCT) and connections to Chrissy Park and the Bear Creek Greenway, among others.

Neighborhood Parks

Medford currently has three undeveloped neighborhood park sites. Development of these parks would greatly improve recreational access for nearby communities.

The City purchased a 5.4-acre piece of the former Cedar Links golf course in 2011 to create a neighborhood park. The site was master planned to include playground equipment, a restroom, parking and a picnic shelter, as well as two half-court basketball areas. Much of the interior of the park on the west side will be a large open play area with a looped walking trail.

Midway Park is a 3-acre site located adjacent to Railroad Park and immediately west of I-5. The park was master planned as a neighborhood park to provide outdoor recreation opportunities for nearby residents. The park will include a dog park, playground, basketball court, restrooms, picnic areas and parking. The park will also include a berm along the east side of the park, adjacent to I-5. The park will connect the neighborhood to Railroad Park and the Bear Creek Greenway.

Chrissy Park is a large and unique park property on Medford's eastern edge. The site is 166 acres in size and will serve multiple purposes. A 10-acre portion of the site along Cherry Lane

will provide neighborhood park amenities for nearby residents. The park will also serve as both a special use area with hiking and equestrian trails and as a natural open space area. The park has been master planned, and amenities include sport courts, cycle cross, picnic areas, hiking trails, equestrian trails, disc golf, a playground, restrooms and parking. Chrissy Park is also planned to connect to Prescott Park and link with corridors along the riparian alignments of the Middle and North Forks of Larson Creek.

In general, the City should make improvements to neighborhood parks as needed to ensure proper maintenance, usability and quality of park features and grounds. The City could also consider adding playground shade structures, half-court basketball courts, small skate park elements and other recreation features in the development of new or existing neighborhood parks to expand recreational opportunities.

School Parks

School grounds in Medford play a role in its overall park system. While school sites may offer an open field or play equipment, daytime access is restricted by school use and limited for security concerns. During non-school hours, public elementary and middle school properties provide functions very similar to neighborhood parks. Unfortunately, and as noted earlier in this chapter, the expiration of the agreement between the City and the Medford School District resulted in several school parks being removed from the inventory.

The City should re-initiate and revitalize its relationship with the District and seek agreement on a new usage arrangement that can benefit the residents of Medford. Specifically, such an agreement should consider options for the following:

- Utilize school grounds during non-school hours in areas where there are no other opportunities to provide parks for the service area
- Accommodate sport field usage for league practices and recreational programs (e.g., Wilson) and consider options for joint redevelopment or renovation of field turf to improve playability and safety
- Consider cost-sharing for maintenance and security, as well as improvements
- Re-examine options for reduced or waived fees for indoor facilities and priority access for scheduling, in balance with an option for shared renovation costs for outdoor facilities

Paths & Trails

Recreational path and trail connections, improvements and relationships to streets, sidewalks and bike lanes have been cited in numerous Medford plans. The Transportation System Plan identifies future needs in the multi-modal, non-motorized transportation system for the community.

The proposed path and trail network plan is illustrated on Map 2, and it includes the following proposed segments:

- Prescott Park trails
- Alignments along the Middle and South Forks of Larson Creek

- Alignments along Lone Pine Creek, Lazy Creek and sections of the irrigation canal
- Lateral connections from U.S. Cellular Community Park to Larson Creek
- Alignment connecting Prescott Park to the Lone Pine Creek corridor along PP&L property
- Alignments along the Upton Slough and portions of the Hopkins Canal

In addition to the proposed recreational path and trail alignments noted in this Plan, Medford may want to consider a stand-alone trail plan to identify and reinforce the need for off-street, recreational trail improvements to improve community connectivity.

Cooperation with Jackson County in conducting a unified regional trail plan for both the City and the greater Medford region could further planning efforts as the community grows and may provide valuable implementation strategies for a better connected path and trail system, while improving project eligibility for both transportation and recreation grant funding.

Also, such a plan could explore and consider alignment options to connect to lands held by the Bureau of Land Management. For example, regional connections to the Pacific Crest Trail (PCT) could enable better PCT access and better options for PCT hikers to stop for services or choose section hiking waypoints. Additionally, a regional planning effort could also support the vision to extend the Bear Creek Greenway farther north and south and to further enhance the significance of the pathway.

Recreation Centers & Aquatics

Interest and participation in the City's recreation programs are increasing annually. However, the number and types of activities the City can offer in its facilities are limited by a lack of facility capacity. Although school facilities provide additional activity space, these partnerships no longer meet the needs of Medford's residents. Additional recreation, fitness and community space is needed to promote wellness, active recreation and social engagement.

To meet this need, the City should pursue a multi-use indoor facility to enable comprehensive recreation programs for Medford residents. Such a facility would allow the City to control facility design, programming, scheduling and fees to more effectively meet community needs. Development of an indoor recreation facility requires extensive planning, including a feasibility analysis, appropriate site, and management and operation plans, as well as exploration of potential financial and programming partnerships. The facility should include gymnasiums, classrooms and multifunctional rooms, fitness rooms and a lap swimming and leisure aquatics facility. The facility may also include civic space (i.e., library, city service center/offices, etc.) or other leasable office space depending on the potential to secure funding partners with interest in co-locating at the facility. Partnerships may be necessary to offset development and operational costs. Given that the region recently lost the pool at Southern Oregon University and strong demand remains, the Department should take the lead role in soliciting assistance from other agencies and organizations, as needed. Potential partners may include the Medford School District, Jackson County, nearby municipalities (e.g., Ashland, Shady Cover, Butte Falls, Grants Pass, White City), nearby school districts (Crater, Phoenix), Rogue Community College and Southern Oregon University.

It is recognized that funding will be a challenge and there is a real and significant need to balance what the community says it wants with what the community is willing to fund. Although several past City bond attempts for a pool failed, it was voted down by the same percentage as the sports park did during its first attempt at public financing. There is potential to pursue a combined bond between the City and the Medford School District, which would demonstrate the partnership potential and due diligence by both agencies to develop a facility that jointly meets needs for recreational program space. Also, if the school district were willing to co-sponsor a financing package, the Oregon Legislature recently approved legislation for bond funding of aquatic facilities that is a competitive grant program for school districts to access state funds. Additionally, the Parks and Recreation Department should seek private construction capital and seek the potential re-use of existing bond repayment funds to lessen the total funding request of voters.

Funding

~~The following 25-Year Capital Improvement Plan was adopted by the City Council on January 19, 2006, funded by a three-step Parks System Development Charge (SDC) increasing over three years. A Parks SDC fee for new single family residences of \$2,544 started at 80% of this amount in 2006, moved to 90% in 2007, and 100% in 2008.~~

~~PARKS & RECREATION TABLE 5: CAPITAL IMPROVEMENT PLAN, 2007-2032~~

Capital Improvement Plan, 2007-2032	
Item	Cost
2007 – 2012 Budget	
Neighborhood Parks	\$1,860,000
Community/Urban Parks	\$2,718,765
Recreation Facilities	\$444,300
Sub-total:	\$5,023,065
2012 – 2017 Budget	
Neighborhood Parks	\$1,200,000
Community/Urban Parks	\$3,000,000
Recreation Facilities	\$549,000
Sub-total:	\$4,749,000
2017 – 2022 Budget	
Neighborhood Parks	\$1,860,000
Community/Urban Parks	\$2,589,300
Recreation Facilities	\$596,700
Sub-total:	\$5,046,000
2022 – 2027 Budget	
Neighborhood Parks	\$1,207,500
Community/Urban Parks	\$2,589,300
Recreation Facilities	\$889,000
Sub-total:	\$4,685,800
2027 – 2032 Budget	
Neighborhood Parks	\$2,835,000
Community/Urban Parks	\$0
Recreation Facilities	\$1,916,420
Sub-total:	\$4,751,420

Capital Improvement Plan, 2007-2032	
Item	Cost
25-year Compliance Costs	<u>\$1,575,000</u>
TOTAL	\$27,822,500

The total cost for the 2005 preliminary 25-Year Parks Master Plan was estimated to be \$118,951,250, requiring an SDC for new single family residences of \$5,900. This was far more than the City financed through SDC at that time. The City adopted a reduced project list in 2006 totaling \$27,822,500 by eliminating a standard for Special Use Areas and linear parks; eliminating five Neighborhood and two Community Parks; eliminating five Adult Baseball/softball fields, two Football fields, nine Soccer Fields, and one Gymnasium; and by not including Community Centers, an Aquatic Center, and many proposed path/trails. These eliminated facilities may be developed using alternative funding sources or developed with an increase to current SDC rates.

The 2006 25-Year Plan identifies five new Neighborhood Parks for City Council funding, three utilizing existing park land. It also funds the completion of three existing and unfinished Neighborhood Parks. One additional new Neighborhood Park, Summerfield Park, was completed in 2007.

The plan also identifies the sports fields at the existing U.S. Cellular Community Park, the development of one Community Park adjacent to the existing park land at Prescott Park, and the acquisition and development of two new Community Parks for City Council funding.

The following recreational facilities are also included the 2006 25-Year Plan:

- Eighteen Youth Baseball/Softball Fields (\$628,200)
- Thirteen Adult Softball Fields (\$1,006,200)
- Ten Soccer Fields (\$1,941,800)
- Two Gymnasium Basketball Courts (\$1,500,000)
- Two and forty five hundredths (2.45) miles of trails (\$1,126,000)

Summary of Costs for SDC Eligible Growth Required and Deficiency Projects

Item	Cost
1) SDC Eligible Growth Cost	\$23,940,720
2) Park SDC Deficiency	<u>\$3,881,780</u>
TOTAL	\$27,822,500

As the City's population increases, new facilities must be built to maintain the City's current level of park, recreation and leisure services. Growth-required facilities that were not built in the past become deficiency projects which can no longer be funded through park SDC funds. The 2006 25-year cost of deficiency projects totals \$3,881,780, which, when spread out over a 25-year period, will require \$155,271 per year to complete. This is considered achievable, anticipating grants, donations through the Parks and Recreation Foundation, volunteer efforts, as well as non-SDC fund-

~~ing sources, both existing and proposed, such as the Car Rental Tax, the Park Utility Fee, and a \$10,000,000 bond which is assumed in the January 2009 Parks and Recreation System Development Charges Methodology Update.~~

~~The City Council established a Park Utility Fee to be paid by the responsible party for each developed property within the corporate limits of the City. Such fee shall not be imposed in amounts greater than that which is necessary, in the judgment of the City Council, to provide sufficient funds to properly maintain parks, facilities, beautification and right-of-way areas. Collection of the fee for each property shall be made by a monthly charge which shall commence on the first day of August, 2005. The City Council may, from time to time, by ordinance, change the fee based upon revised estimates of the cost of properly maintaining parks, facilities, beautification and right-of-way areas, or other factors identified in the ordinance.~~

~~In 2009, the Medford City Council adopted an update to the 2006 project list with a proportional increase to the Park SDC. The SDC for new single family residences increased May 1, 2009 to \$2,986.00 and May 1, 2010 to \$3,433.00. The 2009 project list added the following projects to the 2006 project list:~~

- ~~• Twenty-eight acres of Neighborhood Park Acquisition and fifty-nine acres of existing and/or new park development~~
- ~~• Fifty acres of Community Park Acquisition and sixty-five acres of existing and/or new park development~~
- ~~• Three Youth and three Adult ball fields~~
- ~~• Nine Gym courts~~
- ~~• Eleven miles unpaved and thirteen miles of paved paths~~
- ~~• 10,500 square feet of indoor swimming pool~~
- ~~• Two Santo-size Community Centers and one small Neighborhood Center~~

~~The Parks Element contemplates all future park funding needs, both required and hoped for. It includes current maintenance and deferred maintenance from past funding shortfalls; replacement of aging facilities; upgrades needed to reduce maintenance costs; and new facilities expected of a vital and contemporary park system. The Parks and Recreation Department proposes a number of innovative funding strategies for the creation and maintenance of a park system the citizens of Medford have envisioned and need for their health and welfare.~~

Guidelines for Site Selection and Development of Parks

~~The following design guidelines apply to the acquisition and/or development of parks within each park classification. Each park classification includes a description of the park type, site selection and development guidelines, features to consider, and features to avoid.~~

Mini Parks

Mini Parks Description:

- ~~The typical mini park user:~~
 - ~~Comes from within a quarter mile or half mile of the park.~~
 - ~~Arrives on foot or by bicycle.~~
 - ~~Visits the park on a short time basis.~~

Mini Parks Site Selection and Development Guidelines:

- ~~Mini parks may be considered when they are privately developed and maintained, or in neighborhoods where there are no other viable options.~~
- ~~Typical size is less than one (1) acre~~
- ~~Access to the site should be provided via a local street with sidewalks.~~
- ~~Mini parks fronting on arterial streets are discouraged.~~
- ~~The site should have a minimum of 100-150 feet of street frontage.~~
- ~~Parking Requirements: On-street parking should be provided as street frontage allows.~~

Mini Parks Features and Amenities to Consider:

- ~~General landscape improvements (including tree planting)~~
- ~~Children's playground or tot lot~~
- ~~Path connecting park elements~~
- ~~Picnic tables and/or small picnic shelter~~
- ~~Interpretive signage~~

Mini Parks Features to Avoid:

- ~~Indoor recreation facilities~~
- ~~Active sports facilities~~

Neighborhood Parks

Neighborhood Parks Description:

- ~~Neighborhood parks provide nearby residents with access to basic recreation opportunities.~~
- ~~These parks are designed to enhance neighborhood identity, preserve or provide neighborhood open space, and improve the quality of life of nearby residents.~~
- ~~They are designed for passive and unstructured activities.~~
- ~~The typical neighborhood park user:~~
 - ~~Comes from within a half mile of the park.~~
 - ~~Arrives on foot or by bicycle.~~
 - ~~Visits the park on a short time basis.~~

Neighborhood Parks Site Selection and Development Guidelines:

- ~~Optimum size is three to five acres, depending upon the availability of land.~~

- ~~At least 50% of site should be relatively level and usable, providing space for both active and passive uses.~~
- ~~The site should have at least 200 feet of street frontage.~~
- ~~Access to the site should be provided via local streets with sidewalks.~~
- ~~Neighborhood parks fronting on arterial streets are discouraged.~~
- ~~Parking Requirements: A minimum of three spaces per acre of usable active park area. Generally, if on-street parking is available, this guideline can be reduced by one car per 25 feet of street frontage. City code requirements may provide more specific parking requirements.~~
- ~~Active and noise producing facilities, such as tennis and basketball courts, should be located at least 100 feet from nearby homes or property zoned for a residential use.~~

~~Neighborhood Parks Features and Amenities to Consider:~~

- ~~Open turf area for unstructured play~~
- ~~General landscape improvements (including tree planting)~~
- ~~Children's playground~~
- ~~Basketball (full or half) court~~
- ~~Path connecting park elements~~
- ~~Internal trail system~~
- ~~Picnic tables~~
- ~~Small picnic shelter~~
- ~~Volleyball court~~
- ~~Multi-use fields for practice~~
- ~~Interpretive signage~~
- ~~Natural area/green space~~
- ~~Permanent restrooms~~
- ~~Community Garden~~

~~Neighborhood Parks Features to Avoid:~~

- ~~High maintenance horticultural or annual plantings, unless sponsored and maintained by a neighborhood or community group~~
- ~~Indoor recreation facilities~~
- ~~Wading pools and similar types of amenities that require staff supervision or highly specialized maintenance~~

~~Additional Considerations for School Parks:~~

- ~~The City may encourage joint acquisition and use of contiguous school and park sites for recreational purposes that are beneficial to both City and School agencies.~~
- ~~Because of jointly developed school/park sites, facilities will be a mixture of active and passive uses.~~
- ~~This could include:~~
 - ~~Paths systems~~
 - ~~Picnic areas/facilities~~
 - ~~Multi-purpose paved court~~
 - ~~Small playground equipment~~

~~○ Baseball and soccer fields~~

- ~~● Because these sites are adjacent to school grounds, landscaping will address safety and security issues.~~
- ~~● Facilities generating crowds and/or noise will be located in a manner so as not to disturb adjoining residential areas.~~
- ~~● When sport fields utilized for league play are located on school grounds, the City should assist in maintaining these fields.~~

Community Parks

Community Parks Description:

- ~~● Community Parks (CP) provide visitors with active and passive recreation opportunities.~~
- ~~● These parks often accommodate large group activities and include major recreation facilities, such as sports fields.~~
- ~~● Community Parks are designed to enhance neighborhood and community identity, preserve open space, and enhance the quality of life of community residents.~~
- ~~● Typical community park users:
 - ~~○ Come from within one mile of the park.~~
 - ~~○ Arrive by auto, bus, bicycle or foot.~~
 - ~~○ Visit the park for one to three hours.~~~~

Community Parks Site Selection and Development Guidelines:

- ~~● Average site size will be 15 acres with the optimum at 20 to 30 acres, but may exceed 50 acres.~~
- ~~● Due to their size requirements, the acquisition of CP park sites will occur far in advance of need. Park development should occur when the area it serves becomes 50% developed.~~
- ~~● When possible CP sites will be located adjacent to middle or high schools.~~
- ~~● At least two thirds of the site will be available for active recreation use. Adequate buffers or natural open space areas will separate active recreation areas from nearby homes.~~
- ~~● The site will be visible from adjoining streets and have a minimum of 400 feet of street frontage.~~
- ~~● Parking Requirements: Dependent upon facilities provided. Generally, 50 off street spaces per ball field are required, plus five spaces per acre of active use areas. City code requirements may provide more specific parking requirements.~~
- ~~● Permanent restrooms are appropriate for this type of park.~~
- ~~● Access to the site will be provided via a collector or arterial street with sidewalks and bicycle lanes.~~

Community Parks Facilities and Amenities to Consider:

- ~~● Tot and youth playground~~
- ~~● Designated sports fields for baseball, softball, and soccer. Fields may be in a complex within the park~~
- ~~● Open turf area for unstructured play~~
- ~~● General landscape improvements~~
- ~~● Looped path system~~

- ~~Internal trails system~~
- ~~Picnic shelters, including at least one capable of accommodating groups of 25 to 50 people~~
- ~~Permanent restrooms~~
- ~~Volleyball courts~~
- ~~Tennis courts~~
- ~~Basketball courts~~
- ~~Horseshoe pits~~
- ~~Other sporting facilities (lawn bowling, croquet, bocce court)~~
- ~~Community scale skate park~~
- ~~Water playground~~
- ~~Off leash dog area or designated dog park~~
- ~~Community gardens~~
- ~~Concessions or vendor space~~
- ~~Interpretive signage~~
- ~~Natural area/green space~~
- ~~Indoor recreation center or other indoor recreation space~~
- ~~Public art~~
- ~~Performance space, such as a stage area or band shell~~
- ~~Special facilities such as an indoor recreation center or swimming pool~~
- ~~Storage or maintenance buildings. If visible, these will be architecturally compatible with other park elements and any exterior work areas will be screened from view~~

Special Use Areas

Special Use Areas Description:

- ~~Special use areas are unique sites often occupied by a specialized facility.~~
- ~~Some uses that fall into this category include waterfront parks, boat ramps, botanical gardens, memorials, community gardens, single purpose sites used for a particular field sport, or sites occupied by buildings.~~
- ~~Typical users of special use areas:
 - ~~May come from throughout the city or beyond (depends on use).~~
 - ~~Arrive by auto, bus, bicycle or foot.~~
 - ~~May visit the park for one hour to more than three hours (depends on use)~~~~

Special Use Areas Site Selection and Development Guidelines:

- ~~Siting criteria depend on the types of facilities proposed.~~
- ~~Prior to the development of any specialized recreation facility, such as a pool, recreation center, sports complex, etc., the City will prepare a detailed cost/benefit analysis and maintenance impact statement.~~
- ~~Size will depend upon the facilities to be provided.~~
- ~~Site should front on a public street.~~
- ~~Parking Requirements: Depends on facilities provided.~~

~~Special Use Areas Facilities and Amenities to Consider:~~

- ~~● Facilities and amenities will depend on the proposed activities and site use.~~

~~Linear Parks~~

~~Linear Parks Description:~~

- ~~● Linear parks are developed or landscaped areas and other lands that follow linear corridors such as railroad rights-of-way, creeks, canals, power lines, and other elongated features. This type of park usually contains path/trails, landscaped areas, viewpoints, and seating areas. Activities are generally passive in nature, such as walking, biking, wildlife watching, etc.~~
- ~~● Typical linear park users:~~
 - ~~○ May come from throughout the city (depends on site).~~
 - ~~○ Arrive by auto, bus, bicycle, or foot.~~
 - ~~○ May visit the park for one (1) or more hours.~~

~~Linear Parks Site Selection and Development Guidelines:~~

- ~~● Linear parks should generally follow continuous special feature strips, with a minimum corridor width of fifty (50) to seventy-five (75) feet.~~
- ~~● Due to the shape, configuration, and potential for user noise in linear parks, user impacts on adjoining neighbors will be considered. Fences, walls, or landscaping may be used to provide some privacy for neighbors, but the provision of these features will consider user safety.~~
- ~~● Paved paths will be designed to accommodate maintenance and patrol vehicles.~~

~~Linear Parks Facilities and Amenities to Consider:~~

- ~~● Paved paths~~
- ~~● Trails~~
- ~~● Landscaped areas~~
- ~~● Maintained natural vegetation~~
- ~~● Picnic tables~~
- ~~● Orientation and information signage~~
- ~~● Trailhead or entry/ kiosk~~
- ~~● Turf areas~~
- ~~● Ornamental plantings~~
- ~~● Fences, landscaping, or other features to control access near adjoining residential areas~~
- ~~● Viewpoints~~
- ~~● Seating areas~~
- ~~● On-street or off-street parking at trailheads. Amount depends on facilities and anticipated use of the path/trails~~

~~Linear Parks Facilities to Avoid:~~

- ~~● Active use areas (sport fields, paved courts, etc.)~~

Natural Open Space/Greenways

Natural Open Space/Greenways Description:

- ~~Natural open space/greenways are publicly owned or controlled natural resources that are managed for conservation, environmental education, and passive recreational use, such as walking and nature viewing. This type of land may include wetlands, steep hillsides, or other similar spaces.~~
- ~~Environmentally sensitive areas are considered open space and can include wildlife habitats, stream and creek corridors, or areas with unique and/or endangered plant species.~~
- ~~Typical open space/greenway users:~~
 - ~~Come from throughout the city.~~
 - ~~Arrive by auto, bus, bicycle or foot.~~
 - ~~Visit the park for one (1) or more hours.~~

Natural Open Space/Greenways Site Selection and Development Guidelines:

- ~~Site size will be based on natural resource needs. Acreage will be sufficient to preserve or protect the resource.~~
- ~~The City will consider alternative ways of preserving natural open space besides outright purchase, such as acquiring conservation easements, encouraging donations of land, land trades, etc.~~
- ~~Emphasis for acquisition will be on lands offering unique features or have the potential to be lost to development.~~
- ~~An analysis should be made to determine if unique qualities and conditions exist to warrant acquisition.~~
- ~~Development and site improvements should be kept to a minimum, with the natural environment, interpretive and educational features emphasized.~~
- ~~Natural open space areas should be managed and maintained for a sense of solitude, separation, or environmental protection.~~
- ~~Parking and site use should be limited to the numbers and types of visitors the area can accommodate while still retaining its natural character and the intended level of solitude.~~
- ~~Where feasible, public access and use of these areas should be encouraged, but environmentally sensitive areas should be protected from overuse.~~

Natural Open Space/Greenways Facilities and Amenities to Consider:

- ~~Interpretive signage~~
- ~~Off-street parking if a trail is located within the site~~
- ~~Picnic shelters~~
- ~~Picnic areas~~
- ~~Path and trail system~~
- ~~Trailhead or entry/ kiosk~~
- ~~Viewpoints or viewing blinds~~
- ~~Interpretive or educational facilities~~

Natural Open Space/Greenways Facilities and Amenities to Avoid:

- ~~Turf areas~~

- ~~Ornamental plantings~~
- ~~Active use areas~~

Recreation Path and Trails

Recreation Path and Trails Description:

- ~~Recreation path, as described here, provide off-street bicycle and pedestrian links to parks, with recreation emphasized. These include paths within greenways and linear parks. Guidelines are not presented for on-street bikeways or accessways intended mainly for transportation.~~
- ~~Typical trail and path users:~~
 - ~~May come from throughout the city (depends on site).~~
 - ~~Arrive by auto, bus, bicycle, or foot.~~

Recreation Path Site Selection:

- ~~Non-motorized routes provide the following primary purposes: 1) recreation off-street paths providing a recreation experience; or 2) non-motorized transportation links which may be identified in the *Medford Transportation System Plan*; 3) on-street bike lanes.~~
- ~~The city will seek to develop non-motorized routes to provide linkages to parks, schools, and other destination points.~~
- ~~Recreation paths will be located outside street rights-of-ways, or will be separated by traffic lanes by a generous landscaped separation.~~
- ~~Where routes use street rights-of-way, the street should be designed to minimize potential conflicts between motorists and pedestrians and bicyclists.~~
- ~~Paths that are within street rights-of-way but separated will be designed, when possible, along continuous features, so that they do not pose hazards when crossing driveways and intersections.~~
- ~~If possible, path crossings by streets should occur at signalized intersections.~~
- ~~Paths may need to utilize street rights-of-way in order to complete a segment link.~~
- ~~Since paths are so difficult to provide after an area has been developed, advanced detailed path planning for developing areas is essential.~~
- ~~Developers should be encouraged to provide public paths through proposed developments, where such improvements would provide needed linkages between path/trail routes and access to public destinations.~~

Recreation Paths and Trails Facilities and Amenities to Consider:

- ~~Staging areas for path/trail access~~
- ~~Picnic sites~~
- ~~Seating areas~~
- ~~Trailhead or entry/ kiosk~~
- ~~Interpretive signage~~
- ~~Orientation and information signage~~
- ~~Amenities should be site specific~~

Trail Guidelines:

- ~~Trail alignments should take into account soil conditions, steep slopes, surface drainage and other physical limitations that could increase construction and/or maintenance costs.~~
- ~~Trail alignments should avoid sensitive environmental areas such as wetlands, riparian vegetation, large trees, etc.~~
- ~~Trails should be planned, sized, and designed for non-motorized multiple uses, developed to the standard necessary to minimize potential user conflicts.~~
- ~~Centralized and effective staging areas should be provided for trail access. Trailheads should include parking, orientation and information, and any necessary specialized unloading features.~~
- ~~Trails should be looped and interconnected to provide a variety of trail lengths and destinations. They should link various parts of the community, as well as existing park sites.~~
- ~~Recreation trails should be interesting to the user and maximize the number and diversity of enjoyable viewing opportunities.~~
- ~~Trails should be located and designed to provide a diversity of challenges. Enhance accessibility wherever possible.~~
- ~~Linkages and trail location and orientation should encourage users to walk or bicycle to the trail, depending upon the expected and desired level of use.~~

Parks Conclusions

The following are conclusions about the provision of parks, open space and leisure services in Medford based on community input and technical analysis. ~~drawn from public involvement activities, a community needs assessment, and analysis of existing facilities and operations.~~ These conclusions provide a foundation for the Parks Goals, Policies, and Implementation Strategies.

1. Medford's population is growing ~~rapidly~~ and will continue to do so over the planning period of 2016 to 2030. This population increase and expanding cultural demographics are the primary reasons for the increasing demands for parks and recreation services.
2. In the past, the City has shown great vision in acquiring and developing park and recreation facilities to meet the growing need. As Medford grows, new investments in existing and future parks will be needed to meet the needs of the community, support youth development, and provide a range of recreational options for its residents and visitors. ~~the City will need to meet existing financial challenges in order to build new parks, facilities, and paths/trails and adequately maintain current ones.~~
3. Medford is a ~~very active~~ growing community, home to many families with children as well as older adults. Population growth creates new demand for park and recreation services. An individual's demographic characteristics such as age, employment, and income play a role in recreational interests and participation. The recreation programs and facilities within the City need to adjust ~~with higher measured recreation participation levels than the average of other Northwest cities surveyed. This level of participation would support an expansion of recreation programs and facilities~~ to meet existing and future community needs.

4. The basic concept of the proposed park system is to assure that every neighborhood in Medford is served by a neighborhood or community park. ~~Thirteen Medford will need to acquire nearly 45 acres of neighborhood parks and 91 acres of community parkland in the next ten years. additional neighborhood parks and five community parks are needed to meet community needs in the years 2005-2030. Some of the facilities are not on the 2009 25-year Project List because the city will not support a park system development fee large enough to include all proposed park facilities.~~
5. Of all park and recreation services, the top three actions ranked as “very supportive” by respondents were to rehabilitate older parks, develop a new indoor recreation center/pool, and expand programming for youth under 18. ~~surveyed residents mostly want the City to upgrade existing parks, provide more sports fields, and develop a city-wide path/trail system.~~
6. The City of Medford is a significant provider of recreational programs in the region. Programs and services need to be expanded in nearly all areas, especially for youth, teens, adults, and seniors, to meet increasing community needs.
7. In order to remain the primary provider of recreational programs in the community, the Parks and Recreation Department needs to focus on youth, adult, and aquatics programming. In addition, emphasis needs to focus on community and special events, special needs participants, seniors, and arts and cultural programs. ~~To increase program participation, recreation programs could be expanded in several areas identified by survey respondents, including arts and crafts, cultural arts, concerts, special events, and family activities.~~
8. ~~Recreation programs are often subsidized by the City to keep programs affordable. According to the results of the survey, residents would like program subsidies to continue, particularly for youth and seniors. However, recreation programming must be more cost-effective.~~
9. ~~Future park and recreation services in Medford must reflect the needs of a changing population. Medford has an above average and increasing proportion of senior citizens.~~
- 10.8. ~~The City needs to replace the deteriorating swimming pools at Hawthorne Park and Jackson Park. The Jackson Aquatic Center built in 1960 provides a wide variety of water activities but is nearing the end of its useful life cycle. The City should pursue a multi-use indoor facility that includes an aquatics component.~~
- 11.9. ~~While Prescott Park is valued as a natural area, community residents want park access improved, with overlooks/viewpoints and trailheads developed at the site. The development of Prescott Park has been pending for several decades. Improvements include amenities such as trails for hiking, bicycling, and horseback riding, interpretive signs, and covered pavilions. Prescott Park has the potential to become an important asset to the City and region.~~

- ~~12.10. Medford has several creek corridors that offer exceptional recreation and conservation opportunities. The City has a series of open space and greenway systems that need to be protected, expanded, and enhanced over time.~~
- ~~13.11. By the year 2030, Medford will need an additional 15 miles of paved paths and 11 miles of trails. A system of recreational trails, paths, and bikeways would provide a safe place for walking, biking, and non-motorized transportation. Based on a mileage per capita metric of 0.46 miles per 1,000 population, the City is deficient of over 4 miles of paved paths and 10 miles of unpaved park trails. Rather than continuing to use this measurement, the City will work toward improving path and trail connectivity between parks and major destinations as allowable.~~
- 14.12. City of Medford General Fund, grants, and donations are the primary sources of funding for improvements, maintenance, and the expansion of facilities in existing parks.
15. ~~An increase in the use of concessionaires in the City's parks would generate needed revenue for the park and recreation system, while providing user support services and business opportunities.~~
- 16.13. Parks System Development Charges (SDCs) are an important source of funding for the acquisition, planning, and development of new parks and open space areas. The City will periodically update the methodology and rate structure, as appropriate, to be best positioned to obtain future acquisition and development financing from residential development. Parks SDCs need to be prioritized to secure new park properties and finance park or trail development consistent with the Leisure Services Plan. Since SDCs are paid by new residential development, the fees are meant to fund capacity enhancement projects. The City regularly updates its SDC methodology and increases the SDC rate for all housing units. SDC funds will be particularly important to fund new parkland in Southeast Medford, where the City is rapidly growing.

Parks Goals, Policies, and Implementation Strategies

~~The goals, planning policies, and implementation strategies listed below create a framework for the realization of the Parks Element and also will help measure its success.~~

SYSTEM GROWTH & STEWARDSHIP

Goal 1: To provide for a full range of recreational activities and opportunities to meet the needs of all residents of Medford.

Policy 1-A: The City of Medford shall use the Parks Element as a factual basis in the land use decision-making process.

Implementation 1-A (1): Coordinate with the Planning Department to implement the LSP as part of the Comprehensive Plan.

Policy 1-B: The City of Medford shall recognize the social and economic value of other providers in the City and nearby county, state, and national recreation resources that provide recreation for Medford residents, create tourist expenditures within the City of Medford, and attract businesses and industries to the City.

Implementation 1-B(1): Provide park and recreation programs that complement nearby county, state, and national recreation resources.

Implementation 1-B(2): Pursue partnerships as a key means for leveraging community resources and minimizing duplications of effort.

Policy 1-C: The City of Medford shall be a primary provider of recreation programs and services community-wide.

Implementation 1-C(1): Provide park and recreation facilities to support community programming needs.

Implementation 1-C(2): Provide program services to all ages, abilities, and economic and cultural backgrounds. ~~Expand the City's role as a primary provider of recreation programs and services and increase programming to meet changing demographics and growing community needs.~~

Implementation 1-C(3): Expand the City's role as a primary provider of recreation programs and services and increase programming to meet changing demographics and growing community needs. ~~Establish more revenue-generating programs to increase program funding to help fund or subsidize other programs and services.~~

Implementation 1-C(4): Monitor local and regional recreation trends to ensure community needs and interests are addressed by available programming. ~~Provide a new water park to generate additional revenue and to meet a growing, community-wide demand for aquatic services.~~

Implementation 1-C(5): Maintain the aquatics facilities at Jackson Pool until it is renovated or replaced. ~~In the long-term, consider an indoor recreation center/aquatic facility to help meet future community needs for swimming, gymnasium, and programming space.~~

Implementation 1-C(6): Pursue opportunities to develop an indoor aquatic facility and recreation center, potentially in partnership with other organizations or agencies. Consider financial feasibility and long term operations needs prior to design or construction of any new facility. ~~Consider other financing approaches, including a general obligation bond, to fund the development of additional facilities and significant park upgrades.~~

Policy 1-D: The City of Medford shall provide and acquire parklands necessary to adequately serve the City's current and future population based on adopted service levels. ~~park land and facilities conveniently located and economically accessible to all members of the community.~~

Implementation 1-D(1): Provide parks to meet the service standard of 1.56 acres of developed neighborhood parks per 1,000 persons and 2.75 acres of developed community parks per 1,000 persons. ~~Locate parks and facilities in underserved areas.~~

Implementation 1-D(2): Strive to provide equitable park distribution and prioritize park acquisition in underserved areas where households are more than ½-mile from a developed park.
~~Provide program services to all ages, abilities, and economic and cultural backgrounds.~~

Implementation 1-D(3): Seek parkland identified within this plan, in both developed and undeveloped areas, to secure suitable locations for new parks to serve future residents. Evaluate opportunities to acquire lands declared surplus by other public agencies for park and recreation use if such land is located in an area of need or can expand an existing City property and can be developed with site amenities listed in the Guidelines for Site Selection and Development (see Appendix E).
~~Offer programs at a range of costs (free, low-cost, full price) and implement other strategies to ensure program affordability, while meeting city financial goals.~~

Implementation 1-D(4): Prioritize park acquisition in areas of the City facing population growth and residential and commercial development.
~~Implement the Southeast Medford Area Plan Map with regards to greenway paths/trails, parks, and recreation facilities.~~

Implementation 1-D (5): Implement the Southeast Medford Area Plan Map with regard to greenway paths/trails, parks, and recreation facilities.

Implementation 1-D (6): Evaluate opportunities to acquire lands declared surplus by other public agencies for park and recreation use if such land is located in an area of need or can expand an existing City property.

Policy 1-E: Use traditional and new funding sources to adequately and cost-effectively maintain and enhance the quality of Medford's park and recreation system.

Implementation 1-E (1): Maintain and seek to expand general fund support of parks, recreation programs and maintenance.

Implementation 1-E (2): Offer programs at a range of costs (free, low-cost, full price) and implement other strategies to ensure program affordability, while meeting city financial goals.

Implementation 1-E (3): Maintain and enhance program scholarships and other mechanisms to support recreation access for low-income residents.

Implementation 1-E (4): Pursue alternative funding options and dedicated revenues for the acquisition and development of parks and facilities, such as through private donations, sponsorships, partnerships and grant sources, as well as the retention and reallocation of existing revenue sources currently used for debt service.

Implementation 1-E (5): Consider the use of voter-approved initiatives, such as bonds and levies, to finance the development of additional facilities and significant park upgrades.

Implementation 1-E (6): Examine the feasibility for and potential benefits of a Park & Recreation District to fund and manage certain park and recreation facilities, such as an in door aquatics facility.

Implementation 1-E (7): Review, and if necessary update, use and rental fees on a periodic basis to reflect market rates.

Implementation 1-E (8): Establish more revenue-generating programs to increase program funding to subsidize other programs and services.

Implementation 1-E (9): Consider developing additional rental facilities, such as reservable picnic areas, wedding sites and meeting rooms, to meet community needs and generate additional operating resources.

Implementation 1-E (10): Facilitate compatible, revenue-producing concession facilities and services within parks that enhance visitor use and enjoyment of the City's parks.

NATURAL AREAS MANAGEMENT

Goal 2: **To preserve natural resources in the Medford Urban Growth Boundary that provide open space or have unique recreational potential, encouraging development with parks and recreation facilities if appropriate.**

Policy 2-A: The City of Medford shall seek to preserve significant natural areas to meet outdoor recreation needs, provide opportunities for residents to connect with nature, and meet habitat protection needs. ~~emphasize acquiring park land having natural features or resources that need protection or are of significant interest to the public.~~

Implementation 2-A(1): ~~The City should seek to acquire riparian corridors where feasible to protect these natural resources and to offer potential sites for path/trail development.~~ Develop a long-range public open space plan in partnership with the Planning and Public Works Departments and RVCOG that provides for an interconnected system of creek corridors, greenways, wetlands, and other significant natural resource areas.

Implementation 2-A(2): Develop and implement effective natural resource management plans for significant natural areas within parks and other City-owned or controlled lands, such as oak savanna, riparian areas, and wetlands, to identify management priorities and to guide acquisition, development, and restoration decisions.

Policy 2-B: The City of Medford shall give special consideration to the Bear Creek corridor in order to protect this dynamic natural and recreational resource for the enjoyment of present and future generations.

Implementation 2-B(1): Maintain and expand partnerships for the ongoing maintenance and restoration of the Bear Creek Greenway. ~~Directly and/or cooperatively acquire and plan appropriate park and recreation sites and public access along the Bear Creek corridor.~~

Policy 2-C: The City of Medford shall give special consideration to Prescott Park in order to protect this dynamic natural and recreational resource and most significant scenic view for the enjoyment of present and future generations.

Implementation 2-C(1): Follow the recommendations of, and periodically update, the Prescott Park Management Plan ~~and regularly update the Plan.~~

Implementation 2-C(2): Pursue land additions or parcel reconfigurations ~~for~~ Prescott Park, as when opportunities become available, to enhance access or site development opportunities.

Implementation 2-C(3): Pursue inclusion of Prescott Park in the Medford Urban Growth Boundary for eventual inclusion within the City of Medford.

Implementation 2-C(4): ~~Increase~~ Enhance access and public enjoyment of Prescott Park by ~~developing~~ implementing the Prescott Trails Plan and developing appropriate facilities to enhance appreciation of natural resources, the outdoors, and Medford's unique environment. ~~Until included within the Medford Urban Growth Boundary, improvements within Prescott Park must comply with Jackson County land use regulations, as well as state rules and statutes, which may limit the extent of improvements on land outside of UGBs.~~

BICYCLE & PEDESTRIAN OPPORTUNITIES

Goal 3: To provide recreational opportunities within parks and connectivity to parks through a path and trail system ~~an interconnected park and recreation system~~ that is well integrated with the community.

Policy 3-A: The City of Medford shall seek to develop a network of shared-use pedestrian and bicycle paths and trails to promote their important recreational uses within parks and enable connectivity between parks, neighborhoods, public amenities, and major pedestrian and bicycle routes identified in the Transportation System Plan and Southeast Circulation Plan. ~~major~~

~~intra-community system of paths to provide linkages between parks, neighborhoods, community facilities, schools, and open space sites.~~

~~**Implementation 3-A(1):** Seek links to other transportation methods, such as developing parks along bus routes or encouraging bus transit to serve the parks. Coordinate recreational path and trail system planning and development with the City's and Jackson County's Transportation System Plan and Southeast Plan to provide a comprehensive pedestrian and bicycle network.~~

~~**Implementation 3-A(2):** Develop a detailed path and trails plan to recommend routes for meeting future community needs for an additional fifteen miles of paths and 11 miles of trails by the year 2030. Integrate the siting of proposed path and trail segments into the development review process; require development projects along designated routes to be designed to incorporate path and trail segments as part of the project.~~

~~Implementation 3-A (3): Facilitate and provide for a high degree of pedestrian and bicycle connectivity from major shared-use paths, such as the Bear Creek Greenway, to parks and other destinations.~~

~~Implementation 3-A (4): Develop the Southeast Area greenway paths shown in the adopted SE Area Neighborhood Circulation Plan Map.~~

~~Implementation 3-A (5): Implement the Prescott Park Trails Plan in phases as funding and park infrastructure are available.~~

~~Implementation 3-A (6): Partner with local utilities, public agencies and private landowners to secure easements and access to open space for path and trail connections.~~

~~Implementation 3-A (7): Implement standards for route and wayfinding signage and associated facilities and informational maps and materials identifying existing and planned path and trail facilities.~~

~~Implementation 3-A (8): Provide trailhead accommodations, as appropriate, to include parking, signage, restrooms and other amenities.~~

~~**Policy 3-B:** The City of Medford shall seek to acquire natural and other corridors to link parks and open space throughout the community.~~

~~**Implementation 3-B(1):** Develop a long-range public open space plan that provides for an interconnected system of creek corridors, greenways, wetlands, and other significant natural resource areas.~~

~~**Implementation 3-B (2):** Acquire missing links in corridors and parcels that are contiguous to other public open spaces to provide maximum benefits for recreation and wildlife.~~

MANAGEMENT & MAINTENANCE

Goal 4: To coordinate park and recreation planning, acquisition, maintenance, and development in the City of Medford to serve a broad spectrum of citizen and institutional interests.

Policy 4-A: The City of Medford shall design and maintain parks and recreation facilities in a safe, attractive manner, to serve as positive amenities for the community and the neighborhoods in which they are located.

Implementation 4-A(1): ~~Adopt and u~~Utilize and periodically update the *Guidelines for Site Selection and Development* ~~infor~~ the acquisition and/or development of parks within each park classification and include the review of development guidelines and site plans by the Parks Maintenance Division.

Implementation 4-A(2): Implement a consistent park signage program for use throughout the system and consider installation of updated standards for park entry signs and specialized signage such as mileage markers along trails and pathways. ~~where needed.~~

Implementation 4-A (3): Consider design elements that enable parks to be used year-round, including picnic shelters and playground shade structures.

Implementation 4-A (4): Design, improve and maintain parks and facilities in a manner that conserves energy and other resources and maximize efficient maintenance practices.

Implementation 4-A (5): Design and maintain parks and facilities to offer universal accessibility for residents of all physical capabilities, skill levels and age.

Implementation 4-A (6): Incorporate sustainable development and low impact design practices into the design, planning and rehabilitation of new and existing facilities.

Implementation 4-A (7): Examine opportunities to locate a Parks maintenance facility east of Interstate 5 to facilitate enhanced efficiency in the maintenance of east Medford sites and facilities.

Policy 4-B: The City of Medford shall evaluate and design park and recreation facilities to minimize operation and maintenance costs.

Implementation 4-B(1): Review and consider the ~~Include~~ projected maintenance and operations costs when developing new facilities or redeveloping existing facilities prior to initiating design development. ~~in design proposals for parks and recreation facilities.~~

Implementation 4-B(2): Consider maintenance costs, including transportation and loading/unloading of equipment, before acquiring park stand-alone or isolated park sites smaller than one acre.

Implementation 4-B (3): Seek and implement opportunities for acquisition and use of contiguous school and park sites for recreational purposes beneficial to both City and the School District.

Policy 4-C: The City of Medford shall actively manage its park and recreation assets through a regular schedule of maintenance and capital renewal efforts to optimize use, reduce unplanned reactive maintenance and protect public investment. ~~define and standardize maintenance procedures, including cost estimates for maintaining Medford parks, recreation facilities, and beautification areas.~~

Implementation 4-C(1): Allocate an average minimum maintenance cost per acre annually for maintenance of each park type and seek to increase maintenance funds using this guideline as new amenities or facilities ~~parks~~ are added to the City's system.

Implementation 4-C(2): ~~Develop an Integrated Pest Management Plan to define use of herbicides and pesticides on City-owned or controlled properties.~~ Update the Maintenance and Operations Management Standards Plan, as necessary, to ensure parks, facilities and equipment are maintained in a manner that keeps them safe and attractive; repair or remove damaged components immediately upon identification.

Implementation 4-C(3): ~~Develop a parks maintenance management plan that defines maintenance levels, performance standards, and budget allocation.~~ Maintain a standardized and systematic inventory and assessment of park system infrastructure, including quantity, location, condition and expected useful life.

Implementation 4-C (4): Implement and finance the upgrades for ADA compliance as noted in the ADA Transition Plan to ensure a safe, secure and accessible park infrastructure.

Implementation 4-C (5): Consider creation of a Natural Resources Division to focus efforts toward natural area management and restoration, and urban forestry related needs.

Implementation 4-C (6): Update the Natural Resource Management Plans and Procedures manual, as necessary to address Integrated Pest Management and other best practices for site management of City-owned or controlled properties.

~~**Policy 4-D:** The City of Medford shall encourage joint acquisition and use of contiguous school and park sites for recreational purposes that are beneficial to both City and School agencies.~~

~~**Policy 4-E:** The City of Medford shall work with partner agencies, especially schools, to help meet demand for indoor and outdoor sports facilities.~~

~~**Implementation 4-E(1):** Develop and maintain inventories and evaluations of shared sports facilities.~~

~~**Implementation 4-E(2):** Continue partnering with the school districts to ensure community access to school gymnasiums and other sports facilities.~~

~~**Policy 4-F:** The City of Medford shall allow compatible, revenue-producing concession facilities and services within parks that enhance visitor use and enjoyment of the City's parks.~~

~~**Policy 4-G:** The City of Medford shall have a parks planning process that implements the park uses described herein.~~

~~**Implementation 4-G(1):** Investigate development of objective land use and siting review criteria.~~

PARTNERSHIPS

Goal 5: To enhance and support partnerships that leverage Medford's human, social and physical capital to improve recreation opportunities for residents.

Policy 5-A: The City of Medford shall continue to pursue and maintain effective partnerships with neighboring cities, Jackson County, Medford School District, other governmental agencies, and private and non-profit organizations to plan and provide recreation activities and facilities and maximize opportunities for public recreation.

Implementation 5-A (1): Develop and maintain inventories and evaluations of shared athletics and recreation facilities.

Implementation 5-A (2): Pursue or enhance partnerships with the Medford School District to maximize public use of recreation facilities on school sites, especially athletic fields and gymnasiums, and to utilize school grounds as parks in areas where parkland distribution deficiencies exist.

Implementation 5-A (3): Attempt to partner with Jackson County, the State of Oregon and others to provide regional facilities.

Implementation 5-A (4): Coordinate with public, private and non-profit providers, such as organized sports leagues, to plan for projects to enhance and maintain athletic field facilities.

Implementation 5-A (5): Explore partnership opportunities with local hospitals and businesses to develop, fund, and promote park, recreation and wellness activities, programs and amenities.

Implementation 5-A (6): Encourage collaboration among local art, business, education, tourism, city beautification and recreation interests.

Policy 5-B: The City of Medford shall partner with public safety agencies in order to address community perceptions regarding safety in parks and greenways.

Implementation 5-B (1): Coordinate with the Medford Police Department to develop a volunteer program that recruits and trains citizens to serve as park hosts.

AESTHETICS

Goal 56: To maintain and enhance community livability in Medford by promoting the aesthetic quality of the urban environment.

Policy 56-A: The City of Medford shall recognize trees as valuable amenities that contribute to the livability of our city through the proper selection, placement, preservation and maintenance of trees along our streets, in open spaces, and in parks.

~~**Implementation 5-A(1): Develop a tree protection ordinance for adoption by the City Council.**~~

~~**Implementation 5-A(2): Develop a street tree ordinance for adoption by the City Council.**~~

Implementation 5-A(31): Provide a mechanism for a tree recognition program.

Policy 56-B: The City of Medford shall require the provision and continued maintenance of appropriate landscaping in conjunction with new development.

Implementation 6-B (1): Consider and advocate for a revision to the Medford Municipal Code to promote sustainable and cost effective maintenance and management of right-of-way landscape areas.

Policy 56-C: The City of Medford shall encourage the establishment of public art in parks, on public grounds, and in public buildings.

Implementation 56-C(1): Investigate mechanisms for displaying art in public places.

ENGAGEMENT & COMMUNICATIONS

Goal 7: To encourage and support active and on-going participation by diverse community members in the planning and decision-making for parks and recreation.

Policy 7-A: The City of Medford shall endeavor to involve residents and stakeholders in park and recreation facility planning, design and recreation program development to solicit community input, facilitate project understanding and build public support.

Implementation 7-A (1): Use a diverse set of communication and informational materials and employ innovative strategies to improve community involvement in park and recreation planning efforts, including in-person meetings and events, signage, print programs and materials, and electronic communication (e.g. website, newsletters, social media)

Implementation 7-A (2): Promote and distribute information about recreational activities, education programs, community services and events, and volunteer activities sponsored by the City and partner agencies and organizations.

Implementation 7-A (3): Identify under-represented segments of the community and work to improve their capacity to participate in park planning and decision-making.

Implementation 7-A (4): Support the Parks & Recreation Commission as the forum for public discussion of parks and recreation issues.

Implementation 7-A (5): Survey, review and publish local park and recreation preferences, needs, and trends at least once every five years.

Implementation 7-A (6): Collaborate with the City's economic development staff and regional tourism staff to promote Medford's events, parks, trails and facilities.

Capital Facilities Plan

The Capital Facilities Plan (CFP) sequences the strategic actions to guide the implementation of this Plan. It assigns proposed timeframes and estimated costs for specific projects grouped by project type. The following CFP lists all park and facility projects considered for the next ten years. The majority of these projects entail the acquisition and development of parks, renovating or enhancing existing facilities and expanding path and trail corridors.

The following CFP project list provides brief project descriptions and priority ranking to assist staff in preparing future capital budget requests. Corresponding maps are provided to illustrate the general locations of CFP projects.

Figure 7. 2016-2025 Capital Facilities Plan (Projects eligible for SDC funding)

Figure 8. 2016-2025 Capital Facilities Plan (Projects not eligible for SDC funding)

Map 1. Proposed Parks and Acquisition Target Areas

Map 2. Proposed Trails and Paths

Figure 7

Medford Leisure Services Plan Update (2016)
2016 - 2025 CAPITAL FACILITIES PLAN
Projects Eligible for SDC Funding (In Whole or In Part)

Project #	Proposed 2015-2025 Projects	Type	2017-18 BIENNIMUM		2019-21 BIENNIMUM		2021-23 BIENNIMUM		2023-25 BIENNIMUM		2025-27 BIENNIMUM		10-yr Total	Abbreviated Project Descriptions/Potential Grant Sources
			2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27		
Park Enhancements & Development													\$ 10,744,000	
	Donnanus-Fronnmayer Park Expansion & Upgrades	D					\$ 2,100,000						\$ 2,100,000	Master plan improvements and expansion, including Spring Street Amorcements
	Oregon Hills Park, Phase I	D		\$ 310,000									\$ 310,000	Phase I: playground, sports courts, on-site trails. (Amount shown will be carry-forward from current fiscal period)
	Chrissy Park Development	D	\$ 290,000									\$ 53,500,000	\$ 290,000	Phase II: parking, restroom, picnic shelter, paved & natural trails. Phase I: parking, sports courts, arters, disc golf, dog park, exercise trails. (Amount shown will be carry-forward from current fiscal period)
	Cedar Links Park Development	D		\$ 1,400,000									\$ 1,400,000	Park development (per MP) with playground, parking, restrooms, picnic shelter, basketball court, path ways, landscaping
	Howard School Park	D					\$ 922,000	\$ 922,000					\$ 1,844,000	Restrooms, renovated sports courts, playground, abled pathways
	Midway Park Development	D			\$ 1,100,000								\$ 1,100,000	Parking, pathways, picnic shelter, restrooms, splash pad, gazebo, exercise course, BCG trail connection
	Lone Pine Park Development	D							\$ 200,000				\$ 200,000	Playground, community garden, abled pathways
Paths & Trails													\$ 8,981,832	
	Prescott Park Trail Development	D			\$ 1,750,000								\$ 1,750,000	Internal park trails (3.42 miles)
	SE Area Plan - Larson Creek Corridor	A/D					\$ 1,890,000						\$ 1,890,000	Multi-use shared path (1.15 miles)
	SE Area Plan - Tributary to Medford Canal	A/D					\$ 1,570,000						\$ 1,570,000	Multi-use shared path (1.25 miles)
	SE Area Plan Paths & Trails	A/D							\$ 2,000,000	\$ 2,271,832			\$ 4,271,832	Paths and trails consistent with SE Area Circulation Plan
Future Acquisitions													\$ 15,106,582	
P-1	Neighborhood Park - N Medford	A	\$ 1,625,000										\$ 1,625,000	Potential acquisition - North Medford, south of 4th St (5 acres)
P-3	Neighborhood Park - SE Medford	A		\$ 1,020,000									\$ 1,020,000	Potential acquisition - Southeast Medford, southwest of Hillcrest Road and Foothill Road (3 acres)
P-2	Community Park - SE Medford	A		\$ 4,875,000									\$ 4,875,000	Potential acquisition - Southeast Medford, generally near Resonley Drive and N Ross Lane (15 acres)
P-9	Community Park - W Medford	A			\$ 2,320,000								\$ 2,320,000	Potential acquisition - West Medford, generally near Resonley Drive and N Ross Lane (15 acres)
P-4	Neighborhood Park - E Medford	A				\$ 741,935							\$ 741,935	Potential acquisition - East Medford, south of N Andrews and east of Foothill Road (2 acres)
P-6	Neighborhood Park - SE Medford	A					\$ 1,074,647						\$ 1,074,647	Potential acquisition - Southeast Medford, northwest of Hillcrest Road and Foothill Road (3 acres)
P-7	Neighborhood Park - SW Medford	A						\$ 1,350,000					\$ 1,350,000	Potential acquisition - Southwest Medford, near Grove Creek and Kings Hwy (5 acres)
P-5	Neighborhood Park - SW Medford	A							\$ 1,350,000				\$ 1,350,000	Potential acquisition - Southwest Medford, near South Medford High School (5 acres)
P-5	Neighborhood Park - SE Medford	A								\$ 750,000			\$ 750,000	Potential acquisition - Southwest Medford, near Hillcrest Road between Prescott Park and Chrissy Park (2 acres)
Facilities													\$ 18,000,000	
	Multi-Use Recreation & Aquatic Center	D		\$ 9,000,000	\$ 9,000,000								\$ 18,000,000	
Totals per year:			\$ 1,915,000	\$ 16,605,000	\$ 14,170,000	\$ 741,935	\$ 5,486,647	\$ 3,842,000	\$ 3,550,000	\$ 3,021,832	\$ -	\$ 3,500,000	\$ -	\$ 52,832,414

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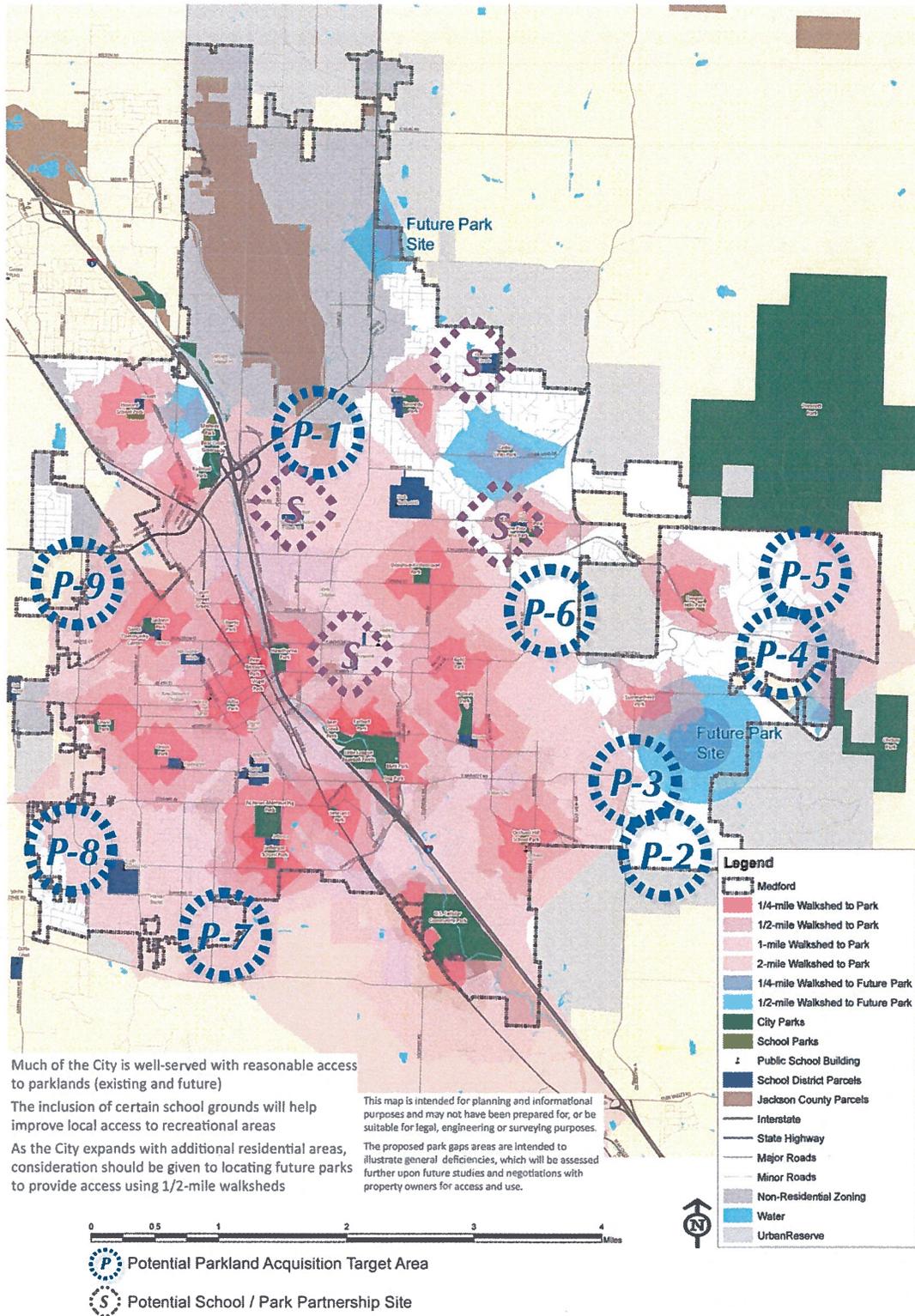
Figure 8

Medford Leisure Services Plan Update (2016)

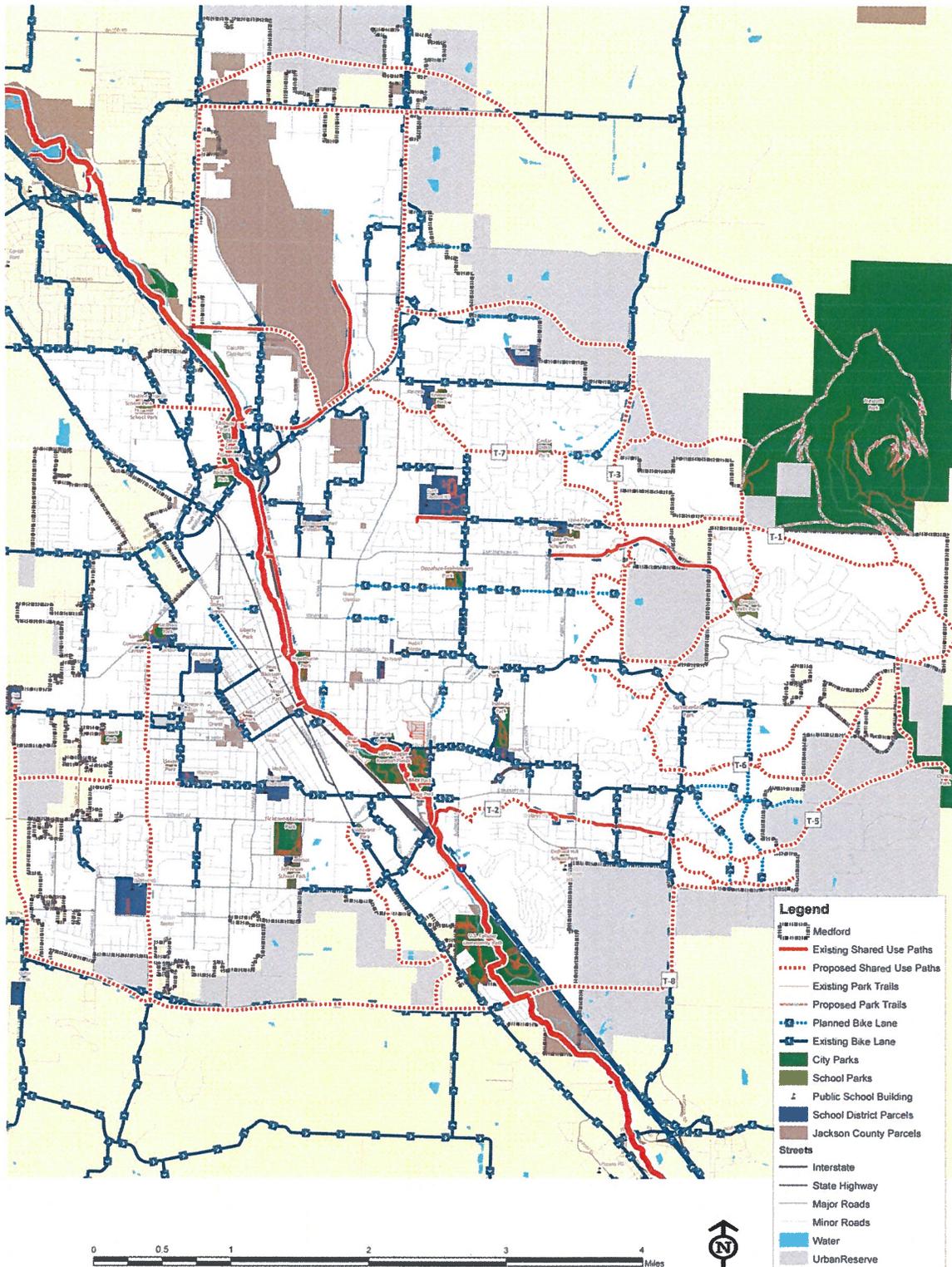
2016 - 2025 CAPITAL FACILITIES PLAN

Projects Not Eligible for SDC Funding

Project #	Proposed 2015-2025 Projects	Type	2017-19 BIENNIUM		2019-21 BIENNIUM		2021-23 BIENNIUM		2023-25 BIENNIUM		2025-27 BIENNIUM		2027/28	10-yr Total	Abbreviated Project Descriptions/Potential Grant Sources
			2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27			
Park Enhancements & Development														\$ 7,390,250	
	Restroom Replacement Program	R	\$ 300,000		\$ 80,000		\$ 100,000		\$ 80,000		\$ 80,000			\$ 640,000	Replace restrooms @ Fichtner-Mahwahring, Holmes, Bear Creek, Ruhl, and Union Parks
	Master Plan Updates	D	\$ 30,800		\$ 30,000		\$ 30,000							\$ 90,800	Update master plans for Jackson, Holmes and Bear Creek Parks
	U.S. Cellular Community Park Turf Replacement	R	\$ 250,000	\$ 250,000	\$ 40,000	\$ 40,000	\$ 250,000	\$ 250,000	\$ 40,000	\$ 40,000	\$ 250,000	\$ 2,500,000	\$ 40,000	\$ 3,850,000	Artificial turf replacement for artificial turf areas
	Bear Creek Park Renovations	R			\$ 250,000	\$ 450,000								\$ 700,000	Additional picnic shelter, improved circulation pathways, restroom, lighting, shade trees, drainage, pavement resurfacing and playground replacement
	Safety improvements, Upgrades and Renovations	R	\$ 150,000	\$ 150,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 1,200,000	Add and upgrade lighting, path repairs, irrigation systems, shelter repairs and parking lot maintenance
	Wayfinding & Signage Program	R	\$ 30,500	\$ 32,500	\$ 65,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 130,000	Unified system (for graphics & materials) of Park ID and wayfinding signs for parks, trails & special use facilities
	ADA Renovations & Upgrades	R	\$ 9,250	\$ 158,500	\$ 48,000	\$ 132,000	\$ 122,500	\$ 118,000	\$ 40,500	\$ 41,500				\$ 680,250	Targeted ADA barrier removals and upgrades based on ADA transition plan
Other Capital Enhancements														\$ 150,000	
	Hilfiker Wall Repair	R	\$ 150,000											\$ 150,000	
	Totals per year:		\$ 921,750	\$ 591,000	\$ 613,000	\$ 742,000	\$ 602,500	\$ 458,000	\$ 260,500	\$ 181,500	\$ 430,000	\$ 2,600,000	\$ 140,000	\$ 7,540,250	



Map I: Proposed Parkland Acquisition Target Areas



Map 2: Proposed Trails & Paths

Implementation Tools

The recommendations for park and recreation services will trigger the need for funding beyond current allocations and for additional staffing, operations and maintenance responsibilities. Additional resources will be needed to leverage, supplement and support the implementation of proposed policies, programs and projects. The following implementation strategies are presented to offer near-term direction to realize these projects. Given that the operating and capital budgets for the Department are limited, the implementation measures identified below look primarily to non-General Fund options.

Partner Coordination & Collaboration

Internal coordination with the Public Works and Planning departments can increase the potential of discrete actions toward the implementation of the proposed trail and path network, which relies heavily on street right-of-way enhancements, and in the review of development applications with consideration toward potential parkland acquisition areas, planned path corridors and the need for easement or set-aside requests. However, to more fully expand the extent of the park system and recreation programs, additional partnerships and collaborations should be sought.

Continued coordination with local school districts and private schools will advance a number of projects in which resources can be leveraged to the benefit of the community. The City should explore options with the Medford School District for joint financing and shared use of a new multi-use recreation and aquatic center that can serve the needs of both organizations.

As an active lifestyles community, Medford should explore partnership opportunities with regional health care providers and services, such as Asante, Providence and the Jackson County Health & Human Services Department, to promote wellness activities, healthy living and communications about the benefits of parks and recreation. For example, this group could more directly cross-market services and help expand communications about local wellness options, and they could sponsor a series of organized trail walks throughout Medford as a means to expand public awareness of local trail opportunities and encourage residents to stay fit. Other communities in the Pacific Northwest have been successful with funding requests to regional hospitals for the development and printing of community walking guides that highlight the health benefits of walking and include trail system maps and descriptions.

Volunteer & Community-based Action

Volunteers and community groups already contribute to the improvement of park and recreation services in Medford. Volunteer projects include wildlife habitat enhancement, invasive plant removal and tree planting, among others. Medford should maintain and update a revolving list of potential small works or volunteer-appropriate projects for the website, while also reaching out to the high schools to encourage student projects. While supporting organized groups and community-minded individuals continues to add value to the Medford parks and recreation system, volunteer coordination requires a substantial amount of staff time, and additional resources are necessary to enable a volunteer coordinator position to more fully take advantage of the community's willingness to support park and recreation efforts.

Local Funding

According to the City budget, Medford maintains reserve debt capacity for councilmanic bonds and voter approved debt. Although past attempts failed to secure voter approval for a new aquatic facility, the City should continue to examine options for a new multi-use recreation and aquatic center. Based on the community feedback conducted as part of the 2016 LSP in support of a new facility, the development of a new recreation center warrants a review of financing alternatives and debt implications, along with polling of voter support for such a project. Additionally, the Department should seek to re-use existing bond repayment funds for a reallocation toward increased staff support or as leveraged resources toward a new recreation and aquatic center. Also, the continued collection of the Parks Utility Fee, Transient Lodging Tax and Car Rental Tax are critical to the Department's continued successful operations of its programs and facilities.

System Development Charges

Park System Development Charges (SDCs) are imposed on new development to meet the increased demand for parks resulting from the new growth. SDCs can only be used for parkland acquisition, planning and/or development. They cannot be used for operations and maintenance of parks and facilities. The City of Medford currently assesses Parks SDCs, but the City should periodically update the methodology and rate structure, as appropriate, to be best positioned to obtain future acquisition and development financing from residential development. The City should prioritize the usage of Parks SDCs to secure new park properties and finance park or path/trail development consistent with the priorities within this Plan.

Grants & Appropriations

Several state and federal grant programs are available on a competitive basis, including Oregon State Parks, LWCF and MAP-21. Pursuing grants is not a panacea for park system funding, since grants are both competitive and often require a significant percentage of local funds to match the request to the granting agency, which depending on the grant program can be as much as 50% of the total project budget. Medford should continue to leverage its local resources to the greatest extent by pursuing grants independently and in cooperation with other local partners. Appropriations from state or federal sources, though rare, can supplement projects with partial funding. State and federal funding allocations are particularly relevant on regional transportation projects, and the likelihood for appropriations could be increased if multiple partners are collaborating on projects.

Parkland Donations & Dedications

Parkland donations from private individuals or conservation organizations could occur to complement the acquisition of park and open space lands across the City and UGB. Gift deeds or bequests from philanthropic-minded landowners could allow for lands to come into City ownership upon the death of the owner or as a tax-deductible charitable donation. Parkland dedication by a developer could occur in exchange for Park SDCs or as part of a planned development where public open space is a key design for the layout and marketing of a new residential project. Any potential dedication must be vetted by the Department to ensure that such land is located in an area of

need or can expand an existing City property and can be developed with site amenities listed in the Department's Guidelines for Site Selection and Development.

Public-Private Partnerships

Public-private partnerships are increasingly necessary for local agencies to leverage their limited resources in providing park and recreation services to the community. Corporate sponsorships, health organization grants, conservation stewardship programs and non-profit organizations are just a few examples of partnerships where collaboration provides value to both partners. The City has existing partners and should continue to explore additional and expanded partnerships to help implement these Plan recommendations.

Park & Recreation District

Another approach to financing park, recreation and path/trail needs is through the formation of a special district. Municipalities across Oregon have favored the creation of Park and Recreation Districts (PRD) to meet the recreational needs of residents, while also being sensitive to the set of demands placed on general purpose property tax funds. Bend and Willamalane are two examples of successful PRDs in Oregon. The Oregon Revised Statutes (Chapter 266) detail the formation and operation of such a district. Upon formation, the district would be managed by an elected board and have the authority to levy taxes, incur debt and issue revenue or general obligation bonds.

In particular, a PRD may be a viable option to help finance the construction and operation of a new multi-use recreation and aquatic center. As a regional facility, the PRD boundary could be enlarged to encompass nearby cities to help spread costs. A feasibility study should be conducted to explore the potential, financial viability and voter support for a PRD.

Other Implementation Tools

Appendix H of the 2016 Leisure Service Plan identifies other implementation tools, such as grants and acquisition tactics that the City could utilize to further the implementation of the projects noted in the CFP.

Works Cited

~~Following is a list of documents that are referred to within this Parks Element. They are listed in the order that they appear in the Parks Element. These documents are available at the City of Medford.~~

- ~~1. Joint Powers Agreement with Jackson County Regarding Maintenance of the Bear Creek Greenway Path within the City's Urban Growth Boundary~~
- ~~2. Bear Creek Master Plan~~
- ~~3. HMT Complex, Field One "Artificial Surface" Usage Comparison~~
- ~~4. 2010 Parks & Recreation Artificial Turf Comparison to Natural Grass Fields~~
- ~~5. Public Art Selection and Acquisition Policy~~
- ~~6. 25 Year Project List Adopted 1/19/06 (can be found in the 2006 Parks and Recreation System Development Charges Methodology Update)~~

- ~~7. 2009 Updated Project List (can be found in the January 2009 Parks and Recreation System Development Charges Methodology Update)~~
- ~~8. Prescott Park Management Plan~~
- ~~9. Prescott Park Management Plan – 2008 Update~~
- ~~10. Aquatic Facility Planning Study, ORW Architecture and Councilman Hunsaker~~
- ~~11. REMI Northwest Feasibility Study~~
- ~~12. Medford Transportation System Plan~~
- ~~13. Southeast Plan~~
- ~~14. Riparian Area Inventory and Assessment~~
- ~~15. January 2009 Parks and Recreation System Development Charges Methodology Update~~

Exhibit E

Amended Conclusions, Goals, Policies, and Implementation Strategies

The Goals, Policies, and Implementation Strategies revisions are found on pages 60-72 above.

The changes will be incorporated into this section of the Comprehensive Plan.

Exhibit F

Comments from Medford Irrigation District

MEDFORD IRRIGATION DISTRICT

P.O. BOX 70
5045 Jacksonville Hwy
Jacksonville, Oregon 97502
Office (541) 899-9913

City of Medford
Planning Department
Lausmann Annex, Room 240
200 South Ivy St.
Medford, OR 97501

February 24, 2017

File#: CP-17-013

Project: Leisure Services Plan Comprehensive Plan Amendment

The Medford Irrigation District requests involvement with the plan amendment since our facilities are mentioned as part of the plan in some areas.

There are very important issues to consider before moving forward in relation to the District's canals which we will discuss in detail including canal maintenance Procedures and land ownerships verses easements.

Sincerely,

Carol Bradford

Manager



Figure 7

Medford Leisure Services Plan Update (2016)
2016 - 2025 CAPITAL FACILITIES PLAN
Projects Eligible for SDC Funding (In Whole or in Part)

Project #	Proposed 2015-2025 Projects	Type	2017-19 BIENNIIUM		2019-21 BIENNIIUM		2021-23 BIENNIIUM		2023-25 BIENNIIUM		2025-27 BIENNIIUM	
			2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
Park Enhancements & Development												
	Donahue-Frohnmayr Park Expansion & Upgrades	D					\$ 2,100,000					
	Oregon Hills Park, Phase II	D		\$ 310,000								
	Chrissy Park Development	D	\$ 290,000									\$3,500,000
	Cedar Links Park Development	D		\$ 1,400,000								
	Howard School Park	D					\$ 922,000	\$ 922,000				
	Midway Park Development	D			\$1,100,000							
	Lone Pine Park Development	D							\$200,000			
Paths & Trails												
	Prescott Park Trail Development	D	\$ -		\$ 1,750,000							
	SE Area Plan - Larson Creek Corridor	A/D	\$ -				\$ 1,390,000					
	SE Area Plan - Tributary to Medford Canal	A/D	\$ -					\$ 1,570,000				
	SE Area Plan Paths & Trails	A/D	\$ -						\$ 2,000,000	\$ 2,271,832		
Future Acquisitions												
P-1	Neighborhood Park - N Medford	A	\$ 1,625,000									
P-3	Neighborhood Park - SE Medford	A		\$ 1,020,000								
P-2	Community Park - SE Medford	A		\$ 4,875,000								
P-9	Community Park - W Medford	A			\$ 2,320,000							
P-4	Neighborhood Park - E Medford	A				\$ 741,935						
P-6	Neighborhood Park - SE Medford	A					\$ 1,074,647					
P-7	Neighborhood Park - SW Medford	A						\$ 1,350,000				
P-8	Neighborhood Park - SW Medford	A							\$ 1,350,000			
P-5	Neighborhood Park - SE Medford	A								\$ 750,000		
Facilities												
	Multi-Use Recreation & Aquatic Center	D		\$ 9,000,000	\$ 9,000,000							
Totals per year:			\$ 1,915,000	\$ 16,605,000	\$ 14,170,000	\$ 741,935	\$ 5,486,647	\$ 3,842,000	\$ 3,550,000	\$ 3,021,832	\$ -	\$ 3,500,000

Figure 8

Medford Leisure Services Plan Update (2016)
2016 - 2025 CAPITAL FACILITIES PLAN
Projects Not Eligible for SDC Funding

Project #	Proposed 2015-2025 Projects	Type	2017-19 BIENNIUM		2019-21 BIENNIUM		2021-23 BIENNIUM		2023-25 BIENNIUM		2025-27 BIENNIUM	
			2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
Park Enhancements & Development												
	Restroom Replacement Program	R	\$ 300,000		\$ 80,000		\$ 100,000		\$ 80,000		\$ 80,000	
	Master Plan Updates	D	\$ 30,000		\$ 30,000		\$ 30,000					
	U.S. Cellular Community Park Turf Replacement	R	\$ 250,000	\$ 250,000	\$ 40,000	\$ 40,000	\$ 250,000	\$ 250,000	\$ 40,000	\$ 40,000	\$ 250,000	\$ 250,000
	Bear Creek Park Renovations	R			\$ 250,000	\$ 450,000						
	Safety Improvements, Upgrades and Renovations	R	\$ 150,000	\$ 150,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
	Wayfinding & Signage Program	R	\$ 32,500	\$ 32,500	\$ 65,000	\$ -	\$ -					
	ADA Renovations & Upgrades	R	\$ 9,250	\$ 158,500	\$ 48,000	\$ 152,000	\$ 122,500	\$ 108,000	\$ 40,500	\$ 41,500		
Other Capital Enhancements												
	Hilfiker Wall Repair	R	\$ 150,000									
	Totals per year:		\$ 921,750	\$ 591,000	\$ 613,000	\$ 742,000	\$ 602,500	\$ 458,000	\$ 260,500	\$ 181,500	\$ 430,000	\$ 2,600



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.1

www.ci.medford.or.us

DEPARTMENT:	Legal	AGENDA SECTION:	Ordinances and Resolutions
PHONE:	(541) 774-2020	MEETING DATE:	April 20, 2017
STAFF CONTACT:	Lori Cooper/Kevin McConnell, City Attorney's Office Deputy Chief Scott Clausen/Cpl. Tom Venables, MPD		

COUNCIL BILL 2017-40

An ordinance replacing section 5.256 of the Medford Municipal Code to allow exclusion notices to be issued to individuals within a designated downtown district.

SUMMARY AND BACKGROUND

In 2011, the City Council approved an ordinance adding section 5.256 to the Medford Code, which provided for exclusion notices to be issued to individuals after being warned to not engage in prohibited conduct on city property. This ordinance has been updated and expanded to: 1) apply to a designated downtown district as well as on any city property; 2) alter the length of exclusion period and methodology; 3) allow for a variance to an otherwise valid exclusion notice; 4) include the City's marijuana-related offenses and failure to control dangerous dog offense to list of offenses subject to exclusion ordinance; and 5) deleted the warning requirement before issuance of an exclusion notice.

PREVIOUS COUNCIL ACTIONS

Council approved Ordinance 2011-217 on November 3, 2011; on March 2, 2017 Council directed staff to draft an updated exclusion ordinance.

ANALYSIS

Most notably, the amendment will provide for two exclusion zones. Currently section 5.256 allows exclusion notices to be issued to individuals who engage in illegal conduct on City property, and the individual is excluded from the specific property the person receives a notice of exclusion for. This amendment will add a Downtown District exclusion zone (See Downtown District Civil Exclusion Zone Map, attached as Exhibit B). If an individual is issued an exclusion notice in the downtown district, they are excluded from the entire district. An individual found in either civil exclusion zone after being issued an exclusion notice may be cited and/or arrested for the crime of Trespass-Premises (Medford Code section 5.250).

In addition, this amendment also:

1) Sets the exclusion length period to 90 days. The current ordinance allows for a tiered exclusion period (30/90/180 days), based upon the number of exclusion notices previously issued. The Medford Police Department (MPD) and the court found this system overly complicated and unduly burdensome. As an excluded person can be arrested for trespass-premises any time they are seen in an excluded zone for three months (police contact is a significant deterrent), the current tiered exclusion period is unnecessary;

2) Deletes the requirement for a warning before issuance of an exclusion notice. Currently, an individual that violates *any law* (city or state violation, misdemeanor or felony) on city property is subject to the ordinance. The ordinance states that the officer must give a warning to the person to cease the unlawful activity. If they comply, no notice of exclusion is issued. However, the exceptions to the warning requirement swallowed the rule. The amended ordinance lists the offenses that can subject an individual to a notice of exclusion. Staff has included various crimes against persons and other offenses that erode the quality of life in the civil exclusion zones; and

3) Allows the municipal court to issue variances. Currently, if the City has met its burden, the Court upholds the exclusion. The ordinance only allows the Court to shorten the length of exclusion per its



CITY OF MEDFORD
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discretion. The amendment adds to this by allowing the Court to issue a variance if the scope of the exclusion is unreasonable under the circumstances.

As with the existing code, prohibited camping is not a basis for exclusion under the proposed amendment. Similarly, just as in the existing code, in the proposed amendment public urination and defecation is a basis for exclusion, with the exception of urinating on a permeable surface in a park or greenway.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve, modify, or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the adoption of the Civil Exclusion ordinance.

EXHIBITS

Ordinance

Map

ORDINANCE NO. 2017-40

AN ORDINANCE replacing section 5.256 of the Medford Municipal Code to allow exclusion notices to be issued to individuals within a designated downtown district.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 5.256 of the Medford Code is added to read as follows:

5.256 Exclusion from City Property Civil Exclusion.

~~(1) Exclusion. In addition to other remedies provided for violation of this Code, a person in charge of city property may exclude any person who violates an applicable provision of law on a city property from the city property in accordance with the provisions of this section. Nothing in this section shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the Oregon or federal constitution. However, a person engaged in such protected activity who commits acts that are not protected shall be subject to exclusion as provided by this section.~~

~~(2) Definitions. The following terms as used in this section shall mean:~~

~~(a) City Property. Any property owned or managed by the City, including but not limited to parks, greenways, buildings, parking lots or other land or physical structures.~~

~~(b) Person in Charge of City Property. The City Manager or designee; the City of Medford Parks & Recreation Director or designee; or a Peace Officer as defined in Medford Code Section 1.010(18).~~

~~(c) Applicable Provision of Law. Includes any City ordinance; any rule or regulation promulgated by the Parks and Recreation Department; any offense or traffic offense of the State of Oregon; and any law regarding controlled substances or alcoholic beverages. A person in violation of section 5.257 (Prohibited Camping) shall not be subject to the provisions of this section.~~

~~(3) Length of Exclusion. Exclusions under this section shall be administered as follows:~~

~~(a) If the person to be excluded has not previously been excluded from the city property, the exclusion shall be for 30 days.~~

~~(b) If the person to be excluded has been excluded at any time from the city property within two years before the date of the present exclusion, the exclusion shall be for 90 days.~~

~~(c) If the person to be excluded has been excluded from the city property on two or more occasions within two years before the date of the present exclusion, the exclusion shall be for 180 days.~~

~~(d) A person shall only be excluded from the city property that the person receives a notice of exclusion for.~~

~~(e) If the person to be excluded has previously been excluded from a different city property, the previous exclusion shall not be counted in determining the length of exclusion.~~

~~(4) Exclusion Warning. Before issuing an exclusion under this section, a person in charge of city property shall first give the person a warning and a reasonable opportunity to desist from the violation. An exclusion shall not be issued if the person promptly complies and desists from the violation. Notwithstanding the provisions of this subsection, no warning shall be required if the person is to be excluded for engaging in conduct that:~~

~~(a) Is classified as an offense under the following chapters of the Oregon Revised Statutes, or is~~

~~an attempt, solicitation or conspiracy to commit any such offense as defined in ORS:~~

- ~~(i) Chapter 162 Offenses Against the State and Public Justice;~~
- ~~(ii) Chapter 163 Offenses Against Persons;~~
- ~~(iii) Chapter 164 Offenses Against Property, except for ORS 164.805 (Offensive Littering);~~
- ~~(iv) Chapter 165 Offenses Involving Fraud or Deception;~~
- ~~(v) Chapter 166 Offenses Against Public Order; Firearms and Other Weapons; Racketeering;~~
- ~~(vi) Chapter 167 Offenses Against Public Health, Decency and Animals;~~
- ~~(vii) Chapter 475 Controlled Substances; Illegal Drug Cleanup; Paraphernalia; Precursors; or~~
- ~~(b) Otherwise involves a controlled substance or alcoholic beverage; or~~
- ~~(e) Has resulted in injury to any person or damage to any property; or~~
- ~~(d) Constitutes a violation of any of the following provisions of the Code:~~
 - ~~(i) Section 5.105 Assault;~~
 - ~~(ii) Section 5.110 Menacing;~~
 - ~~(iii) Section 5.115 Recklessly Endangering a Person;~~
 - ~~(iv) Section 5.120 Disorderly Conduct;~~
 - ~~(v) Section 5.125 Public Urination, except if the conduct involves only urination on a permeable surface in a city park or greenway;~~
 - ~~(vi) Section 5.130 Harassment;~~
 - ~~(vii) Section 5.152 Carrying Concealed Weapon;~~
 - ~~(viii) Section 5.154 Unlawful Possession of Firearm;~~
 - ~~(ix) Section 5.160 Discharge of Weapons;~~
 - ~~(x) Section 5.260 Defacing Streets or Sidewalks, except if the person is able to summarily remove the defacement or marking to the satisfaction of the Person in Charge of City Property;~~
 - ~~(xi) Section 5.270 Mischief;~~
 - ~~(xii) Sections 5.292, 5.294 and 5.298 Theft Ordinances;~~
 - ~~(xiii) Section 5.305 Inhaling Toxic Vapors;~~
 - ~~(xiv) Section 5.310 Drinking in Public~~
 - ~~(xv) Section 5.315 Possession of a Controlled Substance;~~
 - ~~(xvi) Section 5.341 Prohibition of Unaccompanied or Unemancipated Minors from Being in Public Places During Certain Hours; or~~
- ~~(e) Is conduct for which the person previously has been warned or excluded for committing on city property.~~
- ~~(5) Notice of Exclusion. Written notice shall be given to any person excluded from a city property under this section. The notice shall specify the date, length and specific place of exclusion, shall identify the provision of law the person has violated and shall contain a description of the offending conduct. The notice shall inform the excluded person of the right to appeal, including the time limit and place of delivering the appeal. The notice shall be signed by the person in charge of city property. Warnings of consequences for failure to comply shall be prominently displayed on the notice. A person that disobeys a notice of exclusion may be cited and/or arrested for the crime of trespass premises under the Code.~~
- ~~(6) Appeal. A person receiving a notice of exclusion shall have the right to a hearing to have the exclusion rescinded or the period of exclusion reduced. All of the following apply to an appeal from a notice of exclusion:~~
 - ~~(a) The hearing request must be filed in writing to the municipal court within ten (10) days after receipt of the notice of exclusion.~~

~~(b) The hearing shall be conducted by the municipal court judge within ten (10) days of receipt of a proper request filed pursuant to this section; excluding Saturdays, Sundays and holidays. The hearing may be rescheduled for good cause shown, but shall be scheduled no later than five (5) additional business days from the rescheduled request.~~

~~(c) If an appeal is timely filed, the period of exclusion shall be stayed, pending the outcome of the appeal. If the exclusion is affirmed, the remaining period of exclusion shall be effective immediately upon issuance of the municipal court's decision. If a person is issued a subsequent notice of exclusion from the city property while a previous notice of exclusion is stayed pending appeal, the stayed exclusion shall be counted in determining the appropriate length of the subsequent exclusion. If the previous exclusion is set aside, the term of the subsequent exclusion shall be reduced as if the previous exclusion had not been issued.~~

~~(d) The City shall have the burden of proving by a preponderance of the evidence the validity of the exclusion.~~

~~(e) If the municipal court finds by a preponderance of the evidence that each element necessary to issue the notice of exclusion has been proven, and if the exclusion is otherwise in accordance with law, the municipal court shall uphold the exclusion. However, if the municipal court finds that the City has not met its burden of proof, or that the exclusion is otherwise unlawful, then the municipal court shall enter an order rescinding the exclusion. In the event that the municipal court finds that the City has met its burden of proof, but that the length of the exclusion is unreasonable under the circumstances, the municipal court may issue an order shortening the length of exclusion. The decision of the municipal court is final.~~

(1) Civil Exclusion Zones. Civil exclusion zones are designated to protect the public from those whose illegal conduct poses a threat to the public health, safety, and welfare. In accordance with the provisions of this section, the Chief of Police or designee may exclude any person who is cited to appear, arrested or otherwise taken into custody for any offense listed in subsection (2) of this section within a civil exclusion zone. Nothing in this section shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the Oregon or federal constitution. However, a person engaged in such protected activity who commits acts that are not protected shall be subject to exclusion as provided by this section. Civil exclusion zones include the following places:

(a) City Property. Any property owned or managed by the City, including but not limited to parks, greenways, buildings, parking lots or other land or physical structures. A person shall only be excluded from the city property that the person receives a notice of exclusion for.

(b) The Downtown District. Comprises the area bound by Bear Creek, the north right-of-way of Sixth Street, the west right-of-way of Oakdale Avenue, and the south right-of-way of Tenth Street (as shown on Map A).

(2) Offenses; Penalty. A person is subject to civil exclusion for a period of 90 days from entering or remaining within a civil exclusion zone if that person has been cited to appear, arrested or otherwise taken into custody within a civil exclusion zone for any of the following offenses:

(a) alcoholic liquor violations as provided in the Oregon Liquor Control Act, or Medford code sections 5.310, 5.350, 5.360, or 5.361;

(b) any sexual offense, as provided by ORS 163.355 through 163.465;

(c) arson or related offenses as provided in ORS 164.315 through 164.335;

(d) assault as provided in ORS 163.160, ORS 163.165, ORS 163.175, ORS 163.185,

- or Medford code section 5.105;
- (e) criminal mischief as provided in ORS 164.345 through 164.365 or Medford code section 5.270;
- (f) disorderly conduct as provided in ORS 166.025 or Medford code section 5.120;
- (g) discharge of weapons as provided in Medford code section 5.160
- (h) failure to control dangerous dog as provided in Medford code section 5.603.
- (i) graffiti offenses as provided in ORS 164.381 through ORS 164.386 or Medford code section 5.519;
- (j) harassment as provided in ORS 166.065 or Medford code section 5.130;
- (k) intimidation as provided in ORS 166.155 through 166.165;
- (l) marijuana-related offenses as provided in the Control and Regulation of Marijuana Act, the Oregon Medical Marijuana Act, or Medford code sections 5.652, 5.653, 5.705, 5.710, or 5.715;
- (m) menacing as provided in ORS 163.190 or Medford code section 5.110;
- (n) possession, manufacture, or delivery of a controlled substance or related offenses as provided in ORS 167.203, ORS 475.005 through 475.285, and ORS 475.752 through 475.980;
- (o) prostitution or related offenses as provided in ORS 167.007 through ORS 167.017;
- (p) public urination as provided in Medford code section 5.125, except if the conduct involves only urination on a permeable surface in a park or greenway;
- (q) recklessly endangering another person as provided in ORS 163.195 or Medford code section 5.115;
- (r) strangulation as provided in ORS 163.187;
- (s) theft as provided in ORS 164.015 through 164.140 or Medford code sections 5.291 through 5.298.

(3) **Violation.** If a person excluded from a civil exclusion zone is found within the boundary of the civil exclusion zone during the exclusion period, that person may be arrested for Trespass-Premises as provided in Medford code section 5.250. A person is not considered to be within a civil exclusion zone if the person is on or within a vehicle that is passing through the exclusion area.

(4) **Exclusion Notice.** The Chief of Police is designated as the person in charge of civil exclusion zones for the purpose of issuing exclusion notices in accordance with this ordinance, and may authorize employees of the police department to issue exclusion notices. Written notice shall be given to any person excluded from a civil exclusion zone. The notice shall specify the area from which the person is excluded, the length of exclusion, the offense(s) the person is accused of violating, and a description of the offending conduct. Warnings of consequences for failure to comply shall be prominently displayed on the notice. The notice shall inform the excluded person of the right to appeal to the municipal court, and shall include information on the time limit to file an appeal and place to deliver the appeal. Unless otherwise provided in the exclusion notice, the term of exclusion shall take effect upon issuance.

(5) **Appeal.** A person receiving an exclusion notice shall have the right to a hearing to have the exclusion rescinded, the period of exclusion reduced, or to request a variance.

- (a) The hearing request must be filed in writing to the Municipal Court Clerk at Medford City Hall within ten (10) days after receipt of the notice of exclusion.

The hearing shall be conducted by the municipal court judge within ten (10) days of receipt of a request filed pursuant to this section; excluding Saturdays, Sundays, and holidays.

- (b) The hearing may be rescheduled for good cause shown, but shall be scheduled no later than five (5) additional business days from the rescheduled request. If an appeal is timely filed, the period of exclusion shall be stayed, pending the outcome of the appeal. If the exclusion is affirmed, the remaining period of exclusion shall be effective immediately upon issuance of the municipal court's decision.
- (c) The City shall have the burden of proving by a preponderance of the evidence the validity of the exclusion. If the municipal court finds by a preponderance of the evidence that the exclusion was based upon the conduct proscribed by subsection (2), and if the exclusion is otherwise in accordance with law, the municipal court shall uphold the exclusion. However, if the municipal court finds that the City has not met its burden of proof, or that the exclusion is otherwise unlawful, then the municipal court shall enter an order rescinding the exclusion. In the event that the municipal court finds that the City has met its burden of proof, but that the length or scope of the exclusion is unreasonable under the circumstances, the municipal court may issue an order shortening the length of exclusion or allowing for a variance. The decision of the municipal court is final.

(6) Variance. The Court may in its discretion grant a variance to an excluded person at any time during the period of exclusion if the person can establish that he or she resides or is employed within an exclusion zone, or will use the waiver to attend a court hearing or meet with an attorney or criminal justice personnel, complete community service or any other activity ordered by a court, obtain goods and services not otherwise reasonably available outside the exclusion zone to satisfy the person's essential needs, visit a family member residing in an exclusion zone, attend religious services or otherwise exercise a constitutional right. The variance shall be in writing, for a specific period of time and only to accommodate a specific purpose, all of which shall be stated on the variance. The excluded person shall keep the variance on his or her person at all times the person is within the exclusion area.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2017.

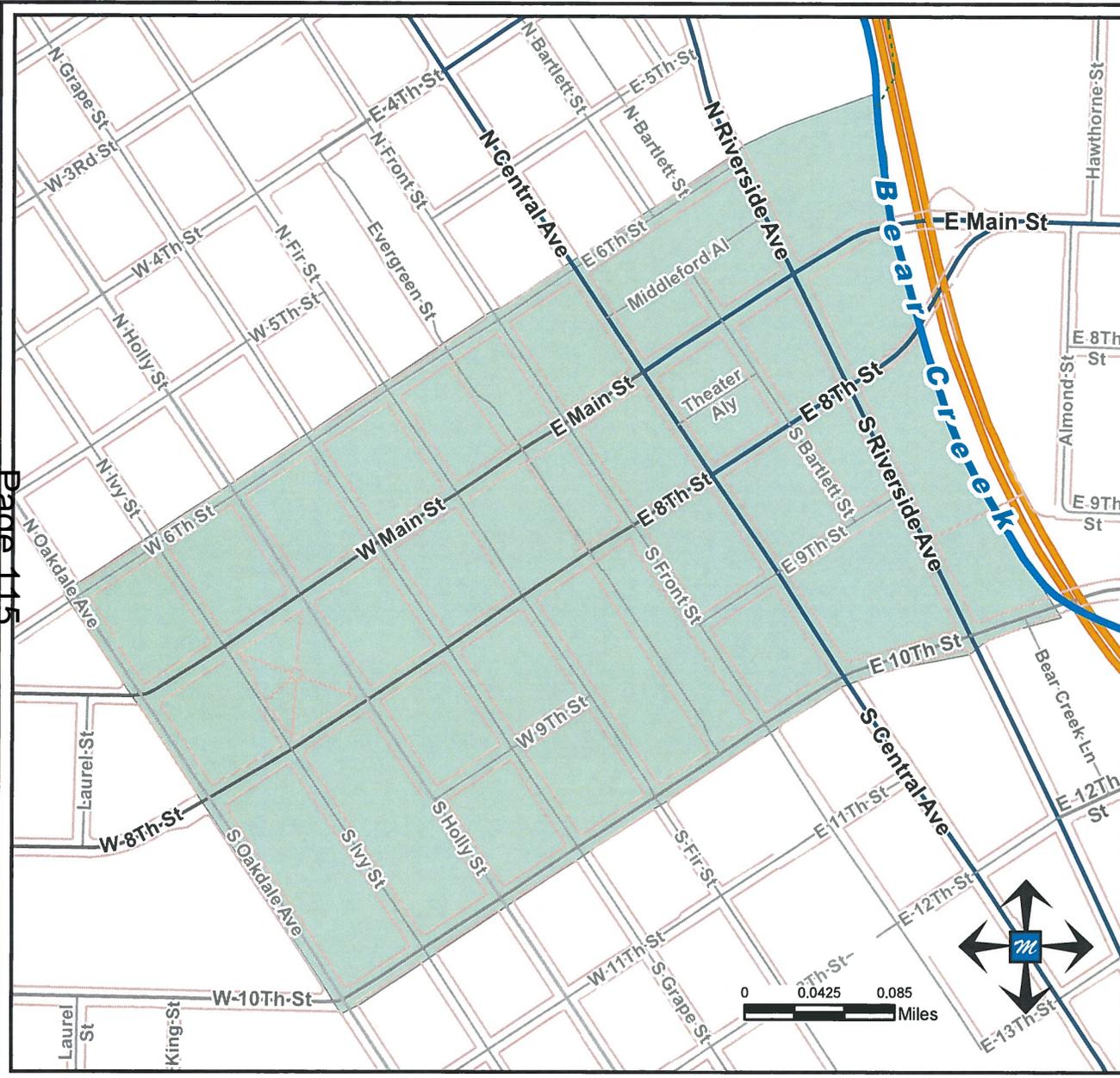
ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor

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



City of
Medford Downtown District
Civil Exclusion Zone

Legend

-  Sidewalks (Updated in 2010)
-  Downtown District Civil Exclusion Zone



No guarantee or warranty is expressed or implied in terms of data accuracy or legitimacy. This product is intended for use as public information and precise interpretations of the official record should be solicited from the City of Medford.

Date: 4/10/2017



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 60.2

www.ci.medford.or.us

DEPARTMENT: Legal **AGENDA SECTION:** Ordinances and Resolutions
PHONE: (541) 774-2020 **MEETING DATE:** April 20, 2017
STAFF CONTACT: Kevin McConnell, Deputy City Attorney
Sgt. Don Lane, MPD

COUNCIL BILL 2017-41

An ordinance amending sections 7.950, 7.951, 7.954, 7.955, 7.956, 7.957, and 7.958 of the Medford Municipal Code pertaining to vacant residential property.

SUMMARY AND BACKGROUND

An ordinance amending the Vacant Residential Property Registration ordinance of the City of Medford.

In 2009, the Council adopted the ordinance in response to the considerable increase in the number of blighted, vacant residential properties within the City. The ordinance requires lenders to register vacant residential properties with the City, and imposes maintenance and security requirements for residential properties subject to the ordinance. Lenders are also required to provide and post accurate contact information for the local representative responsible for the property's maintenance and security.

The ordinance was one of the first of its kind in Oregon, and has been used as a model for other communities dealing with blighted residential properties. This minor amendment is necessary to conform to the City's adoption of its Property Maintenance Code and otherwise update this nearly eight year-old ordinance.

PREVIOUS COUNCIL ACTIONS

City Council adopted Ordinance 2009-204 on May 7, 2009. A study session was held on March 23, 2017 and staff has completed the code change from the direction provided.

ANALYSIS

This amendment to the ordinance:

- 1) Places maintenance and security requirements in same section and clarifies various provisions;
- 2) Deletes language permitting the boarding up of broken windows indefinitely in order to comply with the Property Maintenance Code. Damaged windows (and doors) must be replaced within 10 business days.
- 3) Declares violation of section 7.954 to be a public nuisance, permitting the City to abate the nuisance and lien the property if necessary.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve, modify, or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance amending the Vacant Residential Property Registration Ordinance of the City of Medford.

EXHIBITS

Ordinance

ORDINANCE NO. 2017-41

AN ORDINANCE amending sections 7.950, 7.951, 7.954, 7.955, 7.956, 7.957, and 7.958 of the Medford Municipal Code pertaining to vacant residential property.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 7.950 of the Medford Code is amended to read as follows:

7.950 Title and Purpose.

This ordinance shall be known and may be cited as the "Vacant Residential Property Registration Ordinance of the City of Medford." The purpose of this ~~vacant residential property registration program ordinance~~ **ordinance** is to protect neighborhoods from becoming blighted through the lack of adequate maintenance and security of vacant properties by requiring that vacant residential properties be adequately secured and maintained.

SECTION 2. Section 7.951 of the Medford Code is amended to read as follows:

7.951 Definitions.

~~The following terms as used in sections 7.950 to 7.958 shall mean:~~

- (1) "Borrower:" **means a**Any person who becomes obligated on a real estate loan agreement, either directly or indirectly, and includes, but is not limited to, mortgagors, vendees under conditional land sales contracts and grantors under trust deeds.
- (2) "Evidence of vacancy:" **means a**Any condition that on its own, or combined with other conditions present, would lead the Chief of Police or his designee to believe that the property is vacant.

- (3) "Lender:" **means a**Any person who makes, extends, or holds a real estate loan agreement and includes, but is not limited to, mortgagees; beneficiaries under trust deeds; vendors under conditional land sales contracts; trustees and a successor in interest to any mortgagee, beneficiary, vendor or trustee. The term also includes any mortgagee, beneficiary or trustee that accepts a deed in lieu of foreclosure.
- (4) "Notice of default:" **means a**A written notice to a borrower stating that a default on a real estate loan agreement has occurred and that legal action may be taken.
- (5) "Out of area:" **means o**Outside of Jackson County.
- (6) "Real Estate Loan Agreement:" **means a**Any agreement providing for a loan on residential property, secured in whole or in part by real property located within the City of Medford, or any interest therein, and includes, but is not limited to mortgages, trust deeds and conditional land sales contracts.
- (7) "Vacant:" **means a**A subject property that is not legally occupied.

SECTION 3. Section 7.954 of the Medford Code is amended to read as follows:

7.954 Maintenance **and Security** Requirements.

- (1) A lender shall maintain properties subject to this ordinance. Maintenance includes all of the following:

(a) Ensuring that the condition of the subject property does not, ~~in the opinion of the Chief of Police or his designee,~~ constitute a public nuisance or a chronic public nuisance as described in ~~Medford Code sections 7.430, 5.500, 5.505, 5.511 and 5.519;~~ **by the Code;**

(b) Keeping the premises free of weeds, dead vegetation, graffiti, trash, accumulated newspapers, circulars, flyers, discarded personal items, and any other item or condition that would cause a person to form a reasonable belief that the property is vacant;

(bc) Regular watering, irrigation, cutting, pruning and mowing of the subject property and the removal of all trimmings, as applicable to the property;

(ed) Pools and spas If there is an outdoor pool or spa on the premises, such facility shall be kept in working order, so that water remains clear and free of pollutants and debris; or drained and kept covered. In either case, subject properties with pools or spas shall comply with the City's minimum security fencing requirements.

~~(2) If the property is owned by an out of area lender, a local property management company shall be contracted to perform weekly inspections to verify the requirements of this section, and to ensure any other applicable laws are being met. The property management company shall post a direct contact name and 24 hour contact phone number for persons to report problems or concerns, and the posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street. If no such area exists, then the posting shall be placed on the exterior of the property in a location visible from the street to the front of the property. An exterior posting shall be constructed of and printed with weather resistant materials. The property shall remain secure and locked. Windows and doors may be boarded up if damaged or if otherwise permitted by the Code. Damaged windows and doors shall either be repaired or replaced within ten (10) business days.~~

(3) Adherence to Compliance with this section does not relieve a person subject to this ordinance of any obligations set forth by state law, in or any covenants, conditions and restrictions which may apply to the subject property.

SECTION 4 Section 7.955 of the Medford Code is amended to read as follows:

7.955 Security Requirements. Local Presence of Lender or Lender's Agent Required.

~~(1) The lender shall maintain a subject property in a secure manner so as not to be accessible to unauthorized persons, and includes the securing of windows, doors, gates and any other opening of such size that may allow a child to access the interior of the property. Broken windows shall be boarded or reglazed. An out of area lender shall retain the services of a local property management company to ensure compliance with this ordinance. The property management company shall post a direct contact name and 24-hour contact phone number for persons to report problems or concerns, and the posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street. If no such area exists, then the posting shall be placed on the exterior of the property in a location visible from the street to the front of the property. An exterior posting shall be constructed of and printed with weather resistant materials.~~

~~(2) If the property is owned by an out of area lender, a local property management company shall be contracted to perform weekly inspections to verify the requirements of this section, and to ensure any other applicable laws are being met. A property management company shall be subject to the same posting requirements as provided for in section 7.954(2) of this ordinance.~~

SECTION 5. Section 7.956 of the Medford Code is amended to read as follows:

7.956 Additional Authority.

The Chief of Police or ~~his~~ designee shall have the authority to require the lender to implement any additional maintenance and/or security measures including, but not limited to:

SECTION 6. Section 7.957 of the Medford Code is amended to read as follows:

7.957 Violation; Penalty.

(1) A lender that violates any ~~portion~~ **section** of this ordinance shall be subject to prosecution as provided for in section 7.900.

SECTION 7. Section 7.958 of the Medford Code is amended to read as follows:

7.958 Appeals.

A lender that is required to implement additional maintenance or security measures as provided for in section 7.956 of this ordinance shall have the right to appeal to the City Council under the procedures set out in section 1.025 of ~~this~~ **the Ceode**.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor

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



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 60.3

www.ci.medford.or.us

DEPARTMENT: Legal **AGENDA SECTION:** Ordinances and Resolutions
PHONE: (541) 774-2020 **MEETING DATE:** April 20, 2017
STAFF CONTACT: Kevin McConnell, Deputy City Attorney
Sgt. Don Lane, MPD

COUNCIL BILL 2017-42

An ordinance repealing sections 5.511 through 5.518 and adding sections 7.960, 7.962, 7.964, 7.966, 7.968, 7.970, 7.972, 7.974, 7.976, 7.978 of the Medford Municipal Code pertaining to chronic nuisance property.

SUMMARY AND BACKGROUND

In 1998, the Council adopted its Chronic Nuisance Property Ordinance (Medford Code sections 5.511 through 5.518). The ordinance allows the City to hold property owners accountable for repeated instances of nuisance activity that occur on or near a commercial or residential property.

In general, a property is determined to be a chronic nuisance property when the City determines that three or more nuisance activities have occurred on or within 200 feet of a property during any thirty-day period. The term “nuisance activities” includes an extensive list of state and city offenses. The ordinance does not require a conviction for criminal activity prior to the commencement of any remedy allowed under its provisions.

If the City determines that a property has become a chronic nuisance property, the ordinance requires the property owner to propose a course of action that the City agrees will abate the nuisance activities. If a property owner fails to do so, the ordinance permits the City to file a complaint for the abatement of nuisance activities at the property, seek its closure for up to one year, and request a civil penalty for each day the nuisance activities occurred following notice.

While the ordinance has successfully abated nuisance activities at several commercial and residential properties over the years, the Medford Police Department (MPD) has struggled to document the occurrence of three or more nuisance activities within thirty days. As a result, many properties with repeated instances of nuisance activity escape appropriate enforcement action. The effect of the City’s proposed amendment to the definition of “chronic nuisance property” will be to hold more chronic nuisance property owners accountable under the ordinance.

In addition, city and state laws have changed since the adoption of the ordinance in 1998. Given the amendments to city and state law over the past 20 years, an update of the definition of “nuisance activities” is necessary.

Finally, while the ordinance requires a property owner to propose a “course of action” to abate the nuisance activities at a property, it does not describe what the property owner is required to submit to MPD.

The amendments to the ordinance address the issues stated above and otherwise update this nearly 20 year-old ordinance.

PREVIOUS COUNCIL ACTIONS

City Council adopted Ordinance 1998-232 on October 15, 1998.
Study Session, March 23, 2017



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 60.3

www.ci.medford.or.us

ANALYSIS

This code amendment:

- 1) Updates the definition of “Chronic Nuisance Property” to include four or more reported nuisance activities reported during any 120-day period or six or more nuisance activities reported during any 365-day period;
- 2) Updates the definition of “Nuisance Activities” by ensuring citation to the correct Oregon Revised Statutes and adds pertinent state and city offenses adopted after 1998 (i.e., strangulation; marijuana related offenses; failure to control dangerous dog);
- 3) Clarifies the “course of action” a property owner must take after the City has determined a property to be a chronic nuisance property. A property owner must submit a Chronic Nuisance Abatement Plan (CNAP), which is a plan that includes actions to abate, correct or eliminate the occurrence of chronic nuisance activities on or around the property. A CNAP must include an implementation timeline;
- 4) Specifies that in addition to the commencement of a civil action, the City may issue daily citations to the person in charge for violations of the ordinance; and
- 5) Increases the civil penalty from \$100 per day to \$250 per day for each day nuisance activities occurred on the property following notice.
- 6) Moves the ordinance from Chapter 5 (Offenses) to Chapter 7 (Public Protection) of the Medford Municipal Code.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve, modify, or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the adoption of the Chronic Nuisance Property ordinance.

EXHIBITS

Ordinance

ORDINANCE NO. 2017-42

AN ORDINANCE repealing sections 5.511 through 5.518 and adding sections 7.960, 7.962, 7.964, 7.966, 7.968, 7.970, 7.972, 7.974, 7.976, 7.978 of the Medford Municipal Code pertaining to chronic nuisance property.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 5.511 of the Medford Code is hereby repealed:

~~5.511 Chronic Nuisance Property. For purposes of Sections 5.511 through 5.518, the following mean:~~

~~“Chronic Nuisance Property”. Property on which three or more nuisance activities have occurred during any thirty (30) day period; property on which or within 200 feet of which any person associated with the property has engaged in three or more nuisance activities during any thirty (30) day period; or property which, upon request for execution for a search warrant, has been the subject of a determination by a court that probable cause that possession, manufacture, or delivery of a controlled substance or related offenses as defined in ORS 167.203, 475.005 to 475.285 and/or 475.940 to 475.995 have occurred within the previous thirty (30) days; and the execution of the search warrant has resulted in the discovery of such controlled substances.~~

~~“Nuisance Activities”. Any of the following activities, behaviors or criminal conduct: harassment as defined in ORS 166.065(1)(a) or Medford Code 5.130; intimidation as provided in ORS 166.155 through 166.165; disorderly conduct as provided in ORS 166.025 or Medford Code 5.120; assault or menacing as provided in ORS 163.160, ORS 163.165, ORS 163.175, ORS 163.185, or ORS 163.190 or Medford Code 5.105 or 5.110; sexual abuse, contributing to the delinquency of a minor, or sexual misconduct as provided in ORS 163.415, ORS 163.425, ORS 163.427, ORS 163.435 or ORS 163.445; public indecency as provided in ORS 163.465; prostitution or related offenses as provided in ORS 167.007, 167.012, and ORS 167.017; alcoholic liquor violations as provided in ORS 471.105 through 471.482 or Medford Code 5.350 or 5.360; theft as provided in ORS 164.015 through 164.140 or Medford Code 5.291 through 5.298; arson or related offenses as provided in ORS 164.315 through 164.335; possession, manufacture, or delivery of a controlled substance or related offenses as provided in ORS 167.203, ORS 475.005 to 475.285, 475.940 to 475.995 or Medford Code 5.315; illegal gambling as provided in ORS 167.117, ORS 167.122, and ORS 167.127; criminal mischief as provided in ORS 164.345 through 164.365 or Medford Code 5.270; any attempt to commit (as defined by ORS 161.405), or conspiracy to commit (as defined by ORS 161.455), any of the above offenses; discharge of a firearm as provided in Medford Code 5.160; unlawful operation of sound producing or reproducing equipment or unnecessary noise as provided in Medford Code 5.225, excluding violations of 5.225 (1); unlawful drinking in public as provided in Medford Code 5.310.~~

~~“Control”. The ability to regulate, restrain, dominate, counteract or govern conduct that occurs on a property.~~

~~“Person in Charge”. Any person, in actual or constructive possession of a property, including but not limited to, an owner or occupant of property under his or her dominion, ownership or control.~~

~~“Permit”. To suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or~~

agree to the doing of an act.

~~“Person”. Any natural person, agent, association, firm, partnership or corporation capable of owning, occupying or using property in the City of Medford.~~

~~“Property”. Any property, including land and that which is affixed, incidental or appurtenant to land, including but not limited to, any business or residential premises, room, house, parking area, loading area, landscaping, building or structure or any separate part, unit or portion thereof, or any business equipment, whether or not permanent. For property consisting of more than one unit, property is limited to the unit or the portion of the property on which any nuisance abatement has occurred or is occurring, but includes areas of the property used in common by all units of property including without limitation other structures erected on the property and areas used for parking, loading and landscaping.~~

~~“Person Associated With”. Any person who, on the occasion of a nuisance activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a property or person present on a property, including without limitation any officer, director, customer, agent, employee, or any independent contractor of a property, person in charge, or owner thereof.~~

SECTION 2. Section 5.512 of the Medford Code is hereby repealed:

~~5.512 Violation.~~

~~(1) Any property within the City of Medford which is a chronic nuisance property is in violation of these provisions and subject to the remedies prescribed.~~

~~(2) Any person in charge who permits property to be a chronic nuisance property shall be in violation of these provisions and subject to the remedies prescribed.~~

SECTION 3. Section 5.513 of the Medford Code is hereby repealed:

~~5.513 Procedure.~~

~~(1) When the Chief of Police receives two or more police reports documenting the occurrence of a nuisance activity on or within 200 feet of a property within the city, the Chief or the Chief's designee shall independently review such reports to determine whether they describe any acts enumerated under Nuisance Activities above. Following such review the Chief may notify the person in charge in writing that the property is in danger of become chronic nuisance property. The notice shall contain the following information:~~

~~(a) The street address or a legal description sufficient for identification of the property.~~

~~(b) A statement that the Chief has information that the property may be chronic nuisance property, with a concise description of the nuisance activities that may exist, or that have occurred. The Chief shall offer the person in charge an opportunity to propose a course of action that the Chief agrees will abate the nuisance activities giving rise to the violation.~~

~~(c) Demand that the person in charge respond to the Chief within ten (10) days to discuss the nuisance activities.~~

~~(2) After notification of Nuisance Activities to a person in charge, when the Chief receives a police report documenting the occurrence of a third nuisance activity at or within 200 feet of a property and determines that the property has become chronic nuisance property, the Chief shall notify the person in charge in writing that the property has been determined to be a chronic nuisance property. The notice shall contain the following information:~~

- ~~(a) The street address or a legal description sufficient for identification of the property.~~
- ~~(b) A statement that the Chief has determined the property to be a chronic nuisance property with a concise description of the nuisance activities leading to his findings.~~
- ~~(c) Demand that the person in charge respond within ten (10) days to the Chief and propose a course of action that the Chief agrees will abate the nuisance activities giving rise to the violation.~~
- ~~(d) Service shall be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to the person in charge at the address of the property, or such other place which is likely to give the person in charge notice of the determination by the Chief.~~
- ~~(e) A copy of the notice shall be served on the owner at such address as shown on the tax rolls of the county, and/or the occupant at the address of the property, if these persons are different than the person in charge, and shall be made either personally or by first class mail, postage prepaid.~~
- ~~(f) A copy of the notice shall also be posted at the property if ten days has elapsed from the service or mailing of the notice to the person in charge and the person in charge has not contacted the Chief.~~
- ~~(g) The failure of any person to receive notice that the property may be a chronic nuisance property shall not invalidate or otherwise affect the proceedings under these provisions.~~
- ~~(3) If after the notification, but prior to the commencement of legal proceedings by the city pursuant to these provisions, a person in charge stipulates with the Chief that the person in charge will pursue a course of action the parties agree will abate the nuisance activities giving rise to the violation, the Chief may agree to postpone legal proceedings for a period of not less than ten (10) nor more than thirty (30) days.~~
- ~~(4) Concurrent with any notification procedures set forth above, the Chief shall send copies of the notice, as well as any other documentation which supports legal proceedings against the property, to the City Attorney.~~
- ~~(5) When a person in charge makes a response to the Chief, any conduct or statements made in connection with the furnishing of that response shall not constitute an admission that any nuisance activities have or are occurring. This section does not require the exclusion of any evidence which is otherwise admissible or offered for any other purpose.~~

SECTION 4. Section 5.514 of the Medford Code is hereby repealed:

~~5.514 Burden of Proof; Defenses; Mitigation of Civil Penalty.~~

- ~~(1) In an action for chronic nuisance property, the city shall have the initial burden of proof to show by a preponderance of the evidence that the property is chronic nuisance property.~~
- ~~(2) It is a defense to an action for chronic nuisance property that the person in charge at all material times could not, in the exercise of reasonable care or diligence, determine that the property had become chronic nuisance property, or could not, in spite of the exercise of reasonable care and diligence, control the conduct leading to the determination that the property is chronic nuisance property.~~
- ~~(3) In establishing the amount of any civil penalty requested, the Court may consider any of the following factors and shall cite those found applicable:
 - ~~(a) The actions taken by the person in charge to mitigate or correct the nuisance activities at the property;~~
 - ~~(b) The financial condition of the person in charge;~~~~

- ~~(c) Whether the problem at the property was repeated or continuous;~~
- ~~(d) The magnitude or gravity of the problem;~~
- ~~(e) The cooperativeness of the person in charge with the city;~~
- ~~(f) The cost of the city of investigating and correcting or attempting to correct the nuisance activities.~~
- ~~(g) Any other factor deemed by the Court to be relevant.~~

SECTION 5. Section 5.515 of the Medford Code is hereby repealed:

~~5.515 Closure During Pendency of Action; Emergency Closures.~~

~~Any emergency closure proceeding initiated under this provision shall be based on evidence showing that nuisance activities have occurred on the property and that emergency action is necessary to avoid an immediate threat to public welfare and safety. Proceedings to obtain an order of emergency closure shall be governed by the provisions of ORCP 79 for obtaining temporary restraining orders. In such an event the notification procedures set forth above need not be complied with.~~

SECTION 6. Section 5.516 of the Medford Code is hereby repealed:

~~5.516 Commencement of Actions; Remedies.~~

~~(1) The City Manager may authorize the City Attorney to commence legal proceedings in a court of competent jurisdiction to enjoin or abate chronic nuisance property and to seek closure, the imposition of civil penalties against any or all of the persons in charge thereof, and any such other relief deemed appropriate.~~

~~(2) If after the commencement but prior to the trial of any action or suit brought by the city, a person in charge of chronic nuisance property stipulates with the city that he or she will pursue a course of action the parties agree will abate the nuisance activities giving rise to the violation, the city may agree to stay proceedings for a period of not less than ten (10) nor more than sixty (60) days, except in the case of nuisance activity involving drugs where a search warrant was executed at the property. The person in charge or the city may thereafter petition the court for such additional periods of time as may be necessary to complete the action(s) to abate the nuisance activities. However, in the event that the city reasonably believes the person in charge of a property is not diligently pursuing the action(s) necessary to abate the nuisance activities, the city may apply to the court for release from the stay and may seek such relief as is deemed appropriate.~~

~~(3) In the event a court determines property to be chronic nuisance property, the court shall order that the property be closed and secured against all access, use and occupancy for a period of not less than six (6) months, nor more than one (1) year. The court shall retain jurisdiction during any period of closure. The person in charge may petition the court for an order reducing the period of closure if the person in charge and the city stipulate that the nuisance has been and will continue to be abated.~~

~~(4) If a property is found to be chronic nuisance property, the person in charge of the chronic nuisance property is subject to a civil penalty of up to \$100 per day for each day nuisance activities occurred on the property following notice.~~

~~(5) The provisions of Section 5.511 through 5.518 are separate and distinct remedies from those specified in Sections 5.520 through 5.535. Nothing in these provisions shall require any~~

conviction for criminal activities prior to the commencement of any action provided herein.

SECTION 7. Section 5.517 of the Medford Code is hereby repealed:

~~5.517 Enforcement.~~

~~(1) The court may authorize the city to physically secure the property against all access, use or occupancy in the event that the person in charge fails to do so within the time specified by the court. In the event that the city is authorized to secure the property, all costs reasonably incurred by the city to physically secure the property shall be paid to the city by the person in charge and may be included in the city's money judgment. As used in this section, "costs" means those costs actually incurred by city for physically securing the property, as well as tenant relocation costs pursuant to this section.~~

~~(2) The city department(s) physically securing the property shall prepare a statement of costs and the city shall thereafter submit that statement to the court for its review. If no objection to the statement is made within the period prescribed by Oregon Rule of Civil Procedure 68, the statement of costs shall be included in the city's money judgment.~~

~~(3) Judgments imposed by this chapter shall bear interest at the rate of nine percent (9%) per year from the date the judgment is entered.~~

~~(4) Any person who is assessed the costs of physically securing the property by the court shall be personally liable for the payment thereof to the city.~~

~~(5) The person in charge shall pay reasonable relocation costs of a tenant as defined by ORS 90.100(31) if, without actual notice, the tenant moved into the property after either:~~

~~(a) A person in charge received a notice from the Chief's determination that the property may be nuisance property; or~~

~~(b) A person in charge received notice of an action brought to close a chronic nuisance property.~~

SECTION 8. Section 5.518 of the Medford Code is hereby repealed:

~~5.518 Severability. The provisions of Sections 5.511 through 5.517 are intended to be consistent with any applicable provisions of state law. If any provision, or its application to any person, or circumstances is held to be invalid for any reason, the remainder of these provisions, or the application of them to other persons or circumstances shall not in any way be affected.~~

CHRONIC NUISANCE PROPERTY

SECTION 9. Section 7.960 of the Medford Code is added to read as follows:

7.960 Intent and Purpose of Sections 7.960 to 7.978.

The City Council finds that:

(1) By virtue of its authority to protect the health, safety, and welfare of the community, the City has the power to abate a violation of the Code declared to be a public nuisance by imposing a fine on the owner of the property, requiring the owner to abate the nuisance, or abating the nuisance if the owner fails to do so. However, the abatement of a single nuisance is ineffective in protecting the health, safety, and welfare of the community at large when conditions or activities related to the use of property give rise to a series of

public nuisances over time.

(2) A process to hold property owners and other persons in charge of property accountable for adverse conditions and activities that repeatedly occur in connection with the property is needed to help maintain and improve the quality of life in the City.

(3) Pursuant to the City's authority to protect the health, safety, and welfare of the community, this ordinance is enacted to establish the rights, duties, and procedures necessary to hold property owners and other persons in charge of property accountable for adverse conditions and activities that repeatedly occur in connection with the property.

SECTION 10. Section 7.962 of the Medford Code is added to read as follows:

7.962 Definitions.

Words and phrases used in sections 7.960 through 7.978 shall have the following meanings ascribed to them:

(1) "Chronic Nuisance Abatement Plan (CNAP)" means a plan required to be submitted by a person in charge in response to a notice authorized under section 7.964 that includes actions to abate, correct, or eliminate the occurrence of chronic nuisance activities on or around the property. A CNAP may include, but is not limited to the following: actions to remedy building code, fire code, property maintenance code, and nuisance code violations; eviction of problem tenants responsible for causing chronic nuisance activities; or hiring security guards to monitor the property. A CNAP shall include an implementation timeline.

(2) "Chronic Nuisance Property" means property on which:

- (a) three or more nuisance activities have occurred during any 30-day period;
- (b) four or more nuisance activities have occurred during any 120-day period;
- (c) six or more nuisance activities have occurred during any 365-day period; or
- (d) a court has issued a search warrant based upon probable cause that possession, manufacture, or delivery of a controlled substance or related offenses as defined in ORS 167.203, ORS 475.005 through ORS 475.285 and/or ORS 475.752 through 475.980 has occurred within the previous thirty (30) days, and the execution of the search warrant has resulted in the discovery of such controlled substances.

(3) "Nuisance Activities" means any of the following activities, behaviors, or criminal conduct that occurs on or within 200 feet of a property:

- (a) harassment as provided in ORS 166.065 or Medford Municipal Code section 5.130;
- (b) intimidation as provided in ORS 166.155 through 166.165;
- (c) disorderly conduct as provided in ORS 166.025 or Medford Municipal Code section 5.120;
- (d) assault as provided in ORS 163.160, ORS 163.165, ORS 163.175, ORS 163.185 or Medford Municipal Code section 5.105;
- (e) strangulation as provided in ORS 163.187;
- (f) menacing as provided in ORS 163.190 or Medford Municipal Code section 5.110;
- (g) recklessly endangering another person as provided in ORS 163.195 or Medford Municipal Code section 5.115;
- (h) public and private indecency as provided in ORS 163.465 and ORS 163.467;
- (i) prostitution or related offenses as provided in ORS 167.007 through ORS

167.017;

- (j) alcoholic liquor violations as provided in the Oregon Liquor Control Act, or Medford Municipal Code sections 5.310, 5.350, 5.360 or 5.361;
 - (k) theft as provided in ORS 164.015 through 164.140 or Medford Municipal Code sections 5.291 through 5.298;
 - (l) arson or related offenses as provided in ORS 164.315 through 164.335;
 - (m) possession, manufacture, or delivery of a controlled substance or related offenses as provided in ORS 167.203, ORS 475.005 through 475.285, and ORS 475.752 through 475.980;
 - (n) illegal gambling as provided in ORS 167.118, ORS 167.122, and ORS 167.127;
 - (o) criminal mischief as provided in ORS 164.345 through 164.365 or Medford Municipal Code section 5.270;
 - (p) any attempt to commit (as defined by ORS 161.405), or conspiracy to commit (as defined by ORS 161.455), any of the above offenses;
 - (q) marijuana-related offenses as provided in the Control and Regulation of Marijuana Act (ORS 475B.010 through ORS 475B.395), the Oregon Medical Marijuana Act (ORS 475B.400 through ORS 465B.525), or Medford Municipal Code sections 5.652, 5.653, 5.705, 5.710, or 5.715;
 - (r) hindering prosecution as provided in ORS 162.325;
 - (s) discharge of weapons as provided in Medford Municipal Code section 5.160;
 - (t) public urination as provided in Medford Municipal Code section 5.125;
 - (u) unnecessary noise as provided in Medford Municipal Code section 5.225(1)(a-b);
 - (v) unlawful accumulation of junk as provided in Medford Municipal Code section 5.500;
 - (w) failure to control dangerous dog as provided in Medford Municipal Code section 5.603.
- (4) “Control” means the ability to regulate, restrain, dominate, counteract, or govern conduct that occurs on a property.
- (5) “Person in Charge” means any person, in actual or constructive possession of a property, including but not limited to, an owner, occupant, tenant, or person authorized to manage a property.
- (6) “Permit” means to suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the doing of an act.
- (7) “Person” means any natural person, agent, association, firm, partnership, or corporation capable of owning, occupying, using, or managing property in the City of Medford.
- (8) “Property” means any property, including land and that which is affixed, incidental or appurtenant to land, including but not limited to, any business or residential premises, room, house, parking area, loading area, landscaping, building, or structure or any separate part, unit, or portion thereof, or any business equipment, whether or not permanent. For property consisting of more than one unit, property is limited to the unit or the portion of the property on which any nuisance abatement has occurred or is occurring, but includes areas of the property used in common by all units of property including without limitation other structures erected on the property and areas used for parking, loading, and landscaping.
- (9) “Person Associated With” means any person who, on the occasion of a nuisance activity,

has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a property or person present on a property, including without limitation any officer, director, customer, agent, employee, or any independent contractor of a property, person in charge, or owner thereof.

SECTION 11. Section 7.964 of the Medford Code is added to read as follows:

7.964 Notice and Manner of Service.

(1) When the Medford Police Department receives a report documenting that a property has become a chronic nuisance property, the Chief or designee shall notify the person in charge in writing.

(2) The notice shall contain the following information:

(a) The street address or a legal description sufficient for identification of the property.

(b) A statement that the Chief or designee has determined the property to be a chronic nuisance property, with a concise description of the nuisance activities upon which the statement is based.

(c) A statement that the person in charge shall submit a CNAP to the Chief or designee within ten (10) days from the date the notice was personally served or mailed.

(3) Service shall be made either personally or by certified mail-restricted delivery, addressed to the person in charge at the address of the property, or such other place which is reasonably calculated, under all the circumstances, to notify the person in charge of the City's determination. A copy of the notice shall be served on the owner of the property at such address shown on the tax rolls of the county, if that person is different than the person in charge, and shall be made either personally or by certified mail-restricted delivery.

(4) At or near the same time of the delivery of the notice set forth in subsection (d), the City shall post a copy of the notice at the property.

(5) Concurrent with any notification procedures set forth above, the City shall send copies of the notice, as well as any other documentation which supports legal proceedings against the property, to the City Attorney.

SECTION 12. Section 7.966 of the Medford Code is added to read as follows:

7.966 Chronic Nuisance Abatement Plan.

(1) A person in charge shall respond to the Chief or designee within ten (10) days of the date the notice described in section 7.964 was served by submitting a CNAP describing the actions that the person in charge will take to abate, correct, or eliminate the occurrence of chronic nuisance activities.

(2) The Chief or designee shall review the CNAP submitted by the person in charge and shall approve or deny it in writing within ten (10) days of it being submitted.

(3) The Chief or designee shall approve the plan if it is determined that the actions proposed are likely to substantially decrease the incidence of chronic nuisance activities on or around the property.

- (4) In the event the CNAP is denied, the reasons for the denial shall be included and the person in charge shall have ten (10) days to resubmit a plan for approval.**
- (5) After the Chief or designee approves a CNAP, the person in charge shall implement it in accordance with the timeline and terms set forth within the CNAP.**

SECTION 13. Section 7.968 of the Medford Code is added to read as follows:

7.968 Violation

- (1) Any property within the City which is a chronic nuisance property is subject to the remedies prescribed in this ordinance.**
- (2) Any person in charge in violation of this ordinance shall be subject to the remedies prescribed in this ordinance.**
- (3) The following actions constitute a violation of this ordinance:**
 - (a) failing to submit a CNAP as required by section 7.966(1);**
 - (b) failing to submit an approved CNAP as required by section 7.966(4);**
 - (c) failing to implement the CNAP in accordance with the timeline and terms set forth within the plan as required by section 7.966(5); or**
 - (d) a report of an additional nuisance activity at the property after service of the notice described in section 7.964.**
- (4) A violation of subsection (3) of this section constitutes a violation. Every day in which the violation exists constitutes a separate violation.**

SECTION 14. Section 7.970 of the Medford Code is added to read as follows:

7.970 Commencement of Civil Action; Remedies.

- (1) If the person in charge fails to submit and implement a CNAP as required, or the approved CNAP does not result in the abatement of the chronic nuisance activity, the City Manager may refer the matter to the City Attorney to commence legal proceedings to seek closure of the property, the imposition of civil penalties, and any such other relief deemed appropriate. The action shall be brought in any court of competent jurisdiction, including the City of Medford Municipal Court. The court may award attorney fees to the prevailing party.**
- (2) The action shall be commenced by the filing of a complaint alleging facts constituting the nuisance activities, and containing a legal description of the property involved and an allegation that the owners of record of the property have been notified of the facts giving rise to the alleged nuisance activities at least ten (10) days prior to the filing of the action with the court.**
- (3) The complaint shall be served as provided in Oregon Rules of Civil Procedure (ORCP) 7. No service need be made prior to an application for a temporary restraining order, provided the procedures of ORCP 79 B are followed with regard to all persons entitled to service under this section.**
- (4) If after the commencement but prior to the trial of any action or suit brought by the City, a person in charge stipulates with the City that he or she will pursue a course of**

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action the parties agree will abate the nuisance activities giving rise to the violation, the City may agree to stay proceedings for a period of not less than ten (10) days nor more than sixty (60) days. The person in charge or the City may thereafter petition the court for such additional periods of time as may be necessary to complete the action(s) to abate the nuisance activities. However, in the event that the City reasonably believes the person in charge of a property is not diligently pursuing the action(s) necessary to abate the nuisance activities, the City may apply to the court for release from the stay and may seek such relief as is deemed appropriate.

(5) When a person in charge responds to the Medford Police Department as required by this ordinance, statements made in connection with that response shall not constitute an admission of any chronic nuisance activities. This subsection does not require the exclusion of any evidence that is otherwise admissible or offered for any other purpose.

(6) If the existence of the nuisance is established in the action, an order of abatement shall be entered as part of the judgment in the case. The order may contain any or all of the following remedies:

(a) Order that the property be closed and secured against all access, use, and occupancy for a period of not less than six (6) months, nor more than one (1) year. The court shall retain jurisdiction during any period of closure. The person in charge may petition the court for an order reducing the period of closure if the person in charge and the City stipulate that the nuisance has been and will continue to be abated. The court shall not include provisions for the closing of the premises under the provisions of this subsection unless that relief is specifically requested in the complaint.

(b) Impose a civil penalty of up to \$250 per day for each day nuisance activities occurred on the property following notice;

(c) any other relief prayed for and deemed appropriate.

(7) A property shall no longer be determined to be a chronic nuisance property either after the passage of one year from the date of the last reported chronic nuisance activity or the date the chronic nuisance abatement plan was approved, whichever is later.

(8) The provisions of section 7.960 through 7.978 are separate and distinct remedies from those specified in Medford Code sections 5.520 through 5.535. Nothing in these provisions shall require any conviction for criminal activities prior to the commencement of any action provided herein.

SECTION 15. Section 7.972 of the Medford Code is amended to read as follows:

7.972 Burden of Proof, Defenses, Mitigation of Civil Penalty.

(1) The City shall have the initial burden of proof to show by a preponderance of the evidence that the property is a chronic nuisance property.

(2) It is an affirmative defense to an action against a chronic nuisance property that the person in charge at all material times could not, in the exercise of reasonable care or diligence, determine that the property had become chronic nuisance property, or could not, in spite of the exercise of reasonable care and diligence, control the conduct leading to the determination that the property is a chronic nuisance property.

(3) In establishing the amount of any civil penalty requested, the Court may consider any of the following factors and shall cite those found applicable:

- (a) The actions taken by the person in charge to mitigate or correct the nuisance activities at the property;
- (b) The financial condition of the person in charge;
- (c) Whether the problem at the property was repeated or continuous;
- (d) The magnitude or gravity of the problem;
- (e) The cooperativeness of the person in charge with the city;
- (f) The cost incurred by the city for investigating and correcting or attempting to correct the nuisance activities;
- (g) Any other factor deemed by the court to be relevant.

SECTION 16. Section 7.974 of the Medford Code is added to read as follows:

7.974 Closure During Pendency of Action; Emergency Closures.

Any emergency closure proceeding initiated under this ordinance shall be based on evidence showing that nuisance activities have occurred on the property and that emergency action is necessary to avoid an immediate threat to public welfare and safety. Proceedings to obtain an order of emergency closure shall be governed by the provisions of ORCP 79 for obtaining temporary restraining orders.

SECTION 17. Section 7.976 of the Medford Code is added to read as follows:

7.976 Enforcement; Award of Costs and Disbursements or Attorney Fees.

(1) The court may authorize the City to physically secure the property against all access, use, or occupancy in the event that the person in charge fails to do so within the time specified by the court. In the event that the City is authorized to secure the property, all costs reasonably incurred by the City to physically secure the property shall be paid to the City by the person in charge and shall be included in a judgment pursuant to ORCP 68. The judgment shall also include an award of the City's other costs and disbursements and attorney fees, if applicable.

(2) The person in charge shall pay reasonable relocation costs of a tenant as determined by the court if, without actual notice, the tenant moved into the property after either:

- (a) A person in charge received a notice from the Chief or designee that the property has become a chronic nuisance property; or
- (b) A person in charge was served with a complaint to close a chronic nuisance property.

(3) Any person who is assessed costs and disbursements and/or attorney fees under this section shall be personally liable for the payment thereof to the city.

SECTION 18. Section 7.978 of the Medford Code is added to read as follows:

7.978 Severability. The provisions of sections 7.960 through 7.978 are intended to be consistent with any applicable provisions of state law. If any provision or its application to any person or circumstances, is held to be invalid for any reason, the remainder of these

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provisions, or the application of them to other persons or circumstances, shall not in any way be affected.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor

NOTE: Matter in **bold** is new. Matter ~~struck out~~ is existing law to be omitted.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.4

www.ci.medford.or.us

DEPARTMENT: City Manager/Legal
PHONE: (541) 774-2000
STAFF CONTACT: Brian Sjothun/Lori Cooper

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: April 20, 2017

COUNCIL BILL 2017-43

An ordinance adding section 2.197 of the Medford Municipal Code pertaining to real property.

SUMMARY AND BACKGROUND

The City currently does not have a formalized process for the identification and disposal of surplus real property. The City has addressed surplus real property situations on a case-by-case basis. This agenda item establishes a formalized process by adopting a code section which establishes definitions and a process for disposal of surplus real property owned by the City. In addition to this code amendment, an administrative regulation which ensures a consistent process for the identification, notification, and disposition of surplus real property has been developed for Council review.

PREVIOUS COUNCIL ACTIONS

A council study session on surplus real property policy and procedures was held on January 12, 2017. Council discussed various options and indicated that a code amendment and administrative regulation should be drafted for further Council consideration.

ANALYSIS

The proposed code amendment proposes a process for identifying surplus real property, defines various categories of surplus real property, and establishes a process for review and disposal of such property, including sale, transfer to a non-profit entity or another governmental entity, or exchange.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Funds from the sale or lease of property will be directed to the fund from which the property was acquired.

TIMING ISSUES

Several parties have recently shown interest in City-owned properties that may be candidates for consideration as surplus property. A formalized process for disposal of these properties is necessary to ensure that the City's and the public's best interests are served.

COUNCIL OPTIONS

Approve, modify, or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance establishing a process for disposing of surplus real property.

EXHIBITS

Ordinance
Draft Administrative Regulation

ORDINANCE NO. 2017-43

AN ORDINANCE adding section 2.197 to the Medford Municipal Code pertaining to real property.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

2.197 Real Property.

(1) This code section provides procedures and standards for the disposal of real property by the City.

(2) Classification

Real property owned by the City is classified as stated below. At the time of a proposed sale of real property by the City, the City Manager or the Manager's designee shall determine the classification of the property.

A. Substandard Undeveloped Property. Lots or parcels without structures that are not of minimum buildable size for the zone in which they are located or that cannot be developed for other reasons;

B. Standard Undeveloped Property. Lots or parcels without structures that are of minimum or greater buildable size for the zone in which they are located and that can be developed;

C. Developed Property. Lots or parcels of any size with structures;

D. Special-Case Property. Any real property that, notwithstanding subsections (A), (B), and (C) of this section, was acquired by the City subject to an agreement restricting the use, transfer, or disposition of the property.

(3) Disposal of Substandard Undeveloped Property.

The City Manager or the Manager's designee is authorized to sell substandard undeveloped property by direct negotiation with an adjoining property owner. The City Manager or Manager's designee may, but is not required to, use a real estate broker to assist the transaction.

(4) Disposal of Standard Undeveloped Property and Developed Property.

A. Any proposed sale of standard undeveloped property or developed property shall be set for a hearing before the Council. The Council may consider the sale of multiple properties at the hearing.

B. The City Recorder shall cause notice of the hearing to be published once in a newspaper of general circulation in the City at least five days prior to the hearing describing the property proposed for sale. Notice shall also be mailed to property owners within 200 feet of the subject property.

C. Public testimony shall be solicited at the hearing to determine if a sale of the property or any portion of it is in the public interest.

D. After the hearing, the Council shall decide whether to offer the property for sale and shall establish minimum acceptable terms. The Council may consider appraisal(s) or other evidence of market value in establishing the minimum acceptable terms. The

Council may decide to offer the property for sale only if it determines that the property is surplus to the City's needs.

E. The City shall obtain an appraisal or other evidence of market value before concluding any sale to a private entity. No appraisal is required for property which has a fair market value of less than \$100,000, but other evidence of market value of such properties must be provided prior to sale to a private entity.

F. If a sale is authorized by the Council, it may direct that the property be listed with the City's real estate agent of record or direct that it be sold by bids. If sale is to be by a bidding process, a notice soliciting sealed bids shall be published at least once in a newspaper of general circulation in the City at least two weeks prior to the bid deadline date. The notice shall describe the property to be sold, the minimum acceptable terms of sale, the person designated to receive bids, the last date bids will be received, and the date, time, and place that bids will be opened.

G. The City Manager or Manager's designee is authorized to approve the sale of the property if the minimum acceptable terms set by Council are met.

H. If one or more bids are received at or above the minimum acceptable terms, the highest bid shall be accepted and the City Manager or Manager's designee shall complete the sale.

I. If no acceptable bids are received, the Council may:

- 1. Accept the highest bid among those received;**
- 2. Direct staff to hold another sale, with the same or amended minimum terms;**
- 3. Direct the property to be listed with the City's real estate agent of record, or if the City does not have a real estate agent of record, with a local real estate broker on a multiple listing basis;**
- 4. Decide to keep the property.**

J. Notwithstanding the provisions of this section, the Council may adopt, after public notice and hearing, a resolution establishing a procedure for the sale of individual parcels of a class of City-owned real properties, or any interest in the properties, under a single program established within the City for the sale of that class of properties. The City may thereafter sell any parcel under that adopted procedure in lieu of the procedure established in this section, as allowed by state statute.

K. Notwithstanding the provisions of this section, the Council may authorize, after public notice and hearing, sale or lease of property not needed for a public purpose to certain non-profit organizations for nominal consideration. The Council may use a Request for Proposal process to solicit proposals for sale or lease of surplus property to non-profit entities. Properties sold or leased to such organizations must be used for the purposes of the organization and not for commercial business, trade, or manufacturing. If the properties are used in violation of this restriction, title to the property shall revert back to the City or the lease shall be terminated. Non-profit organizations which may acquire or lease property from the City in this manner include organizations that principally provide educational, recreational, medical, or social services to the public.

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(5) Broker Selection.

The City may retain a real estate broker of record or retain real estate brokers on a case-by-case basis.

(6) Transfer of an Interest Other Than Fee Title.

The transfer of an interest in real property by the City is not a sale of surplus real property if the City retains title to the property. The City may transfer an easement or other interest in real property less than fee title.

(7) Transfer to Governmental or Non-Profit Entity.

The City Council may authorize transfer of real property of any type to another governmental entity or to a nonprofit entity, with or without consideration, for so long as the property is used for public purposes by the entity to which it is transferred. The agreement shall provide for return of the property to the City if the property is no longer used by the transferee for public purposes.

(8) Special-Case Property.

The City shall comply with all agreements and restrictions applicable to special-case property. The City may transfer special-case property following any of the applicable procedures provided by this chapter, subject to the restrictions imposed by deed or agreement. If the deed or agreement provides a procedure for transfer by the City, the City may transfer the property as provided by the deed or agreement.

(9) Exchange of Real Property.

A. The City Council may authorize the trade or exchange of real property with other governmental entities or with private parties.

B. The City shall exchange real property with private entities only if the City receives at least equivalent value for the property it transfers. Payments may be made to compensate for any imbalance in the value of the property exchanged.

C. For exchanges with private entities, the City shall require or obtain an appraisal or other evidence of market value if the value of the property transferred by the City or received by the City exceeds \$100,000.

D. In determining the relative value of the properties exchanged, in addition to the factors normally considered in determining the value of property, the City may consider the following factors:

1. Whether the property is adjacent to or otherwise enhances the value of other property the City owns.
2. The suitability of the property for City use.
3. Whether the transfer of the property being transferred by the City to a private party will result in a benefit to the City or community. Potential benefits may include allowing more cohesive development of an area, providing needed housing or employment opportunities, or increasing the City's tax base.

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(10) Procedures for Specific Types of Properties.

The Council may by resolution establish procedures for the sale of specific types or categories of real property that differ from the procedures required by this chapter.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor

NOTE: Matter in **bold** is new.

XXX Disposition of City Real Property

I. Policy

The objectives of this policy are to ensure City-wide consistency in the excess and surplus real property identification, notification, and disposition process; identify a standard process of soliciting public input and feedback on real property identified as excess to the City's needs before authorizing disposal or lease of the property; and provide opportunity for the City Council to adequately consider alternative uses for excess real property.

II. Scope

This policy applies to all real property owned by the City of Medford, categorized into the following groups:

- A. Substandard Undeveloped Property. Lots or parcels without structures that are not of minimum buildable size for the zone in which they are located or that cannot be developed for other reasons;
- B. Standard Undeveloped Property. Lots or parcels without structures that are of minimum or greater buildable size for the zone in which they are located and that can be developed;
- C. Developed Property. Lots or parcels of any size with structures;
- D. Special-Case Property. Any real property that, notwithstanding subsections (A), (B), and (C) of this section, was acquired by the City subject to an agreement restricting the use, transfer or disposition of the property. At the time of a proposed sale of real property by the City, the City Manager shall determine the classification of the property;

III. Identification, Notification, and Disposition Processes

A. Identification process for excess real property

1. Departments wishing to explore the disposition of City real property managed by them shall conduct an internal review to evaluate the feasibility of the property being deemed excess to the department's needs. After the internal evaluation, if the department determines the property to be excess to the department's needs, the department director shall provide a written recommendation to the City Manager. The written recommendation shall include pertinent property information, such as the property's approximate size, zoning, a description of any known infrastructure on the site, a description of any anticipated restrictions needed by City for the site (if known), and other relevant details.

2. The City Manager shall evaluate the department's recommendation. If the City Manager agrees, he/she shall sign the recommendation and begin the appropriate notification process, as discussed below.

B. Internal notification process for excess real property

1. The City Manager shall produce a written report stating that the property has been deemed as excess, and include pertinent property information, such as the property's approximate size, zoning, a description of any known infrastructure on the site, the preliminary title report for the property, a description of any anticipated restrictions needed by City departments for the site (if known), and other relevant details.

2. The City Manager shall send written notification to other City departments that the property has been deemed as excess and that the property is potentially available to City departments for acquisition.

3. Each City department may provide a written response within 14 calendar days indicating whether or not the department is interested in the property. The City Manager may also directly contact departments that have not responded to the notice. The Parks and Recreation Department and the Public Works Department shall be required to provide a written response. Any other departments not responding within the 14-day period shall be considered not interested.

a) If interest from more than one City department is received by the City Manager, the City Manager shall coordinate contact between the departments. A department may indicate interest even if funding is not currently available and may develop funding options as part of the budget process.

b) If no interest is received by the City Manager from any City departments within 14 calendar days, the City Manager may proceed with the disposition process.

c) If another City department identifies required deed restrictions, property interests, easements, or conditions that need to be recorded as encumbrances on the property upon sale to meet existing or planned public purposes, the City Manager shall ensure that the appropriate terms, conditions, and required restrictions are placed on the property upon transfer or sale.

C. Declaration and disposition process for surplus real property

1. If no City department indicates interest in acquiring the real property, and it is substandard undeveloped property, the City Manager may sell the property by direct negotiation with an adjoining property owner as provided for in Medford Municipal Code Section 2.197(3).

2. If no City department indicates interest in acquiring the real property, and it is standard undeveloped property or developed property, the City Manager shall consult with the City Council regarding disposition of the property. If the Council directs the City Manager to sell or lease the property, the City Manager shall proceed with the disposition process as provided for in Medford Municipal Code Section 2.197(4).

a. The City Manager shall prepare an ordinance to be placed on the Council's regular agenda.

b. The ordinance must declare the real property as surplus and authorize the City Manager to proceed with a disposition. The ordinance shall provide the following information:

i. A description of the real property or interest to be declared surplus, including a map of the property, the legal description, any background information that may impact how a property may be

disposed of and any conditions, easements, restrictions, and reservations of rights to be recorded on the deed at the time of disposition;

ii. Any proposed conditions for disposition of the real property for particular uses or by particular methods; and

iii. The reasons why the property has been determined excess to the City's needs and City Council is being requested to authorize disposition of the real property.

4. If Council declares the real property to be surplus and authorizes a disposition, the City Manager may proceed by offering the real property for disposition, with or without a real estate agent, for terms and conditions determined to be reasonable by the City Manager and/or as directed by Council taking into account, among other things, any appraisal, market conditions, and the condition of the property. If a satisfactory offer is received, and terms and conditions are agreed upon by the City Manager, the City Manager will arrange for the disposition, as authorized by the Council ordinance.

5. As provided for in in Medford Municipal Code Section 2.197(4)(K) , the Council may authorize sale or lease of property not needed for a public purpose to certain non-profit organizations for nominal consideration.

6. At the conclusion of the real property disposition, the City Manager shall update the City real property database, and notify the City Risk Manager for insurance inventory purposes.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.5

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DEPARTMENT: Fire Department
PHONE: (541) 774-2300
STAFF CONTACT: Brian Fish, Fire Chief
Rick Isner, Project Manager

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: April 20, 2017

COUNCIL BILL 2017-44

An ordinance amending the contract with Ogden Roemer Wilkerson Architecture for additional redesign services for Fire Station #3 in an amount not to exceed \$50,333.

SUMMARY AND BACKGROUND

The Fire Department, along with the Facilities Management Division, is requesting approval of an ordinance to amend the existing contract with Ogden Roemer Wilkerson Architecture (ORW) for additional redesign services for Fire Station #3 in an amount not to exceed \$88,333 (\$50,333 plus \$38,000).

At the February 16, 2017 Council meeting, City Council approved moving forward with the construction of new Fire Station #3. Under the first amendment to the City's contract with ORW, additional design fees were added for the redesign of Fire Station #2, #3 and #4 in order to bring the construction costs down. Under this amendment, \$38,000 was allocated to the redesign for Fire Station #3.

PREVIOUS COUNCIL ACTIONS

On December 18, 2014, Council Bill 2014-162 was approved by a vote of 3-2 and required a second reading.

On December 29, 2014, Council Bill 2014-162 was approved and a contract was awarded to ORW in the amount of \$535,000 to complete the design of three fire stations from the last phase of design development through project completion.

On October 1, 2015, Council approved a motion directing staff to proceed with subcontractor solicitation and development of a construction Guaranteed Maximum Price (GMP) on Fire Station #2 and Fire Station #4 after redesigning the three fire stations to incorporate the value engineering presented to Council.

On October 15, 2015, Council voted on Council Bill 2015-106 authorizing the approval of Amendment #1 to the existing contract with ORW for redesign services in an amount not to exceed \$136,500, prorated to include only Fire Stations #2 and #4 at that time. Due to a 6-2 vote, a second reading on the ordinance was required.

On November 19, 2015, Council Bill 2015-106 was approved and \$136,500 was added to the contract with ORW for redesign of three fire stations.

On February 16, 2017, Council approved moving forward with the redesign and construction of Fire Station #3.

ANALYSIS

During the construction of Fire Station #2 and #4, it was determined that several design issues needed to be corrected prior to construction of Fire Station #3. Station #3 houses the Shift Commander which requires separate living quarters and office space. Additionally, due to the proximity of the "round-about" at Siskiyou Blvd. and Highland Drive, as much street space as possible is required between the emergency exit driveways of the fire station onto Highland Drive from the roundabout itself. To



CITY OF MEDFORD AGENDA ITEM COMMENTARY

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accommodate this distance the fire station design had to be flipped. Also, the emergency backup system design did not account for heating and air conditioning, as well as operating the self-contained breathing apparatus (SCBA) fill station. The solar system addition was due to the Fire Station #3 rebuild being placed on hold. As a result, the amount of solar installed on Fire Station #4 doesn't meet the total dollar amount needed for the three fire stations. These changes will require an additional increase to ORW's design fees of \$50,333. Additional construction cost should be expected for the generator work and the solar system changes. The shift commander's living quarters should not significantly affect the construction costs.

No energy rebates have been calculated at this time since the project still needs to be designed, however we anticipate that we should receive approximately one third of what was received for the station #4 project. This would be about \$8,000 to return to the project.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

\$50,333 will be used from the bond proceeds allocated for Fire Station #3.

TIMING ISSUES

The redesign will impact the project's time line, as these services will need to be completed prior to development of a construction GMP. It is anticipated that construction will start in July 2017, so it is necessary to complete the redesign as quickly as possible.

COUNCIL OPTIONS

Approve or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of Amendment #2 to the contract with ORW in an amount not-to-exceed \$50,333.

SUGGESTED MOTION

I move to approve the ordinance authorizing approval of Amendment #2 in an amount not to exceed \$50,333 to the contract with ORW for redesign services for Fire Station #3.

EXHIBITS

Ordinance

Contract Amendment on file with the City Recorder

ORDINANCE NO. 2017-44

AN ORDINANCE amending the contract with Ogden Roemer Wilkerson Architecture for additional redesign services for Fire Station #3 in an amount not to exceed \$50,333.

WHEREAS, on December 29, 2014, Ordinance 2014-162 was approved and a contract was awarded to Ogden Roemer Wilkerson Architecture in the amount of \$535,000 to complete the design of three fire stations (#2, #3, #4) for the last phase of development; and

WHEREAS, on September 17, 2015, Council approved a motion directing staff to proceed with the existing CMGC and modify the architect contract to redesign the three fire stations to incorporate the value engineering presented to Council; and

WHEREAS on October 1, 2015, Council approved a motion directing staff to proceed with subcontractor solicitation and development of a GMP on Fire Station #2 and #4; and

WHEREAS, on November 19, 2015, Ordinance 2015-106 was approved and the contract with Ogden Roemer Wilkerson Architecture was amended for the redesign services of Fire Station #2, #3, and #4; and

WHEREAS, on February 2, 2017, Resolution 2017-12 was approved to proceed with the design and construction of Fire Station #3.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That an amendment to the existing contract with Ogden Roemer Wilkerson Architecture for additional redesign services for Fire Station #3 in an amount not to exceed \$50,333, which agreement is on file in the City Recorder's office, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 120.1

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DEPARTMENT: Parks, Recreation & Facilities
PHONE: (541) 774-2690
STAFF CONTACT: Adam Airoidi, City Arborist

AGENDA SECTION: Public Hearings
MEETING DATE: April 20, 2017

PUBLIC HEARING

Consideration of an appeal to reverse the Street Tree Permit decision for 101 N. Central Avenue.

SUMMARY AND BACKGROUND

Dan Ebert, the owner of Central Art Supply, submitted a Street Tree Removal Application to remove a street tree and the tree well from the public right-of-way at 101 N. Central Avenue in the Central Business District (CBD). Mr. Ebert contends the tree is responsible for the presence of water in the basement of his business. The tree removal request was denied based on criteria set forth in Medford Municipal Code (MMC) sections 6.725, 10.358 and 10.780. Mr. Ebert is appealing this administrative decision.

PREVIOUS COUNCIL ACTIONS

On February 1, 1996, City Council enacted MMC 6.725 pertaining to street tree standards.

On March 20, 2003, City Council approved MMC 10.358 regarding streetscape standards. The code section was revised on Sept. 17, 2009.

On June 6, 2013, City Council adopted MMC 10.780 pertaining to street tree requirements.

ANALYSIS

Mr. Ebert's Street Tree Removal Application was denied because the proposed actions would not abide by adopted standards for trees on public property (MMC 6.725), Streetscape Standards (MMC 10.358 (3)), and Landscape and Irrigation Requirements (MMC 10.780 G(10)).

The tree in question is a 12-year-old, 25-foot-high Japanese zelkova (*Zelkova serrata*), planted in conjunction with Medford Urban Renewal Agency improvements. It is growing in a 4-by-6-foot tree well in the sidewalk abutting the curb in front of the business. When mature, this tree could reach 45 feet in height and 30 feet in crown width. This species was selected and planted throughout the CBD in order to establish a consistent overhead tree canopy.

Permission to remove the tree and seal the tree well was sought as a potential solution to a groundwater problem in the basement of 101 N. Central Avenue.

MMC 6.725 requires any action taken with regard to street trees in the CBD must abide by the adopted standards.

The City of Medford's Street Materials Standards List outlined in MMC 10.358 defines the streetscape design for the CBD. The adopted design is intended to "facilitate and balance pedestrian and vehicular movement in an attractive and safe environment." Trees function in this area as a natural public resource by:

- Improving air quality.
- Moderating temperature.
- Reducing stormwater runoff.
- Improving aesthetics.
- Provide pleasing atmosphere.



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The underlying issue in this case is water reaching the basement, and the owner's desire to install an impervious membrane under the sidewalk pavers. The Street Tree Permit Application to remove this tree describes a willingness to install "an appropriate above ground planter" in lieu of the current tree and tree well. In order to fulfill the landscaping and irrigation requirements listed in MMC 10.780 and establish a similar sized tree, a planter would require 1,400 cubic feet of soil – a volume equivalent to filling a full-size school bus. A smaller tree in a smaller planter would not provide as much shade, air circulation or water interception.

The owner contends that sealing the entire sidewalk, including the tree well, will prevent water from reaching his basement in excessive volume. According to the Natural Resource Conservation Service soil survey (2013), the water table depth in this area is 18 to 24 inches. Consequently, staff contends this tree may not be the primary source of the basement water problem.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

This tree well could be included in the upcoming comprehensive sidewalk repairs along Central Avenue. If the council reverses the permit decision, Mr. Ebert would assume the cost of sealing the grate.

TIMING ISSUES

If the Street Tree Permit decision is reversed, the business owner would have the option to orchestrate the tree removal when Council-approved sidewalk repairs take place, at his expense.

COUNCIL OPTIONS

Reverse or uphold the Street Tree Permit decision.

STAFF RECOMMENDATION

Staff recommends upholding the Street Tree Permit decision.

SUGGESTED MOTION

I move to uphold the Street Tree Permit decision regarding the street tree and tree well at 101 N. Central Avenue.

EXHIBITS

Figure 1- Streetscape Type map 10.358

Photo 1- Japanese zelkova at 101 N. Central Ave looking north

Photo 2- Japanese zelkova at 101 N. Central Ave looking south

Medford Municipal Codes 6.725, 10.358, 10.780

Street Tree Permit Appeal documents



CITY OF MEDFORD AGENDA ITEM COMMENTARY

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Figure 1

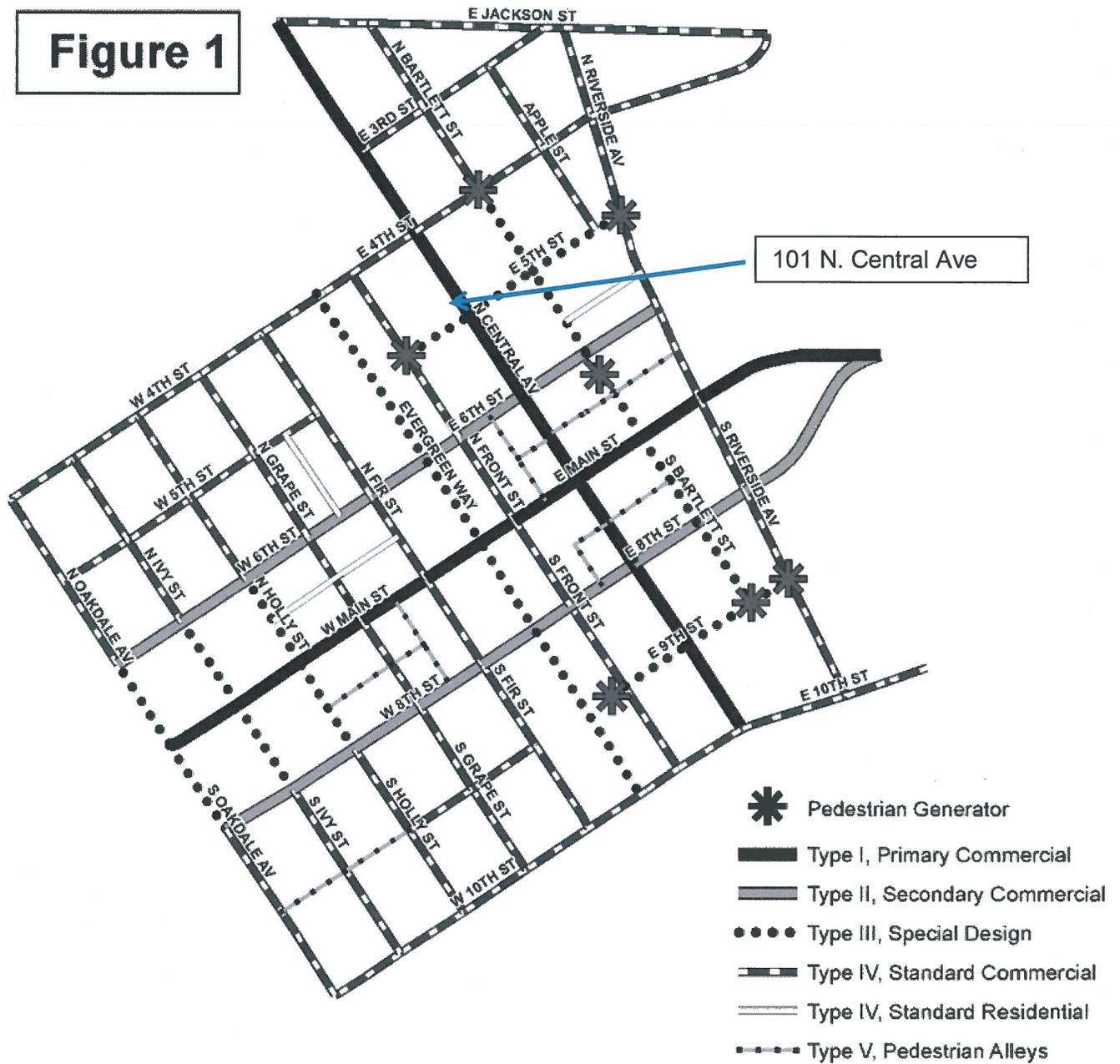




Photo 1- Japanese zelkova at 101 N. Central Ave looking north



Photo 1- Japanese zelkova at 101 N. Central Ave looking south



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MMC 6.725 Permit Required

- (1) No person other than a city department employee shall plant, prune, root prune, remove, cut above ground, or otherwise disturb any tree on public property without prior written permission of the Parks and Recreation Director. The person obtaining the permit shall abide by the adopted standards.
- (2) The permit application shall include the following information: A site or plat drawing showing the number of trees to be planted, pruned or removed; location, grade, species, cultivar or variety of trees to be planted or pruned; reason for pruning or removal; method of planting or maintenance; and other information to enable the Manager to assure compliance with the adopted standards.
- (3) The permit is free and is valid for 90 days from the date of issuance.
- (4) Any person removing a tree must also remove the stump to a depth of six inches below ground level.
- (5) Any tree removed must be replaced. All replacement trees shall be a minimum of 1-3/4" caliper in size. All replacement trees must be chosen from a list of designated street trees provided by the city.
- (6) Whenever any tree is planted or maintained contrary to the provisions of Sections 6.700 to 6.750, the Manager may remove or maintain the tree in accordance with the adopted standards. Any cost to the City of such removal or maintenance shall be assessed to the owner of abutting property or other person who failed to comply with the requirements of these sections. The Manager may revoke any permit for any violation of the provisions of Section 6.700 to 6.750. [Added, Sec. 1, Ord. No. 8026, Feb. 1, 1996.]

MMC 10.358 (3) Streetscape Standards.

All new or reconstructed streets and streetscapes within the C-B District shall be developed according to the following standards and as identified in the Street Materials Standards List.

Streetscape Types There are (5) streetscape types. These Streetscape Types are designated in Figure 1.

Each streetscape type and its associated design shall comply with the standards of this section. All listed distances shall be considered minimum width. Existing street widths may vary. Street tree designations are included in Street Materials Standards List.

Type I, Primary Commercial Streets. Type I Streets are commercial streets that are intended as high volume vehicular and pedestrian streets linking the Central Business District with sub-districts and other parts of the City. The streetscape design for Type I Streets is intended to facilitate and balance pedestrian and vehicular movement in an attractive and safe environment. The Type 1 Street includes benches, decorative street and pedestrian lighting, tree grates, trash receptacles, banner poles, tree lighting, and concrete pavers or brick pavers.

[Amd. Sec. 18, Ord. No. 5820, March 19, 1987; Amd. Sec. 5, Ord. No. 5873, May 21, 1987; Amd. Sec. 5, Ord. No. 5986, Oct. 1, 1987; Amd. Ord. No. 6264, Dec. 15, 1988; Amd. Ord. No. 6748, Oct. 18, 1990; Amd. Sec. 1, Ord. No. 7629, May 5, 1994; Amd. Sec. 1, Ord. No. 7970, Oct. 5, 1995; Amd. Sec. 1, Ord. No. 7991, Nov. 16, 1995; Amd. Ord. No. 2003-98, March 20, 2003; Amd. Sec. 3, Ord. No. 2009-207, Sept. 17, 2009; Amd. Sec. 4, Ord. No. 2014-161, Dec. 22, 2014; Amd. Sec 12, Ord. No. 2016-35, March 3, 2016.]

MMC 10.780 G(10) Tree Requirements.

- a. Soil Volume:



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Each new or existing tree shall have sufficient soil volume to establish and maintain a root system that will support the tree at maturity. For each tree, at least two cubic feet of soil volume is required for each one square foot of tree canopy at maturity.

1. Soil volume is calculated as the landscaping area under the tree canopy, free of impervious surface or paving, and measured at a depth of three (3) feet.
2. For trees within parking area planters or sidewalk planters, in lieu of the soil volume provisions above, structural soil may be utilized as an alternative material under impervious surfaces to meet the required soil volume calculation.

[Added, Sec. 5, Ord. No. 7786, Dec. 15, 1994; Amd. Sec. 3, Ord. No. 1998-75, Apr. 16, 1998; Amd. Sec. 1, Ord. No. 1999-211, Dec. 16, 1999; Amd. Sec. 8, Ord. No. 2000-55, Apr. 6, 2000; Amd. Sec. 12, Ord. No. 2013-31, Feb. 21, 2013; Amd. Sec. 5, Ord. No. 2013-84, June 6, 2013 (effective Dec. 1, 2013).]



OFFICE OF
THE CITY RECORDER
cromed@ci.medford.or.us

CITY OF MEDFORD
411 WEST 8TH STREET
MEDFORD, OREGON 97501

TELEPHONE (541) 774-2017
FAX: (541) 617-1800
www.ci.medford.or.us

March 31, 2017

Dan Ebert
Central Art Supply
101 N. Central Avenue
Medford, OR 97501

Re: Street Tree Permit Appeal

The Medford City Council will consider an appeal of the Parks and Recreation Department decision pertaining to a Street Tree Permit Application for 101 N. Central, Medford and your request for an appeal as stated in your letter dated March 29, 2017.

The public hearing on this matter will be scheduled for the regular city council meeting on **April 20, 2017 at 7:00 p.m.** at the Medford City Hall Council Chambers, 411 W. 8th Street. The City Council will hear evidence on the appeal to determine whether to grant your request.

You may contact the Recorder's Office at 541-774-2017 with any questions regarding this appeal hearing.

Sincerely,

A handwritten signature in blue ink that reads "Karen M. Spoonts". The signature is written in a cursive style with a long, sweeping flourish at the end.

Karen M. Spoonts, MMC
City Recorder

cc: Mayor/Council
Lori Cooper, City Attorney
Cory Crebbin, Public Works Department
Rich Rosenthal, Parks and Recreation Department



03/29/2017

The City Of Medford

I would like to appeal the denied Street Tree Permit application for the removal of the tree in front of 101 N. Central.

The tree is part of a problem causing material damage and possible health hazards to 101 N. Central Ave. Under section 6.735 (b) it needs to be removed.

R. Daniel Ebert

Owner

Central Art Supply

Please see attached copy of letter sent with permit

RECEIVED
MAR 30 2017
CITY OF MEDFORD
CITY RECORDER'S OFFICE



20 March 2017

EBERT R DANIEL/ANN
101 N CENTRAL AVE
MEDFORD, OR 97501

Mr. Ebert,

The Street Tree Permit Application you submitted for the removal of the street tree at 101 N Central was received. However, the permit for the requested action has been denied based on Medford City Code Sections 6.725, 10.358, and 10.780. The adopted planting standards and streetscape design requirements require the continued existence of the tree well at this location. This decision can be appealed as described under Medford City Code Section 1.025.

1.025 Uniform Appeal and Hearing Procedure

In this section the word "appellant" means a person appealing from an administrative decision. Except as otherwise provided in this code, a person who is authorized to appeal from an administrative decision under this code shall follow the procedure stated in this section.

- (1) The appellant shall file with the recorder a written notice of appeal together with a written statement listing the reason for requesting the revocation or modification of the decision within 10 days after the day on which he is notified of the administrative decision from which appeal is requested.
- (2) The council or authorized appellate board shall hear the appeal within 30 days after the recorder receives the notice and statement of appeal, unless the appellant consents to an extension of time.
- (3) The recorder shall notify the appellant of the time and place of the hearing, along with other persons who have an interest in the subject matter of the hearing.
- (4) At the hearing the appellant or other parties interested may present witnesses and offer evidence in support of their case and, in the discretion of the council or appellate board, evidence may be heard to sustain the administrative decision.

Respectfully,

A handwritten signature in black ink, appearing to read "Adam Airoidi".

Adam Airoidi
City of Medford Arborist



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CENTRAL ART

Adam

This tree removal permit application does not fully apply to my needs. There wasn't a tree in front of Central Art Supply before the new sidewalks were put in and I had no water problem. I realize that the tree is not the only cause of the water problem but it is a major contributor and an integral part of the fix. We have a unique opportunity to eliminate the water problem by putting a water proof membrane underneath the paver stones that will move the water north of Central Art Supply and into the northward flow that the sidewalk was set to do.

I know the tree contributes to the problem because in the first summer of having the tree, I noticed water in the basement every three days or so. I finally realized it coincided with the watering schedule of the trees. The water was capped off and I hand watered the tree and the water intrusion ceased.

I would be happy to have Cory and yourself come to Central Art to talk about this, and hopefully find a solution to the water problem.

Dan Ebert
Central Art Supply

MEDFORD PARKS & RECREATION

HEALTHY LIVES. HAPPY PEOPLE. STRONG COMMUNITY.

STREET TREE PERMIT APPLICATION

PRUNING • REMOVAL • PLANTING

Application for Permit to: Prune Remove Plant Root prune

OFFICIAL USE ONLY			
Date Received:	Case Number:	T/A Number:	
Approved _____	Denied _____	Conditionally approved* _____	Date:
*Permission is granted according to the application with the following conditions:			

Applicant Information:

(Dan)
 Property Owner Name Robert Daniel Ebert Phone 541-261-6183
 Mailing Address 101 N. Central Medford OR 97501
 Applicant Name Dan Ebert Phone 541-261-6183
 Mailing Address 101 N. Central Medford OR 97501
 Tree Address 101 N. Central Medford OR

Hedger

Tree Condition:

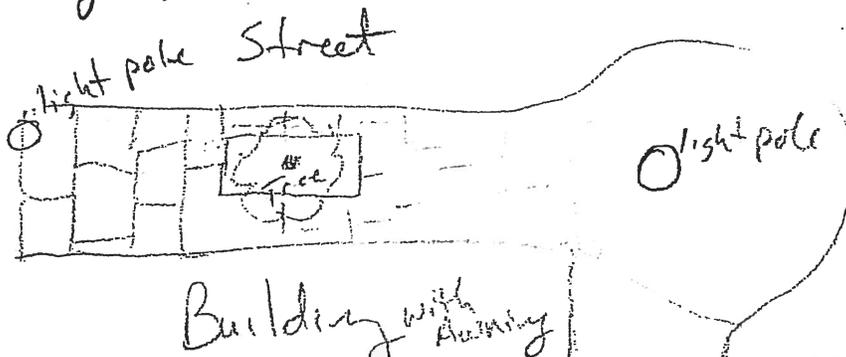
Species Japanese Zelkova Tree Size 5" x 25' Number 1

Reason for permit and scope of work to be performed:

I need to put a water barrier under the pavers on the side walk of 101 N. Central to in p read the intrusion of water into the basement of 101 N. Central - I would

Please provide a map or drawing showing: street, sidewalk, trees, utility lines, sewer, water, and lights below.

gladly replace the tree with an appropriate above ground planter



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Under Municipal Code 6.725 any tree removed must be replaced.

Yes No

- Confirmed City Right-of-Way
- The owner of the property is aware of the situation
- Is this a shared tree on the property line?
- I am aware that I must replace any tree removed in the right-of-way ? Above ground?

~~This tree~~ There was no tree here originally

Please indicate the following site conditions to aid in proper replacement tree selection.

Planting strip width (between sidewalk and curb) _____

Other landscaping in planting strip Nothing

Is there underground irrigation? Yes No
But not in use

Right-of-way Work Plan:

Arborist/Tree Service Name _____ Phone _____

City Business License No _____ Expiration Date _____

Return Fax and/or Email _____

A list of Contractors prequalified to work in City Right-of-Way is available at the City Engineering Department or at: <http://www.ci.medford.or.us/Files/PreQual Phone List.pdf>

Permitted tree removal requires grinding of stump to six inches below grade and replanting of an approved street tree from the Selected Street Tree List. All new and replacement Street Trees must be a minimum of 1 3/4" caliper.

<http://www.ci.medford.or.us/Files/Selected Street Tree List.pdf>

I certify that this information is true and accurate to the best of my knowledge.

Applicant signature R. Daniel Ebert

Name R. Daniel Ebert Date 2-20-2017

OFFICIAL USE ONLY	
Application Received by Parks and Recreation Department on: <u>13 Mar 2017</u>	
Reviewed by: <u>Adam Arnold</u>	
Authorized signature <u>[Signature]</u>	Date <u>17 Mar 2017</u>

"Creating Healthy Lives, Happy People & A Strong Community"

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