



Medford City Council Meeting

Agenda

May 2, 2019

6:00 P.M.

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

10. **Roll Call**

20. **Recognitions, Community Group Reports**

20.1 Alba Committee Quarterly Report

20.2 Oregon Department of Transportation Update

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

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

40. **Public Hearings**

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

40.1 COUNCIL BILL 2019-30 An ordinance approving a minor amendment to the General Land Use Plan (GLUP) Map of the Medford Comprehensive Plan by changing the land use designation of 5.26 acres located north of Barnett Road and east of Murphy Road, from Urban High Density Residential (UH) to Service Commercial (SC). CP-19-014 (Land Use, Quasi-Judicial)

40.2 COUNCIL BILL 2019-31 An ordinance amending sections 1.100, 7.022, 7.023, and 7.900 of the Medford Municipal Code pertaining to the use of fireworks.

50. **Approval or Correction of the Minutes of the April 18, 2019 Regular Meeting**

60. **Consent Calendar**

70. **Items Removed from Consent Calendar**

80. **Ordinances and Resolutions**

80.1 COUNCIL BILL 2019-32 A resolution establishing a public hearing date for the vacation of both a portion of a public storm drainage easement and a Public Utility Easement (PUE) on two non-contiguous parcels located north of Midway Road, west of Interstate 5, and east of Cummings Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district. (SV-19-044)

80.2 COUNCIL BILL 2019-33 A resolution approving a Jackson County Order to initiate formation of a Jackson County Law Enforcement Service District and consenting to the inclusion of City territory within the boundaries of the district.

90. Council Business

90.1 Proclamations issued:

Peace Officers Memorial Day – May 15, 2019
Goodwill Industries Week – May 5 – 11, 2019
Municipal Clerks Week – May 5 - 11, 2019
National Tourism Week – May 5 - 11, 2019
Bike to Work Week – May 13 - 17, 2019
Building Safety Month – May 2019
National Preservation Month – May 2019

90.2 Committee Reports and Communications

100. City Manager and Staff Reports

100.1 Larson Creek Greenway Public Process

100.2 Further reports from City Manager

110. Adjournment



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.1

www.ci.medford.or.us

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

AGENDA SECTION: Public Hearings
MEETING DATE: May 2, 2019

COUNCIL BILL 2019-30

An ordinance approving a minor amendment to the General Land Use Plan (GLUP) Map of the Medford Comprehensive Plan by changing the land use designation of 5.26 acres located north of Barnett Road and east of Murphy Road, from Urban High Density Residential (UH) to Service Commercial (SC).

SUMMARY AND BACKGROUND

Council is requested to consider a minor General Land Use Plan (GLUP) amendment to reclassify three contiguous parcels totaling 5.26 acres, located north of Barnett Road and east of Murphy Road, from Urban High Density Residential (UH) to Service Commercial (SC). (File No. CP-19-014)

PREVIOUS COUNCIL ACTIONS

None.

ANALYSIS

Review of the proposed GLUP map designation change can be found to meet the applicable criteria for a Comprehensive Plan Amendment as found in the *Review and Amendments* chapter of the Comprehensive Plan, as the proposed change: 1) responds to a deficit for commercial land as demonstrated by the analysis completed as part of the recent Urban Growth Boundary (UGB) expansion to accommodate future land need; 2) can be found that sufficient facilities exist or can be made available to serve the future development of the property as a commercial use; 3) and can be found to meet the applicable statewide planning goals.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.

COUNCIL OPTIONS

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

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance authorizing the change of the General Land Use Plan map designation from Urban High Density Residential (UH) to Service Commercial (SC) for the three contiguous parcels totaling 5.26 acres, located north of Barnett Road and east of Murphy Road, as recommended by the Planning Commission.

EXHIBITS

Ordinance

Staff Report to the Planning Commission, including Exhibits A-F

Vicinity Map

ORDINANCE NO. 2019-30

AN ORDINANCE approving a minor amendment to the General Land Use Plan (GLUP) Map of the *Medford Comprehensive Plan* by changing the land use designation of 5.26 acres located north of Barnett Road and east of Murphy Road, from Urban High Density Residential (UH) to Service Commercial (SC).

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That a minor amendment to the GLUP Map of the *Medford Comprehensive Plan* to change the land use designation of 5.26 acres located north of Barnett Road and east of Murphy Road, from Urban High Density Residential (UH) to Service Commercial (SC) is hereby approved.

Section 2. The approval is based upon the Findings of Fact and Conclusions of Law included in the Planning Commission Report dated March 21, 2019.

PASSED by the Council and signed by me in authentication of its passage this ___ day of May, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019.

Mayor



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT

for a type-IV quasi-judicial decision: Minor Comprehensive Plan Amendment

PROJECT Asante GLUP Change
Applicant/Agent: Mahlum Architects

FILE NO. CP-19-014

TO Planning Commission *for March 28, 2019 hearing*

FROM Dustin Severs, Planner III

REVIEWER Kelly Evans, Assistant Planning Director

DATE March 21, 2019

BACKGROUND

Proposal

Request for a minor General Land Use Plan (GLUP) amendment to reclassify three contiguous parcels totaling 5.26-acres, located north of Barnett Road and east of Murphy Road, from Urban High Density Residential (UH) to Service Commercial (SC) (371W28DC TL 400, 500 & 600).

Vicinity Map



Subject Site Characteristics

Zoning: MFR-30
GLUP: UH (Urban High Density Residential)
Overlay(s): None
Use(s): Vacant land owned by Asante

Surrounding Site Characteristics

North Zone: SFR-4 (Single-Family Residential, four dwelling units per gross acre)
Use(s): Single-Family residential homes

South Zone: C-S/P (Commercial – Service/Professional)
Use(s): Vacant land

East Zone: MFR-30
Use(s): Brookdale Medford – Senior Living Solutions

West Zone: MFR-30 & C-S/P
Use(s): Barnett Woods – Senior Living

Related Projects

None

Applicable Criteria

Minor Comprehensive Plan Amendment

For the applicable criteria, the Medford Municipal Code Section 10.184(1) redirects to the criteria in the "Review and Amendments" chapter of the Comprehensive Plan. The applicable criteria in this action are those for map amendments, and are based on the following:

1. *A significant change in one or more Goal, Policy, or Implementation Strategy.*
2. *Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*
3. *The orderly and economic provision of key public facilities.*
4. *Maximum efficiency of land uses within the current urbanizable area.*
5. *Environmental, energy, economic, and social consequences.*
6. *Compatibility of the proposed change with other elements of the City Comprehensive Plan.*
7. *All applicable Statewide Planning Goals.*

Authority

The Planning Commission is authorized to act as an advisory agency for Type-IV quasi-judicial Comprehensive Plan Amendments, forwarding a recommendation to City Council for proposed

amendments to the Comprehensive Plan under Medford Municipal Code Sections 10.102–122, 10.165, and 10.185. City Council has final decision making authority for Type-IV procedures.

ISSUES AND ANALYSIS

Project Summary

The subject site consists of three contiguous, vacant parcels totaling 5.26 acres owned by Asante. Asante hopes to develop the site as the future location of a new Regional Cancer Center. The applicant's findings (Exhibit A) state that, due to federal regulations and other site constraints, an available site for the proposed Cancer Center at the existing Asante Rogue Valley Medical Center Campus – located just west of the subject site – currently does not exist, and that the subject site is the only available site that can feasibly accommodate the future development.

The subject site is currently designated with the Urban High Density Residential (UH) General Land Use Plan (GLUP) designation, which permits only the MFR-20 and MFR-30 zoning classifications. In order to develop the site as a Regional Cancer Center as proposed, the applicant will first be required to gain approval for the property's GLUP designation, and its corresponding zoning classification, to be changed to a land use designation that permits medical facility uses.

With the subject request, the applicant is requesting a minor GLUP amendment to reclassify the subject property from its current designation of UH to SC. If approved, it is the applicant's intent to then submit for a change of the site's underlying zoning classification from MFR-30 to C-S/P in order to bring the site's zoning into compliance with its newly acquired Commercial GLUP designation.

The applicant opted not to submit a zone change request concurrently with the subject GLUP change request; rather, the applicant will submit the zone change request contingent on the approval of the subject request. Demonstration of the site's available capacity for urban services and facilities to serve the future development of the site (e.g., storm drainage, sanitary sewer, water facilities, and traffic capacity) will be part of staff's future review of the zone change request. Any necessary upgrades to public facilities needed to serve the future development of the site including, but not limited to, traffic impact studies, will be addressed at the time of a subsequent zone change application.

Traffic Analysis

MLDC 10.461(3) requires a Traffic Impact Analysis (TIA) to be conducted to evaluate development impacts to the transportation system if a proposed application has the potential of generating more than 250 net average daily trips (ADT) or the Public Works Department has concerns due to operations or accident history.

Per the staff report submitted by Public Works (Exhibit D), a TIA is not required at time of GLUP change, as the GLUP change will not increase the developable capacity of the property on its own. However, a TIA will be required for any subsequent zone change application.

Sewer capacity constraints

Public Work's staff report also states that the site's downstream sanitary sewer system currently has capacity constraints; however, the GLUP amendment will not increase the developable capacity of the property on its own, and sanitary sewer capacity constraints will be addressed at the time of a subsequent zone change application.

Facility Adequacy

Per the agency comments submitted to staff (Exhibits D-F), it can be found that adequate facilities are available or can and will be made available to serve the future development of the site.

Other Agency Comments

None

Committee Comments

No comments were received from a committee, such as BPAC.

FINDINGS AND CONCLUSIONS

Comprehensive Plan Amendment

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

Findings

The City has completed an Urban Growth Boundary amendment to accommodate future land need, which has been formally adopted by the State, and the analysis done through that process has provided information demonstrating the need for commercial land.

Conclusions

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

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

Findings

The City has completed an Urban Growth Boundary amendment to accommodate future land need, which has been formally adopted by the State, and the analysis done through that process has provided information demonstrating the need for commercial land.

Conclusions

The proposed change responds to a demonstrated need for an adequate supply of commercial land and for adequate employment opportunities.

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

Findings

Per the agency comments submitted to staff, it can be found that adequate facilities are available or can and will be made available to serve the future development of the site.

Conclusions

Sufficient facilities exist or can and will be made available to accommodate the proposed classification change.

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

Findings

A designation change to a commercial designation will allow for the land to be used for both commercial and residential uses, and would not eliminate potential residential uses of the site.

Conclusions

The proposed SC designation change would mean the land could be used for both commercial and residential uses – a more efficient and versatile use of land than the limited uses permitted under the site's current UH designation.

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

Findings

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

Energy: A designation change to SC would not pose any discernable energy consequences, as the site is located within the UGB, and thus has already met tests concerning environmental impacts; change of designation does not affect suitability for urbanization.

Economic: The City has completed an Urban Growth Boundary amendment to accommodate future land need, which has been formally adopted by the State, and the analysis done through that process identified a deficit in commercial land, and thus employment opportunities.

Social: The surrounding area of the subject site is a mix of residential and commercial uses. The changing of the subject site to the Service Commercial (SC) GLUP will result in the site abutting other property also designated within the SC GLUP. The proposed change to the subject site is not anticipated to have a negative social consequence as the surrounding area is already a mix of commercial and residential uses.

Conclusions

Environmental: No discernable environmental consequences would result with the proposed change of designation.

Energy: No discernable energy consequences would result with the proposed change of designation.

Economic: The proposed change of designation would reduce the deficit of commercial land within the UGB, thereby providing additional employment opportunities.

Social: No discernable social consequences would result with the proposed change of designation.

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

Findings

Economic Element

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

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

Conclusions

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

7. All applicable Statewide Planning Goals.

Goal 1 – Citizen Involvement

Findings

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

Conclusions

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

Goal 2 – Land Use Planning

Findings

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

Conclusions

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

Goal 3 – Agricultural Lands

Not Applicable.

Goal 4 – Forest Lands

Not Applicable.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

Not Applicable.

Goal 6 – Air, Water and Land Resources Quality

Findings

There are no streams on the property that would be impacted. The land in question is not classified as a resource in terms of agriculture because it is classified as urbanizable.

Conclusion

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

Goal 7 – Areas Subject to Natural Hazards

Not Applicable.

Goal 8 – Recreation

Not Applicable.

Goal 9 – Economic Development

Findings

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

Conclusion

The proposed change will provide additional commercial land in the existing urban area – a land use designation in which the recent UGB analysis demonstrated as being deficient.

Goal 10 – Housing

Findings

Goal 10 requires that *“plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.”* A designation change to commercial will allow for the land to be used for both commercial and residential uses.

Conclusion

The proposed designation change will retain the potential for the expansion of the City's existing housing stock.

Goal 11 – Public Facilities and Services

Findings

Refer to findings under Criterion 3 above.

Conclusion

Refer to conclusions under Criterion 3 above.

Goal 12 – Transportation

Findings

The *Transportation Planning Rule* (OAR 660-012) requires cities to have plans to accommodate anticipated transportation system needs. A traffic impact analysis will be required for the subject site as part of the zone change procedure.

Conclusion

A traffic impact analysis will be required for the subject site as part of the zone change procedure, at which time City staff will ensure that the anticipated transportation system needs are addressed.

Goal 13 – Energy Conservation

Not Applicable.

Goal 14 – Urbanization

Not Applicable.

Goals 15 - 19 are not applicable.

RECOMMENDED ACTION

Based on the Findings and Conclusions that all the approval criteria are met or not applicable, forward a favorable recommendation to City Council for approval of CP-19-014.

EXHIBITS

- A Applicant's findings of fact, received January 22, 2019.
- B Applicant's vicinity map, received January 22, 2019.
- C New Diagnosed Cancer Cases (analytic), received January, 22, 2019.
- D Public Works staff report, received March 20, 2019.
- E Medford Water Commission memo, received March 6, 2019.
- F Medford Fire Department report, received March 6, 2019.
Vicinity map

PLANNING COMMISSION AGENDA:

MARCH 28, 2019

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Findings of Fact

Tax Lot: 371W28DC

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The diagnosis, treatment and monitoring of cancer places a significant burden on patients, their families and care givers. Frequent visits are required for laboratory tests, imaging services, physician visits, inpatient or outpatient surgeries, chemotherapy and infusion, and radiation treatment. Patients enrolling in clinical trials may require additional trips for testing and monitoring.

Patients and families often travel great distances for care. Coordinating this care requires a team of multiple specialty physicians, nurses, psychosocial care professionals, pharmacists and coordinators working together for the delivery of care for these patients. From the first contact for an appointment, to information gathering prior to the first physician visit, screening for clinical trial eligibility and coordinating multiple visits on one day or spanning a week, providing as much care as possible in one facility reduces the burden on patients, families and providers.

"The City of Medford is recognized as a regional health service center, serving several counties from around southern Oregon and northern California and a population base exceeding 500,000. As a regional health service center providing general and specialized care, Medford has become a destination for those seeking temporary and long-term health care treatment." [City of Medford Comprehensive Plan – Public Facilities Element page 124]

The Asante Health System is the largest health care provider in the nine-county area and is actively making strides to simplify the treatment process for patients. By bringing providers together with the Asante Cancer Treatment Team, they are working to create a coordinated and integrated regional cancer program. This program aims to deliver medical excellence through a value-based treatment system where patients and families come first. Asante has been working with the Design Team, including Oncology Resource Consultants [ORC], to determine the anticipated growth of the cancer patient pool in the nine-county service area. ORC projected the number of people in the service area that will be diagnosed with cancer over a ten-year period. Based on the aging of the population in Jackson and Josephine Counties, the number of newly diagnosed Cancer Patients will increase over the next ten years [Reference Appendix C]. One of the major goals of Asante Health System's work is to develop a new Regional Cancer Center located at the Asante Rogue Regional Medical Center Campus in Medford, OR providing treatment and care for the increased demand of patients.

The new Center would be able to provide patients with coordinated care at a single location, including Medical Oncology, Radiation Therapy, Infusion Therapy, Imaging and Lab Services, Patient Education, Cancer Research, and Pharmacy Access. Patients would also be connected to Hematology Oncology Associates physicians, an independent practice specializing in cancer and blood disorders. An initial programming exercise estimated the new facility would be between 70,000 - 85,000 square feet in size and would cost the Asante Health System approximately \$60 million dollars.

A struggle in the development of a new facility has been finding the right location on Campus for the new Center. Due to federal regulations with medical billing, specifically Medicare reimbursables [340B], a building is only eligible for hospital reimbursement levels if it is located within 750 feet (250 yards) of the main campus building. Unfortunately, when evaluating the estimated program for the Regional Cancer Center, it became clear that the project would not be feasible if the site can't meet this designation. Within the required 340B boundary on the Rogue Valley Medical Center Campus, an

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File # CP-19-014

available site does not currently exist to support the volume of this program without significantly displacing current and future planned hospital services [Reference Appendix A].

However, at the east edge of the boundary Asante owns a small site off Doctor's Park Drive that would qualify for the reimbursement. Combining this Doctor's Park Drive site with the adjacent Asante-owned site of Barnett Road would provide enough site area for the new comprehensive Regional Cancer Center program. At this time the site has a General Land Use Planning [GLUP] designation of UH – Urban High-Density Residential and is zoned as MFR-30 (Multi-Family – 30 Units/Acre). This application is asking the City of Medford to revise the GLUP designation of the Barnett Road site to be SC – Service Commercial. The Design Team will also be applying to revise the current zoning to a C-S/P (Commercial – Service/Professional) zone. Both the revised GLUP and revised Zoning Designations would match existing designations of adjacent sites [Reference Appendix B].

The Design Team believes the impact to the site due to this change in designation would be minimal since both designations assume the site to have a high density of people per acre. If the designations are approved as revised, the Design Team would submit a request to combine the Doctor's Park Drive site to the adjacent Barnett Road site through a Property Line Adjustment Application. The combined sites would provide adequate area for the new Regional Cancer Center and allow opportunity for multiple entry/access points into the site for vehicles, pedestrians and bicyclists, as well as provide a clear line of site to the building from Barnett Road.

The new Regional Cancer Center would become a vital public facility for the City of Medford and Asante's nine-county service area. The creation of this facility would result in an increase of available jobs in the Health Care sector, subsequently attracting new talent into the region. The design team feels that there are several Goals and Policies of the Medford Comprehensive Plan that align with the creation of a new Regional Cancer Center, and which support the justification of revising the Barnett Road site to a SC-Service Commercial GLUP designation. Findings from relevant Comprehensive Planning Goals and Policies are as follows:

City of Medford Comprehensive Plan – Economic Element:

C. ECONOMIC OPPORTUNITIES GOALS AND POLICIES [page 51]

GOAL: TO ACTIVELY STIMULATE ECONOMIC DEVELOPMENT AND GROWTH THAT WILL PROVIDE OPPORTUNITIES TO DIVERSIFY AND STRENGTHEN THE MIX OF ECONOMIC ACTIVITY IN THE CITY OF MEDFORD.

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

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

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

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

Implementation 1-5(c): Assist in the identification of sites for businesses that have unique site requirements.

City of Medford Comprehensive Plan – Public Facilities:

HEALTH SERVICES GOALS, POLICIES, AND IMPLEMENTATION MEASURES [page 125]

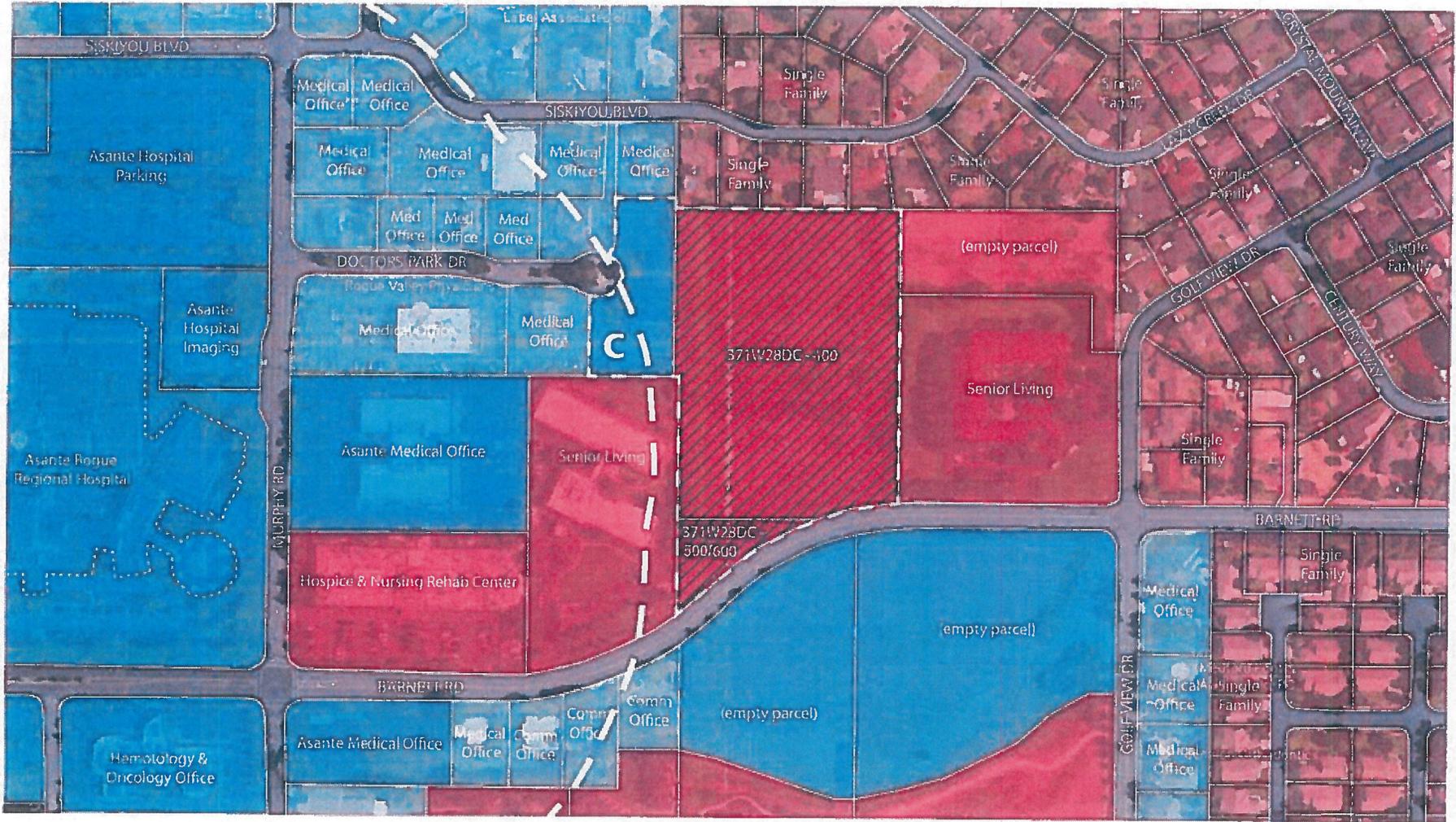
GOAL: TO SUPPORT THE PROVISION OF ADEQUATE HEALTH SERVICES AND FACILITIES TO MEET THE NEEDS OF THE PEOPLE WITHIN THE MEDFORD URBAN GROWTH BOUNDARY AND THE REGION.

Policy 1-B: The City of Medford shall encourage cooperation among local, state, federal and private agencies in planning and providing for health and related social services.

Policy 1-C: The City of Medford shall encourage the development and/or expansion of health services to meet regional as well as local needs.

“The presence of high-quality health care facilities influence people’s decisions to visit and relocated to the Medford area.” [City of Medford Comprehensive Plan – Public Facilities page 125]

The design team is requesting a General Land Use Plan Map Amendment in the hopes of creating a site that could house a new and cohesive cancer treatment center for the residents of Medford and the Rogue Valley region. As cancer rates continue to rise for the aging population of Jackson County, the expansion and collaboration of care at the new cancer facility will be crucial. The mission of the Regional Cancer Center directly aligns with the City of Medford’s Goals outlined in the Comprehensive Plan. The combined Doctor’s Park Drive site and the Barnett Road site are the only available sites that can accommodate the required program size and 340B licensure constraints on the Asante Rogue Valley Medical Center Campus. Asante hopes to work in collaboration with the City of Medford to make this project a reality for the region and for the City of Medford.



APPENDIX B - GLUP/ZONING DESIGNATIONS
 OUTPATIENT ONCOLOGY CLINIC
 ASANTE | 16 January 2019
 MAHLUM ARCHITECTS INC

COMMERCIAL USE		RESIDENTIAL USE	
 GLUP-SC ZONE: C-SIP ASANTE OWNED	 GLUP-SC ZONE: C-SIP OWNED BY OTHERS	 GLUP-UR ZONE: MFR-30	 GLUP-UR ZONE: SFR-4

NOT TO SCALE



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 File # CP-19-014

New Diagnosed Cancer Cases (Analytic) Pool Growth, 2018 - 2028

County	Years										
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
Jackson County	1,341	1,367	1,394	1,420	1,447	1,473	1,500	1,526	1,552	1,579	1,605
Josephine County	628	638	649	660	671	681	692	703	713	724	735
Subtotal Jackson and Josephine Counties	1,969	2,006	2,043	2,080	2,117	2,154	2,191	2,229	2,266	2,303	2,340
Other Additional Counties											
Klamath County	362	366	371	376	380	385	389	394	399	403	408
Curry County	166	169	171	174	176	178	181	183	186	188	190
Siskiyou County	290	292	294	296	299	301	303	305	307	309	312
Douglas County	459	466	474	481	488	496	503	510	518	525	531
Del Norte County	139	139	140	141	142	142	143	144	145	145	146
Subtotal Other Counties	1,416	1,433	1,450	1,468	1,485	1,502	1,519	1,537	1,554	1,571	1,588
Total	3,384	3,439	3,493	3,548	3,602	3,656	3,711	3,765	3,820	3,874	3,928

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 EXHIBIT # C
 File # CP-19-014



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LD Date: 3/6/2019

Revised: 3-19-19

File Number: CP-19-014

**PUBLIC WORKS DEPARTMENT STAFF REPORT
Barnett Road (TLs 400, 500/600)
Asante Health Systems**

Project: Request for a minor General Land Use Plan (GLUP) amendment to reclassify three contiguous parcels totaling 5.26-acres).

Location: Located north of Barnett Road and east of Murphy Road, from Urban High Density Residential (UH) to Service Commercial (SC) (371W28DC TL 400, 500 & 600).

Applicant: Applicant, Mahlum Architects; Planner, Dustin Severs.

I. Sanitary Sewer Facilities

The downstream sanitary sewer system currently has capacity constraints. The GLUP change will require a future zone change prior to any development on the site. When the zone change occurs sanitary sewer capacity constraints will be addressed. The applicant shall stipulate to not increase sewer flows above the current zoning limitation until a study shows there is adequate capacity.

II. Storm Drainage Facilities

This site lies within the Larson Creek Drainage Basin. The subject property currently drains to the west. The City of Medford has existing adequate storm drain facilities in the area. This site would be able to connect to these facilities at the time of development.

III. Transportation System

The subject parcels have potential of generating 2,630 Average Daily Trips (ADT) under proposed SC GLUP designation. The potential under the existing UH GLUP designation is 1,250 ADT. The net increase is 1,380 ADT, which requires a Traffic Impact Analysis (TIA) per MLDC

10.461. No development can proceed until a zone change occurs for the site. No Transportation Impact Analysis (TIA) is required at the time of GLUP change as long as the applicant stipulates to no increase in trips. A TIA will be required for the zone change to C-S/P zoning.

Prepared by: Jodi K Cope

Reviewed by: Doug Burroughs

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



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: CP-19-014
PARCEL ID: 371W28DC TL's 400, 500 & 600
PROJECT: Request for a minor General Land Use Plan (GLUP) amendment to reclassify three contiguous parcels totaling 5.26-acres, located north of Barnett Road and east of Murphy Road, from Urban High Density Residential (UH) to Service Commercial (SC) (371W28DC TL 400, 500 & 600); Applicant, Mahlum Architects; Planner, Dustin Severs.

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PLANNING DEPT.

DATE: March 6, 2019

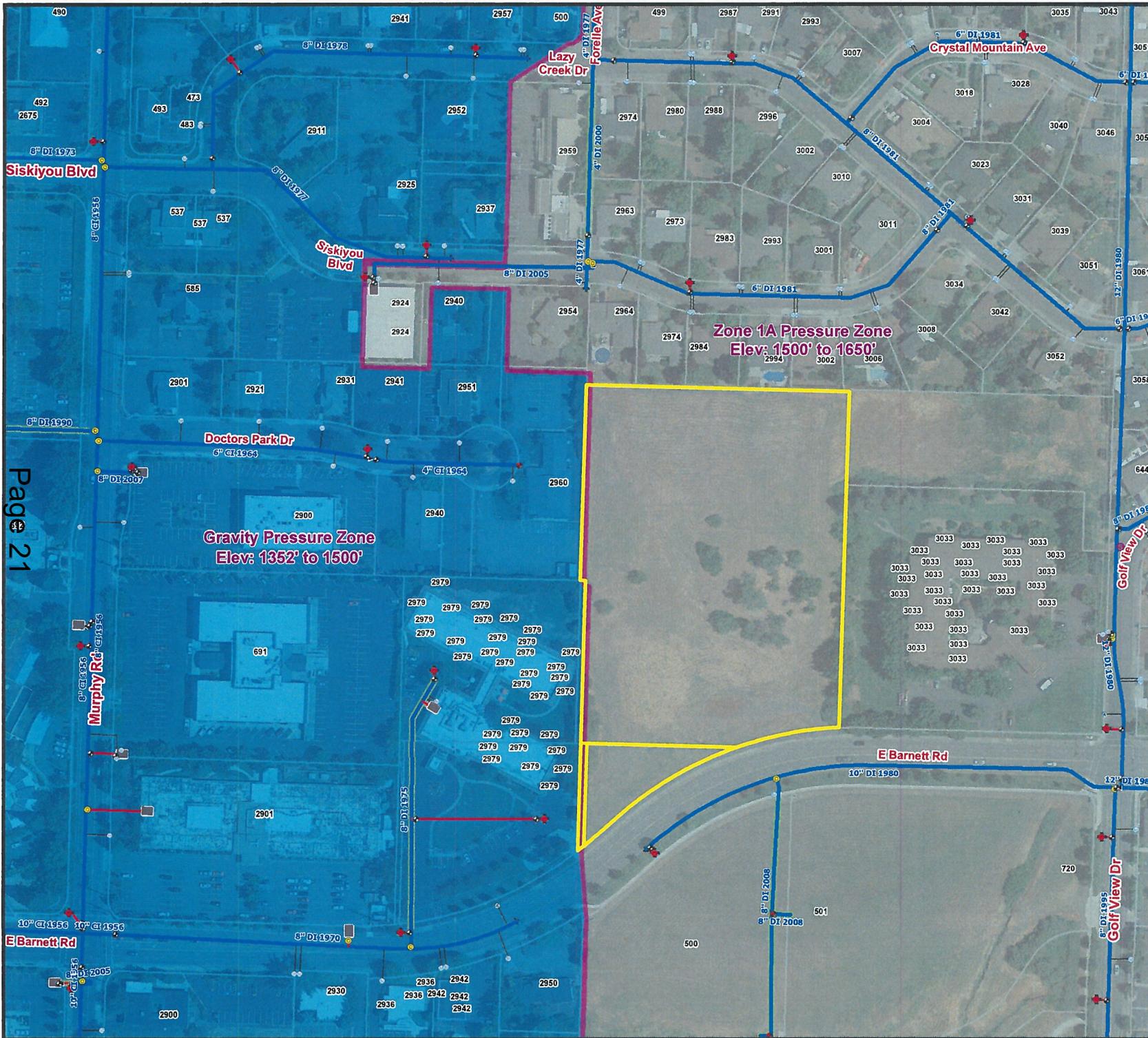
I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

CONDITIONS

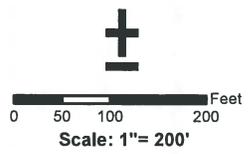
1. No conditions currently. MWC will Condition this proposed development at the of Site Plan Review.

COMMENTS

2. Static water pressure at the proposed building site is approximately 60 psi.
3. "Future" on-site and off-site water facility construction will be required.
4. MWC-metered water service does exist to a portion of these properties. There is an existing 1-inch water meter that serves the previous building a 2680 Doctors Park Drive.
5. Access to MWC water lines is available. There is an existing (Pressure Zone 1) 10-inch water line on the south side of E Barnett Road. There is an existing (Gravity Pressure Zone) 4-inch water line at the east end of Doctors Park Drive, and an 8-inch water line in Siskiyou Blvd.



Page 21



**Water Facility Map
for
CP-19-014
March 6, 2019**

Legend

- A Air Valve
- Sample Station
- FS Fire Service
- G Hydrant
- # Reducer
- T Blow Off
- G Plugs-Caps
- Water Meters:**
 - 4 Active Meter
 - 4 On Well
 - 4 Unknown
 - 4 Vacant
- Water Valves:**
 - E Butterfly Valve
 - ⌋ Gate Valve
 - R Tapping Valve
- Water Mains:**
 - Active Main
 - - - Abandoned Main
 - Reservoir Drain Pipe
 - Pressure Zone Line
- Boundaries:**
 - ▭ Urban Growth Boundary
 - ▭ City Limits
 - ▭ Tax Lots
- MWC Facilities:**
 - Control Station
 - ⌋ Pump Station
 - ⋮ Reservoir



This map is based on a digital database compiled by Medford Water Commission from a variety of sources. Medford Water Commission cannot accept responsibility for errors, omissions, or practical accuracy. There are no warranties, expressed or implied.
Date: 4/24/2019
Path: G:\MXD\Water\MWC Map - MWC SDE - Letter L5 - April 19 2019.mxd



Medford Fire-Rescue Land Development Report

RECEIVED

MAR 06 2019

PLANNING DEPT

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 2/22/2019

Meeting Date: 3/6/2019

LD File #: CP19014

Planner: Dustin Severs

Applicant: Mahlum Architects

Project Location: North of Barnett Road and east of Murphy Road

Project Description: Request for a minor General Land Use Plan (GLUP) amendment to reclassify three contiguous parcels totaling 5.26-acres from Urban High Density Residential (UH) to Service Commercial (SC)

Specific Development Requirements for Access & Water Supply

Reference	Conditions Description
Approved	Approved as submitted with no additional conditions or requirements.

Construction General Information/Requirements

Development shall comply with access and water supply requirements in accordance with the Oregon Fire Code in affect at the time of development submittal. Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (fire hydrants) is required to be installed prior to construction when combustible material arrives at the site.

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

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

Design and installation shall meet the Oregon requirements of the International Fire, Building, Mechanical Codes and applicable NFPA Standards.

Medford Fire-Rescue, 200 S Ivy St. Rm 180, Medford OR 97501 541-774-2300

www.medfordfirerescue.org

CITY OF MEDFORD
EXHIBIT # F
File # CP-19-014



Project Name:

**Asante
 Comprehensive Plan Change**

Map/Taxlot:

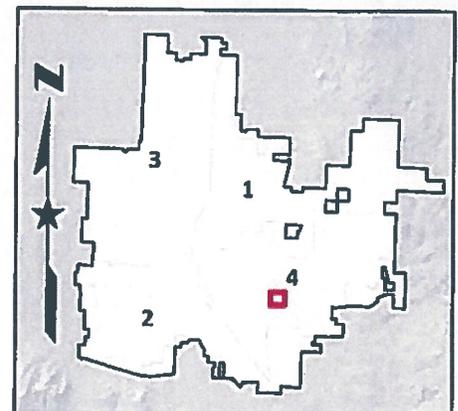
371W28DC TL 400-600



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

02/13/2019





CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.2

www.ci.medford.or.us

DEPARTMENT: Medford Fire Department
PHONE: (541) 774-2317
STAFF CONTACT: Greg Kleinberg, Deputy Chief/Fire Marshal

AGENDA SECTION: Public Hearings
MEETING DATE: May 2, 2019

COUNCIL BILL 2019-31

An ordinance amending sections 1.100, 7.022, 7.023, and 7.900 of the Medford Municipal Code pertaining to the use of fireworks.

SUMMARY AND BACKGROUND

On April 4, 2019 Council directed staff to review the City of Medford's current fireworks ordinance and return with options for consideration, including the possibility of eliminating the use of all fireworks in Medford.

July 4th occurs in fire season each year with the potential for vegetation and structures to ignite from fireworks. Prior to July 4th, media releases and interviews are conducted to inform the public about fireworks laws, penalties, and safety issues. Code Enforcement works diligently prior to July 4th to gain compliance with the mowing of weeds/grasses on vacant lots, which helps reduce fire ignition threat.

Since 2009, Fire and Police have teamed up on fireworks enforcement. Each year citations are issued for illegal fireworks. Fireworks usage has decreased dramatically in the hillsides since 2009 with public education and targeted enforcement. Oregon illegal fireworks usage, with the exception of usage in the hillside areas, has not significantly decreased either by the pre-2009 ban or by the 2009 ordinance change.

PREVIOUS COUNCIL ACTIONS

On June 4, 1993 Council Bill 93-7395 was approved to ban all fireworks in the city limits of Medford by amending Medford Code section 7.022.

On May 2, 2009 Council Bill 2009-91 was approved amending the Medford Code allowing the use of Oregon legal consumer fireworks in the city limits according to Oregon statutes. In addition, the code was amended to restrict the use of all fireworks in hazardous wildfire areas, the Bear Creek Greenway, any city park, and any public school. The Fire and Police Departments recommended the ordinance to be changed at that time for the following reasons:

- The complete ban was ineffective and very difficult to enforce
- With limited staffing, targeted efforts would help in both enforcing the Oregon illegal fireworks laws and enforcing restrictions in the highest hazard areas
- Fireworks safety could not be taught under the complete ban

ANALYSIS

According to the National Fire Protection Association (NFPA) fireworks in the U.S. are responsible for approximately 18,500 reported fires each year. The U.S Consumer Product Safety Commission (CPSC) reported an estimated 12,900 people were treated in hospital emergency rooms for injuries associated with fireworks in 2017. Sparklers account for more than ¼ of emergency room injuries (*Note: These are Oregon legal unclassified novelties and not considered fireworks in Oregon*). The most dangerous types of fireworks are illegal by statute in Oregon, including aerial mortars, rockets, firecrackers, and erratic type devices. All explosive devices are illegal by statute in Oregon.

Fireworks fire and injury statistics are not the only issues to consider. Other factors include enforcement challenges, public interests/desires, reasonableness of Oregon fireworks statutes, etc.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.2

www.ci.medford.or.us

Staff has created the following four options for Council to consider:

Option 1: Keep current code language without changes.

- Anticipated Results: No change is expected in fireworks usage if the current code language is maintained as is.

Option 2: Keep current code language with increased penalties/fines for violations.

- Anticipated Results: Increasing the deterrent for violations may result in reduced use of Oregon illegal fireworks and other firework-related violations.

Option 3: Limit use of Oregon legal fireworks to July 4 6:00PM-11:00PM and December 31 6:00PM-January 1 1:00AM with increased penalties/fines for violations.

- Anticipated Results: Limiting time for celebration should reduce the City's exposure to fireworks usage. Increasing the deterrent for violations may result in reduced use of Oregon illegal fireworks and other firework-related violations.

Option 4: Total ban on fireworks with increased penalties/fines for violations.

- Anticipated Results: If a fireworks ban is successful, the number of firework related fires, injuries, and complaints will be reduced. Banning all use of fireworks may or may not be effective in reducing overall firework usage because of enforcement challenges. Increasing the deterrent for violations may result in reduced use of Oregon illegal fireworks and other firework-related violations.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Increased staffing for enforcement, if available, will result in additional overtime costs.

TIMING ISSUES

A timely decision is recommended as the decision will impact the enforcement of fireworks this year and the public will need to know as soon as possible about any changes.

COUNCIL OPTIONS

- Option #1: Keep current code language without changes
- Option #2: Keep current code language; increased penalties/fines for violations
- Option #3: Limit use of Oregon legal fireworks to July 4, 6:00PM-11:00PM and December 31, 6:00PM-January 1, 1:00AM with increased penalties/fines for violations
- Option #4: Total ban on fireworks; increased penalties/fines for violations

STAFF RECOMMENDATION

None

SUGGESTED MOTION

Council discretion: I move to approve Option # ____.

EXHIBITS

Ordinance Option #'s 1-4
Fireworks Experience Chart
Map of Wildfire Hazard Zone
Fireworks Handout

AN ORDINANCE amending sections 7.022 and 7.023 of the Medford Municipal Code pertaining to the use of fireworks.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 7.022 of the Medford Municipal Code is amended to read as follows:

7.022 The Use of All Types of Fireworks in this Jurisdiction are Prohibited within the Hazardous Wildfire Areas, the Bear Creek Greenway, and City Park, and any Public School. The Retail Sales of Fireworks are Prohibited within this jurisdiction.

* * *

EXCEPTION:

The use of fireworks for display is allowed as set forth in Sections 7.023 (14-15) and 7.023 (19) of the Medford Code in conformance with NFPA 1123 "Code for Fireworks Display", ~~2010~~ **2018** edition.

SECTION 2. Section 7.023 of the Medford Municipal Code is amended to read as follows:

7.023 Modifications to the Oregon Fire Code 2014 Edition, as adopted by the State of Oregon.

EXCEPTION: Temporary storage, for use, in connection with approved blasting operations, explosive bolts, explosive rivets or cartridges for explosive-activated power tools in quantities approved by the fire code official. See OAR 837-012-1200 **through 837-012-1420**, ORS 480.010-480.290 and NFPA 495, "Explosive Materials Code", ~~2013~~ **2018** edition.

PASSED by the Council and signed by me in authentication of its passage this ____ day of May, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019

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.

AN ORDINANCE amending sections 1.100, 7.022, 7.023, and 7.900 of the Medford Municipal Code pertaining to the use of fireworks.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 7.022 of the Medford Municipal Code is amended to read as follows:

7.022 The Use of All Types of Fireworks in this Jurisdiction are Prohibited within the Hazardous Wildfire Areas, the Bear Creek Greenway, and City Park, and any Public School. The Retail Sales of Fireworks are Prohibited within this jurisdiction.

* * *

EXCEPTION:

The use of fireworks for display is allowed as set forth in Sections 7.023 (14-15) and 7.023 (19) of the Medford Code in conformance with NFPA 1123 "Code for Fireworks Display", ~~2010~~ 2018 edition.

SECTION 2. Section 7.023 of the Medford Municipal Code is amended to read as follows:

7.023 Modifications to the Oregon Fire Code 2014 Edition, as adopted by the State of Oregon.

(16) Section 5604 is amended by adding the following language: The storage of explosives, explosive materials or fireworks is prohibited at any location within this jurisdiction.

EXCEPTION: Temporary storage, for use, in connection with approved blasting operations, explosive bolts, explosive rivets or cartridges for explosive-activated power tools in quantities approved by the fire code official. See OAR 837-012-1200 through 837-012-1420, ORS 480.010-480.290 and NFPA 495, "Explosive Materials Code", ~~2013~~ 2018 edition.

SECTION 3. Section 7.900 of the Medford Municipal Code is amended to read as follows:

7.900 Penalty.

(1) Except as set forth in (2) of this section, violation of a provision of this Chapter 7 constitutes a violation punishable by a fine as set forth in Section 1.100 of the Medford Code. Each day in which a violation is caused or permitted to exist constitutes a separate violation.

(2) Violation of 7.022(2) and 7.023(13) constitutes a violation punishable by a fine of \$1,000. Each day in which a violation is caused or permitted to exist constitutes a separate violation.

SECTION 4. Section 1.100 of the Medford Municipal Code is amended to read as follows:

1.100 Penalty.

(2) Except as provided in Chapter 5, Section 5.990; **Chapter 7, Section 7.900(2)**; and Chapter 9, Section 9.660, a violation of a provision of the Code classified as a violation is punishable by a fine not exceeding \$250. Conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime.

PASSED by the Council and signed by me in authentication of its passage this ____ day of May, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019

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.

AN ORDINANCE amending sections 1.100, 7.022, 7.023, and 7.900 of the Medford Municipal Code pertaining to the use of fireworks.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 7.022 of the Medford Municipal Code is amended to read as follows:

~~7.022 All Types of Fireworks Prohibited. The Use of All Types of Fireworks in this Jurisdiction are Prohibited within the Hazardous Wildfire Areas, the Bear Creek Greenway, and City Park, and any Public School. The Retail Sales of Fireworks are Prohibited within this jurisdiction.~~

~~(1) To offer for sale, expose for sale, or sell at retail any fireworks within this jurisdiction is specifically prohibited.~~

~~(2) To use or explode any fireworks within the wildland urban interface areas (which for the purposes of this section are the hazardous wildfire areas as defined by Jackson County), the Bear Creek Greenway, any city park, or any public school within this jurisdiction is specifically prohibited.~~

To possess, offer for sale, sell at retail, use, or explode any fireworks within this jurisdiction is specifically prohibited.

EXCEPTION:

The use of fireworks for display is allowed as set forth in Sections 7.023 (14-15) and 7.023 (19) of the Medford Code in conformance with NFPA 1123 "Code for Fireworks Display", ~~2010~~ **2018** edition.

SECTION 2. Section 7.023 of the Medford Municipal Code is amended to read as follows:

7.023 Modifications to the Oregon Fire Code 2014 Edition, as adopted by the State of Oregon.

(13) Section 5601.1.3 is amended by adding the following language: Except as hereinafter provided, it shall be unlawful for any person to store, **use**, offer for sale, expose for sale, or sell at retail any fireworks within this jurisdiction (refer to Medford Code 7.023 Sections 14-15 and 19 for permitted public displays). ~~The provisions of the Oregon Fireworks Law, as set forth in Chapter 480 of the Oregon Revised Statutes are adopted and incorporated herein by reference. The careless or reckless use of fireworks is prohibited in this jurisdiction. The use of retail fireworks within the City of Medford is prohibited during any declared fire season except when the sale of fireworks is permitted within the State of Oregon pursuant to ORS 480.127 (June 23 to July 6 of each year, at the time of this code adoption). Refer to Medford Code Section 7.022 for specific location use and sales restrictions.~~

* * *

(16) Section 5604 is amended by adding the following language: The storage of explosives, explosive materials or fireworks is prohibited at any location within this jurisdiction.

EXCEPTION: Temporary storage, for use, in connection with approved blasting operations, explosive bolts, explosive rivets or cartridges for explosive-activated power tools in quantities approved by the fire code official. See OAR 837-012-1200 through 837-012-1420, ORS 480.010-480.290 and NFPA 495, "Explosive Materials Code", ~~2013~~ 2018 edition.

SECTION 3. Section 7.900 of the Medford Municipal Code is amended to read as follows:

7.900 Penalty.

(1) Except as set forth in (2) of this section, violation of a provision of this Chapter 7 constitutes a violation punishable by a fine as set forth in Section 1.100 of the Medford Code. Each day in which a violation is caused or permitted to exist constitutes a separate violation.

(2) Violation of 7.022 and 7.023(13) constitutes a violation punishable by a fine of \$1,000. Each day in which a violation is caused or permitted to exist constitutes a separate violation.

SECTION 4. Section 1.100 of the Medford Municipal Code is amended to read as follows:

(2) Except as provided in Chapter 5, Section 5.990; **Chapter 7, Section 7.900(2)**; and Chapter 9, Section 9.660, a violation of a provision of the Code classified as a violation is punishable by a fine not exceeding \$250. Conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime.

PASSED by the Council and signed by me in authentication of its passage this ____ day of May, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019

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.

AN ORDINANCE amending sections 1.100, 7.022, 7.023, and 7.900 of the Medford Municipal Code pertaining to the use of fireworks.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 7.022 of the Medford Municipal Code is amended to read as follows:

~~7.022 All Types of Fireworks Prohibited. The Use of All Types of Fireworks in this Jurisdiction are Prohibited within the Hazardous Wildfire Areas, the Bear Creek Greenway, and City Park, and any Public School. The Retail Sales of Fireworks are Prohibited within this jurisdiction.~~

~~(1) To offer for sale, expose for sale, or sell at retail any fireworks within this jurisdiction is specifically prohibited.~~

~~(2) To use or explode any fireworks within the wildland urban interface areas (which for the purposes of this section are the hazardous wildfire areas as defined by Jackson County), the Bear Creek Greenway, any city park, or any public school within this jurisdiction is specifically prohibited.~~

To possess, offer for sale, sell at retail, use, or explode any fireworks within this jurisdiction is specifically prohibited.

EXCEPTION:

The use of fireworks for display is allowed as set forth in Sections 7.023 (14-15) and 7.023 (19) of the Medford Code in conformance with NFPA 1123 "Code for Fireworks Display", ~~2010~~ **2018** edition.

SECTION 2. Section 7.023 of the Medford Municipal Code is amended to read as follows:

7.023 Modifications to the Oregon Fire Code 2014 Edition, as adopted by the State of Oregon.

(13) Section 5601.1.3 is amended by adding the following language: Except as hereinafter provided, it shall be unlawful for any person to store, **use**, offer for sale, expose for sale, or sell at retail any fireworks within this jurisdiction (refer to Medford Code 7.023 Sections 14-15 and 19 for permitted public displays). ~~The provisions of the Oregon Fireworks Law, as set forth in Chapter 480 of the Oregon Revised Statutes are adopted and incorporated herein by reference. The careless or reckless use of fireworks is prohibited in this jurisdiction. The use of retail fireworks within the City of Medford is prohibited during any declared fire season except when the sale of fireworks is permitted within the State of Oregon pursuant to ORS 480.127 (June 23 to July 6 of each year, at the time of this code adoption). Refer to Medford Code Section 7.022 for specific location use and sales restrictions.~~

* * *

(16) Section 5604 is amended by adding the following language: The storage of explosives, explosive materials or fireworks is prohibited at any location within this jurisdiction.

EXCEPTION: Temporary storage, for use, in connection with approved blasting operations, explosive bolts, explosive rivets or cartridges for explosive-activated power tools in quantities approved by the fire code official. See OAR 837-012-1200 through 837-012-1420, ORS 480.010-480.290 and NFPA 495, "Explosive Materials Code", 2013 2018 edition.

SECTION 3. Section 7.900 of the Medford Municipal Code is amended to read as follows:

7.900 Penalty.

(1) Except as set forth in (2) of this section, violation of a provision of this Chapter 7 constitutes a violation punishable by a fine as set forth in Section 1.100 of the Medford Code. Each day in which a violation is caused or permitted to exist constitutes a separate violation.

(2) Violation of 7.022 and 7.023(13) constitutes a violation punishable by a fine of \$1,000. Each day in which a violation is caused or permitted to exist constitutes a separate violation.

SECTION 4. Section 1.100 of the Medford Municipal Code is amended to read as follows:

(2) Except as provided in Chapter 5, Section 5.990; **Chapter 7, Section 7.900(2)**; and Chapter 9, Section 9.660, a violation of a provision of the Code classified as a violation is punishable by a fine not exceeding \$250. Conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime.

PASSED by the Council and signed by me in authentication of its passage this ____ day of May, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019

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.

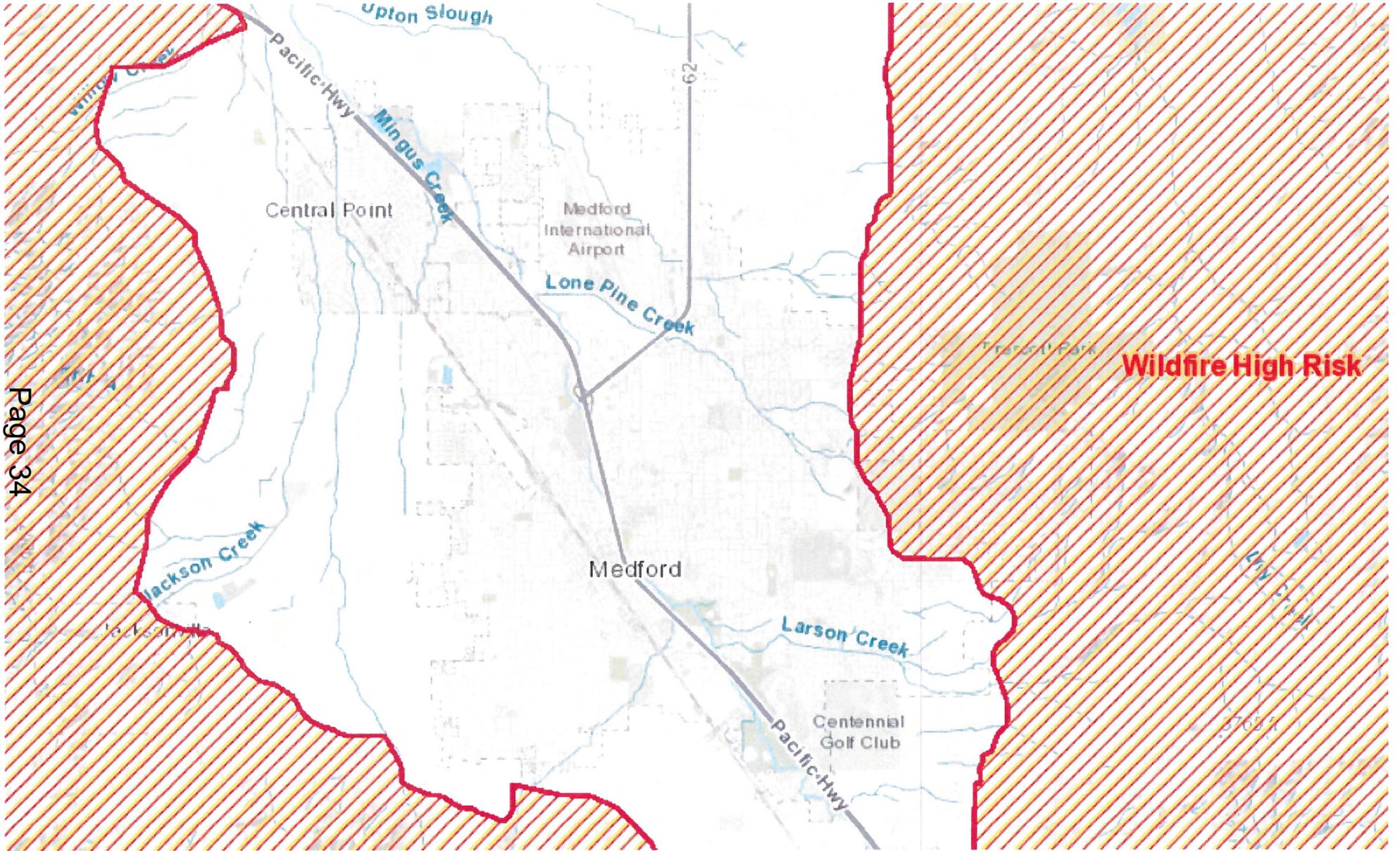
MFR Responses: Probable Fires and Injuries* Attributed to Fireworks 2018 - 2000

	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000
June 23 – July 3	1	3	1	1	2	1	1	1	0	2	2	3	3	2	5	2	0	6	2
July 4	5	7	7	3	5	6	3	4	4	2	5	3	3	3	5	2	4	2	4
July 5-6	1	2	0	3	1	1	3	1	0	1	3	3	1	1	4	5	3	3	0
Total Fires	7	12	8	7	8	8	7	6	4	5	10	9	7	6	14	9	7	11	6
Fires Igniting Structures	1	1	1	0	1	1	0	0	0	0	0	0	0	0	2	1	0	2	0
Fires Involving Vegetation	5	9	5	7	7	7	6	5	5	5	9	9	7	6	12	8	5	9	6
Fires Involving Other	1	2	2	0	0	1	1	1	0	0	1	0	0	0	0	0	2	0	0
Acres Burned	0.2	0.58	0.18	3.13	0.11	0.42	0.05	0.15	0.11	3.61	1.10	2.5	1.3	0.3	2.91	0.9	7	1.2	?
Known Injuries*	0	2	0	0	0	2	0	0	1	0	1	0	1	0	0	0	0	0	0
July 4th high temp. °F	88	97	88	103	94	91	84	89	86	99	83	99	91	90	89	91	82	97	64
Total \$ Loss	5,500	83,005	900	260	151	2,750	100	15,000	0	0	0	5,000	0	0	8,110	17,000	0	64,800	0

* Includes only injuries MFR responded to

Partial ban

Full ban



What Consumer Fireworks are Legal?

- See middle page of this brochure titled "Oregon Legal Consumer Fireworks"

What Fireworks/Explosives are ILLEGAL?

- See right page of this brochure titled "Oregon ILLEGAL Fireworks" and "Oregon ILLEGAL explosives"

Where are the Use of Fireworks Legal?

- Within the city limits of Medford except in the illegal locations listed below.

Where are the Use of Fireworks ILLEGAL?

- Within the Bear Creek Greenway
- Within the Wildfire Risk Areas-currently city limit areas East of Foothill Road-North Phoenix Road and North of Cherry Lane
- Within any City Park
- Within any Public School

If My Use of Fireworks Causes Damage, What May I Be Held Liable For?

- Property damage claims
- Reimbursement of suppression costs
- Negligence claims
- Fines and penalties for ILLEGAL use

When are Fireworks ILLEGAL to Use?

- During fire season except when the sale of fireworks is permitted in the State of Oregon pursuant to ORS 480.127 (June 23-July 6)

Is it ILLEGAL to Sell Fireworks within the Medford City Limits?

- Yes

Where Is it Legal to Sell Fireworks?

- Outside the Medford city limits or within the urban growth boundary by PERMIT only

Is it ILLEGAL to Store Fireworks within the Medford City Limits?

- Yes

Is it ILLEGAL to Manufacture Fireworks within the Medford City Limits?

- Yes

Oregon Legal Consumer Fireworks (1.4G)

Consumer Fireworks that:

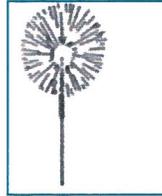
- **do not** explode
- **do not** fly into the air
- **do not** travel more than 12 feet horizontally

See ORS 480.111(2) & OAR 837-012-0610 (31)

Examples:



Base Fountain



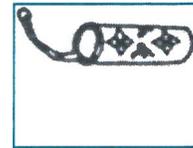
Sparkler



Cone Fountain (wood core)



Handheld Fountain



Ground Bloom



Wheel



Handheld California Candle Fountain

Oregon Legal Unclassified



Sparkler



Party Popper



Bomb



Smoke

Oregon ILLEGAL Fireworks (1.3G)*

Fireworks that:

- explode
- fly into the air
- travel more than 12 feet horizontally

See ORS 480.111(2) & OAR 837-012-0610 (31)

Examples:



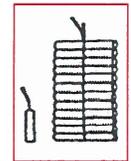
Aerial Bees, Helicopters



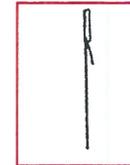
Crazy Jack Jumping Jack Spinners



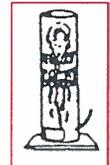
Firecracker (regular)



Firecracker (small)



Bottle Rocket



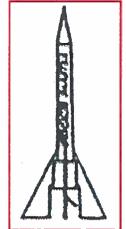
Mortar



Roman Candle (shoots balls)



Sky Rocket (with stick)



Missile Rocket

Oregon ILLEGAL Explosives



Ash Can M80



Cherry Bomb Red



Silver Salute M100

◆

Fireworks Related Injuries-Facts (CDC)

In 2016, four people died and an estimated 11,000 were treated in emergency departments for fireworks-related injuries in the United States.

- ◆ An estimated 7,600 (68% of the total fireworks-related injuries) of fireworks-related injuries treated in emergency departments required hospitalization.
- ◆ Almost 3/4 of all fireworks-related injuries in 2016 occurred between June 18 and July 18. During that time period:
 - There were 900 injuries involving sparklers, 1,300 injuries involving firecrackers, and 400 injuries involving rockets.
 - Children under 15 years old accounted for 31% of the estimated injuries;
 - About twice as many males were injured as females; and
 - Young people under twenty sustained 31% of all injuries from fireworks.
 - Sparklers accounted for 44% of the injuries to children less than 5 years of age
- ◆ Nature of these injuries:
 - Sixty nine percent of the injuries were burns. Burns were the most common injury to all body parts except the eyes and head areas, where contusions, lacerations and foreign bodies in the eye occurred more frequently
 - Body parts most often injured were hands and fingers (33%), head, face, and ear (20%), legs (18%), eyes (9%), arms (8%).
- ◆ Fireworks injuries can be associated with blindness, third degree burns, and permanent scarring.
- ◆ People actively participating in fireworks-related activities are more frequently and severely injured than bystanders.
- ◆ Fireworks can also cause life-threatening residential and motor vehicle fires.
- ◆ Many of the 114 fireworks-related deaths between 2001-2016 involved professional devices that were illegally sold to consumers.

Page 36

◆

Fireworks Safety*

- ◆ Observe local laws.
- ◆ Do not allow young children to play with fireworks under any circumstances. Sparklers, considered by many the ideal "safe" firework for the young burn at very high temperatures and can easily ignite clothing. Children cannot understand the danger involved and cannot act appropriately in case of emergency.
- ◆ Older children should only be permitted to use fireworks under close adult supervision. Do not allow any running or horseplay.
- ◆ Only light fireworks outdoors in a clear area away from houses, dry leaves or grass and flammable materials.
- ◆ Keep a bucket of water nearby for emergencies and for pouring on fireworks that don't go off.
- ◆ Do not try to relight or handle malfunctioning fireworks.
- ◆ Be sure other people are out of range before lighting fireworks.
- ◆ Never throw or point fireworks at other people
- ◆ Never ignite fireworks in a container, especially a glass or metal container.
- ◆ Keep unused fireworks away from firing areas.
- ◆ Douse and soak fireworks with water before throwing them away.
- ◆ Store fireworks in a dry, cool place. Check instructions for special storage directions.
- ◆ Never have any part of your body directly over a firework while lighting. Wear eye protection.
- ◆ Don't experiment with homemade fireworks.
- ◆ Parents should supervise the ordering and use of mail-order "Make your own" firework kits and components. Mail-order order kits and components designed to build banned fireworks are prohibited.

*Source: Consumer Product Safety Commission

For more information visit:
<http://www.ci.medford.or.us/Page.asp?NavID=623>

◆



Fireworks Laws and Safety Information



Sparkler 1800-3000° F



Medford Fire-Rescue Fire Marshal's Office

Lausmann Annex
200 S. Ivy Street, Room #180
Medford, OR 97501
Ph. (541) 774-2300 Fax (541) 774-2514

www.medfordfirerescue.org



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.1

www.ci.medford.or.us

DEPARTMENT:	Planning Department	AGENDA SECTION:	Ordinances and Resolutions
PHONE:	(541) 774-2380	MEETING DATE:	May 2, 2019
STAFF CONTACT:	Matt Brinkley, AICP, CFM, Planning Director		

COUNCIL BILL 2019-32

A resolution establishing a public hearing date for the vacation of both a portion of a public storm drainage easement and a Public Utility Easement (PUE) on two non-contiguous parcels located north of Midway Road, west of Interstate 5, and east of Cummings Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district. (SV-19-044)

SUMMARY AND BACKGROUND

Council is requested to consider a resolution to establish a public hearing date for the vacation of both a portion of a public storm drainage easement and a Public Utility Easement (PUE) on two non-contiguous parcels located north of Midway Road, west of Interstate 5, and east of Cummings Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (SV-19-044).

PREVIOUS COUNCIL ACTIONS

No previous Council actions have been identified for this item.

ANALYSIS

On January 10, 2019, the Planning Commission approved the tentative plat for McKenzie Village, a proposed 25-lot residential subdivision. Survey maps submitted by the applicant identified two separate public easements located on the site: a 10-foot public storm drainage easement running through lots 10-12, and a 20-foot public utility easement at the site's southeast corner. The approval of McKenzie Village included a condition of approval requiring the applicant to obtain approval for the vacation of the public easements identified on the submitted survey maps, prior to final plat approval.

The vacation process for public easements is not required per Oregon Revised Statute (ORS) Chapter 271; however, Section 10.200 of the Medford Land Development Code (MLDC) does state that a request to vacate an "easement" be subject to the vacation provisions of the Code, which the City's legal counsel has interpreted as requiring that their removal be recorded into the public record in accordance with ORS procedures.

The applicant has requested that the Council initiate the Vacation process for these public easements as provided in MLDC 10.228(C) and ORS 271.130.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.

COUNCIL OPTIONS

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

STAFF RECOMMENDATION

Staff recommends approval of the resolution, setting the public hearing date of June 20, 2019.

SUGGESTED MOTION

I move to approve the resolution setting the public hearing date of June 20, 2019.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 80.1

www.ci.medford.or.us

EXHIBITS

Resolution

Applicant's letter to City Council requesting initiation of the vacation

Legal descriptions of the areas to be vacated along with maps showing areas to be vacated

Approved tentative plat of McKenzie Village

Applicant's Findings of Fact and Conclusions of Law

Vicinity Map

RESOLUTION NO. 2019-32

A RESOLUTION establishing a public hearing date for the vacation of both a portion of a public storm drainage easement and a Public Utility Easement (PUE) on two non-contiguous parcels located north of Midway Road, west of Interstate 5, and east of Cummings Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (SV-19-044).

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

That a public hearing date shall be established for the vacation of both a portion of a public storm drainage easement and a Public Utility Easement (PUE) on two non-contiguous parcels located north of Midway Road, west of Interstate 5, and east of Cummings Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (SV-19-044).

PASSED by the Council and signed by me in authentication of its passage this ___ day of May, 2019.

ATTEST: _____
City Recorder

Mayor

RECEIVED
MAR 04 2019
PLANNING DEPT.

February 15, 2019

City Council
C/O Planning Department
City of Medford
200 South Ivy Street, Lausmann Annex, Room 240
Medford, OR 97501

RE: Request City Council initiate vacation process for two unneeded public utility easements

Dear City Council,

The City of Medford Planning Commission recently approved a land division (LDS-18-149) and associated exception (E-18-150) for McKenzie Village, a 25-lot residential subdivision located north of Midway Road, west of Interstate 5 and east of Cummings Lane (Tentative Subdivision Plan - Exhibit A, Vicinity Map - Exhibit B). The approved residential subdivision will provide infill residential development on this 3.51-acre property located between existing residential development to the west and Interstate 5 to the east. As a condition of approval, Tom Malot Construction Company, Inc. has been required to vacate portions of two unneeded public easements. The first is a 10-foot wide public storm drainage easement connecting to the south end of Reanna Way (Exhibit C). The second is a 20-foot wide section of a public utility easement that extends from the east end of Midway Road to the west boundary of Interstate 5 (Exhibit D). The plans for McKenzie Village demonstrate that services will be maintained to existing development in the vicinity and that all necessary utilities will be extended into and through this development without the need for either of these existing utility easements.

As these two easements have been shown to be unnecessary, we request that the Council initiate the vacation process for these public rights-of-way (easements) as provided for in Medford Land Development Code (MLDC) Section 10.228(C) and Oregon Revised Statute (ORS) 271.130.

Sincerely,



Tom Malot

CITY OF MEDFORD
EXHIBIT # _____
FILE # SV-19-044

TELEPHONE
541-772-2782

JAMES E. HIBBS, PLS



EXHIBIT "A-1"
L.J. FRIAR & ASSOCIATES P.C.

CONSULTING LAND SURVEYORS

P.O. BOX 1947
PHOENIX, OR 97535

RECEIVED

MAR 04 2019

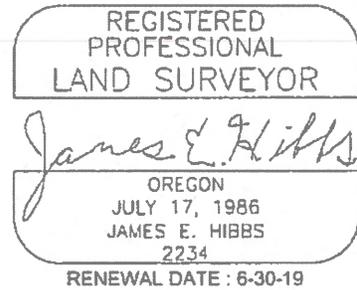
BEANNING DEPT 772-8465 FAX

ljfriar@charter.net

LEGAL DESCRIPTION

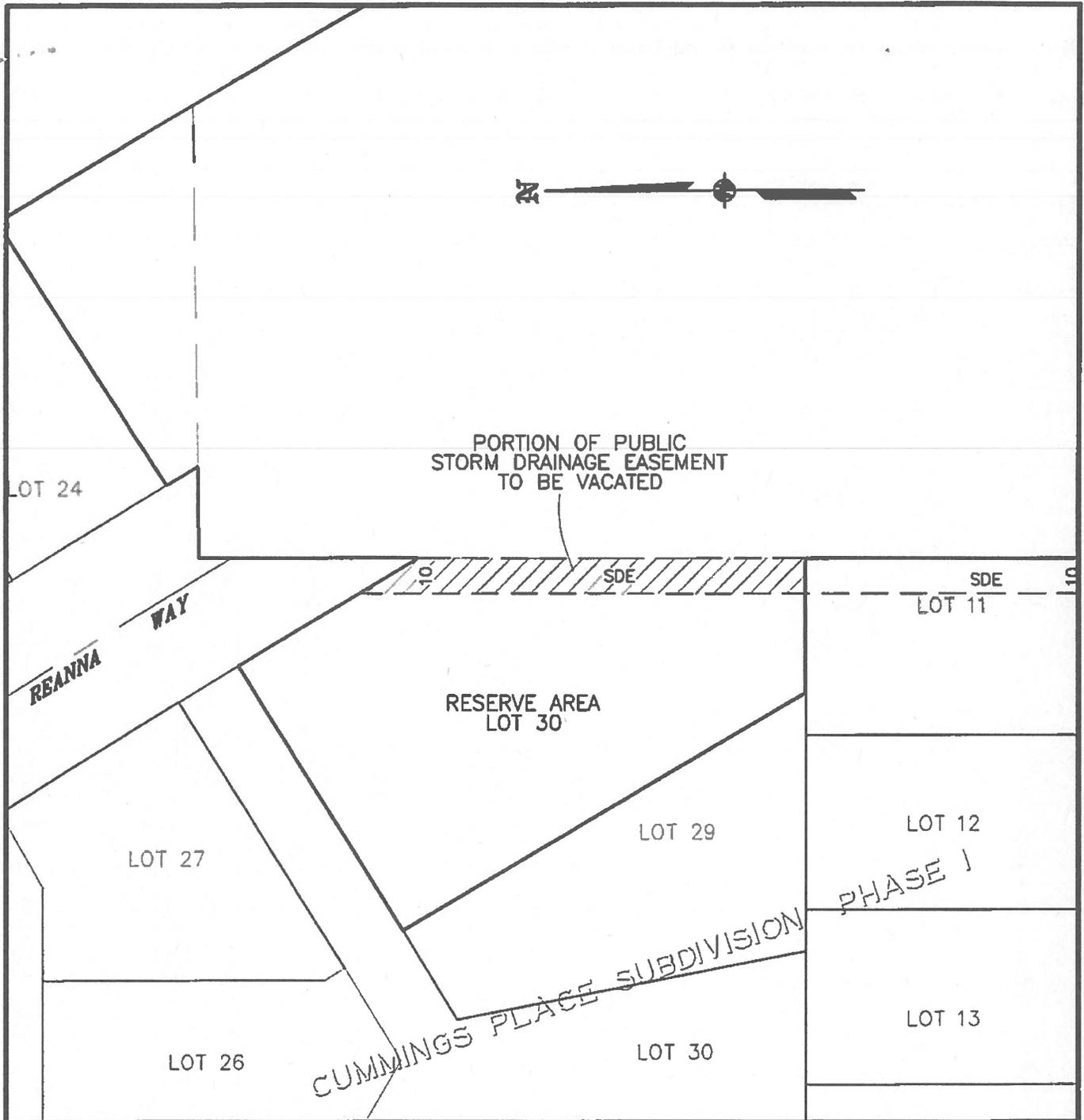
The certain Public Storm Drainage Easement being the Easterly 10 feet of Lot 30 of CUMMING PLACE SUBDIVISION, PHASE 1, according to the official plat thereof, now of record, in Jackson County, Oregon.

PUBLIC STORM DRAINAGE EASEMENT
TO BE VACATED
372W13AB TL211
Tom Malot
18-175
January 28, 2019



CITY OF MEDFORD
EXHIBIT # _____
FILE # SV-19-044

EXHIBIT "A-2"



REGISTERED
PROFESSIONAL
LAND SURVEYOR

James E. Hibbs

OREGON
JULY 17, 1986
JAMES E. HIBBS
2234

RENEWAL DATE 6-30-19

TITLE:
PUBLIC STORM DRAINAGE EASEMENT VACATION

ASSESSOR'S MAP #:
372W13AB TL211

FOR: **TOM MALOT CONSTRUCTION CO. INC.**
PO BOX 5384
CENTRAL POINT, OR 97502

 **L.J. FRIAR & ASSOCIATES P.C.**
CONSULTING LAND SURVEYORS
PO BOX 1847, PHOENIX, OR 97535
(541) 772-2782
lfriar@charter.net

DATE:
5 DEC 2018

SCALE:
1 inch : 40 feet

DRAWN BY: JEH
CHK BY:

ORIGIN:

ROTATION: 270°
JOB#: 18175FM

Sheet 1 of 1.



EXHIBIT "B-1"
L.J. FRIAR & ASSOCIATES P.C.

TELEPHONE
541-772-2782

JAMES E. HIBBS, PLS

CONSULTING LAND SURVEYORS

P.O. BOX 1947
PHOENIX, OR 97535

FAX
541-772-8465

ljfriar@charter.net

LEGAL DESCRIPTION

The certain public utility easement being the Northerly 20 feet of the vacated portion of Midway Road set forth in Medford Ordinance No. 2005-273 and recorded as Document No. 2005-077295, Official Records of Jackson County, Oregon.

PUBLIC UTILITY EASEMENT
TO BE VACATED
372W13AB TL211
Tom Malot
18-175
January 28, 2019

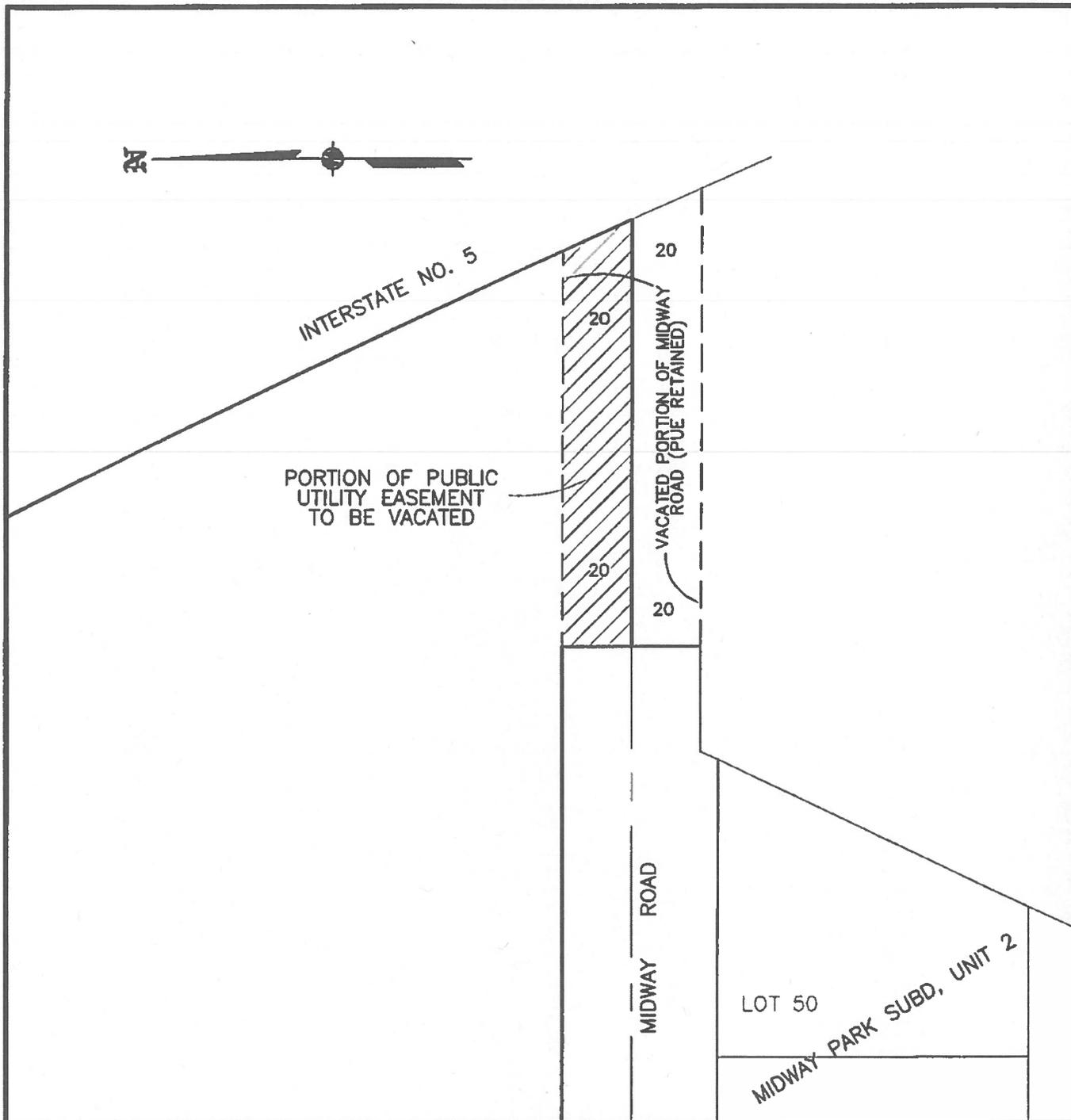
RECEIVED
MAR 04 2019
PLANNING DEPT.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
James E. Hibbs
OREGON
JULY 17, 1986
JAMES E. HIBBS
2234
RENEWAL DATE : 6-30-19

CITY OF MEDFORD
EXHIBIT # _____
FILE # SV-19-044



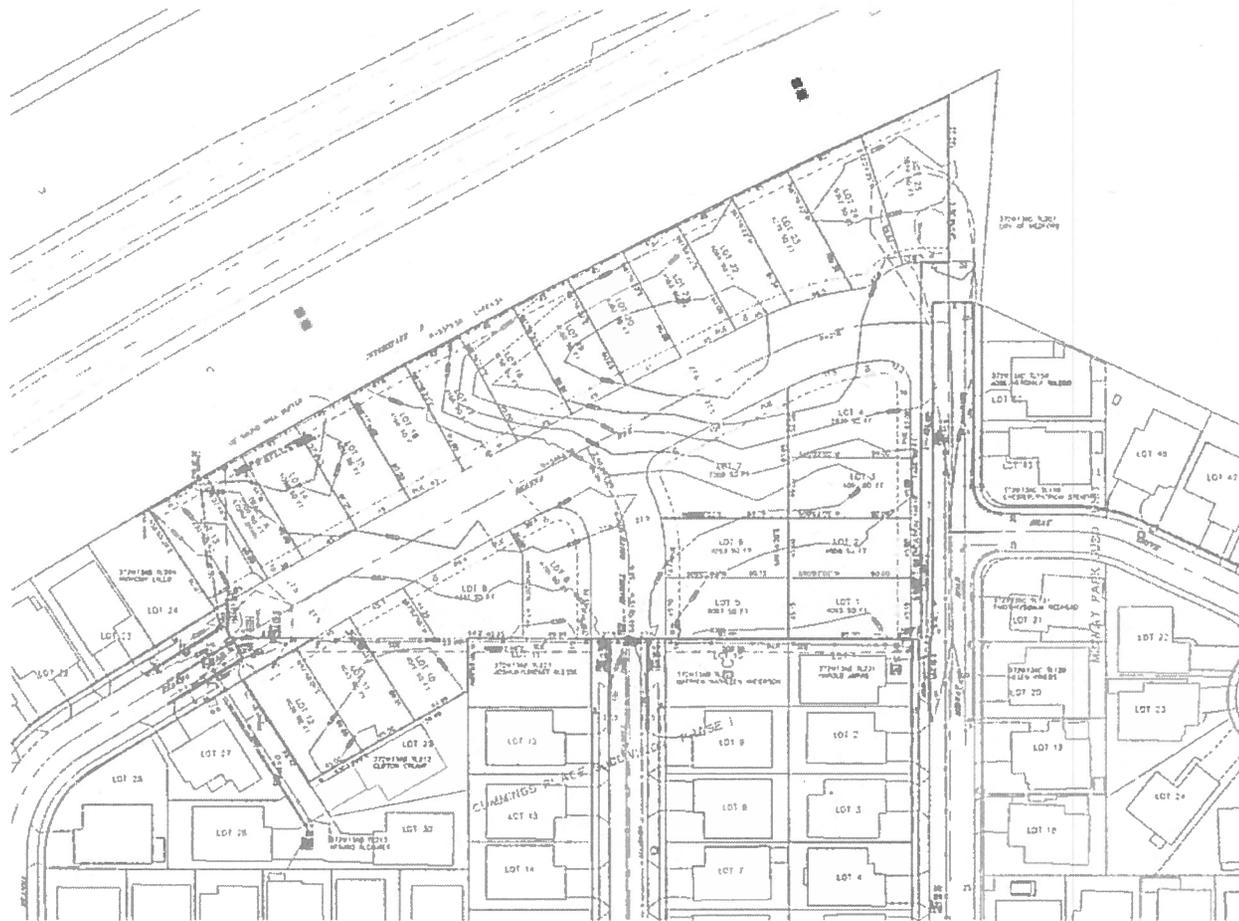
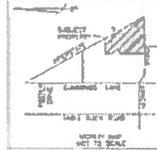
EXHIBIT "B-2"



<p>REGISTERED PROFESSIONAL LAND SURVEYOR</p> <p><i>James E. Hibbs</i></p> <p>OREGON JULY 17, 1986 JAMES E. HIBBS 2234 RENEWAL DATE 6-30-19</p>	<p>TITLE: PUBLIC UTILITY EASEMENT VACATION</p> <p>ASSESSOR'S MAP #: 372W13AA TL601</p>	<p>DATE: 5 DEC 2018</p>
	<p>FOR: TOM MALOT CONSTRUCTION CO. INC. PO BOX 5384 CENTRAL POINT, OR 97502</p>	<p>SCALE: 1 inch : 40 feet</p>
	<p> L.J. FRIAR & ASSOCIATES P.C. CONSULTING LAND SURVEYORS PO BOX 1947, PHOENIX, OR 97535 (541) 772-2782 lfriar@charter.net</p>	<p>DRAWN BY: JEH CHK BY:</p>
		<p>ORIGIN:</p> <p>ROTATION: 270° JOB#: 18175FM</p> <p>Sheet 1 of 1.</p>

Exhibit A: Tentative Plat of McKenzie Village

Tentative Plat of
MCKENZIE VILLAGE
 A Subdivision
 in the NE 1/4 of Section 13, T25S, R25E, N.M.
 in the City of Denver, Jackson County, Oregon

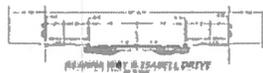


Page 45



GENERAL NOTES
 1. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.
 2. ALL CORNERS ARE TO BE ROUNDED TO A RADIUS OF 10 FEET UNLESS OTHERWISE NOTED.
 3. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
 4. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.

BASE OF BEARINGS
 ALL BEARINGS ARE TO BE MEASURED FROM THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.



<p>REGISTERED PROFESSIONAL LAND SURVEYOR <i>James H. Hill</i> No. 12, 1988 State of Oregon</p>	<p>TENTATIVE SUBDIVISION PLAT & METEOROLOGICAL SURVEY OF 327,118 SQ. FT. OF LAND IN SECTION 13, T25S, R25E, N.M. IN THE CITY OF DENVER, JACKSON COUNTY, OREGON PREPARED BY J. H. HILL & ASSOCIATES, P.C. 1000 1/2 AVENUE CENTRAL POINT, OREGON 97502</p>	<p>DATE: 10/1/13 SHEET: 1 OF 1</p>
--	--	---

RECEIVED
MAR 04 2019
PLANNING DEPT.

**BEFORE THE CITY COUNCIL FOR THE CITY OF
MEDFORD, JACKSON COUNTY, OREGON:**

IN THE MATTER OF AN APPLICATION FOR)
THE VACATION OF BOTH A PORTION OF A)
PUBLIC STORM DRAINAGE EASEMENT AT)
THE SOUTH TERMINUS OF REANNA WAY)
AND A PUBLIC UTILITY EASEMENT EAST)
OF MIDWAY ROAD AND WEST OF)
INTERSTATE 5; TOM MALOT)
CONSTRUCTION COMPANY, INC.,)
APPLICANT; RICHARD STEVENS &)
ASSOCIATES, INC., AGENTS)

FINDINGS OF FACT

I. RECITALS PERTAINING TO THE PROPERTY:

APPLICANT: Tom Malot Construction Company, Inc.
PO Box 5384
Central Point, OR 97502

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

PURPOSE OF APPLICATION:

The City of Medford Planning Commission recently approved a land division (LDS-18-149) and associated exception (E-18-150) for McKenzie Village, a 25-lot residential subdivision located north of Midway Road, west of Interstate 5 and east of Cummings Lane. The approved residential subdivision will provide infill residential development on this 3.51-acre property, described as T-37 R-2W SEC-13AA, Tax Lots 601 & 700, located between existing residential development to the west and Interstate 5 to the east. As a condition of approval, Tom Malot Construction Company, Inc. was required to vacate portions of two unneeded public easements. The first is a portion of a 10-

**CITY OF MEDFORD
EXHIBIT #
FILE # SV-19-044**

foot wide public storm drainage easement connecting to the south end of Reanna Way. The second is a 20-foot wide section of a public utility easement that extends from the east end of Midway Road to the west boundary of Interstate 5. The plans for McKenzie Village demonstrate that services will be maintained to existing development in the vicinity and that all necessary utilities will be extended into and through this development without the need for either of these existing utility easements.

As these two easements have been shown to be unnecessary, the applicant has submitted this application to vacate these two public easements as provided for in Medford Land Development Code (MLDC) Section 10.228(C) and Oregon Revised Statute (ORS) 271.130.

Attachments:

- Exhibit 1: Vicinity Map to scale (1' = 1000') per MLDC Section 10.228 and a vicinity map at a scale of 1' = 300' showing greater detail of the area in question;
- Exhibit 2: Legal Description of area to be vacated along with detailed maps showing the areas to be vacated;
- Exhibit 3: Assessor's Maps and a GIS map of the areas to be vacated showing abutting and affected properties;
- Exhibit 4: A map identifying the required notification area along with typed mailing labels for each of the property owners within the notification area; and
- Exhibit 5: A letter to City Council, with exhibits, requesting initiation of the vacation.

II. APPLICABLE CRITERIA:

In order to approve a Vacation of a Public Right-of-Way, the applicant must submit findings addressing Section 10.228 of the Land Development Code. A review of Section 10.228(E) indicates that an application for a Vacation must contain the following:

- (1) A vicinity map drawn to scale of 1"=1000' identifying the proposed area of vacation.*
- (2) A legal description of the area(s) proposed to be vacated in electronic form per the instructions of the City of Medford Planning Department.*
- (3) A letter requesting City Council initiation, or, if initiated by petition rather than by Council, consent to vacate forms completed and signed by owners of all abutting property and not less than two-thirds in area of the real property affected as defined in ORS 271.080.*
- (4) Assessor's maps of the proposed vacation area identifying abutting*

and affected properties.

(5) Names and addresses of property owners within the area of a plat vacation or all abutting property and all attached real property within 200 feet laterally and 400 feet beyond the terminus of each right-of-way to be vacated, including map and tax lot numbers typed on mailing labels.

(6) Findings that address the approval criteria in Section 10.228(D), Vacation Criteria.

FINDING:

This application for the vacation of a portion of a 10-foot wide public storm drainage easement connecting to the south end of Reanna Way and the vacation of a 20-foot wide section of a public utility easement that extends from the east end of Midway Road to the west boundary of Interstate 5, with the information presented in support of the application, is consistent with the criteria for submission as required above, accompanied with the applicable maps, the legal descriptions of the areas to be vacated, a letter requesting the City Council initiate the vacation, the names and addresses of all affected properties typed on mailing labels, and findings consistent with the requirements of Section 10.228(D).

III. FINDINGS IN COMPLIANCE WITH SECTION 10.228(D) OF THE MEDFORD LAND DEVELOPMENT CODE:

Section 10.228(D) provides that the approving authority (City Council) shall only approve a request for a vacation if it finds that the vacation complies with subsections (1) and (2) or (3) below:

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

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

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

10.228(D)(1) COMPLIANCE WITH THE PUBLIC FACILITIES ELEMENT OF THE COMPREHENSIVE PLAN, INCLUDING THE TRANSPORTATION SYSTEM PLAN:

The City of Medford Planning Commission recently approved a land division (LDS-18-149) and associated exception (E-18-150) for McKenzie Village, a 25-lot residential

subdivision located north of Midway Road, west of Interstate 5 and east of Cummings Lane. As a condition of approval, Tom Malot Construction Company, Inc. was required to vacate portions of two unneeded public easements as shown on the subdivision plans. The plans for McKenzie Village, with the associated conditions of approval, demonstrate that all necessary utilities will be extended into and through this development without the need for either of these existing utility easements. The plans also demonstrate that utility services will continue for existing development in the vicinity without the use of either of these easements.

As neither of the public easements under consideration for vacation are public street or alley rights-of-way, the proposed vacations will have no affect on the Transportation System Plan.

FINDING:

The plans for the recently approved McKenzie Village subdivision, with associated conditions, demonstrate that services will be maintained to existing development in the vicinity and that all necessary utilities will be extended into and through this development without the need for either of these existing utility easements. As neither of these easements is a public street or alley right-of-way, the proposed vacations will have no affect on the Transportation System Plan.

10.228(D)(2) IF INITIATED BY PETITION UNDER ORS 271.080, THE FINDINGS REQUIRED BY ORS 271.120:

Not applicable.

FINDING:

The proposed vacation was initiated by City Council action and not by petition.

10.228(D)(3) IF INITIATED BY THE COUNCIL, THE APPLICABLE CRITERIA FOUND IN ORS 271.130:

Along with this application for public right-of-way vacation, the applicant submitted a letter to City Council, with exhibits, requesting initiation of the vacation per (MLDC) Section 10.228(C) and ORS 271.130. The application must therefore demonstrate compliance with the applicable criteria found in ORS 271.130, as follows:

- 1) *Notice has been provided per ORS 271.110.*

- 2) *The owners of a majority of the area affected have not objected in writing.*
 - 3) *For street vacations, the consent of the owners of all abutting properties must be obtained if the vacation will substantially affect the market value of such property.*
-
- 1) Along with this vacation application, the applicant has provided a map indicating the required notification area along with the names and addresses of property owners within the area of a plat vacation or all abutting property and all attached real property within 200 feet laterally and 400 feet beyond the terminus of each right-of-way to be vacated, including map and tax lot numbers typed on mailing labels, as required on the City application form and MLDC Section 10.228(E)(5). With this information, and by following its own rules for noticing of hearings, the City has met the noticing requirements of ORS 271.110.
 - 2) The noticing required by ORS 271.110 provides an opportunity for affected property owners to participate in the public hearing process for the proposed vacation and to submit letters in opposition to the proposed vacation should they so choose. As of the date of these findings the applicant is unaware of any opposition to the proposed vacations.
 - 3) As the proposed vacations are for two public utility easements and not street rights-of-way it is unclear whether this criterion applies to this application. However, the proposed vacation of these two public easements is not expected to in any way affect the market value of abutting properties.

FINDING:

Based upon the information contained herein, the City of Medford can find that the application has met the applicable criteria contained in ORS 271.130 as notice required by ORS 271.110 has been provided; the owners of a majority of the area affected have not objected in writing; and the vacation will not substantially affect the market value of abutting properties.

IV. SUMMARY AND CONCLUSIONS:

In order to approve a request for public right-of-way vacation, the City Council must find that the applicant has made the requisite findings for a vacation. A review of the application and the above Findings of Fact with the supporting documentation attached, demonstrates that this application complies with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan; and since the vacation has been initiated by the Council, the application also complies with the applicable criteria found in ORS 271.130.

With this in mind, the applicant respectfully requests that the City of Medford vacate a portion of a 10-foot wide public storm drainage easement connecting to the south end of Reanna Way and a 20-foot wide section of a public utility easement that extends from the east end of Midway Road to the west boundary of Interstate 5 as shown in the attached exhibits.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Clark Stevens". The signature is written in a cursive style with a large, sweeping flourish over the last name.

Richard Stevens & Associates, Inc.



Project Name:

**McKenzie Village
Easement Vacation**

Subject Area

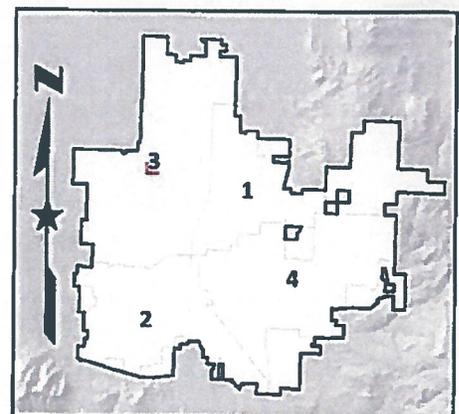
**372W13AB TL 211
372W13AA TL 601**



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

04/03/19





CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.2

www.ci.medford.or.us

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

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: May 2, 2019

COUNCIL BILL 2019-33

A resolution approving a Jackson County order to initiate formation of a Jackson County Law Enforcement Service District and consenting to the inclusion of City territory within the boundaries of the district.

SUMMARY AND BACKGROUND

Council is requested to consider approval of a resolution approving a Jackson County order to initiate the formation of a Jackson County Law Enforcement Service District. If approved, the Council would be consenting to the inclusion of City territory within the boundaries of the district.

PREVIOUS COUNCIL ACTIONS

On May 10, 2018, a study session was held where Jackson County Sheriff Nathan Sickler presented a history of the local jail. This information included an initial study on the amount of space that is needed for a new facility.

ANALYSIS

The current jail facility was built in 1981 and was designed to hold 176 people. The facility has been expanded over the years to hold 300 with a night time maximum of 315. Information presented at the May 2018 study session included:

- Inmate numbers impact workload for staff, mental health issues for inmates, as well as officer and inmate safety.
- The current lack of jail space impacts multiple other agencies in the area due to increased crime, offenders not being held accountable and often reoffend, lack of availability of mental health services and drug/alcohol treatment.
- Existing building would be difficult to modify or remodel to add extra rooms.

The Jackson County Board of Commissioners intends to form a county service district for law enforcement services under the authority of Oregon Revised Statute 451.010(1)(n). The proposed district would have authority to construct, operate, and maintain a local correctional facility in Jackson County. The Board proposes to include all county territory within the boundaries of the proposed district.

The territory of the City may only be included within the boundaries of the district if the Council adopts the proposed resolution. The District will still need to be approved by the voters of Jackson County. Sheriff Stickler will be providing a staff report at the Council meeting to review the proposed timelines for such vote by the public.

Council approval of this resolution does not establish a position on the ballot measure for the formation of the District to the voters. Council may choose to develop such a position in the event that the Board of Commissioners refer this item to the voters.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

There are no financial resources committed by the City or residents as a result of approving the resolution. There will still need to be a vote of the public to establish a permanent property tax rate limit of \$.835 per \$1,000 of assessed value for the District.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.2

www.ci.medford.or.us

TIMING ISSUES

Council is requested to consider this resolution in order for the Board of Commissioners to complete their necessary approvals for consideration of placement on the November 2019 ballot.

COUNCIL OPTIONS

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

STAFF RECOMMENDATION

Staff recommends approval of the resolution as presented.

SUGGESTED MOTION

I move to approve the resolution approving a Jackson County Order to initiate formation of a Jackson County Law Enforcement Service District and consenting to the inclusion of City territory within the boundaries of the district.

EXHIBITS

Resolution

Jackson County Resolution - Proposed

RESOLUTION NO. 2019-33

Resolution Approving a Jackson County Order to Initiate Formation of a Jackson County Law Enforcement Service District and Consenting to the Inclusion of City Territory Within the Boundaries of the District

The City Council of the City of Medford, Oregon (City), finds:

a. The Jackson County, Oregon, Board of Commissioners intends to form a county service district for law enforcement services under the authority of Oregon Revised Statute (ORS) 451.010(1)(n). The name of the proposed district is the Jackson County Local Correctional Facility Service District (hereinafter "District"). The proposed District would have authority to construct, operate, and maintain a local correctional facility in Jackson County.

b. The Jackson County Board of Commissioners may initiate the formation of the District by adopting an order under authority of ORS 198.835. The Board proposes to include all county territory within the boundaries of the proposed district.

c. Jackson County voters will be asked to establish a permanent property tax rate limit of \$.8353 per \$1,000 of assessed value for the District as authorized by ORS 451.547.

d. The territory of the City may only be included within the boundaries of the District if the City Council adopts a resolution approving the proposed Jackson County Order Initiating Formation of a Jackson County Law Enforcement Service District. The proposed order is attached hereto.

e. The City Council believes that a law enforcement service district for the construction, operation, and maintenance of a local correctional facility in Jackson County is in the best interests of the citizens of the City.

The City Council of the City of Medford Resolves:

The City of Medford, Oregon, hereby consents to the inclusion of all the territory of the City within the boundaries of the proposed Jackson County Local Correctional Facility Service District, and approves the Jackson County Board of Commissioners' proposed Order Initiating Formation of a Jackson County Law Enforcement Service District in substantially the form attached hereto.

Adopted by the City Council of the City of Medford, Jackson County, Oregon this _____ day of May, 2019.

ATTEST: _____
City Recorder

Mayor

BEFORE THE BOARD OF COUNTY COMMISSIONERS

STATE OF OREGON, COUNTY OF JACKSON

IN THE MATTER OF INITIATING THE) ORDER NO. _____
FORMATION OF A JACKSON COUNTY LAW)
ENFORCEMENT SERVICE DISTRICT)

WHEREAS, when the current Jackson County jail opened in 1981, the population of Jackson County was approximately 134,500 residents; and

WHEREAS, due to the increase in the population of Jackson County since the opening of the current Jackson County Jail and other factors, the current Jackson County Jail is insufficient for the needs of the County; and

WHEREAS, in 2017, the Jackson County Jail was required to release approximately 7,000 inmates prior to their first court appearance solely due to a lack of capacity; and

WHEREAS, forced releases of inmates due to lack of capacity in the Jackson County Jail have impacted the entire criminal justice system in Jackson County including, in 2017 alone, over 10,000 warrants being issued for criminal defendants failing to appear for required court appearances and over 7,000 lodgings into the jail for repeat offenders; and

WHEREAS, the current Jackson County jail, due to its design and limited capacity, is not conducive to providing comprehensive services to inmates suffering from mental health issues or addiction; and

WHEREAS, Chapter 451 of the Oregon Revised Statutes (ORS) provides for the establishment of a county service district for law enforcement services which includes authority for the construction, maintenance, and operation of installations, works, or services provided for the purpose of law enforcement services; and

WHEREAS, the construction, maintenance, and operation of a local correctional facility is a law enforcement service purpose; and

WHEREAS, without the establishment of a county service district for law enforcement services, Jackson County will not be able to construct, operate, and maintain a new local correctional facility which adequately meets the needs of the County; and

WHEREAS, ORS 451.435 provides that all county service districts shall be initiated, conducted, and completed as provided by ORS 198.705 to 198.955; and

WHEREAS, ORS 198.835 authorizes of the county board of commissioners to initiate the formation of a district by an order and sets forth the requirements of that order including setting the date, time, and place of a public hearing on the proposal to form the district; and

WHEREAS, ORS 198.840 requires that notice of the public hearing on the proposal be given in the manner set forth in ORS 198.800, except that the notice shall state that the county board has entered an order declaring its intention to initiate the formation of the county service district.

Now, therefore,

The Board of County Commissioners of Jackson County ORDERS:

1. The Board intends to initiate formation of a county service district for law enforcement services in Jackson County as authorized pursuant to ORS 451.010(1)(n) and ORS Chapter 541, which is the principal act governing the formation of such a district, for the purpose of constructing, operating, and maintaining a local correctional facility in Jackson County.

2. The name of the proposed district is the Jackson County Local Correctional Facility Service District (District).

3. The boundaries of the District shall include all territory within Jackson County, less the territory within any incorporated city that chooses not to be part of the District; *[If any city opts out, the following language would be inserted into the final order – “The city or cities choosing not to be included within District territory are: list.]*.

4. As required by ORS 198.835(3), certified copies of City Council Resolutions of each city approving this Initiation Order and formation of the District are attached.

5. The Jackson County Board of Commissioners will serve as the governing body of the District as required pursuant to ORS 451.485; and

6. The District will have all of the general powers granted by ORS Chapter 451 (the Principal Act) necessary and convenient for providing law enforcement services as permitted by ORS 451.010(1)(n).

7. The District will be authorized to construct, maintain, and operate a law enforcement service facility, specifically a local correctional facility, pursuant to ORS 541.420.

8. Jackson County voters will be asked to establish a permanent property tax rate limit of \$.8353 per \$1,000 of assessed value for the District as authorized by ORS 451.547. The District will have authority to levy and collect general property taxes up to the approved rate limit.

9. Pursuant to ORS 198.800 and 198.835, a public hearing on the formation of the Jackson County Local Correctional Facility Service District shall be held at the Board’s regular meeting on June 26, 2019, beginning at 9:30 a.m., in the Auditorium of the Jackson County Courthouse, 10 South Oakdale, Medford, Oregon 97501. All interested persons may appear and be heard. At this hearing, the Board will hear testimony and receive written comment on the proposed formation of this District, including information about the services to be provided by the District, the economic feasibility of the District, and the permanent tax rate limit. At the conclusion of the hearing, the Board shall determine, in accordance with criteria described in ORS 198.805, whether Jackson County could be benefited by the formation of the service district and whether the County should continue with the formation process.

10. Notice of the hearing shall be provided to interested persons in accordance with ORS 198.800.

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DATED this 22nd day of May, 2019, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

Bob Strosser, Chair

Colleen Roberts, Commissioner

Rick Dyer, Commissioner

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