



## Medford City Council Meeting

# Agenda

**August 4, 2016**

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

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

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**10. Roll Call**

**20. Approval or Correction of the Minutes of the July 21, 2016 Regular Meeting and July 22, 2016 Special Meeting**

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

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

30.1 Medford Parks and Recreation Foundation Scholarship Presentation

**40. Consent Calendar**

40.1 COUNCIL BILL 2016-88 An ordinance authorizing cash payments to Crystal Springs Development Group-Joint Venture and Mahar Homes, Inc. for Street System Development Charge credits in the amount of \$159,109.69 for right-of-way dedication and street construction on Lone Oak Drive completed as a condition of approval of Summerfield at South East Park Phase 15.

40.2 COUNCIL BILL 2016-89 An ordinance authorizing cash payments to Suncrest Homes, LLC for Street System Development Charge credits in the amount of \$123,835.04 for right-of-way dedication and street construction on Diamond Street completed as a condition of approval of Warren Park Subdivision Phase 1 & 2.

40.3 COUNCIL BILL 2016-90 An ordinance authorizing the purchase of a street sweeper in the amount of \$272,172.09 from Elgin Sweeper Company through the National Joint Powers Purchasing Alliance.

**50. Items Removed from Consent Calendar**

**60. Ordinances and Resolutions**

60.1 COUNCIL BILL 2016-84 – SECOND READING. An ordinance authorizing execution of an Amendment to the Disposition and Development Agreement (DDA) between the City of Medford and Sky Park, LLC.

60.2 COUNCIL BILL 2016-91 An ordinance awarding a contract in an amount of \$241,399.00 to Ledford Construction Company to construct an additional parking lot at the Medford Service Center.

60.3 COUNCIL BILL 2016-92 A resolution approving referral to the electors of the City of Medford the question of banning the outdoor production of marijuana at dwellings and vacant land within residential areas.

**70. Council Business**

70.1 Vote to override veto of Ordinance #2016-87

**80. City Manager and Other Staff Reports**

80.1 Quarterly Financial Report by Alison Chan

80.2 Loss Prevention Report by Alison Chan and Denise Bostwick

80.3 3rd and Front Street Property

80.4 Further reports from City Manager

**90. Propositions and Remarks from the Mayor and Councilmembers**

90.1 Proclamations issued: None

90.2 Further Council committee reports

90.3 Further remarks from Mayor and Councilmembers

**100. Adjournment to the Evening Session**

**EVENING SESSION**

**7:00 P.M.**

**Roll Call**

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

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

**120. Public Hearings**

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

120.1 Public hearing to consider an appeal of the Public Works Director's decision regarding parking restrictions on Layla Drive.

**130. Ordinances and Resolutions**

**140. Council Business**

**150. Further Reports from the City Manager and Staff**

**160. Propositions and Remarks from the Mayor and Councilmembers**

160.1 Further Council committee reports

160.2 Further remarks from Mayor and Councilmembers

**170. Adjournment**



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.1

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

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** August 4, 2016

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## **COUNCIL BILL 2016-88**

An ordinance authorizing cash payments to Crystal Springs Development Group-Joint Venture and Mahar Homes, Inc. for Street System Development Charge credits in the amount of \$159,109.69 for right-of-way dedication and street construction on Lone Oak Drive completed as a condition of approval of Summerfield at South East Park Phase 15.

## **SUMMARY AND BACKGROUND**

Approve an ordinance authorizing payment to Crystal Springs Development Group-Joint Venture and Mahar Homes, Inc. (Developers) for Street System Development Charge (SDC) credits resulting from dedication of right-of-way and street construction on Lone Oak Drive, done as a condition of approval of Summerfield at South East Park Phase 15 (Summerfield Phase 15).

## **PREVIOUS COUNCIL ACTIONS**

None.

## **ANALYSIS**

As a condition of development approval of Summerfield Phase 15, the Developers were required to construct a portion of Lone Oak Drive to collector street standards. This required the dedication of land and street construction to provide a 44' wide roadway within a 74' wide public right-of-way between Windgate Street and Shamrock Drive.

The value of the right-of-way dedication was determined from County Assessor's records.

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

The right-of-way dedication and street construction have generated a total of \$159,109.69 in Street SDC credits. SDC credit payments which exceed \$50,000 must be approved by the City Council per Medford Municipal Code (MMC) 3.815(5)(c)(i)(a).

Payments totaling \$45,481.27 shall be made from project code CE1831 – Summerfield 15 R/W Dedication Pmts.

Payments totaling \$113,628.42 shall be made from project code CC1831 – Summerfield 15 Str Construction Pmts.

## **TIMING ISSUES**

All SDC credits shall be paid to the Developers in accordance with Section 3.815 (5)(c) of the MMC. An initial payment of \$60,322.81 shall be made to the Developers upon approval of this ordinance. The remaining \$98,786.88 in credits shall be paid in increments of \$2,744.08 for 36 lots as individual building permits are issued.

## **COUNCIL OPTIONS**

Approve, modify or deny the ordinance.

## **STAFF RECOMMENDATION**

Approve the ordinance for payments to Crystal Springs Development Group-Joint Venture and Mahar Homes, Inc. for Street SDC credits generated as a result of right-of-way dedication and street construction on Lone Oak Drive, a collector street, which were conditions of development approval for Summerfield at South East Park – Phase 15.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.1

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## **SUGGESTED MOTION**

I move to approve the ordinance authorizing payment of Street SDC credits to Crystal Springs Development Group-Joint Venture and Mahar Homes, Inc. in the total amount of \$159,109.69, to be paid in accordance with Section 3.815 (5)(c) of the Medford Municipal Code.

## **EXHIBITS**

Ordinance

Map

SDC Credit Calculations

ORDINANCE NO. 2016-88

AN ORDINANCE authorizing cash payments to Crystal Springs Development Group-Joint Venture and Mahar Homes, Inc. for Street System Development Charge credits in the amount of \$159,109.69 for right-of-way dedication and street construction on Lone Oak Drive completed as a condition of approval of Summerfield at South East Park Phase 15.

WHEREAS, the Street System Development program credits developers that dedicate land and construct right-of-way improvements for the City's arterial and collector street system; and

WHEREAS, the Code of Medford requires City Council approval prior to issuing payments for System Development Charge credits over \$50,000; now, therefore;

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That cash payments to Crystal Springs Development Group-Joint Venture and Mahar Homes, Inc., of Street System Development Charge credits in the total amount of \$159,109.69 for right-of-way dedication and street construction on Lone Oak Drive completed as a condition of approval of Summerfield at South East Park Phase 15 is hereby authorized, payable as follows:

- 1) An initial payment of \$60,322.81 shall be made to the developers upon approval of this ordinance, and
- 2) The remaining \$98,786.88 shall be paid in increments of \$2,744.08 as individual building permits are issued for 36 lots.

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

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

\_\_\_\_\_  
Mayor



**STREET SDC CREDIT CALCULATION**  
**Summerfield 15**

**A. PROJECT INFORMATION**

Parent Proj. No.	_____	PLANNING NUMBER	LDS	12-004
Paving Proj. No.	<u>P-1831D</u>		LDP	_____
Project Name:	<u>Summerfield-Ph 15</u>		PUD	_____
Location:	<u>Lone Oak Dr--Windgate to Shamrock</u>		SPAC	_____
			Bldg Permit	_____
			Other	_____
Date of Final Order	<u>4/26/2012</u>			
Date of R/W Dedication	_____			
Date of 1st Plan Submittal:	_____			
Date of Final Inspection:	_____			
Developer Name:	<u>Crystal Springs Dev-Group Joint Venture; Mahar Homes, Inc.</u>			
Mailing Address:	<u>815 Alder Creek Dr</u>	Phone:	<u>541-210-0469</u>	
City/State/Zip:	<u>Medford, OR 97504</u>			

**B. STREET SDC CREDIT CALCULATIONS**

**1. Right-of-Way Dedication Credits**

**a. Street Name:** Lone Oak Dr

1) **Parent parcel:** 371W27 1000

Map Tax Lot

Parent parcel size: 57.28 Ac x 43,560 = 2,495,117 sf

Parent parcel valuation: \$3,470,480 (Per County Assessor)

Unit valuation (\$/sf): \$1.39 per sf

Area dedicated:

<u>465.72</u>	X	<u>25</u>	=	<u>11,643</u>
Length		Width		
<u>284.54</u>	X	<u>74</u>	=	<u>21,056</u> sf
Length		Width		

Reduction for direct driveway access (if any):

_____	X	_____	=	<u>0</u> sf
Length		Width		

Net right-of-way area to credit: = 32,699 sf

2) **Total Credit for Right-of-way** = \$45,481.27

**2. Street Construction Credits** **Applicable Const. Cost Factor** = \$454,707

**a. Street Name:** Lone Oak Dr

**1) Roadway Construction Credits (Multiplier = 0.0000118)**

Area of street pavement (curb face to curb face):

<u>476.09</u>	X	<u>14</u>	=	<u>6,665.26</u> sf
Length		Width		
<u>267.04</u>	X	<u>44</u>	=	<u>11,749.76</u> sf
Length		Width		

Reduction for direct driveway access (if any):

_____	X	<u>14 ft</u>	=	<u>0.00</u> sf
Length		width		

Net Roadway Area to Credit = 18,415.02 sf

SDC Credit Rate per SF of Roadway Area:

<u>0.0000118</u>	X	<u>\$454,707</u>	=	<u>\$5.366</u> per sf
		ConstCostFactor		

**Sub-Total Roadway Credits** =

<u>18,415.02</u>	X	<u>\$5.366</u>	=	<u>\$98,806.57</u>
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**STREET SDC CREDIT CALCULATION**  
**Summerfield 15**

**2) Curb and Gutter Credits (Multiplier = 0.0000198)**

Length of C & G for this street	=	<u>674.67</u>	lf
Reduction in length for direct access (if any)	=	<u>          </u>	lf
Net length of C& G to credit	=	<u>674.67</u>	lf
SDC Credit Rate per LF of C&G:			
0.0000198	X	<u>\$454,707</u>	=
		ConstCostFactor	\$9.003 per lf
<b>Sub-Total Curb &amp; Gutter Credits</b>			
<u>674.67</u>	X	<u>\$9.003</u>	=
			<u><u>\$6,074.19</u></u>

**3) Sidewalk Credits (Multiplier = 0.0000087)**

Area of eligible sidewalk:			
<u>0</u>	X	<u>0</u>	=
Length		Width	<u>0.00</u> sf
SDC Credit Rate per SF of Sidewalk Area:			
0.0000087	X	<u>\$454,707</u>	=
		ConstCostFactor	\$3.956
<b>Sub-Total Sidewalk Credits</b>			
<u>0.00</u>	X	<u>\$3.956</u>	=
			<u><u>\$0.00</u></u>

**4) Illumination (Multiplier = 0.009619)**

Number of street lights to credit	=	<u>2</u>	
SDC Credit Rate per Street Light:			
0.009619	X	<u>\$454,707</u>	=
			\$4,373.83
<b>Sub-Total Street Light Credits:</b>			
<u>2</u>	X	<u>\$4,373.83</u>	=
			<u><u>\$8,747.65</u></u>

**5) Total Credit for Contruction** = \$113,628.42

**3. TOTAL STREET SDC CREDITS (R/W + CONST)** = **\$159,109.69**

**C. FORM ROUTING INFORMATION**

Credit Calc's Prepared by:	<u>BJ</u>	Date:	<u>7/12/2016</u>
Credit Calc's Checked by:	<u>                    </u>	Date:	<u>                    </u>
Date to Bus Mgr:	<u>7/12/2016</u>		
HTE Proj. Code:	<u>CC1831 &amp; CE1831</u>		
AIC Needed ?	<u>Yes</u>		
Date of Council Action:	<u>8/4/2016</u>		

**STREET SDC CREDIT CALCULATION**

**Summerfield 15**

**D. SDC CREDIT DISTRIBUTION for RESIDENTIAL SUBDIVISIONS**

SDC fee per SFR lot	\$2,744.08		
No. SFR lots	36		
<b>Total SFR SDC fees</b>	<u>\$98,786.88</u>	Deduct from Total Credit	<u>\$98,786.88</u>
<b>(To be paid from CC1831 only)</b>			

<b>Excess credit (if any) to be paid 'up front'</b>		<b>\$60,322.81</b>
From CE1831:	\$45,481.27	
From CC1831:	\$14,841.54	
<b>Total amount to be distributed btw the residential lots</b>		<b>\$98,786.88</b>
<b>CREDIT AMT TO BE DISTRIBUTED PER LOT</b>		<b><u>\$2,744.08</u></b>

**E. PROJECT BUDGET**

<b>R/W Credits CE1831=</b>	<b>\$45,481.27</b>
<b>Const Cred CC1831=</b>	<b>\$113,628.42</b>



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.2

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

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** August 4, 2016

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## **COUNCIL BILL 2016-89**

An ordinance authorizing cash payments to Suncrest Homes, LLC for Street System Development Charge credits in the amount of \$123,835.04 for right-of-way dedication and street construction on Diamond Street completed as a condition of approval of Warren Park Subdivision Phase 1 & 2.

## **SUMMARY AND BACKGROUND**

Approve an ordinance authorizing payment to Suncrest Homes, LLC. (Developers) for Street System Development Charge (SDC) credits resulting from dedication of right-of-way and street construction on Diamond Street, done as a condition of approval of Warren Park Subdivision Phase 1 and 2.

## **PREVIOUS COUNCIL ACTIONS**

None.

## **ANALYSIS**

As a condition of development approval of Warren Park Phase 1 and 2, the Developer was required to construct a portion of Diamond Street to collector street standards. This required the dedication of land and street construction, as stipulated in the "Disposition and Development Agreement for Warren Park" (DDA), to provide a 44' wide roadway within a 74' wide public right-of-way between Warren Way and Sandstone Drive.

The DDA stipulated that the right-of-way dedication and street construction would be done in two phases. SDC credits for right-of-way dedication associated with Phase 1 were eligible for payment as Lots 1-8 were developed. The total credit for this phase was \$15,364.33 and has been paid to the Developer.

Payment of SDC credits for the remaining right-of-way and for all of the street construction was to be deferred until conditions for Phase 2 had been completed and accepted by the City. That condition has now been satisfied.

However, a small section of roadway was constructed on private property along the extreme southerly boundary of the subdivision. This property, though owned by the Developer, is not part of Warren Park Subdivision. SDC credits have been calculated for this small section of roadway, but payment is not recommended until such time as this right-of-way has been dedicated.

The value of the right-of-way dedication is stipulated in the DDA.

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

The right-of-way dedication and street construction for Phase 2 generated \$123,835.04 in Street SDC credits. SDC credit payments which exceed \$50,000 must be approved by the City Council per Medford Municipal Code (MMC) 3.815(5)(c)(i)(a).

Payments totaling \$20,487.50 shall be made from project code CE1842 – Warren Park RW Dedication Pmts.

Payments totaling \$103,347.54 shall be made from project code CC1842 – Warren Park Str Construction Pmts.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.2

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## **TIMING ISSUES**

All SDC credits shall be paid to the Developers in accordance with Section 3.815 (5)(c) of the MMC. An initial payment of \$113,120.51 shall be made to the Developers upon approval of this ordinance. \$8,232.24 in credits shall be paid in increments of \$2,744.08 for 3 lots as individual building permits are issued. A final payment of \$2,482.29 will be paid to the Developer when right-of-way has been dedicated along the southerly line of the subdivision.

## **COUNCIL OPTIONS**

Approve, modify or deny the ordinance.

## **STAFF RECOMMENDATION**

Approve the ordinance for payments to Suncrest Homes, LLC., for Street SDC credits generated as a result of right-of-way dedication and street construction on Diamond Street, a collector street, which were conditions of development approval for Warren Park – Phase 1 and 2.

## **SUGGESTED MOTION**

I move to approve the ordinance authorizing payment of Street SDC credits to Suncrest Homes, LLC., in the total amount of \$123,835.04, to be paid in accordance with Section 3.815 (5)(c) of the Medford Municipal Code.

## **EXHIBITS**

Ordinance

Map

SDC Credit Calculations

ORDINANCE NO. 2016-89

AN ORDINANCE authorizing cash payments to Suncrest Homes, LLC. for Street System Development Charge credits in the amount of \$123,835.04 for right-of-way dedication and street construction on Diamond Street completed as a condition of approval of Warren Park Subdivision Phase 1 & 2.

WHEREAS, the Street System Development program credits developers that dedicate land and construct right-of-way improvements for the City’s arterial and collector street system; and

WHEREAS, the Code of Medford requires City Council approval prior to issuing payments for System Development Charge credits over \$50,000; now, therefore;

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That cash payments to Suncrest Homes, LLC., of Street System Development Charge credits in the total amount of \$123,835.04 for right-of-way dedication and street construction on Diamond Street completed as a condition of approval of Warren Park Subdivision Phase 1 & 2 is hereby authorized, payable as follows:

- 1) An initial payment of \$113,120.51 shall be made to the developers upon approval of this ordinance; and
- 2) \$8,232.24 in credits shall be paid in increments of \$2,744.08 for 3 lots as individual building permits are issued; and
- 3) A final payment of \$2,482.29 will be paid to the developer when right-of-way has been dedicated along the southerly line of the subdivision.

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

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

\_\_\_\_\_  
Mayor

21955

**SURVEY FOR:**  
SUNCREST HOMES, LLC  
P.O. BOX 1313  
TALENT, OR 97540

**SURVEY BY:**  
L.J. FRIAR & ASSOCIATES, P.C.  
CONSULTING LAND SURVEYORS  
PO BOX 1947  
PHOENIX, OR 97535  
PHONE: (541) 772-2782  
EMAIL: LJFRIAR@CHARTER.NET

**DATE:**  
MARCH 23, 2016

### WARREN PARK SUBDIVISION, PHASE 2

Located in the S.W. 1/4 of Section 36,  
T.37S, R.27E, W.M. in the City of Medford,  
Jackson County, Oregon  
(Medford File LDS-14-037)

#### LEGEND:

- = FOUND 5/8" IRON PIN & PLASTIC CAP MKD L.J. FRIAR & ASSOC. PER SSI OR WPI.
  - = FOUND 5/8" IRON PIN & PLASTIC CAP MKD L.J. FRIAR & ASSOC. PER FS20200.
  - ⊙ = FOUND 4" BRASS DISC. SEE FS10594.
  - ⊗ = FOUND 5/8" IRON PIN & ALUMINUM CAP MKD L.J. FRIAR & ASSOC. PER SSI.
  - ⊘ = FOUND 5/8" IRON PIN & PLASTIC CAP MKD RLS 638 PER FS10594.
  - = SET 5/8" X 24" IRON PIN & PLASTIC CAP MKD. L.J. FRIAR & ASSOC.
  - ⊙ = SET 5/8" X 30" IRON PIN & PLASTIC CAP MKD. L.J. FRIAR & ASSOC.
  - ⊗ = FD. MAG. NAIL & BRASS TAG MKD. L.J. FRIAR & ASSOC. PER WPI. DESTROYED BY NEW CONSTRUCTION. NOT RESET AS PERMITTED BY THE MEDFORD CITY SURVEYOR.
  - ⊘ = SET 5/8" X 30" IRON PIN & ALUMINUM CAP MKD. L.J. FRIAR & ASSOC.
- PUE = PUBLIC UTILITY EASEMENT PER THIS PLAT.  
ORJCO = OFFICIAL RECORDS OF JACKSON COUNTY, OREGON.  
FS = FILED SURVEY NO.  
MND = MARKED.  
C/A, I = SEE CURVE DATA TABLE.  
- = FENCE LINE.  
SSI = SOUTHWEST SUBDIVISION, PHASE 1 (FS18882).  
WPI = WARREN PARK SUBDIVISION, PHASE 1 (FS21747).  
R = RECORD DATA PER SSI OR AS NOTED.  
P = ONE FOOT STREET PLUG FOR THIS PLAT.  
SSE = CENTERLINE OF 15' WIDE SANITARY SEWER EASEMENT PER DOC. 2008-013267, ORJCO.  
PUE = PUBLIC UTILITY EASEMENT PER DOC. 2004-051796, ORJCO.  
PSE = PRIVATE STORM DRAIN EASEMENT FOR LOTS 1-9 OF WPI AND LOT 9 PER THIS PLAT.

BASIS OF BEARINGS: SOUTHWEST SUBDIVISION, PHASE 1 (FS18882) AS SHOWN HEREON.  
UNIT OF MEASUREMENT: FEET SCALE: 1" = 50'

THE FOLLOWING NOTE IS BEING REQUIRED TO APPEAR ON FINAL PLAT PER PLANNING COMMISSION FINAL ORDER DATED 6-12-14:

"In accordance with M.L.D.C. 10.550 (3), Lots 9, 10 & 11 shall not have direct vehicular access to Diamond Street."

THIS MON NOT DESTROYED.

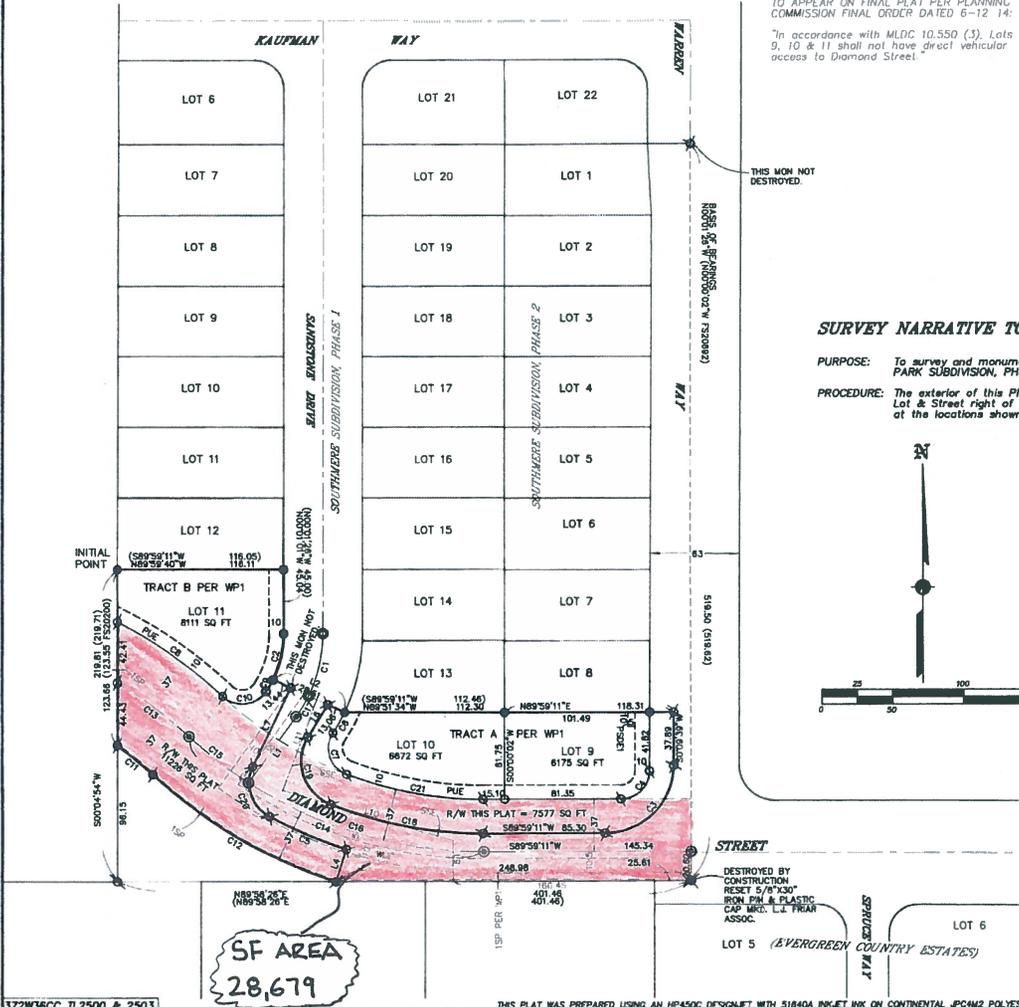
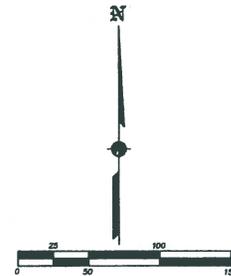
#### SURVEY NARRATIVE TO COMPLY WITH O.R.S. 209.250

**PURPOSE:** To survey and monument the exterior boundary, Lots, Tracts & Street right of way of WARREN PARK SUBDIVISION, PHASE 2. See City File No. LDS-14-037.

**PROCEDURE:** The exterior of this Phase was monumented during the platting of Phase 1. Computed the Lot & Street right of way corner positions per the approved tentative plat and set monuments at the locations shown on Sheet 2.

#### COURSE DATA TABLE

NUM	DELTA	ARC	RADIUS	LONG CHORD
C1	28°48'47"	44.99	100.00	N12°15'57"E 44.82
C2	28°12'41"	33.17	72.50	N33°05'06"E 32.88
C3	88°49'32"	75.25	48.00	S45°04'25"W 67.78
C4	88°48'54"	31.34	20.00	N45°05'44"E 28.23
C5	10°42'12"	58.47	313.00	S88°45'12"E 58.38
C6	7°26'33"	18.98	127.48	N09°11'55"E 18.55
C7	101°43'04"	35.51	20.00	S17°47'01"E 31.02
C8	19°22'15"	90.41	337.00	N54°46'44"W 90.14
C9	7°52'49"	8.85	72.50	N30°07'54"E 9.54
C10	89°00'05"	34.58	20.00	N83°24'21"E 30.42
C11	7°01'02"	32.21	283.00	N50°11'58"W 32.19
C12	25°24'53"	148.48	337.00	S58°23'52"E 148.26
C13	12°02'12"	63.02	300.00	N52°42'21"W 63.91
C14	43°19'24"	226.84	300.00	S88°21'07"E 221.47
C15	10°08'00"	52.88	300.00	S51°44'25"E 52.81
C16	33°13'24"	173.98	300.00	S73°24'07"E 171.53
C17	8°48'34"	17.12	100.00	N30°58'27"E 17.10
C18	21°34'07"	109.71	287.00	N78°03'45"W 109.04
C19	89°11'52"	57.13	33.00	N18°30'48"W 56.28
C20	88°39'30"	40.84	27.00	S18°02'22"E 37.05
C21	21°22'18"	88.10	283.00	S78°19'41"E 87.53



DESTROYED BY CONSTRUCTION  
RESET 5/8" X 30" IRON PIN & PLASTIC CAP MKD. L.J. FRIAR & ASSOC.

LOT 6  
LOT 5 (EVERGREEN COUNTRY ESTATES)

I HEREBY DECLARE THAT THIS IS AN EXACT COPY OF THE ORIGINAL PLAT.  
James E. Friar

REGISTERED PROFESSIONAL LAND SURVEYOR

JAMES E. FRIAR  
OREGON  
JULY 17, 1988  
JAMES E. HARRIS  
RENEWAL DATE 6-30-17

FILED  
Date: 1/18/16 by: JEB  
This Survey Consists of:  
2 sheet(s) Map  
0 page(s) Narrative  
JACKSON COUNTY SURVEYOR  
SHEET 2 OF 2  
1410370

172W36CC TL2500 & 2503

THIS PLAT WAS PREPARED USING AN HP450C DESIGNET WITH 51840A INKJET INK ON CONTINENTAL JPC42 POLYESTER FILM 375 X 762MM

21955  
16/19

**STREET SDC CALCULATION FORM**  
**-Warrent Park--Ph 2**

**A. PROJECT INFORMATION**

Parent Proj. No.	_____	PLANNING NUMBER	LDS <u>14-037</u>
Paving Proj. No.	<b>P1842D</b>	LDP	_____
Project Name:	<b>Warren Park-Ph 2</b>	PUD	_____
Location:	<b>Diamond St, from Warren to Sandstone</b>	SPAC	_____
Date of Final Order	<u>N/A</u>	Bldg Permit	_____
Date of R/W Dedication	_____	Other	<u>DDA</u>
Date of 1st Plan Submittal:	_____		
Date of Final Inspection:	<u>6/13/2016</u>		
Developer Name:	<u>Suncrest Homes, LLC</u>		
Mailing Address:	<u>PO Box 1313</u>	Phone:	<u>535-8641</u>
City/State/Zip:	<u>Talent, OR</u>		

**B. STREET SDC CREDIT CALCULATIONS**

**1. Right-of-Way Dedication Credits**

a. **Street Name:** Diamond St.

1) **Parent parcel:** 372w36cc 2500  
Map Tax Lot

Parent parcel size: 2.43 Ac x 43,560 : 105,851 sf

Parent parcel valuation: \$132,340 (Per County or Appraisal?) C A

Unit valuation (\$/sf): **Per DDA** \$1.25 per sf

Area dedicated:

**Per Recorded Sub plat** = 28,679 sf

*Reduction for dedication on Phase 1* = 12,289 sf

*Net right-of-way area to credit-Ph 2* = 16,390 sf

*Total Credit for Right-of-way-Ph 2* = **\$20,487.50**

2. **Street Construction Credits** **Applicable Const. Cost Factor** = **\$454,707**

a. **Street Name:** Diamond St

1) **Roadway Construction Credits (Multiplier = 0.0000118)**

Area of street pavement (curb face to curb face):

Per 'take off' from P1842d As Built plans 16,193.00 sf

Reduction for direct driveway access (if any):

_____	X	<u>14 ft</u>	=	<u>0.00</u> sf
<small>Length</small>		<small>width</small>		

Net Roadway Area to Credit = 16,193.00 sf

SDC Credit Rate per SF of Roadway Area:

<u>0.0000118</u>	X	<u>\$454,707</u>	=	<u>\$5.366</u> per sf
		<small>ConstCostFactor</small>		

**Sub-Total Roadway Credits** = \_\_\_\_\_

<u>16,193.00</u>	X	<u>\$5.366</u>	=	<u><b>\$86,884.23</b></u>
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**STREET SDC CALCULATION FORM**  
**-Warrent Park--Ph 2**

**2) Curb and Gutter Credits (Multiplier = 0.0000198)**

Length of C & G for this street	=	557.39	lf
Reduction in length for direct access (if any)	=		lf
Net length of C& G to credit	=	557.39	lf
SDC Credit Rate per LF of C&G:			
0.0000198	X	\$454,707	= \$9.003 per lf
		<small>ConstCostFactor</small>	
<u>Sub-Total Curb &amp; Gutter Credits</u>			
557.39	X	\$9.003	= <u>\$5,018.29</u>

**3) Sidewalk Credits (Multiplier = 0.0000087)**

Area of eligible sidewalk:			
136.37	X	5	= 681.85 sf
<small>Length</small>		<small>Width</small>	
SDC Credit Rate per SF of Sidewalk Area:			
0.0000087	X	\$454,707	= \$3.956
		<small>ConstCostFactor</small>	
<u>Sub-Total Sidewalk Credits</u>			
681.85	X	\$3.956	= <u>\$2,697.37</u>

**4) Illumination (Multiplier = 0.009619)**

Number of street lights to credit	=	2
SDC Credit Rate per Street Light:		
0.009619	X	\$454,707
		= \$4,373.83
<u>Sub-Total Street Light Credits:</u>		
2	X	\$4,373.83
		= <u>\$8,747.65</u>

**5) Total Credit for Contruction = \$103,347.54**

**3. TOTAL STREET SDC CREDITS (R/W + CONST) = \$123,835.04**

**4. CREDITS TO BE TEMPORARILY WITHHELD**

1) Roadway constructed south of Warren Pk-Ph 2 boundary

Area (sf)		Cost Factor	
190	X	\$5.366	= <u>\$1,019.45</u>

2) Curb and Gutter south of Warren Pk-Ph 2 boundary

Length		Cost Factor	
162.48	X	\$9.003	= <u>\$1,462.84</u>

3) Total Credits to be temporarily withheld from distribution. \$2,482.29

**STREET SDC CALCULATION FORM**  
**-Warrent Park--Ph 2**

**C. FORM ROUTING INFORMATION**

Credit Calc's Prepared by: BJ Date: 7/5/2016  
 Credit Calc's Checked by: \_\_\_\_\_ Date: \_\_\_\_\_  
  
 Date to Bus Mgr: \_\_\_\_\_  
 HTE Proj. Code: CC1842 & CE1842  
  
 AIC Needed ? Yes  
 Date of Council Action: \_\_\_\_\_

**D. SDC CREDIT DISTRIBUTION for RESIDENTIAL SUBDIVISIONS**

SDC fee per SFR lot	\$2,744.08		
No. SFR lots	<u>3</u>		
<b>Total SFR SDC fees</b>	<b>\$8,232.24</b>	Deduct from Total Credit	<u>\$8,232.24</u>
<b>Excess credits (gross)</b>			<u>\$115,602.80</u>
<b>Credits to be temporarily withheld</b>			<u>(\$2,482.29)</u>
<b>Excess credits to be paid Developer 'up front'.</b>			<b><u>\$113,120.51</u></b>
<b>Total amount to be distributed btw the residential lots</b>			<u>\$8,232.24</u>
<b>CREDIT AMT TO BE DISTRIBUTED PER LOT</b>			<b><u>\$2,744.08</u></b>

**E. PROJECT ACCOUNTING**

<b>Make all 3 SFR credit pmts from:</b>	<b>CE1842</b>	<b>\$8,232.24 Total</b>
<b>Make 'excess' 'up front' credit pmt from:</b>	<b>CE 1842</b>	<b>\$12,255.26</b>
	<b>CC1842</b>	<b>\$100,865.25</b>
<b>Make deferred credit pmt from:</b>	<b>CC1842</b>	<b>\$2,482.29</b>
		<b><u>\$123,835.04</u></b>



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 40.3

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

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** August 4, 2016

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**COUNCIL BILL 2016-90**

An ordinance authorizing the purchase of a street sweeper in the amount of \$272,172.09 from Elgin Sweeper Company through the National Joint Powers Purchasing Alliance.

**SUMMARY AND BACKGROUND**

The budget includes funds to replace a sweeper that is 15 years old. Street sweeping improves air quality and reduces the amount of pollutants discharged to streams.

**PREVIOUS COUNCIL ACTIONS**

On September 20, 2012, Medford City Council authorized purchasing through the National Joint Powers Purchasing Alliance (NJPA), a cooperative purchasing group that meets the requirements of the State of Oregon.

**ANALYSIS**

This new Elgin Street Sweeper will replace a 2001 street sweeper that is worn out. A consistent Street Sweeping Program keeps debris off roadways and is also cited as the number one action for preventing pollutants from entering streams.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

Purchase of this unit will be pursuant to ORS 279A.220 (2)(a) National Joint Powers Alliance. The Owen Equipment Company contract #022014-FSC for \$272,172.09 is included in the 2015/2017 biennium budget for the Storm Utility Fund (Fund 46). The current budget includes \$281,000 for the purchase of a street sweeper. Purchase through NJPA provides an \$8,897.91 discount in addition to the Elgin dealer discount of \$15,000.00 for a total discount savings of \$23,897.91.

**TIMING ISSUES**

None.

**COUNCIL OPTIONS**

Approve, modify or deny the ordinance.

**STAFF RECOMMENDATION**

Staff recommends approval of the ordinance to purchase a new Elgin Street Sweeper from Owen Equipment.

**SUGGESTED MOTION**

I move to approve the ordinance for the purchase of a new street sweeper in the amount of \$272,172.09.

**EXHIBITS**

Ordinance  
Proposal Summary

ORDINANCE NO. 2016-90

AN ORDINANCE authorizing the purchase of a street sweeper in the amount of \$272,172.09 from Elgin Sweeper Company through the National Joint Powers Purchasing Alliance.

WHEREAS, ORS 279A.205 and ORS 279A.220 allow interstate cooperative procurement; and,

WHEREAS, the National Joint Powers Purchasing Alliance's solicitation and award process uses source selection methods which are "substantially equivalent" to those identified in ORS 279B.055, 279B.060 or 279B.085; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That the purchase of a street sweeper in the amount of \$272,172.09 from Elgin Sweeper Company through the National Joint Powers Purchasing Alliance is hereby authorized.

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

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

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor



## Presents a Proposal Summary

of the



### Crosswind

Crosswind Regenerative Air Street Sweeper with 74 HP Auxiliary Engine

for

Ron Forsyth

City of Medford

821 N Columbia Ave

Medford, Oregon 97501

**List Summary**

Order Qty	Part Number	Description	Selling Price
1	CROSSWIND-J	CROSSWIND-J	\$0.00
1	1120890	J-JD 74 HP T4F-PETERBILT 220	\$117,250.00
1	1122235	17 PETERBILT MDL220 WB=156	\$115,950.00
1	1122266	ALTS-PETERBILT CHASSIS T4F J	\$2,135.00
1	1092227	A-URETHANE LINED HPR	\$7,815.00
1	1032481	A-16'8"HOSE-EFGJLPSY	\$0.00
1	1111175	O+LH SB TILT W/DSPL-T4i/T4F	\$1,100.00
1	1111176	O+RH SB TILT W/DSPL-T4i/T4F	\$1,100.00
1	4810001	WHT FREIGHTLINER	\$0.00
1	4820001	WHT FREIGHTLINER	\$0.00
1	1090150	A-T3 RED LOGO-J	\$0.00
1	1061652	O+ANTISIPHON 2.5 GAP	\$180.00
1	1120809	A+LOW PRESSURE WASH-T4F	\$1,170.00
1	1040094	A-Q/D WTR FILL--GJLY	\$505.00
1	1085884	A-INSPECTION DOOR&STEP,LH	\$765.00
1	1085883	A-INSPECTION DOOR&STEP	\$765.00
1	1085887	O-6" HOPPER DRAIN	\$810.00
1	1059209	O-HOPPR DELUGE,WTR-J	\$1,010.00
1	0730166	BROOM MEASUREMENT RULER	\$0.00
1	1120877	A-AUTO LUBE SWPR-J T4F	\$4,245.00
1	FRT-124-008	FRT-CA,NV,ID,OR,WA	\$6,355.00
1	0701705	AIR PRODUCTS MACH DELIVERY PKT	\$0.00
1	1121515	O-AUX PTO PUMP W/ DMP 74 T4F J	\$1,320.00
1	1114911	A-BROOM HOURS	\$115.00
1	1061886	O-HYD OIL LVL/THERMO	\$180.00
1	1120875	A-MEMORY SWEEP T4F-J	\$2,630.00
1	1119059	O-IN CAB HPR DUMP-T4F J	\$805.00
1	1119215	O+VAC ENHANCER W/DSPL-T4F	\$465.00
1	1110823	O+FUNCT WATER SYSTEM-T4	\$725.00
1	1112947	A-SIDE BROOM SCRUB-T4	\$1,725.00
1	1120823	A+RH SIDEBROOM LIGHT LED-T4F	\$685.00
1	1121099	A+(2) REAR LED BCN-T4F	\$1,420.00
1	1088582	AY-HPR WATER NOZZLES	\$555.00
1	1070059	O-AIR PURGE SYSTEM	\$375.00
1	1119463	O+FRT SPRAY BAR PETERBILT-T4	\$540.00
1	0701674	CROSSWIND-J T4F OPERATORS MANL	\$0.00
1	0702253	CROSSWIND-J T4F PARTS BOOK	\$0.00
1	0704047	JD 4045TFC03 T4F PARTS BOOK	\$0.00
1	0704046	JD 4045TFC03 T4F OPER MANUAL	\$0.00
1	1095548	A+SIDE CAM LEFT HAND	\$575.00
1	0702020	ELGIN SAFETY MANUAL	\$0.00
1	1113732	O+VARIABLE SPD SIDE BROOMS-T4i	\$3,285.00
1	2210471	LED 2CAB 2RR STBS W/AWSTK-J	\$5980.00
1	2210468	AUX ENG BLOCK HEATER-J T4F	\$430.00
1	2210470	EXTRA 140 G WATER PBILT-J	\$6265.00

1	2210469	REAR FENDERS-J T4F	\$1120.00
1	2210285	REVERSE SWEEP SYSTEM-J T4F	\$5720.00
1	NJPA DISCOUNT	NJPA DISCOUNT	-\$8897.91
1	FACTORY INCENTIVE	ELGIN DEALER DISCOUNT INCENTIVE	-\$15,000.00

Eric Lundy

**Special Customer Price:** \$272,172.09

Price valid for 30 Days from date of 7/6/2016

PROPOSAL DATE: 7/6/2016

QUOTE NUMBER: 2016-16317

Price List Date: 6/28/2016

PO NUMBER:

QTY: \_\_\_\_\_ Customer Initials: \_\_\_\_\_

PAYMENT TERMS:

PROPOSAL NOTES:

1. Multiple unit orders will be identical to signed proposal. Changes or deviations to any unit of a multiple unit order will requires a new signed proposal.
2. Chassis specifications and data codes for customer supplied chassis must be submitted to and approved by Elgin Sweeper Company prior to submittal of customer purchase order
3. All prices quoted are in US Dollars unless otherwise noted.

SIGNED BY:

\_\_\_\_\_ Date: \_\_\_\_\_

## LIMITED WARRANTY

ELGIN SWEEPER COMPANY warrants each new machine manufactured by it against defects in material and workmanship provided the machine is used in a normal and reasonable manner. This warranty is extended only to the original user-purchaser for a period of twelve (12) months from the date of delivery to the original user-purchaser.

ELGIN SWEEPER COMPANY will cause to be repaired or replaced, as the Company, may elect, any part or part of such machine which the Company's examination discloses to be defective in material or workmanship.

Repairs or replacements are to be made at the selling Elgin distributor's location or at other locations approved by ELGIN SWEEPER COMPANY.

The ELGIN SWEEPER COMPANY warranty shall not apply to:

1. Major components or trade accessories such as but not limited to, trucks, engines, tires or batteries that have a separate warranty by the original manufacturer.
2. Normal adjustments and maintenance services.
3. Normal wear parts such as but not limited to, broom filters, broom wire, shoe runners and rubber deflectors.
4. Failures resulting from the machine being operated in a manner or for a purpose not recommended by ELGIN SWEEPER COMPANY.
5. Repairs, modifications or alterations without the consent of ELGIN SWEEPER COMPANY which, in the Company's sole judgment, have adversely affected the machine's stability or reliability.
6. Items subjected to misuse, negligence, accident or improper maintenance.

The use in the product of any part other than parts approved by ELGIN SWEEPER COMPANY may invalidate this warranty. ELGIN SWEEPER COMPANY reserves the right to determine, in its sole discretion, if the use of non-approved parts operates to invalidate the warranty.

Nothing contained in this warranty shall make ELGIN SWEEPER COMPANY liable for loss, injury, or damage of any kind to any person or entity resulting from any defect or failure in the machine.

TO THE EXTENT LIMITED BY LAW, THIS WARRANTY IS IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION, ANY IMPLIED WARRANTIES OF MERCHANTABILITY AND **FITNESS FOR A PARTICULAR PURPOSE.**

This warranty is also in lieu of all other obligations or liabilities on the part of ELGIN SWEEPER COMPANY, including but not limited to, liability for incidental and consequential damages on the part of the Company or the seller.

ELGIN SWEEPER COMPANY makes no representation that the machine has the capacity to perform any functions other than as contained in the Company's written literature, catalogs or specifications accompanying delivery of the machine.

No person or affiliated company representative is authorized to give any other warranties or to assume any other liability on behalf of ELGIN SWEEPER COMPANY in connection with the sale, servicing or repair of any machine manufactured by the Company.

ELGIN SWEEPER COMPANY reserves the right to make design changes or improvements in its products without imposing any obligation upon itself to change or improve previously manufactured products.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.1

[www.ci.medford.or.us](http://www.ci.medford.or.us)

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**DEPARTMENT:** City Manager's Office

**AGENDA SECTION:** Ordinances and Resolutions

**PHONE:** 541-774-2000

**MEETING DATE:** August 4, 2016

**STAFF CONTACT:** John W. Hoke, Deputy City Manager

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## **COUNCIL BILL 2016-84**

SECOND READING – An ordinance authorizing execution of an Amendment to the Disposition and Development Agreement (DDA) between the City of Medford and Sky Park, LLC.

## **SUMMARY AND BACKGROUND**

This is a second reading of the ordinance to extend the Disposition and Development Agreement (DDA) with Sky Park LLC. The Medford Urban Renewal Agency and the City of Medford entered into a DDA with Sky Park, LLC for a residential development over the Central A parking lot.

## **PREVIOUS COUNCIL ACTIONS**

Council approved the DDA on September 4, 2014. The Parking Lease was approved by the Medford Urban Renewal Board on January 15, 2015. However, at the October 29, 2015 City Council Study Session, Sky Park, LLC asked to change the conditions of the Parking Lease to fence the lot to have 24/7 control over the 26 parking spaces designated for the development. Council directed staff to negotiate with Sky Park, LLC on the Parking Lease. On July 21, 2016 Council voted three yes, three no, and one abstention to extend the DDA. Mayor voted yes to extend the DDA, breaking the tie.

## **ANALYSIS**

Staff negotiated with Sky Park, LLC on the Parking Lease discussing several options. The options provided for replacement of the 26 parking places in order to give Sky Park, LLC control over the same number of spaces in the Central A parking lot. None of the options worked as they were outside of the Parking Enforcement Area or were too costly for Sky Park, LLC. During the negotiations, the DDA milestones were put on hold. Sky Park, LLC is agreeing to abide by the approved Parking Lease and is requesting an extension of time to meet the milestones in the DDA.

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

None

## **TIMING ISSUES**

The Disposition and Development Agreement will expire without an extension.

## **COUNCIL OPTIONS**

Approve, modify or deny the resolution.

## **STAFF RECOMMENDATION**

Staff recommends approval of the resolution to extend the Disposition and Development Agreement with Sky Park, LLC.

## **SUGGESTED MOTION**

I move to approve the resolution to extend the Disposition and Development Agreement with Sky Park, LLC.

## **EXHIBITS**

Resolution  
Amendment

ORDINANCE NO. 2016-84

AN ORDINANCE authorizing execution of an Amendment to the Disposition and Development Agreement (DDA) between the City of Medford and Sky Park, LLC.

WHEREAS, on September 4, 2014, the City Council approved the DDA for a residential project located at 206 South Central Avenue via Ordinance No. 2014-116; and

WHEREAS, on January 15, 2015, the Medford Urban Renewal Board approved a Lease Agreement via Resolution No. 2015-002; and

WHEREAS, Sky Park LLC asked to change the conditions of the Lease Agreement and during the negotiations the DDA milestones were placed on hold therefore additional time is needed to meet the milestones in the DDA; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of an Amendment to the DDA between the City of Medford and Sky Park, LLC, which is on file in the City Recorder's office, is hereby authorized.

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

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

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor





**CITY OF MEDFORD  
AGENDA ITEM COMMENTARY**

Item No: 60.2

www.ci.medford.or.us

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**DEPARTMENT:** Public Works  
**PHONE:** 541-774-2600  
**STAFF CONTACT:** Cory Crebbin, Director

**AGENDA SECTION:** Ordinances and Resolutions  
**MEETING DATE:** August 4, 2016

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**COUNCIL BILL 2016-91**

An ordinance awarding a contract in an amount of \$241,399.00 to Ledford Construction Company to construct an additional parking lot at the Medford Service Center.

**SUMMARY AND BACKGROUND**

After a competitive bidding process, Ledford Construction Company was the low bidder for the construction of an additional parking lot at the Medford Service Center. The new parking area will provide approximately 40 additional spaces for the public and staff. Staff is seeking approval to award the bid to Ledford Construction Company in the amount of \$241,399.00.

**PREVIOUS COUNCIL ACTIONS**

None

**ANALYSIS**

The current parking area at the Service Center was constructed in 1975. Since that date, the number of staff working at the Service Center and the number of public visits to Police Property Control has grown. The City has outgrown the current facility.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

Expenditure of \$241,399.00, which is included in the 2015-2017 Biennial Budget, is to be split between funds 046-52%, 024-27%, 013-12% and 014-9%. No General Fund money will be expended on this project.

**TIMING ISSUES**

This project is to be completed by November 30, 2016.

**COUNCIL OPTIONS**

Approve, modify or deny the ordinance

**STAFF RECOMMENDATION**

Staff recommends approval of the ordinance to award the contract to Ledford Construction Company.

**SUGGESTED MOTION**

I move to approve the ordinance awarding a contract to Ledford Construction Company in the amount of \$241,399.00 for the construction of an additional parking area at the Medford Service Center.

**EXHIBITS**

Ordinance  
Contract on file with the City Recorder

ORDINANCE NO. 2016-91

AN ORDINANCE awarding a contract in an amount of \$241,399.00 to Ledford Construction Company to construct an additional parking lot at the Medford Service Center.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in an amount of \$241,399.00 to construct an additional parking lot at the Medford Service Center, which is on file in the City Recorder's office, is hereby awarded to Ledford Construction Company.

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

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

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.3

www.ci.medford.or.us

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**DEPARTMENT:** Legal Dept. **AGENDA SECTION:** Ordinances and Resolutions  
**PHONE:** 541-774-2022 **MEETING DATE:** August 4, 2016  
**STAFF CONTACT:** Kevin R. McConnell, Deputy City Attorney

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## COUNCIL BILL 2016-92

A resolution approving referral to the electors of the City of Medford the question of banning the outdoor production of marijuana at dwellings and vacant land within residential areas.

## SUMMARY AND BACKGROUND

On May 19, 2016, the Council adopted Ordinance No. 2016-60 ("the Ordinance"), which prohibits the outdoor production of marijuana at dwellings and vacant land within residential areas, and referred the ordinance to the electors of the City for approval at the November 8, 2016 statewide general election. This resolution authorizes the City Recorder to act on behalf of the City to take any action necessary to ensure the measure is included on the ballot. Included for the Council's review and approval are the statutorily required Caption, Question, Summary, and Explanatory Statement.

## PREVIOUS COUNCIL ACTIONS

Adopted Ordinance No. 2016-60 on May 19, 2016.

## ANALYSIS

Adoption of this resolution will complete the steps necessary for the Ordinance to be included on the November ballot. Along with the resolution, staff has attached a copy of the Ordinance, along with the statutorily required Question, Summary, and Explanatory Statement as accompanying exhibits for the Council's review and approval.

Exhibit 1 contains a copy of the Ordinance (the Measure). Exhibit 2 contains the Ballot Title (the Caption, Question, and Summary). The Caption reasonably identifies the subject of the Measure. There is a 10 word limit. The Question plainly phrases the chief purpose of the measure so that an affirmative response to the question corresponds to an affirmative vote on the measure. There is a 20 word limit. The Summary is a concise and impartial statement summarizing the measure and its major effect. There is a 175 word limit. See *ORS 250.035(1)(a)-(c)*.

Exhibit 3 contains a copy of the Explanatory Statement which is an impartial, simple, and understandable statement explaining the measure and its effect for use in the Jackson County Voters' Pamphlet. There is a 500 word limit. See *ORS 251.345 and OAR 165-022-0040(3)*.

Staff is requesting the Council approve the Ballot Title and Explanatory Statement along with the Resolution. The Ballot Title and Explanatory Statement will then be delivered to the City Recorder, who shall then take all action necessary to comply with state law, including filing a Notice of Measure Election form. This form is provided by the Oregon Secretary of State, and the City will use this form to provide the Jackson County Election Office the required information.

In addition, it is important to note that once the City Recorder files the referral with the Jackson County Elections Office, the ballot measure is certified to the ballot. At that point, the restrictions on public employees engaging in political activity will apply. Consequently, City staff should consult the Secretary of State's Manual, *Restrictions on Political Campaigning by Public Employees* to ensure that public employees are complying with state elections law in their communications about the pending measure.

## FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.3

www.ci.medford.or.us

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**TIMING ISSUES**

None.

**COUNCIL OPTIONS**

Approve the resolution and accompanying exhibits.

Suggest amendments/revisions to the resolution and/or exhibits.

**STAFF RECOMMENDATION**

Staff recommends approve the resolution and accompanying exhibits.

**SUGGESTED MOTION**

I move to approve the resolution approving referral to the electors of the City of Medford the question of banning the outdoor production of marijuana at dwellings and vacant land within residential areas and the accompanying exhibits and direct the City Recorder to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

**EXHIBITS**

Resolution with Exhibit 1) Ordinance 2016-60, Exhibit 2) Ballot Title (Caption, Question, Summary) and Exhibit 3) Explanatory Statement

RESOLUTION NO. 2016-92

A RESOLUTION approving referral to the electors of the City of Medford the question of banning the outdoor production of marijuana at dwellings and vacant land within residential areas.

WHEREAS, the Medford City Council finds and declares that the outdoor production of marijuana in residential areas has led to an increase in criminal activity and complaints of offensive odors from surrounding property owners; and

WHEREAS, the Medford City Council finds and declares that it has the duty to protect the health, safety and welfare of its citizens; and

WHEREAS, the Medford City Council adopted Ordinance 2016-60, which bans the outdoor production of marijuana at dwellings and vacant land within residential areas; now therefore

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

MEASURE. A measure election is hereby called for the purpose of submitting to the electors of the City of Medford a measure imposing a ban on the outdoor production of marijuana at dwellings and vacant land within residential areas, a copy of which is attached hereto as "Exhibit 1," and incorporated herein by reference.

ELECTION CONDUCTED BY MAIL. The measure election shall be held in the City of Medford on November 8, 2016. As required by ORS 254.465, the measure election shall be conducted by mail by the County Clerk of Jackson County, according to the procedures adopted by the Oregon Secretary of State.

DELEGATION. The City of Medford authorizes the City Manager, or the City Manager's designee, to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

PREPARATION OF BALLOT TITLE. The ballot title for the measure set forth as "Exhibit 2" to this resolution is hereby approved.

NOTICE OF BALLOT TITLE AND RIGHT TO APPEAL. Upon receiving the ballot title for this measure, the City Recorder shall publish in the next available edition of a newspaper of general circulation in the City a notice of receipt of the ballot title, including notice that an elector may file a petition for review of the ballot title.

EXPLANATORY STATEMENT. The explanatory statement for the measure, which is attached hereto as "Exhibit 3," and incorporated herein by reference, is hereby approved.

FILING WITH COUNTY ELECTIONS OFFICE. The City Recorder shall deliver the Notice of Measure Election to the County Clerk for Jackson County for inclusion on the ballot for the November 8, 2016 election.

EFFECTIVE DATE. This resolution is effective upon adoption.

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

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

\_\_\_\_\_  
Mayor

## ORDINANCE NO. 2016-60

AN ORDINANCE replacing sections 5.650, 5.653, 5.654 and amending sections 5.651 and 5.652 of the Medford Code pertaining to control of recreational and medical marijuana.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

**Ban on Outdoor Production of Marijuana**

SECTION 1. Section 5.650 of the Medford Code is replaced to read as follows:

5.650 Intent and Purpose of Sections 5.650 to 5.654.

~~The City Council of the City of Medford recognizes that citizens of the state of Oregon may both use and grow recreational and medicinal marijuana in accordance with state law. However, the City Council also recognizes that the production of marijuana, without appropriate safeguards in place, can have a detrimental effect upon public safety and neighboring citizens. The City Council finds and declares that the health, safety and welfare of its citizens are promoted by limiting the production of recreational and medical marijuana grows in residential areas and ensuring that the offensive odor of marijuana does not travel to other properties.~~

**The City Council of the City of Medford recognizes that Oregon law permits authorized persons to engage in the use of marijuana for both medical and recreational purposes. However, the Council also recognizes that the outdoor production of marijuana in residential areas has adversely affected the public health, safety and welfare.**

**Specifically, the Council finds that the outdoor production of marijuana in residential areas has led to an increase in complaints of offensive odor and of criminal activity, such as robbery, burglary, theft, menacing, and the manufacturing, delivery and possession of a controlled substance. In addition, the marijuana produced at a dwelling is not required to be tested for pesticides, microbiological contaminants, or THC and CBD concentration at a state-licensed laboratory, while useable marijuana sold or transferred to a consumer by a state-licensed medical marijuana dispensary or marijuana retailer requires such testing.**

**The Council declares that the health, safety and welfare of its citizens are promoted by prohibiting the outdoor production of recreational and medical marijuana at both dwellings and vacant land within residential areas, and ensuring that the otherwise permissible production of marijuana does not adversely affect neighboring properties by subjecting them to an offensive odor of marijuana.**

SECTION 2. Section 5.651 of the Medford Code is amended to read as follows:

5.651 Definitions.

Words and phrases used in Sections 5.650 to 5.654 shall have the following meanings ascribed to them:

(1) "Dwelling" means any building or portion thereof containing living facilities, such as a house, apartment or manufactured home. The term includes ~~any accompanying~~ the accessory buildings and

outdoor areas of a dwelling, if any.

~~(2) "Homegrown Marijuana" means the marijuana produced for recreational use by a person in accordance with state law.~~

~~(3) "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. The term includes any and all homegrown and medical marijuana as defined in this section.~~

~~(4) "Marijuana cultivator" means a medical marijuana grower or recreational marijuana homegrower. The term includes any landlord or property owner that permits or allows marijuana to be produced at a dwelling.~~

~~(5) "Medical Marijuana" means the marijuana produced for medicinal use in accordance with the Oregon Medical Marijuana Act.~~

~~(6) "Medical Marijuana Grower" means any person engaged in the production of medical marijuana in accordance with state law. The term includes persons authorized to produce marijuana pursuant to the Oregon Medical Marijuana Act, including, but not limited to, a registry identification cardholder, designated primary caregiver, or person responsible for a marijuana grow site.~~

~~(7) "Production of Marijuana" means the planting, cultivation, growing or harvesting of marijuana, and includes the trimming or drying of marijuana leaves or flowers.~~

~~(8) "Property" means any home, business or publicly owned property and right-of-way.~~

~~(9) "Recreational Marijuana Homegrower" means a person engaged in the production of homegrown marijuana in accordance with state law.~~

**(2) "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.**

**(3) "Marijuana cultivator" means a person engaged in the production of marijuana and includes:**

**(a) any person engaged in the production of medical marijuana in accordance with state law; including, but not limited to, a registry identification cardholder, designated primary caregiver or person responsible for a marijuana grow site;**

**(b) any person engaged in the production of recreational homegrown marijuana in accordance with state law; or**

**(c) a landlord or property owner that permits or allows a marijuana cultivator to engage in the production of marijuana.**

**(4) "Offensive Odor of Marijuana" means an odor of marijuana that is offensive to an ordinary, reasonable person under the totality of the circumstances. Factors to be considered may include the intensity, duration and frequency of the marijuana odor, whether the marijuana odor is continuous or intermittent, and the circumstances in which the marijuana odor is smelled.**

**(5) "Production of Marijuana" means the planting, cultivation, growing or harvesting of marijuana, and includes the trimming or drying of marijuana leaves or flowers.**

**(6) "Property" means any home, business, publicly-owned property, or public right-of-way.**

SECTION 3. Section 5.652 of the Medford Code is amended to read as follows:

**5.652 Offensive Marijuana Odor; ~~Limitation on Outdoor Marijuana Grows.~~**

(1) No marijuana cultivator shall cause or allow an offensive odor of marijuana to emanate from a dwelling or vacant land in residential areas to any other property.

~~(2) No dwelling shall contain more than four (4) marijuana plants at any time, effective November 1, 2015.~~

~~(2)(3)~~ Violation of this section constitutes a violation. Every day in which the violation exists constitutes a separate violation.

SECTION 4. Section 5.653 of the Medford Code is replaced to read as follows:

**5.653 Public Nuisance- Remedy. Ban on Outdoor Production of Marijuana.**

~~Violation of section 5.652 is declared to be a public nuisance, and may be abated in the manner provided for in section 5.520.~~

(1) No marijuana cultivator shall engage in the outdoor production of marijuana at a dwelling or on vacant land in residential areas.

(2) Violation of this section constitutes a violation. Every day in which the violation exists constitutes a separate violation.

SECTION 5. Section 5.654 of the Medford Code is replaced to read as follows:

**5.654 Severability- Public Nuisance- Remedy**

~~The sections, subsections, paragraphs and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph or clause shall not affect the validity of the remaining sections, subsections, paragraphs or clauses.~~

**Violation of sections 5.652 and 5.653 are declared to be a public nuisance, and may be abated in the manner provided for in section 5.520.**

REFERRAL. This ordinance shall be referred to the electors of the City of Medford at the November 8, 2016 statewide general election.

PASSED by the Council and signed by me in authentication of its passage this 19 day of May, 2016.

ATTEST: Winnie Shepard  
Deputy City Recorder

[Signature]  
Mayor

APPROVED May 19, 2016.

[Signature]  
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.

## **Exhibit 2**

### CAPTION

Prohibits recreational and medical marijuana grows within city residential areas.

### QUESTION

Shall the City of Medford ban the outdoor production of marijuana at dwellings and vacant land within residential areas?

### SUMMARY

The Oregon Medical Marijuana Act generally permits authorized persons to grow up to 12 mature plants within the residential areas of a city. State law also permits authorized persons to grow up to 4 marijuana plants per household for their personal recreational use.

Approval of this measure would prohibit the outdoor production of both recreational and medical marijuana at dwellings and on vacant land within residential areas, and prohibit offensive odors associated with indoor grows from traveling to surrounding properties.

Violation of the ordinance constitutes a public nuisance. Offenders may be fined daily, and the City may initiate a nuisance abatement action to remove any marijuana plants produced in violation of the ordinance.

### Exhibit 3

#### EXPLANATORY STATEMENT

Approval of this measure would prohibit marijuana cultivators from engaging in the outdoor production of medical and recreational marijuana in residential areas. The term “marijuana cultivator” means any person engaged in the outdoor production of medical or recreational marijuana, and includes a landlord or property owner that permits or allows a marijuana cultivator to engage in production of marijuana. The term “production of marijuana” means the planting, cultivation, growing or harvesting of marijuana, and includes the trimming or drying of marijuana leaves or flowers.

This measure would also prohibit marijuana cultivators from causing or allowing an offensive odor of marijuana to emanate from a dwelling or vacant land in residential areas to any other property.

In 1998, Oregon voters approved Ballot Measure 67, codified as the Oregon Medical Marijuana Act. The Oregon Medical Marijuana Act generally permits authorized persons to grow up to 12 mature plants within the residential areas of a city.

In 2014, Oregon voters approved Ballot Measure 91, which decriminalized the personal growing and use of certain amounts of marijuana. State law permits authorized persons to grow up to 4 marijuana plants per household.

On July 16, 2015, the Medford City Council adopted an ordinance limiting a dwelling to a total of four marijuana plants, and prohibiting a marijuana cultivator from causing or allowing an offensive odor of marijuana to emanate from a dwelling or vacant land in residential areas to any other property. This ordinance is still in effect.

On May 19, 2016, the Medford City Council amended its July 16, 2015 ordinance by prohibiting the outdoor production of both recreational and medical marijuana at dwellings and on vacant land within residential areas, and clarifying the offensive odor section of that ordinance. The ordinance does not prohibit the indoor production of recreational or medical marijuana in residential areas. The Council referred the measure of the ordinance to the electors of the City for approval.

Violation of the ordinance constitutes a public nuisance. Offenders may be fined daily, and the City may initiate a nuisance abatement action to remove any marijuana plants produced in violation of the ordinance.

While the Council recognized that state law permits authorized persons to engage in the use of marijuana for both medical and recreational purposes, it found the outdoor production of marijuana in residential areas led to an increase in criminal activity and complaints of offensive odors from surrounding property owners. Pursuant to its Home Rule Authority and in an effort

to protect the health, safety, and welfare of its citizens, the Council adopted the ordinance and referred the measure to the electors of the City of Medford.

If approved, this measure would prohibit the outdoor production of marijuana in residential areas and prohibit offensive odors associated with indoor grows from traveling to surrounding properties.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 120.1

www.ci.medford.or.us

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

**AGENDA SECTION:** Public Hearings  
**MEETING DATE:** August 4, 2016

## **PUBLIC HEARING**

Public hearing to consider an appeal of the Public Works Director's decision regarding parking restrictions on Layla Drive.

## **SUMMARY AND BACKGROUND**

On January 14, 2016, a Citizen Traffic Request Form was received requesting no parking on the east side of Layla Drive. The reason cited was concern for emergency response vehicle accessibility. On February 17, 2016, a petition signed by 18 residents was received to create a Fire Lane No Parking Zone on Layla Drive from Lozier Lane to Arlington Drive and on Cox Lane. A map showing the proposed no parking zone (Exhibit Alternative 1) was distributed to all 26 property owners on the affected section of Layla Drive, Applegate Lane, and Cox Lane, along with a letter requesting their input at the next Traffic Coordinating Committee (TCC) meeting on March 23, 2016.

The TCC recommended that the proposed parking restrictions on Layla Drive and Cox Lane be revised to make reasonable accommodations for residents that provided feedback. Public Works revised the Fire Lane No Parking Zone and sent letters and maps of the Public Works decision (Exhibit Alternative 2) on April 8, 2016. On April 18, 2016, the Public Works decision was appealed citing a lack of adequate restriction and support for Alternative 1. On May 19, 2016, City Council remanded the matter back to the Public Works Director and directed Public Works to consult with the TCC.

On June 22, 2016, the TCC reviewed Alternative 1, Alternative 2, and a third proposal from the City of Medford Fire-Rescue Department (Exhibit Alternative 3). The TCC recommended installation of Fire Lane/No Parking signs in accordance with Alternative 3. On June 28, 2016, letters informing residents of the Public Works final decision to restrict parking in accordance with the TCC's recommendation were sent (attached). On July 5, 2016 the Public Works decision was appealed citing opposition to the parking restrictions.

## **PREVIOUS COUNCIL ACTIONS**

On May 19, 2016, City Council considered an appeal of the decision to install a No Parking Zone on Layla Drive. On June 2, 2016, City Council approved the resolution to remand the matter of designating No Parking Zones on Layla Drive to the Public Works Director.

## **ANALYSIS**

Layla Drive is a 28 foot wide minor residential street with curb and gutter, sidewalks along most of its length, street lighting and parking on both sides. Cox Lane is a 24 foot wide, fifty foot long street providing access to two lots. Applegate Lane is a 220 foot long segment of 28 foot wide minor residential street with curb and gutter, sidewalks, street lighting and parking on both sides.

The Medford Fire Department aims to maintain at least 20 feet of unobstructed clearance on minor residential streets for fire apparatus. Layla Drive does not provide 20 feet when cars are parked on both sides of the street. When cars are parked along both sides of the street, the space between them is approximately 14 feet.

Public Works determined that parking restrictions are warranted to ensure adequate emergency vehicle access and attempted to meet the needs of the citizens requesting a no parking zone while considering factors such as safety, visibility, impact on objecting residents, and compliance.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

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**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

None.

**TIMING ISSUES**

None.

**COUNCIL OPTIONS**

Approve, approve with modifications, or deny the appeal.

**STAFF RECOMMENDATION**

Deny the appeal.

**SUGGESTED MOTION**

I move to deny the appeal of the administrative decision regarding parking restrictions on Layla Drive.

**EXHIBITS**

Map of Alternatives 1 and 2

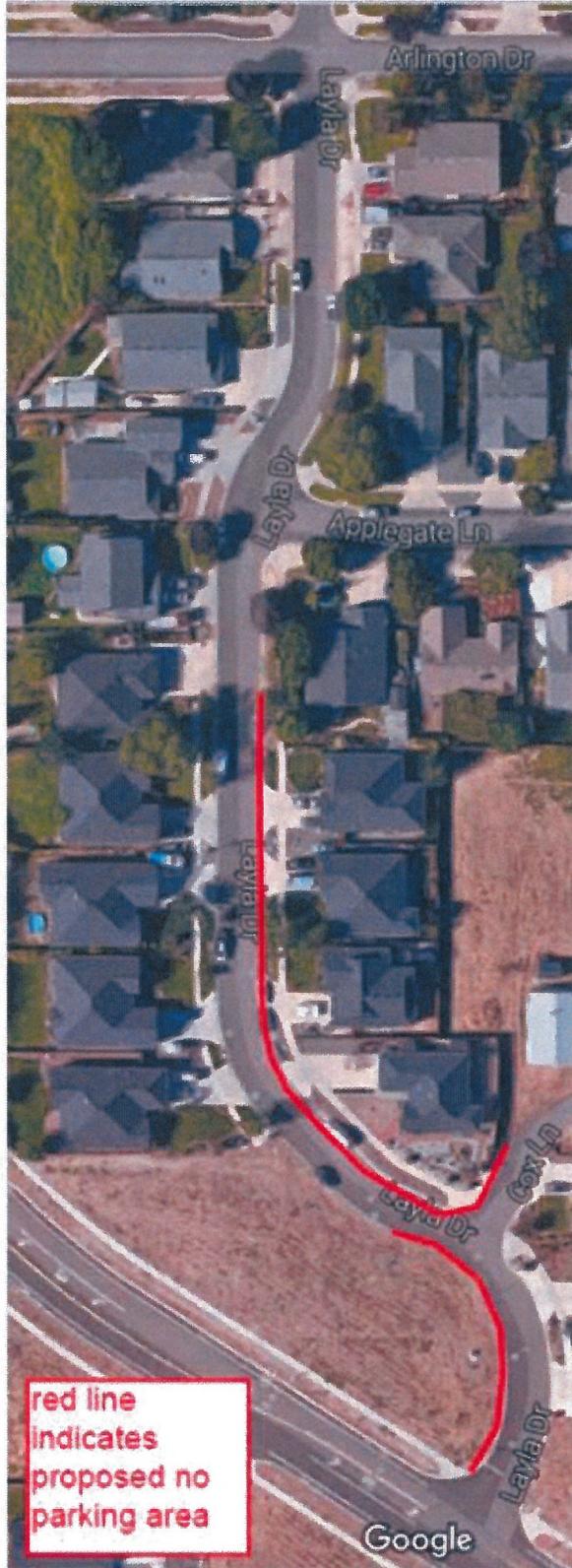
Map of Alternative 3 - City of Medford Fire parking restriction recommendation

June 28 letter to residents

Appeal Letter from Juan and Violeta Vega



Alternative 1



Alternative 2



Medford Fire  
Alternative 3

**City of Medford: LIS**

Map created by City of Medford's Land Information System (LIS) [www.medfordmaps.org](http://www.medfordmaps.org)

N



40m

100ft



Plot Date: May 19, 2016

**CITY OF MEDFORD**

**GEOGRAPHIC INFORMATION SYSTEMS**

The Geographic Information Systems (GIS) data made available on this map are developed and maintained by the City of Medford and Jackson County GIS data is not the official representation of any of the information included. The maps and data are made available to the public solely for informational purposes.

THERE MAY BE ERRORS IN THE MAPS OR DATA. THE MAPS OR DATA MAY BE OUTDATED, INACCURATE, AND MAY OMIT IMPORTANT INFORMATION. THE ENTIRE RISK AS TO THE QUALITY OR PERFORMANCE IS WITH THE BUYER OR USER AND IF INFORMATION IS DEFECTIVE, THE BUYER OR USER ASSUMES THE ENTIRE COST OF ANY NECESSARY CORRECTIONS OR SERVICING.

NO GUARANTEE OR WARRANTY IS EXPRESSED OR IMPLIED IN YEARS OF DATA ACCURACY OR LEGITIMACY.

COPY



## CITY OF MEDFORD

PUBLIC WORKS DEPARTMENT  
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET  
MEDFORD, OREGON 97501  
[www.ci.medford.or.us](http://www.ci.medford.or.us)

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

June 28, 2016

Re: Parking Restrictions on Layla Drive between Arlington Drive and Lozier Lane

The decision on Layla Drive parking restrictions was reviewed by the City of Medford Traffic Coordinating Committee at the meeting on June 22, 2016.

The Traffic Coordinating Committee reviews requests and makes recommendations to the City in accordance with Medford Municipal Code 2.457. This committee is not authorized to direct City staff or make traffic control device decisions. The committee's recommendation was forwarded to the Public Works Department and the final decision was made in accordance with Medford Municipal Code 6.100. The Medford Municipal Code can be reviewed on the City's internet web site: [www.ci.medford.or.us](http://www.ci.medford.or.us).

The Public Works Department decision on your request is to adopt the parking restrictions recommended by the Medford Fire Department; a map is attached. This is the Public Works Department's final decision and therefore you have the right to appeal said decision to Council per Medford Municipal Code 1.025. A written notice of appeal must be filed with the City Recorder within ten (10) days of the date of this letter.

If you have any questions in regard to this request or decision, please contact me at 541-774-2100.

Sincerely,

Christina Charvat  
Traffic Engineering Technician

Enclosure

June 29, 2016

Christina Charvat  
Engineering Technician III  
City of Medford 200 S. Ivy Street  
Medford, OR 97501

RECEIVED  
JUL - 5 2016  
ENGINEERING DEPT.  
CITY OF MEDFORD

Re: Parking Restrictions on Layla Drive between Arlington Drive and Lozier Lane

Dear Ms. Charvat,

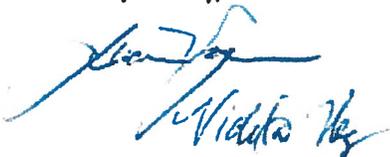
Please consider this letter as our request to appeal The Public Works Department's final decision regarding the parking restrictions in our neighborhood.

On June 16, 2016 we received a letter advising the City of Medford Traffic Coordination Committee was going to be holding a meeting on June 22, 2016 at 12:00pm to hear public comment about this issue. Due to the fact that both my spouse and I work during the day, we were unable to attend this meeting to speak about our stance regarding this matter. As you are well aware, the portion of Layla drive directly in front of our home is on a straight portion of that road and therefore we do not see the need for the parking restriction there. We have lived in our home since the subdivision began in 1999 so it is difficult to accept that it has just now become an issue due to the recent temporary construction underway on the end of Layla Drive, towards Lozier lane. Street parking directly in front of our house has never been an issue even when there have been cars parked on both sides of the street. When cars park on opposite sides of the street, which only occurs every now and then, they are parked there for a very short period of time, not used as permanent parking spaces.

The letter of June 16, 2016 also lists our neighbors located at 1910 Layla Drive as being unhappy with their idea of adequate restriction regarding the parking situation on our street. I find that somewhat ironic since he has his son, Kevin park his vehicle in the City's right of way portion of the sidewalk directly in front of his home as a permanent parking space for his vehicle. The son drives his vehicle into their driveway horizontally then backs his car into the narrow space between the curb and the sidewalk.

Thank you for your consideration.

Respectfully,



Juan and Violeta Vega  
1906 Layla Dr.  
Medford OR 97501