



Medford City Council Meeting

Agenda

August 17, 2017

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

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

10. Roll Call

Employee Recognition

20. Approval or Correction of the Minutes of the August 3, 2017 Regular Meeting

30. Oral Requests and Communications from the Audience

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

40. Consent Calendar

50. Items Removed from Consent Calendar

60. Ordinances and Resolutions

60.1 COUNCIL BILL 2017-90 - SECOND READING – An ordinance authorizing the adoption of a Rules and Regulations Handbook for Executive Staff.

60.2 COUNCIL BILL 2017-94 An ordinance amending the Rules and Regulations for Non-Represented Employees pertaining to wages, hours, fringe benefits, and other working conditions effective July 1, 2017.

60.3 COUNCIL BILL 2017-95 A resolution regarding the composition of the Joint Transportation Subcommittee (JTS) serving as the Citizen Advisory Committee (CAC) and directing Planning staff to expand its membership for a limited timeframe in order to evaluate the Transportation System Plan (TSP) update project.

70. Council Business

80. City Manager and Other Staff Reports

80.1 Quarterly Economic Update from SOREDI by Colleen Padilla

80.2 Sewer Master Plan by Cory Crebbin

80.3 Housing Ad Hoc Committee by Matt Brinkley

80.4 Food Truck Ordinance Procedure by Kelly Madding

80.5 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 4 minutes per individual, group or organization. PLEASE SIGN IN.

120. Public Hearings

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

120.1 COUNCIL BILL 2017-96 An ordinance repealing sections 8.400 through 8.495, amending sections 8.004, 8.497 and adding sections 8.320 through 8.355 regarding taxicabs and transportation network companies.

120.2 COUNCIL BILL 2017-97 Adopt the ordinance vacating a portion of right-of-way located on Belknap Road just west of Center Drive and southeast of Garfield Street. (SV-17-039) Land Use, Quasi-Judicial

130. Ordinances and Resolutions

130.1 COUNCIL BILL 2017-68 - CONTINUED – A resolution approving the construction of street improvements on Foothill Road between Hillcrest Road and East McAndrews, as part of the Foothill Road Improvement Project. (TF-17-012)

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: 60.1

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

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: August 17, 2017

COUNCIL BILL 2017-90

SECOND READING. An ordinance authorizing the adoption of a Rules and Regulations Handbook for Executive Staff.

SUMMARY AND BACKGROUND

The proposed Rules and Regulations Handbook for Executive Staff for 2017-2019 provides consistency with Council direction regarding the wages, hours, fringe benefits and other working conditions. Currently, executive staff are included within the Rules and Regulations for Management Staff. It was determined, based upon this employee group's at-will status, a separate handbook should be developed.

Executive staff positions include: Building Director; City Attorney; Deputy City Manager; Finance Director; Fire Chief; Human Resources Director; Planning Director; Police Chief; Parks, Recreation and Facilities Director; Public Works Director; and Technology Services Director.

PREVIOUS COUNCIL ACTIONS

On June 14, 2016 – Council Bill 2016-79 was approved authorizing the update of the Rules and Regulations for Management Staff 2016-2017, which included the executive staff positions at the time.

On August 3, 2017, the proposed Rules and Regulations for Executive Staff for 2017-2019, Ordinance 2017-90, went before Council for vote. There were three no votes on the Ordinance. According to Medford City Charter Chapter VIII, Section 28(2) if there are more than two dissenting votes on an Ordinance the Ordinance must be heard at a second reading of the City Council. As such, Ordinance No. 2017-90 must be heard on August 17, 2017 for a second reading.

ANALYSIS

The proposed agreement provides for:

1. Salary increases: 1.25% effective July 1, 2017 and 1.5% effective July 1, 2018.
2. Health insurance: the cap for the City contribution to insurance premium would be set at \$1,575 per month effective August 1, 2017, and \$1,625 per month effective July 1, 2018. The current cap for health insurance is \$1,550 per month.
3. Health Reimbursement Arrangement (HRA) Voluntary Employee Beneficiary Association (VEBA): there will be a reduction of the City contribution to HRA VEBA accounts from 3.5% of gross wages to \$150 per pay period.
4. Deferred compensation: the City will match a 1% contribution of base wages by employees to the deferred compensation plan.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The total compensation cost of the proposed action has been estimated by the Finance Department to be approximately \$32,700 for the first year, and \$34,400 for the second year of the agreement. Funds for the increases are available in the proposed 2017-2019 biennial budget.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 60.1

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TIMING ISSUES

If the Council chooses not to approve this proposed agreement, the current Rules and Regulations for Management Staff will continue to be in effect for the executive group.

COUNCIL OPTIONS

Approve or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance, authorizing adoption of Rules and Regulations Handbook for Executive Staff.

SUGGESTED MOTION

I move to approve the ordinance authorizing adoption of Rules and Regulations Handbook for Executive Staff.

EXHIBITS

Ordinance

Agreement on file in City Recorder's office.

ORDINANCE NO. 2017-90

AN ORDINANCE authorizing the adoption of a Rules and Regulations Handbook for Executive Staff.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That the adoption of a Rules and Regulations Handbook for Executive Staff, on file in the office of the City Recorder, is hereby authorized.

Section 2. The Rules and Regulations Handbook for Executive Staff supersedes the existing Rules and Regulations for Executive, Supervisory, and Confidential-Professional employees insofar as they apply to Executive Staff.

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

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.2

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

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: August 17, 2017

COUNCIL BILL 2017-94

An ordinance amending the Rules and Regulations for Non-Represented Employees pertaining to wages, hours, fringe benefits, and other working conditions effective July 1, 2017.

SUMMARY AND BACKGROUND

The proposed update of the Rules and Regulations Handbook for Non-Represented Employees for the City of Medford for 2017-2019 provides consistency with Council direction regarding the wages, hours, fringe benefits and other working conditions. Additionally, the title of the Handbook has been adjusted from "Executive, Supervisory, and Confidential-Professional Employees" (aka "The Management Staff/Group") to "Non-Represented Employees" to properly reflect the classifications within this employee group.

PREVIOUS COUNCIL ACTION

On June 14, 2016 – Council Bill 2016-79 was approved authorizing the update of the Rules and Regulations for Management Staff 2016-2017.

ANALYSIS

The proposed agreement provides for:

1. Salary increases: 1.5% effective July 1, 2017 and 1.5% effective July 1, 2018.
2. Health insurance: There is no increase to the cap for the City contribution to health insurance premiums for 2017. The cap will remain at the current amount of \$1,550 per month. Effective July 1, 2018, the cap for the City contribution to health insurance premiums would be set at \$1,575.
3. Health Reimbursement Arrangement (HRA) Voluntary Employee Beneficiary Association (VEBA): There will be an adjustment of the City contribution to HRA VEBA accounts from 3.5% of gross wages to \$150 per pay period. This change is an effort to ensure compliance of the plan per IRS regulations, which requires the benefit to be non-discriminatory. With this change, all employees in the non-represented group and executive group will have the same benefit.
4. Other considerations: Effective for all newly hired employees as of September 1, 2017, the City will move to salary ranges, rather than salary steps. Employees will move through their salary range at increments no greater than 5%. Increases within the range are dependent upon recommendation from the employees' Department Director and approval of the City Manager. Employees who have reached the top of their salary range will be eligible for established salary range adjustments, so long as they have been at the top of their range for one full year.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The total compensation cost of the proposed action has been estimated by the Finance Department to be approximately \$413,000 for the agreement. Funds for the salary increases are available in the 2017-2019 biennial budget.

TIMING ISSUES

If the Council chooses not to approve this proposed agreement, the current Rules and Regulations will continue to be in effect.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 60.2

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COUNCIL OPTIONS

Approve or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance, authorizing updates to the Rules and Regulations Handbook for Non-Represented Employees.

SUGGESTED MOTION

I move to approve the ordinance authorizing updates to the Rules and Regulations Handbook for Non-Represented Employees.

EXHIBITS

Ordinance

Agreement on file in City Recorder's office.

ORDINANCE NO. 2017-94

AN ORDINANCE amending the Rules and Regulations for Non-Represented Employees pertaining to wages, hours, fringe benefits, and other working conditions effective July 1, 2017.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That the Rules and Regulations for Non-Represented Employees pertaining to wages, hours, fringe benefits, and other working conditions effective July 1, 2017 are amended as set forth in the agreement which is on file in the office of the City Recorder and incorporated herein by reference.

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

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.3

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In conjunction with staff, the CAC has been instrumental in developing the goals and objectives for the plan. They will work closely with staff to review and comment on the project list that will be reviewed by the Planning Commission and ultimately adopted by the City Council. In addition to the project list, the Citizen Advisory Committee (CAC) will be involved in developing other aspects of the plan.

The requested action also affords Council the opportunity to determine who is at the table discussing and reviewing this plan. The CAC is an important component of meeting Statewide Planning Goal 1 by facilitating meaningful and deliberate citizen involvement throughout the development of the plan.

It is suggested that new members be invited to participate by staff rather than through a formal interview process with Council in order to save time. The Joint Transportation Subcommittee will continue to perform its other duties and functions throughout the process and after its conclusion.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

The Transportation System Plan update will be completed by the end of the year. The existing CAC meets regularly to discuss the project and provide input. It is important to decide on the expansion of the committee as soon as possible in order to provide staff time to invite and organize the group and familiarize the new members with the project.

COUNCIL OPTIONS

Approve the resolution to increase the membership of the Joint Transportation Committee serving as the Citizen Advisory Committee.

Modify the resolution by adding or removing identified organizations to serve on the Citizen Advisory Committee.

Deny the resolution and maintain the membership of the Joint Transportation Subcommittee in its current composition.

STAFF RECOMMENDATION

Staff recommends approval of the resolution.

SUGGESTED MOTION

I move to approve the resolution directing Planning staff to expand the membership of the Citizen Advisory Committee (CAC) for the Transportation System Plan update project.

EXHIBITS

Resolution

RESOLUTION NO. 2017-95

A RESOLUTION regarding the composition of the Joint Transportation Subcommittee (JTS) serving as the Citizen Advisory Committee (CAC) and directing Planning staff to expand its membership for a limited timeframe in order to evaluate the Transportation System Plan (TSP) update project.

WHEREAS, the Transportation System Plan has been in process since 2010 and is anticipated to be completed by the end of 2017; and

WHEREAS, the creation and use of advisory committees to evaluate a new TSP is appropriate to gain input, feedback, and recommendations; and

WHEREAS, the Joint Transportation Subcommittee was recognized as the Citizen Advisory Committee (CAC) in May 2011 to provide support in the review of the TSP project; and

WHEREAS, the City Council now endorses the expansion of the Citizen Advisory Committee membership; and

WHEREAS, the Joint Transportation Subcommittee (JTS) serving as the CAC will revert back to its original composition upon completion of the transportation system plan update; now, therefore,

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

That the Mayor and City Council hereby approve the expanded composition of the Joint Transportation Subcommittee (JTS) serving as the Citizen Advisory Committee (CAC) to include the representatives from the following organizations/businesses and direct staff to expand the CAC upon passage of this resolution:

SOREDI, Inc.	Jackson County/Medford International Airport	Chamber of Commerce	Rogue Valley Manor
Downtown SPARC	Asante Hospital	Providence Hospital	2 Land Use Consultants
Transportation Engineer	Southern Oregon Health Equity Coalition	2 Developers	
Citizen from Ward 1	Citizen from Ward 2	Citizen from Ward 3	Citizen from Ward 4

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

ATTEST: _____
City Recorder

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 120.1

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DEPARTMENT: Legal
PHONE: (541) 774-2020
STAFF CONTACT: Lori Cooper, City Attorney

AGENDA SECTION: Public Hearings
MEETING DATE: August 17, 2017

COUNCIL BILL 2017-96

An ordinance repealing sections 8.400 through 8.495, amending sections 8.004, 8.497 and adding sections 8.320 through 8.355 regarding taxicabs and transportation network companies

SUMMARY AND BACKGROUND

The current Medford code regulating taxicabs does not expressly address Transportation Network Companies (TNCs). The Council will be considering whether to repeal Medford's existing code chapter regulating taxicabs, and whether to replace it with somewhat more detailed provisions clarifying operating and insurance requirements and specifically authorizing TNCs to operate within the City

The Council held a study session on amending the Municipal Code regarding "vehicles for hire" on June 29, 2017. Council directed staff to schedule a public hearing on the proposed code amendment.

PREVIOUS COUNCIL ACTIONS

None.

ANALYSIS

TNCs – Uber and Lyft are the most prominent examples – have become a central part of the new sharing economy. TNCs are now operating alongside traditional taxis in hundreds of cities around the world, including cities at least somewhat similar to Medford such as Bend, Bellingham, WA, Salt Lake City, UT, Flagstaff, AZ, Missoula, MT, and Boise, ID.

Government and the insurance industry have struggled to address the TNC business model, and to identify and minimize the risks presented, as well as gaps in insurance coverage. There may also be concerns about respecting the traditional taxi industry, and how to create an environment that fosters the fairest possible competition between taxis and TNCs.

Staff has attempted to create new code sections that will create consistency and a level regulatory playing field for the different models of vehicle for hire services. The intention of the proposed code is to create standards sufficient to address the primary concerns about background checks, insurance, accessibility, and operating standards, while not delving more deeply than necessary in to subjects such as vehicle requirements, driver education, etc. Another key feature of the proposed new code is a general shift of some responsibilities from the City to the companies themselves, in conjunction with certification and auditing elements that will allow the City to monitor compliance.

The key features of the new code sections include adoption of the "three period model" for determining TNC automobile liability coverage limits. Period 1 is when the TNC driver has logged into the TNC's digital dispatch system or is otherwise connected to the TNC's digital network, but has not yet accepted a request for a ride from a passenger (for example, the software application is open and the driver is waiting for a match); Period 2 is when a passenger match has been accepted, but the passenger is not yet picked up (for example, the driver is on the way to pick up the passenger); and Period 3 is when the passenger is in the vehicle.

Notably, the three TNC service periods do not determine whether TNCs are required to carry primary automobile liability coverage (they are), but instead reflect how much coverage is available, depending on the period during which an accident or loss occurs. This coverage is now readily available for TNCs, which,



CITY OF MEDFORD AGENDA ITEM COMMENTARY

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along with many local and state regulators, have generally adopted it as the standard framework for automobile liability insurance to address the coverage gaps or “livery exclusions” that caused concerns during the advent of TNC operations.

The insurance requirements of the new code for TNCs and Taxi Companies are similar in that \$1 million in primary automobile liability coverage is required and will be in place whenever a passenger is in the vehicle and actually engaged in a ride. For taxis, this represents an increase in the requirement for \$500,000 of insurance coverage under the current code. Considering they are providing similar services, consistent insurance requirements for taxis and TNCs wherever possible is fair and equitable. At the June 29 study session, several Council members raised concerns that the insurance requirements in the proposed code may be too onerous. The insurance requirements in the proposed code are similar to Bend and Salem’s requirements. The Council may hear more about the insurance requirements at the public hearing, and can adjust the code language if so determined.

The proposed new code contains new background check requirements which would be equally applicable to all vehicle for hire operators, whether TNCs or Taxi Companies; the new code would apply the same standards to all operators of vehicles for hire in the City. As discussed at the June 29 study session, any vehicle for hire driver who has one of more convictions for misdemeanor theft offenses would not be eligible for a business license.

Finally, the proposed new code changes the appeal process. Currently, taxi drivers who are denied a taxi driver ID card must first appeal to the City Manager or his designee, who can only review the denial and render a decision consistent with the requirements of the code.

However, currently, the applicant can appeal this decision of the City Manager or his designee to the Council, which can consider reliable indicia of rehabilitation from a disqualifying event listed in the code (certain felony crimes at any time in the past, and certain misdemeanors and traffic crimes within specified periods of 2 – 5 years, depending on the crime) prior to applying for taxi driver ID card.

The proposed new code eliminates the appeal to the City Manager or his designee. If a vehicle for hire applicant is denied a license, he or she can appeal the denial directly to the City Council.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Unknown at this time. If Council adopts a business license fee and/or a surcharge per ride, these funds would at least partially cover the staff costs of processing the business licenses and other compliance oversight.

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve, modify, or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance adopting the proposed code amendment.

EXHIBITS

Ordinance

ORDINANCE NO. 2017-96

AN ORDINANCE repealing sections 8.400 through 8.495, amending sections 8.004, 8.497 and adding sections 8.320 through 8.355 regarding taxicabs and transportation network companies.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. Section 8.004 of the Medford Code is amended to read as follows:

8.004 Appeal of Denial, Revocation, Classification or Exemption of License.

~~(6) In addition to the Council's authority under Section 1.025, Council may authorize issuance of a taxi driver's ID card if Council finds reliable indicia of rehabilitation from a disqualifying event listed in Section 8.425. In making its decision, Council may consider information including but not limited to: evidence of (a) successful completion of addiction recovery or substance abuse program; (b) successful completion of anger management or cognitive behavioral training; (c) successful family programming treatment; (d) gainful employment; (e) stable housing; (f) testimony from a mentor; (g) testimony from victims or victims services organizations; (h) testimony from professionals in the field of criminal rehabilitation, probation, transition or parole; (i) reference from employers; (j) lack of additional convictions or traffic citations; or (k) lack of fines owed to Municipal Court.~~

Section 2. Section 8.400 of the Medford Code is hereby repealed:

~~8.400 Fees Required for Taxi Businesses.~~

~~In addition to fees outlined in 8.060, any taxi business shall have the following non-refundable annual fees:~~

Taxi Operator's Fee	_____	\$50.00
Taxi Driver ID card (T-Card)	_____	\$30.00

Section 3. Section 8.405 of the Medford Code is hereby repealed:

~~8.405 Operator's License Required.~~

- ~~(1) No person shall engage in a taxicab business in the city without a current, valid business license.~~
- ~~(2) No person shall operate a taxicab in the city without a current, valid taxi driver ID card as set forth in 8.425.~~
- ~~(3) A person operating a taxicab shall be considered to be operating a taxicab business "in the city" if he, or his agent or employee, picks up a passenger for hire within the city limits.~~
- ~~(4) "Taxicab" means a motor vehicle other than a limousine or exempt vehicle which carries passengers for hire.~~

Section 4. Section 8.410 of the Medford Code is hereby repealed:

~~8.410 Application for Operator's License.~~

~~An applicant for a license to operate a taxicab business shall submit to the Finance Director on a form approved by him an application setting forth the name of the applicant and location of business. The application form shall include entries whereon the applicant shall demonstrate his ability to comply with Section 8.430(10), (11) and (13).~~

Section 5. Section 8.425 of the Medford Code is hereby repealed:

~~8.425 Taxi Driver's ID Card.~~

~~(1) No person shall operate a taxicab who does not have a taxi driver's ID card issued by the Police Department.~~

~~(2) A taxi driver's ID card shall be issued by the Police Department upon receipt of written application, certified copy of The Oregon State Police Background Check, and a fee as set forth in 8.400, if and only if the Police Department finds that the applicant:~~

~~(a) Is twenty one years of age or older; and~~

~~(b) Possesses a valid motor vehicle operator's license; and~~

~~(c) Has not been declared a habitual traffic offender within five (5) years of the date of this application; and~~

~~(d) If the applicant has ever been declared a habitual traffic offender, has not been convicted of a traffic crime within five (5) years of the date of this application; and~~

~~(e) Has not been convicted of any of the following crimes or any similar crimes in any degree at any time:~~

~~(i) Any felony crime committed against another person~~

~~(ii) Any person that is a registered sex offender~~

~~(iii) Any felony crime involving use of a weapon~~

~~(iv) Any felony property crime within five (5) years of the date of this application~~

~~(v) Any traffic crime within three (3) years of the date of this application~~

~~(vi) Any drug offense within five (5) years of the date of this application~~

~~(vii) Any misdemeanor person crime within three (3) years of the date of this application~~

~~(viii) Any misdemeanor property crime within three (3) years of the date of this application~~

~~(ix) Any misdemeanor crimes against public order within two (2) years~~

~~(f) Did not knowingly make any false statement in the application for the license.~~

~~(3) The Finance Director shall revoke the taxi driver ID card of a driver who fails to meet the qualifications set out in this section after a permit has been issued to that person. A person whose~~

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permit is denied or revoked may reapply after one year if the applicant meets the qualifications set forth in this section for a new applicant.

(4) A taxi driver's ID card is not transferable.

Section 6. Section 8.430 of the Medford Code is hereby repealed:

~~8.430 Taxicab Regulations.~~

~~(1) All taxicabs shall be clean, of good appearance, properly equipped, and in a safe condition for the transportation of passengers, and subject to inspection by the Police Department at any time.~~

~~(2) A cab driver shall display his taxi driver ID card where it will be plainly visible to passengers in the taxicab he operates in a clear plastic sleeve in the back left corner of the rear window.~~

~~(3) A copy of the current schedule of fares shall be posted in each taxicab where plainly visible to passengers.~~

~~(4) All taxicab drivers shall give receipts for fares paid, upon request of a passenger.~~

~~(5) Taxicab drivers shall carry light hand baggage of passengers without additional charge.~~

~~(6) No cab driver shall carry passengers or cargo in his vehicle in excess of the motor vehicle manufacturer's stated load limits for that vehicle.~~

~~(7) No person shall operate a taxicab except in conformance with the Oregon Motor Vehicle Code and the Code of Medford relating to traffic.~~

~~(8) No cab driver shall solicit passengers by shouting.~~

~~(9) A taxicab operator shall maintain a central office or contract for 24 hour dispatch.~~

~~(10) A taxicab operator shall equip all with meters showing the amount of fare on a lighted face plainly visible to a passenger. On demand by the Police Department, the licensee shall demonstrate a meter to be accurate by means acceptable to the Police Department. Meters found to be inaccurate shall be removed from service at once.~~

~~(11) All taxi cabs are required to have an annual ASE certified mechanic inspection. Proof of the inspection shall be kept in the taxi cab and available for law enforcement upon request at any spot inspection or audit.~~

~~(12) All taxi cabs are required to permanently affix the company name and phone number to both sides of the taxi cab. The signage must be clearly visible from 20 feet.~~

~~(13) No person shall operate any vehicle as a taxicab unless that vehicle is covered by liability insurance providing \$100,000.00 coverage for property damage or destruction, \$300,000.00 coverage for bodily injury or death of any person, \$500,000.00 for each occurrence; or in lieu of such coverage, a single limit insurance policy of not less than \$500,000.00 covering all claims per occurrence. A certificate of insurance shall be provided to the Finance Director upon approval of the operator's license and at the time of annual renewal. The operator shall require the insurer to provide a written notice of cancellation to the Finance Director if any insurance policy is cancelled. Proof of insurance shall be kept in the taxi cab and available for law enforcement upon request at any spot inspection or audit.~~

Section 7. Section 8.440 of the Medford Code is hereby repealed:

~~8.440 Appeal.~~

~~Any person aggrieved by a ruling of the Police Department relating to Section 8.425 shall have the~~

~~right to appeal to the Finance Director under the procedures set out in Section 8.004 of this code.~~

Section 8. Section 8.450 of the Medford Code is hereby repealed:

~~8.450 Term of Taxi Driver ID Card and Operator's Licenses; Fees.~~

~~(1) A taxicab operator's license and a taxi driver ID card shall be valid for the same term as the business license.~~

~~(2) Taxicab operator's licenses may be renewed annually upon payment of the annual fees as set forth in 8.400 unless suspended or revoked for cause. Taxicab operators licenses are not transferable, and a contract purchaser or other purchaser, lessee or assignee of a licensed taxicab business shall not do business without first applying for an operator's license and other licenses under the terms of section 8.410, et seq.~~

Section 9. Section 8.451 of the Medford Code is hereby repealed:

~~8.451 Fees Required for Limousine Businesses.~~

~~In addition to fees outlined in 8.060, any limousine business shall have the following annual fees:~~

Limousine Operator's Fee	_____	\$50.00
Taxi Driver ID Card (T card)	_____	\$30.00

Section 10. Section 8.452 of the Medford Code is hereby repealed:

~~8.452 Exempt Vehicles.~~

~~(1) Vehicles defined as follows are exempt from the regulations imposed by Sections 8.400 - 8.495.~~

~~(a) Ambulances equipped and staffed so as to be capable of providing emergency medical services in conjunction with passenger transportation;~~

~~(b) Courtesy vehicles used by a hotel, motel, car rental company, residential home, parking facility or other business to transport that business' clients when transportation is secondary to the business' primary purpose and the transportation is free or contained in the general overhead of the business;~~

~~(c) Non-motorized vehicles such as horse-drawn vehicles;~~

~~(d) Property delivery vehicles used for delivering property exclusive of passenger transportation;~~

~~(e) Shuttle vehicles and buses used for providing passenger transportation over a fixed route and time schedule; and~~

~~(f) Volunteer driven vehicles operated by a driver who is reimbursed for basic mileage expenses and who does not receive wages, salary or other compensation.~~

~~(2) These exempt vehicles are forbidden from operating as taxicabs or limousines.~~

Section 11. Section 8.455 of the Medford Code is hereby repealed:

~~8.455 Operator's License Required.~~

~~(1) No person shall engage in a limousine business in the city without a current, valid business~~

license.

~~(2) No person shall operate a limousine in the city without a current, valid taxi driver ID card as set forth in 8.425.~~

~~(3) A person operating a limousine shall be considered to be operating a limousine business "in the city" if he, or his agent or employee, picks up a passenger for hire within the city limits.~~

~~(4) "Limousine" means a chauffeur driven sedan which carries passengers for hire where the minimum fare charged is at least \$25.00. The minimum fare is solely for the purpose of distinguishing a taxicab from a limousine.~~

Section 12. Section 8.460 of the Medford Code is hereby repealed:

~~8.460 Application for Operator's License.~~

~~An applicant for a license to operate a limousine business shall submit to the finance director on a form approved by him an application setting forth the name of the applicant and location of business, description of equipment to be used; and shall pay the non refundable fees as outlined in 8.451.~~

Section 13. Section 8.470 of the Medford Code is hereby repealed:

~~8.470 Taxi Driver's ID Card.~~

~~No person shall operate a limousine who does not have a taxi driver's ID card issued by the Police Department as outlined in 8.425.~~

Section 14. Section 8.475 of the Medford Code is hereby repealed:

~~8.475 Limousine Regulations.~~

~~(1) All limousines shall be clean, of good appearance, properly equipped, and in a safe condition for the transportation of passengers, and subject to inspection by the Police Department at any time.~~

~~(2) A limousine driver shall provide a schedule of fares to passengers, upon request.~~

~~(3) All limousine drivers shall give receipts for fares paid, upon request of a passenger.~~

~~(4) No limousine driver shall carry passengers or cargo in his vehicle in excess of the motor vehicle manufacturer's stated load limits for that vehicle.~~

~~(5) No person shall operate a limousine except in conformance with the Oregon Motor Vehicle Code and the Code of Medford relating to traffic.~~

~~(6) No limousine driver shall solicit passengers by shouting.~~

~~(7) A limousine driver shall maintain his taxi driver ID card in his possession when operating a limousine and display the permit upon request of a passenger or police officer.~~

~~(8) All limousines are required to have an annual ASE certified mechanic inspection. Proof of the inspection shall be kept in the limousine and available for law enforcement upon request at any spot inspection or audit.~~

~~(9) No person shall operate any vehicle as a limousine unless that vehicle is covered by liability insurance providing \$100,000.00 coverage for property damage or destruction, \$300,000.00 coverage~~

~~for bodily injury or death of any person, \$500,000.00 for each occurrence; or in lieu of such coverage, a single limit insurance policy of not less than \$500,000.00 covering all claims per occurrence. A certificate of insurance shall be provided to the Finance Director upon approval of the operator's license and at the time of annual renewal. The operator shall require the insurer to provide a written notice of cancellation to the Finance Director if any insurance policy is cancelled. Proof of insurance shall be kept in the limousine and available for law enforcement upon request at any spot inspection or audit.~~

Section 15. Section 8.485 of the Medford Code is hereby repealed:

~~8.485 Appeal.~~

~~Any person aggrieved by a ruling of the Finance Director or Police Department relating to section 8.470 shall have the right to appeal under the procedures set out in section 8.004 of this code.~~

Section 16. Section 8.495 of the Medford Code is hereby repealed:

~~8.495 Term of Taxi Driver ID Card and Operator's Licenses; Fees.~~

~~(1) A limousine operator's license and taxi driver ID card shall be valid for the same term as the business license.~~

~~(2) Limousine operator's licenses may be renewed annually upon payment of an annual fee set forth in 8.451 unless suspended or revoked for cause. Limousine operator's licenses are not transferable, and a contract purchaser or other purchaser, lessee or assignee of a licensed limousine business shall not do business without first applying for an operator's license and other licenses under the terms of section 8.460, et seq.~~

Section 17. Section 8.497 of the Medford Code is amended to read as follows:

8.497 Horse Drawn Vehicle Regulations.

(2) No person shall operate a horse drawn vehicle unless the person is twenty-one years of age or older and has not been convicted of any crime set forth in Section ~~8.425(1)(d) and (e)~~ **8.335**

Section 18. Section 8.320 of the Medford Code is added to read as follows:

8.320 Title, Intent and Purpose of Sections 8.325 to 8.355. This ordinance shall be known and may be cited as the "Vehicle for Hire Ordinance of the City of Medford." The City Council of the City of Medford finds and declares that the purpose of this ordinance is to promote the safety and welfare of the general public by regulating vehicle for hire operators and their drivers within the City of Medford, as authorized by ORS 221.485 and 221.495. Nothing contained in this ordinance is intended or shall be construed to create any liability on the part of the City, its officers or employees for any injury or damage related to any provision of this

ordinance, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this ordinance on the part of the City, its officers or employees.

Section 19. Section 8.325 of the Medford Code is added to read as follows:

8.325 Definitions.

Words and phrases used in this ordinance shall have the following meanings ascribed to them:

- (1) **“Digital dispatch system”** means an internet-based software application, website, platform, or interface that allows for the solicitation, arrangement, or provision of vehicle for hire services and the display of rates, calculation of fares, or acceptance of payment for vehicle for hire services.
- (2) **“Driver”** means any individual person who operates a vehicle for hire within the City.
- (3) **“Limousine”** means a luxury motor vehicle for hire whose chassis and wheelbase have been lengthened beyond the original manufacturer’s specifications, whether at the time of production or after.
- (4) **“Limousine Company”** means any person operating one or more limousines for hire, other than as a driver, regardless of the legal form of the entity and regardless of whether the limousines so operated are owned by the company, leased, or owned by individual members of an entity.
- (5) **“Operator”** means a person engaged in the business of furnishing or operating a business defined by this ordinance, whether upon contract or by offering such service to the public generally.
- (6) **“Taxi”** means a motor vehicle for hire, other than a limousine or transportation network vehicle.
- (7) **“Taxi Company”** means any person operating one or more vehicles for hire, other than as a driver, regardless of the legal form of the entity and regardless of whether the taxis so operated are owned by the company, leased, or owned by individual members of an entity. Taxi Companies do not include Transportation Network Companies.
- (8) **“Transportation Network”** means one or more drivers working as independent contractors and utilizing a digital dispatch system.
- (9) **“Transportation Network Company or TNC”** means a person that operates or facilitates a transportation network.
- (10) **“Transportation Network Vehicle or TNV”** means a personal motor vehicle which is used as a vehicle for hire and is part of a transportation network.
- (11) **“Vehicle for Hire”** means a vehicle used for the ground transportation of passengers for compensation within the City, including taxis, limousines and transportation network vehicles. The following vehicles shall not be considered vehicles for hire for the purposes of this ordinance, and are forbidden from operating as a taxi, limousine, or transportation network vehicle: (a) Ambulances equipped and staffed so as to be capable of providing emergency medical services in conjunction with passenger transportation; (b) Courtesy vehicles used by a hotel, motel, car rental company, residential home, parking facility, or other business to

transport that business' clients when transportation is secondary to the business' primary purpose and the transportation is free or contained in the general overhead of the business; (c) Non-motorized vehicles such as horse-drawn vehicles; (d) Property delivery vehicles used for delivering property exclusive of passenger transportation; (e) Shuttle vehicles and buses used for providing passenger transportation over a fixed route and time schedule; and (f) Volunteer-driven vehicles operated by a driver who is reimbursed for basic mileage expenses and who does not receive wages, salary, or other compensation.

Section 20. Section 8.330 of the Medford Code is added to read as follows:

8.330 Business License Required for Operators and Drivers; Regulatory License Fees.

(1) No Operator shall conduct business in the City without a valid business license and the applicable regulatory license set out in subsection (2).

(2) In addition to the fee set out at 8.060(1), Operators shall be subject to the following non-refundable annual regulatory fees:

(a) Taxi Operator License Fee: \$250.00

(b) TNC Operator License Fee: \$500.00

(c) Limousine Operator License Fee: \$250.00

(3) No Driver shall conduct business in the City without a valid business license. A copy of the license shall be clearly displayed while providing vehicle for hire services.

Section 21. Section 8.335 of the Medford Code is added to read as follows:

8.335 Driver requirements.

(1) Drivers shall be at least 21 years of age and shall possess a valid driver license, proof of motor vehicle registration, and proof of current automobile liability insurance that meets the requirements of state law.

(2) Operators shall maintain accurate, current records for all drivers employed by, contracting with, or otherwise affiliated with the business. The records shall include the driver's name, date of birth, address, social security number, criminal background check results, driver license information, motor vehicle registration, and automobile insurance. Operators shall provide a person in compliance with this section written notice of compliance, who shall then submit the notice to the City as part of the business license application required by section 8.330(3).

(3) Prior to permitting a person to operate as a Driver, and annually thereafter, Operators shall conduct, or have a qualified third party conduct, a local and national criminal background check and driving history review. If a third party is used, it shall be accredited by the National Association of Professional Background Screeners. The review shall include: Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search); all motor vehicle records associated with the applicant driver available pursuant to record laws of each state, and the

Dru Sjodin National Sex Offender Public Registry. A Driver will not be licensed and shall not provide transportation network services if any of the following conditions exist:

- (a) The applicant has a felony conviction of any kind in 10 years, based on the conviction date, preceding the submission of the application;**
 - (b) The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;**
 - (c) The applicant is listed as a sexual offender in the Dru Sjodin National Sex Offender Public Registry;**
 - (d) During the 5-year period preceding the submission of the application, based on the conviction date, the applicant has been convicted of any criminal offense involving:**
 - (i) Any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons, or;**
 - (ii) Any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident.**
 - (e) During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic infractions as defined in ORS 801.557; greater than five serious traffic violations as defined in ORS 801.477; greater than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, greater than five of any combination of serious traffic violations or motor vehicle accidents as provided above;**
 - (f) During the 3-year period preceding the filing of the initial application, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident;**
 - (g) The applicant has two or more traffic violations as defined in ORS 801.557, of any kind, within the previous 12 months from the date of the application; and**
 - (h) The applicant does not have at least one year's worth of continuous driving experience with a valid driver's license in a United States jurisdiction immediately prior to the date of the application's submission.**
- (4) Operators shall revoke a Driver's authority to drive for the business and inform the City if it finds at any time that the standards set forth in this section are no longer being met by the Driver. The Operator shall only reinstate a driver upon determining that all standards are again being met by the Driver.**
- (5) The Operator shall maintain records of a criminal background checks for a period of at least two years. For purposes of this section, the term "conviction" includes convictions, a judgment of guilty except for insanity pursuant to ORS 161.295, bail forfeitures, and other final adverse findings.**

Section 22. Section 8.340 of the Medford Code is added to read as follows:

8.340 Operational Requirements.

(1) All Vehicles for Hire:

- (a) Vehicles for Hire shall be clean, of good appearance, properly equipped, and in a safe**

condition for passengers. In addition, Vehicles for Hire shall have an annual ASE certified mechanic inspection. Proof of the inspection shall be kept in the vehicle and available for law enforcement upon request at any spot inspection or audit.

(b) Operators shall implement and maintain at all times a zero tolerance policy on the use of drugs or alcohol applicable to all Drivers employed by, contracting with or otherwise affiliated with the business while providing vehicle for hire services. Operators shall provide notice of the zero tolerance policy to the City, on their website and ensure that it is clearly displayed in each vehicle. The notice must include contact information to report a complaint about a Driver for possible violation of policy. An Operator shall immediately suspend a Driver upon receipt of a passenger complaint alleging a violation of the zero tolerance policy for the duration of the investigation of the complaint, and notify the City of the suspension and results of the investigation.

(c) Drivers shall carry the baggage of riders without additional charge.

(d) Drivers may not carry passengers or cargo in a vehicle in excess of the vehicle manufacturer's stated load limits for that vehicle.

(e) Operators must provide reasonable accommodations to passengers with disabilities, including passengers accompanied by a service animal, passengers with hearing and visual impairments, passengers with mobility devices, and must comply with all applicable requirements of the Americans with Disabilities Act.

(f) Operators shall comply with all applicable local, state and federal laws, rules and/or regulations.

(2) TNC's:

(a) TNCs shall maintain records of all trips made by all Drivers for at least one year from the date of the trip. The data may be aggregated and/or anonymized, and shall include, at minimum, the locations by ZIP code of trip origination and destination, vehicle miles traveled, trip origination and completion times, trip duration, and passenger wait times from a driver's acceptance of a request to passenger pick-up. The City may require a TNC to enter a data sharing agreement in order to receive a license.

(b) Drivers shall not accept street hails, and may only accept rides arranged through a TNC's digital network.

(c) All fares shall be made available in a clear and transparent way to the passenger on its mobile application prior to the passenger accepting a ride. Passengers shall be provided either a paper or digital receipt for services at the termination of the ride that clearly indicates the fare paid, time of ride, name of TNC, name of the Driver and the TNC's customer service support contact information.

(d) A TNV shall be marked on the front and/or back with a customary "trade dress" type of identification, such as a sticker or placard, and must be clearly visible from 20 feet away. The identification shall remain affixed until the passenger exits the TNV. The TNC's software application or website shall display for the passenger the make, model, and license plate number of the TNV, as well as a photo of the Driver.

(3) Taxis:

(a) Taxis shall be clearly marked on both sides and shall include the taxi company name,

phone number, and a vehicle identification number in plain sight. The signage must be clearly visible from 20 feet away.

(b) A Taxi Company shall maintain a central office or contract for 24-hour dispatch.

(c) A Taxi Company shall equip all taxis with meters showing the amount of fare on a lighted face plainly visible to a passenger. On demand by the Police Department, the Taxi Company shall demonstrate a meter to be accurate by means acceptable to the Police Department. Meters found to be inaccurate shall be removed from service at once.

(d) A Taxi Company shall equip all taxis with a driver identification card, which shall include a photo of the Driver. The identification card shall be affixed in a place plainly visible to passengers.

(e) Drivers shall give receipts for fares paid, upon request of a passenger.

Section 23. Section 8.345 of the Medford Code is added to read as follows:

8.345 Insurance.

(1) General Requirements

(a) For all required insurance, Operators shall provide certificates of insurance naming the City, its officers, agents, and employees as additional insured parties and give at least 30 calendar days' notice to the City before a policy is canceled, expires, or has any reduction in coverage. Such insurance shall be primary and non-contributory. Insurance requirements of this section shall be satisfied by insurance issued through a licensed insurer or an eligible surplus lines insurer in the State of Oregon.

(b) Operators shall maintain continuous, uninterrupted coverage for the duration of the license and any operations in the City. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is a violation of this ordinance.

(c) Operators shall secure and maintain commercial general liability insurance with limits of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate for claims arising out of, but not limited to bodily injury and property damage incurred in the course of operating in the City.

(2) Taxi and Limousine Companies

Taxi and Limousine Companies shall secure and maintain commercial automobile liability insurance covering its vehicles, with a combined single limit of not less than \$1,000,000 per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred in the course of operating in the City.

(3) TNC's and Drivers; Periods and Amounts of Coverage

(a) TNCs shall secure and maintain commercial automobile liability insurance covering all affiliated drivers operating for such company effective for the following periods:

(i) Period 1: The TNC driver has logged into the TNC's digital dispatch system or is otherwise connected to the TNC's digital network, but has not yet accepted a request for a ride from a passenger. For example, the software application is open and the driver is waiting for a match.

(ii) Period 2: A passenger match has been accepted, but the passenger is not yet picked up.

///

For example, the driver is on the way to pick up the passenger.

(iii) Period 3: The passenger is in the vehicle.

(b) The required commercial automobile liability insurance shall specifically recognize the driver's affiliation with the TNC and shall comply with the laws of the State of Oregon and/or other applicable governing bodies. TNC's shall provide the following minimum amounts of coverage:

(i) During Period 1, minimum liability limits of \$50,000 per person for death and injury, \$100,000 per incident for death and injury, and \$25,000 for property damage, plus any other state compulsory coverage.

(ii) During Periods 2 and 3, minimum liability limits of \$1,000,000 in combined single limit coverage for death, personal injury, and property damage per incident; and \$1,000,000 in combined single limit under/uninsured motorist coverage for death, personal injury, and property damage per incident.

(c) Drivers shall be responsible for maintaining all personal automobile liability insurance required by section 8.335(1), and shall add a ridesharing endorsement to the policy.

Section 24. Section 8.350 of the Medford Code is added to read as follows:

8.350 Audit.

The City may audit Operators up to twice per calendar year to review compliance with this ordinance. An audit shall occur at a time and location designated by the City. Upon request, an Operator shall provide the City a sample of records for up to thirty (30) drivers affiliated with the Operator that have operated in the thirty (30) days preceding the audit. An audit shall occur at a time and location designated by the City. In addition to an audit, the City may require an Operator to produce records related to an investigation of a specific allegation of a violation of this ordinance or other applicable law, or to evaluate a complaint. Production of records for an investigation or to evaluate a complaint does not count toward the twice-per-year auditing limit.

Section 25. Section 8.355 of the Medford Code is added to read as follows:

8.355 Revocation, Suspension; Appeal.

(1) In addition to the remedies provided for in section 8.900 and ORS 30.315, the City may suspend, revoke, or refuse to issue a license if an Operator or Driver has violated or not met any of the provisions of this ordinance. A violation includes any failure to meet or maintain any of the requirements or qualifications set forth in this ordinance, including the procedures and requirements for obtaining and maintaining a license, the making of any material misrepresentation, or if an Operator or Driver is otherwise engaged in unlawful activity.

(2) A person denied permission to operate as a Driver under section 8.335(3) shall have the right to appeal to the City Council under the procedures set out at section 1.025 of the Code, and not otherwise. In addition to the Council's authority under Section 1.025, the Council may authorize issuance of a business license if it finds reliable indicia of rehabilitation from a disqualifying event listed in section 8.335(3). In making its decision, Council may consider information including but not limited to: evidence of (a) successful completion of a substance

abuse program; (b) successful completion of anger management or cognitive behavioral training; (c) successful family treatment; (d) gainful employment; (e) stable housing; (f) testimony from a mentor; (g) testimony from victims or victims services organizations; (h) testimony from professionals in the field of criminal rehabilitation, probation, transition or parole; (i) reference from employers; (j) lack of additional convictions or traffic citations; or (k) lack of fines owed to Municipal Court. The decision of the Council on the appeal shall be the final decision of the City.

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

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor

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



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 120.2

www.ci.medford.or.us

DEPARTMENT:	Planning Department	AGENDA SECTION:	Public Hearings
PHONE:	(541) 774-2380	MEETING DATE:	August 17, 2017
STAFF CONTACT:	Matt Brinkley, AICP, CFM, Planning Director		

COUNCIL BILL 2017-97

Adopt the ordinance vacating a portion of right-of-way located on Belknap Road just west of Center Drive and southeast of Garfield Street. (SV-17-039)

SUMMARY AND BACKGROUND

The applicant (C.A.Galpin) submitted an application to vacate a portion of right-of-way located on Belknap Road just west of Center Drive and southeast of Garfield Street. The Planning Commission held a hearing on this matter on July 13, 2017. A letter was submitted by an adjacent property owner's attorney the day of the Commission hearing stating their objection to the vacation and potential financial damages. The letter indicated the adjacent owner had a majority of the frontage to be vacated. The statute (Oregon Revised Statute 271.080) provides the language to calculate the extent of the real property affected by the vacation. Staff was unable to indicate at the hearing, with certainty, if the property owner who filed the objection did have a majority of the frontage based on the statute. Staff requested a continuance of the matter to the following Planning Commission meeting.

Upon review of the statute and the City's noticing requirements, staff also identified a noticing error. The extent of the noticing boundary did not extend far enough to inform other property owners of the application. Because of this noticing error, Planning staff requested a second continuance from the Planning Commission until August 24, 2017, in order to re-notify adjacent property owners and research the items raised with the objections. This hearing extension requires a continuance of the City Council hearing to a later date in order to finalize proceedings at the Planning Commission level. (SV-17-039)

Planning staff is requesting a continuance of this hearing until Thursday, September 21, 2017, at 6:00 p.m.

PREVIOUS COUNCIL ACTIONS

On June 1, 2017 – Resolution No. 2017-048 – Council approved a resolution initiating the vacation application and establishing a hearing date of August 17, 2017, for consideration of the matter.

ANALYSIS

Based on testimony and evidence submitted into the record at the Planning Commission hearing, additional analysis is needed in order to evaluate the application and make a recommendation to the review bodies. The revised analysis will be provided to the Planning Commission on August 24, 2017. The Planning Commission's recommendation and report will be provided prior to the September 21, 2017 City Council hearing.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.

COUNCIL OPTIONS

Continue the hearing to September 21, 2017



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 120.2

STAFF RECOMMENDATION

Staff recommends continuing the hearing until September 21, 2017.

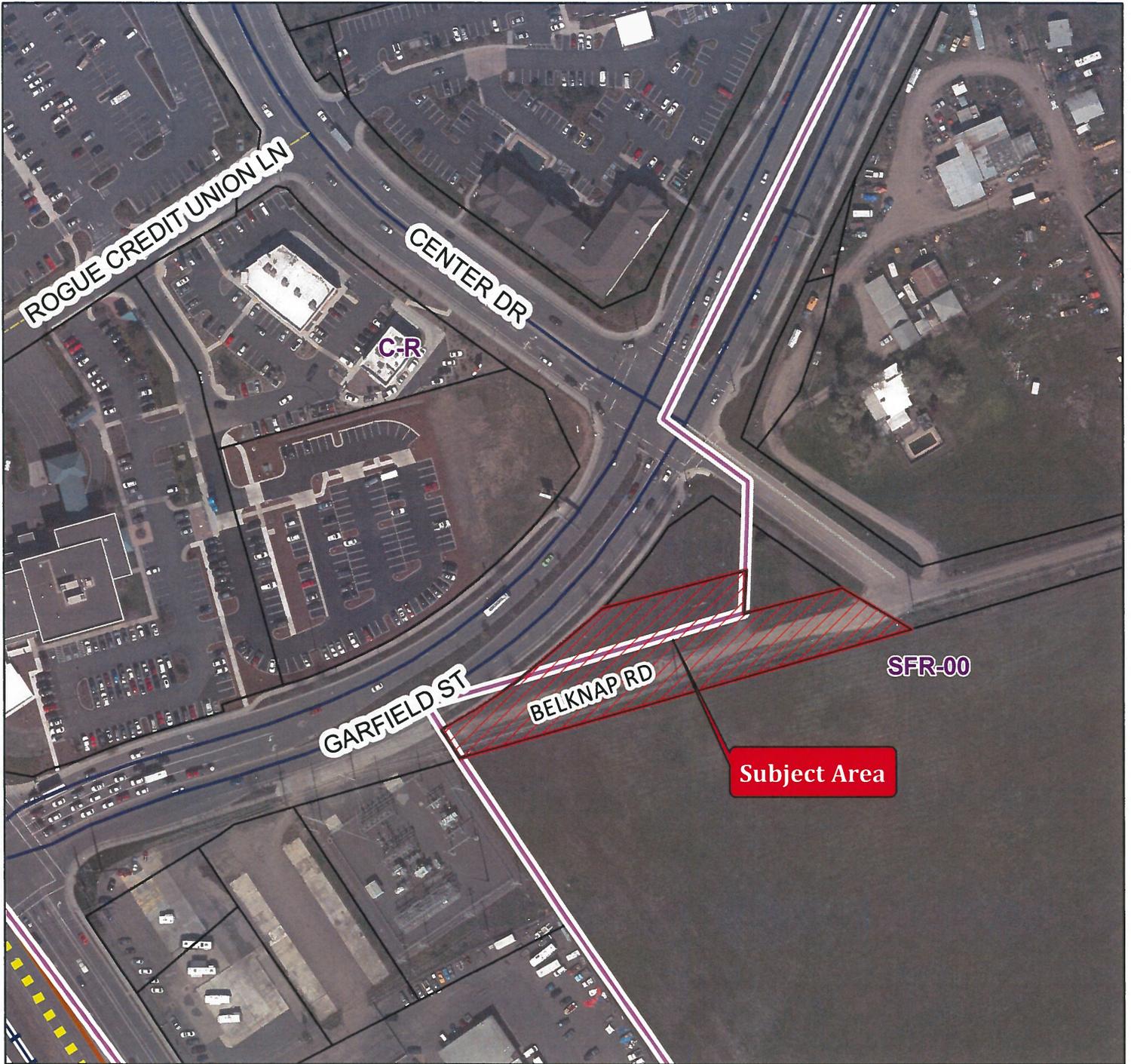
SUGGESTED MOTION

I move to continue the hearing until September 21, 2017 at 6:00 p.m.

EXHIBITS

No ordinance provided

Vicinity map



Project Name:

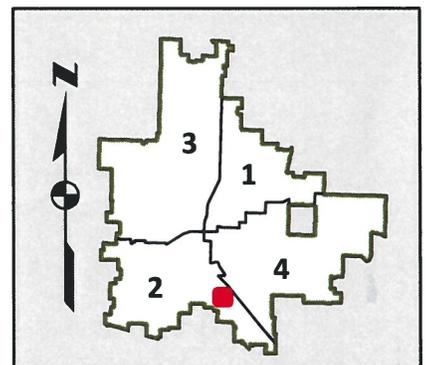
**Galpin
Belknap Road
Vacation of Right-of-Way**



07/12/2017

Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots





CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 130.1

www.ci.medford.or.us

DEPARTMENT: Planning Department **AGENDA SECTION:** Ordinances and Resolutions
PHONE: (541) 774-2380 **MEETING DATE:** August 17, 2017
STAFF CONTACT: Matt Brinkley, AICP, CFM, Planning Director

COUNCIL BILL 2017-68 - CONTINUED

A resolution approving the construction of street improvements on Foothill Road between Hillcrest Road and East McAndrews, as part of the Foothill Road Improvement Project.

SUMMARY AND BACKGROUND

The project includes street improvements on a segment of Foothill Road between Hillcrest Road and East McAndrews Road in Medford. The project was discussed at the Bicycle and Pedestrian Advisory Committee (BPAC) on March 13 and April 10, 2017. The Committee made recommendations in support of the project. The Planning Commission reviewed the proposal at a public hearing on May 11, 2017. The Commission forwarded a favorable recommendation to the City Council (TF-17-012).

PREVIOUS COUNCIL ACTIONS

- The project was included as part of a loan from the Oregon Transportation Infrastructure Bank, approved by Ordinance 2015-49 on May 21, 2015.
- The Council authorized the execution of Intergovernmental Agreement Number 30421 between the City and the Oregon Department of Transportation accepting a Congestion Mitigation and Air Quality grant by ordinance 2015-95 on September 17, 2015.
- The Council granted Intergovernmental Agreement Number 31209 between the City and the Oregon Department of Transportation by Ordinance 2016-55 on May 5, 2016, which defined the right-of-way acquisition roles and responsibilities for street improvements to Foothill Road.
- The Council adopted Resolution Number 2016-104 on August 18, 2016, acknowledging the continued support for the improvement of Foothill Road as the top transportation priority for the City of Medford.
- The City Council held a public hearing for the subject project on June 15, 2017. After hearing testimony of citizens adjacent to the road project, the Council continued the hearing to July 6, 2017. The Council asked staff to list the citizen comments and come up with possible solutions.
- The City Council held a continued public hearing on July 6, 2017. The Public Works Department presented alternative solutions and additional information related to the citizen comments. A request was made to leave the public record open for seven additional days. The Council granted the request and continued the deliberations to the first hearing on August 3, 2017.
- Public Works provided a memorandum dated July 20, 2017, addressing letters received between July 6th and July 13th from Stuart Foster, and Emily Mostue and Karen Allen (See Exhibits U, V, W, and Z in the Revised Commission Report).
- The hearing was moved from August 3, 2017 to August 17, 2017. Surrounding property owners were mailed notice of the new hearing date.

ANALYSIS

Foothill Road is a regionally significant roadway that is part of a system that connects from Phoenix to Eagle Point. The project would improve 5,100 linear feet of Foothill Road between Hillcrest Road and East McAndrews Road to major arterial standards with modifications as proposed by the TF application. The improvements include an increase in travel lanes from 2 to 4 and add (buffered) bike lanes, a multi-use path, sidewalks, medians, planter strips, street lights, and traffic signals. The proposal is identified in the city's Transportation System Plan as Project Number 469 and categorized as a Tier 1 project. Tier 1 projects are considered to be the highest priority and are funded.

Approval of a TF application is required in this particular case due to proposed variances from design standards for a major arterial. These variances, or exceptions, address width of public right-of-way,



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 130.1

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location and design of planting strips, etc. Planning staff have expressed concern about the proposed use of “Jersey barrier” or “k-rail” within two sections (B&C) of the road (see pages 6-7 of the Commission Report). These precast concrete walls are most often installed on highway facilities as a means of separating high speed, high volume traffic and preventing head-on collisions. Foothill Road, however, is not an interstate and surrounding land is planned to be developed at higher urban densities and intensities of use. A more visually appealing median treatment that is consistent with future development is preferred.

Affected private property owners have expressed other concerns regarding impacts of the project on adjacent lands (see Exhibits “N”-“S”, “U”-“V”). These include concerns about property access, fencing, vegetation removal, increased traffic volumes, etc. DPW staff has been working directly with many of these parties to address those concerns, most of which will need to be addressed outside of the TF application process, through a separate right-of-way acquisition process. DPW staff has also refuted some of these claims (Exhibit “W”).

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

As proposed, the total project is estimated to cost \$13 million dollars. The funding sources are an Oregon Transportation Infrastructure Bank (OTIB) loan in the amount of \$10 million dollars and a Congestion Mitigation and Air Quality (CMAQ) grant in the amount of \$3 million dollars. Funding is contained within the 2017-2019 biennial budget, project number STA1825520: Foothill Road Improvements.

Approving modifications to the project will affect cost. DPW Director Cory Crebbin presented estimates of these costs to City Council in a presentation on July 6, 2017, which is included in the Commission Report as Exhibit “T”.

TIMING ISSUES

The TF review process has been longer than anticipated due to a continuance between the July 6, 2017 meeting and the August 17, 2017 meeting. The Public Works Department therefore estimates that construction may be completed later than the original August 2019 completion date.

COUNCIL OPTIONS

Approve, modify, or deny the resolution(s).

STAFF RECOMMENDATION

Planning staff recommends Council consideration of a motion to 1) address the Transportation Facility application and 2) provide direction to the applicant (Department of Public Works) concerning mitigation of potential impacts on adjacent properties that cannot be resolved through approval of design exceptions in the TF.

First, staff recommends that Council approve the TF application itself, with the following considerations:

- A. Approval of exceptions as proposed by the applicant to standard road cross sections and design standards as delineated by the City’s current Transportation System Plan; and
- B. Substitution of the proposed Jersey barrier/k-rail center median in segments B & C with an alternative that City Council finds to be better suited to the character and function of planned future urban development surrounding the facility. Alternatives may include a decorative barrier wall as described by Public Works staff during its presentation to Council on July 6th; standard curbed median with or without plantings; or other appropriate design; and
- C. Approval of any other exceptions deemed necessary by City Council to improve safety and convenience for the traveling public (U-turn locations, driveway access, etc.).



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 130.1

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In addition, staff recommends that Council provide direction to the applicant (the Department of Public Works) regarding specific measures that could be taken to mitigate potential impacts on adjacent properties.

SUGGESTED MOTION(S)

Motion to Approve the TF 17-012

I move to adopt the resolution authorizing the Foothill Road improvement project and approving design standard exceptions as proposed by the applicant in TF-17-012, with additional modifications to its design, and further direct staff to address potential impacts on adjacent properties as follows:

That,

- *INSERT DESIGN MODIFICATION HERE; and*
- *INSERT DESIGN MODIFICATION HERE; and*
- *INSERT RECOMMENDED MEASURE HERE; and*
- *INSERT RECOMMENDED MEASURE HERE.*

EXHIBITS

Resolution

Revised Commission Report, including Exhibits A through Z

RESOLUTION NO. 2017-68

A RESOLUTION approving the construction of street improvements on Foothill Road between Hillcrest Road and East McAndrews, as part of the Foothill Road Improvement Project.

WHEREAS, having held a duly noticed public hearing on June 15, 2017 and July 6, 2017; and

WHEREAS, the Council has determined that the proposed project plans satisfy the applicable criteria as demonstrated by the Revised Commission Report dated August 10, 2017, attached as Exhibit "A" and incorporated herein, and adopted as the findings and conclusions of the City Council; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON, that the construction of street improvements on Foothill Road between Hillcrest Road and East McAndrews, as part of the Foothill Road Improvement Project, as shown in the Revised Commission Report dated August 10, 2017, attached as Exhibit "A" and incorporated herein, are hereby approved.

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

ATTEST: _____
City Recorder

Mayor



REVISED COMMISSION REPORT

for a Type-B quasi-judicial decision: Transportation Facility

PROJECT Transportation Facility Review – Foothill Road Improvement Project
Applicant: City of Medford

FILE NO. TF-17-012

TO City Council for August 17, 2017 hearing (prior hearing July 6, 2017)

FROM Sarah Sousa, Planner IV

REVIEWER Carla Angeli Paladino, Principal Planner

DATE August 10, 2017

BACKGROUND

Proposal

The City proposes a transportation facility project to construct street improvements on Foothill Road between Hillcrest Road and East McAndrews Road to modified major arterial standards including: an increase in travel lanes, buffered bike lanes, multi-use path, sidewalks, medians, planter strips, street lights, and traffic signals.



History

The proposed street improvement is identified in the Transportation System Plan as Project Number 469 and categorized as a Tier 1 Long-Range improvement. The City Public Works Department is the applicant. The funding sources are an Oregon Transportation Infrastructure Bank (OTIB) loan and a Congestion Mitigation and Air Quality (CMAQ) grant.

The proposal was discussed at the Bicycle and Pedestrian Advisory Committee meetings of March 13 and April 10, 2017. The Planning Commission held a hearing on May 11, 2017, and voted 8-1 to recommend approval to the Council.

City Council Hearing - June 15, 2017

The City Council held a public hearing for the subject project on June 15, 2017. After hearing testimony of citizens adjacent to the road project, the Council continued the hearing to July 6, 2017. The Council asked staff to list citizen concerns and identify possible solutions. The Public Works Department prepared a presentation to address the concerns.

City Council Hearing – July 6, 2017

The City Council held a continued public hearing for the project on July 6, 2017. The Public Works Department presented alternative solutions and additional information related to public comments. **(Exhibit T)** The presentation went through each of the property owners' concerns and identified possible solutions. Also Public Works provided estimated costs related to the citizen requests. Three areas were identified that can accommodate U turns and it was recommended by Public Works these be approved with the project.

A letter was received the night of the hearing from Stuart Foster representing Bill and Gwyn Reen **(Exhibit U)** and an additional letter was received on July 13th from Emily Mostue and Karen Allan. **(Exhibit V)** Public Works has responded to both of the letters in a memorandum to Planning staff. **(Exhibit W)** The memorandum addresses Mr. Foster's comments by referencing code sections related to driveway spacing standards, Public Works recommends that U turns be added into the plan to reduce travel distances for the property owners and others, and discussed issues related to the Reen's driveway if it remains at the signalized intersection. Public Works still recommends the Reen's driveway be relocated to its proposed location to the south but will make modifications if directed by City Council. A letter was also received in the City Recorder's office on July 13, 2017, from Stuart Foster regarding a conversation between James Hanks and Cory Crebbin regarding the location of the driveway on the Reen's property. **(Exhibit Z)**

In regards to the second letter from Ms. Mostue and Ms. Allan, Public Works provided some cost estimates for new fencing (that currently does not exist) and the request for an all-weather access road. The fencing may not be able to be included in the right-of-way negotiations because there is no proposed damage to an existing fence. Public Works thinks the access road can be addressed as part of the right-of-way negotiations and seeks Council direction on these items.

During the hearing, a request was made to leave the public record open for seven additional days. The Council granted the request and continued the deliberations to the first meeting on August 3, 2017. The item was moved to the August 17, 2017 meeting. New property owner notices were mailed to inform residents about the new hearing date.

Authority

This proposed plan authorization is a Class-B quasi-judicial approval for the development of a transportation facility. The Planning Commission is authorized to recommend and the City Council to approve transportation facilities under Medford Municipal Code Sections 10.102–122, 10.165, and 10.185.

ISSUES AND ANALYSIS

Background

Foothill Road is a regionally significant roadway. It provides one of the only major arterial connections linking the northern and southern portions of the city east of Interstate 5. It is also part of a system (at North Phoenix Road) that links Phoenix to Eagle Point.

Foothill Road is a two-lane County road with no bicycle or pedestrian facilities. The Public Works Department proposes to construct approximately 5,100 linear feet of improvements to Foothill Road between Hillcrest Road and East McAndrews Road to Major Arterial standards with modifications. **Exhibit F**

Project Details

On page 2 of the Executive Summary, a table is included showing the required dimensions of a Major Arterial Street with the requested modifications. The bike lanes are proposed to be wider due to the extra buffer area. The sidewalks are not reduced below the minimum required and are actually proposed to be wider in most areas. The planter strip is requested to be reduced and/or eliminated in some sections. The center median is reduced in two sections from the required fourteen feet down to six feet. The total paved width and right-of-way widths vary due to the above requested changes.

The following details a list of project improvements. **Exhibits C-E**

1) The proposed street improvements to Foothill Road include:

- Increased travel lanes from two to four (two each way)
- Five to seven foot sidewalk on the east side of road
- Ten foot wide multi-use path on the west side of the road
- Ten foot wide multi-use path along the Hillcrest Orchard Property on the east side of the road
- Left turn lanes at intersections
- Six foot bike lanes with three foot buffer
- Underground storm drain improvements
- Traffic signals at north and south McAndrews Road interchange ramps
- Left and right turn lanes at north and south McAndrews Road interchange intersections
- Street Lighting
- Street Trees

2) The proposed street improvements to McAndrews Road (on/off ramps):

- Seven foot wide sidewalk along eastbound off-ramp
- Seven to ten foot wide multi-use path along westbound off-ramp

Right-of-way Acquisition

At present, most of the Foothill Road right-of-way is 60 feet wide. Proposed street improvements will require a width of 88-109.5 feet. Acquisition of approximately 113,000 square feet from twelve tax lots will be needed, as well as slope and construction easements of 90,000 square feet.

During the July 6th Public Works presentation, it was identified that a widened, planted center median would add approximately \$650,000 to the project budget. This cost would include acquisition costs to acquire additional right-of-way (approximately 1,200 linear feet) to accommodate the larger center median.

Committee & Citizen Comments (received prior to the City Council hearings)

Bicycle & Pedestrian Advisory Committee: The project was discussed at the Bicycle and Pedestrian Advisory Committee (BPAC) on March 13 and April 10, 2017. Although the Committee is in overall support of the project, they provided written comments expressing safety concerns regarding the existing East McAndrews on-ramp and off-ramp multi-use path. The following are two committee recommendations:

- Add signage and pavement markings to alert motorists of the presence of cyclists and pedestrians.
- Replace existing landscaping, which can obstruct vision clearance, with ground cover vegetation that will not obstruct visibility.

As proposed improvements will tie into the existing multi-use path, the recommendations can be considered as part of the project. **Exhibit M**

Citizen Comments: The property owners of 1570 Foothill Road came in to the Planning Department and spoke with Planning and Engineering staff about driveway concerns. Since the driveway at 1570 Foothill Road is located at the future signalized intersection, the city proposes to relocate the driveway to the south. According to the owners, it may be problematic to relocate the driveway approach due to grade and radius issues.

At the Planning Commission hearing, oral testimony was received from eleven citizens. One person testified that, as a new property owner, he did not receive a notice in the mail regarding the project. The owners of 1570 Foothill Road expressed concerns about the proposed relocation of their driveway which would decrease the functionality of their property. They were also worried about the impact that noise and tree removal would have on their view and property value. Other citizens brought up concerns related to access. Some accesses are proposed for removal along the farming properties while others will only have a right-in, right-out driveways once a median is installed. The Planning Commission minutes detail all of the citizen input at the public hearing. **Exhibit B**

Four letters were submitted at the Planning Commission public hearing from the following: Bill and Gwyn Reen, Lisa and Laurence Rubenstein, Emily Mostue, and Karen Allan. **Exhibits N-Q.**

Agency and Department Comments

Public Works Department: The Public Works Department is the applicant and they did not have any additional comments regarding the proposed project prior to the start of the Planning Commission hearing. **Exhibit G**

Public Works has provided additional testimony in the form of a power point presentation and memorandum to address citizen concerns raised during the City Council proceedings. A summary of these are included above under the City Council July 6, 2017 hearing header (pages 2 and 3) and are detailed in the referenced exhibits. **(Exhibits T and W)**

Fire Department: The Fire Department did not have any additional requirements. **Exhibit H**

Parks & Recreation Department: The Parks and Recreation Department submitted a letter supporting the project and detailing consistency with the Leisure Services Plan. **Exhibit I**

Medford Water Commission: The Medford Water Commission requests the following conditions of approval for the project. **Exhibit J**

- The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) “Regulations Governing Water Service” and “Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices.”
- There is an existing 12-inch ductile iron water line located just outside the east right-of-way line of North Foothill Road. This existing water line is planned to remain in place, and shall be protected in place during all construction activities. If conflicts are found to exist between the existing 12-inch water line and the proposed street/storm/sewer improvements, those conflicts will be investigated and resolved prior to construction.
- MWC’s recent Water Distribution Facility Capital Improvement Plan requires the installation of a 16-inch water transmission line in North Foothill Road between Hillcrest Road and Lone Pine Road. No water services will be connected to this water transmission line.
- MWC-metered water service does exist to a portion of these parcels along North Foothill Road from the existing 12-inch water line along the east right-of-way line. The existing water meters and all future water service connections will be from the existing 12-inch water line.
- MWC will coordinate proposed water line alignment and design with City of Medford Engineering Department staff and prepare and provide engineering plans and specifications for ODOT approval.
- MWC will have an inspector on-site during water facility construction activities.

Medford Irrigation District: The Medford Irrigation District supplied comments in favor of the project but asks for coordination related to the district’s pipe size and easements. **Exhibit K**

Jackson County Roads: Jackson County Roads sent a letter explaining that currently the County maintains Foothill Road. Once the project is complete, they would prefer that the City request a jurisdictional transfer. **Exhibit L**

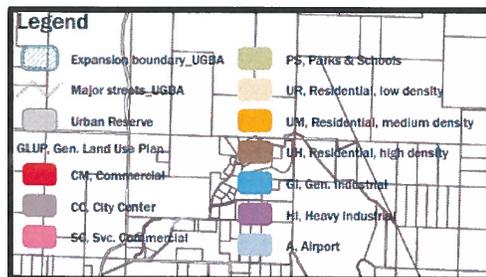
Planning Department: At the Planning Commission hearing, the proposed raised median was described by the City Engineer as a wall. These can be seen on freeways and expressways. They serve as barriers between traffic traveling in opposite directions in areas where there is limited turning and multimodal facilities. It has been clarified that the wall barrier is proposed on the segments with the reduced six-foot median

(Segments B & C) along the northerly portion of the project. The raised median for the other segments will be a six-inch raised concrete section.



Photos of raised median walls

Since the proposed street improvement segment is within the City's limits and the proposed Urban Growth Boundary, this will be an area with new residential and commercial uses. (The map below shows the General Land Use Plan designations for the areas adjacent to the project.) As development occurs, the street environment will need to invite citizens to experience this area, not just pass through it. A barrier wall might create an expressway atmosphere, which may not be desirable. A raised 6-inch median or enhanced planted median may be more appropriate. Council may consider a modification to the center median treatment as part of the decision in approving the project.



The photos below show existing raised medians with trees on Barnett Road and North Phoenix Road.



North Phoenix Road



Barnett Road (photos from Google Earth)

Planning Commission Comments

Planning Commission Comments: At the Planning Commission hearing, the commissioners discussed the proposed signal at the south McAndrews Road intersection ramp and the impact to the property located at 1570 Foothill Road. Instead of moving the driveway at 1570 Foothill Road to the south to avoid alignment with the future signalized intersection, the Planning Commission recommended that the city try to create a reasonable access across from the signal.

The Commission also expressed concern about the proposed raised median wall. If the wall was eliminated, the median would still allow areas in which residents could turn left into their properties as they do now. The City Engineer pointed out the proposal is based upon safety and that raised medians are described in the Transportation System Plan to limit access for major arterials. The Commission also questioned where in Medford raised median walls, such as the one proposed, exist. The City Engineer explained that they are located in areas approaching bridges on the side of the road. Typical locations are on freeways and expressways.

The Commission emphasized the need for flexibility in the design to allow existing accesses full movement (left-in options) as much as is possible without compromising on safety.

RECOMMENDED ACTION

The Planning Commission found the approval criteria is met and forwarded a favorable recommendation to the City Council with the recommendation that the city try to create a reasonable access for the property at 1570 Foothill Road across from the signal at the south McAndrews ramp signal and with the consideration for flexibility in the design to allow existing accesses full movement (left-in options) where possible for TF-17-012, per the Revised Commission Report dated August 10, 2017, including Exhibits A through Y.

EXHIBITS

- A Findings and Conclusions
- B Planning Commission Minutes of May 11, 2017
- C Cross Section A received January 30, 2017
- D Cross Sections B,C, & D received January 30, 2017
- E Cross Sections E & F received January 30, 2017
- F Applicant’s Executive Summary received January 30, 2017
- G Public Works Department Report received April 19, 2017
- H Medford Fire Department Report received April 19, 2017
- I Medford Parks & Recreation Department letter received March 17, 2017
- J Medford Water Commission memo & map received April 19, 2017
- K Medford Irrigation District letter received March 9, 2017
- L Jackson County Road letter received March 15, 2017
- M Letter from the Bicycle & Pedestrian Advisory Committee Vice-Chair received April 27, 2017
- N Letter from Karen Allan received May 11, 2017
- O Letter from Emily Mostue received May 11, 2017
- P Letter & Photos from Bill and Gwyn Reen received May 11, 2017
- Q Letter from Lisa and Laurence Rubenstein received May 11, 2017
- R Letter from Gwyn Reen with attachments received May 30, 2017
- S Letter from Lisa and Laurence Rubenstein received June 12, 2017
- T Public Works Department Powerpoint Presentation at the City Council meeting on July 6, 2017
- U Letter from Stuart Foster received July 6, 2017
- V Letter from Emily Mostue and Karen Allan received July 12, 2017
- W Public Works Response to written testimony submitted July 6-13, 2017 received July 20, 2017
- X City Council minutes from June 15, 2017
- Y City Council minutes from July 6, 2017
- Z Letter from Stuart Foster received July 13,2017

CITY COUNCIL AGENDA: AUGUST 17, 2017

Exhibit A

Findings and Conclusions

The criteria that apply to transportation facility development are found in Medford Municipal Code §10.207).

Transportation Facility Development. The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:

COMPLIANCE WITH CRITERIA

Criterion (1): Transportation facility development projects shall be consistent with the Transportation Goals and Policies of the Comprehensive Plan.

Findings: Satisfied. The transportation facility project is consistent with various transportation goals and policies identified in the Comprehensive Plan. The relevant statements are identified below and are further explained about how they relate to this project.

Goal 1: To provide a multi-modal transportation system for the Medford planning area that supports the safe, efficient, and accessible movement of all people and goods, and recognizes the area's roles as the financial, medical, tourism, and business hub of Southern Oregon and Northern California.

Policy 1-B: The City of Medford shall use the Transportation System Plan as the legal basis and policy foundation for decisions involving transportation issues.

Policy 1-C: The City of Medford's top priority for the use of transportation funds shall be to address the maintenance, operational, and safety needs of the transportation system.

Policy 1-E: The City of Medford's third priority for the use of transportation funds shall be to fund capital improvements that add capacity to the transportation system. These improvements shall be prioritized based on availability of funds, reducing reliance on the automobile, improving safety, relieving congestion, responding to growth, and system-wide benefits.

Goal 2: To provide a comprehensive street system that serves the mobility and multi-modal transportation needs of the Medford planning area.

Policy 2-E: The City of Medford shall design to enhance livability by assuring that aesthetics and landscaping are a part of Medford's transportation system.

Policy 2-F: The City of Medford shall bring Arterial and Collector streets up to full design standards where appropriate, and facilitate improving existing local streets to urban design standards where appropriate.

Policy 2-I: The City of Medford shall promote transportation safety.

Goal 5: To facilitate the increased use of pedestrian transportation in the Medford planning area.

The improvements to Foothill Road will encourage multi-modal transportation while providing better vehicular capacity to the overall transportation system. The addition of an extra vehicular lane in each direction and turn lanes will provide additional vehicular capacity. The subject segment roadway will include a sidewalk and/or 10-foot multi-use path along both sides of the roadway which will help add to the sidewalk network and provide recreational opportunities.

Safety improvements include buffered bike lanes, street lighting, and signalized intersections. Major Arterial standards require a six-foot wide bike lane on each side of the street. The proposal includes six-foot bike lanes but also adds an extra 3-foot buffer between the bike and vehicular travel lanes. This additional measure will encourage bicycle usage and promote additional safety. Currently, no street lighting exists on this segment of roadway. New street lights will be installed as part of the project which will provide illumination for vehicles, pedestrians, and bicyclists. Two new signalized intersections will also provide additional safety for vehicles entering and exiting the McAndrews Road on/off ramps.

The entire length of Foothill improvements will be enhanced with trees. Proposed landscape easements on adjoining properties are proposed to protect existing trees. Other areas will include a planter strip between the bike lane and sidewalk.

Overall, the modifications from the typical Arterial Street standards will provide a safer and enhanced roadway that will benefit the vehicular, bicyclists, and pedestrian public.

Conclusion: The transportation facility project implements the Transportation System Plan and fulfills identified goals and policies of the Comprehensive Plan. The project satisfies Criterion 1.

Criterion (2): Transportation facility projects should not prevent development of the remainder of the property under the same ownership or development of adjoining land.

Findings: Satisfied. The transportation facility improvements are to an existing roadway and abut large properties that have the potential to develop in the future.

Conclusions: The proposal does not prevent development of the remainder of the property under the same ownership or development of adjoining land. This criterion is found to be satisfied.

Criterion (3): If the project includes the creation of new streets, such streets should be laid out to conform with the plats of land divisions already approved for adjoining property.

Findings: Not applicable. The proposal does not create any new streets. The proposed improvements will be installed along an existing roadway.

Conclusions: As no new streets are proposed, the criterion is not applicable.

Exhibit B

Planning Commission Minutes

May 11, 2017(excerpt)



Planning Commission

Minutes

From Public Hearing on **May 11, 2017**

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

Commissioners Present

Patrick Miranda, Chair
David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
Mark McKechnie (departed at 8:30 p.m.)
E.J. McManus (arrived at 5:45 p.m.)
Alex Poythress
Jared Pulver

Staff Present

Kelly Akin, Assistant Planning Director
Carla Paladino, Principal Planner
Kevin McConnell, Deputy City Attorney
Alex Georgevitch, City Engineer
Greg Kleinberg, Fire Marshal
Kyle Kearns, Planner II
Sarah Sousa, Planner IV
Liz Conner, Planner II

50.2 TF-17-012 The City proposes a transportation facility project to construct street improvements on Foothill Road between Hillcrest Road and East McAndrews Road to modified major arterial standards including: an increase in travel lanes, buffered bike lanes, multi-use path, sidewalks, medians, planter strips, street lights, and traffic signals. (City of Medford, Applicant/Agent)

Sarah Sousa, Planner IV, stated that the transportation facility development criteria are found in the Medford Land Development Code Section 10.207. It was included in the property owner notices, staff report and copies have been provided for the audience located at the entrance of Council Chambers for those in attendance. Ms. Sousa gave a

staff report. Ms. Sousa mentioned that the owner of 1570 Foothill Road brought up concerns about the driveway relocation. They are in attendance this evening to testify. Ms. Sousa recognized a letter received this evening from Emily Mostue who is also in the audience to testify. Staff has not had a chance to review the letter but the Commissioners have a copy of the letter before them.

There are representatives from the Public Works Department to answer any questions that Ms. Sousa cannot answer.

Commissioner Foley asked, on the east side, is the multi-use path replacing the sidewalk? That is Ms. Sousa's understanding. Commissioner Foley, asked will meld into the sidewalk at some point? That is Ms. Sousa's understanding.

Alex Georgevitch, City Engineer, stated that the multi-use path will meld into a sidewalk.

Chair Miranda asked, are the materials used for the multi-use path and sidewalk different? Mr. Georgevitch reported that has not been determined at this point. Typically the multi-use path is made out of asphalt but they could use concrete. Sidewalks will be concrete.

Commissioner Foley asked, is the buffering on the bike lanes space and will there something on the surface to alert they are over the line? Mr. Georgevitch replied there will not be anything on the surface, only striping. With the available right-of-way, environmental impacts and with the available dollars, it was determined to be the best solution in order to sweep the bike lane. If it was raised it could not be swept.

Commissioner Mansfield stated that the material that the Commissioner's received indicates there is apparently a substantial amount of right-of-way acquisition and consequential damages. Is Mr. Georgevitch in discussions on those matters? Mr. Georgevitch reported that they have had meetings with some of the property owners discussing impacts. They have not started any right-of-way negotiations. That will occur after the City Council gives approval. Public Works will be dealing with any adverse impacts to the properties. They will be paying for any damage to the property. These are all negotiated through the process after the Transportation Facility hearing. This is determining what they have to negotiate for. After approval from the City Council they start the process of finalizing the design and seeking right-of-way.

Commissioner McKechnie asked, is there only one access in the middle off each side of this transportation facility forever or will there be other roadways allowed as the two parcels develop? Mr. Georgevitch stated that this is the current public access that Public Works is planning. There will eventually be an east/west street that will serve Hillcrest Orchard side to the east as well as the property owned to the north by the

Carpenter family. There will eventually be a street to the west coming through the Carpenter family property that could tie into the internal study area that was part of the urban growth boundary expansion process. Public Works envisioned Spring Street coming through the property and eventually tie into this location as well. This is envisioned to be the single signalized location along there. Ideally, Foothill Road will be a highly accessed managed facility that will move high volume of vehicles. He cannot tell what future access will be because it will depend on development patterns. They will be building needed infrastructure on each side of the street that will be able to tie into the east/west street. He cannot guarantee that at this time.

Commissioner McKechnie asked, is there any reason the driveway cannot stay at the signalized intersection at the access ramp to McAndrews? It looks like the driveway relocation will only have a right in/right out where now they have full movement. They would definitely have full movement if signalized. Mr. Georgevitch reported that is correct. The standard is not to use a single drive approach for single family residents across from a signalized intersection. It is unconventional. If Public Works is directed to do that, it can be done but it would not be advised by Engineering. They will try to work with all impacted property owners. Public Works is looking at U-turn locations if they can fit them in.

Commissioner McKechnie asked, is the Planning Commission offering suggestions to change this or requiring changes be made if they think changes should be done or accept this blindly and hope they fix something that looks like it is wrong? Chair Miranda reported that it is the Planning Commissions purview and responsibility to look at it realistically and make a recommendation.

Commissioner McKechnie suggested that in this particular space that Public Works consider doing a shortened street on the other side that they could tie into. There are some other houses there and there may be some in the future that would benefit from a stub of a street.

Mr. Georgevitch responded that the Planning Commission is a recommending body to the City Council. If that is a recommendation, please make sure it is the motion. Public Works is going to do what is required of them after the City Council hearing. Tonight, the recommendation moves it forward to the City Council. How the City Council deals with it he cannot say. Public Works puts together their best recommendation and now they are waiting to hear the feedback from the public, Planning Commission and eventually to see how the City Council weighs in on all the information.

Chair Miranda asked, are the concerns basically from the intersection signalization? Mr. Georgevitch replied, that is correct.

Commissioner McKechnie asked, what is the logic of putting the multi-use path on the east side of the southern part of this project (Sections D, E and F area)? Mr. Georgevitch reported that trees are historic in nature that goes with the Hillcrest Orchard property. Those trees are just as important as the buildings that are part of that property so they had to do everything they could to avoid them. If they end up having to take out the trees it will probably delay the project one to two years. They started looking for alternatives. They started working with State Historical Preservation Office (SHPO), Oregon Department of Transportation (ODOT) and property owners to find a way to satisfy the needs of the road and still minimize impacts to the historic property. Between working with the property owners and the other agencies, this is what they came up with as the most reasonable approach. It allows for the bike movements if they want to stay on this facility opposed to a sidewalk because it is wider than normal along this portion. It preserves the trees. They are working with the property owner to install some kind of buffer between the path and the existing building on cross section F. They feel they have come to a reasonable compromise for all parties involved and believes this can be approved by SHPO primarily.

Commissioner McKechnie stated that he does not have a problem with the location but on this side of the roadway for Sections D, E and F there are two bike paths transitioning into a sidewalk in Sections A, B and C. Having a bike path is fine but why another one in the street? Mr. Georgevitch stated the reason they did this is that there are different types of cyclists and they are trying to accommodate a broader portion of the public that wants to ride their bikes. There is the fearless cyclists that will stay on Foothill Road. The people that want to ride on the sidewalk as a pedestrian there is no way to transition them off the sidewalk. Further north there will be a planter strip and the sidewalk goes back to the 5 foot standard which exists throughout the community. Public Works originally was considering a multi-use path only and realized there was no way to transition down.

Commissioner McManus asked, is Jackson County asking to transfer the jurisdiction outside of the project section? Mr. Georgevitch reported that their agreement is to whenever a road is improved to City standards they will take it into City jurisdiction. This will be the section from Hillcrest to McAndrews.

Vice Chair McFadden stated that the right-of-way is going through the trees. They have a life span. It will raise the question in the future who takes care of the trees and what happens to the trees when and if the inevitable happens. He suggested increasing the road right-of-way width to the backside of the path so that the City takes jurisdiction of the trees for maintenance.

Vice Chair McFadden asked, do the three houses at the south McAndrews off ramp take access from that one access point? Mr. Georgevitch replied that there are three, maybe four properties that will be taking access there.

Vice Chair McFadden asked, how is that done? Is it still undecided? Mr. Georgevitch stated that Public Works will design and reconstruct the driveway and obtain any easements required to allow cross access if that is approved by the City Council. At this point, Public Works is leaning towards moving the driveway south and then creating an internal roadway for all four properties to use.

Vice Chair McFadden asked, how does Public Works foresee the access to the Carpenter home on the hill, come back into the new intersection? Mr. Georgevitch replied that the house on the hill will have its own driveway near the irrigation canal. It will be right in/right out. The Carpenters are fine with that.

Vice Chair McFadden asked, has Mr. Georgevitch had a chance to read the letters submitted at this evening meeting? Mr. Georgevitch replied yes.

Vice Chair McFadden asked, will the City replace the fencing that will be removed during construction? Mr. Georgevitch reported that all that will be negotiated through right-of-way process. If Public Works impact they will either pay or reconstruct. Typically, on fencing Public Works wants to pay and let the property owner reconstruct.

Vice Chair McFadden stated that he is sure the City will not have a problem with maintaining access to farming equipment during construction of this project. Mr. Georgevitch stated that there will be a few times where that may be challenging but they will work as closely as they possibly can. These projects always have impact to the surrounding community. This community is a farming community. Public Work always strives to do what they can. When they are paving they need to consider the fact that vehicles cannot cross. Public Works has discussed this with the family and they understand there will be times this may be difficult. Public Works will do what they can to give advance notification. One of the concerns is when hay needs to be cut there is no exact date. When it needs to be cut it needs to be dried and picked up quickly. Public Works will do their best to work with the family and contractor to work around any type of impact.

Vice Chair McFadden asked about the discrepancy in the right-of-way and the issue of possibly giving back part of a right-of-way that has not been utilized. Will that take place during negotiation? Mr. Georgevitch reported with that one he is not exactly sure. Public Works met with the family and asked them to be as specific as they can of their concerns. It helps the Planning Commission make clear direction. When they go to the City Council, Mr. Georgevitch anticipates the same type of clear specific request

they are making. If there is any excess right-of-way it would go through a vacation process. It would be a separate process through the City Council. Public Works will look into making sure they understand that prior to the City Council meeting.

Vice Chair McFadden asked, are there other areas affected by a permanent easement outside the right-of-way for tree plantings? Mr. Georgevitch stated there are concerns about the trees being an additional impact beyond the right-of way that could impact some of the farming operations. Again, if the City Council directs Public Works they will purchase that as right-of-way. If the best decision is to leave it as an easement then Public Works will purchase it as a permanent easement. If it goes way it would have to go through a quit claim.

Mr. Georgevitch pointed out that he was acting as the applicant. He feels he has taken his applicant time.

Commissioner McManus stated, regarding the driveway impact discussion Mr. Georgevitch mentioned the three new homes on the east side. That is not the same driveway at 1570 Foothill, correct? That is not being asked to be moved, correct? Mr. Georgevitch reported that the property at 1570 Foothill Road Public Works is proposing to relocate the driveway to the south and not have it cross the signal. The three houses have frontage and access further north.

Commissioner Poythress stated that Mr. Georgevitch strongly discouraged signal access to a single residence driveway but it looks like there are three residences in that same path. Can he speak to that? Mr. Georgevitch stated that the four parcels north that can take access off of Foothill Road, not across from the signal. They would be between the two ramped terminals. The 1570 Foothill Road driveway lies directly east of the off ramp. It would be unorthodox to signal that for a single family.

Commissioner Poythress reported that if three residences are already sharing one access at what point can it be made a residential road even if it is only 20 feet long. If three families continue to share that same access point, then it is no longer a single residence. Vice Chair McFadden stated what they are not seeing is an overall picture of all the properties. This is just showing the one access that is the only one across from the intersection. The rest come in differently which he thinks is confusing. There is less of an issue as far as the other properties than it is for the 1570 Foothill Road property.

Commissioner Pulver asked, will the issues in the letters received this evening from Ms. Allan and Ms. Mostue be addressed in the right-of-way acquisitions? Mr. Georgevitch stated that was a fair assessment.

Commissioner Pulver asked Ms. Sousa if she had an opportunity to read the letters from Ms. Allan and Ms. Mostue? Ms. Sousa replied, no.

It is Commissioner Pulver's opinion that it is important that Planning staff acknowledges they received and reviewed the letters and if they have any impact on staff's recommendation. It seems to him to be appropriate before the Planning Commission voted. Commissioner McKechnie stated that can be done by adding the letters to the exhibits. Commissioner Pulver reported that he is concerned that without Planning staff weighing in on the letters would they affect their recommendation to the Planning Commission.

The Public Hearing was opened.

a. Rick Pies, 1618 N. Foothill Road, Medford, Oregon, 97504. Mr. Pies testified that he did not get information regarding the project. His neighbors told him about the project and the hearing this evening. If he had known about the project he probably would not have bought the property back in September or he would have negotiated a lower price. He thinks he is going to lose money on his property. He has lived near signaled intersections and stop signs. At lights, there is a tremendous amount of noise. He does not know why there is going to be a signal at each end. The busiest times he has noticed is at 8:00 a.m. and 5:00 p.m. He will only have a right turn out from his property. He pulls a travel trailer a lot of the time. He does not know how he is going to get in and out of his driveway. A U-turn with a 25 foot trailer is not fun. Currently he has access either way.

b. Lacy Reen, P. O. Box 186, Medford, Oregon, 97501. Ms. Reen stated that she lives in the middle of the Foothill Road expansion project. Her concerns are water, increased noise and decreased property value from the signalization and the relocation of her driveway (inability to cross Foothill to access driveway). She needs City water. An Analysis and Abatement of Highway Traffic Noise Study is needed to determine how to mitigate the increase noise. She needs easy access to her driveway.

Vice Chair McFadden asked, does Mr. Georgevitch know the proximity of City water supply to the residences? Mr. Georgevitch stated that currently there is a Medford Water Commission line on the east side of the road. If they are in the County they cannot connect to City water but when they annex into the City they can connect to that line.

c. William Reen, 1570 N. Foothill Road, Medford, Oregon, 97504. Mr. Reen stated that he does not want or can afford to annex into the City. His property taxes would greatly increase that would be a hardship on him. He continued with their concerns of parking area, driveway and garage and view, privacy and functionality. They need City sewer

and water. They have a straight easy access driving from Foothill to their garage. If moved 240 feet south there would be a huge grade level change and hazardous S-Curve to get into their garage. The value of their home is their view and usability. Relocating the driveway would significantly destroy views and bulldozing their trees to widen Foothill Road destroys their privacy.

d. Gwyn Reen, 1570 N. Foothill Road, Medford, Oregon, 97504. Ms. Reen referenced Medford Land Development Code 10.207 stating: "Projects should not prevent development of the remainder of the property under the same ownership". Moving her driveway to the opposite side, making her entire front a road greatly reduces her property. She cannot subdivide it. It is hugely impacting how the property currently is used. When the City makes plans for a signal they should determine how it affects adjoining homes. Twenty years ago the City wanted to move their driveway. They were given a map to mark their preference and guaranteed they would have input to the new location. Their driveway was installed without their input and access to their parking was severed. Ms. Reen referenced an apology letter from the City of Medford that she displayed on ELMO. They were assured a light post would not be placed directly in front of their house, however, it was. Again, Ms. Reen referenced an apology letter from the City of Medford dated August 29, 2000. When the City finished the project leaving a dangerous 100-15 foot drop off above their yard, they were awarded a guardrail that the City never installed. Ms. Reen referenced a City of Medford letter dated October 10, 2000. These letters that were referenced in Ms. Reen's testimony were not submitted into the record that evening.

Chair Miranda stated, regarding the challenging of the criteria, an answer needs to be provided from staff or Engineering. Mr. Georgevitch reported that they are questioning if their property is developable. They have frontage to a public street that is a requirement. They are currently outside the City limits. They would have to annex and get zoning. Through the zoning process the City would determine if there are adequate Category "A" facilities. They are currently at their maximum use of a single family dwelling unit under County zoning as he understands it. He does not believe their parcel is large enough to develop any further in the County. In either case they could still develop but they may not be able to maintain the current residence depending on how that is situated on the property compared to where their lot lines would need to be. There are still several other criteria that he could not name off right now to determine if there would be adequate development rights. He believes their development rights are secure that they have access to the frontage. Beyond that, the rest is a burden on the applicant when they make their zoning application. They would have to determine adequate Category "A" facilities which includes streets, storm drain water and sewer.

e. Karen Allan, 2895 Hillcrest Road, Medford, Oregon, 97504. Ms. Allan testified that she is one of the members of the Rocky Knoll LLC which owns property on the west side of Foothill Road from Hillcrest to McAndrews and on the east side a 30 acre parcel in the middle going south to north. Ms. Allan has submitted a memo into the record. They have met with the City Engineer and other staff that have been very cooperative and willing to meet with them. The items that she is going to talk about tonight and in the memo are particular concerns that have to do with the negotiation part of compensation for things. They were encouraged to raise issues of concern. The issues of concern are access both during and after construction. They are farming both sides of the road so they have to get across Foothill Road. They are going to lose a couple of access points. The best way to replace them is an internal road along their property on the west side of Foothill Road that will not need to go all the way south but would need to go to the north end of the property. They have a rough road there now but it is not accessible when there is irrigation or rain. They will need an all-weather road. Mr. Georgevitch made reference to hay and getting across Foothill Road at various times. City staff has negotiated those issues with them. They are interested in getting arranged are the opposite of access protection from public access because this will encourage bicycles and pedestrians. There will be the intersection designed for future development which will potentially encourage cars to go onto the farming property. They need fences and gates to deal with those issues.

Commissioner Mansfield commented that it is enlightening to know that the City has a cooperative group of people that they can work with.

f. Emily Mostue, 612 Pierce Road, Medford, Oregon, 97504. Ms. Mostue stated that since the Commission has her memo she is not sure she needs to go through all the elements. She would like to underscore from what Ms. Allan stated was the frontage road is really important for a variety of reasons. On the north side of the hill is a pasture. That pasture has access from two gates from Foothill Road so that they can drive into that pasture. This will take away that access 100%. They will have no way getting into that pasture if they do not have a frontage road. There is a gate that comes into that pasture from Brookdale Meadows on the far west side of the property. There is a slough that goes through the middle so they cannot get from that side in the pasture all the way to Foothill Road. There is an easement and a sewer line that runs through that pasture that belongs to the City. The City will have no access to that easement and sewer line if there is not a frontage road through there. It is an expensive item but it is key to them. The permanent easement is something they will have to deal with in negotiation. They were surprised to see all the trees were on the permanent easement and not on the right-of-way.

g. Laurence and Lisa Rubenstein, 801 N. Foothill Road, Medford, OR 97504. Mr. Rubenstein testified that they are in general supportive of the Foothill Road

improvement project. However, they have some concerns about how the project will affect their driveway and their residence (which is a historically significant structure as evaluated by ODOT, located atop Rocky Knoll). Their driveway cannot realistically be re-situated. The City has taken account of this by identifying an exit onto Foothill Road from their driveway in the plans. They will only have a right in/right out. If an opportunity arises to develop a left-turn entry to their driveway, they would be grateful for the City's assistance in making a shorter route possible. They will need to maintain a safe entrance onto Foothill Road. A small on-ramp of some kind would be important, given the fact their driveway exit is at the top of the small hill between McAndrews Road and Hillcrest. Their utilities are situated near the expansion. Their large mailbox will need to be replaced. When the irrigation ditch is piped, as shown in the plans, they will need a different system for pumping and ditch access.

h. Mike Montero, 4497 Brownridge Terrace, Suite 202, Medford, Oregon, 97504. Mr. Montero is present tonight representing Cogswell Limited Partnership otherwise known as the Hillcrest property. They want to offer commendations to the City particularly to the Public Works staff. They have worked with them for approximately two years to coordinate the development of this project. His clients recognize the regional import of this project. This is not simply a Medford project. It has incredible need across the Valley. For that reason his client supports the project. What the Commission has heard in regard to specific concerns, his client has some too, but they want to couch it by saying the following. It is difficult to demand the kind of specificity they need when working from a 30% designed project. Public Works has worked with his clients particularly with regard to the Foothills frontage along the west side on the south end of the project. The Hillcrest family treasures the historic structures. The trees are part of the historic register. Navigating through this process with SHPO and ODOT are to be commended for the level of cooperation they made. The family wants to retain ownership of the trees, manage and maintain those as part of their historic structure. The area on the south side near the historic structures they have requested that the City of Medford work with their landscape architect, which they have agreed to do, on security fencing. The family will continue to own and utilize those structures; and to have a landscape buffer. They ask the Planning Commission acknowledge the commitment that City staff has made too allow them to submit the more specific landscape plans when they are available.

Vice Chair McFadden asked Mr. Montero if protecting the trees in a permanent easement on the property is suitable to the people he represents? Mr. Montero replied that it is.

i. Judson Parsons, 124 Stark Street, Medford, Oregon, 97504. Mr. Parsons is a shareholder of Hillcrest Corporation and Cogswell. He is only representing himself. He strongly supports what Mr. Montero testified about the historic structures and main-

taining the trees through an easement. He pointed out that the power line is directly over the trees. This presents a problem. Any future trees should be shorter in height. Eventually the trees will die. At that time they will need to be replaced. He strongly supports the relocation of the Medford Irrigation District canal as long as Rocky Knoll owners agree. This will save water and maintenance for the Medford Irrigation District. He pointed out that there is a driveway north of the present crossing of the canal at Foothill Road and McAndrews that they use to haul fruit out of the orchards in August and September. Some arrangement will be needed to access that with their trucks.

Vice Chair McFadden asked about Mr. Parsons' concern about the access from the Hillcrest Orchards property onto Foothill Road. Is that a similar situation on the east side of the road as the west? Mr. Georgevitch reported that it would be a similar situation. That section has a raised median. All that will be negotiated as part of the right-of-way acquisition process. They have been working with the property owners to ensure they will be able to minimize any impact to their property. They also need to include farming operations as part of those impacts. When they widen the road to the east and create a large fill section they need to make sure that there is room for farming vehicles to pass going north/south. Public Works will work with the property owners on any access issues they have. Anything above and beyond what is being proposed tonight, which there are none at this time, would have to be negotiated prior to the City Council meeting with the exception of farming access. If it is only farming access, for a limited duration, the City creates a modified curb to drive over.

Vice Chair McFadden stated that the mid access point planned for future roadways drops off in neighboring properties. Could they block off that access point? Mr. Georgevitch stated that he anticipates they will want to block off both sides, but have the ability to gate it in order to access as they need, but to protect their resources.

Vice Chair McFadden asked, does most of the section at the Hilltop property have a 6 foot wide median? Mr. Georgevitch reported that it is a wall. They will not be able to cross it.

Vice Chair McFadden asked, would it be possible to widen from the south the roadway approach and create an island for a left turn lane at that location? Mr. Georgevitch stated that anything is possible. The dilemma there is that the City would push out impacts further to the east and it would not be only the south. They would have to make sure the receiving side on the north side tapers down or tapers for the midpoint access. It is approximately 1000 feet. It would be the same if the allowed a left in or full movement.

Chair Miranda asked, what is the reasoning for the wall? Is it to stop the ingress and egress from those areas? Mr. Georgevitch reported that they never want to stop

ingress and egress. It will limit the ingress and egress. It has to do with the volume and regional significance of this roadway. More importantly, the Transportation System Plan envisions major arterials have a raised median limiting access especially for residential. There will be significant impacts to the orchards to the east as well as overall cost of the project. It could be accommodated.

Commissioner Pulver asked Vice Chair McFadden, is the turn lane and the median in relation to the designed access in the middle or is this a separate part? Vice Chair McFadden stated that the width of the center turn lane is adequate for the proposed intersection. He is thinking in terms for the house that the 6 foot wide section could be opened enough to give it a left turn lane. The same is true for the 1570 Foothill Road property. It would be nice to have extra room to swing trailers etc. It seems to him that the impacts would warrant some type of flexibility in the design. He does not think a left turn lane going north to the house on the hill takes 500 feet of slow down area requires that much distance.

Commissioner McKechnie asked, is the City accommodating the driveway for the Carpenter house or do they have to go to the new intersection being proposed? Mr. Georgevitch reported that they will be accommodated. It will be right in/right out. All the driveways are shown on the plans.

Commissioner McKechnie asked, is the north pasture going to have access off of Foothill Road? Mr. Georgevitch stated that is something over the next month before they go before the City Council they will discuss with them. They are in a field section with a steep embankment. He is not sure how they are currently using that. Public Works will have to go out and evaluate it. They will be working with the property owner to find a solution at that location.

Commissioner Culbertson stated that the median seems to be causing a lot of turmoil. Is there a way to not build a wall and allow breaks for the different residences? It is affecting five accesses for the Hillcrest Orchard and five homes. Mr. Georgevitch reported that it is the City's proposal based on safety and following the Code. The Planning Commission's recommendation to the City Council and how the City Council chooses to deal with that is a wait and see. The dilemma is that the median currently takes up 6 feet. Going to a raised median is 14 feet. When reviewing the area instead of putting in a 14 foot median, if there is no access, they can reduce it to 6 feet. They are trying to limit access onto a regionally significant facility that serves from Phoenix to Eagle Point. The County has plans to take Foothill Road across Highway 140 at Atlantic with a roundabout at Highway 140 in White City. This is a unique facility.

Commissioner McManus stated that Mr. Georgevitch made a comment earlier that it is not orthodox to serve one residence at the signal. If there was an option that the signal

served the properties north of it by a parallel road to offer those lots a left out; would that be more reasonable to consider having not moving the driveway of the directly impacted lot? Mr. Georgevitch stated that if there was a public facility on the opposite side of the signal that would be much more reasonable even if serving a small number of homes. The dilemma is that the property at 1570 Foothill Road is directly impacted. The properties to the north are not connected with the roadway and there are no easements that he is aware of that go across them. The difficulty with creating an easement if they brought in a public right-of-way for a certain distance ends in a cul-de-sac or some other form of termination of a roadway. There is no real way without being a significant impact. He is not sure what a good balance is when they deal with single homes like this.

Mr. Georgevitch addressed questions that were brought up earlier. It was asked why Public Works is installing a traffic signal. There was a traffic study done when Bella Vista to the east of this project off McAndrews was developed. It showed both the ramp terminals were failing. They were supposed to build the two signals. They deposited money with Public Works and it is now up to the City to following through in building those. There have been several other traffic analyses that have looked at these two intersections and have shown they are failing as well. Through the Transportation System Plan they also are shown to be failing. This is a typical higher order street to a higher order street connection. This is a little unique because they are using the interchange.

There was a concern about noise. ODOT is their environmental consultant on this project. They are doing a noise analysis. If there is anything that comes out of that analysis they will have to mitigate that. This is a full federalized project. They are following all the environmental requirements that comes with a federal project.

There were several comments about access. It is not an easy job the Planning Commission has. Public Works struggles with making these decisions all the time. They recognize they are impacting but they have to balance the needs of currently approximately 11,000 vehicles a day on Foothill Road. They anticipate it to go to 18,000 in the near future. In their recommendation they have to balance that over the needs of the individual driveways.

There was a question about the Rubenstein's driveway that they were going to make sure they used the terminal ramp but they were concerned about site distance. Whenever Public Works puts in a driveway they will make sure it meets adequate site distance. They will make sure there are adequate turning movements.

Chair Miranda asked, will Foothill Road maintain the 45 miles per hour speed limit through the project area? Mr. Georgevitch stated that speed limits are set by the State

Speed Control Board. When Public Works designs a facility they do 10 miles per hour over for their design parameters. They are designing if for 55 miles per hour to maintain a 45 mile per hour speed zone.

Commissioner Pulver asked, is the median wall something he would see somewhere else in the community? He is having a hard time visualizing the wall. The concept baffles him. Mr. Georgevitch reported that a typical location is approaching bridges on the right side of the road, not in the middle of the road. One typically see these types of treatments on freeways with narrow medians and expressways. Chair McFadden reported there is one on Highway 62 in front of Hubbard's.

Commissioner Culbertson stated that the 6 foot median requires the wall. The 14 foot does not. Is that correct? Mr. Georgevitch stated that there will be a standard 6 inch curb along the section that is needed. Through design it could be as little as 2 feet on the left side of the driver as they are in a left turn lane or it could go up to 10 feet wide with 2 foot of shy distance on each side.

Commissioner Culbertson stated that Cross Section "A" impacts the majority of the houses; all five of them. One of the property owners is not here this evening. There is representation for the cluster of three as well as 1570. That section has a 14 foot median lane. Why wouldn't it be allowed to have a left/right across that median for those property owners that are clustered? Commissioner McKechnie made a great comment about giving the one home a signal on the other side for any impending development. It has to come before the Planning Commission for tentative plat and they could direct them to use that side of the signal. Mr. Georgevitch reported that the median is not shown on Cross Section "A". There will be a 2 foot median on the left side of the driver widening out to 10 feet as they transition out of a left turn pocket south to go down to the concrete barrier.

Commissioner Culbertson asked, how long is that left turn lane going to be needed? There is a long distance between the last driveway and going under the bridge getting to where they turn left. Mr. Georgevitch stated there is a raised median through there.

Commissioner Culbertson asked, why can't there be a break in the raised median? Mr. Georgevitch reported that it comes down to strictly safety. Making a left turn on a high speed, high volume facility on a new design Public Works would not promote that.

Commissioner Culbertson asked, is there any way around that? They are currently going across the road now. It is a county road. By the City adopting it into the City we are not cutting off access but we are severely limiting access. Mr. Georgevitch recommended that the Planning Commission make that recommendation to the City Council. They are the deciding body this. For the sake of the audience, he reminded everyone that tonight

they are doing a recommendation to the City Council. There will be another public hearing at Council and he wanted to make sure everyone understands that the Planning Commission does a great job of putting together a recommendation but individual concerns, even though City staff will be passing them on, it is important that everyone consider showing up again if they have strong concerns they want to share.

The Public Hearing was closed.

Motion: The Planning Commission finds the approval criteria is met and forwards a favorable recommendation to the City Council with the exception of creating a cross intersection at the south McAndrews ramp light for TF-17-012, per the staff report dated May 4, 2017, including all conditions and exhibits.

Moved by: Commissioner McKechnie

Seconded by: Vice Chair McFadden

Vice Chair McFadden stated that they have heard Engineering's presentation. The Planning Commission can agree with it or they can try to change and approve it. Whether or not the City Council will hear any of their recommendations will be up to staff unless a Commissioner goes and to the City Council hearing and testifies as a concerned citizen. Commissioner McKechnie stated there needs to be some consideration for the property at 1570 Foothill Road.

Friendly Amendment made by Vice Chair McFadden: The City install access points and/or internal roadways to maintain internal property accesses for properties on both sides of the road. The City tries to find a way to widen the right-of-way to allow a turn lane into the home on the hill. Leave the trees along the roadway on private property and in permanent easements as much as possible and not brought into the City right-of-way. Minimize curbs and/or barricades beneath the McAndrews overpass to allow access to the homes on the east side. That the blocking of the accesses at midpoint onto adjoining properties or properties across the street are accessible possible within the City.

Commissioner Mansfield stated that he does not agree with Vice Chair McFadden. It is his opinion that he had several that dealt with allowing left turns. Does he understand that correctly? Chair Miranda replied that is correct.

Commissioner Mansfield reported that he disagrees with that and it should be voted on. He would like to understand Commissioner McKechnie's motion. If he could explain that a little better so that he can understand it. Does it also involve allowing some more left hand turns?

Chair Miranda asked Commissioner McKechnie if he accepts Vice Chair McFadden's friendly amendment. Commissioner McKechnie replied no.

Commissioner McKechnie answered Commissioner Mansfield's question stating that he is not convinced moving the driveway 90 to 120 feet south solves any kind of problem. It is his opinion that it creates a problem for the current homeowners. If they do a bulb-out like they have further down that bisects the two properties that allows access for 1570 Foothill Road and the other couple of homes so they can have one-way in and out. It is signaled controlled. It helps the homeowners for sure and the City as well. That is already a highly traveled road and adding two more lanes it is going to be a very busy roadway. It gives the rest of us some safety that they do not have someone pulling out with a 25 foot trailer.

Commissioner Mansfield stated that Commissioner McKechnie indicated that it is not going to harm the entire plan to change the access on the east side as requested by several citizens. Before he can vote on it he would like to hear the Engineering staff argue for or against it. Can they give the Planning Commission a presentation that would help him understand it a little better? If it be true as Commissioner McKechnie concludes that it will not hurt their plan, he is all for it, for helping the people. He understands that it is all tied up in safety. He is not sure everyone is on board with the safety issue. At least he respectfully disagrees with him.

Mr. Georgevitch reported that there might be ways to create a reasonable access across from the signal. He does not know how much impact that will do to the property that slopes up the hill quickly. Unfortunately for tonight's recommendation moving forward he cannot do a design analysis but prior to the City Council hearing he definitely can do some design analysis to determine if it could safely be built and something that is palatable to the neighbors. Keep in mind that whatever Public Works does has a potential to impact those properties and will become right-of-way and therefore setbacks, landscape buffers or public utilities are all built off right-of-way. That is one of the benefits of using easements as opposed to right-of-way. Without having time to be able to look at that and determine what a minimum safe stacking distance is and what it would take to operate a signal at the leg of it to make it work, he would need to do some analysis that he cannot do off the top of his head tonight.

Commissioner Mansfield stated that his point is if Engineering does not know at this point, he is not demeaning Engineering for not knowing it, he is simply being careful, then how can the Planning Commission possibly decide that from here? They are not even experts. It is his opinion that it is premature. Commissioner McKechnie reported they are making a recommendation. Commissioner Mansfield does not think they have a sound foundation on which to make a recommendation and therefore, they should not be undercutting staff at this point.

Commissioner Foley asked Commissioner McKechnie is his recommendation specific or general that the City Council look at it as a potential? He thinks that is something the Planning Commission could support without saying you should do this? Commissioner McKechnie replied they are recommending. The Planning Commission is not dictating they do that. The Planning Commission is passing a recommendation to the City Council that it is important enough to be considered.

Commissioner Mansfield asked, is it in the form that the City Council take a look at it? Chair Miranda replied yes. It is a recommendation for the City Council to review this and Engineering review this as a potential solution. Commissioner Mansfield stated that if it is worded that way, it is acceptable.

Chair Miranda stated they are flushing out issues so that the City Council can make an informed decision when it comes before them.

Vice Chair McFadden reported that roadways are not designed forever. They adjust. Since this project is getting federally funded through ODOT, how much of the curb lines, barricades, etc. are required by them and how much is the City's addition? That road does get a lot of traffic but there are times when there is not a lot of traffic. To pull in a trailer, cross the road into a driveway and roll over a curb to go into a field is still possible. In the future they may change but that is the future and something they do not have current insight to. Those conditions in the future may dictate that but he is not so sure they do now.

Mr. Georgevitch commented that federal requirements are not going to delve and tax. They will be more a City decision. Through this entire process there is an exception process that allows taking exception to design standards if needed. He does not say that is something the Planning Commission should use as a criteria to hold them back from making a recommendation.

Commissioner Pulver stated that when he interviewed for the Planning Commission one of the questions he asked was how do they see the relationship between the City Council and Planning Commission? One of the Council members answered they do not have a relationship but then went further to say "nor should we". We should be independent bodies working independently. He respects and understands that. The sense that he gets is that there is some concern depending on what the forward on or regardless of what they forward Council is going to do what Council wants to do. That is his personal opinion. He recommends to the body that if there is a consensus that there are issues that the Planning Commission specifically wants them to look at, whether they make them, include them, or whatever or not, they are going to make that decision. The Planning Commission should call those out. He thinks Commissioner

McKechnie was trying to do that at least with the one item he added to the recommendation. They are working on a 30% plan now. There are a lot of negotiations still to done between neighboring property owners. There has to be some trust in that process. If there are things the Planning Commission heard that they would like to accommodate or at least ask Public Works to take a further look at so they can specifically address those to Council, those should be sent to the City Council.

Commissioner McManus commented that he agrees. The City Council obviously serves the Planning Commission also as residents of Medford. He hopes their informed decision is based off of recommending bodies. Clarification of trying to iron out the issues would hopefully put weight on the decisions. Is Commissioner McKechnie's motion for staff's request asking for the other option to be considered as the Planning Commission is not in favor their proposed move of the driveway? Commissioner McKechnie stated yes, he thinks what he has offered is a better solution for that particular section of the roadway.

Commissioner Culbertson stated that Commissioner Pulver makes some good points. All these options should go to the City Council. The City Council is going to do what they want to do. If the Planning Commission could have it set one way the City Council could strip down whatever the Planning Commission wants to have. It is their latitude. Commissioner Mansfield should reconsider Commissioner McFadden's recommendations. They are simply recommendations. Commissioner Pulver brings it to light. The City Council needs to know the Planning Commission had these discussions, it needs to be on record and they need to consider them. Commissioner Mansfield respects Commissioner Culbertson's right to have his view. He simply does not agree with it. He believes that minority views should be expressed so that the City Council knows that is in the package; it is part of the menu. That is why he does not agree to go along with the majority. He likes to be an opponent.

Chair Miranda stated that the friendly amendment was rejected since there was no second.

Mr. McConnell reported that there was a motion, second and then a friendly amendment. Once a motion is seconded, whatever they are calling the friendly amendment, friendly or not, the body would vote on the proposed amendment.

Chair Miranda clarified that the Planning Commission would vote on the friendly amendment made by Commissioner McFadden and then the main motion made by Commissioner McKechnie.

Mr. McConnell stated that technically a friendly amendment is made before a second. Once a second is made it becomes the body's motion so the body decides. It is really a motion to amend.

Chair Miranda asked Vice Chair McFadden to repeat his friendly amendment so that the Commission understands what they are voting on.

Friendly Amendment made by Vice Chair McFadden: The City install access points and/or internal roadways to maintain internal property accesses for properties on both sides of the road. The City tries to find a way to widen the right-of-way to allow a turn lane into the home on the hill. Leave the trees along the roadway on private property and in permanent easements as much as possible and not brought into the City right-of-way. Minimize curbs and/or barricades beneath the McAndrews overpass to allow access to the homes on the east side. That the blocking of the accesses at midpoint onto adjoining properties or properties across the street are accessible possible within the City.

Roll Call Vote on the friendly amendment: Motion failed, 3-6, with Commissioner Foley, Commissioner Mansfield, Commissioner McKechnie, Commissioner McManus, Commissioner Poythress and Commissioner Pulver voting no.

Commissioner Pulver stated that he voted no because of the specificity. It is a bit of give and take.

Vice Chair McFadden reported that his friendly amendment is a recommendation. It is just saying the City should consider it. The engineers can figure it out if they get told to do it.

Commissioner Pulver stated that he thinks the people that purchased the Carpenter house specifically requested consideration of a left turn going north. The byproduct of that may be the right-of-way be expanded then it may impact the Hillcrest Orchard property or the Rocky Knoll people. One thing changes other things so it is a give and take. He would be more supportive of something that says the Planning Commission forwards a favorable recommendation with specific property owners being able to request additional accesses and allowing Public Works to consider them and outline the effects of those in front of the City Council so that the City Council could have a more complete picture when making a final decision. The Planning Commission has heard from a lot of people that would like additional or different accesses. He fully appreciates that. He thinks Public Works may not have known about some of them; specifically the pastureland.

Chair Miranda stated that the Planning Commission can vote on the main motion and then make an amendment to that motion if they feel it necessary.

Commissioner Mansfield responded to Commissioner Pulver's comment stating that is always available. They do not have to put it in a motion. It is simply true that anyone can apply for another access and the City can grant it if they see fit.

Commissioner Pulver's concerns is that there is some sympathy in the Planning Commission to some of the concerns raised by the private citizens in regards to access. Hopefully the audience will come back and testify at the City Council hearing. If the City Council was provided with a more complete picture they would be able to make a better decision. He does not think the Planning Commission has a complete picture to make a good decision and frankly he does not know Public Works does either in some of the specific requests.

Commissioner Foley echoed Commissioner Pulver's comments. His issue is with the specificity. The Planning Commission wants to raise concerns that the citizens brought tonight and make sure that City Council looks at all the alternative accesses.

The main motion is: The Planning Commission finds the approval criteria is met and forwards a favorable recommendation to the City Council with the exception of creating a cross intersection at the south McAndrews ramp stop light for TF-17-012, per the staff report dated May 4, 2017, including all conditions and exhibits.

Commissioner Mansfield stated that motion does not satisfy him. He thought it was a "look see" but he did not hear that in the motion. It is a requirement that he objects to.

Commissioner McKechnie reported that it is a recommendation.

Commissioner Mansfield is satisfied with the recommendation.

Roll Call Vote for the main motion: Motion passed, 8-1, with Commissioner Culbertson voting no.

Amend the main motion: To include additional recommendation that the City Council consider additional access points for neighboring residences and the impact to the overall plan.

Moved by: Commissioner Pulver

Seconded by: Commissioner Foley

Commissioner Mansfield understands the motion and argues against it. As he has mentioned before that permission already exists. The City has eminent power to do that. He believes the plan that the engineers have put together is designed to create

the greatest amount of safety. He is sorry there is some inconvenience to property owners but that is part of the risks of life. He would rather save the lives of the people that are going to be saved from left turns than suffer the somewhat serious inconveniences to these people. He feels sorry that is going to be happening. In the age of automobiles that is part of the cost of an automobile society.

Commissioner McManus wanted clarification that the amendment Commissioner Pulver is asking is basically to reconsider the motion that passed with his amendment. Commissioner Pulver stated it is the intent of an addition.

Chair Miranda reported it is a modification of the friendly amendment that failed.

Commissioner Foley stated that it is asking for additional consideration of other potential accesses.

Vice Chair McFadden stated to Commissioner Pulver that Commissioner Mansfield feels that this was a left turn issue. He did not hear that in Commissioner Pulver's motion. He thought he was looking at just access points. Commissioner Pulver reported that getting everything on the table is the reality of it. Commissioner Mansfield's concerns are legitimate. In the case of the home on the hill that has a right in/right out access. If they want to pursue an additional access like the left turn from the north that would be a left turn across traffic.

Roll Call Vote: Motion passed, 8-1, with Commissioner Mansfield voting no.

Commissioner Poythress stated that he wants the record to show that he does not consider where a citizen is forced to reengineer their entire property is simply an inconvenience mandated from the City Council as they consider this recommendation. His strongest recommendation is that the City finds an alternative than force the Reen family to restructure their entire property.

Exhibit C

Cross Section A

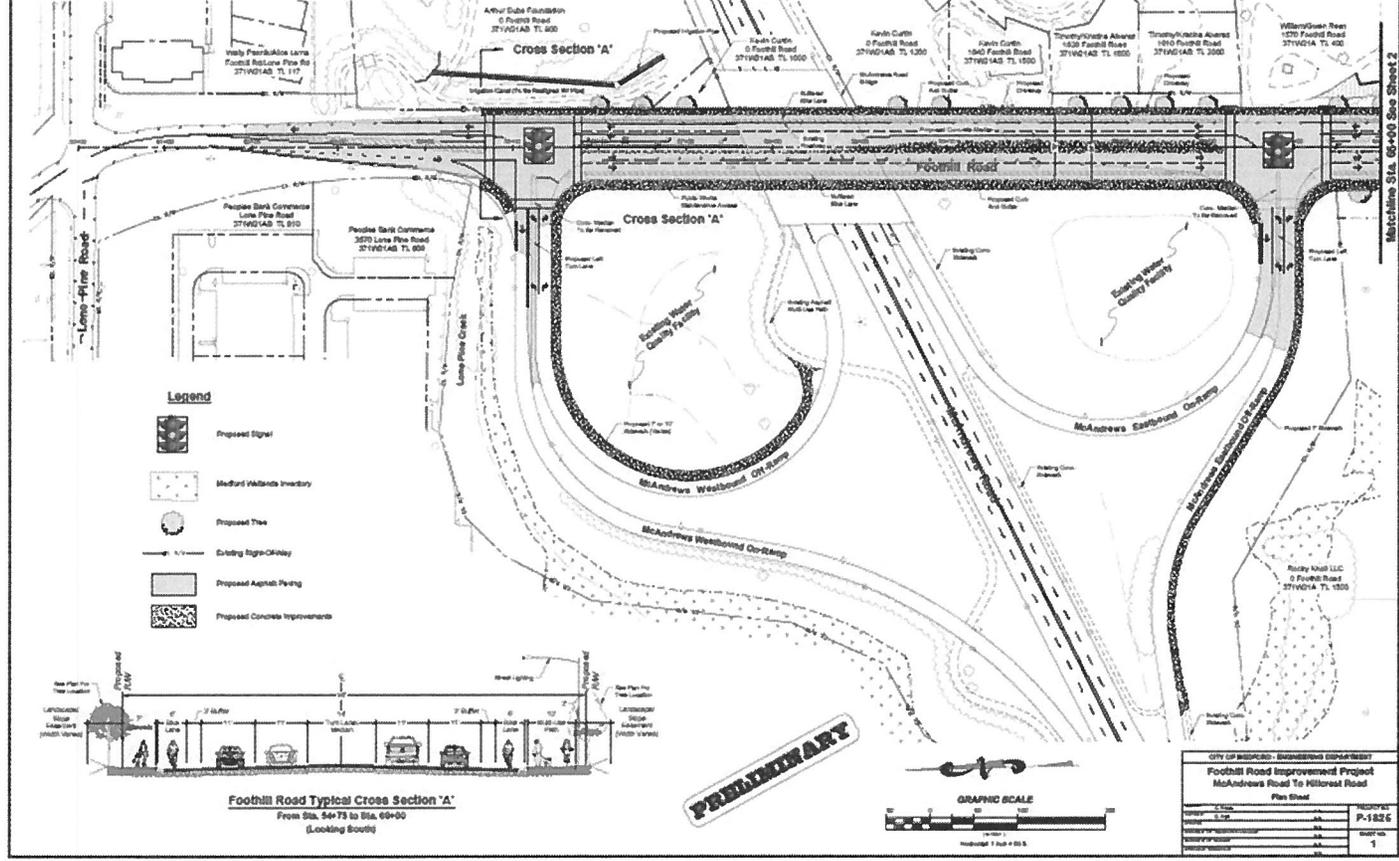


Exhibit D

Cross Sections B-D

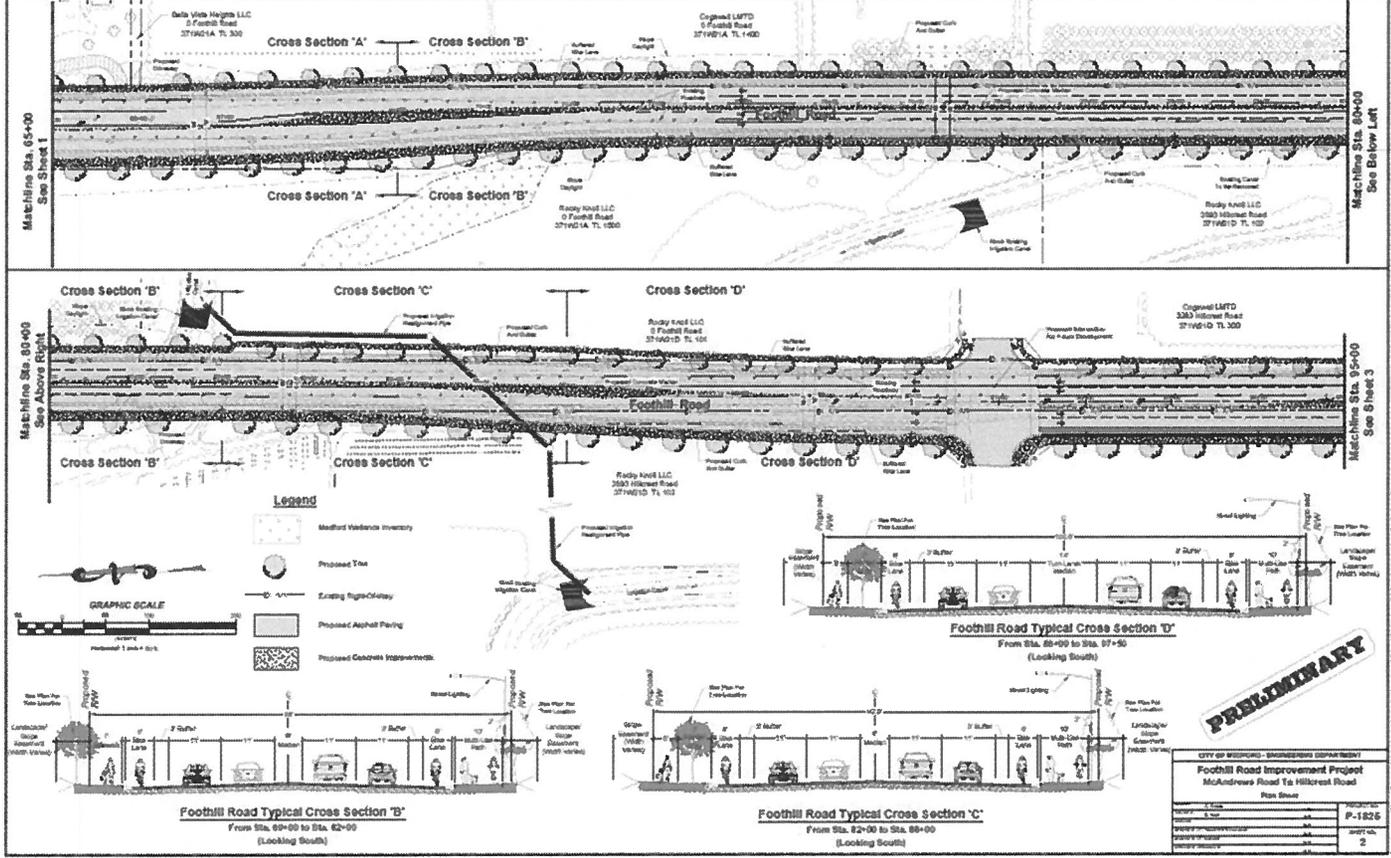


Exhibit E Cross Sections E & F

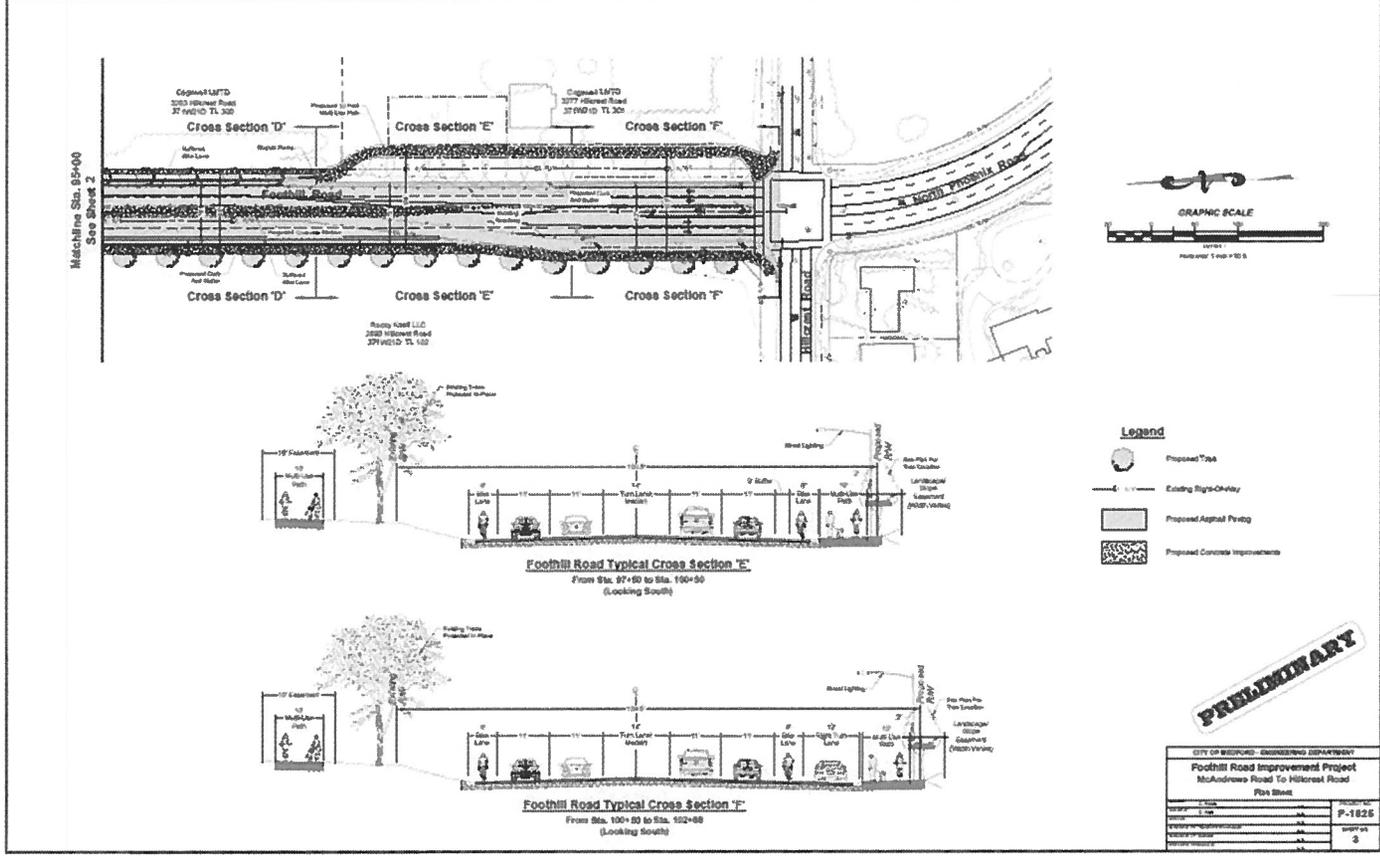


Exhibit F

Applicant's Executive Summary

Executive Summary

This project will improve Foothill Road between Hillcrest Road (major collector) and McAndrews Road (major arterial) to major arterial standards which include: travel lanes, bike lanes, sidewalks, medians, and planter strips. The number of travel lanes within the proposed section of Foothill Road will be increased from two to four lanes. Also proposed is a varied width median to separate the northbound and southbound lanes, buffered bike lanes, varied width planter strips, sidewalks, a multi-use path and street lighting on Foothill Road.

Project length is approximately 5,100 feet and will provide approximately 10,000 feet of bike lanes and 11,000 feet of sidewalks. Staff coordinated placement of a full movement intersection, approximately 1,200 feet north of Hillcrest Road, to accommodate future development of urban growth boundary (UGB) expansion area MD-4. On the north end of the project, traffic signals will be installed at both ramp interchange terminals at Foothill Rd and new sidewalk will connect to the existing multi-use path and sidewalk on McAndrews Road. The project will pipe and realign a small segment of the Medford Irrigation crossing at Foothill Rd.

The Engineering Division of Public Works recommends constructing Foothill Road from McAndrews Road to Hillcrest Road (approximately 5,100 feet) as a major arterial in accordance with the City of Medford Transportation System Plan (TSP) with modifications shown on the plans.

Project Background

Foothill Road currently provides one of the only major arterial connections linking the northern and southern portions of the UGB area east of Interstate 5. It extends N. Phoenix Road northward from Hillcrest Rd to Delta Waters Rd where it continues northward into Jackson County. It therefore provides a by-pass for Hwy 62 and I-5 around the east side of Medford. As population increases in the Bear Creek Valley and Medford area, Foothill Road will experience increased traffic volumes, congestion, and delays.

The section of Foothill Road within East Medford is currently a two-lane County road with very narrow shoulders and no bicycle or pedestrian facilities. The corridor speed is posted at 45 MPH and currently carries traffic volumes that exceed 11,000 ADT within the Medford UGB.

On August 18, 2016, Medford City Council passed Resolution No. 2016-104 supporting improvement of the Foothill Road/North Phoenix Corridor and considered it the top transportation priority for the City of Medford, see Exhibit A.

This project will provide the following:

Foothill Road:

- 68 to 82 foot wide street improvements (curb to curb) from McAndrews Road to Hillcrest Road.
- 5 to 7 foot wide sidewalk on east side of road.
- 10 foot wide multi-use path on east side of road along historic Hillcrest Orchard property.
- 10 foot wide multi-use path on west side of road. **
- Left turn lanes at intersections.
- 4 travel lanes (two each way).
- 6 foot bike lanes each side with 3 foot buffer.
- Underground storm drain improvements.
- Traffic Signals at north and south McAndrews interchange ramps.
- Traffic Signal modification at Hillcrest intersection.
- Street lighting.

- Street trees

McAndrews Road:

- 7 foot wide sidewalk along McAndrews eastbound off-ramp.
- 7 to 10 foot wide multi-use path along McAndrews westbound off-ramp.
- Left and right turn lanes at north and south intersections.

Proposed variance to Transportation System Plan:

	Features / Dimensions (Each Direction)					Left or Center Turn Lane/Median	Total Paved Width	Total Right-of-Way Width
	Travel Lanes	Bike Lane	On-Street Parking	Sidewalk	Planter Strip			
* Major Arterial	11' 11'	6'	None	5'	10'	14'	70'	100'
Foothill Rd. Cross Section 'A'	11' 11'	6' & 3' Buffer	None	7' East **10' West	0'	14'	76'	96'
Foothill Rd. Cross Section 'B'	11' 11'	6' & 3' Buffer	None	7' East **10' West	0'	6'	68'	88'
Foothill Rd. Cross Section 'C'	11' 11'	6' & 3' Buffer	None	5' East **10' West	7' East 0' West	6'	68'	92.5'
Foothill Rd. Cross Section 'D'	11' 11'	6' & 3' Buffer	None	5' East **10' West	7' East 0' West	14'	76'	100.5'
Foothill Rd. Cross Section 'E'	11' 11'	6' & 3' Buffer	None	**10'	30' East 0' West	14'	73'	100.5'
Foothill Rd. Cross Section 'F'	11'/11' 12' Rt. Turn	6'	None	**10'	30' East 0' West	14'	82'	109.5'
Indicates variance from Medford Transportation System Plan								

* Per Table 5-6 of Medford Transportation System Plan

**Medford Leisure Services Plan, Map 11, shows a proposed shared use path along the corridor. This project can build the path if the Parks Department has available funds. Staff has coordinated this work but funding is unknown at this time. If funds are not available to build the path at this time then this project will design and build a sidewalk that will be able to accommodate the future path.

Utility impact:

Portions of the Medford Irrigation District (MID) canal will be realigned with underground pipe as shown on the submitted plan sheets. These improvements are needed to eliminate conflicts between the road widening and the existing canal. Staff has been in contact with MID and have helped with the location and sizing of the proposed irrigation facilities.

Staff is coordinating with other affected utilities to determine facility impacts.

Driveway impact:

Existing driveways will have a standard driveway approach and transition matching the existing width and material (i.e. concrete, asphalt). The proposed location of driveways is shown on the submitted plan sheets labeled “Proposed Driveway”. All driveways will be right-in/right-out due to the concrete median along Foothill Road.

The driveway located at 1570 Foothill Road will be moved from its current location at the southern intersection of Foothill and McAndrews to the south end of the property. This relocation is needed to eliminate the conflict of having a residential driveway at a signalized intersection. Staff recommends constructing a private asphalt driveway from the relocated driveway apron to the existing driveway as shown on the submitted plans.

Right-of-Way Acquisition:

Currently, the majority of Foothill Road right of way is 60 feet wide. Proposed street improvements for Foothill Road will require between 88’ and 109.5’ right of way footprint. Right of way acquisition is not expected for the improvements along McAndrews Road. Right of way acquisition will be needed from 12 taxlots (see table below) for approximately 113,000 square feet. Slope and construction easements will be needed along Foothill Road for a combined total of approximately 90,000 square feet.

Name	Tax Map	Tax Lot
Arthur Dubs Foundation	371W21AB	900
Kevin Curtin	371W21AB	1000
Kevin Curtin	371W21AB	1200
Kevin Curtin	371W21AB	1500
William W. & Gwen R. Reen	371W21A	400
Bella Vista Heights LLC	371W21A	300
Cogswell LMTD	371W21A	1400
Rocky Knoll LLC	371W21D	101
Cogswell LMTD	371W21D	300
Cogswell LMTD	371W21D	301
Rocky Knoll LLC	371W21D	102
Rocky Knoll LLC	371W21A	1500

Exhibit A

RESOLUTION NO. 2016-104

A RESOLUTION supporting the continued improvement of the Foothill Road/North Phoenix Corridor.

WHEREAS, Foothill Road/North Phoenix Corridor improvements will provide improved freight mobility between Eagle Point, White City, Medford, and Phoenix by removing weight restrictions on portions of this corridor; and

WHEREAS, Foothill Road/North Phoenix Corridor improvements will relieve impacts to the multiple Interstate 5 interchanges by providing alternative north-south connectivity; and

WHEREAS, Foothill Road/North Phoenix Corridor improvements will reduce demand on Interstate 5, Highway 99, and Highway 62; and

WHEREAS, economic development along the Foothill Road/North Phoenix Corridor will be aided by the connectivity the Project will provide; and

WHEREAS, the Foothill Road/North Phoenix Corridor Project has the support of local staff of the Oregon Department of Transportation, Jackson County Roads and Parks, and the Public Works Department of the City of Medford; and

WHEREAS, Foothill Road/North Phoenix Corridor improvements will improve the resiliency of the Rogue Valley's regional transportation system in the event of a natural disaster such as a major seismic event by providing an improved connection to Highway 97 via Highway 140; and

WHEREAS, Foothill Road/North Phoenix Corridor improvements will improve safety, connectivity, and mobility throughout the Rogue Valley; and

WHEREAS, The City of Medford has invested millions of local dollars into improving the capacity of the Foothill Road/North Phoenix Corridor within City limits and ODOT has invested millions of dollars in rebuilding Interstate 5 Exit 24;

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

That it supports the improvement of the Foothill Road/North Phoenix Corridor, considers it the top transportation priority for the City of Medford, and encourages all other stakeholders to give this corridor high priority for funding.

///

///

///

Exhibit A

///
///

PASSED by the Council and signed by me in authentication of its passage this 18 day of August, 2016.

ATTEST: s/Karen M. Spoons
City Recorder

s/Gary H. Wheeler
Mayor

Resolution No. 2016-104

P:\Cassie\Ords\1. Council Documents\081816\NorthPhoenix

Exhibit G

Public Works Department Report



Continuous Improvement Customer Service

CITY OF MEDFORD

RECEIVED

APR 19 2017

PLANNING DEPT.

Date: 4/19/2017
File Number: TF-17-012

PUBLIC WORKS DEPARTMENT STAFF REPORT Foothill Road Transportation Facility Project

Project: The City proposes a transportation facility project to construct street improvements on Foothill Road between Hillcrest Road and McAndrews Road to major arterial standards including: an increase in travel lanes, buffered bike lanes, multi-use path, sidewalks, medians, planter strips, and street lights.

Applicant: Medford Public Works Department – Engineering Division

Planner: Sarah Sousa, Planner IV, Long Range Division

Public Works has no comments on the proposed Transportation Facility project.

Prepared by: Doug Burroughs

P:\Staff Reports\TF\2017\TF-17-012 Foothill Road Transportation Facility Project\TF-17-012 Staff Report.docx

Page 1

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION
200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

Exhibit H

Medford Fire Department Report



Medford Fire Department

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

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APR 19 2017

PLANNING DEPT.

LAND DEVELOPMENT REPORT - PLANNING

To: Sarah Sousa

LD Meeting Date: 04/19/2017

From: Fire Marshal Kleinberg

Report Prepared: 04/07/2017

File #: TF - 17 - 12

Site Name/Description:

The City proposes a transportation facility project to construct street improvements on Foothill Road between Hillcrest Road and McAndrews Road to major arterial standards including: an increase in travel lanes, buffered bike lanes, multi-use path, sidewalks, medians, planter strips, and street lights

DESCRIPTION OF CORRECTIONS	REFERENCE
<u>Approved as Submitted</u> Meets Requirement: No Additional Requirements	

Development shall comply with access and water supply requirements in accordance with the Fire Code in affect at the time of development submittal.
Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when 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 the information provided only.
Design and installation shall meet the Oregon requirements of the IBC, IFC, IMC and NFPA standards.

Exhibit I

Medford Parks & Recreation Department Letter



HEALTHY LIVES. HAPPY PEOPLE. STRONG COMMUNITY.

To: Sarah Sousa, Planner IV
From: Pete Young, Park Planner and Project Manager
Subject: TF-17-012, Foothill Road Transportation Facility Project
Date: March 17, 2017

RECEIVED
MAR 17 2017
PLANNING DEPT.

We would like to support TF-17-012 for the construction of a ten-foot wide path in-lieu of a sidewalk as shown on the Foothill Road Improvement Project, McAndrews Road to Hillcrest Road, plan P-1825, sheets 1- 3. We are very pleased to propose a path similar to the one that is so popular on E McAndrews in partnership with Public Works as a part of their Foothill Road Transportation Facility Project.

This route has been included in the 2016 City of Medford Leisure Services Plan Map 13: Proposed Trails & Paths. The TF-17-012 proposal directly aligns with the recently adopted City of Medford Parks and Recreation's Leisure Services Plan in Chapter 6, Paths, Trails & Greenways; as well as Chapter 9, Goals & Objectives- copied below.

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

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

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

Implementation 3-A (1): Coordinate recreational path and trail system planning and development with the City's and Jackson County's Transportation System Plan and Southeast Plan to provide a comprehensive pedestrian and bicycle network.

Implementation 3-A (2): Integrate the siting of proposed path and trail segments into the development review process; require development projects along designated routes to be designed to incorporate path and trail segments as part of the project.

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

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



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Exhibit J

Medford Water Commission Memo & Map



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: TF-17-012

PARCEL ID: N Foothill Road (Between Hillcrest Road and McAndrews Road)

PROJECT: The City proposes a transportation facility project to construct street improvements on Foothill Road between Hillcrest Road and McAndrews Road to major arterial standards including: an increase in travel lanes, buffered bike lanes, multi-use path, sidewalks, medians, planter strips, and street lights.

DATE: April 19, 2017

RECEIVED

APR 19 2017

PLANNING DEPT.

I have reviewed the above plan authorization application as requested. Comments are as follows:

COMMENTS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. There is an existing 12-inch ductile iron water line located just inside the east right-of-way line of North Foothill Road. This existing water line is planned to remain in place, and shall be protected in place during all construction activities. If conflicts are found to exist between the existing 12-inch water line and the proposed street/storm/sewer improvements; those conflicts will be investigated and resolved prior to construction.
3. MWC's recent Water Distribution Facility Capital Improvement Plan requires the installation of a 16-inch water transmission line in North Foothill Road between Hillcrest Road and Lone Pine Road. No water services will be connected to this water transmission line.
4. MWC-metered water service does exist to a portion of these parcels along North Foothill Road from the existing 12-inch water line along the east right-of-way line. The existing water meters and all future water service connections will be from the existing 12-inch water line.
5. MWC will coordinate proposed water line alignment and design with City of Medford Engineering Department staff, and prepare and provide engineered plans, and specifications for ODOT approval.
6. MWC will have an inspector on-site during water facility construction activities.

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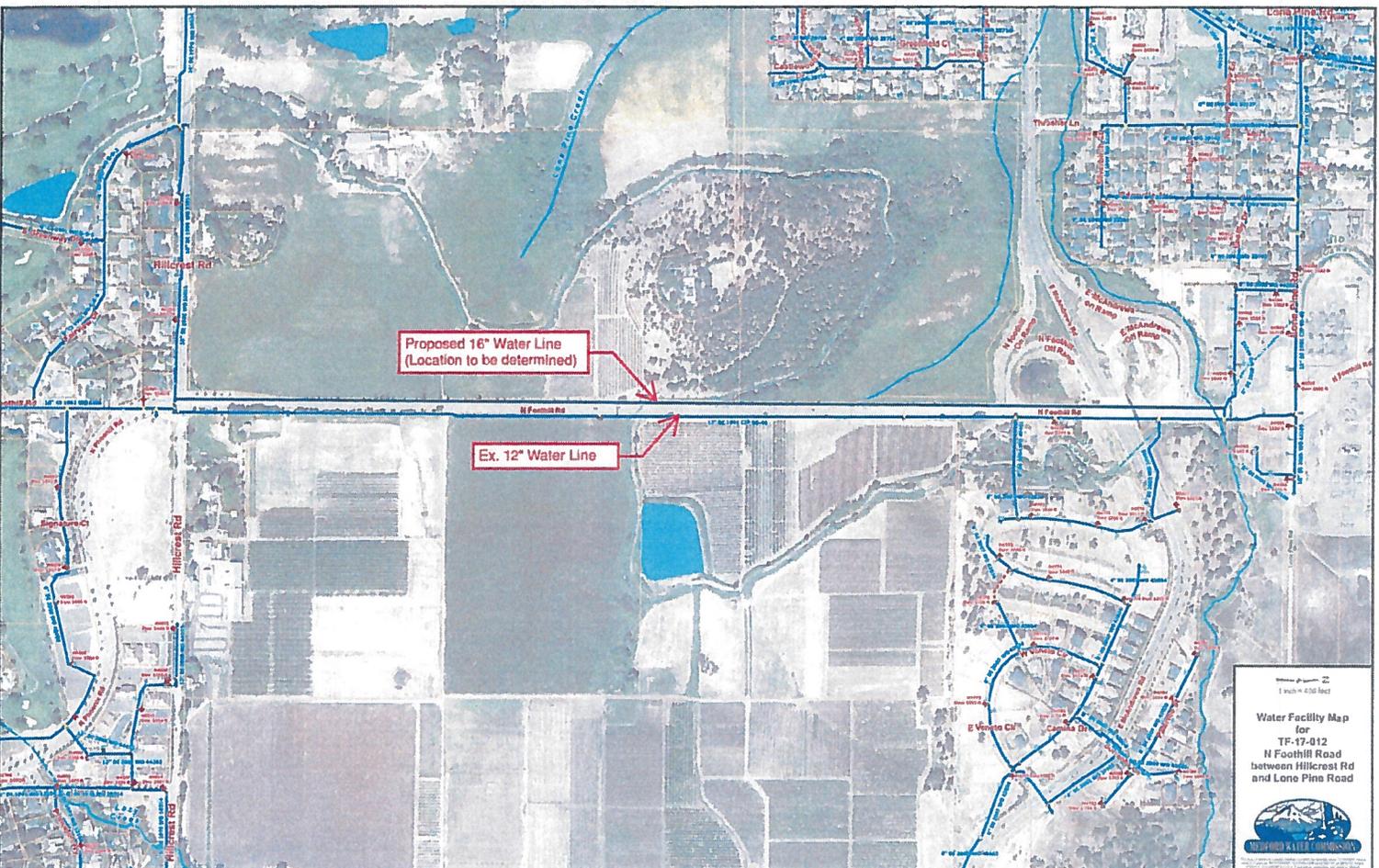


Exhibit K

Medford Irrigation District Letter



CITY OF MEDFORD
PLANNING DEPT.
LAUSMANN ANNEX, RM 240
200 SOUTH IVY ST.
MEDFORD, OR 97501

MARCH 9, 2017

FILE#: TF-17-012
Project Name: FOOTHILL ROAD TRANSPORTATION FACILITY PROJECT

PLANNER: Sarah Sousa, Planner IV

COMMENTS:

The Medford Irrigation District is very supportive of the project plans and asks to have more information on the District's pipe size and type. Also the new easements obtained for the District such as width, etc.

There are other details to be considered.

Sincerely, 
Carol Bradford
District Manager

Exhibit L

Jackson County Roads Letter



JACKSON COUNTY
Roads

RECEIVED

MAR 15 2017

Roads
Engineering
PLANNING DEPT.

Kevin Christiansen
Construction Manager

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

www.jacksoncounty.org

March 10, 2017

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

RE: Street Improvements for North Foothill Road.
Planning File: TF-17-012.

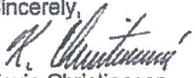
Dear Sarah:

Thank you for the opportunity to comment on the consideration of plans to build street improvements on North Foothill Road, between Westbound on/off ramp for East McAndrews and Hillcrest Road. Construction of North Foothill Road will be to Major Arterial street standards with the modifications, as shown on the plans. Jackson County Roads has the following comments:

1. North Foothill Road is a County Minor Arterial and is county-maintained. Please note, North Foothill Road is partly within the city limits and partly outside of the city limits.
2. Jackson County Roads recommends that the city request road jurisdiction of North Foothill Road at the completion of the project.
3. Jackson County recommends approval of the project.

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

Sincerely,


Kevin Christiansen
Construction Manager

Cc: Alex Georgevitch

Exhibit M

Bicycle & Pedestrian Advisory Committee Letter

RECEIVED
APR 27 2017
PLANNING DEPT.

April 27, 2017

Sarah Sousa, Planner IV
City of Medford Planning
200 South Ivy Street
Medford, Oregon 97501

RE: TF-17-012

Dear Ms. Sousa,

Thank you for the opportunity to comment on the planned street improvements on Foothill Road from Hillcrest Road to McAndrews Road. The Bicycle & Pedestrian Advisory Committee (BPAC) reviewed the plans and discussed the project at our March 13th and our April 10th meetings. This letter is intended to provide a summary of our comments on the project.

In general, we are in favor of the project and we appreciate the sidewalks, bike lanes, and multi-use paths as proposed. Our only concerns have to do with safety on the existing multi-use paths on McAndrews Road. Several of us have observed, from both a motorist's standpoint and a cyclist's/pedestrian's standpoint, potential conflicts between motorists and cyclists/pedestrians on both the eastbound and westbound on-ramps onto McAndrews Road from Foothill Road. We discussed this issue at length in our meetings and have the following recommendations:

- 1) Add signage and pavement markings to alert motorists of the presence of cyclists and pedestrians.
- 2) Replace existing landscaping, which can obstruct vision clearance, with ground cover vegetation that will not obstruct visibility.

As the planned improvements on Foothill Road will connect to the existing facilities on McAndrews Road, we expect use on the existing facilities to increase, and these safety concerns should be addressed through this project to protect cyclists and pedestrians. With the addition of these relatively minor improvements to the existing interchange facilities, we fully support the planned street improvements on Foothill Road.

Sincerely,



Joe Slaughter
BPAC Vice Chair

Exhibit N

Karen Allan Letter

RECEIVED

MAY 11 2017

PLANNING DEPT.

To: City of Medford Planning Commission
From Karen C. Allan, member of Rocky Knoll, LLC.
Date: May 11, 2017
RE: Street Improvements for North Foothill Road
Planning File: TF-17-012

As a member of Rocky Knoll LLC which owns land on both sides of the proposed Foothill Road improvement, I generally support the project, but have a number of concerns about impacts that the project may have on the following parcels of property owned by Rocky Knoll LLC: 371W21D TL 101; 371W21D TL 102; and 371W21D TL 1500.

The land in all three parcels is being farmed. It is necessary to get farm equipment to all portions of the property at the time the equipment is needed, such as to plant, maintain, and harvest grapes, hay, and grain. Currently the farm operation uses Foothill Road to get to the vineyard on the south side of the large hill toward the north portion of the Rocky Knoll property and also to the field to the north of the hill through a gate off Foothill Road. Because of the proposed road width and the median strip, both these points of access will be lost, so there needs to be an all-weather frontage road along the west side of Foothill Road just inside the Rocky Knoll property. This road needs to have a surface 12 feet wide and be usable at all seasons of the year. The access needs to be available both during construction and once construction has been completed.

In addition, we need access across Foothill Road to the parcel on the east side of the road which is currently used for hay and grain. This access also needs to be available both during construction and also after construction is completed. There is a proposed intersection approximately midway between Hillcrest Road and McAndrews Road (the "midpoint intersection".) There needs to be a rock surface on the east and west sides of that intersection so that the farm equipment has access and does not track mud onto Foothill Road during the crossing.

The frontage road along the west side of Foothill Road will also provide the city with access to its sewer line which runs through the field on the north side of the large hill.

The very northeast corner of the property to the west of Foothill Road will become inaccessible as Foothill Road becomes wider, because of the location of wetlands. This area should be purchased as part of the process.

Another set of concerns is with respect to keeping the public out of the farm, since bike and walking paths as well as the midpoint intersection will make inappropriate public access easier. There will need to be fencing along the Rocky Knoll properties on both sides of Foothill Road to protect against

pedestrians and bicyclists. There will also need to be gates on both sides of the midpoint intersection to prevent cars from driving into the farmed areas.

There is a driveway on the west side of Foothill Road that goes to a residence on the top of the large hill (801 N. Foothill Road) and provides access to the residence and to the area of the hill. That driveway needs to be readily usable during and after construction and also needs to have a safe and secure access to Foothill Road. The utilities that connect to Foothill Road at the driveway need to remain in service throughout the construction project.

The city proposes to pipe the irrigation canal and change its location in order to remove the bridge where Foothill Road currently crosses the canal. The residence on top of the hill currently has access to the irrigation canal on the west side of the bridge. It will need to have a sleeve or other arrangement under Foothill Road so it can have access to irrigation water on the east side of the road.

The preliminary plans show trees along both sides of Foothill Road. We would like to work with city staff to select trees to be planted, with large trees on the west side of Foothill Road where there are no power lines, and trees appropriate for location under power lines on the east side of Foothill Road.

At the southeast corner of the property on the west side of Foothill Road there is a berm with evergreens and other plantings that have been carefully planted and tended and serve to block the view of the intersection from within portions of the Rocky Knoll property. We would like those trees allowed to remain to the extent possible.

Karen C. Allan
2895 Hillcrest Road
Medford, OR 97504



Exhibit O

Emily Mostue Letter

RECEIVED

MAY 11 2017

PLANNING DEPT.

Planning Commission Hearing
May 11, 2017
Foothill Rd Improvement Project

The members of Rocky Knoll LLC met with Alex Georgevitch and other City staff last week and reviewed the drawings and plans for the Foothill Rd Improvement Project. We own property on both sides of Foothill Rd and this project has a huge impact on our property and our farm operation. Karen Allan, another member of Rocky Knoll LLC member, has outlined issues that affect the broader impact on our property. I am focusing on the issues directly relating to our farming operation

- Fences
 - Karen has already mentioned the needed fence along the south side of the hill to keep pedestrians and bicyclists off the farm
 - The North side of the hill needs a fence to keep animals in that pasture since the City will be removing the current fence to widen Foothill Rd
- Cattle in Pasture North of Hill
 - During construction of the road there will be no fence and we will be unable to lease for 2 years so we have loss of income
 - Income from leasing pasture is about \$1200 a year
- Vineyard
 - Will need to remove several rows of vines in our vineyard in order to have a frontage road for farm access. We have not yet worked out the financial impact of this but compensation is in order.
- Proposed Irrigation Realignment Pipe
 - Needs to be installed in non-growing season – be completed between Oct-Mar
 - Construction needs to be coordinated with David Mostue, Rocky Knoll, as this will affect our irrigation system
 - David Mostue of Rocky Knoll, needs input on the design/construction of damn/weir that will be constructed to block the old ditch on south side of hill and west side of Foothill Rd
- Road Construction
 - Rocky Knoll needs access to all parts of the farm during the road construction. It is not acceptable to have any farm road blocked by equipment or vehicles
- Right of Way Discrepancy
 - Near McAndrews Rd, the existing Right of Way is outside the proposed Right of Way. Is the City proposing to give property back to Rocky Knoll as part of this process

- Permanent Easement
 - The proposal shows trees planted in the Permanent Easement rather than in the Right of Way. The Permanent Easement also includes substantial slopes in particular locations along Foothill which will make it impossible to farm. We are concerned about these impacts and may request that the City include the Permanent Easement or portions of the Permanent Easement within the property it purchases.

As mentioned before, we met with City staff and saw the most recent drawings for the Foothill Rd Improvement Project just a week ago. The issues we have raised today are not necessarily a comprehensive list of all of our concerns and we may well raise other issues as we have time for further consideration.

We appreciate the efforts of City staff to go over the drawings with us and to work with us on these various issues.

Emily Mostue
Rocky Knoll LLC
612 Pierce Rd
Medford, OR 97504
541-776-2486

Exhibit P

Bill & Gwyn Reen Letter & Photos

RECEIVED
MAY 11 2017
PLANNING DEPT.

5/11/17

FOOTHILL EXPANSION IMPACT (Bill and Gwyn Reen at 1570 N Foothill Rd)

We live in the middle of the Foothill Rd expansion project and we have some concerns to share with you, so you know how we are impacted, when you authorize projects.

WATER

When Foothill Rd is widened, it will place our well just 20-30 feet from the street. Major construction disrupts surface and ground water, which significantly impacts water flow. Increased traffic creates vibrations which cause layers of water/rock to shift. Gas and oil leak into the groundwater and contaminate it. This road project includes the addition of sidewalks and curbs which increase the road elevation, therefore placing *our well Below ground level*. Oregon WATER RESOURCES DEPARTMENT recommends locating wells **above grade** elevation to avoid drainage contamination. The addition of sidewalks and curbs will elevate foothill, placing our well Below ground level and at a huge risk of contamination. (Originally our well was located far above ground level, however during the last Foothill expansion, our yard was elevated 10-15 ft) **We need City Water.**

INCREASED NOISE AND DECREASED PROPERTY VALUE FROM STOPLIGHT

Adding 2 lanes of North and South traffic, turn lanes, and a stop light, significantly increases traffic noise. Accelerating and braking at stoplights increases overall traffic noise. ODOTS Noise Manual states, "Heavy truck traffic lowers property value at a rate 150 times greater than cars." The sudden intermittent changes in noise with stop light traffic impacts health. An Analysis and Abatement of Highway Traffic Noise Study is needed, to determine how to mitigate the increased noise.

RELOCATION of DRIVEWAY (Inability to cross Foothill to access driveway)

City engineers have plans to move our driveway, but can not tell us, how we'd access it. They want a MEDIAN to separate North and South bound traffic. This would prevent us from even turning into our driveway. Its illegal and impossible to flip a U turn across 4 lanes of traffic, turning lanes, bike lane. When driving North, it seems as dangerous to be stopped in the middle of Foothill trying to make a 90 degree turn pulling a trailer. Please leave our driveway at its current location and use a 4 sided traffic light. We need **easy access to our driveway**.

PARKING AREA

Even if I could navigate into my "new"driveway, we cant access our parking area. We have a huge, circular parking area for various trailers and equipment.

Currently I head into my driveway and back into our parking area. If my driveway is relocated, its impossible to pull a trailer into our parking area, because there's no way to back it in. There isn't room to drive between vehicles so my yard would need to be reconfigured. Reconfiguring the parking area will destroy our septic leach lines, leading to contamination of our well. Also, this will position our well even further below ground level... We need **City Sewer and Water**

DRIVEWAY and GARAGE

We have a straight easy access, driving from Foothill to my garage. If you move our driveway 240 ft south, there'd be a huge grade level change and hazardous S-Curve to get into my garage. The functionality of our property of having easy access to the garage and parking area would be completely destroyed.

VIEW, PRIVACY, FUNCTIONALITY

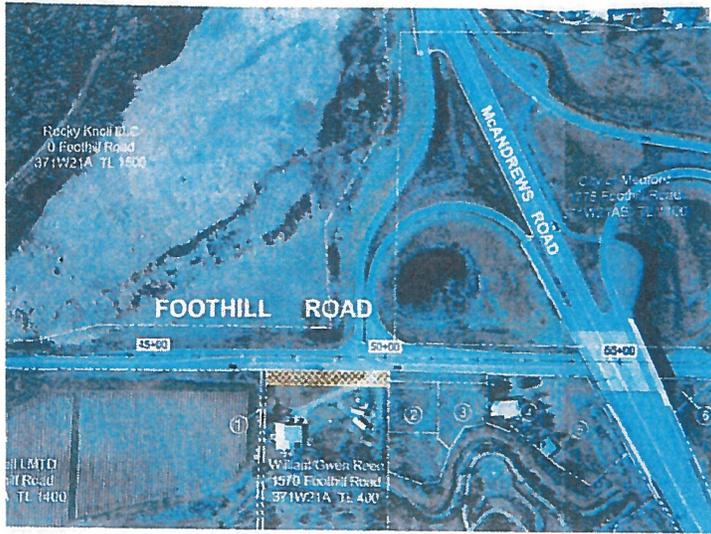
The value of our home, is our view and usability. When my dad built it, Foothill was a country road. Even though Foothill has grown, we have retained our privacy. Relocating the driveway will significantly destroy views and bulldozing our trees to widen Foothill destroys our privacy. Nobody wants their driveway

old trees destroyed. We rcvd a notice from the Planning Dept which includes **Medford Land Development Code 10.207** . It states, “ Projects should not prevent development of the remainder of the property under the same ownership”. I’m not a contractor but it’s easy to see that relocating my driveway through the middle of my yard hugely decreases the future use of our property.

We understand progress and the need to move traffic safely. We also need our home protected and have safe water and noise abatement and access to our parking area. I’m a nurse. I would be negligent, not to consider the whole picture. If I just addressed your diabetes, without considering your heart and kidney function, I would cause great harm and impact your life forever. In the same way, when you make plans for a stoplight, you should determine how it affects adjoining homes.

20 ish yrs ago, the City wanted to move our driveway. We were given a map to mark our preference and guaranteed we’d have input to the new location. Our driveway was installed without our input and access to our parking area was severed. (see apology letter from City of Medford) We were assured a light post would not be placed directly in front of our house, however, it was .(see apology letter from City of Medford 8/29/00) When the city finished the project leaving a dangerous 10-15 ft drop off above our yard, we were awarded a guardrail, that the city never installed. (see letter from City of Medford 10/10/00). Although none of the agreements the City gave us were upheld, we have never received any compensation.

You can’t fix the past, but you can do better, moving forward. The construction will impact my well, we need City water. Reconfiguring my parking area will destroy my septic leach fields, we need City sewer. The increased noise at a signal needs to be studied and modified. Relocating our driveway will destroy our front yard, functionality of our property, and future development potential. Our livelihood depends on using our trailers and equipment. We must have easy access to our parking area, do not relocate my driveway. When you bull doze down all our trees, please replace them.



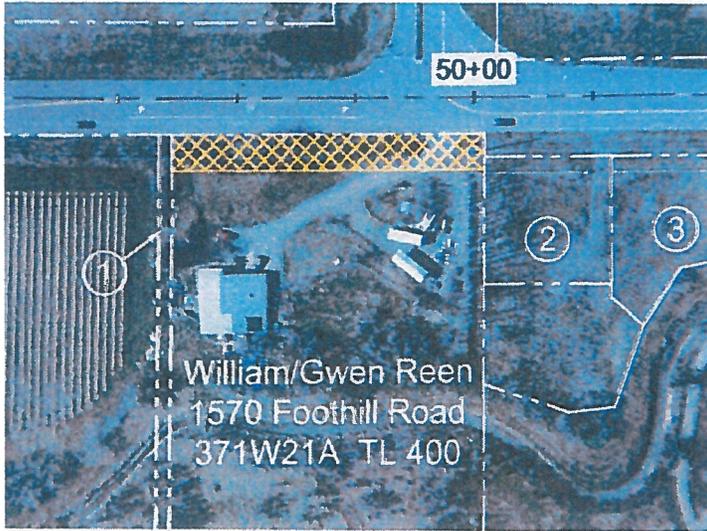






Exhibit Q

Lisa and Laurence Rubenstein Letter

RECEIVED

MAY 11 2017

PLANNING DEPT.

Testimony to City of Medford Planning Commission

Re: Foothill Road Expansion Project (TF-17-012) and our residence at 801 N. Foothill Road

From: Laurence and Lisa Rubenstein

Date: 5/11/2017

Thank you allowing us to provide input to the Planning Commission today. We are in general very supportive of the Foothill Road improvement project. However, we have some concerns about how the project will affect our driveway and our residence (which is a historically significant structure, as evaluated by ODOT, located atop Rocky Knoll). We had the fortunate opportunity to purchase this home from our cousins in 2013, after having been annual visitors to the house for over 50 years.

As you know, our driveway cannot realistically be re-situated, and you have taken account of this by identifying an exit onto Foothill for our driveway in your plans. We very much appreciate this. We do want to alert you to other issues related to the expansion project:

1. We will have only a right turn in, right turn out as we understand the plans. This is not ideal from our point of view, but we understand the difficulties in designing our exit given the road median that is planned. If an opportunity arises to develop a left-turn entry to our driveway, or otherwise enable us to avoid a 2 mile or so extra driving route to get to a McAndrews Road turnaround when driving North on Foothill from Hillcrest, we would be grateful for your assistance in making a shorter route possible.
2. We will need to maintain a safe entrance onto Foothill Road. A small on-ramp of some kind would be important, given the fact that our driveway exit is at the top of the small hill between McAndrews Road and Hillcrest.
2. Our utilities (city water/water meter, electricity lines, cable/telephone line, electricity to the pump for MID and city water, sewer) are situated near the expansion. You will likely need to move and replace the utility connections. We also need these utilities to continue to operate during construction.
3. You will need to replace our large mailbox, situated currently at the Foothill Rd. border.
4. We use MID water for irrigation, pumped directly out of the existing ditch using a large pump we put in place in spring and remove in winter. When the ditch is piped, as shown in the plans, we will need a different system for pumping and ditch access.

Thank you.

Sincerely,

(Drs.) Lisa and Laurence Rubenstein
801 N Foothill Rd
Medford, Or 97504
310-429-5365
405-227-5606

Exhibit R

Gwyn Reen Letter & Attachments

May 30, 2017 9:16AM Community Health Center

No. 4010 P. 1

May 28, 2017

Att: Sara 618-1708

Att: Planning Commission

Re: Testimony to Council 5/11/17 (1570 N Foothill Rd)

Per your request, please find letters we received from the City of Medford in 2000, showing promises given were not upheld. Currently, we've been notified the "right-of-way for Foothill Rd..is not well documented" and our property will be taken without compensation by "Legalization" (ORS 368.201) As we experienced the elevation and widening of Foothill and construction of the McAndrews overpass bridge, it's difficult to understand how Foothill Rd is not well documented and compensation is not warranted. A survey should have been completed, prior to the City placing a berm separating our property frontage from Foothill Rd.

We appreciate your consideration of our property concerns: *Driveway relocation, barricaded driveway access, Well displaced below grade, Elimination of View and Privacy, Septic field relocation, tree/berm frontage destruction, Parking area access elimination, decreased access to garage, Increased noise, Decreased future development potential, decreased property valuation, legalization of property*

We know life isn't fair, however everyone likes to be treated equally. When you go to the hospital, you expect to be treated as well as the next patient. Our neighbors are fortunate that City Engineers have worked with them and agreed to maintain existing trees, provide landscaping and fences, and potentially provide a private road to access pastures.

We have had the same concerns over the past year and have contacted Engineering several times, yet no modifications have been offered. You can imagine the stress we're experiencing knowing our property, livelihood, and health will be affected. As the most impacted property, it's disappointing that Engineering is able to provide others with landscaping (while destroying my 100 year old tree) and provide fences or barriers, while making plans to destroy my view, privacy, and functionality. Even access for seasonal farm equipment has been considered for others, while daily access to our property is greatly impeded by barricades. We have health concerns regarding safe drinking water, increased noise, septic field elimination, and have received no direction from the City over this past year.

We are reluctant to point out discrepancies, but it seems worth noting, in hopes that the City of Medford can improve its practices to benefit all citizens. We support progress, but it should not be at the expense of our family home of nearly 50 years.

Sincerely,



Gwyn Reen
1570 N Foothill Rd
Medford OR 97504
541-772-8649

pg 1 of 4

May 30, 2017 9:17AM Community Health Center

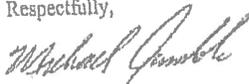
No. 4010 P. 2

Lack of topsoil on the north west side of your driveway:
I have been out to your driveway and have not seen any area that is lacking topsoil. I suggest that we meet and you can show me the area you are speaking of.

Driveway being constructed without your input:
The City had set up a method in which we were going to receive a drawing from you which would show where you wanted the driveway relocated. In the interim while waiting for this drawing, the City inspector placed your driveway by direction of Mr. Reen. I offer my apologies to you for your driveway ~~being constructed without the City having this drawing from you.~~

No Rock to drive on:
I have been out to your driveway and have seen the entire driveway covered with gravel. I will meet you in the field and discuss this issue with you as well.

Respectfully,



Michael Gamble
Project Manager

Co Bob Deuel, City Engineer
Cory Crebbin, Public Works Director

* Bill came home e lunch to discover the City was moving our driveway now. He said we needed a large turning radius & we're sposed to draw a map. They said if we stopped their construction today they won't finish it for weeks/mths. We can't park on foothill rd & need access to our house!!

pg 2 of 4

May 30, 2017 9:17AM Community Health Center

No. 4010 P. 3



CITY OF MEDFORD

411 WEST 8TH STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

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

Oct. 10, 2000

William & Gwyn Reen
P.O. Box 186
Medford, OR 97501

Re: E. McAndrews Extension Project, P-1050

Dear Mr. & Mrs. Reen,

I am enclosing a drawing, which shows the relationship of your property to the Mc Andrews Road Project. Please indicate on the enclosed map the location you desire for your driveway. I know that you desire to wait until the fill that is placed on your property before making a decision on the driveway location. However, in order to avoid any additional contract costs I will need to receive the attached sketch, showing your desired driveway location, 7 days after completion of the fill material.

~~The project design consultant has determined that guardrail is required along portions of Foothill Road, including the northerly portion of your frontage. One opening in the guardrail will be included to accommodate access to your parcel. The schedule for the construction of the guardrail has not yet been determined.~~

Thank you for your time concerning this matter.

Respectfully,

Michael Gamble
Project Manager

Cc Bob Deuel, City Engineer
Cory Crebbin, Public Works Director

ps 384

May 30, 2017 9:17AM Community Health Center

No. 4010 P. 4



CITY OF MEDFORD

411 WEST 8TH STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

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

August 29, 2000

William & Gwen Reen
P.O. Box 186
Medford, OR 97501

Re: E. McAndrews Extension Project, P-1050

Dear Mr. & Mrs. Reen,

This letter is a follow up to our meeting of August 24, 2000, in which we discussed the steps that will be taken per City of Medford Council decision addressing the frontage of your property on Foothill Road.

As I discussed with you I have the authority to proceed with the following items:

- placing fill along the frontage of your property of Foothill Road
- placing a culvert under the fill
- planting 60 lineal feet of plants (15 plants spaced at 4' o.c.)
- relocating entrance to driveway per your direction

During our discussion you also asked me about the possibility of placing an earth berm and also moving a street light that is on the west side of Foothill Road across from your home, and also the possibilities of getting irrigation to the hedge plants that the City will plant for you. As I told you in the field, I only have authorization to perform the items I have put forth in this letter.

I would like to go into some detail to inform you on the street light situation as the lights exist today. The street lights on the east side of Foothill Road were moved to the west side of Foothill Road due to a conflict with underground utilities. We had discussed the possibilities of moving a proposed light from its position near your driveway to one of two places. One place was to shift this light 10 feet to the north, the other was to shift the light across the road. Your choice was move the light 10 feet to the north. I informed the inspector to move the light per your request. The inspector moved the light across the road to the southwest corner of the off/on ramp at Foothill Road. This was done without my knowledge, and I apologize for this. The light was moved, as explained to me later, due to existing utilities that would have interfered with the lights foundation. I would like to point out that the light that is directly across Foothill Road from your home was constructed per the original plan and is not the light that was originally placed next to your driveway.

pg 4 of 4

Exhibit S

Letter & Attachment from Lisa and Laurence Rubenstein

To: Medford City Planning Commission and City Council
Re: Foothill Road Widening Project
Date: 9 June 2017

Dear Planning Commission and City Council members,

We attended the May 11 Planning Commission meeting with concern about how the Foothill Road widening project would affect our driveway (see attached letter to the Planning Commission). We are most appreciative of the efforts of the Planning Commission and City Engineers over the past several years to create such an important project. While we remain supportive of the overall plan to widen Foothill Road, we left the meeting with concern about the specific plan to install a concrete Jersey barrier down the median of the road (instead of a more attractive planted median option, such as is present on the North Phoenix Road feeder to Foothill). Having a planted median would not only be much more attractive than a concrete barrier, but it would allow for multiple left-turn lanes that would solve our potential driveway access problem (and those of multiple other Foothill Road residents).

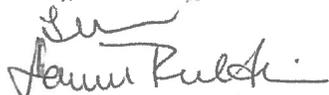
Given that the main purpose of the Foothill expansion is to provide access to the I-5 Freeway and beyond to the south of Medford, and that North Phoenix is the only route between the expansion segment of Foothill and the I-5 Freeway, it seems that a continuation of the North Phoenix style of road makes sense both practically and aesthetically.

If there is concern that a planted median would cause Foothill Road to be too wide, then we would respectfully suggest that you consider the creation of a single bicycle lane, and/or a single sidewalk. The bike lane then could be two-way and be protected by a safer curb-type divider. There are examples of this kind of design in other cities and other parts of Medford.

In summary:

1. We understand that our driveway, and safe access from it to Foothill Road, remains part of the plans for the Foothill project, as discussed at the planning commission.
2. We understand that the project will take into account our needs relative to the irrigation ditch, our mailbox, and our utilities, as detailed in our letter to the Medford Planning Commission.
3. As we wrote in our previous letter, we request a left and right turn option out of our driveway.

Sincerely,



(Drs.) Lisa and Laurence Rubenstein
801 N Foothill Rd
Medford, Or 97504
310-429-5365
405-227-5606

RECEIVED

JUN 12 2017

PLANNING DEPT.

RECEIVED

MAY 11 2017

PLANNING DEPT.

Testimony to City of Medford Planning Commission
Re: Foothill Road Expansion Project (TF-17-012) and our residence at 801 N. Foothill Road
From: Laurence and Lisa Rubenstein
Date: 5/11/2017

Thank you allowing us to provide input to the Planning Commission today. We are in general very supportive of the Foothill Road improvement project. However, we have some concerns about how the project will affect our driveway and our residence (which is a historically significant structure, as evaluated by ODOT, located atop Rocky Knoll). We had the fortunate opportunity to purchase this home from our cousins in 2013, after having been annual visitors to the house for over 50 years.

As you know, our driveway cannot realistically be re-situated, and you have taken account of this by identifying an exit onto Foothill for our driveway in your plans. We very much appreciate this. We do want to alert you to other issues related to the expansion project:

1. We will have only a right turn in, right turn out as we understand the plans. This is not ideal from our point of view, but we understand the difficulties in designing our exit given the road median that is planned. If an opportunity arises to develop a left-turn entry to our driveway, or otherwise enable us to avoid a 2 mile or so extra driving route to get to a McAndrews Road turnaround when driving North on Foothill from Hillcrest, we would be grateful for your assistance in making a shorter route possible.
2. We will need to maintain a safe entrance onto Foothill Road. A small on-ramp of some kind would be important, given the fact that our driveway exit is at the top of the small hill between McAndrews Road and Hillcrest.
2. Our utilities (city water/water meter, electricity lines, cable/telephone line, electricity to the pump for MID and city water, sewer) are situated near the expansion. You will likely need to move and replace the utility connections. We also need these utilities to continue to operate during construction.
3. You will need to replace our large mailbox, situated currently at the Foothill Rd. border.
4. We use MID water for irrigation, pumped directly out of the existing ditch using a large pump we put in place in spring and remove in winter. When the ditch is piped, as shown in the plans, we will need a different system for pumping and ditch access.

Thank you.

Sincerely,

(Drs.) Lisa and Laurence Rubenstein
801 N Foothill Rd
Medford, Or 97504
310-429-5365
405-227-5606

Exhibit T

Public Works Department Presentation to Council on July 6, 2017

CITY OF MEDFORD
OREGON

PUBLIC WORKS DEPARTMENT

Foothill Road – Hillcrest to McAndrews Transportation Facility Application (TF)

PRESENTED BY THE CITY OF MEDFORD | WWW.CITYOFMEDFORD.ORG

What is a "TF"?

	Features / Dimensions (North Direction)							Total Right-of-Way Width	Total Right-of-Way Width
	Street Lanes	Bike Lane	City Street Parkin g	Sidewalk	Planter Strip	Left of Center Turn Lane/Median	Total Road Width		
* Major Arterial	11' 15'	6'	None	5'	10'	14'	70'	200'	
Foothill Rd Cross Section A	11' 11'	6' & 3' Buffer	None	7' East **10' West	0'	14'	70'	90'	
Foothill Rd Cross Section B	11' 11'	6' & 3' Buffer	None	7' East **10' West	0'	0'	60'	80'	
Foothill Rd Cross Section C	11' 11'	6' & 3' Buffer	None	7' East **10' West	0' East 0' West	0'	60'	82.5'	
Foothill Rd Cross Section D	11' 11'	6' & 3' Buffer	None	7' East **10' West	14'	0'	70'	100.5'	
Foothill Rd Cross Section E	11' 11'	6' & 3' Buffer	None	7' East **10' West	14'	0'	70'	100.5'	
Foothill Rd Cross Section F	11' 11'	6' & 3' Buffer	None	7' East **10' West	14'	0'	70'	100.5'	
Foothill Rd Cross Section G	11' 11'	6' & 3' Buffer	None	7' East **10' West	14'	0'	70'	100.5'	
Foothill Rd Cross Section H	11' 11'	6' & 3' Buffer	None	7' East **10' West	14'	0'	70'	100.5'	
Foothill Rd Cross Section I	11' 11'	6' & 3' Buffer	None	7' East **10' West	14'	0'	70'	100.5'	
Foothill Rd Cross Section J	11' 11'	6' & 3' Buffer	None	7' East **10' West	14'	0'	70'	100.5'	
Foothill Rd Cross Section K	11' 11'	6' & 3' Buffer	None	7' East **10' West	14'	0'	70'	100.5'	
Foothill Rd Cross Section L	11' 11'	6' & 3' Buffer	None	7' East **10' West	14'	0'	70'	100.5'	
Foothill Rd Cross Section M	11' 11'	6' & 3' Buffer	None	7' East **10' West	14'	0'	70'	100.5'	
Foothill Rd Cross Section N	11' 11'	6' & 3' Buffer	None	7' East **10' West	14'	0'	70'	100.5'	
Foothill Rd Cross Section O	11' 11'	6' & 3' Buffer	None	7' East **10' West	14'	0'	70'	100.5'	
Foothill Rd Cross Section P	11' 11'	6' & 3' Buffer	None	7' East **10' West	14'	0'	70'	100.5'	
Foothill Rd Cross Section Q	11' 11'	6' & 3' Buffer	None	7' East **10' West	14'	0'	70'	100.5'	
Foothill Rd Cross Section R	11' 11'	6' & 3' Buffer	None	7' East **10' West	14'	0'	70'	100.5'	
Foothill Rd Cross Section S	11' 11'	6' & 3' Buffer	None	7' East **10' West	14'	0'	70'	100.5'	
Foothill Rd Cross Section T	11' 11'	6' & 3' Buffer	None	7' East **10' West	14'	0'	70'	100.5'	
Foothill Rd Cross Section U	11' 11'	6' & 3' Buffer	None	7' East **10' West	14'	0'	70'	100.5'	
Foothill Rd Cross Section V	11' 11'	6' & 3' Buffer	None	7' East **10' West	14'	0'	70'	100.5'	
Foothill Rd Cross Section W	11' 11'	6' & 3' Buffer	None	7' East **10' West	14'	0'	70'	100.5'	
Foothill Rd Cross Section X	11' 11'	6' & 3' Buffer	None	7' East **10' West	14'	0'	70'	100.5'	
Foothill Rd Cross Section Y	11' 11'	6' & 3' Buffer	None	7' East **10' West	14'	0'	70'	100.5'	
Foothill Rd Cross Section Z	11' 11'	6' & 3' Buffer	None	7' East **10' West	14'	0'	70'	100.5'	

Indicates variance from Medford Transportation System Plan

FROM THE PUBLIC WORKS DEPARTMENT | WWW.CITYOFMEDFORD.ORG

Staff's Recommend Procedure

- Motion to approve exceptions to Transportation System Plan (TSP) design standards with modifications, if any, based on the previous table
- Separate motion(s) for any other Council direction



FROM THE PUBLIC WORKS DEPARTMENT | WWW.CITYOFMEDFORD.ORG

EXHIBIT T-1
1640 Foothill Road



Property Owner Request

- Sound Wall

Noise study underway



FROM THE PUBLIC WORKS DEPARTMENT | WWW.CITYOFMEDFORD.ORG

EXHIBIT T-2
1610, 1618 & 1622 Foothill Road



Property Owner Request

- Full access driveway

Safety – multiple conflicts in close proximity to intersection



FROM THE PUBLIC WORKS DEPARTMENT | WWW.CITYOFMEDFORD.ORG

EXHIBIT T-3
1578 Foothill Road



Property Owner Request

- Driveway at Traffic signal
Safety compromised
- Well and septic
Outside of project and City



FROM THE PUBLIC WORKS DEPARTMENT | WWW.CITYOFMEDFORD.ORG

EXHIBIT T-4A
Proposed Concrete Barrier Location



Property Owner Request

- Median aesthetics
Decorative = \$60,000
- Planted median
Widening = \$650,000
- Driveway left turn
Less safe due to conflicts
and sight distance.
Cost = \$110,000.
- All-weather frontage road
Cost = \$100,000
- Rock surface and gates
Cost = \$6,000
- Property fence
Cost = \$40,000



FROM THE PUBLIC WORKS DEPARTMENT | WWW.CITYOFMEDFORD.ORG

EXHIBIT T-5A
Multi-Peak Round Sign On/Off Ramp U-Turn



Driveway mitigation

- Allow U-turn at traffic signal
Cost = \$10,000

Less safe, but within acceptable standards



FROM THE PUBLIC WORKS DEPARTMENT | WWW.CITYOFMEDFORD.ORG

EXHIBIT T-6B
Foothill Road Southbound, On/Off Ramp U-Turn



Driveway mitigation

- Allow U-turn at traffic signal
Cost = \$10,000

Less safe, but within acceptable standards

Foothill southbound OK

Foothill northbound not recommended
– also cost = \$20,000 for this location



FROM THE PUBLIC WORKS DEPARTMENT | WWW.CITYOFMEDFORD.ORG

EXHIBIT T-5C
Foothill Road, On/Off Ramp U-Turn



Driveway mitigation

- Allow U-turn at intersection
Cost = \$10,000

Less safe, but within acceptable standards



FROM THE PUBLIC WORKS DEPARTMENT | WWW.CITYOFMEDFORD.ORG

Staff recommendation:

Approve the deviations from the TSP design standards.

Provide direction on property owner desires.

Two separate motions



FROM THE PUBLIC WORKS DEPARTMENT | WWW.CITYOFMEDFORD.ORG

What is a "TF"?

	Features / Dimensions (Each Direction)							Total Paved Width	Total Right-of-Way Width
	Travel Lanes	Bike Lane	Dr-Street Parkin g	Sidewalk	Planter Strip	Left or Center Turn Lane/Median			
* Major Arterial	11' 11'	6'	None	5'	10'	14'	70'	130'	
Foothill Rd. Cross Section A	11' 11'	6' & 3' Buffer	None	7' East **10' West	0'	14'	70'	90'	
Foothill Rd. Cross Section B	11' 11'	6' & 3' Buffer	None	7' East **10' West	0'	6'	68'	88'	
Foothill Rd. Cross Section C	11' 11'	6' & 3' Buffer	None	5' East **10' West	7' East 0' West	6'	68'	91.5'	
Foothill Rd. Cross Section D	11' 11'	6' & 3' Buffer	None	5' East **10' West	7' East 0' West	14'	70'	130.5'	
Foothill Rd. Cross Section E	11' 11'	6' & 3' Buffer	None	**10'	30' East 0' West	14'	73'	130.5'	
Foothill Rd. Cross Section F	11'/11' 12' RT. Turn	6'	None	**10'	30' East 0' West	14'	82'	130.5'	

* Indicates variance from Medford Transportation System Plan



FROM THE PUBLIC WORKS DEPARTMENT | WWW.CITYOFMEDFORD.ORG

Staff recommendation:

Approve the Transportation Facility application with the deviations shown in the table and provide for U-turns at:

- Northbound Foothill at McAndrews
- Southbound Foothill at McAndrews
- Southbound Foothill at future Spring



FROM THE PUBLIC WORKS DEPARTMENT | WWW.CITYOFMEDFORD.ORG

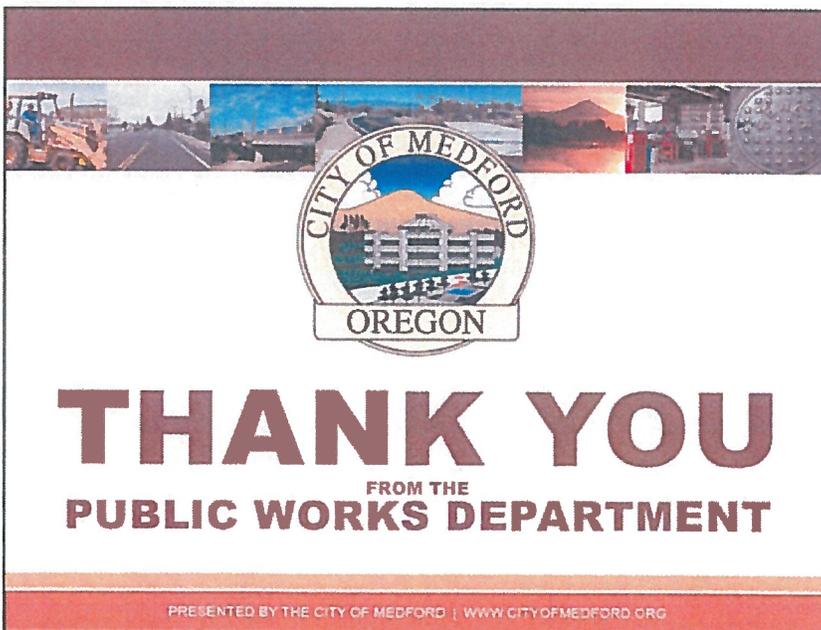


Exhibit U

Letter from Stuart Foster

KAREN C. ALLAN
JASON M. ANDERSON
ERIC R. FOSTER
STUART F. FOSTER
TIMOTHY L. JACKLE
GERALD M. SHEAN III

PAUL F. AYCLAY

Rec'd 7/6/17

**FOSTER DENMAN** LLP
ATTORNEYS AT LAW
3521 EAST BARNETT ROAD
P.O. BOX 1667
MEDFORD, OR 97501

TELEPHONE 541-770-5466 FAX 541-770-6502

LISA M. RAHM
TRUST AND PROBATE
ADMINISTRATOR

L ESTELA RODRIGUEZ
STATE ACCOUNTANT

July 6, 2017

RECEIVED

JUL 06 2017

PLANNING DEPT.

Hand Delivered

Mayor Gary Wheeler
Medford City Council
411 W. 8th Street
Medford, OR 97501

Re: Agenda Item 120.1 Council Bill 2017-68
Resolution of Approving Construction of Street Improvements on Foothill Road

Dear Mayor and Members of the Council:

I represent Bill and Gwyn Reen, the owners of the real property known as 1570 Foothill Road, Medford, Oregon (the "Property"). Enclosed herewith are the following:

1. Five (5) photographs numbered Exhibit 1-5 of the Property; and
2. Letter dated July 5, 2017 from James R. Hanks, P.E. of JRH Transportation Engineering, Eugene, Oregon.

As you know, the Public Works has proposed as part of the Foothill Road Project to relocate my clients' driveway approximately 185 feet south of its existing location, thereby creating an unsafe and unreasonable access to the Property as detailed in Mr. Hanks' letter.

The five (5) photographic exhibits depict the following:

1. Exhibit 1 depicts the Reen residence as seen from the South ramp of the East McAndrews-North Foothill Interchange, as well as showing the unstable slope immediately above it in the Bella Vista Subdivision.
2. Exhibit 2 is a photograph of my clients' residence as it currently appears.
3. Exhibit 3 is a photograph evidencing the extent of the excavation necessary on the Property to facilitate the access proposed by Public Works.
4. Exhibit 4 shows the extent of the cut on the Property.
5. Exhibit 5 shows how my clients' driveway to their residence as accessed from its current location on Foothill Road.

Mayor and Members of Council
July 6, 2017
Page 2

My clients maintain a number of rentals and use their driveway for utility trailers, as well as, travel trailers and boats. The utility trailers enter and exit the Property on a frequent basis and combined with the pickup towing them extend about 45 feet. The travel trailer and boat when towed each extend 58 feet.

The driveway as proposed by Public Works constitutes a serious safety hazard and a liability issue for the City and is unreasonable access to the Property.

In addition, the soils in the immediate area are unstable as reflected by the slide issues in the Bella Vista Subdivision and making as significant cut as proposed by Public Works into the toe of the hill upon which my clients' residence sits could create an unstable situation for the residence.

The access to my clients' Property should remain at its current site opposite the South ramp of the East McAndrews-North Foothill Interchange.

Thank you for your consideration.

Very truly yours,



Stuart E. Foster

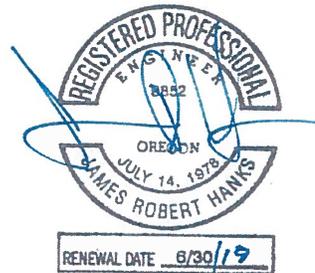
SEF: cln
Enclosures

Cc: Clients



July 5, 2017

Bill and Gwen Reen
1579 Foothill Road
Medford, OR 97504



RE: 1570 Foothill Road, Medford Oregon, Oregon Access Issues

Dear Bill and Gwen:

At your request, I have examined the potential relocation of the existing driveway at 1570 Foothill Road as part of the Foothill Road widening project. The City proposed relocation would move the centerline of the driveway to approximately 185 feet south of the projected centerline of the eastbound ramps of the Foothill Road – McAndrews Road intersection. A median barrier is planned to change the driveway from full movement to right-in, right-out. Most movements in and out of the relocated driveway will require substantial out of direction travel. Based on the analysis outlined in the remainder of this letter, access to the site should remain at or near the present location and be controlled by the traffic signal proposed for installation at the south ramps of the E. McAndrews – N. Foothill Interchange.

The principal reasons for this recommendation are:

1. The proposed relocated driveway location violates driveway spacing requirements of the Medford City Code and the Oregon Highway Plan.
2. The proposed relocation will cause substantial hardship on the property owner.
3. The proposed will complicate the routing of service providers to the site.
4. The proposed change will negatively affect traffic safety.
5. The incremental cost of adding a fourth leg to the intersection is minimal.

TRC TRANSPORTATION ENGINEERING – 3672 BAYVIEW DRIVE, EUGENE, OR 97408
541-687-1081



Background:

The City of Medford, in conjunction with the Oregon Department of Transportation are planning to widen Foothill Road to provide a four-lane roadway meeting City arterial standards with left-turn lanes at the McAndrews Road Interchange intersections. The posted speed in this location is 45 miles-per-hour. The City is currently deliberating provisions for access to the property at 1570 Foothill Road.

The access currently forms the east leg of the Foothill Road – McAndrews Road Eastbound Interchange. The City is considering relocating the driveway approximately 185 feet south of its existing location. Along with the relocation, a raised median would be placed in the center of Foothill Road, making the driveway right-in, right-out. The planning commission has recommended keeping the driveway in its current location.

The implications of the relocation are discussed below:

THE PROPOSED RELOCATED DRIVEWAY LOCATION VIOLATES DRIVEWAY SPACING REQUIREMENTS OF THE MEDFORD CITY CODE AND THE OREGON HIGHWAY PLAN:

Medford Municipal Code Section 10.550 Access Standard sub-paragraph (3) a (1) states: ... *“No driveway access shall be allowed to an Arterial Street within 150 feet of the nearest right-of-way line of an intersection street.”* The proposed relocated driveway is approximately 120 feet south of the extension of the south right-of-way line of the McAndrews Road EB ramps. This does not meet the City standard.

The same subsection of the Medford Municipal Code goes on to state: ... *“No driveway or access to an Arterial or Collector Street shall be located closer than allowed by the standards in Table 10.550-3, measured from the center of driveway to center of driveway”.* Table 10.550-3 shows that the minimum spacing for a driveway on a 45 mile per hour street is 385 feet, approximately 200 feet more than the proposed plan.

Figure 21. *Standards for Non-Freeway Interchanges with Multi-Lane Crossroads* of the 1999 Oregon Plan, shows the minimum distance from a freeway ramp terminus to the nearest right-in, right-out driveway for a 45 Mile Per Hour Speed



in a fully-developed urban area to be 990 feet. For rural and urban areas not fully developed this increases to 1320 feet. The proposed relocated plan puts the driveway at approximately 185 feet, center to center. Again, substantially less than the adopted standard.

The proposed relocation will cause substantial hardship on the property owner.

The median in the center of Foothill Road will cause substantial out of direction travel for drivers entering or leaving the site. The only approach to the proposed right-in, right-out drive is from the south and the only exit is to the north. Without U-turns at the McAndrews Rd Interchange Intersections, travelers approaching from the North on Foothill Road or the East or West from McAndrews must travel south on Foothill road past the driveway, south to the intersection of N. Phoenix Road at Hillcrest Road and then turn left and proceed to Urano Lane. At that location, the driver must turn right and proceed to N. Phoenix road and continue north past Hillcrest Road where N. Phoenix Road becomes Foothill Road and then on to the proposed site driveway, thus concluding a 2.4 mile out of direction journey. There are not any intervening, unsignalized public streets and there is no place to legally make a U-turn.

Leaving the driveway to head south requires a more circuitous, albeit shorter (1.2 rather than 2.4 miles) route. A map showing this route is also attached.

The southbound exit route could be shortened to less than 500 feet if provisions for a north to southbound U-turn at the McAndrews EB ramps is added to the construction project. According to the City of Medford's project manager adding U-turns would require widening the roadway seven feet through the intersection and then roadway tapers on either end. The extra road width would also dictate adding longer mast arms to the poles controlling traffic on Foothill Road.

Adding U-turns does not change the 2.4-mile distance for traffic approaching from the east, west, or north.

In addition to the inconvenience of the out of direction traffic, the proposed drive will increase the noise and reduce the privacy of the house on the site. There is an earthen berm at the south end of the property obscuring visibility between Foothill Road and the house and serves as a sound barrier. Removal of the berm is necessary for the elevation of the relocated driveway to match the roadway.

The proposed will complicate the routing of service providers to the site.



The out of direction travel would complicate routing for emergency and other services to the subject site. The closest fire station to the site is to the north. To quickly service the site fire trucks would be required to make a U-turn across a median barrier in on a heavily travelled, 45 mile-per-hour arterial, or make the 2.4-mile detour.

In the less than emergency services arena, pizza and other delivery services use a routing pattern that goes from the store to the home and then back to the store above. no matter where they start, there will be an out of direction trip either coming or going.

The proposed change will negatively affect traffic safety:

Access spacing requirements are, in part, put in place as part of a strategy to reduce crashes and improve traffic safety. Making a right-turn from a driveway, crossing two lanes of 45 mile-per-hour traffic, and then stopping at the crosswalk on the near side of a left-turn lane in the 120 feet between the driveway and the stop bar can be a dangerous move. Having a 2.4 mile out of direction detour will encourage some visitors to think about making a mid-bloc U-turn. Some may decide to turn an agricultural path and then back into Foothill roadway to complete a U turn. All of these moves will lead to diminished traffic safety.

The incremental cost of adding a fourth leg to the intersection is minimal.

Keeping the driveway at its recommended location will result in a minor increase in cost. The traffic signal will require the addition of one short mast-arm traffic signal facing the site driveway, adding vehicle detection for the driveway, adding conduit from the nearest junction box, and adding a cable to from the controller to the cable.

For pedestrian control, even without the recommended configuration, there will be conduit between the controller to every corner of the intersection. If properly located the mast-arm pole for the signal head could replace a pedestrian signal pole. Because there would only be one exit lane from the site, the mast-arm could be very short.

The added costs would be offset by the elimination of driveway construction and reduced right-of-way needs.



The traffic from the site would be small enough to have almost no impact on traffic operations. A typical residence generates, on the average, ten trips a day, one trip during the peak hour. Traffic from the fourth leg would be phased to face a green at the same time as the opposing traffic from the Eastbound McAndrews Offramp. The volumes are low enough that there would not be a perceptible difference in level of service with or without the fourth leg.

Closure:

Based on the analysis contained in this letter, I recommend that the driveway serving 1570 Foothill road remain at or near its existing location and be controlled by the signal controlling the Foothill Road - Eastbound McAndrews interchange ramps.

Please let me know if you have any questions or desire further information.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'James R. Hanks'.

James R. Hanks, P.E.

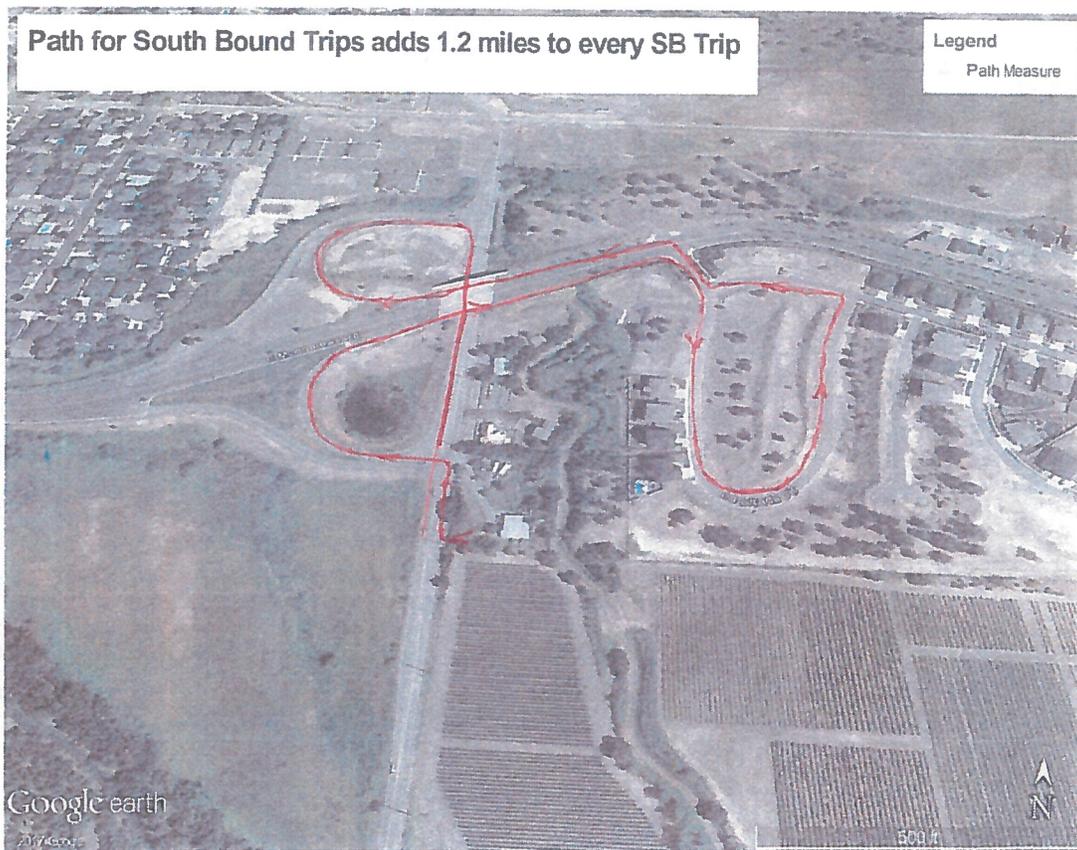














Exhibit V

Letter from Emily Mostue and Karen Allan

July 11, 2017

Dear City Council Members

Re: the Foothill Rd Improvement Project

In an earlier communication to City Council, Rocky Knoll requested a fence and gates along the west side of Foothill Rd and an all-weather frontage road both to be constructed at City expense. At the July 6 City Council meeting, staff recommended denying both these items.

Rocky Knoll currently does not have a fence along the west side of Foothill Road between Hillcrest Rd and the hill with the vineyard on it and we have not felt it necessary to have one under the current use. Very few people walk or bike on Foothill Rd as it is narrow and vehicles are moving fast. But when sidewalks and bicycle lanes are constructed adjacent to our property, it is likely people will be tempted to stray on to the open fields, farm road and vineyards. Trespassers can seriously interfere with the farming operation and cause damage to equipment, crops and irrigation and other facilities.

At the hearing, city staff said that the city would replace fences and gates that existed before, but not generally add new ones. However, providing fences along the farmed land and gates at the Spring Street intersection are essential to maintain the current status of the property because of the significant changes in design and use of the road.

We currently have a frontage road that runs on our property parallel to Foothill Rd from what has been called the Spring Street intersection north to the vineyard on the hill. This frontage road is critical to the farm operation. We use it to get tractors, cars, pickups, spray rigs, mowers, etc. around internally in the farm. But the road is not usable when it rains, or in the winter, or when we irrigate the pasture adjacent to the frontage road which is about once a week in the summer. At those times we use Foothill Rd and turn left into the driveway that goes up the hill or into the vineyard. The Foothill Rd improvement project takes the latter option away from us. Without an all-weather frontage road, the only way we could get to the vineyard from the main part of the farm when it is wet is coming out of the farm entrance on Hillcrest Rd and turning right, then turning right on Pierce Rd, then turning right on Brookdale Ave, then turning right on McAndrews Rd, then turning right on Foothill Rd, then turning right into the driveway that goes up the hill at 801 N. Foothill Rd. An all-weather road is essential to reasonably maintain current operations. We do not need an elaborate street, only a single lane farm road that is drivable in all weather. The staff's budget of \$100,000 for the frontage road as stated in the July 6 Council meeting far exceeds our needs.

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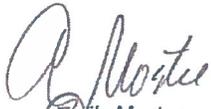
JUL 12 2017

PLANNING DEPT.



City staff said that these issues might be taken up as part of the negotiations for damages. However, that provides no clear commitment and the potential harm is great. We request that the City Council direct staff to negotiate to provide reimbursement for these types of damages to the operation of the property.

Sincerely,


Emily Mostue
Rocky Knoll LLC


Karen Allan
Rocky Knoll LLC

RECEIVED
JUL 13 2017
CITY MANAGER'S OFFICE

Exhibit W

Public Works Response to Written Testimony Submitted July 6-13, 2017



Continuous Improvement Customer Service

CITY OF MEDFORD

Date: 7/20/2017
File Number: TF-17-012

PUBLIC WORKS DEPARTMENT STAFF REPORT Foothill Road Transportation Facility Project

Project: The City proposes a transportation facility project to construct street improvements on Foothill Road between Hillcrest Road and McAndrews Road to major arterial standards including: an increase in travel lanes, buffered bike lanes, multi-use path, sidewalks, medians, planter strips, and street lights.

Applicant: Medford Public Works Department – Engineering Division

Planner: Sarah Sousa, Planner IV, Long Range Division

During the July 6, 2017 City Council Meeting there was a request to hold the record open for an additional 7 days to allow for further written testimony. Public Works is responding to the additional written testimony (including the response letter from Stuart Foster/JRH Transportation Engineering representing the Reen driveway) as follows:

Response to Mostue and Allan Letter dated July 11, 2017

The letter of additional testimony focused on two major issues, fencing and an all-weather access road. After reviewing this letter it appears that the property owners are requesting additional compensation from Council for a fence from Hillcrest to the driveway at 801 Foothill and an all-weather frontage road from the new Spring Street intersection to the driveway at 801 Foothill.

The fence location they are requesting currently does not have fencing. We have estimated that a fence the length of the segment requested would cost approximately \$25,000. We also do not feel confident that we will be able to include this additional cost within right-of-way negotiations because we are not damaging an existing fence. The Oregon Department of Transportation (ODOT) would need to approve compensating the property owner for a fence that isn't there and the final determination cannot be predicted with confidence.

The Rocky Knoll property south of the hill currently has a farm frontage road from the new Spring Street intersection to the driveway at 801 Foothill. This frontage road will need to be relocated due to the street improvements and compensation for this relocation will occur during right-of-way negotiations. Typically the property owner will request bids for this work and submit them as part of their compensation package

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Page 1

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

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

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

for the property acquisition and damages to existing private improvements. We have estimated an all-weather frontage road within this segment to cost approx. \$27,000. This frontage road can be addressed in right-of-way negotiations, but Council direction will provide clear direction and clarity for the owners.

Response to Foster/JRH testimony dated July 6, 2017

Stuart Foster, representing the Reen family, provided written and oral testimony during the hearing. The staff response to the written letter from JRH Transportation Engineering is:

Reason number 1, *"The proposed relocated driveway location violates driveway spacing requirements of the Medford City Code and the Oregon Highway Plan."* We disagree with this statement for the following reasons:

1. The driveway does not violate the Medford Municipal Code (MMC) Section 10.550. As your letter points out, the driveway is within 150 feet of the nearest right-of-way line of an intersecting street and closer than 385 feet to the nearest driveway. However, per MMC Section 10.550 (3) (c), "the standards set forth in Sections 10.550 (3) (a) and (b) above are the City's basic access standards. The City also recognizes that unique situations and/or complex projects may warrant alternative driveway spacing and location." Furthermore, MMC Section 10.550 (3) (c) (1) (ii) states "where no proposed access location can satisfy all the standards in Section 10.550 (3) (a) and/or (b), the driveway may be located in the location that best meets the City's access management standards in the professional opinion of Public Works Director (or designee)." Moving the driveway to the intersection does not satisfy the spacing standards; it actually places it closer to the nearest driveway. There is, in fact, no location on this property that can satisfy all the standards and MMC section 10.550 gives the Public Works Director broad authority over driveway locations in this situation.
2. Foothill Road is a Major Arterial roadway within an urbanized area. Referencing standards in the Oregon Highway Plan is not appropriate to the context.

Reason number 2, *"The proposed relocation will cause substantial hardship on the property owner."*

The primary reason given to substantiate the claimed hardship is the amount of out of direction travel for drivers entering or leaving the site. Public Works has proposed to add additional U-turn locations to the project to mitigate this impact; one at the north on/off ramp for E McAndrews Rd for northbound traffic and another at the future Spring St intersection for southbound traffic.

Adding these U-turn locations reduces the out of direction travel for east/west/southbound traffic from the 2.4 miles indicated, to an approximately 1 mile round trip. 1 mile takes 1 min 20 seconds to travel at 45mph. The out of direction travel leaving the site to go southbound decreases from the 1.2 miles indicated to approximately 2,100 feet.

The other reason given to substantiate the claimed hardship associated with the driveway location is the removal of the earthen berm. To clarify, the berm is within the public right-of-way and needed for the project and will need to be removed regardless of where the driveway is placed. Locating the driveway to the south would require more of the berm to be removed but is not the determining factor in removing the berm.

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Page 2

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

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

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

Reason number 3, *"The proposed (driveway location) will complicate the routing of service providers to the site."*

While there will be some out of direction travel associated with getting to/ from the site, the professional opinion of Public Works staff is that the safety benefits to the public from limiting full access turning movements across a 45mph Major Arterial roadway from single-family residential lots outweighs the negatives resulting from this out of direction travel.

Reason number 4, *"The proposed change will negatively affect traffic safety."*

While there will be some out of direction travel and U-turns associated with getting to/ from the site, the professional opinion of Public Works staff is that the safety benefits to the public from limiting full access turning movements across a 45mph Major Arterial roadway from single-family residential lots outweighs the negatives resulting from this out of direction travel.

Having a very little used leg of a traffic signal can also have negative safety implications. When conflicting traffic becomes accustomed to going through an intersection day after day without any cars exiting the driveway, they perceive that they do not need to watch for cars coming from that approach. This can be a problem when there is a car from that approach. However, the impact of this can be mitigated with signal operations and Public Works agrees that placing the driveway at a signalized intersection can be made to operate safely.

Reason number 5, *"The incremental cost of adding a fourth leg to the intersection is minimal."*

Public Works generally agrees with this statement. Public Works may operate the driveway as a separate signal phase due to the safety concern raised above, under reason number 4, but due to the small number of trips generated by the site, the impact on traffic operations would be minimal.

In conclusion, Public Works recommends that the driveway be located on the south end of the property as proposed in the original Transportation Facility submittal. If the City Council directs, Public Works will construct the driveway across from the signal.

Exhibit X

City Council Minutes

June 15, 2017(excerpt)

130.4 COUNCIL BILL 2017-68 A resolution approving the construction of street improvements on Foothill Road between Hillcrest Road and East McAndrews, as part of Foothill Road Improvement Project. TF-17-012 (Land Use, Quasi-Judicial)

Ms. Paladino presented the staff report, noting the driveway and fencing will be negotiated after the resolution is approved.

*Councilmember D’Alessandro returned to the dais.

Also discussed was a 20-year plan for this road and potential future traffic items.

Mayor Wheeler declared a recess at 8:36 p.m.

The meeting reconvened to the evening session at 8:50 p.m. with the same persons present.

Public hearing opened.

Councilmember Jackle stated he has a conflict and will abstain from this matter.

Public Works Director Cory Crebbin presented the staff report and clarified the purpose was to approve the Transportation System Plan for Foothill Road Improvement Project. The 45 mile per hour speed limit and the ability to develop the affected land were discussed.

Rick Pies, 1618 N. Foothill Road, spoke regarding a barrier wall in front of his property, the speed limit, access to his property and roadway islands on North Phoenix Road.

Mark Miller, 1604 N. Foothill Road, voiced concerns regarding the impact to his property.

Karen Allan, 2895 Hillcrest Road, voiced concerns regarding access to her property.

Emily Mostue, Rocky Knoll LLC, voiced concerns regarding access to both sides of her property.

Stuart Allan, 2895 Hillcrest Road, voiced concerns regarding the trees along Foothill Road. He will speak to the Tree Committee about preserving the trees.

Laurence Rubenstein, 801 N. Foothill Road, voiced concerns regarding the median.

Mike Montero, Cogswell Ltd Partnership, voiced concerns regarding the challenges of this project, including safety.

Bill and Gwyn Reen, 1570 N. Foothill Road, voiced concerns regarding their parking area, well, and driveway access.

Mr. Crebbin presented clarification on several questions presented, such as a U-turn for the three properties who requested it, trees, and noise study.

Motion: Continue meeting to 10:30 p.m.

Moved by: Kevin Stine

Seconded by: Michael Zarosinski

Roll call: Councilmembers Bearnson, Brooks, D'Alessandro, Gordon, Jackle, Stine, and Zarosinski voting yes; Councilmember Wallan voting no.

Motion carried and so ordered.

Council discussed continuing this topic and requested a list of all concerns presented during this hearing. This item will be continued to the next meeting.

Public hearing was not closed.

Motion: Continue public hearing to July 6, 2017 meeting.

Moved by: Clay Bearnson

Seconded by: Kim Wallan

Roll call: Councilmembers Bearnson, Brooks, D'Alessandro, Gordon, Stine, Wallan, and Zarosinski voting yes; Councilmember Jackle abstaining.

Motion carried and so ordered.

Exhibit Y

City Council Minutes

July 6, 2017(excerpt)

120. Public Hearings

120.1 COUNCIL BILL 2017-68 – CONTINUED – A resolution approving the construction of street improvements on Foothill Road between Hillcrest Road and East MacAndrew’s, as part of Foothill Road Improvement Project. TF-17-012 (Land Use, Quasi-Judicial)

Public Works Director Cory Crebbin provided the staff report.

Public hearing opened.

Melanie Miller, 1640 N. Foothill Road, expressed concern with portions of the Foothill project blocking their view.

Mark Miller, 1640 N. Foothill Road, expressed concern with items such as losing part of their property, no sewer access, decrease in his home’s value, and a slower speed limit.

Stuart Foster, Foster Denman LLP, representing Bill and Gwyn Reen, recommended the driveway at 1570 Foothill Road remain at or near its existing location and be controlled by the signal controlling the Foothill Road/Eastbound McAndrews interchange ramps. He requested the record kept open for seven days.

Councilmember Gordon requested clarification on Code 10.550. Ms. Cooper noted if the record remains open for another seven days, the applicant would have that seven days to respond.

Public hearing closed; record to remain open for seven days, giving the applicant an additional seven days to respond. The item is continued to the August 3, 2017 meeting.

Exhibit Z

Letter from Stuart Foster dated 7/13/2017

KAREN C. ALLAN
JASON M. ANDERSON
ERIC R. FOSTER
STUART E. FOSTER
TIMOTHY L. JACKLE
GERALD M. SHEAN III

PAUL F. MCCLAY

**FOSTER DENMAN** LLP
ATTORNEYS AT LAW
3521 EAST BARNETT ROAD
P.O. BOX 1667
MEDFORD, OR 97501

TELEPHONE 541-770-5466 FAX 541-770-6502

LISA M. RAHM
TRUST AND PROBATE
ADMINISTRATOR

L. ESTELA RODRIGUEZ
STAFF ACCOUNTANT

July 13, 2017

RECEIVED

JUL 13 2017

CITY RECORDER'S OFFICE

Hand Delivered

Mayor Gary Wheeler
Medford City Council
411 W. 8th Street
Medford, OR 97501

Re: July 6, 2017 Agenda Item 120.1 Council Bill 2017-68
Resolution of Approving Construction of Street Improvements on Foothill Road

Dear Mayor and Members of the City Council:

As you know, I represent Bill and Gwyn Reen, the owners of the real property known as 1570 Foothill Road, Medford, Oregon (the "Property"). Enclosed herewith, please find a letter dated July 13, 2017 from James R. Hanks, P.E. of JRH Transportation Engineering, Eugene, Oregon.

For reasons stated in my letter of July 6, 2017, James R. Hanks' letters of July 5, 2017 and July 13, 2017, my testimony and my clients' testimony at the public hearing, we respectfully request that the access to the Property should remain in its current site opposite the south ramp of East McAndrews-North Foothill Interchange.

As Mr. Crebbin noted at the hearing on July 6, 2017 and Mr. Hanks' notes in his letter of July 13, 2017, if my clients' access is to remain in its current place, it will be necessary for the City to acquire the right-of-way to allow hammerhead U-turns for motorists who actually turn on to the Property. My clients are willing to work with the City to dedicate to the City, at no cost, sufficient right-of-way reasonably necessary to accommodate hammerhead U-turns. There is a potential constraint on the size of the hammerhead, namely, the location of the Reen's domestic water well, but based on initial observations, we do not believe that it will be impacted by the construction of the hammerhead.

Very truly yours,



Stuart E. Foster

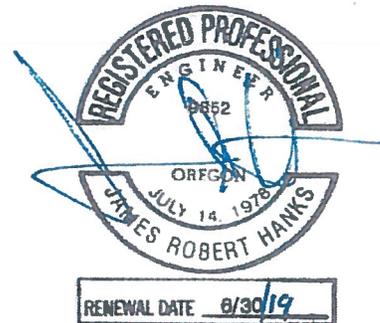
SEF: cln
Enclosure

Cc: Clients (w/o encl)



July 13, 2017

Bill and Gwen Reen
1579 Foothill Road
Medford, OR 97504



RE: 1570 Foothill Road, Medford Oregon, Oregon Access Issue

Dear Bill and Gwen:

On Monday, July 10, 2017 I contacted Cory Crebbin, Medford Public Works Director to discuss access issues and to clarify some of the details regarding the N. Foothill Road project at they might relate to your property.

He began by mentioning the City Council has not approved a design and therefore anything is subject to change. He stated that the staff recommendation is for the relocation of the driveway as to the south end of your property. The current plans include provisions for a U-turn at the north (westbound) interchange. Northbound U-turns will be prohibited at the south (eastbound) interchange. He believes that there is sufficient distance for drivers leaving the relocated driveway to transition into the left and U-turn lane at the north intersection. The most challenging remaining movement will be the merge from the relocated Reen driveway into the left-turn pocket at the south interchange. Drivers exiting the driveway must, from a full stop, cross two lanes of 45 mile-per-hour traffic and then come to a full stop at the end of the turning lane in approximately 170 feet. As a minimum, this is not a comforting situation during times of peak traffic.

You would still need to navigate the 2.4-mile trip to return to your home from the north, east and west. Mr. Crebbin stated that the Spring Street extension would shorten the route. The extension will be built concurrently with development of the land along the proposed roadway. Given the high speeds involved, permitting a U-turn at the future intersection would not be advisable until a signal is operational.

All, or almost all, the vacant land along the future Spring St. requires substantial planning and infrastructure construction prior to development. The future road alignment is unknown. A signal would only be constructed when there is sufficient traffic to warrant it. This requires substantial development along the future street. Based on my experience, it would be reasonable to expect the time line to be measured in multiple years, if not decades.

He said the cost to relocate access to the south end of your property is more, even after the signal modifications, than keeping it in its current location. He told me that it might be difficult to provide a left-turn lane into your property at your existing location but allowed that he was not sure of this. After consideration, I believe there is no difficulty in providing a left-turn lane into your existing driveway. The planned northbound left-turn lane at the south interchange faces a median sufficiently wide to accommodate the left turn to your property. We did not discuss this in our conversation.

We discussed the safety of having the driveway located at the signal. I told him that I had experience with similar intersections as the Eugene Traffic Engineer. When I arrived, there were a small number of signalized arterial intersections having a minor leg with a STOP sign, not a signal indication. Two of the locations were on routes I regularly drove and never noticed until they were pointed out to me.

At one time that control strategy may have been permitted; however, when I arrived in 1977 it was clearly outside of acceptable practice. It took a couple of years, but we modified the signals to include the minor leg. The result were intersections not unlike what we are requesting. None of the locations have experienced a crash problem related to the access.

Mr. Crebbin said that given the low traffic volumes generated by your site, it probably would not be a major safety issue to signalize your driveway. He said that people might be confused and enter your property by mistake, but he went on to say that it could be solved by striping and signing. If the council directs the staff to keep your driveway near the current location, they would acquire right-of-way to allow hammer-head U-turns for motorists who accidentally turn into your property. I told him that it was my understanding that you would support a hammer-head design.

We did not discuss his assertion that a driveway could be permitted under the code as an exception. He is correct in stating that it is permissible under the Medford Code: “Where no proposed location can satisfy all the standards in



Section 10.550 (3) ...". Leaving the driveway at its current location solves any Code violation issue.

Based on this information I continue to recommend that your driveway remain at or near its present location and be controlled by the traffic signal at the south interchange. If possible without excessive cost, a southbound to westbound left-turn lane should be provided.

Keeping your driveway will cost less, provide safer access, and reduce your vehicle-miles travelled when compared to the City's relocation proposal.

Please let me know if you have any questions or desire further information.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'JRH'.

James R. Hanks, P.E.