



November 7, 2019

6:00 P.M.

Medford City Hall, Medford Room
411 W. 8th Street, Medford, Oregon

10. Roll Call

20. Recognitions, Community Group Reports

20.1 Recognitions

Citizen Academy Graduation

20.2 Community Group Reports

Medford Alba Sister City Committee Report

30. Oral Requests and Communications from the Audience

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

40. Approval or Correction of the Minutes of the October 17, 2019 Regular Meeting

50. Consent Calendar

50.1 COUNCIL BILL 2019-113

An ordinance awarding a contract in an amount of \$166,830 to Greenshine for the purchase of 67 solar-powered lights.

50.2 COUNCIL BILL 2019-114

A resolution adopting a revised investment policy for the City of Medford.

50.3 COUNCIL BILL 2019-115

An ordinance authorizing execution of a Voluntary Collection Agreement with Airbnb pertaining to remittance of Transient Lodging Taxes.

60. Items Removed from Consent Calendar

70. Ordinances and Resolutions

80. 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.

80.1 COUNCIL BILL 2019-116

An ordinance amending Sections 4.326, 4.405, 4.763, 4.1200, and 4.1202 of the Medford Municipal Code pertaining to utility fees for mobile food vendors.

80.2 COUNCIL BILL 2019-117

An ordinance vacating a portion of excess rights-of-way on Foothill Road, Normil Terrace, and High Cedars Lane, a Public Utility Easement and Reserve Strips in High Cedars Landing, Phases 5B, 6B, and 7B, within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district. (SV 19-045) Land Use, Quasi-Judicial

80.3 COUNCIL BILL 2019-118

A resolution adopting the Housing Opportunity Fund 2019 funding awards.

80.4 COUNCIL BILL 2019-119

An ordinance amending Sections 10.012, 10.314, and 10.337 of the Medford Municipal Code and adding Section 10.825, pertaining to emergency shelters. (DCA 19-004) Land Use, Legislative

90. Council Business

90.1 Proclamations issued

Veterans' Day – November 11, 2019

National Holocaust Education Day – November 11, 2019

90.2 Charter Review Committee Selection

90.3 Committee Reports and Communications

a. Council Officers Update

100. City Manager and Staff Reports

110. Adjournment



DEPARTMENT: Parks, Recreation, Facilities
PHONE: (541) 774-2483
STAFF CONTACT: Rich Rosenthal, Director

AGENDA SECTION: Consent Calendar
MEETING DATE: November 7, 2019

COUNCIL BILL 2019-113

An ordinance awarding a contract in an amount of \$166,830 to Greenshine for the purchase of 67 solar-powered lights.

SUMMARY AND BACKGROUND

Council is requested to approve a contract in the amount of \$166,830 with Greenshine for procurement of 67 solar-powered street lights for installation along the Bear Creek Greenway in downtown Medford.

PREVIOUS COUNCIL ACTIONS

On June 6, 2019, Council approved Council Bill 2019-45, adopting the 2019-21 budget, and making appropriations thereunder.

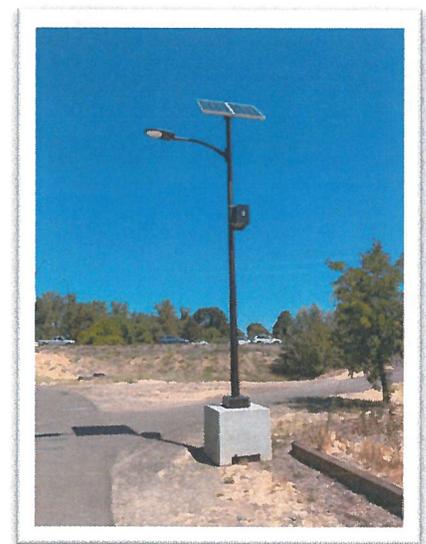
On July 25, 2019, Council reviewed potential Bear Creek Greenway enhancements, and directed staff to implement the plan to install solar lights along a 2.5-mile section of the pathway, along with other improvements.

ANALYSIS

As part of a \$300,000 allocation from marijuana tax proceeds set aside for Greenway enhancements during the 2019-21 biennial budget process, the Parks, Recreation and Facilities Department examined multiple methods to economically and efficiently illuminate downtown sections of the pathway. At a July 2019 study session, Mayor and Council directed staff to implement the plan to install 69 solar-powered light poles at 120-foot intervals between Barnett Road and McAndrews Road to create a 2.5-mile lighted Greenway corridor between Bear Creek Park and the Rogue Valley Mall.

Two portable solar lights from Greenshine were purchased in July and placed for analysis along the Greenway near the intersection of McAndrews and Biddle Road. These units have worked flawlessly.

With an installed cost of \$3,800 per pole, solar lighting provides equivalent brightness and pole height as an electric-powered system without the need for trenching, conduits and wiring in addition to avoiding ongoing power costs and reducing the City's carbon footprint. A solar-powered light pole costs \$2,800 less than an electric-powered pole.





AGENDA ITEM COMMENTARY

The solar fixture features a 30-watt, 4,200-lumen LED with a toughened-glass lens atop a 20-foot-high steel pole. The battery case has an expected life of seven years with a \$300 replacement cost, while the solar panel carries a 25-year warranty with a \$250 replacement cost.

A fully charged battery provides up to five nights of light. According to Greenshine, a measurable amount of battery re-charging occurs even on overcast days.

The City followed the competitive bid procurement process, and three companies' submitted bids. The low bidder (Smart Era Lighting Systems) was disqualified because its product did not conform to bid specifications. Consequently, the next lowest bid that met specifications was selected (Greenshine).

Smart Era Lighting Systems	\$153,636
Greenshine	\$166,830
Solar Electric Power Co.	\$465,784

If the contract is approved, the fixtures will take approximately two months to be manufactured and to arrive in Medford. Installation will occur in early 2020.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Funding is allocated and available in the Bear Creek Greenway Improvements CIP (RZZ1030100-2101).

TIMING ISSUES

If approved, installation of the solar lights will be completed in early 2020.

COUNCIL OPTIONS

- Approve the ordinance as presented.
- Deny the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the contract with Greenshine in the amount of \$166,830 for the purchase of 67 solar-powered lights.

EXHIBITS

- Ordinance
- Greenshine contract (submitted in OneSolution) on file in the City Recorder's office

ORDINANCE NO. 2019-113

AN ORDINANCE awarding a contract in an amount of \$166,830 to Greenshine for the purchase of 67 solar-powered lights.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in an amount of \$166,830 to Greenshine for the purchase of 67 solar-powered lights, which is on file in the City Recorder's office, is hereby awarded.

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

ATTEST: _____
City Recorder

Mayor

APPROVED _____ 2019.

Mayor



AGENDA ITEM COMMENTARY

DEPARTMENT: Finance **AGENDA SECTION:** Consent Calendar
PHONE: (541) 774-2030 **MEETING DATE:** November 7, 2019
STAFF CONTACT: Ryan Martin, CFO/Deputy City Manager

COUNCIL BILL 2019-114

A resolution adopting a revised investment policy for the City of Medford.

SUMMARY AND BACKGROUND

Council is requested to consider approval of the City's Investment Policy.

The City's Investment Policy was created in 1986 and later revised in 1992, 2001, 2010, 2011, and 2018. The goal of the Investment Policy is to set guidelines for City investments that safeguard the City's assets.

The Investment Policy was rewritten in 2018 to be in accordance with ORS 294.035, 294.040, 294.052, 294.135, 294.145, and 294.810. After the Investment Policy was rewritten, it was sent to the Oregon Short Term Fund (OSTF) Board for review. The Board reviewed the policy on July 10, 2018 and concluded that the statutory policy review requirement was satisfied. Because there are no material changes this year, the Investment Policy is not required to be reviewed by the OSTF Board.

PREVIOUS COUNCIL ACTIONS

On September 15, 2011 – Council Bill 2011-183 was approved authorizing execution of a revised investment policy for the City of Medford

On October 4, 2018 – Council Bill 2018-114 was approved authorizing execution of a revised investment policy for the City of Medford

ANALYSIS

Section 18(4) has been modified to reflect only agency and instrumentality securities having a maximum of 20% as callable securities. This allows callable corporate bonds to be excluded from this calculation.

Callable structures are typically associated with agency (government issued) bonds and can have varied structures. The difference between the call date and the final maturity date can be significant. It can be detrimental to the City's portfolio performance if bonds are purchased at a higher interest rate, called, and then the City purchases bonds at lower interest rates. Therefore, it is prudent to control the exposure by limiting the maximum callable agency bonds in the portfolio.

For the current portfolio holdings, thirteen percent is held in three corporate securities with a call date of one month prior to maturity. The difference between the final maturity date and call date is not significant since it is only thirty days. Although there is some impact on the portfolio from this variation, it is limited. Because of the limited exposure, it is recommended to exclude corporate securities in the portfolio from the 20% maximum.



FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

The Investment Policy must be reviewed annually by Council.

COUNCIL OPTIONS

Approve the resolution as presented.

Modify the resolution as presented.

Deny the resolution as presented and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the resolution.

SUGGESTED MOTION

I move to approve the resolution updating the City's Investment Policy.

EXHIBITS

Resolution

Investment Policy

RESOLUTION NO. 2019-114

A RESOLUTION adopting a revised investment policy for the City of Medford.

WHEREAS, the City last revised its investment policy and portfolio guidelines in 2018 and since that time, legislative and administrative rule changes have modified local government investment practices in Oregon; and

WHEREAS, the requested policy modifications provide a detailed and comprehensive set of guidelines to achieve the City's principal investment objectives; now therefore,

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

That a revised investment policy for the City of Medford, on file in the City Recorder's Office, is hereby adopted.

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

ATTEST: _____
City Recorder

Mayor

City of Medford

Investment Policy

Section 1. Purpose

This Investment Policy (the policy) defines the parameters within which funds are to be invested by the City of Medford (the City). This policy formalizes the framework, pursuant to ORS 294.135, for the City's investment activities to ensure effective and judicious management of funds within the scope of this policy.

This policy, adopted by the City Council of the City of Medford on November 7, 2019, replaces all previous versions of the City's Investment Policy.

Section 2. Governing Authority

The City's investment program shall be operated in conformance with Oregon Revised Statutes (ORS) and applicable federal law. Specifically, this policy is written in accordance with ORS 294.035; 294.040; 294.052; 294.135; 294.145; and 294.810. All funds within the scope of this policy are subject to laws established by the state of Oregon. Any revisions or extensions of these sections of the ORS shall be assumed to be part of this policy immediately upon being enacted.

Section 3. Scope

The provisions of this policy shall apply to all investable funds of the City and its component units, except for deferred compensation fund assets, pension fund assets, and assets of restricted trust and escrow funds to the extent not under the investment control of the City. Included under the provisions of this policy are financial assets of general operating funds, enterprise funds, special revenue funds, and any other funds not specifically excluded which are recognized in the City's Comprehensive Annual Financial Report. The average monthly balance invested in the City's general portfolio is approximately \$80 million, excluding proceeds from bond issues.

Except for restricted and excluded funds and special accounts, all excess cash shall be pooled into one account for investment purposes. The net investment income derived from the pooled investment account shall be allocated pro-rata on a monthly basis to the contributing funds based upon their average balances and in accordance with generally accepted accounting principles.

Section 4. Objectives

The City's primary investment objectives, in priority order, shall be:

4.1 Preservation of Invested Capital

Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The goal is to mitigate credit risk and interest rate risk.

4.2 Liquidity

The investment portfolio shall remain sufficiently liquid to meet all reasonably anticipated operating requirements. Furthermore, the portfolio should consist largely of securities with active secondary or resale markets. A portion of the portfolio also may be placed in the Oregon Short-Term Fund which offers next-day liquidity. Where possible and prudent, the portfolio should be structured so that investments mature concurrent with anticipated demands.

4.3 Return

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into consideration the safety and liquidity needs of the portfolio. Although return consists of both principal return (gains and losses due to market value fluctuations) and income return (yield), this policy discourages excessive active trading and turnover of investments. Investments should generally be held to maturity.

Section 5. Delegation of Authority

5.1 Governing Body

The City Council retains ultimate fiduciary responsibility for invested funds. The governing body will receive reports, pursuant to and with sufficient detail to comply with ORS 294.085 and 294.155.

5.2 Delegation of Authority

Authority to manage investments within the scope of this policy and operate the investment program in accordance with established written procedures and internal controls is granted by City Council to the City Manager, hereinafter referred to as the Investment Officer, and derived from the following: ORS 294.035 to 294.053, 294.125 to 294.145, and 294.810. The City Manager may appoint the Finance Director as Investment Officer and the Finance Director may further appoint other staff members as Investment Officers with the approval of the City Manager.

No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Investment Officer. The Investment Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate investment personnel.

All participants in the investment process shall seek to act responsibly as custodians of the public trust. No officer or designee may engage in an investment transaction except as provided under the terms of this policy and supporting procedures.

5.3 Investment Advisers

Subject to required procurement procedures, the City may engage the support services of one or more investment managers to assist in the management of the City's investment portfolio in a manner consistent with this investment policy.

The investment advisory service firm will function in a non-discretionary role. All investment transactions by approved investment advisers must be pre-approved in writing by the Investment Officer or designee and must be compliant with this policy. If the City hires an investment adviser to provide investment management services, the adviser is authorized to transact with its direct dealer relationships on behalf of the City.

Section 6. Prudence and Indemnification

- 6.1 The standard of prudence to be used in the context of managing the overall portfolio is the prudent person rule which states: *Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.*
- 6.2 The overall investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust. The City recognizes that no investment is totally without risk and that the investment activities of the City are a matter of public record. Although investments are typically held to maturity, the City recognizes that within a diversified portfolio it may be advantageous to realign portfolio holdings to improve portfolio yield, liquidity or credit. In such cases any realized gains or losses shall be considered within the context of the overall portfolio's return, provided that adequate diversification has been implemented and that the sale of a security before maturity is in the best long-term interest of the City.
- 6.3 The City's Investment Officer (ORS 294.004 (2)) and staff acting in accordance with this Investment Policy, written procedures, and Oregon Revised Statutes 294.035 and 294.040 and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price change or other loss in accordance with ORS 294.047, provided that these losses are reported as soon as practical to the City Manager and action is taken to control adverse developments. Losses that are sustained in the City's portfolio shall be charged against current investment earnings.

Section 7. Ethics and Conflicts of Interest

City investment staff involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or create the appearance of an impairment of their ability to make impartial investment decisions. City investment staff involved in the investment process and investment officials shall disclose in writing to the City Manager any financial interests they have in financial institutions that conduct business with the City and they shall subordinate their personal investment transactions to those of the City.

Employees shall comply with ORS 244.040 (Code of Ethics), ORS 244.120 (Methods of Handling Conflicts), GARS Article 3.15 (Standards of Conduct), any amendments to these provisions, and any Code of Ethics applicable to employees that the City may adopt in the future.

Section 8. Internal Controls

The Investment Officer shall establish and maintain a system of written internal controls consistent with this policy designed to prevent the loss of public funds due to fraud, error, misrepresentation or imprudent actions by third parties or by employees of the City. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. Internal controls shall be written and shall be reviewed and tested periodically by the Investment Officer.

The policies set forth in this document shall be adhered to and monitored on a quarterly basis. Any instance which is deemed to be out-of-compliance with this investment policy shall be brought back into compliance as soon as prudently feasible.

The concept of reasonable assurance recognizes that the cost of the control should not exceed the benefits likely to be derived and the valuation of costs and benefits requires estimates and judgments by management. The internal controls shall address the following points at a minimum:

- 1) Compliance with investment policy.
- 2) Control of collusion.
- 3) Separation of transaction authority from accounting and record keeping.
- 4) Custodial safekeeping.
- 5) Avoidance of physical delivery of securities whenever possible and address control requirements for physical delivery where necessary.
- 6) Clear delegation of authority to subordinate staff members.
- 7) Confirmation of transactions for investments and wire transfers in written or digitally verifiable electronic form.
- 8) Dual authorizations of wire and automated clearing house (ACH) transfers.
- 9) Staff training.
- 10) Review, maintenance and monitoring of security procedures both manual and automated.

Section 9. Safekeeping and Custody

9.1 Third Party Safekeeping

All marketable securities bought or sold by the City, and all purchased securities under the terms of a City approved Master Repurchase Agreement, shall be delivered by book entry and purchased securities and repurchase agreement collateral shall be held in third-party safekeeping by a City approved, independent custodian.

Custodian banks shall be selected on the basis of their ability to provide services for the City's account and the competitive pricing of their safekeeping related services. The City shall execute a written Safekeeping Agreement with each custodian bank prior to utilizing that bank's safekeeping services. Upon request, the safekeeping institution shall make available a copy of its Statement on Standards for Attestation Engagements (SSAE) No. 16.

9.2 Delivery vs. Payment

The purchase and sale of securities and repurchase agreement transactions shall be settled on a delivery versus payment basis in accordance with ORS 294.145 (4) and (5). It is the intent of the City that all purchased securities be perfected in the name of the City. Sufficient evidence to title shall be consistent with modern investment, banking and commercial practices.

Section 10. Collateralization

All bank deposits, time deposits, certificates of deposit, and savings accounts held in bank depositories which exceed the amounts insured by one or more agencies of the United States Government shall be collateralized in accordance with the provisions of ORS 295.

Collateral for repurchase agreements shall be limited in maturity and priced in compliance with ORS 294.035 (3)(k). See Section 13, Suitable and Authorized Securities and Transactions section of this policy.

Section 11. Selection of Broker/Dealers

11.1 Broker/dealers and other financial institutions shall be selected by the Investment Officer on the basis of their expertise in public cash management and their ability to provide service for the City's account. It shall be the policy of the City to purchase securities only from approved institutions and firms. Additions or deletions to the list shall be made at the Investment Officer's discretion.

A list will be maintained of approved broker/dealer firms and affiliated representatives.

- i) Approved broker/dealer firms must:
 - A) Be registered with the Securities and Exchange Commission (SEC);
 - B) Be registered with the Financial Industry Regulatory Authority (FINRA);
 - C) Provide recent audited financials;
 - D) Provide FINRA Focus Report filings.

- ii) Approved broker/dealer employees who execute transactions with the City must:
 - A) Be a registered representative with the Financial Industry Regulatory Authority (FINRA);
 - B) Be licensed by the State of Oregon;
 - C) Provide written certification of having read, understood and agreed to comply with the most current version of this investment policy.

- iii) The Investment Officer may establish policy for engaging broker/dealer firms and registered representatives more restrictive than stated above. Additional considerations may include:
 - A) Positive references from at least three other local government clients;
 - B) Inquiries with other local government clients with regard to their recent experiences with broker/dealer firms or registered representatives and any change in relationship status;
 - C) Requirement that approved registered representatives provide notification with 30 days of any formal investigations or disciplinary actions initiated by federal or state regulators;
 - D) Requirement that prospective registered representatives have an established history of advising local governments with similar amounts of assets under management.

- iv) On at least an annual basis the Investment Officer shall review all authorized broker/dealers and their respective authorized registered representatives. Factors to consider include the following:
 - A) Pending investigations by securities regulators;
 - B) Significant changes in net capital;
 - C) Pending customer arbitration cases;
 - D) Regulatory enforcement actions.

- 11.2 The City may purchase Commercial Paper from direct issuers even though they are not on the approved broker/dealer list as long as they meet the criteria outlined in the Authorized Securities and Transactions section of this policy.

Section 12. Investment Adviser

The City may engage the services of one or more external investment managers to assist in the management of the City's investment portfolio in a manner consistent with this investment policy. Investment advisers may be hired on a non-discretionary basis. All investment transactions by approved investment advisers must be pre-approved in writing by the Investment Officer or designated personnel and must be compliant with this investment policy. Approved investment advisers are authorized to transact with its direct dealer relationships on behalf of the City.

Approved investment advisers shall meet the following criteria:

- A) The investment adviser firm must be registered with the Securities and Exchange Commission (SEC) if the firm has assets under management greater than \$100 million. Alternatively, if the investment adviser firm has assets under management less than \$100 million then the firm must be licensed by the state of Oregon.
- B) All adviser representatives recommending investment transactions on behalf of the City must provide written certification of having read, understood and agreed to comply with the most current version of this investment policy.

Section 13. Authorized Securities and Transactions

13.1 Permitted Investments

All investments of the City shall be made in accordance with Oregon Revised Statutes: ORS 294.035, ORS 294.040, and ORS 294.810.

The City has further defined the eligible types of securities and transactions as follows:

- i) U.S. Treasury Obligations: Treasury Bills, Treasury Notes, Treasury Bonds and Treasury Strips with maturities not exceeding five years from the date of trade settlement. The maximum ownership of U.S. Treasury Obligations is 100%.
- ii) Federal Agency and Instrumentality Securities: Debentures, discount notes, step-up securities, callable securities and stripped principal or coupons with final maturities not exceeding five years from the date of trade settlement. Subordinated debt may not be purchased. The maximum ownership of Federal Agency or Instrumentality Securities is 100% with no more than 25% of the portfolio held in any one issuer.
- iii) Commercial Paper issued by a commercial, industrial or utility business or issued by or on behalf of a financial institution with maturities not exceeding 270 days from the date of trade settlement. Commercial paper must be rated at least A-1 by Standard and Poor's, P-1 by Moody's or F1 by Fitch at the time of purchase by each service which rates the commercial paper. Ownership of commercial paper and corporate bonds

shall be limited to a combined total of 35% of the portfolio, with no more than 5% of the portfolio held in any one issuer or its affiliates or subsidiaries.

- iv) Corporate Bonds issued by a commercial, industrial or utility business or issued by or on behalf of a financial institution with final maturities not exceeding three years from the date of trade settlement. Authorized corporate bonds shall be limited to obligations of United States dollar denominated corporations organized and operating within the United States. At the time of purchase, the debt must be rated at least AA- by Standard and Poor's or Aa3 by Moody's or AA- by Fitch, as required by ORS 294.035. Furthermore, split ratings are acceptable to no less than A by Standard and Poor's or A2 by Moody's or A by Fitch. Ownership of corporate bonds and commercial paper shall be limited to a combined total of 35% of the portfolio, with no more than 5% of the portfolio held in any one issuer or its affiliates or subsidiaries.
- v) Bankers Acceptances which are (a) guaranteed by and carried on the books of a financial institution located and licensed to do banking business in the state of Oregon; or a financial institution located in the states of California, Idaho or Washington that is wholly owned by a bank holding company that owns a financial institution that is located and licensed to do banking business in the state of Oregon. (b) Banker's acceptances shall be eligible for discount by the Federal Reserve System; and (c) the institution issuing a letter of credit shall have a short-term rating that is the highest category by one or more nationally recognized statistical rating organizations at the time of purchase. Maturities shall be limited to 180 days from the date of trade settlement and ownership of bankers acceptances shall not exceed 25% of the portfolio, with no more than 5% of the portfolio held in any one issuer.
- vi) State of Oregon Local Government Investment Pool organized pursuant to ORS 294.805 through 294.895. Participation in the Pool shall not exceed the maximum limit annually set by ORS 294.810. This amount is indexed semi-annually to inflation (the Portland All-urban consumer CPI) pursuant to statute. The limit may temporarily be exceeded by local governments for 10 business days due to pass-through funds.
- vii) Time Deposits and Demand Deposits: All time deposits and demand deposits shall be held in qualified Oregon depositories in accordance with ORS Chapter 295. Examples of time deposits are certificates of deposit and savings accounts. Pursuant to ORS 294.035(3)(d), time deposits, certificates of deposit, and savings accounts are considered investments and are within the scope of this policy. Demand deposits in qualified depository institutions are considered cash vehicles and are not investments and are therefore outside the scope and restrictions of this policy. Ownership of time deposits shall be limited to 35% of the portfolio, with no more than 10% with any one financial institution at the time of purchase, and maturities shall not exceed five years.

- viii) Repurchase Agreements with maturities of 90 days or less collateralized by U.S. Treasury securities with the maturity of the collateral not exceeding three years. For the purpose of this section, the term collateral shall mean purchased securities under the terms of the City approved Master Repurchase Agreement. The purchased securities shall have an original minimum market value including accrued interest of 102% of the dollar value of the transaction, as prescribed by written policy of the Oregon Short Term Fund Board. Collateral shall be held delivery versus payment in the City's custodian bank as safekeeping agent, and the market value of the collateral securities shall be marked-to-the-market daily. Broker/dealers and financial institutions must have an executed Master Repurchase Agreement with the City. Ownership of repurchase agreements shall be limited to 5% of the portfolio and 5% per issuer.

Repurchase Agreements shall be entered into only with City approved Primary Dealers reporting to the Market Reports Division of the Federal Reserve Bank of New York or firms that have a Primary Dealer within their holding company structure.

- ix) Obligations of the State of Oregon: Lawfully issued debt obligations of the state of Oregon and its political subdivisions that at the time of purchase are rated at least A- by Standard and Poor's or A3 by Moody's or A- by Fitch or are rated in the highest category for short-term municipal debt by a nationally recognized rating agency. Ownership of such obligations shall be limited to 15% of the portfolio, with no more than 5% of the portfolio held in any one issuer. Maturities for these obligations shall not exceed three years.
- x) Obligations of the States of California, Idaho, and Washington: Lawfully issued debt obligations of these states and their political subdivisions that at the time of purchase are rated at least AA- by Standard and Poor's or Aa3 by Moody's or AA- by Fitch or are rated in the highest category for short-term municipal debt by a nationally recognized rating agency. Ownership of such obligations shall be limited to 15% of the portfolio, with no more than 5% of the portfolio held in any one issuer. Maturities for these obligations shall not exceed three years.

Summary Table

Suitable and Authorized Securities and Transactions

Security Type	Maximum Portfolio %	Maximum Issuer %	Maturity Restrictions	Rating Restrictions (S&P, Moody's, Fitch)
U.S. Treasury Obligations	100%	100%	5 years	N/A
Federal Agency and Instrumentality Obligations	100%	25%	5 years	N/A
Commercial Paper	35% combined with corporate bonds	5% combined with corporate bonds	270 Days	A-1, P-1, or F1
Corporate Bonds	35% combined with commercial paper	5% combined with commercial paper	3 years	AA-, Aa3, or AA-
Banker's Acceptance	25%	5%	180 Days	Highest Rating for Letter of Credit
Oregon LGIP	ORS 294.810 balance limitation	ORS 294.810 balance limitation	N/A	N/A
Time Deposits	35%	10%	5 Years	N/A
Repurchase Agreements	5%	5%	90 Days	N/A
Municipal Obligations of Oregon Issuers	15%	5%	3 years	A-, A3, or A- (Long-term) Highest Municipal Debt (Short-term)
Municipal Obligations of California, Washington, or Idaho Issuers	15%	5%	3 years	AA-, Aa3, or AA- (Long-term) Highest Municipal Debt (Short-term)

13.2 Approval of Permitted Investments

It is the intent of the City that the foregoing list of authorized securities is strictly interpreted. If additional types of securities are considered for investment, per Oregon state statute they will not be eligible for investment until this investment policy has been amended and the amended version adopted by the City.

13.3 Prohibited Investments

The following securities and transactions are expressly prohibited:

- i) Private Placement or "144A" Securities. For purposes of this policy, SEC Rule 144A securities are defined to include commercial paper privately placed under Section 4(a)(2) of the Securities Act of 1933. Corporate indebtedness shall be subject to a valid registration statement on file with the Securities and Exchange Commission or issued under the authority of Section 3(a)(2) or 3(a)(3) of the Securities Act of 1933, as amended.

- ii) US Agency Mortgage-backed Securities.
- iii) Securities Lending Agreements.

Section 14. Credit Quality Requirements

Credit risk is the risk that a security or a portfolio will lose some or all of its value due to a real or perceived change in the ability of the issuer to repay its debt. Credit risk will be mitigated by the following guidelines:

14.1 Diversification

The City shall diversify its investments. Where appropriate, exposure will be limited by security type, maturity, and issuer.

14.2 Recognized Credit Ratings

Investments must have a rating from at least one of the following nationally recognized statistical rating organizations (NRSRO): Moody's Investors Service, Standard & Poor's or Fitch Ratings. Ratings used to apply the guidelines in the policy should be investment level ratings and not issuer level ratings.

14.3 Portfolio Average Credit Rating

The target weighted average credit quality of the portfolio shall not be greater than a value of three (3) using the table below, or Aa/AA/AA by Moody's Investors Service, Standard & Poor's and Fitch Ratings, respectively.

14.4 Determining a Security's Rating

A single rating will be determined for each investment by utilizing the lowest security level rating available for the security from Moody's Investors Service, Standard & Poor's and Fitch Ratings, respectively.

14.5 Restriction in Issuers with Prior Default History

Per ORS 294.040, the bonds of issuers listed in ORS 294.035 (3)(a) to (c) may be purchased only if there has been no default in payment of either the principal or the interest on the obligations of the issuing county, port, school district or city for a period of five years preceding the date of investment.

Value	Moody's Ratings		S&P Ratings		Fitch Ratings	
	Long-Term	Short-Term	Long-Term	Short-Term	Long-Term	Short-Term
1	U.S. Treasury		U.S. Treasury		U.S. Treasury	
1	Federal Agency		Federal Agency		Federal Agency	
1	Federal Instrumentality		Federal Instrumentality		Federal Instrumentality	
1	Aaa	P-1	AAA	A-1	AAA	F1
2	Aa1		AA+		AA+	
3	Aa2		AA		AA	
4	Aa3		AA-		AA-	
5	A1		A+		A+	
6	A2		A		A	
7	A3		A-		A-	

Section 15. Portfolio Diversification Standards

The City will diversify the investment portfolio to avoid incurring unreasonable risks, both credit and interest rate risk, inherent in over-investing in specific instruments, individual financial institutions or maturities. Nevertheless, the asset allocation in the investment portfolio should be flexible depending upon the outlook for the economy, the securities markets and the City's anticipated cash flow needs. Maximum portfolio allocations and diversification limits are detailed in the Summary Table in Section 13.

Section 17. Maturity Limits and Liquidity Requirements

Liquidity risk is the risk that in investment may not be easily marketable or redeemable. The following strategies will be employed to mitigate liquidity risks:

1. The value of at least 10% of funds available for investing will be invested in the Oregon Short Term Fund or in deposits or securities maturing in less than 30 days to provide sufficient liquidity for expected disbursements.
2. Funds in excess of liquidity requirements are allowed for investments maturing in greater than 30 days. However, longer-term investments tend

to be less liquid than shorter term investments. Portfolio investment maturities will be limited as follows:

<u>Length of Maturity</u>	<u>Investment Amounts</u>
Under 30 days	10% minimum
Under 1 year	25% minimum
Under three years	75% minimum
Under five years	100%

3. Reserve or capital improvement project monies may be invested in securities exceeding the maximum term if the maturities of such investments are made to coincide as nearly as practicable with the expected use of the funds.
4. Larger issuance sizes enhance liquidity as there are likely to be a greater number of investors. Issuance sizes above a minimum amount qualify a corporation or municipal bond issuance for index eligibility. Index eligible bonds have a significantly larger investor base which improves liquidity.
5. Limiting investment in a specific debt issuance improves secondary market liquidity by assuring there are other owners of the issuance. Ownership of any one agency or instrumentality issue shall not exceed 50% of the issuance and ownership of any one corporate or municipal issue shall not exceed 25% of the issuance.

Section 18. Interest Rate Risk

Longer-term investments have the potential to achieve higher returns but are also likely to exhibit higher market value volatility due to the changes in the general level of interest rates over the life of an investment. Interest rate risk will be mitigated by providing adequate liquidity for short term cash needs and by making longer-term investments only with funds that are not needed for current cash flow purposes. Certain types of securities, including variable rate securities, securities with principal pay-downs prior to maturity, and securities with embedded options, will affect the interest rate risk profile of the portfolio differently in different interest rate environments. The following strategies will be employed to control and mitigate adverse changes in the market value of the portfolio due to changes in interest rates:

1. Where feasible and prudent, investment maturities should be matched with expected cash outflows to mitigate market risk.
2. To the extent feasible, investment maturities not matched with cash outflows, including liquidity investments under one year, should be staggered to mitigate reinvestment risk.

3. No commitments to buy or sell securities may be made more than 14 days prior to the anticipated settlement date, or receive a fee other than interest for future deliveries.
4. The maximum percent of callable agency and instrumentality securities in the portfolio shall be 20%.
5. The maximum stated final maturity of individual securities in the portfolio shall be five years, except as otherwise stated in this policy.
6. The maximum portfolio average maturity (measured by stated final maturity) shall be 2.5 years.

Section 19. Competitive Transactions

Each investment transaction shall be competitively transacted with broker/dealers who have been authorized by the City. At least three broker/dealers shall be contacted for each transaction and their bid and offering prices shall be recorded. A record shall be maintained by the City of all bids and offerings for security transactions in order to ensure that the City receives competitive pricing.

If the City is offered a security for which there is no other readily available competitive offering, then the Investment Officer shall document quotations for comparable or alternative securities. When purchasing original issue instrumentality securities, no competitive offerings will be required as all dealers in the selling group offer those securities at the same original issue price. However, the Investment Officer may document quotations on comparable securities.

If an investment adviser provides investment management services, the adviser must retain documentation of competitive pricing execution on each transaction and provide upon request.

Section 20. Investing Bond Proceeds

Investments of bond proceeds are restricted under bond covenants that may be more restrictive than the investment parameters included in this policy. Bond proceeds shall be invested in accordance with the parameters of this policy and the applicable bond covenants and tax laws.

Funds from bond proceeds and amounts held in a bond payment reserve or bond proceeds fund may be invested pursuant to ORS 294.052. Investments of bond proceeds are typically not invested for resale and are maturity matched with expected spending needs. Consequently, funds within the scope of ORS 294.052 are not subject to this policy's liquidity risk constraints.

Section 21. Investment of Reserve or Capital Improvement Funds

Pursuant to ORS 294.135(1)(b), reserve or capital improvement project monies may be invested in securities exceeding three years when the funds in question are being accumulated for an anticipated use that will occur more than 18 months after the funds are invested, then, upon the approval of the governing body of the county, municipality, school district or other political subdivision, the maturity of the investment or investments made with the funds may occur when the funds are expected to be used.

Section 22. Guideline Measurement and Compliance

22.1 Guideline Measurements

Guideline measurements will be based on the market value of the investments.

22.1.1 Guideline Compliance

- i) If the portfolio falls outside of compliance with adopted investment policy guidelines or is being managed inconsistently with this policy, the portfolio shall be brought back into compliance in a prudent manner and as soon as is prudently feasible.
- ii) Violations of portfolio guidelines as a result of transactions; actions to bring the portfolio back into compliance; and reasoning for actions taken to bring the portfolio back into compliance shall be documented and reported to the City Manager.
- iii) Due to fluctuations in the aggregate surplus funds balance, maximum percentages for a particular issuer or investment type may be exceeded at a point in time. Securities need not be liquidated to realign the portfolio; however, consideration should be given to this matter when future purchases are made to ensure that appropriate diversification is maintained.
- iv) Securities that have been downgraded below the minimum ratings will be sold or held at the Investment Officer's discretion and the portfolio should be brought back into compliance as soon as practicable.

Section 23. Reporting Requirements

23.1 Quarterly Report

The Investment Officer or designee shall prepare a quarterly report to ascertain whether investment activities during the reporting period have conformed to the investment policy. The report should be provided to City Council and will include the following:

- i) A listing of all investments held during the reporting period showing the following for each security: Par/face value; accounting book value;

- market value; type of investment; issuer; credit ratings; and yield to maturity (yield to worst if callable).
- ii) Average maturity of the portfolio at period-end.
 - iii) Maturity distribution of the portfolio at period-end.
 - iv) Average portfolio credit quality at period-end.
 - v) Weighted average yield to maturity of the portfolio, with yield to worst for callable securities.
 - vi) Distribution by type of investment.
 - vii) Transactions since the last report.
 - viii) Distribution of transactions among financial counterparties such as broker/dealers
 - ix) Violations of portfolio guidelines or non-compliance issues that occurred during the period or that are outstanding from prior periods. This report should note actions taken or planned to bring the portfolio back into compliance.

23.2 Marking to Market

The market value of the portfolio shall be calculated at least quarterly and a statement of the market value of the portfolio shall be issued at least quarterly.

23.3 Audits

Management shall establish an annual process of independent review by the external auditor to assure compliance with internal controls. Such audit will include tests deemed appropriate by the auditor.

Section 24. Performance Evaluation

The Investment Officer shall periodically establish a benchmark yield for the City's investments. Considerations for establishing the benchmark yield shall include the current yield on the State of Oregon Local Government Investment Pool, the average yield on the 1-year U. S. Treasury, and the average return on the 1-3 year U. S. Treasury Index. When comparing the performance of the City's portfolio, all fees and expenses involved with managing the portfolio shall be included in the computation of the portfolio's rate of return.

Section 25. Policy Maintenance and Considerations

25.1 Review

The investment policy shall be reviewed at least annually to ensure its consistency with the overall objectives of preservation of principal, liquidity and return and the policy's relevance to current law and financial and economic trends. The annual review should also serve as a venue to suggest policies and improvements to the investment program and may include an investment plan for the coming year.

25.2 Exemptions

Any investment held prior to the adoption of this policy shall be exempt from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested as provided by this policy.

25.3 Policy Adoption and Amendments

This investment policy and any modifications of this policy must be formally approved in writing by the City Council of the City of Medford.

This policy must be submitted to the Oregon Short Term Fund Board for review if:

- i) This policy allows maturities beyond 18 months unless the funds are being accumulated for a specific purpose, including future construction projects, and upon approval of the City Council, the maximum maturity date matches the anticipated use of the funds (ORS 294.135(1)(b) and 294.135(3)).
- ii) And either:
 - A. This policy has never been submitted to the Oregon Short Term Fund Board for comment; or
 - B. Material changes have been made since the last review by the Oregon Short Term Fund Board.

Regardless of whether this policy is submitted to the Oregon Short Term Fund Board for comment, this Policy shall be submitted not less than annually to the City Council of the City of Medford for approval.



AGENDA ITEM COMMENTARY

DEPARTMENT: Finance

AGENDA SECTION: Consent Calendar

PHONE: (541) 774-2030

MEETING DATE: November 7, 2019

STAFF CONTACT: Ryan Martin, CFO/Deputy City Manager

COUNCIL BILL 2019-115

An ordinance authorizing execution of a Voluntary Collection Agreement with Airbnb pertaining to remittance of Transient Lodging Taxes (TLT).

SUMMARY AND BACKGROUND

Council is requested to consider approval of a Voluntary Collection Agreement with Airbnb.

The City of Medford (City) has been corresponding with Airbnb for over a year in attempt to have Airbnb begin remitting TLT on behalf of their hosts. Airbnb has contended that the City's Charter and TLT Ordinance state that TLT must be collected and remitted by an owner or operator of a lodging establishment, and Airbnb does not consider their business to be an owner or operator.

In attempt to be clearer, the City updated its TLT Ordinance and changed the terms owner and operator to lodging tax collector. However, because the City is a home-rule city, the Charter must be updated as well. Once the Charter is updated, Airbnb will begin collecting TLT from its hosts and remitting the taxes to the City in one payment.

The City has an opportunity to enter into a Voluntary Collection Agreement with Airbnb where the City can collect taxes prior to the Charter being amended.

PREVIOUS COUNCIL ACTIONS

On November 19, 2015 – Council Bill 2015-117 was approved amending the Transient Lodging Tax Ordinance.

On June 20, 2019 – Council Bill 2019-59 was approved amending the Transient Lodging Tax Ordinance.

ANALYSIS

The Voluntary Collection Agreement with Airbnb is mostly a boiler plate contract with Airbnb being unlikely to make any substantive changes. Madison Simmons, Senior Assistant City Attorney for the City, reviewed the agreement and provided her feedback and concerns on the various sections (Exhibit B).

Some notable comments from the review are:

- Airbnb will only report aggregate information about the taxes remitted.
- In some instances, Airbnb will collect the TLT, remit it to the hosts, and the hosts will then remit the tax to the City. In other instances, Airbnb will collect the TLT and remit the tax to the City on behalf of the host.
- The City can audit any individual host upon receipt of a complaint or as part of an investigation.



- Hosts shall be relieved of any obligation to collect and remit taxes on taxable booking transactions.
- Both parties can utilize a 30-day, no cause termination.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The following additional revenues will be collected if the City enters into the Voluntary Collection Agreement:

- Business License
- Rental Registration
- Transient Lodging Tax

Amounts of the revenues to be collected at this time are unknown.

TIMING ISSUES

Depending on the timing of recommendations from the Charter Review Committee, a Charter amendment may be voted on as early as May 2020. If an amendment is approved to change the language in the Charter, Airbnb would start collecting and remitting the entire TLT. Therefore, if entering this agreement is approved by Council, it would be more beneficial to enter into it sooner.

COUNCIL OPTIONS

Approve the Voluntary Collection Agreement as presented.

Modify the Voluntary Collection Agreement as presented.

Deny the Voluntary Collection Agreement as presented and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the Voluntary Collection Agreement.

SUGGESTED MOTION

I move to approve the City's Voluntary Collection Agreement.

EXHIBITS

Ordinance

Voluntary Collection Agreement

Legal Review of Agreement

ORDINANCE NO. 2019-115

AN ORDINANCE authorizing execution of a Voluntary Collection Agreement with Airbnb pertaining to remittance of Transient Lodging Taxes (TLT).

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of a Voluntary Collection Agreement with Airbnb for remittance of Transient Lodging Taxes (TLT), which is on file in the City Recorder's office, is hereby authorized.

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

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019.

Mayor



MEMORANDUM

To: Ryan Martin, Chief Financial Officer
From: Madison Simmons, Sr. Asst. City Attorney
Subject: AirBnB – Voluntary Collection Agreement

BACKGROUND

As you know, the City has been working on developing a reliable way to collect revenue from Transient Lodging Tax imposed on internet-based vacation rentals and collected by resident operators. Although Oregon law requires transient lodging intermediaries, including AirBnB, to collect and remit transient lodging tax, AirBnB argues that our Charter supersedes state law and absolves them of responsibility for collecting and remitting tax.

We have only been in contact with AirBnB, but their foundational argument—that our Charter imposes the obligation to collect and remit tax to owners of the lodging facilities—extends to other internet-based operators, including VRBO and HomeAway. This issue with collection will exist until we change the language of our Charter to remove the collection/remittance responsibility from “owners” of lodging facilities.

In August of 2019, AirBnB again offered the option of entering into a “Voluntary Collection Agreement” (“VCA”) with the City, whereby AirBnB would collect and remit the TLT per the terms of the agreement. While a VCA may not be an optimal permanent solution, we may be able to negotiate VCAs with AirBnB and other internet-based vacation rental companies to collect TLT on a limited-term basis.

AIRBNB VCA – SECTION NOTES

The VCA would require AirBnB to collect and remit the TLT to the City in accordance with certain terms. Leslie Lao with AirBnB sent us a draft VCA on August 19, 2019. She included some clarifying comments in the draft document. I have attached the VCA to this memo, and have included some notes (broken down by VCA section) below.



Sections (A) – (C)

Airbnb contractually limits their scope as a “tax collector” by only agreeing to assume the duties of a tax collector as they define in the contract. Entrance into this agreement limits the scope and applicability of our TLT code. While this may be desirable for a short time, we want to be sure to limit the term of the contract appropriately. We could also try to negotiate a term that would automatically expire when we change the Charter.

Section (D) – Remittance of Taxes

Note that Airbnb only agrees to report aggregate information about the taxes remitted. This essentially means that we will not be able to itemize the tax collected from each operator/owner and ensure that the correct amount is being remitted.

Section (E) – Registered Hosts

This allows Airbnb to install software on their platform (as they have done in many other cities) which would automate tax collection in online transaction. Then, the taxes would be remitted to the hosts, which would in turn be remitted to the City. In order to track this tax collection, hosts would provide information (including business license number) to Airbnb, and then Airbnb would keep track of the taxes remitted to the hosts based (at least in part) on license number. If owners did not opt into this software, then Airbnb would collect and remit taxes to the City directly.

This could be a positive development if owners (1) were properly licensed with the City and (2) reliably remitted the taxes that were remitted to them through Airbnb. However, this could result in the City getting less remittance if the owners do not then pass on the taxes collected to the City. Additionally, the City would only be allowed to audit data once every 12 months, which would limit the City's ability to spot-check the accuracy of collection and remittance by homeowners.

Sections (G) + (H) – Audit

Section G allows the City to audit any individual host upon receipt of complaint or as part of an investigation, which is favorable to the City. Although we cannot conduct spot-audits without cause, we can check on individual accounts if we are alerted to any issues.

Section H limits the amount of information Airbnb can release to the City, in order to protect hosts' financial and personal identifiable information. It also allows Airbnb to limit the number of audits conducted by the City.



Section (I) – Guest and Host Liability

There is a line in here that states: “Hosts shall be relieved of any obligation to collect and remit Taxes on Taxable Booking Transactions, and shall be permitted but not required to register individually with the Taxing Jurisdiction to collect, remit and/or report Taxes.” If we want to require all hosts to be registered with the City, regardless of whether the taxes are remitted by Airbnb or the individual hosts, we may want to negotiate this line to avoid confusion for rental owners.

That said, this section only requires “Registered Hosts” (not all “Hosts”) to remit taxes to the City. If Airbnb is collecting and remitting taxes on behalf of non-registered “Hosts”, we may not want to require non-registered “Hosts” to register with the City before being able to collect any tax incurred by their rental property.

Section (J) – Waiver of Look-Back

No comment here, other than we are foreclosing our right to back-taxes.

Section (K) – Notification to Guests and Hosts

No comment on this section.

Section (L) – Limitation of Application

This section asserts the validity of local/state/federal laws outside of TLT collection. However, TLT collection will be governed as set forth in the VCA and not as required by law.

Section (L-1) would allow Airbnb to determine how much to remit to the City if it expands the types of transactions/services it offers; this isn't likely to be an issue, since we do not tax other services or activities.

Section (M) – Termination

No-cause, 30-day termination. We like this from our end, but should be aware that the power to terminate runs both ways.

Sections (N) – (W) – Miscellaneous Provisions/Notices

No comments here.

**VOLUNTARY COLLECTION AGREEMENT
FOR
MEDFORD, OREGON TRANSIENT OCCUPANCY TAX**

THIS VOLUNTARY COLLECTION AGREEMENT (the “**Agreement**”) is dated _____, 2019 and is between **AIRBNB, INC.**, a Delaware corporation (“**Airbnb**”), and the **CITY OF MEDFORD, OREGON** (the “**Taxing Jurisdiction**”). Each party may be referred to individually as a “**Party**” and collectively as the “**Parties**.”

RECITALS:

WHEREAS, Airbnb represents that it provides an Internet-based platform (the “**Platform**”) through which third parties offering accommodations and/or activities (“**Hosts**”) and third parties booking such accommodations and/or activities (“**Guests**”) may communicate, negotiate and consummate a direct booking transaction for accommodations and/or activities to which Airbnb is not a party (“**Booking Transactions**”); and

WHEREAS, the Taxing Jurisdiction and Airbnb enter into this Agreement voluntarily in order to facilitate the reporting, collection and remittance of applicable transient occupancy taxes and applicable sales taxes (“**Taxes**”) imposed under applicable City of Medford law (the applicable “**Code**”), on behalf of certain Hosts for Booking Transactions completed by such Hosts and Guests on the Platform for accommodations transactions located in the City of Medford, Oregon (the “**Taxable Booking Transactions**”).

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS, PROMISES AND AGREEMENTS CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

(A) Solely pursuant to the terms and conditions of this Agreement, including only for periods in which this Agreement is effective (defined below), and solely for Taxable Booking Transactions completed on the Platform by Hosts other than those defined in Paragraphs (E) and (E-1) below, Airbnb agrees contractually to assume the duties of a Taxes collector as described in the Code solely for the collection and remittance of Taxes on behalf of such Hosts (hereinafter referred to as a “**Collector**”).

(B) Starting on _____, 2019 (the “**Effective Date**”), Airbnb agrees to commence collecting and remitting Taxes on behalf of certain Hosts, pursuant to the terms of this Agreement, at the applicable rate, on Taxable Booking Transactions. Except as set forth in Paragraph (L) below, Airbnb shall not assume any obligation or liability to collect Taxes for any period or for any transaction prior to the Effective Date or after termination of this Agreement.

Commented [MOU1]: Please confirm this is the proper contracting entity. We generally prefer to contract with the tax administrator (entity which collects, administers, audits the tax).

Commented [MOU2]: This is the date we will start collecting tax, which is always the first of the month. Airbnb will need a signed agreement at least three to four weeks prior this date in order to prepare for a timely launch.

(C) Except as set forth in Paragraph (E) below, Airbnb agrees to register as a Collector on behalf of Hosts for the sole purpose of reporting, collection and remittance of Taxes under this Agreement, and will be the registered Collector on behalf of any affiliate or subsidiary collecting Taxes. The assumption of such duties described in Paragraph (A) above and this Paragraph (C) shall not trigger any other registration requirements to which Airbnb is not otherwise subject.

REMITTANCE OF TAXES

(D) Airbnb agrees reasonably to report aggregate information on the tax return form prescribed by the Taxing Jurisdiction, including an aggregate of gross receipts, exemptions and adjustments, and taxable receipts of all Taxes that are subject to the provisions of this Agreement. Airbnb shall remit all Taxes collected from Guests in accordance with this Agreement and Airbnb's Terms of Service (www.airbnb.com) (the "TOS") in the time and manner described in the Code or as otherwise agreed to in writing.

REGISTERED HOSTS

(E) Airbnb reserves the right to implement a software feature on the Platform whereby Airbnb collects Taxes based on tax information supplied by the Host, and remits such Taxes to Hosts for ultimate reporting and remittance by the Host to the Taxing Jurisdiction. In such cases, a Host must provide to Airbnb its (i) applicable Tax identification or registration number; (ii) applicable business identification number; and (iii) acknowledgement of its obligation to collect all Taxes owed on a Host's Taxable Booking Transactions and to remit and report any Taxes collected directly to the Taxing Jurisdiction (a "Registered Host"). Upon request from the Taxing Jurisdiction, and not more than once per consecutive twelve-month period, Airbnb may provide the Taxing Jurisdiction with copies of documentation related to Registered Hosts.

(E-1) Airbnb satisfies its obligations under this Agreement by remitting the full amount of Taxes collected on behalf of Hosts to the Taxing Jurisdiction, and in the case of Registered Hosts only, by remitting the Taxes collected on a Registered Host's Taxable Booking Transactions directly to the Registered Host.

AIRBNB LIABILITY

(F) Pursuant to the terms of this Agreement, Airbnb agrees contractually to assume liability for any failure to report, collect and/or remit the correct amount of Taxes, including, but not limited to, penalties and interest, lawfully and properly imposed in compliance with the

Commented [MOU3]: We report by adding up all bookings, subtracting any exemptions (long-term stay exemption only if applicable) and applying tax to the difference.

Commented [MOU4]: This is the section for hosts, for whom Airbnb will collect taxes but who have agreed to remit directly to the tax authority on their own. We will give data on these hosts (see below), so that the city can verify that these hosts have remitted the tax.

Commented [MOU5]: This language allows taxing authority to request host data for hosts who have opted to use the software feature.

Commented [MOU6]: This is us contractually agreeing to take on liability for the collection and remittance of taxes.

Code. Nothing contained herein nor any action taken pursuant to this Agreement shall impair, restrict or prevent Airbnb from asserting that any Taxes and/or penalties, interest, fines or other amounts assessed against it were not due or are the subject of a claim for refund under applicable law, or otherwise bar it from enforcing any rights accorded by law. Notwithstanding the above and solely with respect to Registered Hosts, Airbnb does not assume any liability for the failure of a Registered Host to comply with any applicable collection, reporting or remittance obligations related to Taxable Booking Transactions. Further, Airbnb does not assume any liability for collection based on information supplied by the Registered Host.

AUDIT

(G) During any period for which Airbnb is not in breach of its obligations under this Agreement, the Taxing Jurisdiction agrees to audit Airbnb on the basis of Tax returns filed and supporting documentation. The Taxing Jurisdiction reserves the right to audit any individual Host for activity that has been brought to the attention of the Taxing Jurisdiction in the form of a complaint or other means independent of this Agreement or independent of data or information provided pursuant to this Agreement.

(H) The Taxing Jurisdiction agrees to audit Airbnb on an anonymized transaction basis for Taxable Booking Transactions. Except as otherwise agreed herein, Airbnb shall not be required to produce any personally identifiable information relating to any Host or Guest or relating to any Taxable Booking Transaction without binding legal process served only after completion of an audit by the Taxing Jurisdiction of Airbnb with respect to such users. The parties agree to utilize appropriate sampling audit methodologies based on a standard sample period which may be projected against the remainder of any periods open under the applicable statute of limitations, unless Airbnb elects, at its sole discretion, to undergo further audit of such open periods by the Taxing Jurisdiction.

GUEST AND HOST LIABILITY

(I) During any period in which this Agreement is effective, and provided Airbnb is in compliance with its obligations herein, Hosts shall be relieved of any obligation to collect and remit Taxes on Taxable Booking Transactions, and shall be permitted but not required to register individually with the Taxing Jurisdiction to collect, remit and/or report Taxes. Notwithstanding the above, Registered Hosts will be solely responsible for directly remitting Taxes collected on

Taxable Booking Transactions to the Taxing Jurisdiction. Nothing in this Agreement shall relieve Guests or Hosts from any responsibilities with respect to Taxes for transactions completed other than on the Platform, or restrict the Taxing Jurisdiction from investigating or enforcing any provision of applicable law against such users for such transactions.

WAIVER OF LOOK-BACK

(J) The Taxing Jurisdiction expressly releases, acquits, waives and forever discharges Airbnb, its current or past affiliated parent or subsidiary companies, directors, shareholders, investors, employees and other agents from any and all actions, causes of action, indebtedness, suits, damages or claims arising out of or relating to payment of and/or collection of Taxes or other tax indebtedness, including but not limited to penalties, fines, interest or other payments relating to Taxes on any Taxable Booking Transactions prior to the Effective Date. Nothing contained in this Paragraph of this Agreement will constitute a release or waiver of any claim, cause of action or indebtedness that the Taxing Jurisdiction may have or claim to have against any Host or Guest unrelated to Taxable Booking Transactions under this Agreement.

NOTIFICATION TO GUESTS AND HOSTS

(K) Airbnb agrees, for the purposes of facilitating this Agreement, and as required by its TOS, that, except with respect to Registered Hosts, it will notify (i) Hosts that Taxes will be collected and remitted to the Taxing Jurisdiction as of the Effective Date pursuant to the terms of this Agreement; and (ii) Guests and Hosts of the amount of Taxes collected and remitted on each Taxable Booking Transaction.

LIMITATION OF APPLICATION

(L) This Agreement is solely for the purpose of facilitating the administration and collection of the Taxes with respect to Taxable Booking Transactions and, except with respect to the rights and liabilities set forth herein, the execution of or actions taken under this Agreement shall not be considered an admission of law or fact or constitute evidence thereof under the Code or any other provisions of the laws of the United States of America or of any State or subdivision or municipality thereof. Neither Party waives, and each Party expressly preserves, any and all arguments, contentions, claims, causes of action, defenses or assertions relating to the validity or interpretation or applicability of the Code, regulations or application of law.

(L-1) If Airbnb expands the types of transactions that may be completed by Hosts and Guests on the Platform to include additional taxable services or products located in the Taxing Jurisdiction, and Airbnb decides in its sole discretion to collect and remit any applicable taxes with respect to such transactions on behalf of Hosts and/or Guests, Airbnb agrees to provide reasonable notice to the Taxing Jurisdiction regarding the collection and remittance of such taxes.

DURATION/TERMINATION

(M) This Agreement may be terminated by Airbnb or the Taxing Jurisdiction for convenience on 30-day written notification to the other Party. Such termination will be effective on the first day of the calendar month following the 30-day written notification to the other Party. Any termination under this Paragraph shall not affect the duty of Airbnb to remit to the Taxing Jurisdiction any Taxes collected from Guests up through and including the effective date of termination of this Agreement, even if not remitted by Airbnb to the Taxing Jurisdiction as of the effective date of termination.

MISCELLANEOUS

(N) CHOICE OF LAW. This Agreement, its construction and any and all disputes arising out of or relating to it, shall be interpreted in accordance with the substantive laws of the State of Oregon without regard to its conflict of law principles.

(O) MODIFICATION. No modification, amendment, or waiver of any provision of this Agreement shall be effective unless in writing and signed by both Parties.

(P) MERGER AND INTEGRATION. This Agreement contains the entire agreement of the Parties with respect to the subject matter of this Agreement, and supersedes all prior negotiations, agreements and understandings with respect thereto.

(Q) COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of which, when taken together, shall constitute one and the same instrument. The Agreement shall become effective when a counterpart has been signed by each Party and delivered to the other Party, in its original form or by electronic mail, facsimile or other electronic means. The Parties hereby consent to the use of electronic signatures in connection with the execution of this Agreement, and further agree that

Commented [MOU7]: No cause needed for termination.

electronic signatures to this Agreement shall be legally binding with the same force and effect as manually executed signatures.

(R) RELATIONSHIP OF THE PARTIES. The Parties are entering into an arm's-length transaction and do not have any relationship, employment or otherwise. This Agreement does not create nor is it intended to create a partnership, franchise, joint venture, agency, or employment relationship between the Parties. There are no third-party beneficiaries to this Agreement.

(S) WAIVER AND CUMULATIVE REMEDIES. No failure or delay by either Party in exercising any right under this Agreement shall constitute a waiver of that right or any other right. Other than as expressly stated herein, the remedies provided herein are in addition to, and not exclusive of, any other remedies of a Party at law or in equity.

(T) FORCE MAJEURE. Neither Party shall be liable for any failure or delay in performance under this Agreement for causes beyond that Party's reasonable control and occurring without that Party's fault or negligence, including, but not limited to, acts of God, acts of government, flood, fire, civil unrest, acts of terror, strikes or other labor problems (other than those involving Airbnb employees), computer attacks or malicious acts, such as attacks on or through the Internet, any Internet service provider, telecommunications or hosting facility. Dates by which performance obligations are scheduled to be met will be extended for a period of time equal to the time lost due to any delay so caused.

(U) ASSIGNMENT. Neither Party may assign any of its rights or obligations hereunder, whether by operation of law or otherwise, without the prior written consent of the other Party (which consent shall not be unreasonably withheld). Notwithstanding the foregoing, Airbnb may assign this Agreement in its entirety without consent of the other Party in connection with a merger, acquisition, corporate reorganization, or sale of all or substantially all of its assets.

(V) MISCELLANEOUS. If any provision of this Agreement is held by a court of competent jurisdiction to be contrary to law, the provision shall be modified by the court and interpreted so as best to accomplish the objectives of the original provision to the fullest extent permitted by law, and the remaining provisions of this Agreement shall remain in effect.

NOTICES

(W) All notices under this Agreement shall be in writing and shall be deemed to have been given upon: (i) personal delivery; (ii) the third business day after first class mailing postage prepaid; or (iii) the second business day after sending by overnight mail or by facsimile with telephonic confirmation of receipt. Notices shall be addressed to the attention of the following persons, provided each Party may modify the authorized recipients by providing written notice to the other Party:

To Airbnb:

Airbnb, Inc.
Attn: General Counsel
888 Brannan Street, 4th Fl.
SF, CA 94103
legal@airbnb.com

Airbnb, Inc.
Attn: Global Head of Tax
888 Brannan Street, 4th Fl.
SF, CA 94103
tax@airbnb.com

To the Taxing Jurisdiction:

Fax:
E-mail:

Commented [MOU8]: This will need to be filled out for the taxing jurisdiction.

(Signatures follow on next page)

IN WITNESS WHEREOF, Airbnb and the Taxing Jurisdiction have executed this Agreement effective on the date set forth in the introductory clause.

AIRBNB, INC., a Delaware corporation

By: _____
Signature of Authorized Representative

Mirei Yasumatsu, Global Tax Director
Name and Title of Authorized Representative

CITY OF MEDFORD, OREGON

By: _____
Signature

Name and Title



AGENDA ITEM COMMENTARY

DEPARTMENT: Finance

AGENDA SECTION: Public Hearings

PHONE: (541) 774-2030

MEETING DATE: November 7, 2019

STAFF CONTACT: Ryan Martin, CFO/Deputy City Manager

COUNCIL BILL 2019-116

An ordinance amending Sections 4.326, 4.405, 4.763, 4.1200, and 4.1202 of the Medford Municipal Code pertaining to utility fees for mobile food vendors.

SUMMARY AND BACKGROUND

Council is requested to consider an ordinance amending sections 4.326, 4.405, 4.736, 4.1200 and 4.1202 of the Medford Municipal Code (MMC) related to utility fees for mobile food vendors and other clarification language.

Currently, the City does not assess utility fees on mobile food trucks. With the adoption of regulations for semi-permanent food vendor pods that require connection to a master water meter and sanitary sewer lines (MMC 10.829A(H)(2)), utility fees will need to be imposed.

PREVIOUS COUNCIL ACTIONS

On September 19, 2019, City Council approved Ordinance 2019-104 adopting various regulations for mobile food vendors and mobile food vendor pods.

ANALYSIS

The creation of semi-permanent food pods with requirements for utility connections requires, at a minimum, that a sewer utility fee be assessed. Staff recommends assessing utility fees for all mobile food vendors, whether or not they use pods, as other businesses including brick and mortar restaurants pay utility fees. Mobile food vendors use the services provided by utility fees - they drive the streets, they may use sewer connection if they are in a semi-permanent pod, and public safety will respond in an emergency. All businesses contribute to parks maintenance.

Staff recommends assessing street, public safety and parks utility fees to mobile food vendors effective January 1, 2020. Storm drain and sewer utility fees are not applicable to mobile vendors. Sewer fees would be assessed if a mobile food vendor in a semi-permanent pod connects to sewer. The total utility fee, excluding sewer, would be \$27.22 per month.

Section 4.326, Use of Portable Toilets is revised to add subsection (6) that permits the use of portable toilets in semi-permanent pods as outlined in Section 10.829A(F)(2)(b),

Section 4.405(5)(c), Sewer Rates is revised to outline the sewer fee for mobile food vendors in semi-permanent pods that meet the criteria outlined in Section 10.829A(Q)(1).

Section 4.763, Determination of (Street) Utility Fee is revised as follows:

- Section 4.763 (1) is revised to delete the reference to the edition of the Institute of Traffic Engineers (ITE) manual used to determine average daily trips, as multiple versions of the manual are now in use.



- Table 4.1 is revised to add Category E, Food Cart in a Pod to the FOOD section of the table.
- Note (3) to Table 4.1 is added to identify which edition of the ITE manual was used to determine the average daily trip ends within Table 4.1.

Section 4.1200(3)(a), Billing, Collection and Enforcement of Utility Fees is revised to clarify that vacancy certifications are not applicable to mobile food vendors in a semi-permanent pod as these vendors may still operate their businesses outside of the pod.

Section 4.1202(7) is revised to clarify the annual billing plan calculation and explain that this is an estimate and is not adjusted for rate or other account changes.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

There are 19 mobile food vendors operating within the City of Medford. If monthly utility bills for street, parks and public safety fees were charged to these mobile food vendors, revenue in the following funds would increase as follows for a 12-month period at current utility rates:

Police Utility Fund, 200:	\$1,384
Fire Utility Fund, 300:	\$ 764
Street Utility Fund, 500:	\$3,386
Parks Utility Fund, 600:	\$ 673

TIMING ISSUES

Staff recommends implementing street, parks and public safety fees for mobile food trucks effective January 1, 2020.

COUNCIL OPTIONS

- Approve the ordinance as presented.
- Modify the ordinance as presented.
- Deny the ordinance as presented and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve an ordinance amending sections 4.326, 4.405, 4.736, 4.1200 and 4.1202 of the Medford Municipal Code (MMC) related to utility fees for mobile food vendors effective January 1, 2020, and other clarification language effective immediately.

EXHIBITS

Ordinance

ORDINANCE NO. 2019-116

AN ORDINANCE amending Sections 4.326, 4.405, 4.763, 4.1200, and 4.1202 of the Medford Municipal Code pertaining to utility fees for mobile food vendors.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 4.326 of the Medford Municipal Code is amended to read as follows:

4.326 Use of Portable Toilets.

(5) Where, on the date of adoption of this section, one or more portable toilets are being used as a part of a facility's ongoing service to its employees or customers, the portable toilets may remain in use for a limited period of time as follows:

(a) Within six months of written notification by the City to the occupant of the premises, the toilets shall be removed unless plans and specifications are submitted and a building permit obtained from the City to construct permanent toilet and sewer facilities.

(b) If a permit is issued for construction of permanent toilet facilities, the portable toilets may remain in use until completion of such facilities or until one year after issuance of the building permit, whichever comes first.

(6) Portable toilets may be used in Semi-Permanent Pods as outlined in Section 10.829A(F)(2)(b).

SECTION 2. Section 4.405 of the Medford Municipal Code is amended to read as follows:

4.405 Sewer Rates.

(c) In the case of an account with no meter, the gallonage charge per month shall be determined by the water usage of similar businesses. **If the business is a mobile food vendor in a semi-permanent pod that has meet the criteria as defined in Section 10.829A(Q)(1), the rate shall be the same as a Single Family Residence.**

SECTION 3. Section 4.763 of the Medford Municipal Code is amended to read as follows:

4.763 Determination of Utility Fee.

(1) The City Engineer shall determine the fee for each utility account in accordance with the Ordinance No. 2019-116

customer's classification and the average daily trip-ends for that classification as set forth in the 8th edition of the Institute of Traffic Engineers (ITE) manual. In the absence of a specific classification from within the ITE manual for a particular developed use, the City Engineer shall determine the appropriate classification by interpreting the ITE manual and assigning the category which most accurately reflects the traffic generated by the particular developed use.

TABLE 4.1
ITE Bundles and Formulas for Determining Trip-Ends

<i>Bundle</i>	<i>ITE Codes</i>	<i>Unit of Quantity</i>	<i>Quantity Range</i>	<i>Modified Average Daily Trip-End Formula</i>	<i>Pass-By Factor</i>

A. Bakeries, Donuts, Bagel Shops	939-940	KSF	0.1-1.999 2.0 & up	$(187.50 - ((187.50 - 167.50) / 2.0) \times \text{Qty}) / 167.50$	1.00
B. Coffee Kiosks, No Indoor Seating	938	KSF	All	1800.00	0.11
C. Fast Food, Coffee w/ Indoor Seating	933-937	KSF	0.1-2.999 3.0 & up	$(325.50 - ((325.50 - 180.80) / 3.0) \times \text{Qty}) / 180.80$	0.50
D. Restaurants and Drinking Places	925, 931, 932	KSF	0.1-9.999 10.0 & up	$(127.15 - ((127.15 - 92.15) / 10.0) \times \text{Qty}) / 92.15$	0.57
E. Food Cart in a Pod	926	Per Each	All	30.8	1.00

Table 4.1 – continued

(2) **Gross Floor Area (GFA):** The gross floor area of a building is the sum (in square feet) of the area at each floor level, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores and offices that are included within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all stories or areas that have floor surfaces with clear standing head room (6 feet, 6 inches, minimum) regardless of their use. Where a ground level area, or part thereof, within the principal outside faces of the exterior wall is left unenclosed, the gross floor area of the unenclosed portion is said to be considered as a part of the overall square footage of the building. For purposes of the trip-end calculation, the gross floor area of any vehicle parking areas within the building shall not be included within the gross floor area of the entire building.

(3) **The average daily trip-ends for each bundle are set forth in the 8th edition of the Institute of Traffic Engineers (ITE) manual, with the exception of Food E, Food Cart in a Pod with was set forth using the 10th edition of the ITE manual.**

SECTION 4. Section 4.1200 of the Medford Municipal Code is amended to read as follows:

4.1200 Billing, Collection, and Enforcement of Utility Fees.

(3) Street, sewer and parks utility fees shall not be assessed during any period when the account is closed and the premises are unoccupied and unused.

(a) Street and park fees will not be assessed to a vacant unit within a commercial, non-residential property provided the property owner has notified the City that the unit is vacant. Vacancy certifications are valid for three (3) months; if the unit remains vacant, the property owner shall be responsible for renewing the vacancy certification. The responsible party shall notify the City within 10 days of the property or unit becoming occupied again. **Vacancy Certifications are not applicable to food trucks in semi-permanent pods.**

SECTION 5. Section 4.1202 of the Medford Municipal Code is amended to read as follows:

4.1202 Rendering and Payment of Bills.

(7) An annual billing plan is available with one yearly payment which includes a 3.5% discount. The bill is calculated based on the past year's utility fees as applicable to the current applicant **for non-residential customers, and current utility fees for residential customers.** This is an estimated billing, which is **not adjusted for rate or other account changes.** ~~at the end of the 12-month period.~~ Customers receive a monthly statement showing current charges and remaining credit balance.

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

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019.

Mayor

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

Ordinance No. 2019-116



AGENDA ITEM COMMENTARY

DEPARTMENT: Planning

AGENDA SECTION: Public Hearings

PHONE: (541) 774-2380

MEETING DATE: November 7, 2019

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

COUNCIL BILL 2019-117

An ordinance vacating a portion of excess rights-of-way on Foothill Road, Normil Terrace, and High Cedars Lane, a Public Utility Easement and Reserve Strips in High Cedars Landing, Phases 5B, 6B, and 7B, within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district.

SUMMARY AND BACKGROUND

Council is requested to consider the vacation of a portion of excess right-of-way on Foothill Road, right-of-way for Normil Terrace and High Cedars Lane west of Foothill Road, a Public Utility Easement (PUE) and reserve strips in High Cedars at Cedar Landing, Phases 5B, 6B and 7B, within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district. (File No. SV-19-045)

PREVIOUS COUNCIL ACTIONS

On October 3, 2019, City Council approved Council Bill 2019-106 establishing the public hearing date of November 7, 2019, for consideration of the matter.

ANALYSIS

The proposal is located within the Cedar Landing Planned Unit Development (PUD), which has been through a number of revisions since its 2006 approval. Most recently, in February 2019, the Planning Commission approved the redesign of the area located south of Cedar Links Drive. The redesign relocated the access on Foothill Road from Normil Terrace to a point further south to accommodate topography and sight distance.

The subject rights-of-way were dedicated based on a previous Planning Commission approval, but not improved. As a condition of the February 2019 approval, the applicant was required to obtain approval for the vacation of the right-of-way, public utility easements and reserve strips that are no longer needed.

On October 10, 2019, the Planning Commission considered the subject request and forwarded a favorable recommendation to Council. Ownership of the vacated rights-of-way will revert to the adjacent Cedar Landing properties.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.



COUNCIL OPTIONS

Approve the ordinance as presented.

Modify the ordinance as presented.

Deny the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the vacation.

SUGGESTED MOTION

I move to approve the ordinance authorizing the vacation of excess right-of-way on Foothill Road, right-of-way for Normil Terrace and High Cedars Lane west of Foothill Road, a Public Utility Easement, and reserve strips, as recommended by the Planning Commission.

EXHIBITS

Ordinance

City Council Report, including Exhibits A through J

Vicinity Map

ORDINANCE NO. 2019-117

AN ORDINANCE vacating a portion of excess rights-of-way on Foothill Road, Normil Terrace, and High Cedars Lane, a Public Utility Easement and Reserve Strips in High Cedars Landing, Phases 5B, 6B, and 7B, within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district. (SV-19-045)

WHEREAS, the City Council of the City of Medford, Oregon, by Resolution No. 2019-106 accepted the petition initiating the vacation; and

WHEREAS, the City Council fixed 6:00 p.m. on November 7, 2019, in the Medford City Council Chambers, 411 W. 8th St., Medford, Oregon, as the time and place for hearing any objections to the proposed vacation of said area; and

WHEREAS, the City Recorder has given notice of the time and place for said hearing as required by law; and

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

WHEREAS, on the basis of the facts and conclusions stated in the Staff Report dated October 25, 2019 on file in the Planning Department, the City Council has deemed it to be in the public interest that said area be vacated; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That a portion of excess rights-of-way on Foothill Road, Normil Terrace, and High Cedars Lane, a Public Utility Easement and Reserve Strips in High Cedars Landing, Phases 5B, 6B, and 7B, within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district ownership of the said area hereby vacated shall become vested as provided by law.

Section 2. The Council finds and determines that written objections were not received from the owners of a majority of the area affected by the vacation.

Section 3. The Council finds and determines that the vacation of said area in the City of Medford is in the public interest and does not damage or cause a deterioration of the market value of

any real property of non-consenting owners (if any) abutting the same or any portion thereof and that no damage on account thereof shall be allowed.

Section 4. The City Recorder is hereby directed to cause a certified copy of this ordinance, together with any map, plat, or other record showing the area, to be filed with the County Recorder of Jackson County, Oregon.

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

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019

Mayor

State of Oregon)
County of Jackson)

On this ____ day of November, 2019, Gary H. Wheeler, as Mayor for the City of Medford, personally appeared before me and is known to me to be the person whose name is signed to this document, and acknowledges that he signed the document.

Notary Public for Oregon
My Commission expires:

EXHIBIT "A"

**RESERVE STRIPS
NORMIL TERRACE AND HIGH CEDARS LANE
(See attached EXHIBIT "B" for map)**

ONE-FOOT RESERVE STRIP AT SOUTH END OF HIGH CEDARS LANE

Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the Easterly line of said Lot, South 03°51'41" East 112.01 feet; thence continue South 03°51'41" East 122.89 feet; thence along the arc of a 30.00 foot radius curve to the left (the long chord to which bears North 48°45'03" West 42.34 feet) a distance of 47.01 feet; thence South 86°21'35" West 34.52 feet; thence along the arc of a 531.50 foot radius curve to right (the long chord to which bears South 88°52'05" West 46.52 feet) a distance of 46.54 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears South 43°43'54" West 29.56 feet) a distance of 33.26 feet; thence South 03°51'41" East 142.57 feet to the **POINT OF BEGINNING**; thence South 86°20'45" West 55.00 feet to the point of Terminus.

ONE-FOOT RESERVE STRIP AT NORTH END OF HIGH CEDARS LANE

Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the Easterly line of said Lot, South 03°51'41" East 112.01 feet; thence along the arc of a 30.00 foot radius non-tangent curve to the right (the long chord to which bears South 41°14'58" West 42.34 feet), a distance of 47.01 feet; thence South 86°21'33" West 34.16 feet; thence along the arc of a 468.50 foot radius curve to the right (the long chord to which bears South 89°21'47" West 49.09 feet) a distance of 49.12 feet; thence along the arc of a 20.00 foot radius curve to the right (the long chord to which bears North 44°40'45" West 27.26 feet) a distance of 29.99 feet; thence North 01°43'30" West 122.15 to the **POINT OF BEGINNING**; thence South 79°29'14" West 56.63 feet to the Point of Terminus.

ONE-FOOT RESERVE STRIP AT WEST END OF NORMIL TERRACE

Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the Easterly line of said Lot, South 03°51'41" East 112.01 feet; thence continue South 03°51'41" East 122.89 feet; thence along the arc of a 30.00 foot radius curve to the left (the long chord to which bears North 48°45'03" West 42.34 feet) a distance of 47.01 feet; thence South 86°21'35" West 34.52 feet; thence along the arc of a 531.50 foot radius curve to right (the long chord to which bears South 88°52'05" West 46.52 feet) a distance of 46.54 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears South 43°43'54" West 29.56 feet) a distance of 33.26 feet; thence South 03°51'41" East 143.57 feet; thence South 86°20'45" West 55.00 feet; thence North 03°51'41" West 160.08 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears North 42°38'16" West 25.05 feet) a distance of 27.07 feet; thence along the arc of a 1468.50 foot radius curve to the left (the long chord to which bears North 81°46'13" West 18.26 feet) a distance of 18.26 feet to the **POINT OF BEGINNING**; thence North 07°50'04" East 63.03 feet to the Point of Terminus.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darrell L Huck

OREGON
FEBRUARY 4, 1983
DARRELL HUCK
2023
EXPIRES EVERY 2 YEARS

Darrell L Huck
L.S. 2023 - Oregon
Expires 6/30/2021
Hoffbuhr & Associates, Inc.

(14099 street plug normil-high cedar.doc)

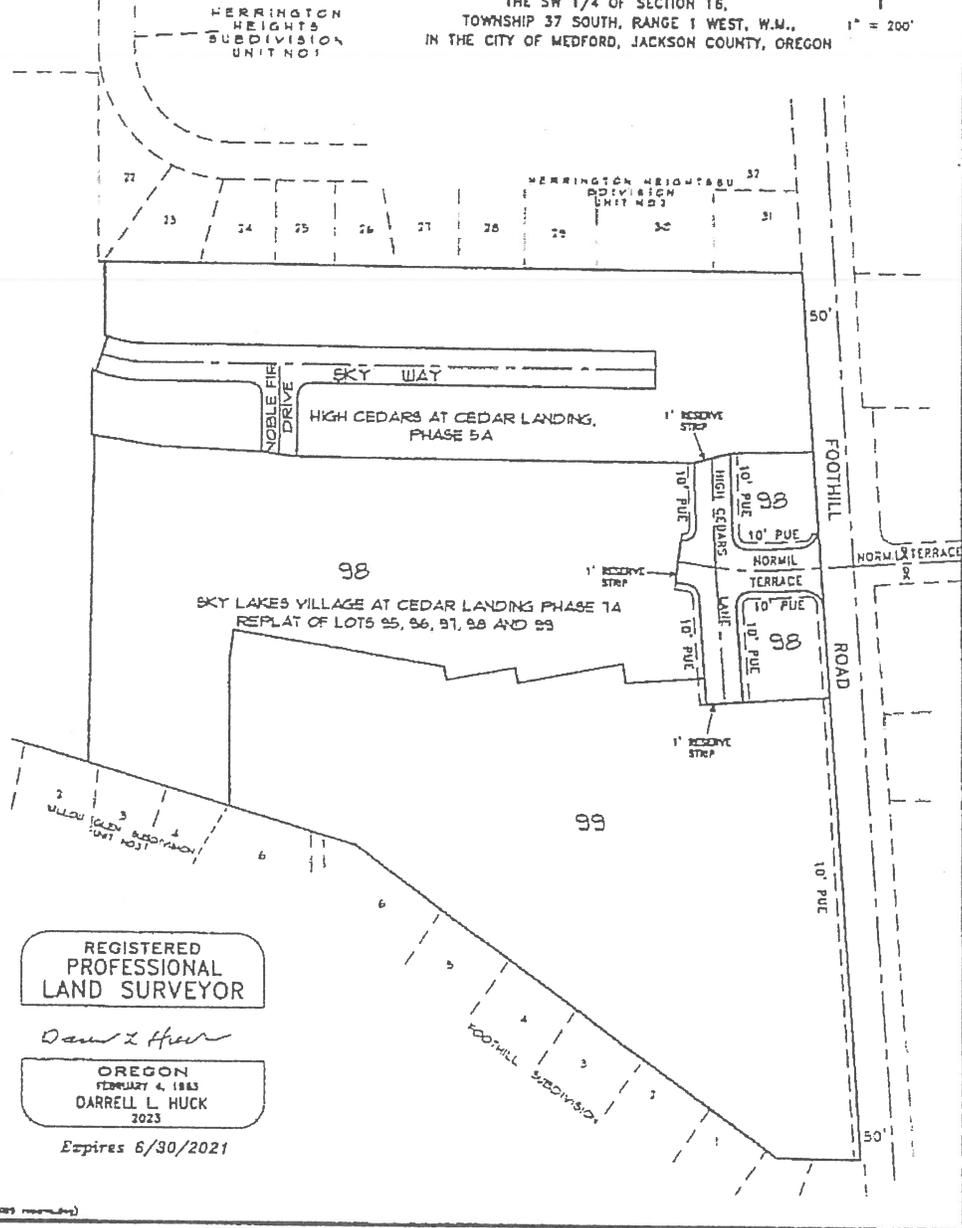
(SEE ATTACHED EXHIBIT "A")

EXHIBIT B

AREA OF RESERVE STRIPS

SITUATED IN
THE SW 1/4 OF SECTION 16,
TOWNSHIP 37 SOUTH, RANGE 1 WEST, W.M.,
IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON

1" = 200'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darrell L. Huck

OREGON
FEBRUARY 4, 1983
DARRELL L. HUCK
2023

Expires 6/30/2021

(14025 mod-1/14)

EXHIBIT "A"

**ROAD VACATION
FOOTHILL ROAD, NORMAL TERRACE AND HIGH CEDARS LANE
(See attached EXHIBIT "B" for map)**

That portion of Normal Terrace and including High Cedars Lane and the adjoining Public Utility Easements, lying westerly of Foothill Road and being located in Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, recorded in Volume 42 of Plats at Page 31 of Records in the City of Medford, Jackson County, Oregon, being more particularly described as follows:

Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the Easterly line of said Lot, South 03°51'41" East 112.01 feet to the POINT OF BEGINNING; thence continue South 03°51'41" East 122.89 feet; thence along the arc of a 30.00 foot radius curve to the left (the long chord to which bears North 48°45'03" West 42.34 feet) a distance of 47.01 feet; thence South 86°21'35" West 34.52 feet; thence along the arc of a 531.50 foot radius curve to right (the long chord to which bears South 88°52'05" West 46.52 feet) a distance of 46.54 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears South 43°43'54" West 29.56 feet) a distance of 33.26 feet; thence South 03°51'41" East 142.57 feet; thence South 86°20'45" West 55.00 feet; thence North 03°51'41" West 159.08 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears North 42°38'16" West 25.05 feet) a distance of 27.07 feet; thence along the arc of a 1468.50 foot radius curve to the left (the long chord to which bears North 81°46'13" West 18.26 feet) a distance of 18.26 feet; thence North 07°50'04" East 63.03 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears North 46°37'18" East 29.89 feet) a distance of 33.75 feet; thence North 01°43'30" West 94.00 feet; thence North 74°29'14" East 56.63 feet; thence South 01°43'30" East 122.15 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears South 44°40'45" East 27.26 feet) a distance of 29.99 feet; thence along the arc of a 468.50 foot radius curve to the left (the long chord to which bears North 89°21'47" East 49.09 feet) a distance of 49.12 feet; thence North 86°21'33" East 34.16 feet; thence along the arc of a 30.00 foot radius non-tangent curve to the left (the long chord to which bears North 41°14'58" East 42.34 feet) a distance of 47.01 feet to the Point of Beginning.

TOGETHER WITH: A strip of land, 5.00 feet in width, lying easterly of the east line of SKY LAKES VILLAGE AT CEDAR LANDING PHASE 7A, REPLAT OF LOTS 95, 96, 97, 98 AND 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon and being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 97 of SKY LAKES VILLAGE AT CEDAR LANDING PHASE 7A, REPLAT OF LOTS 95, 96, 97, 98 AND 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the easterly line of said Lot 97 and its southerly prolongation, South 03°51'41" East 1322.23 feet to the southeast corner of Lot 99 of the aforesaid Sky Lakes Village Replat; thence leaving said easterly line, North 86°08'19" East 5.00 feet; thence North 03°51'41" West 1322.23 feet; thence South 86°08'19" West 5.00 feet to the point of beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darrell L. Huck

OREGON
FEBRUARY 4, 1993
DARRELL L. HUCK
2023
CYPRES 07072021

Darrell L. Huck
L.S. 2023 - Oregon
Expires 6/30/2021
Hoffbuhr & Associates, Inc.

(14099rdvacate normal-high cedar doc)

(SEE ATTACHED EXHIBIT "A")

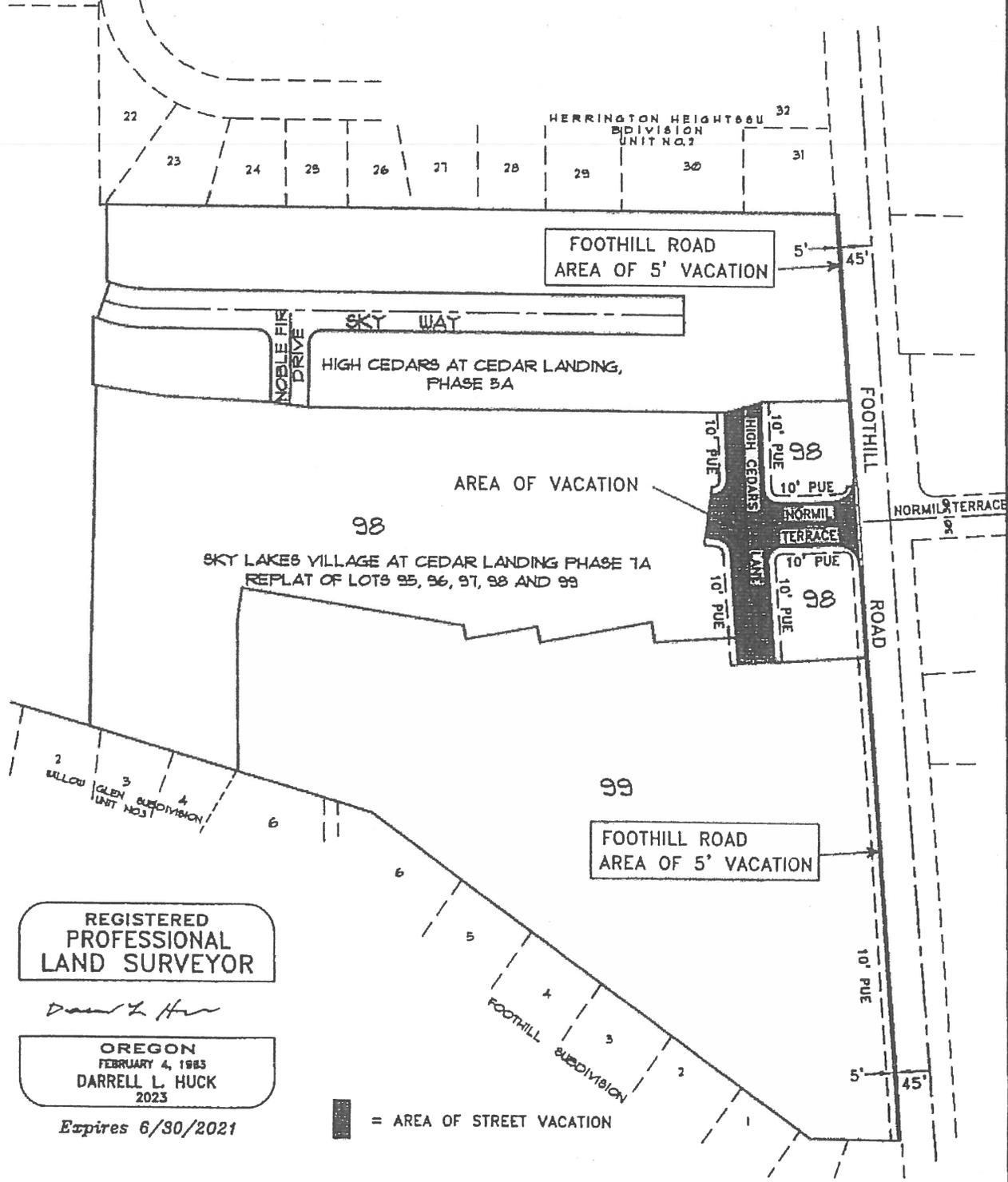
EXHIBIT B

AREA OF ROAD VACATION

SITUATED IN
THE SW 1/4 OF SECTION 16,
TOWNSHIP 37 SOUTH, RANGE 1 WEST, W.M.,
IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON

1" = 200'

HERRINGTON
HEIGHTS
SUBDIVISION
UNIT NO.1



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darrell L. Huck

OREGON
FEBRUARY 4, 1983
DARRELL L. HUCK
2023

Expires 6/30/2021

■ = AREA OF STREET VACATION

(14089 road vacate 7-18-2018.dwg)

EXHIBIT "A"

PUBLIC UTILITY (PUE) VACATION FOOTHILL ROAD, NORMIL TERRACE AND HIGH CEDARS LANE (See attached EXHIBIT "B" for map)

Those Public Utility Easements shown on the final Plat of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon, being more particularly described as follows:

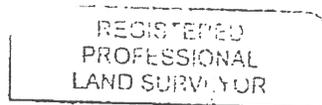
Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the Easterly line of said Lot, South 03°51'41" East 112.01 feet; thence along the arc of a 30.00 foot radius non-tangent curve to the right (the long chord to which bears South 06°03'12" West 10.10 feet), a distance of 10.15 feet to the POINT OF BEGINNING; thence, continue along the arc of a 30.00 foot radius curve to the right (the long chord to which bears South 50°56'35" West 34.58 feet), a distance of 36.86 feet; thence South 86°21'33" West 34.16 feet; thence along the arc of a 468.50 foot radius curve to the right (the long chord to which bears South 89°21'47" West 49.09 feet) a distance of 49.12 feet; thence along the arc of a 20.00 foot radius curve to the right (the long chord to which bears North 44°40'45" West 27.26 feet) a distance of 29.99 feet; thence North 01°43'30" West 123.18 feet to the Northerly line of said Lot 98; thence, along said Northerly line, North 88°16'30" East 10.00 feet; thence, leaving said Northerly line, thence South 01°43'30" East 123.20 feet; thence along the arc of a 10.00 foot radius curve to the left (the long chord to which bears South 44°43'29" East 13.62 feet) a distance of 14.98 feet; thence along the arc of a 458.50 foot radius curve to the left (the long chord to which bears North 89°21'47" East 48.05 feet) a distance of 48.07 feet; thence North 86°21'33" East 44.08 feet; thence along the arc of a 10.00 foot radius curve to the left (the long chord to which bears North 41°20'00" East 14.15 feet) a distance of 15.72 feet; thence North 86°08'19" East 8.26 feet to the Point of Beginning.

ALSO: Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the Easterly line of said Lot, South 03°51'41" East 234.90 feet to the POINT OF BEGINNING; thence continue South 03°51'41" East 821.45 feet to the Southeast corner of Lot 99; thence, along the Southerly line of said Lot, North 89°15'29" West 10.03 feet; thence, leaving said Southerly line, North 03°51'41" West 830.61 feet; thence, along the arc of a 10.00 foot radius curve to the left (the long chord to which bears North 48°44'19" West 14.11 feet) a distance of 15.66 feet; thence South 86°21'35" West 44.49 feet; thence along the arc of a 541.50 foot radius curve to right (the long chord to which bears South 88°52'05" West 47.40 feet) a distance of 47.41 feet; thence along the arc of a 10.00 foot radius curve to the left (the long chord to which bears South 43°43'54" West 14.78 feet) a distance of 16.63 feet; thence South 03°51'41" East 143.61 feet to the Southerly line of said Lot 98; thence, along said Southerly line, South 86°20'44" West 10.00 feet; thence, leaving said Southerly line, North 03°51'41" West 143.57 feet; thence, along the arc of a 20.00 foot radius curve to the right (the long chord to which bears North 43°43'54" East 29.56 feet), a

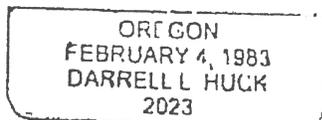
distance of 33.26 feet; thence along the arc of a 531.50 foot radius curve to left (the long chord to which bears South 88°52'05" West 46.52 feet) a distance of 46.54 feet; thence North 86°21'35" East 34.52 feet; thence along the arc of a 30.00 foot radius curve to the right (the long chord to which bears South 48°45'03" East 42.34 feet) a distance of 47.01 feet to the Point of Beginning.

ALSO: Commencing at the Southeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon: thence along the Southerly line of said Lot 98, South 86°20'45" West 187.70 feet to an angle point for the POINT OF BEGINNING; thence South 86°08'19" West 10.00 feet; thence North 03°51'41" West 160.08 feet; thence, along the arc of a 10.00 foot radius curve to the left (the long chord to which bears North 42°38'16" West 12.53 feet) a distance of 13.54 feet; thence along the arc of a 1458.50 foot radius curve to the left (the long chord to which bears North 81°47'23" West 19.13 feet) a distance of 19.13 feet; thence North 07°50'04" East 10.00 feet; thence along the arc of a 1468.50 foot radius curve to the right (the long chord to which bears South 81°47'23" East 19.26 feet) a distance of 19.26 feet; thence along the arc of a 20.00 foot radius curve to the right (the long chord to which bears South 42°38'16" East 25.05 feet) a distance of 27.07 feet; thence South 03°51'41" East 160.08 feet to the Point of Beginning.

ALSO: Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon: thence along the Northerly line of said Lot, South 88°16'30" West 126.49 feet to an angle point; thence South 74°29'14" West 56.53 to an angle point for the POINT OF BEGINNING; thence South 01°43'30" East 95.03 feet; thence, along the arc of a 20.00 foot radius curve to the right (the long chord to which bears South 43°08'17" West 30.54 feet), a distance of 34.75 feet; thence North 07°50'04" East 10.00 feet; thence, along the arc of a 10.00 foot radius curve to the left (the long chord to which bears North 43°08'17" East 15.27 feet), a distance of 17.38 feet; thence North 01°43'30" West 95.38 feet to the aforesaid Northerly line of Lot 98; thence, along said Northerly line, South 89°43'35" East 10.01 feet to the Point of Beginning.



Darrell L Huck



EXPIRES 6/30/2021

Darrell L. Huck
L.S. 2023 - Oregon
Expires 6/30/2021
Hoffbuhr & Associates, Inc.

(14099 pue vacate.doc)

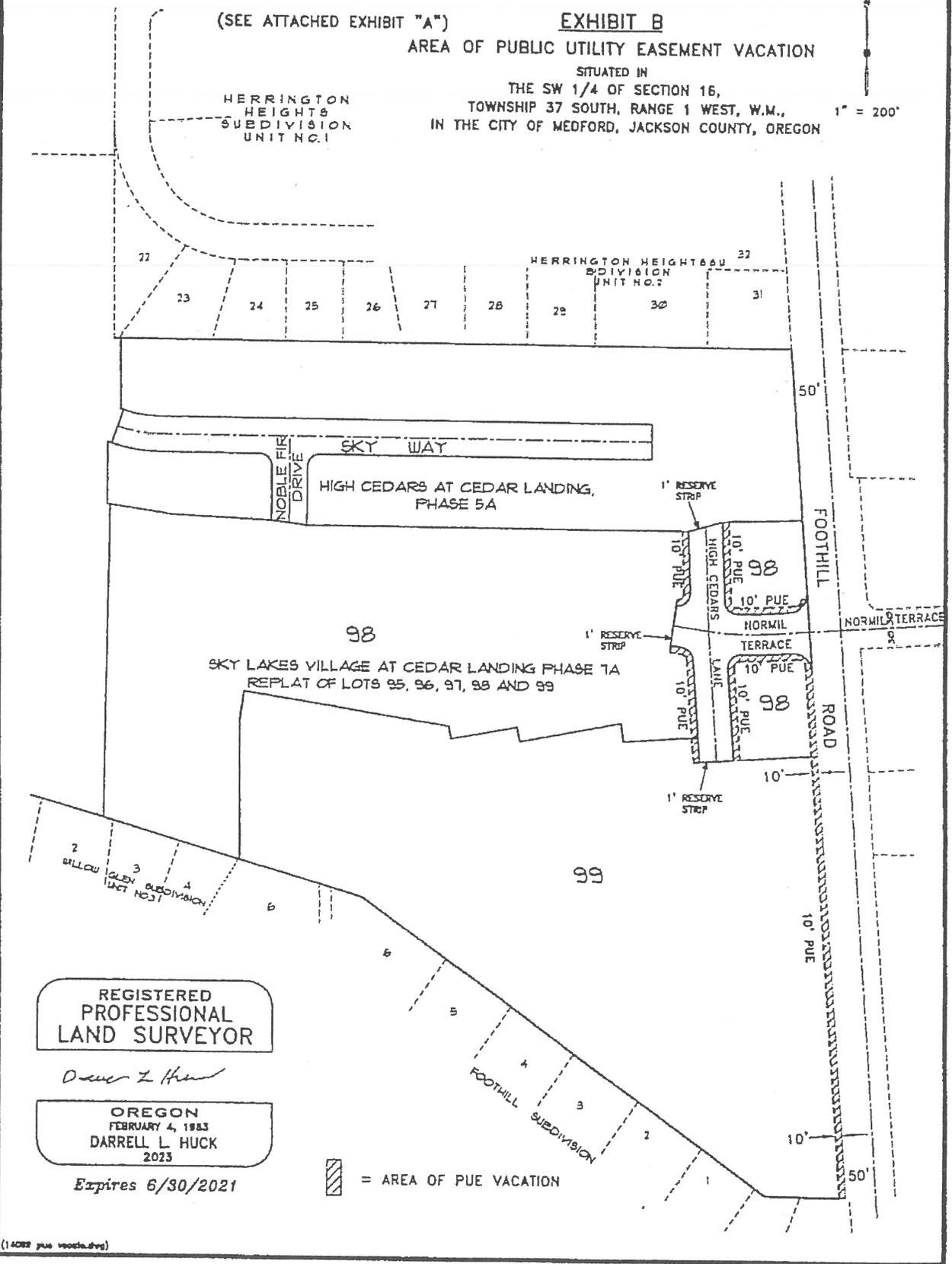
(SEE ATTACHED EXHIBIT "A")

EXHIBIT B

AREA OF PUBLIC UTILITY EASEMENT VACATION

SITUATED IN
THE SW 1/4 OF SECTION 16,
TOWNSHIP 37 SOUTH, RANGE 1 WEST, W.M.,
IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON

1" = 200'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darrell L. Huck

OREGON
FEBRUARY 4, 1983
DARRELL L. HUCK
2023

Expires 6/30/2021

 = AREA OF PUE VACATION

(14082 pue vacat.dwg)



CITY COUNCIL REPORT

for a Type-IV legislative decision: Vacation

Project High Cedars Vacation
Applicant: Eric Artner; Agent: CSA Planning Ltd.

File no. SV-19-045

To Mayor & City Council *for November 7, 2019 hearing*

From Liz Conner, Planner II

Reviewer Kelly Evans, Assistant Planning Director *w*

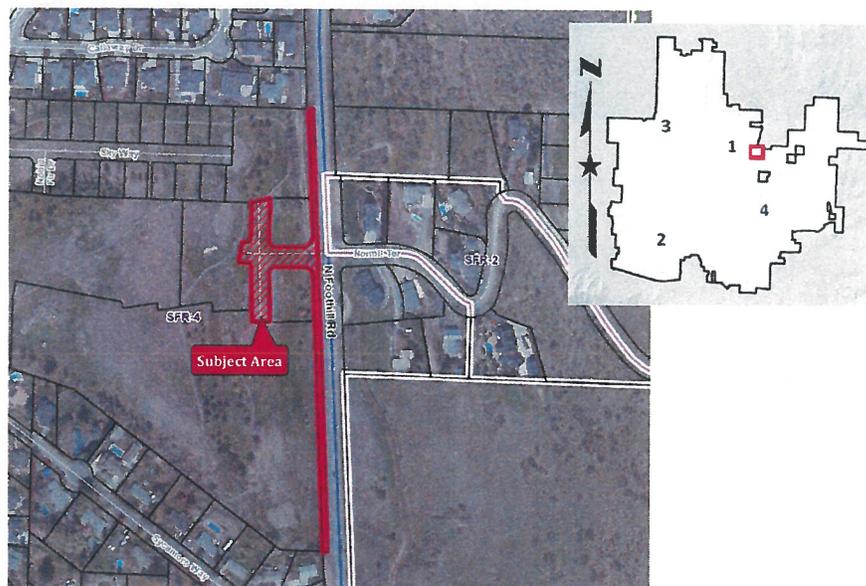
Date October 25, 2019

BACKGROUND

Proposal

Consideration of a request for vacation of a portion of excess right-of-way on Foothill Road, right-of-way for Normil Terrace and High Cedars Lane west of Foothill Road, a Public Utility Easement (PUE) and Reserve Strips in High Cedars at Cedar Landing, Phases 5B, 6B and 7B, within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district.

Vicinity Map



Subject Site Characteristics

GLUP	UR	Urban Residential
Zoning	SFR-4	Single Family Residential – 4 dwelling units per gross acre
Use	Vacant	

Surrounding Site Characteristics

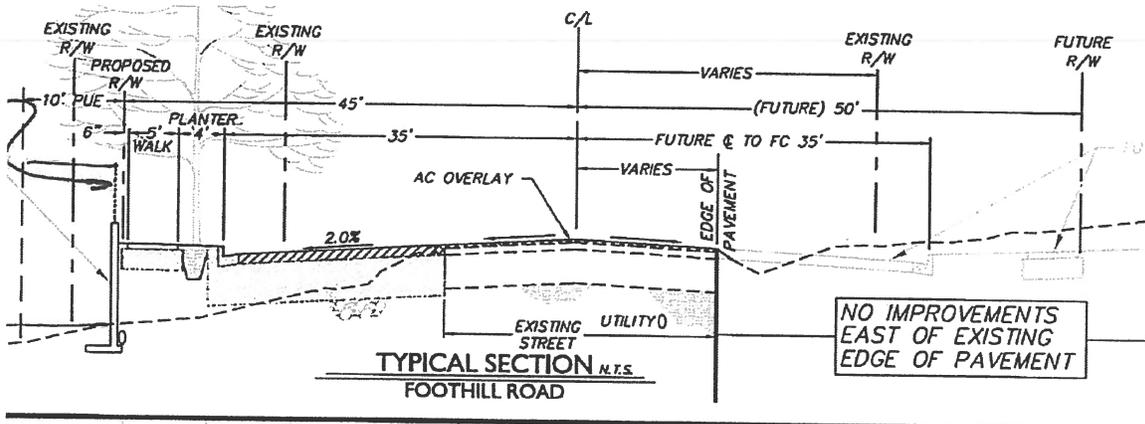
<i>North</i>	Zone:	SFR-4
	Use:	Residential Subdivision
<i>South</i>	Zone:	SFR-4
	Use:	Residential Subdivision
<i>East</i>	Zone:	SFR-4
	Use:	Residential Subdivision
<i>West</i>	Zone:	SFR-4
	Use:	Vacant

Related Projects

PUD-05-035	Cedar Landing PUD
LDS-05-036	Cascade Terrace Subdivision
LDS-05-037	Sky Lakes Subdivision
PUD-05-035	Termination of 5.47 acre portion of PUD for park property in 2011
LDS-13-121	Sky Lakes Village Subdivision Phases 7A & 7B
PUD-13-119	PUD Revision
E-14-059	Exception to required right-of-way dedication
PUD-14-136	PUD Revision
LDS-14-137	Sky Lakes Village Phase 1 Tentative Plat
LDS-14-138	The Village at Cedar Landing Phase 1 Tentative Plat
PUD-15-043	South portion of Cedar Landing PUD Revision for reconfiguration area into the High Cedars subarea, phases 1 through 5 and modifying land use.
LDS-15-044	Tentative plat for High Cedars Subdivision Phases 1 through 5 (176 lots).
PUD-16-024	PUD Revision
LDS-18-153	High Cedars Subdivision

The subject rights-of-way were dedicated based on a previous Planning Commission approval, but not improved. As a condition of the February 2019 approval, the applicant was required to obtain approval for the vacation of the right-of-way, public utility easements and reserve strips as they are no longer needed.

The February 2019 approval included a cross section of the west side Foothill Road that reduced the width to 45 feet from centerline.



Public Improvements

The right-of-way that is proposed to be vacated was never improved and existed only on the recorded final plat. No public facilities will be impacted by the proposed vacation.

Agency Comments

Per the agency comments submitted to staff (Exhibits E-I), it can be found that the public facilities will not be impacted by the proposed vacation.

Committee Comments

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

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit D) and recommends the Commission adopt the findings as presented.

RECOMMENDED ACTION

The Planning Commission recommends adopting SV-19-045 based on the analysis, findings, and conclusions per the City Council Report dated October 25, 2019, including Exhibits A through J.

EXHIBITS

- A Assessor Maps
- B Tentative Plat for High Cedars LDS-18-153 received May 5, 2019
- C Applicant's vicinity map received May 3, 2019
- D Applicants findings and conclusions received May 3, 2019
- E Public Works comments received September 25, 2019
- F Medford Surveyor comments received September 10, 2019
- G Medford Building Department comments received September 24, 2019
- H Medford Water Commission comments received September 24, 2019
- I Jackson County Road comments received September 9, 2019
- J Draft minutes excerpt from Planning Commission hearing October 10, 2019
Vicinity map

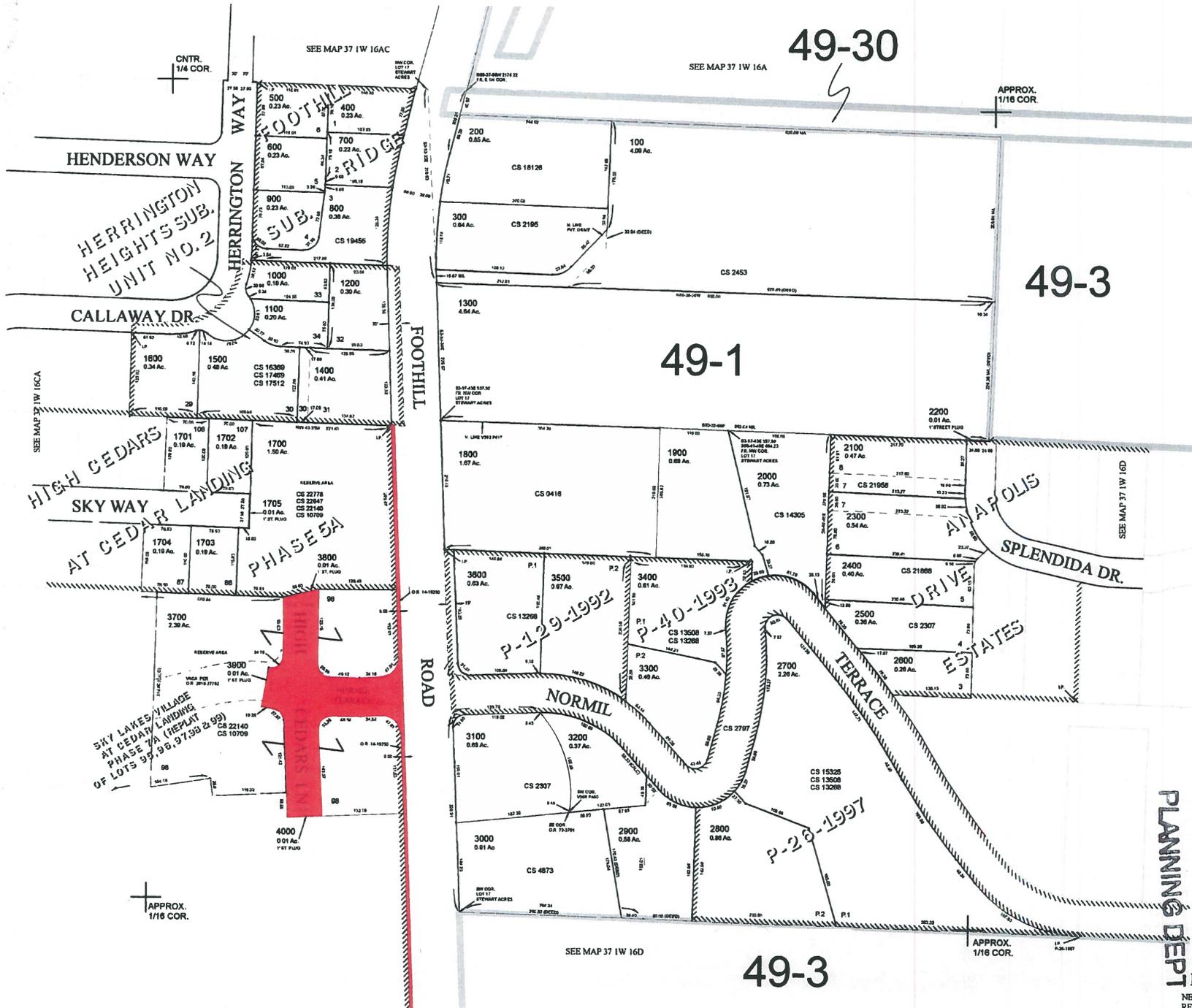
CITY COUNCIL AGENDA:

NOVEMBER 7, 2019

FOR ASSESSMENT AND TAXATION ONLY

N.W.1/4 S.E.1/4 SEC.16 T.37S. R.1W. W.M.
JACKSON COUNTY
1" = 100'

371W16DB
MEDFORD



Page 61

File # 21-2-045
EXHIBIT # A
CITY OF MEDFORD

CIS DATA 9:37:52 AM - 04/20/2019

RECEIVED
MAY 03 2019
PLANNING DEPT
371W16DB
MEDFORD
NEW MAP April 2, 2019
REV April 3, 2019

EXHIBIT 5

FILE NO. 18-17-2019

TENTATIVE PLAT
FOR
HIGH CEDARS AT CEDAR LANDING PHASE 5B
HIGH CEDARS AT CEDAR LANDING PHASE 6A
HIGH CEDARS AT CEDAR LANDING PHASE 6B
HIGH CEDARS AT CEDAR LANDING PHASE 7A
HIGH CEDARS AT CEDAR LANDING PHASE 7B
(A PLANNED COMMUNITY)
SITUATED IN
THE SW 1/4 OF SECTION 16,
TOWNSHIP 37 SOUTH, RANGE 1 WEST, W.M.,
IN THE CITY OF MEDFORD,
JACKSON COUNTY, OREGON

RECEIVED
JAN 17 2019
Planning Dept.

APPLICANT/OWNER

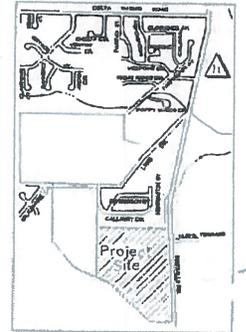
Cedar Investment Group, L.L.C.
2728 West Main Street #8
Medford, Oregon 97501
541-210-0083

SURVEYING

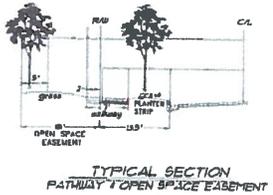
Hoffbauer & Associates, Inc.
889 5th View Dr., Suite 201
Medford, Oregon 97504
541-778-4641

SCHOOL DISTRICT: 5100
SHARON DISTRICT: 910
SARASOTA DISTRICT: CITY OF MEDFORD
AREA: CROSS AND AET - 30 225 sq/48 100 sq.
ZONING: SR-4/PS
EXISTING USE: VACANT
PROPOSED USE: RESIDENTIAL

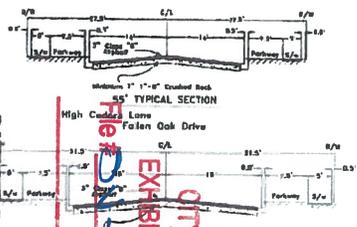
VICINITY MAP



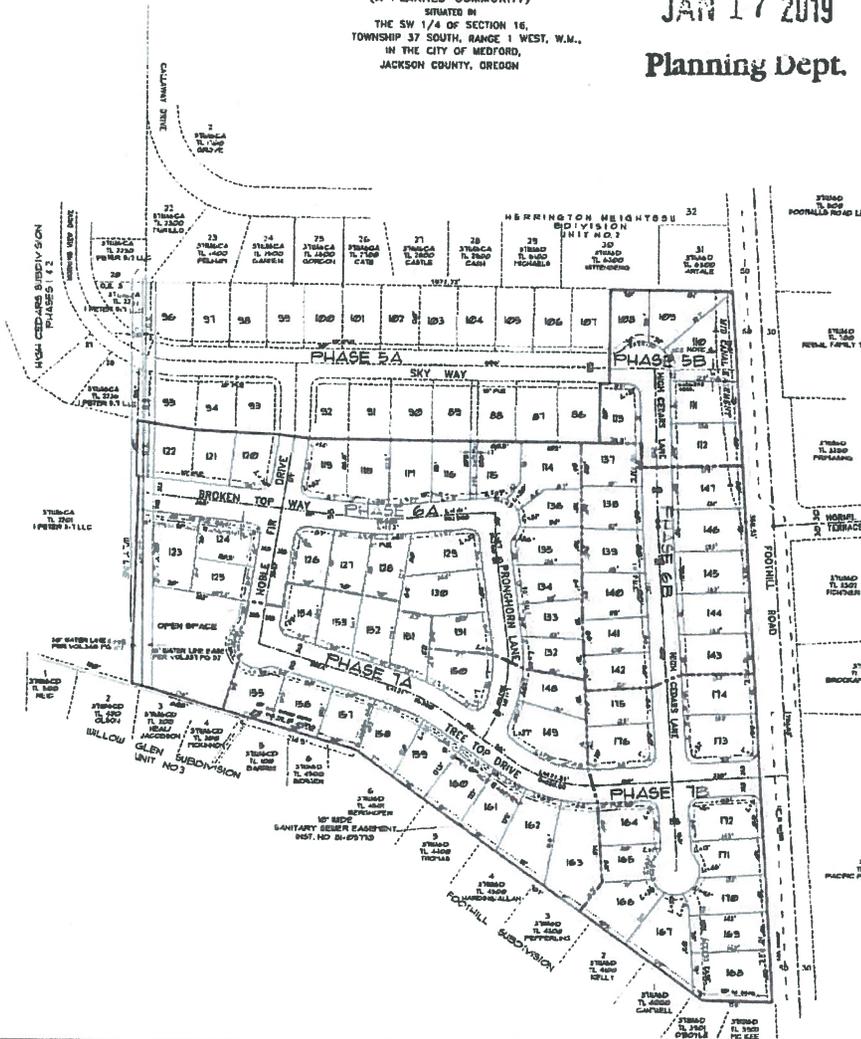
FILE NO.	EXHIBIT	DATE
18-17-2019	5	1/17/2019
APPLICATOR'S PARCEL NO.	OWNER'S PARCEL NO.	DATE
NO. OF LOTS	NO. OF LOTS	DATE
DATE OF SUBMISSION	DATE	DATE
REVIEWED BY	DATE	DATE
PREPARED BY	DATE	DATE



TYPICAL SECTION
PATHWAY OPEN SPACE EASEMENT



High Cedar Lane
Falen Oak Drive
CA
EXHIBIT B
MEDFORD
CITY OF MEDFORD



PHASE	TOTAL AREA	LOT AREA	OPEN SPACE	AREA OF OPEN SPACE BASE UNDER LOTS
HIGH CEDARS AT CEDAR LANDING PHASE 5B	10.24 ACRES	10.24 ACRES	0.00 ACRES	0.00 ACRES
HIGH CEDARS AT CEDAR LANDING PHASE 6A	20.00 ACRES	20.00 ACRES	0.00 ACRES	0.00 ACRES
HIGH CEDARS AT CEDAR LANDING PHASE 6B	10.00 ACRES	10.00 ACRES	0.00 ACRES	0.00 ACRES
HIGH CEDARS AT CEDAR LANDING PHASE 7A	10.00 ACRES	10.00 ACRES	0.00 ACRES	0.00 ACRES
HIGH CEDARS AT CEDAR LANDING PHASE 7B	10.00 ACRES	10.00 ACRES	0.00 ACRES	0.00 ACRES

- NOTES
- 1) IF PUBLIC UTILITY EASEMENTS ARE SHOWN ON THIS PLAT, THEY ARE SHOWN AS SHOWN ON THE PLAT AND ARE NOT TO BE CONSIDERED AS OF APPROVAL & WITH ACCEPTANCE OF THIS PLAT.
 - 2) APPROVAL LOCATION OF WATER LINE HAS PLAT OR EASEMENT ACROSS LOCATE LOCATION NOT SHOWN.
 - 3) APPROVAL LOCATION OF WATER LINE HAS PLAT OR EASEMENT ACROSS LOCATE LOCATION NOT SHOWN.
 - 4) USE OF LINES OF EQUAL BARS FOR VERTICAL CURVES.

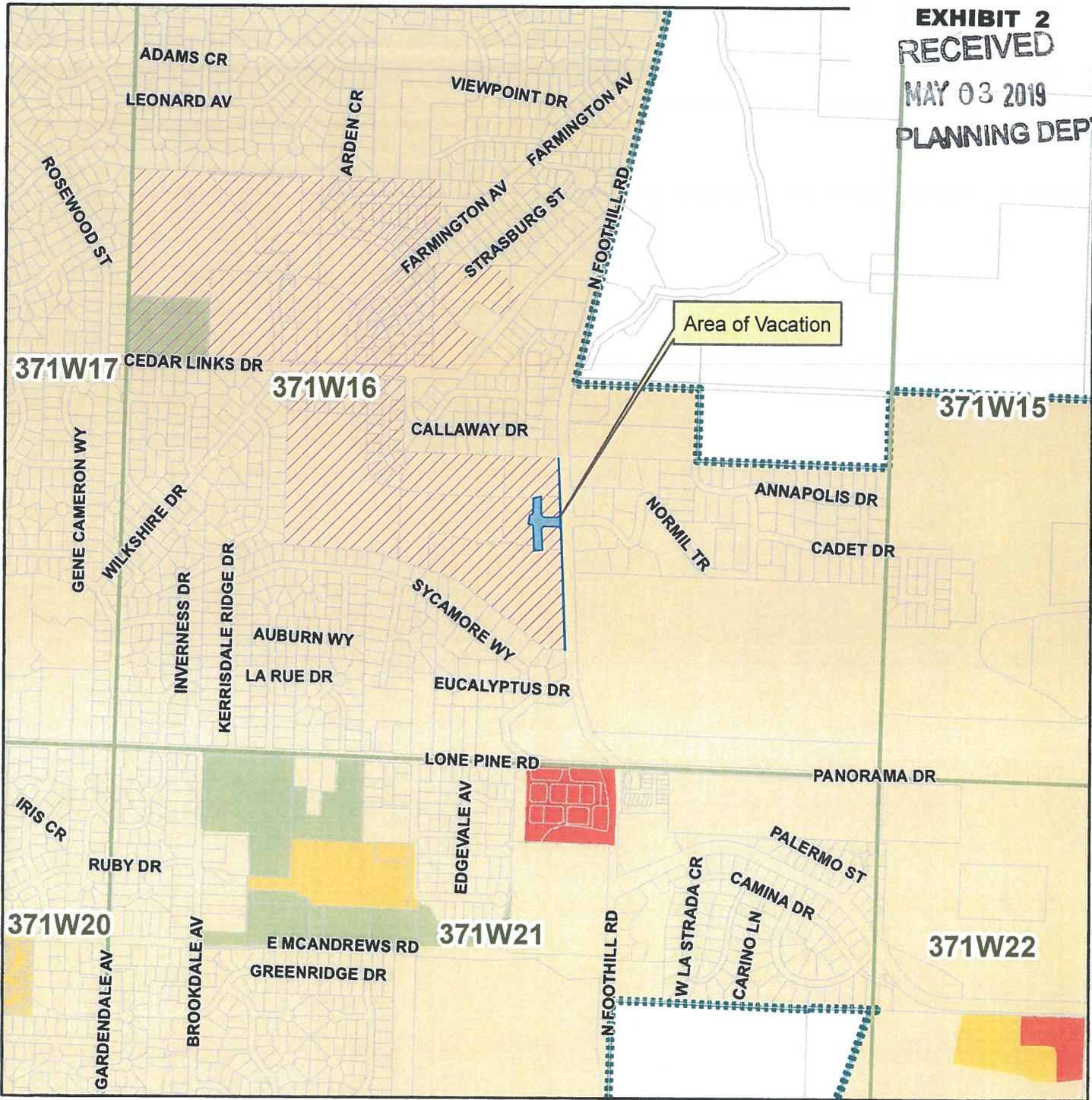


PROFESSIONAL LAND SURVEYOR
HOFFBAUER & ASSOCIATES, INC.
REGISTERED PROFESSIONAL LAND SURVEYOR
No. 1000
EXPIRES 12/31/2020
OFFICE: 889 5th View Dr., Suite 201, Medford, OR 97504
PHONE: 541-778-4641
FAX: 541-778-4642
www.hoffbauer.com

CITY OF MEDFORD
EXHIBIT # B
FILE # LDS-18-153

RECEIVED
JAN 22 2019
PLANNING DEPT

**EXHIBIT 2
RECEIVED
MAY 03 2019
PLANNING DEPT**



	Sections		CM
	Areas to be Vacated		PS
	Tax Lots		UH
	Cedar Landing PUD Original Boundary		UM
	UGB		UR

Print Date: March 2019

Vicinity Map

Vacation Portions of Unimproved Rights of Way and PUE
37-1W-16D

1,000 500 0 1,000 Feet

CITY OF MEDFORD
EXHIBIT # 20-19-045

10

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

IN THE MATTER OF THE VACATION OF)
UNIMPROVED RIGHTS-OF-WAY AND)
PUBLIC UTILITIES EASEMENTS (PUE))
FOR HIGH CEDARS LANE, A PORTION)
OF NORMIL TERRACE AND A FIVE (5)-)
FOOT WIDE PORTION OF FOOTHILL)
ROAD, LOCATED WITHIN AND)
ADJACENT TO THE SOUTHERLY)
PORTION OF THE CEDAR LANDING)
PLANNED UNIT DEVELOPMENT AND)
ADJACENT TO THE PROPERTY)
DESCRIBED IN THE JACKSON)
COUNTY ASSESSMENT RECORDS AS)
TOWNSHIP 37 SOUTH, RANGE 1 WEST,)
SECTION 16D TAX LOTS 7000, 7001)
and 7002, THE CORPORATE LIMITS OF)
THE CITY OF MEDFORD, OREGON)

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

Applicant's Exhibit 1

Applicant: City of Medford, Oregon)
Agent: CSA Planning, Ltd.)

I

SCOPE AND NATURE OF THE ACTION

This matter concerns the vacation of unimproved right of way for that portion of Normil Terrace lying west of Foothill Road; that portion of High Cedars Lane within the Cedar Landing PUD and the westerly 5-feet of right of way for Foothill Road. The action also includes the vacation of Public Utility Easements (PUE) adjacent to said rights of ways. The areas to be vacated are more accurately described in Surveyor's maps and legal descriptions attached at Exhibits A and B. The vacations are necessary in order to achieve the modifications to High Cedars Phases 5B-7B approved under LDS-18-153.

As background, the two streets were dedicated for public use (but not improved) as a condition of earlier approvals for the Cedar Landing PUD and High Cedars at Cedar Landing phased subdivision. In order to alleviate significant engineering hurdles associated with the construction of Normil Terrace connection with Foothill Road at a location conflicting with the MID canal, a modification to the intersection was sought and approved under aforementioned LDS-18-153. A consequence of the redesign results in the vacation of that portion of Normil Terrace west of Foothill Road, an alteration to the location of High Cedars Lane and the vacation of a 5-foot road right-of-way and 10-foot PUE along Foothill Road.



The redesign necessitates that the streets in their earlier locations be vacated before they would be dedicated in their new locations.

Oregon Revised Statutes (ORS) Chapter 271 provides two methods to vacate public streets. The first, pursuant to ORS 271.080 is on petition and the consent of affected property owners. The second, pursuant to ORS 271.130 is on the City Council's own motion. Street vacations in Medford have nearly always been initiated by the Council on its own motion because this process is more streamlined and exposes the City to little or no risk. In this instance the property owner (Cedar Landing Development LLC) requested and the Council initiated this street vacation proceeding under its own motion.

II

EVIDENCE SUBMITTED WITH APPLICATION

The following evidence was before the City Council:

- Exhibit 1.** The proposed findings of fact and conclusions of law, demonstrating how the vacation complies with the applicable substantive criteria of the City of Medford and State of Oregon
- Exhibit 2.** Vicinity Map
- Exhibit 3.** Surveyors Proposed Legal Descriptions and Maps Showing Street Vacation Areas on High Cedars Lane and Normil Terrace at Cedar Landing Phases 5B-7B Plat
- Exhibit 4.** Legal Description and Map of the 5-Foot Road Right-of -Way Vacation Along the West Boundary of Foothill Road
- Exhibit 5.** LDS-18-153 Approved Tentative Plat
- Exhibit 6.** Notice Area Map
- Exhibit 7.** Assessment Ownership Information
- Exhibit 8.** Completed vacation application forms with written authorization from Cedar Landing Development LLC.

III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The Council has determined that the following constitutes all of the relevant substantive standards and criteria prerequisite to the vacation of city streets under the Medford Land Development Code (MLDC) and pursuant to the relevant procedures and requirements in ORS 271.080 through 271.170 when public streets are vacated by the Council's own motion pursuant to ORS 271.130:



"D"

Medford Land Development Code (MLDC)
10.228(D) Vacation of Public Right-of-Way Approval Criteria.

A request to vacate shall only be approved by City Council when the following criteria have been met:

- (1) Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.
- (2) If initiated by petition under ORS 271.080, the findings required by ORS 271.120.
- (3) If initiated by the Council, applicable criteria found in ORS 271.130.

Oregon Revised Statutes ("ORS") Chapter 271

271.080. Vacation in incorporated cities; petition; consent of property owners.

- (2) [. . .]The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.

271.110 Notice of hearing.

- (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.
- (2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.
- (3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor. [Amended by 1991 c.629 §1; 2005 c.22 §196]

271.130. Vacation on council's own motion; appeal.

- (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.
- (4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be



"D"

Findings of Fact and Conclusions of Law

Vacation of portions of High Cedars Lane and Normil Terrace
Applicant: City of Medford, Oregon

taken within the time and in substantially the manner provided for taking an appeal from justice or district court in civil cases.

IV

FINDINGS OF FACT

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

1. Street Ownership: The sections of High Cedars Lane and Normil Terrace to be vacated are unimproved and owned by the City of Medford. The rights-of-way (now to be vacated) were made requirements by the City Planning Commission in earlier PUD and Subdivision proceedings as further explained in "History" below.

2. History:

- In 2014, the City of Medford Planning Commission approved PUD-13-119, an amendment to PUD-05-35.
- Also in 2014, the City of Medford Planning Commission approved a final plat, LDS-13-121, titled "Sky Lakes Village at Cedar Landing, Phase 7A" creating, in part, 9 *reserve acreage lots* throughout the PUD. Five of the lots approved under LDS-13-121 are situated on the portion of the PUD lying south of Cedar Links Drive, including lots 95-99. Also, portions of High Cedars Lane and Normil Terrace, providing legal access from Cedar Links Drive and Foothill Road to interior lots 96 and 97 were dedicated through LDS-13-121 as unimproved public right-of-way.
- On June 11, 2015 the City of Medford Planning Commission approved files PUD 15-043 and LDS-15-044, a revision to the preliminary PUD plan and a tentative plat for the portion of the Cedar Landing PUD lying south of Cedar Links Drive. The modified PUD and tentative plat include changes to the previously approved phase boundaries and underlying road layouts.
- On February 14, 2019 the City of Medford Planning Commission approved a request to replat Phases 5B, 6A, 6B, 7A and 7B of High Cedars, File LDS-18-153.

The underlying parent parcels require adjustment in order to align with the modified phase boundaries and High Cedars Lane and Normil Terrace require realignments in order to match the approved PUD layout and provide lawful access to adjusted lots 96 and 97. The realignment requires a vacation and dedication.

3. Zoning: All properties abutting the subject right-of-way for High Cedars Lane and Normil Terrace are within the Cedar Landing PUD and are zoned SFR-4.

4. Surrounding properties description: All properties surrounding the subject portion of High Cedars Lane are within the Cedar Landing PUD. None of the lands surrounding the portion of High Cedars Lane to be vacated are improved.

All lands to the north, west and south of the subject portion of Normil Terrace are within undeveloped portions of the Cedar Landing PUD. Lands to the east, across Foothill Road are zoned SFR-2 and SFR-4. The portion of Normil Terrace lying east of Foothill Road is improved and provides access to a number of residences on that side of the road.



Findings of Fact and Conclusions of Law

Vacation of portions of High Cedars Lane and Normil Terrace
Applicant: City of Medford, Oregon

- 5. **Ownership after Vacation:** The ownership of all areas to be vacated will revert to Cedar Landing Development, LLC.¹ Following the now sought vacations, the new or modified rights-of-way for both High Cedars Lane and Normil Terrace are to be dedicated to the City of Medford as required by and in a manner consistent with LDS 18-153.
- 6. **Topography:** The vacation area for High Cedars Lane includes moderate side slopes. The vacation area for Normil Terrace includes some moderately steep slopes. A preliminary grading plan for Normil Terrace was approved under PUD-15-043.
- 7. **Public Facilities and Utilities:** Neither street currently includes any public facilities or utilities. The Public Utility Easement dedicated along the westerly side of Foothill Road and dedicated and adjacent to High Cedars Lane will be modified to align with the revised right-of-way of High Cedars Lane through the approved application LDS-18-153.

V

CONCLUSIONS OF LAW

The following discussion and conclusions of law are preceded by the criterion to which they relate and are based upon the findings of fact as set forth in above Section III and the evidence enumerated in Section II. The Council reaches the following conclusions of law and ultimate conclusions under each of the relevant substantive criteria:

Medford Land Development Code (MLDC)

10.228(D) Vacation of Public Right-of-Way Approval Criteria. A request to vacate shall only be approved by the City Council when the following criteria have been met:

Criterion 1

Compliance with the Public Facilities Element of the Comprehensive Plan, Including the Transportation System Plan

Conclusions of Law: The fact that Criterion 1 requires proposed street vacations to comply with the Medford Comprehensive Plan, Public Facilities Element, does not make all goals and policies in that element function as approval criteria. See, *Bennett v. City of Dallas*, 17 Or LUBA 450, aff'd 96 Or App 645 (1989). Approval criteria requiring compliance with elements of the comprehensive plan do not automatically transform all comprehensive plan goals and policies into decisional criteria. A determination of whether particular plan policies are approval criteria must be based on the language used in the goals and policies and the context in which they appear. The Council has carefully examined the plan Public Facilities Element and concludes as follows:

- 1. There are no goals or policies in the Public Facilities Element, or elsewhere in the City of Medford Comprehensive Plan, which, by its language or context, were intended by the

¹ Before the rights-of-way were dedicated, the right-of-way land was owned by Cedar Landing Development, LLC.



"D"

Findings of Fact and Conclusions of Law

Vacation of portions of High Cedars Lane and Normil Terrace
Applicant: City of Medford, Oregon

City to function as approval criteria for the vacation of public streets.

- 2. While the vacation areas have proper access to all needed and required public facilities and services², as described in the findings of fact in Section IV, public water and sanitary sewer facilities, along with electrical/telecommunications and natural gas lines do not *presently* exist within the rights-of-way intended to be vacated. However, the same can and will be provided prior to the time that lands adjacent to the to be vacated rights-of-way are developed for housing.

Therefore, the Council concludes that this vacation will have no affect the future delivery of adequate public facilities and services in ways required by the plan Public Facilities Element and MLDC.

Through the review and approval of LDS-18-153, City of Medford provided final land use decision confirming that the modified rights of ways approved therein were consistent with the City’s Development standards and the Transportation System Plan. This vacation carries out the approval therein.

Criterion 2

- 1) If initiated by petition under ORS 271.080, the findings required by ORS 271.120

ORS 271.080 Vacation in incorporated cities; petition; consent of property owners. (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

Conclusions of Law: The above MLDC 10.228(D)(2) is concluded to be inapplicable because the subject street vacations have *not* been initiated by petition pursuant to ORS 271.080. Instead, the vacations have been initiated by the Council on its own motion pursuant to ORS 271.130 which is addressed below as a part of Criterion 3.

Criteria 3

- 2) If initiated by the Council, applicable criteria are found in ORS 271.130.

and

Oregon Revised Statutes (“ORS”) Chapter 271

271.080. Vacation in incorporated cities; petition; consent of property owners. (Inapplicable parts omitted)

- 2) * * * The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel

² The general adequacy of public facilities and services has been ascertained earlier under the requirements of earlier PUD and subdivision approvals.



"D"

Findings of Fact and Conclusions of Law

Vacation of portions of High Cedars Lane and Normil Terrace

Applicant: City of Medford, Oregon

street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.

271.110 Notice of hearing.

- (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.
- (2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.
- (3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor. [Amended by 1991 c.629 §1; 2005 c.22 §196]

271.130. Vacation on council's own motion; appeal.

- (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.
- (4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice or district court in civil cases.

Conclusions of Law: As evidenced by Exhibit 5, all lands abutting the portions of High Cedars Lane and Normil Terrace requested to be vacated are owned by Cedar Landing Development, LLC and 1 Peter 5:7, LLC (both of which have authorized this request) collectively represent in excess of two thirds of the ownership of all real property deemed potentially affected under ORS 271.080.

The petition for the vacation of the road rights-of-way and PUE is being initiated by the City Council. As stated in Section I (Scope and Nature of the Action) the purpose of the vacations is to realign High Cedars Lane and eliminate that portion of Normil Terrace west of Foothill Road in order to comply with the street and phasing layout approved under LDS-18-153. Based on the foregoing, the Council concludes as follows:



Findings of Fact and Conclusions of Law

Vacation of portions of High Cedars Lane and Normil Terrace
Applicant: City of Medford, Oregon

1. No potentially affected landowners have objected in writing to this vacation pursuant to ORS 271.130. The owner of the majority of the land affected by the vacation pursuant to ORS 271.080 and 271.130 (Cedar Landing Development, LLC and 1 Peter 5:7, LLC) and all of the abutting land has provided written correspondence in support of the street and PUE vacations.
2. Proper notice of this vacation public hearing has been given and evidence of the City's proper notice is a part of the record of the vacation proceedings.
3. The vacation is sought following the approval of LDS-18-153 to modify the street layout within the High Cedars at Cedar Landing Phases 5B-7B. The requested subdivision changes will allow the re-alignment of PUE, High Cedars Lane, and other local streets within the High Cedars at Cedar Landing and eliminate that portion of Normil Terrace west of Foothill Road.
4. Beyond the properties which abut the street segments to be vacated, all parcels or tracts of land will retain street access at levels that the Council concludes are adequate and appropriate. As such, the Council concludes that its decision to vacate the subject rights-of-way will not produce significant impacts upon present or future land uses or their owners because: A) no land is dependent upon the subject rights-of-way for access because the abutting and nearby land is vacant, and B) new street rights-of-way will be dedicated in the future and in only a slightly different configuration to serve future development in this PUD.
5. The Council has carefully considered all of the evidence and testimony in this matter and, based upon the foregoing findings of fact and conclusions of law, the Council concludes that the public interest will not be prejudiced by the proposed vacations.

VI

ULTIMATE CONCLUSIONS

Based on the foregoing findings of fact and conclusions of law and upon the evidence and record of the proceeding, the Council ultimately concludes as follows:

1. The criteria set forth in MLDC 10.228 for the vacation of public streets has been fully and completely satisfied.
2. The requirements in relevant parts of ORS Chapter 271 have been fully and completely satisfied and public notice of the vacation public hearing was properly given.
3. The vacation of the subject portions of High Cedars Lane, Normil Terrace, the 5-foot road right-of-way and 10-foot PUE along the west side of Foothill Road are required in order to achieve the realignment of High Cedars Lane in a manner consistent with modifications approved under LDS-18-153.
4. The vacation of subject portions of High Cedars Lane, Normil Terrace, the 5-foot road right-of-way and the PUE are not a land use decision.



"D"

Findings of Fact and Conclusions of Law

Vacation of portions of High Cedars Lane and Normil Terrace
Applicant: City of Medford, Oregon

5. If the courts ultimately conclude that the street and PUE vacations are land use decisions, the Council concludes that, based upon the foregoing findings of fact and conclusions of law, the vacation is not inconsistent (and it therefore is consistent) with the Medford Comprehensive Plan Public Facilities Element because:
 - A. Based upon *Bennett, supra*, there are no plan goals nor policies which, by their language or context, were intended to function as approval criteria for street vacations. The Council has consistently interpreted provisions of the MLDC which require compliance with the comprehensive plan (or elements thereof) to mean, compliance with the plan's goals and policies; background text contained in the comprehensive plan do not constitute approval criteria.
 - B. There is no public water, sanitary sewer, electrical/telecommunications or natural gas facilities which now exist within the rights-of-way to be vacated and the same will be accommodated within one or more public utility easements complimentary to the re-alignment and subsequent dedications — which the city can assure before finalization of the vacation.
6. The vacations comply with MLDC 10.228(3) and applicable provisions of ORS Chapter 271 for street vacation(s) initiated by the City Council on its own motion pursuant to ORS 271.130 because all parcels or tracts of land which are arguably affected by the street vacations will continue to have frontage and access through the new dedications. As such, the Council concludes that its decision to vacate the 5-foot road right-of-way, the PUE and portions of High Cedars Lane and Normil Terrace will not produce significant impacts upon present or future land uses or their owners.

Dated April 30, in Medford, Oregon.

Respectfully submitted on behalf of Applicant,

CSA Planning, LTD.



Mike Savage
Consulting Urban Planner



MAY 03 2019

PLANNING DEP

Account Sequence	Map TL Sequence	Assessment Year <input type="text" value="2019"/>	<input type="button" value="Print Window"/>	<input type="button" value="Close Window"/>
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Assessment Info for Account 1-031267-5 Map 371W16D Taxlot 7000
Report For Assessment Purposes Only Created February 20, 2019

Account Info		Tax Year 2018 Info		Land Info	
Account	1-031267-5	<input type="button" value="Pay Taxes Online"/>		Tax Code	49-01
Map Taxlot	371W16D 7000	Tax Report	<input type="button" value="Details"/>	Acreage	2.40
Owner	CEDAR LANDING DEVELOPMENT LLC	Tax Statement	<input type="button" value="Details"/>	Zoning	
Situs Address	FOOTHILL RD N MEDFORD R	Tax History	<input type="button" value="Details"/>	Land Class	
Mailing Address	CEDAR LANDING DEVELOPMENT LLC 67 FAIRWAY CIR MEDFORD OR, 975047744	District Rates	<input type="button" value="Details"/>	RT 2.40 Ac	
<input type="checkbox"/> Associated Taxlots	1 Acct	Tax Details 🍌	<input type="button" value="Details"/>	Property Class	190
49-01 R	1-100084-0 371W16CA 2202 ACTIVE	Tax Rates 🍌	<input type="button" value="Details"/>	Stat Class	000
Appraiser				Unit ID	294066-2
				Maintenance Area	6
				Neighborhood	000
				Study Area	11
				Account Status	ACTIVE
				Tax Status	Assessable
				Sub Type	NORMAL

Sales Data (ORCATS)			
Last Sale (consideration > 0)	Sale Date	Instrument Number	Sales History
\$ 2,400,000		2018-26126	<input type="button" value="Details"/>

Value Summary Detail (For Assessment Year 2019 - Subject To Change)

Market Value Summary (For Assessment Year 2019 - Subject To Change)

Code Area	Type	Acreage	RMV	M5	MAV	AV
49-01	LAND	2.40	\$ 246,890	\$ 246,890	\$ 180,080	\$ 180,080
Value History <input type="button" value="Details"/>			Total: \$ 246,890	\$ 246,890	\$ 180,080	\$ 180,080

[Value Summary Details](#) 🍌

[Value History](#) 🍌

Photos and Scanned Documents

SCANNED ASSESSOR DOCUMENTS 🍌	(See new portal)	(See new portal)	<input type="button" value="Portal"/>
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[ALL IN ONE REPORT?](#) 🍌

Appraisal Maintenance

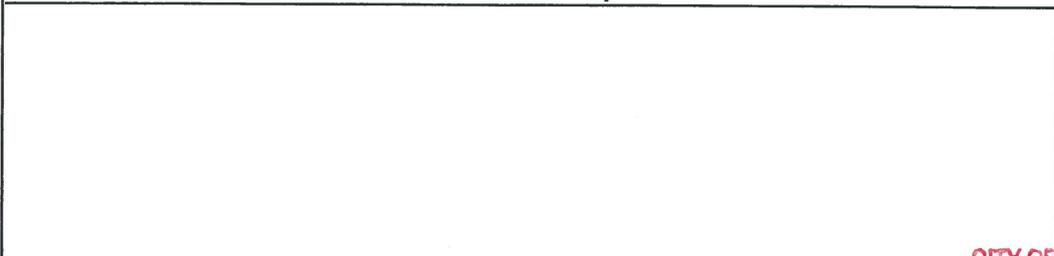
- 2008 - INVENTORY REVIEW
- 2016 - RESIDENTIAL R.T. (V-SEGREGATION REVIEW)

Account Comments

Exemptions / Special Assessments / Notations / Potential Liability

Notations			
Description	Tax Amount	Year Added	Value Amount
TRC DOWNLOADED FROM CAAP			
CARTOGRAPHIC ACTIVITY		2017	
BALANCED VALUE		2015	
CARTOGRAPHIC ACTIVITY		2015	
OPEN SPACE LAND (POTENTIAL ADD'L TAX)		2005	
BOPTA ORDER-REDUCTION 309.120		1989	
BOPTA ORDER-REDUCTION 309.120		1988	

Location Map



CITY OF MEDFORD

EXHIBIT # D

File # SV-19-045



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Assessment Info for Account 1-100083-8 Map 371W16D Taxlot 7001
 Report For Assessment Purposes Only Created February 20, 2019

Account Info		Tax Year 2018 Info		Land Info	
Account	1-100083-8	Pay Taxes Online		Tax Code	49-01
Map Taxlot	371W16D 7001	Tax Report	Details	Acreage	9.98
Owner	CEDAR LANDING DEVELOPMENT LLC	Tax Statement	Details	Zoning	
Situs Address	FOOTHILL RD N MEDFORD R	Tax History	Details	Land Class	
Mailing Address	CEDAR LANDING DEVELOPMENT LLC 67 FAIRWAY CIR MEDFORD OR, 975047744	District Rates	Details	RT 9.98 Ac	
<input type="checkbox"/> Associated Taxlots 1 Acct		Tax Details	Details	Property Class	190
49-01 R 1-100446-9 371W16CA 2203 ACTIVE		Tax Rates	Details	Stat Class	000
Appraiser				Unit ID	294069-2
				Maintenance Area	6
				Neighborhood	000
				Study Area	11
				Account Status	ACTIVE
				Tax Status	Assessable
				Sub Type	NORMAL

Sales Data (ORCATS)

Last Sale (consideration > 0)	Sale Date	Instrument Number	Sales History
\$ 2,400,000		2018-26126	Details

Value Summary Detail (For Assessment Year 2019 - Subject To Change)

Market Value Summary (For Assessment Year 2019 - Subject To Change)

Code Area	Type	Acreage	RMV	M5	MAV	AV
49-01	LAND	9.98	\$ 1,026,640	\$ 1,026,640	\$ 748,880	\$ 748,880
Value History Details		Total:	\$ 1,026,640	\$ 1,026,640	\$ 748,880	\$ 748,880

[Value Summary Details](#)

[Value History](#)

Photos and Scanned Documents

SCANNED ASSESSOR DOCUMENTS	(See new portal)	(See new portal)	Portal
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[ALL IN ONE REPORT?](#)

Account Comments

05/28/15 NEW LOT IN SKY LAKES VILLAGE AT CEDAR LANDING PH 7A LOT #99 #133>>>>>>>>>>8/22/17 NEW RESERVE ACREAGE FOR SKY LAKES VILLAGE AT CEDAR LANDING PHASE 7A REPLAT OF LOTS 95, 96, 97, 98 AND 99 - VOL 42 PG 31 - RECORDED ON 12/16/16 - REMOVED IRR PER MID. CS 22140. CPR ALL LAND FOR 2017. #173>>>

Exemptions / Special Assessments / Notations / Potential Liability

Notations			
Description	Tax Amount	Year Added	Value Amount
CARTOGRAPHIC ACTIVITY		2017	
BALANCED VALUE		2015	
CARTOGRAPHIC ACTIVITY		2015	
OPEN SPACE LAND (POTENTIAL ADD'L TAX)		2015	

Location Map



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Account Sequence	Map TL Sequence	Assessment Year <input type="text" value="2019"/>	<input type="button" value="Print Window"/>	<input type="button" value="Close Window"/>
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Assessment Info for Account 1-100447-0 Map 371W16D Taxlot 7002
Report For Assessment Purposes Only Created February 20, 2019

Account Info		Tax Year 2018 Info		Land Info	
Account	1-100447-0	<input type="button" value="Pay Taxes Online"/>		Tax Code	49-01
Map Taxlot	371W16D 7002	Tax Report	<input type="button" value="Details"/>	Acreage	2.39
Owner	CEDAR LANDING DEVELOPMENT LLC	Tax Statement	<input type="button" value="Details"/>	Zoning	
Situs Address	FOOTHILL RD N MEDFORD R	Tax History	<input type="button" value="Details"/>	Land Class	
Mailing Address	CEDAR LANDING DEVELOPMENT LLC 67 FAIRWAY CIR MEDFORD OR, 975047744	District Rates	<input type="button" value="Details"/>	RT 2.39 Ac	
Appraiser		Tax Details	<input type="button" value="Details"/>	Property Class	190
		Tax Rates	<input type="button" value="Details"/>	Stat Class	000
				Unit ID	294075-1
				Maintenance Area	6
				Neighborhood	000
				Study Area	11
				Account Status	ACTIVE
				Tax Status	Assessable
				Sub Type	NORMAL

Sales Data (ORCATS)			
Last Sale (consideration > 0)	Sale Date	Instrument Number	Sales History
\$ 2,400,000		2018-26126	<input type="button" value="Details"/>

Value Summary Detail (For Assessment Year 2019 - Subject To Change)

Market Value Summary (For Assessment Year 2019 - Subject To Change)

Code Area	Type	Acreage	RMV	M5	MAV	AV
49-01	LAND	2.39	\$ 245,860	\$ 245,860	\$ 179,340	\$ 179,340
Value History <input type="button" value="Details"/>			Total:	\$ 245,860	\$ 245,860	\$ 179,340

[Value Summary Details](#)

[Value History](#)

Photos and Scanned Documents

SCANNED ASSESSOR DOCUMENTS	(See new portal)	(See new portal)	<input type="button" value="Portal"/>
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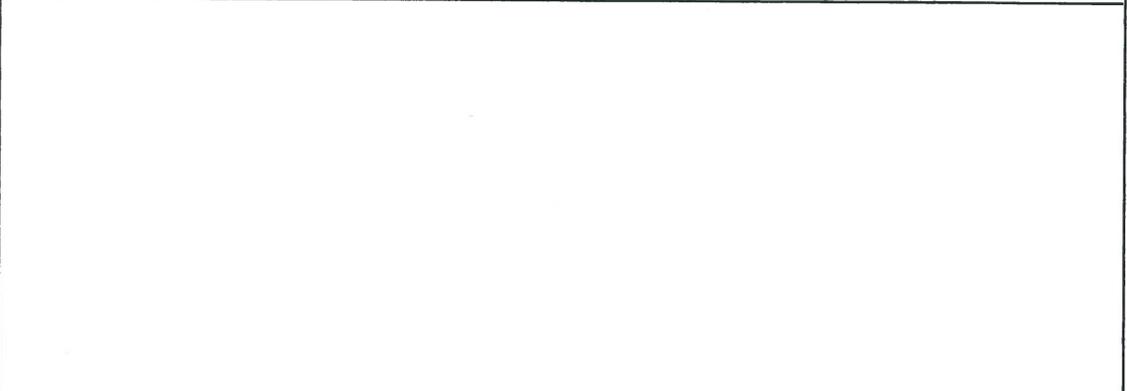
Account Comments

>>>8/22/17 NEW RESERVE ACREAGE FOR SKY LAKES VILLAGE AT CEDAR LANDING PHASE 7A REPLAT OF LOTS 95, 96, 97, 98 AND 99 - VOL 42 PG 31 - RECORDED ON 12/16/16 - CS 22140. MAKE AIC WITH 371W16CA-2203 PER DEED. CPR ALL LAND FOR 2017. #173>>>

Exemptions / Special Assessments / Notations / Potential Liability

Notations			
Description	Tax Amount	Year Added	Value Amount
CARTOGRAPHIC ACTIVITY		2017	
OPEN SPACE LAND (POTENTIAL ADD'L TAX)		2017	

Location Map



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LD DATE: 9/25/2019

File Number: SV-19-045

PUBLIC WORKS DEPARTMENT STAFF REPORT

High Cedars Lane and Normil Terrace ROW & PUE Vacation High Cedars Subdivision at Cedar Landing

Project: Consideration of a request for the vacation of a portion of Normil Terrace and a five foot wide strip of Foothill Road, of public right-of-way and Public Utility Easement.

Location: Running roughly north-south from Phase 5B, 6B and 7B of High Cedars at Cedar Landing within the SFR-4 (Single Family Residential, 4-6 dwelling units per gross acre).

Applicant: Applicant, Cedar Landing Development LLC; Agent, CSA Planning Ltd.; Planner, Liz Conner.

Public Works takes no exception to the request to vacate the subject existing right-of-way and public utility easement along High Cedars Lane, Normil Terrace and portion of North Foothill Road, with the condition that sign-offs shall be obtained from all applicable utility companies to confirm they have relocated their facilities out of the areas to be vacated.

That said, the City of Medford had paid Street System Development Charge (SDC) Credits in the amount of \$3,913.39 to the Developer in 2015 for dedication of right-of-way along North Foothill Road as shown on the Plat for Sky Lakes Village at Cedar Landing Phase 7A. Per the Developer, the previously paid SDC Credits will be reimbursed to the City of Medford upon vacation of this section of right-of-way.

Prepared by: Jodi K Cope

Reviewed by: Doug Burroughs

CITY OF MEDFORD
EXHIBIT # E
File # SV-19-045



MEDFORD PLANNING

MEMORANDUM

Subject Legal Description
File no. SV-19-045
To Jon Proud, Engineering
From Liz Conner, Planning Department
Date August 30, 2019

Please verify the attached legal description covering the below subject at your earliest convenience. See attached map.

1. SV-19-045
Applicant: City of Medford
Agent: CSA Planning

Liz-
The descriptions look good when compared to our file for previous review.
Sean

cp

Attachments:

Vicinity Map, Legal description

CITY OF MEDFORD
EXHIBIT # F
File # SV-19-045

EXHIBIT "A"

**RESERVE STRIPS
NORMIL TERRACE AND HIGH CEDARS LANE
(See attached EXHIBIT "B" for map)**

ONE-FOOT RESERVE STRIP AT SOUTH END OF HIGH CEDARS LANE

Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the Easterly line of said Lot, South 03°51'41" East 112.01 feet; thence continue South 03°51'41" East 122.89 feet; thence along the arc of a 30.00 foot radius curve to the left (the long chord to which bears North 48°45'03" West 42.34 feet) a distance of 47.01 feet; thence South 86°21'35" West 34.52 feet; thence along the arc of a 531.50 foot radius curve to right (the long chord to which bears South 88°52'05" West 46.52 feet) a distance of 46.54 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears South 43°43'54" West 29.56 feet) a distance of 33.26 feet; thence South 03°51'41" East 142.57 feet to the **POINT OF BEGINNING**; thence South 86°20'45" West 55.00 feet to the point of Terminus.

ONE-FOOT RESERVE STRIP AT NORTH END OF HIGH CEDARS LANE

Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the Easterly line of said Lot, South 03°51'41" East 112.01 feet; thence along the arc of a 30.00 foot radius non-tangent curve to the right (the long chord to which bears South 41°14'58" West 42.34 feet), a distance of 47.01 feet; thence South 86°21'33" West 34.16 feet; thence along the arc of a 468.50 foot radius curve to the right (the long chord to which bears South 89°21'47" West 49.09 feet) a distance of 49.12 feet; thence along the arc of a 20.00 foot radius curve to the right (the long chord to which bears North 44°40'45" West 27.26 feet) a distance of 29.99 feet; thence North 01°43'30" West 122.15 to the **POINT OF BEGINNING**; thence South 79°29'14" West 56.63 feet to the Point of Terminus.

ONE-FOOT RESERVE STRIP AT WEST END OF NORMIL TERRACE

Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the Easterly line of said Lot, South 03°51'41" East 112.01 feet; thence continue South 03°51'41" East 122.89 feet; thence along the arc of a 30.00 foot radius curve to the left (the long chord to which bears North 48°45'03" West 42.34 feet) a distance of 47.01 feet; thence South 86°21'35" West 34.52 feet; thence along the arc of a 531.50 foot radius curve to right (the long chord to which bears South 88°52'05" West 46.52 feet) a distance of 46.54 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears South 43°43'54" West 29.56 feet) a distance of 33.26 feet; thence South 03°51'41" East 143.57 feet; thence South 86°20'45" West 55.00 feet; thence North 03°51'41" West 160.08 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears North 42°38'16" West 25.05 feet) a distance of 27.07 feet; thence along the arc of a 1468.50 foot radius curve to the left (the long chord to which bears North 81°46'13" West 18.26 feet) a distance of 18.26 feet to the **POINT OF BEGINNING**; thence North 07°50'04" East 63.03 feet to the Point of Terminus.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

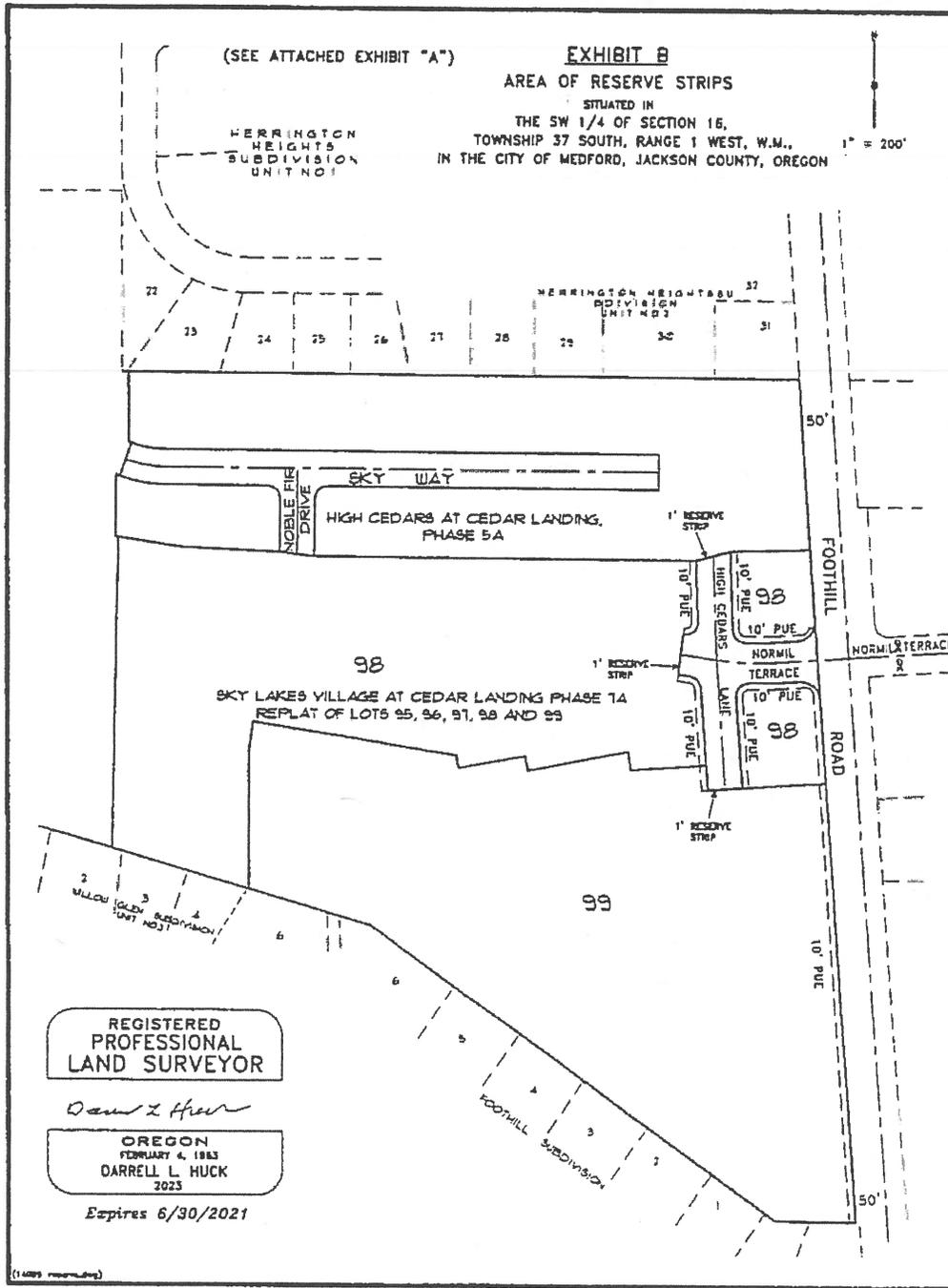
Darrell L Huck

OREGON
FEBRUARY 4, 1981
DARRELL L HUCK
2023
EXPIRES 6/30/2021

Darrell L Huck
L.S. 2023 - Oregon
Expires 6/30/2021
Hoffbuhr & Associates, Inc.

"F"

(14099 street plug normil-high cedar.doc)



"F"

EXHIBIT "A"

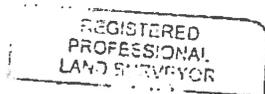
**ROAD VACATION
FOOTHILL ROAD, NORMIL TERRACE AND HIGH CEDARS LANE
(See attached EXHIBIT "B" for map)**

That portion of Normil Terrace and including High Cedars Lane and the adjoining Public Utility Easements, lying westerly of Foothill Road and being located in Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, recorded in Volume 42 of Plats at Page 31 of Records in the City of Medford, Jackson County, Oregon, being more particularly described as follows:

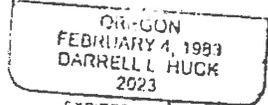
Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon: thence along the Easterly line of said Lot, South 03°51'41" East 112.01 feet to the POINT OF BEGINNING; thence continue South 03°51'41" East 122.89 feet; thence along the arc of a 30.00 foot radius curve to the left (the long chord to which bears North 48°45'03" West 42.34 feet) a distance of 47.01 feet; thence South 86°21'35" West 34.52 feet; thence along the arc of a 531.50 foot radius curve to the right (the long chord to which bears South 88°52'05" West 46.52 feet) a distance of 46.54 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears South 43°43'54" West 29.56 feet) a distance of 33.26 feet; thence South 03°51'41" East 142.57 feet; thence South 86°20'45" West 55.00 feet; thence North 03°51'41" West 159.08 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears North 42°38'16" West 25.05 feet) a distance of 27.07 feet; thence along the arc of a 1468.50 foot radius curve to the left (the long chord to which bears North 81°46'13" West 18.26 feet) a distance of 18.26 feet; thence North 07°50'04" East 63.03 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears North 46°37'18" East 29.89 feet) a distance of 33.75 feet; thence North 01°43'30" West 94.00 feet; thence North 74°29'14" East 56.63 feet; thence South 01°43'30" East 122.15 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears South 44°40'45" East 27.26 feet) a distance of 29.99 feet; thence along the arc of a 468.50 foot radius curve to the left (the long chord to which bears North 89°21'47" East 49.09 feet) a distance of 49.12 feet; thence North 86°21'33" East 34.16 feet; thence along the arc of a 30.00 foot radius non-tangent curve to the left (the long chord to which bears North 41°14'58" East 42.34 feet) a distance of 47.01 feet to the Point of Beginning.

TOGETHER WITH: A strip of land, 5.00 feet in width, lying easterly of the east line of SKY LAKES VILLAGE AT CEDAR LANDING PHASE 7A, REPLAT OF LOTS 95, 96, 97, 98 AND 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon and being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 97 of SKY LAKES VILLAGE AT CEDAR LANDING PHASE 7A, REPLAT OF LOTS 95, 96, 97, 98 AND 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon: thence along the easterly line of said Lot 97 and it's southerly prolongation, South 03°51'41" East 1322.23 feet to the southeast corner of Lot 99 of the aforesaid Sky Lakes Village Replat; thence leaving said easterly line, North 86°08'19" East 5.00 feet; thence North 03°51'41" West 1322.23 feet; thence South 86°08'19" West 5.00 feet to the point of beginning.



Darrell L. Huck



Darrell L. Huck
L.S. 2023 - Oregon
Expires 6/30/2021
Hoffbuhr & Associates, Inc.

(14099rdvacate normal-high cedar doc)

"F"

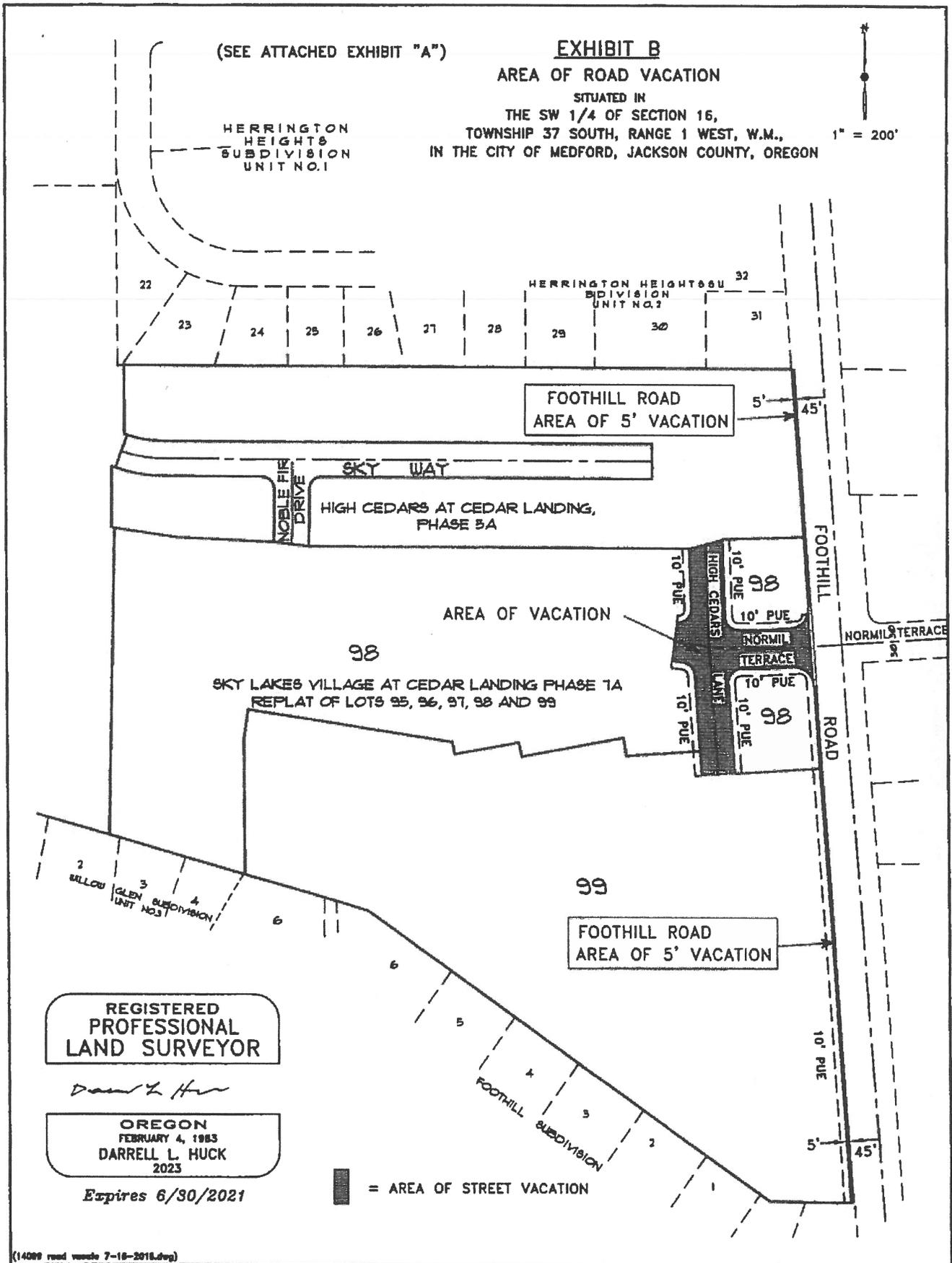
(SEE ATTACHED EXHIBIT "A")

EXHIBIT B

AREA OF ROAD VACATION

SITUATED IN
THE SW 1/4 OF SECTION 16,
TOWNSHIP 37 SOUTH, RANGE 1 WEST, W.M.,
IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON

1" = 200'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darrell L. Huck

OREGON
FEBRUARY 4, 1983
DARRELL L. HUCK
2023

Expires 6/30/2021

■ = AREA OF STREET VACATION

(14009 road vacate 7-18-2018.dwg)

"F"

EXHIBIT "A"

**PUBLIC UTILITY (PUE) VACATION
FOOTHILL ROAD, NORMIL TERRACE AND HIGH CEDARS LANE
(See attached EXHIBIT "B" for map)**

Those Public Utility Easements shown on the final Plat of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon, being more particularly described as follows:

Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon: thence along the Easterly line of said Lot, South 03°51'41" East 112.01 feet; thence along the arc of a 30.00 foot radius non-tangent curve to the right (the long chord to which bears South 06°03'12" West 10.10 feet), a distance of 10.15 feet to the **POINT OF BEGINNING**; thence, continue along the arc of a 30.00 foot radius curve to the right (the long chord to which bears South 50°56'35" West 34.58 feet), a distance of 36.86 feet; thence South 86°21'33" West 34.16 feet; thence along the arc of a 468.50 foot radius curve to the right (the long chord to which bears South 89°21'47" West 49.09 feet) a distance of 49.12 feet; thence along the arc of a 20.00 foot radius curve to the right (the long chord to which bears North 44°40'45" West 27.26 feet) a distance of 29.99 feet; thence North 01°43'30" West 123.18 feet to the Northerly line of said Lot 98; thence, along said Northerly line, North 88°16'30" East 10.00 feet; thence, leaving said Northerly line, thence South 01°43'30" East 123.20 feet; thence along the arc of a 10.00 foot radius curve to the left (the long chord to which bears South 44°43'29" East 13.62 feet) a distance of 14.98 feet; thence along the arc of a 458.50 foot radius curve to the left (the long chord to which bears North 89°21'47" East 48.05 feet) a distance of 48.07 feet; thence North 86°21'33" East 44.08 feet; thence along the arc of a 10.00 foot radius curve to the left (the long chord to which bears North 41°20'00" East 14.15 feet) a distance of 15.72 feet; thence North 86°08'19" East 8.26 feet to the Point of Beginning.

ALSO: Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the Easterly line of said Lot, South 03°51'41" East 234.90 feet to the **POINT OF BEGINNING**; thence continue South 03°51'41" East 821.45 feet to the Southeast corner of Lot 99; thence, along the Southerly line of said Lot, North 89°15'29" West 10.03 feet; thence, leaving said Southerly line, North 03°51'41" West 830.61 feet; thence, along the arc of a 10.00 foot radius curve to the left (the long chord to which bears North 48°44'19" West 14.11 feet) a distance of 15.66 feet; thence South 86°21'35" West 44.49 feet; thence along the arc of a 541.50 foot radius curve to right (the long chord to which bears South 88°52'05" West 47.40 feet) a distance of 47.41 feet; thence along the arc of a 10.00 foot radius curve to the left (the long chord to which bears South 43°43'54" West 14.78 feet) a distance of 16.63 feet; thence South 03°51'41" East 143.61 feet to the Southerly line of said Lot 98; thence, along said Southerly line, South 86°20'44" West 10.00 feet; thence, leaving said Southerly line, North 03°51'41" West 143.57 feet; thence, along the arc of a 20.00 foot radius curve to the right (the long chord to which bears North 43°43'54" East 29.56 feet), a

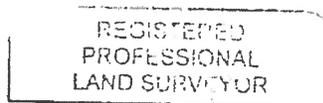
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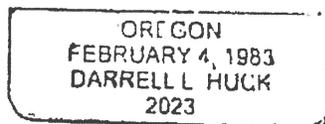
distance of 33.26 feet; thence along the arc of a 531.50 foot radius curve to left (the long chord to which bears South 88°52'05" West 46.52 feet) a distance of 46.54 feet; thence North 86°21'35" East 34.52 feet; thence along the arc of a 30.00 foot radius curve to the right (the long chord to which bears South 48°45'03" East 42.34 feet) a distance of 47.01 feet to the Point of Beginning.

ALSO: Commencing at the Southeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A. Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon: thence along the Southerly line of said Lot 98, South 86°20'45" West 187.70 feet to an angle point for the **POINT OF BEGINNING**; thence South 86°08'19" West 10.00 feet; thence North 03°51'41" West 160.08 feet; thence, along the arc of a 10.00 foot radius curve to the left (the long chord to which bears North 42°38'16" West 12.53 feet) a distance of 13.54 feet; thence along the arc of a 1458.50 foot radius curve to the left (the long chord to which bears North 81°47'23" West 19.13 feet) a distance of 19.13 feet; thence North 07°50'04" East 10.00 feet; thence along the arc of a 1468.50 foot radius curve to the right (the long chord to which bears South 81°47'23" East 19.26 feet) a distance of 19.26 feet; thence along the arc of a 20.00 foot radius curve to the right (the long chord to which bears South 42°38'16" East 25.05 feet) a distance of 27.07 feet; thence South 03°51'41" East 160.08 feet to the Point of Beginning.

ALSO: Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A. Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon: thence along the Northerly line of said Lot, South 88°16'30" West 126.49 feet to an angle point; thence South 74°29'14" West 56.53 to an angle point for the **POINT OF BEGINNING**; thence South 01°43'30" East 95.03 feet; thence, along the arc of a 20.00 foot radius curve to the right (the long chord to which bears South 43°08'17" West 30.54 feet), a distance of 34.75 feet; thence North 07°50'04" East 10.00 feet; thence, along the arc of a 10.00 foot radius curve to the left (the long chord to which bears North 43°08'17" East 15.27 feet), a distance of 17.38 feet; thence North 01°43'30" West 95.38 feet to the aforesaid Northerly line of Lot 98; thence, along said Northerly line, South 89°43'35" East 10.01 feet to the Point of Beginning.



Darrell L. Huck



EXPIRES 03/01/2021

Darrell L. Huck
L.S. 2023 - Oregon
Expires 6/30/2021
Hoffbuhr & Associates, Inc.

(14099 pue vacate.doc)

2

"F"

2

(SEE ATTACHED EXHIBIT "A")

EXHIBIT B

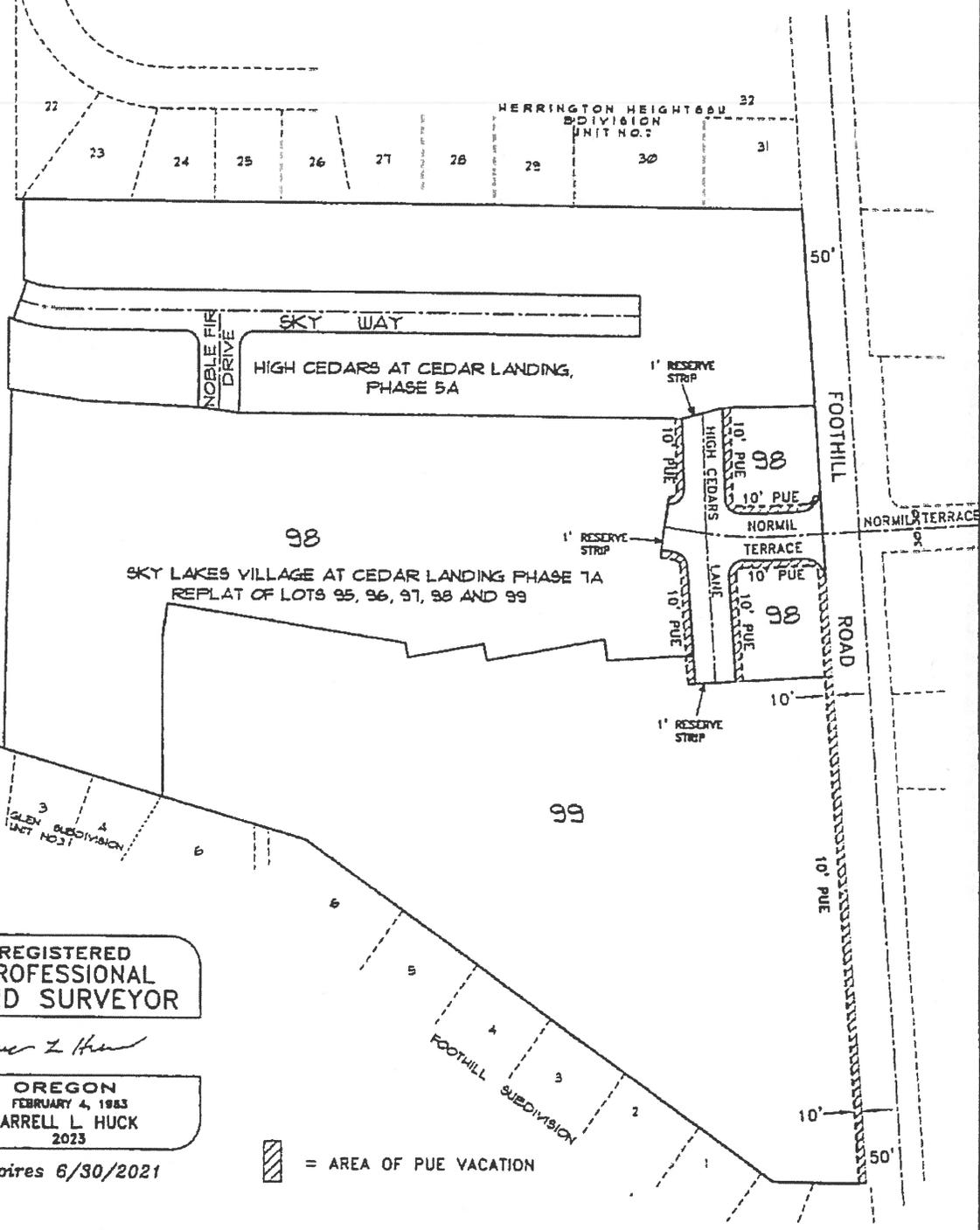
AREA OF PUBLIC UTILITY EASEMENT VACATION

SITUATED IN
THE SW 1/4 OF SECTION 16,
TOWNSHIP 37 SOUTH, RANGE 1 WEST, W.M.,
IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON



HERRINGTON
HEIGHTS
SUBDIVISION
UNIT NO. 1

HERRINGTON HEIGHTS
SUBDIVISION
UNIT NO. 2



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darrell L Huck

OREGON
FEBRUARY 4, 1983
DARRELL L HUCK
2023

Expires 6/30/2021

= AREA OF PUE VACATION

(14088 pue vacatn.dwg)

"F"



MEMORANDUM

To: Liz Conner, Planning Department
From: Mary Montague, Building Department
CC: Cedar Landing Development LLC, Applicant; CSA Planning Ltd, Agent
Date: September 24, 2019
Subject: High Cedars ROW & PUE Vacation

BUILDING DEPARTMENT:

Please Note: This is not a plan review. These are general notes based on general information provided. Plans need to be submitted and will be reviewed by a residential plans examiner to determine if there are any other requirements for this occupancy type. Please contact the front counter for fees.

General Comments:

1. No Comments

CITY OF MEDFORD
EXHIBIT # G
File # SY-19-045



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: **SV-19-045**
PARCEL ID: N/A

PROJECT: Consideration of a request for the vacation of a portion of Normil Terrace and a five foot wide strip of Foothill Road, of public right-of-way and Public Utility Easement, running roughly north-south from Phase 5B, 6B and 7B of High Cedars at Cedar Landing within the SFR-4 (Single Family Residential, 4-6 dwelling units per gross acre); Applicant, Cedar Landing Development LLC; Agent, CSA Planning Ltd.; Planner, Liz Conner.

DATE: September 25, 2019

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

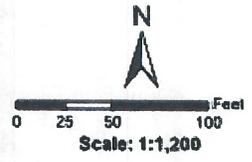
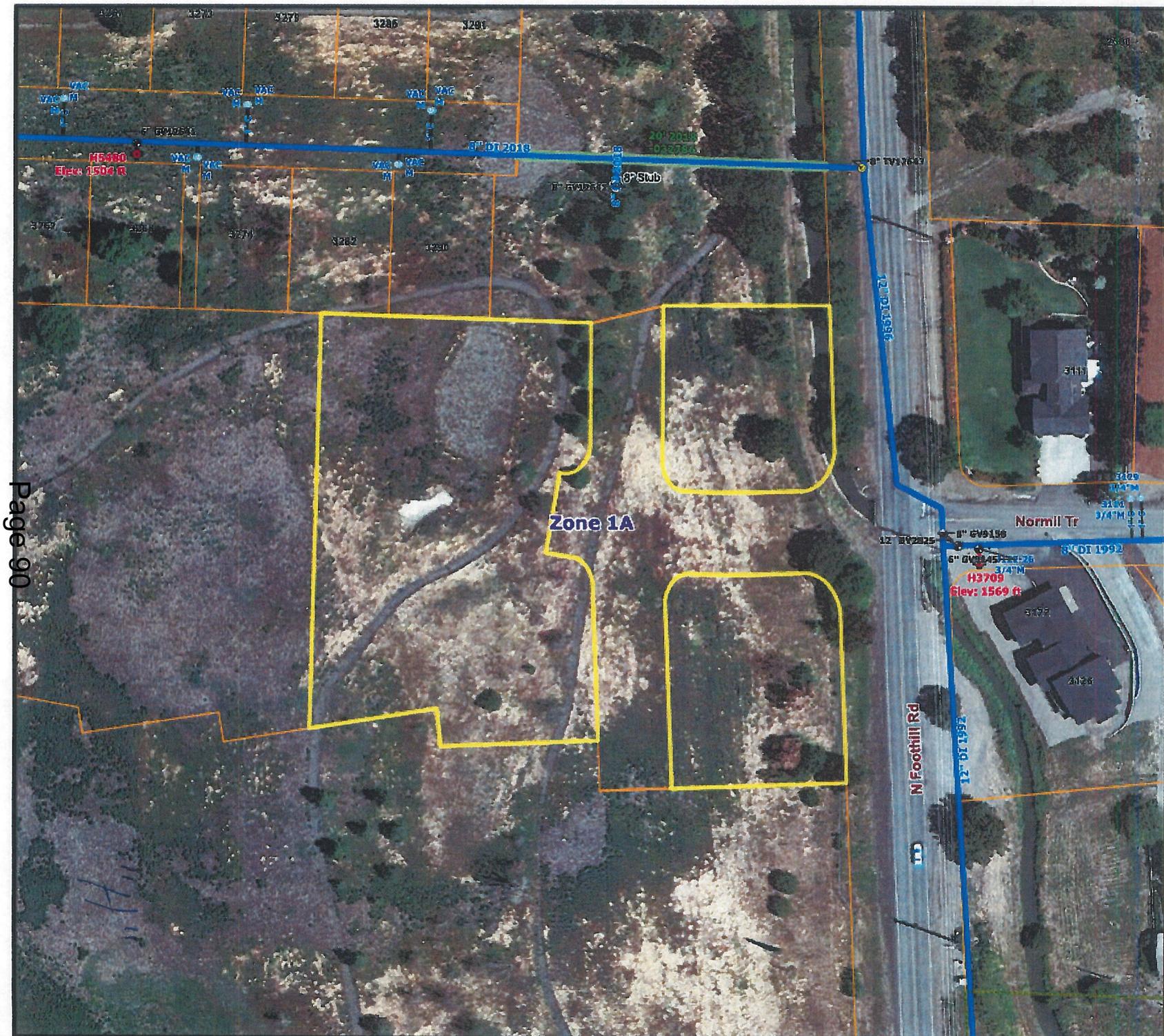
CONDITIONS

1. No Conditions.

COMMENTS

1. Medford Water Commission has an existing 12-inch ductile iron water line within the right-of-way that shifts from the west side of N Foothill Road to the east side of Foothill Road near the intersection with Normil Terrace. See attached MWC Water Facility Map.

CITY OF MEDFORD
EXHIBIT # #
File # SV-19-045



Water Facility Map
City of Medford
Planning Application:
SV-19-045
(ROW)
Sept 25, 2019

Legend

- Air Valve
- Sample Station
- Fire Service
- ◆ Hydrant
- ▲ Reducer
- Blow Off
- ◆ Plugs-Caps
- Water Meters:**
- Active Meter
- On Well
- Unknown
- Vacant
- Water Valves:**
- Butterfly Valve
- Gate Valve
- Tapping Valve
- Water Mains:**
- Active Main
- - Abandoned Main
- - Reservoir Drain Pipe
- - Pressure Zone Line
- Boundaries:**
- ▭ Urban Growth Boundary
- ▭ City Limits
- ▭ Tax Lots
- MWC Facilities:**
- C** Control Station
- P** Pump Station
- R** Reservoir



Drawn 10/24/19 by
 PFC © Wwmp/2019/11/2 Map 18/19/12 Map 18/19/12



JACKSON COUNTY

Roads

Roads
Engineering

Chuck DeJanvier
Construction Engineer

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

www.jacksoncounty.org

September 9, 2019

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

RE: Street Vacation of a portion of
Normil Terrace – a City maintained road
Foothill Road – a County maintained road
Planning File: SV-19-045

Dear Elizabeth:

Thank you for the opportunity to comment on the consideration of a request for the vacation of a portion of Normil Terrace and a five foot wide strip of Foothill Road, of public right-of-way and Public Utility Easement, running roughly north south from Phases 5B, 6B, & 7B of High Cedars at Cedar Landing within the SFR-4 (Single Family Residential four dwelling units per gross acre. (37-1W-16DB TLs 1700 & 3700 & 37-1W-16D TL 7001). Jackson County has no comments.

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

Sincerely,

For
Chuck DeJanvier, PE
Construction Engineer

CITY OF MEDFORD
EXHIBIT # I
File # SV-19-045

**PLANNING COMMISSION
MINUTES - EXCERPT**



MEDFORD
OREGON

October 10, 2019

5:30 P.M.

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

The regular meeting of the Planning Commission was called to order at 5:30 PM in the Medford City Hall, Council Chambers, 411 West 8th Street, Medford, Oregon on the above date with the following members and staff in attendance:

Commissioners Present

Mark McKechnie, Chair
David Culbertson
Bill Mansfield
David McFadden
E.J. McManus
Jared Pulver

Staff Present

Kelly Evans, Assistant Planning Director
Carla Paladino, Principal Planner
Katie Zerkel, Senior Assistant City Attorney
Alex Georgevitch, City Engineer
Tanner Fairrington, Deputy Fire Marshal
Terri Richards, Recording Secretary
Liz Conner, Planner II
Kyle Kearns, Planner II

Commissioners Absent

Jeff Thomas, Excused Absence
Joe Foley, Vice Chair, Excused Absence

10. Roll Call

20. Consent Calendar / Written Communications (voice vote).

20.1 ZC-18-189 Final Order of a request for a zone change of a 1.89-acre parcel located at 4199 Rachel Way from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single-Family Residential, four dwelling units per gross acre) (371W22400). Applicant: Jane Erin Griffin-Hagle; Planner: Dustin Severs.

20.2 ZC-18-178 Final Order of a request for a zone change of an approximately 91.5 gross acre parcel located at the terminus of Cadet Drive from SFR-00 (Single Family Residential, one dwelling unit per parcel) to SFR-4 (Single Family Residential, 4 to 6 dwelling units per gross acre) (371W15C TL 300). Applicant: Mike & Gayle Jantzer; Agent: Richard Stevens & Associates Inc.; Planner: Liz Conner.

Motion: The Planning Commission adopted the consent calendar as submitted.

Moved by: Commissioner Culbertson

Seconded by: Commissioner McFadden

CITY OF MEDFORD

EXHIBIT #

File # SV-19-045

Voice Vote: Motion passed, 6-0-0.

30. Approval or Correction of the Minutes from September 26, 2019 hearing

30.1 The minutes for September 26, 2019, were approved as submitted.

40. Oral Requests and Communications from the Public. None.

50. Public Hearings

Katie Zerkel, Assistant City Attorney read the Quasi-Judicial statement.

New Business

50.1 **SV-19-045** Consideration of a request for vacation of a portion of excess right-of-way on Foothill Road, right-of-way for Normil Terrace and High Cedars Lane west of Foothill Road, a Public Utility Easement (PUE) and Reserve Strips in High Cedars at Cedar Landing, Phases 5B, 6B and 7B, within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district. Applicant: Cedar Landing Development LLC; Agent: CSA Planning Ltd.; Planner: Liz Conner.

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

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

Liz Conner, Planner III reported that the Vacation of Public Right-of-Way approval criteria can be found in the Medford Land Development Code Section 10.228(D). The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Conner gave a staff report.

The public hearing was opened.

a. CSA Planning Ltd or Cedar Landing Development LLC were not present at the meeting.

The public hearing was closed.

Motion: The Planning Commission based on the findings and conclusions that all of the applicable criteria are met or are not applicable, forwards a favorable recommendation to the City Council for approval of SV-19-045 per the staff report dated October 3, 2019, including Exhibits A through I.

Moved by: Commissioner Culbertson

Seconded by: Commissioner McFadden

Roll Call Vote: Motion passed, 6-0-0.

50.2 ZC-19-015 Consideration of a request for a zone change of an approximately .18 acre lot located at 1035 West 10th Street, south of the intersection of West 10th Street and Canon Street from SFR-10 (Single Family Residential, 10 dwellings units per gross acre) to MFR-20 (Multi Family Residential, 20 dwelling units per gross acre) (372W25DB TL 20100). Applicant: Rea Thomson; Agent: Rogue Planning & Development Services; Planner: Liz Conner.

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

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

Liz Conner, Planner II reported that the Zone Change approval criteria can be found in the Medford Land Development Code Section 10.204(B). The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Conner gave a staff report.

The public hearing was opened.

a. Amy Gunter, Rogue Planning & Development Services, 33 N. Central Avenue #213, Medford, Oregon, 97501. Ms. Gunter reported that the property owner was unable to be present this evening and requested that Ms. Gunter read a statement because some of the issues that have come up create a financial burden when considering the preexisting development of the site. The applicant admits she did not do buyer diligence in finding out there is a third unit on the property that was not legally permitted. This is an investment property for the applicant. The property was purchased at an estate sale. There are tenants on the property that have lived there for twenty years. The applicant does not have the financial means to make the improvements that the City is asking for. They do not want to do the third unit conversion. The agent has spoken with Alex Georgevitch, City Engineer and he talked about what could be rolled back as far as some of the issues that are problematic right now like the paving of the alley with an estimate of \$20,000 just for the pavement. This figure does not include engineering, construction and permitting. The City has options for what to do. There are Public Work grants that will let the applicant pay in lieu of doing the improvements. Ms. Gunter and Mr. Georgevitch also talked about the sewer and as well as what the applicant can do at the building permit stage. They believe they have everything addressed with Public Works and the Planning Department on what is actually going to happen at building permit stage.

Commissioner Pulver asked, is the applicant trying to get the third building officially permitted and recognized by the City up to code? Is that the purpose of going for a building permit? Ms. Gunter



Subject Area

Project Name:

**High Cedars
 ROW & PUE Vacation**

Map/Taxlot:

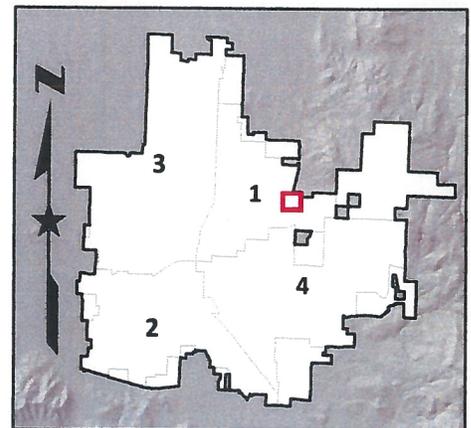
**High Cedars
 Portions of Ph 5B, 6B & 7B**



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

5/30/2019





DEPARTMENT: Planning
PHONE: (541) 774-2380
STAFF CONTACT: Angela Durant, Principal Planner

AGENDA SECTION: Public Hearings
MEETING DATE: November 7, 2019

COUNCIL BILL 2019-118

A resolution adopting the Housing Opportunity Fund (HOF) 2019 funding awards.

SUMMARY AND BACKGROUND

Council is requested to consider approval of a resolution to adopt the Housing Opportunity Fund (HOF) 2019 funding recommendation, as presented herein.

The HOF was established through the adoption of a Construction Excise Tax (CET). This was an action taken by City Council to provide the community with a dedicated funding source to assist and incentivize the development of affordable housing in Medford. Senate Bill 1533 allows the City to impose CET of up to one percent of the permit value on residential construction and an uncapped percentage on commercial and industrial construction in order to create affordable housing. Council adopted one-third of one percent (.003333) on both residential and commercial, which was developed through the advisory capacity of a temporary, ad hoc Housing Advisory Committee. As per Medford Municipal Code (MMC) 2.439, Council later appointed a permanent Housing Advisory Commission (HAC) to administer the annual public solicitation and selection process for the HOF in accordance with MMC 9.282 – 9.295 and ORS 320.192.

Prior to establishing the CET, sources of funding available to encourage development of affordable housing were limited to the Community Development Block Grant (CDBG) program and other state and federal grants sources, which often demanded local match dollars. The HOF provides housing developers and providers with local leverage funding that is flexible and in alignment with other competitive funding sources. This funding recommendation marks the results of the first HOF Request for Proposals (RFP); which will be held annually, hereafter.

This public hearing was preceded by a 15-day public comment period to solicit citizen input regarding the funding recommendation prior to Council’s final approval. The HAC requested that the Commission’s chair or vice-chair present the funding recommendation to Council, with staff available to address questions and/or concerns during the public hearing.

PREVIOUS COUNCIL ACTIONS

On October 10, 2019, Council held a study session to discuss funding priorities. Council provided direction that available funding through the HOF should be targeted to prioritize projects that develop or redevelop affordable housing units.

On June 6, 2019, City Council approved Council Bill 2019-45 adopting the 2019-21 Biennial Budget. CET revenue detail is located on page 12-9 of the budget book.



On June 21, 2018, City Council appointed the HAC to administer the annual public solicitation and selection process for the HOF in accordance with MMC 9.282 – 9.295 and ORS 320.192.

On February 15, 2018, City Council approved Council Bill 2018-15 establishing a CET of one-third of one percent on the value of residential, commercial, and industrial improvements to provide funding for affordable housing in the City.

On January 18, 2018, City Council held a study session to discuss the Housing Advisory Committee's recommendations consisting of 19 regulatory changes and 17 economic incentives. Specifically addressed were details to bring forward a CET for adoption.

On August 17, 2017, City Council approved the formation of the ad hoc Housing Advisory Committee to begin identifying policies to address Medford's housing shortage.

ANALYSIS

On June 12, 2019, the HAC approved the HOF's RFP process, modeled after Bend's Affordable Housing Fund. Final approval of the RFP process was preceded by five additional meetings in order to ensure flexibility while aligning with the City's CDBG program housing goals, which is also consistent with Bend's model. The HAC established the following funding goals and objectives:

Funding Goal

The goal of the City of Medford Housing Opportunity Fund is to *increase, improve, and preserve supportive and attainable housing to meet the needs of the citizens of Medford.*

Funding Objectives

Consideration was given to projects and programs that proposed to accomplish at least one of the following objectives:

- Create new rental units
- Increase homeownership opportunities
- Facilitate land acquisition and infrastructure development for housing
- Purchase and preserve existing affordable housing
- Develop permanent supportive housing for homeless and special needs populations
- Support transitional housing for homeless
- Support homeless shelter development

During the HOF's six-week RFP period, the City received seven proposals, one of which was not accepted for consideration due to late submission. All six agencies proposing projects or programs that were accepted for consideration gave a mandatory presentation to the HAC on August 28, 2019. As summarized in Exhibit A, the HAC evaluated, scored and ranked three projects proposing new construction; one rehabilitation project; and two programs proposing rental assistance and capacity



building. The combined funding request from the six proposals totaled \$1,058,849. Exhibit A lists proposals in the ranked order based on the evaluation and scoring criteria identified in Exhibit B.

On September 11, 2019, the HAC discussed proposals and Council's 2019-21 Housing Goals and Strategies before developing a final funding recommendation on October 11, 2019. The following projects are recommended for funding during this first round of the HOF, both of which meet the CET program guidelines mandated in MCC 9.292:

- 1) **Hearts with a Mission Homeless Youth Shelter:** \$150,000 to complete construction of a 12-bed homeless youth shelter serving youth ages 10-17, located at 517 Edwards Street. Funding will fill a gap created by the transformation of the existing shelter, located at 521 Edwards Street, to transitional living for foster youth exiting homelessness and unaccompanied young adults ages 18-22.
- 2) **Columbia Care Stewart Avenue Apartments:** \$250,000 to develop 16 units of permanent supportive housing for low-income Veterans, located at 1319 W. Stewart Avenue. The housing complex will offer single-room occupancy and family living occupancy with onsite support services.

The HAC recommends funding be awarded to both agencies through the issuance of zero interest, deferred loans due upon sale, transfer of title, or failure to maintain the required affordability period. Both projects carry a 60-year affordability period secured by restrictive covenants on each property. The funding recommendation complies with MMC 9.292 given both awards would be applied to affordable housing projects benefitting households earning at or below 80% AMI, which is the most restrictive allocation category under Dedication of Revenue. The HAC's funding recommendation reflects the most strategic investment to helping Council achieve the 2019-21 housing production goal of 100 units.

Furthermore, and in conjunction with the funding recommendation developed on October 11, 2019, the HAC passed a second motion directing staff to forward the four projects not recommended for funding to the City's CDBG and General Fund Grant programs administered by the Community Development Grants Commission.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Available funding for consideration during the 2019 HOF funding cycle is \$400,000. This consideration is funded by a \$1 million loan from the Building Safety Fund with the intent to maximize impact at the outset of the HOF. The HAC made a determination of the funding availability on June 12, 2019, taking into consideration 10-year construction excise tax revenue estimates presented to the City by ECONorthwest in December 2018. Further consideration was given to the Building Safety Fund's loan terms. Reserving funds to ensure the loan terms may be met; and reserving funds for subsequent years as well as a potential downturn in the economy were considered during the HAC's analysis of a prudent first year funding amount.



TIMING ISSUES

Approval of this resolution will allow staff to execute contracts with the grantees in a timely manner.

COUNCIL OPTIONS

Approve the resolution as presented.

Modify the resolution as presented.

Deny the resolution and provide direction to staff regarding further action.

STAFF RECOMMENDATION

Staff recommends approval of the resolution to adopt the Housing Opportunity Fund 2019 funding awards.

SUGGESTED MOTION

I move to approve the resolution to adopt the Housing Opportunity Fund 2019 funding awards.

EXHIBITS

Resolution

Exhibit A – 2019 Housing Opportunity Fund Summary of Proposals Received

Exhibit B – Housing Advisory Commission Proposal Evaluation Form

RESOLUTION NO. 2019-118

A RESOLUTION adopting the Housing Opportunity Fund (HOF) 2019 funding awards.

WHEREAS, the City established the Housing Opportunity Fund (HOF) through the adoption of a Construction Excise Tax (CET) to provide the community with a dedicated funding source to assist and incentivize the development of affordable housing in Medford; and

WHEREAS, on September 11, 2019, the Housing Advisory Committee (HAC) discussed proposals and Council's 2019-21 Housing Goals and Strategies before developing a final funding recommendation on October 11, 2019. The following projects are recommended for funding during this first round of the HOF, both of which meet the CET program guidelines in MMC 9.292:

- 1) Hearts with a Mission Homeless Youth Shelter: \$150,000 to complete construction of a 12-bed homeless youth shelter serving youth ages 10-17, located at 517 Edwards Street. Funding will fill a gap created by the transformation of the existing shelter, located at 521 Edwards Street, to transitional living for foster youth exiting homelessness and unaccompanied young adults ages 18-22. Funding shall be awarded through the issuance of a zero interest, deferred loan due upon sale, transfer of title, or failure to maintain the 60-year affordability period. The affordability period shall be secured by a restrictive covenant on the property.
- 2) Columbia Care Stewart Avenue Apartments: \$250,000 to develop 16 units of permanent supportive housing for low-income Veterans, located at 1319 W. Stewart Avenue. The housing complex will offer single-room occupancy and family living occupancy with onsite support services. Funding shall be awarded through the issuance of a zero interest, deferred loan due upon sale, transfer of title, or failure to maintain the 60-year affordability period. The affordability period shall be secured by a restrictive covenant on the property.

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

That the Housing Opportunity Fund (HOF) 2019 funding awards set forth above, are hereby adopted.

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

ATTEST: _____
City Recorder

Mayor

Exhibit A

2019 Housing Opportunity Fund

Summary of Proposals Received

Applicant (in order of rank)	Amount Requested	Amount Allocated	Proposed Leverage	HOF % of Leverage	Address	Description of Project	Category	Units/ Beds	AMI	Affordability Period (yrs.)
Hearts with a Mission	\$150,000.00		\$852,250.00	14.97%	517/521 Edwards Street	Complete construction of a new homeless youth shelter serving youth ages 10-17, which will fill a funding gap created by the transformation of the existing shelter to transitional living for ages 18-22.	New Construction	12	30%	60
Columbia Care	\$400,000.00		\$1,458,089.00	21.53%	1319 Stewart Avenue	Develop permanent supportive housing for low-income Veterans, offering single-room occupancy and family living with onsite support services.	New Construction	16	80%	60
Community Works	\$32,600.00		\$267,158.00	10.88%	Scattered in West Medford	Add rental support for transitional housing (available for period of two years coupled with case management through the Transitional Living Program) for homeless youth and young adults, ages 16-25.	Rental Assistance	2	30%	N/A
Compass House	\$20,000.00		\$52,500.00	27.59%	817, 819, 823, 825 King Street	Sustain transitional housing that serves individuals with disabilities and mental illness.	Rental Assistance	6	30%	N/A
OnTrack	\$56,249.00		\$25,400.00	68.89%	1310 W Main Street	Rehabilitate permanent housing via exterior painting; replacement of roof, gutters, and windows; and remodel to make ground-floor ADA accessible.	Rehabilitation	6	30% or 80%	60
Sturdy Homes	\$400,000.00		\$700,000.00	57.14%	Unknown	Create an affordable housing complex comprised of steel-framed modular units exported from China on vacant, unidentified land in Medford.	New Construction	21	unknown	unknown
*Submitted after deadline										
Rogue Valley Council of Governments	\$42,800.00		\$5,000.00	89.54%	Scattered Sites	Comprehensive rental assistance, utilities, and case management support for three units of PSH, using the housing first model, for those homeless and with disabilities	Rental Assistance		30%	N/A

Exhibit B

**CITY OF MEDFORD HOUSING OPPORTUNITY FUND
2019 Program Year**



Housing Advisory Commission Proposal Evaluation Form

Applicant/Agency: _____

Project/Program Name: _____ Amount Requested: _____

GENERAL CRITERIA (110 points)

Applicants may score a maximum of **10 points** for each criterion. The maximum score an applicant may receive for this section is **110 points**.

Criteria	Score
Successfully maximizes utilization of outside (non-Housing Opportunity Fund) assistance and services (including cash contributions, in-kind contributions, and volunteers).	
Does not duplicate existing services and effectively utilizes/maximizes partnerships with other organizations and agencies.	
Sponsored by organizations or agencies that can demonstrate that they have the staff capability and capacity to successfully implement the proposed project.	
Proposal is clearly defined and realistic in scope, location, need, budget, and goals.	
Demonstrates a clear and effectual plan for evaluating the progress of the project/program toward addressing the identified need or problem.	
Utilizes a proven effective strategy to improve conditions or solve an identified problem.	
Demonstrates readiness to be implemented in a timely manner once Housing Opportunity Fund assistance is awarded.	
Offers strong neighborhood and/or community support, with sufficient evidence illustrating this support.	
Requires a one-time only infusion of funds.	
Will have a sustainable long-term impact, secured by deed restrictions, land trusts, or other mechanisms.	
Does not result in the permanent displacement or relocation of current occupants from their homes or rental units in order to create additional affordable housing.	
TOTAL	

FUNDING PRIORITIES (50 points)

Proposals meeting one of the following priorities will receive additional points. Projects/programs may fall into only one of the following categories:

High Priority

Projects/programs meeting one of the following priorities receive **50 points**:

_____ Increase the attainability of affordable rental housing for middle- (120% AMI), moderate- (80% AMI), and low- (60% AMI) income citizens

_____ Increase homeownership opportunities for middle- 120% AMI), moderate- (80% AMI), and low- (60% AMI) income citizens

- _____ Land acquisition and infrastructure development for housing
- _____ Architectural barrier removal and/or rehabilitation for disability services
- _____ Purchase and preserve existing affordable housing
- _____ Transitional housing
- _____ Permanent supportive housing for homeless and other special needs populations

Low Priority

Projects/programs meeting one of the following priorities receive **30 points**:

- _____ Homeless shelter development

Projects/programs meeting **none** of the above priorities receive **0 points**.

LEVERAGE BONUS AWARD

Proposals will be awarded additional points based upon amount of funding that they leverage (percentage of Housing Opportunity Fund assistance to total project costs per affordable unit or total program budget).

- _____ Less than 20% from the Housing Opportunity Fund: 40 Points
- _____ 20% to 30% from the Housing Opportunity Fund: 30 Points
- _____ 31% to 40% from the Housing Opportunity Fund: 20 Points
- _____ 41% to 50% from the Housing Opportunity Fund: 10 Points
- _____ Over 50% from the Housing Opportunity Fund: 0 Points

OVERALL SCORE

General Criteria Total Score	
Funding Priorities Score	
Leveraging Bonus Score	
OVERALL SCORE	



AGENDA ITEM COMMENTARY

DEPARTMENT: Planning

AGENDA SECTION: Public Hearings

PHONE: (541) 774-2380

MEETING DATE: November 7, 2019

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

COUNCIL BILL 2019-119

An ordinance amending Sections 10.012, 10.314, and 10.337 of the Medford Municipal Code and adding Section 10.825, pertaining to emergency shelters.

SUMMARY AND BACKGROUND

Temporary shelters enable community-based organizations to provide temporary housing to vulnerable populations without some of the practical and logistical issues of establishing a full-time dedicated shelter. However, in the City of Medford temporary shelters must obtain a Conditional Use Permit (CUP). Given the time and expense involved in the CUP process, temporary shelters cannot be established on short notice in response to severe weather events, although the fees can be waived at the discretion of the Planning Director. The proposed severe event shelters would allow community-based organizations to establish shelters during severe weather events declared by the City without requiring a CUP. In-lieu of the CUP, applicants for severe event shelters would be required to follow the Temporary Shelter Policy (Exhibit B) and be pre-approved by the City of Medford Building and Fire-Rescue Departments, per the aforementioned policy (see the Analysis section for a comparison of the two shelter types).

Presently, permitted shelters include permanent shelters in the City's commercial zones (SIC# 839) and temporary shelters operating no more than 180 days in 12 months under a CUP. Temporary shelters may be accessory to an institutional use in residential zones or a primary or accessory use in commercial/industrial zones. Examples of permanent shelters include Medford Gospel Mission or Hearts with a Mission; examples of temporary shelters include the Kelly Shelter or Maslow Project's youth shelter, both of which went through the CUP process. The proposed code changes allowing for severe event shelters are intended to fill a gap between (1) temporary shelters and (2) an emergency declaration under Chapter 12 of the Medford Municipal Code.

Planning Commission recommended approval of DCA-19-004 with a vote of 5-1 at their October 10, 2019, public hearing. (File No. DCA-19-004)

PREVIOUS COUNCIL ACTIONS

On February 21, 2019, Council directed staff to work on sidebars pertaining to a State of Emergency now instead of waiting until May.

On March 21, 2019, staff presented information to Council regarding declaring an emergency, possible alternatives to such declaration, shelter requirements, provider network, and staff recommendations.



On October 24, 2019, staff presented the proposed amendment to Chapter 10 and the proposed Temporary Shelter Policy to Council at a study session. Council was generally supportive of the proposed amendment and policy. Council directed staff to move forward with the proposal and to do more outreach to engage more shelter providers. Council also directed staff to prepare more research into additional shelter options the City could pursue in providing emergency shelters of varying capacities.

ANALYSIS

In February and March 2019, City Council directed staff to prepare a report describing the process for declaring an emergency and establishing emergency shelters during such occasions. City Manager's staff prepared this report and provided Council with staff's recommendations at the March 21, 2019, City Council meeting. The recommendation included the following six items for consideration:

- 1) Direct city staff to develop a "Shelter Site Pre-Authorization Plan...";
- 2) Address Chapter 10 in the Medford Municipal Code creating a mechanism for Emergency Shelters that differs from Temporary Shelters and does not require a Conditional Use Permit;
- 3) Direct City staff to propose amendments of Chapter 12 in the Medford Municipal Code to align the Emergency Declaration process with current industry standards and build flexibility needed for the City to safely execute operations during times of emergency;
- 4) Direct City staff to adopt administrative policies/requirements that address the fire/life/building safety issues for both temporary shelters and emergency shelters;
- 5) Consider the creation of an administrative policy that allows the City to execute emergency shelter plans given a specific set of parameters for severe weather without elevating the situation to an official declaration of an emergency;
- 6) When the City determines that opening Emergency Shelters is necessary, the City should make every effort to secure shelters at community-based locations, staffed by community-based organizations. City owned facilities are not optimal and, even more so, City staff are not trained adequately to fully staff an emergency shelter effectively at this time.

Of the above recommendations, the City would accomplish recommendations 1, 2, 4, 5 and 6 with DCA-19-004; staff has determined that, at this time, recommendation number 3 is not feasible or needed especially with the implementation of recommendation number 5.

To allow the drafted policies (Exhibit B) to function, updates to Chapter 10 are required to distinguish the land uses of temporary shelters from "severe event shelters." Below are summaries of the changes proposed in Exhibit A.

Definitions Proposed in 10.012 Definitions, Specific

To create consistency with the proposed Temporary Shelter Policy (Exhibit B) and to show the difference of temporary shelters from severe event shelters, new or modified definitions are needed.



New definitions include “severe event” and “severe event shelter”; modified definitions include “emergency shelter”, “homeless”, and “temporary shelter”.

Zones Districts Proposed in 10.314 & 10.337

As proposed, Severe Event Shelters would be permitted in all zones. In residential zones, Severe Event Shelters would need to be an accessory use to an institutional use; in commercial and industrial zones it could be an accessory or primary use.

Proposed Special Use Standards, 10.825 Severe Event Shelters

Staff has proposed land use standards that clarify which policy to follow regarding Severe Event Shelters. Additionally, the proposed section 10.825 includes definitions pertaining to Severe Event Shelters, permit requirements, operational requirements, operational periods, standards for closure, consent to inspection and site standards. The proposed standards were modeled after the Temporary Shelter standards that are in Section 10.819A, but reduced as the policy (Exhibit B) is intended to dictate the standards for Severe Event Shelters. Using the policy, as opposed to the MLDC, for Severe Event Shelters will provide for best practices in providing Severe Event Shelters.

Key Provisions	Severe Event Shelter	Temporary Shelter
Permitting Requirements	Operational Permit (can only operate during severe event per policy)	Conditional Use Permit & Operational Permit
Intended Operational Period	During declared severe events (typically 2-3 days) (see Council Report for explanation)	3-6 months
Applicable standards	Exhibit A; City Temporary Shelter Policy	MLDC Section 10.819A; City Temporary Shelter Policy
Minimum Staffing	2+ Fire Watch	2+ Fire Watch
Public Input Process	No	Yes



Key Provisions	Severe Event Shelter	Temporary Shelter
Intended Populations Served	Homeless and persons without adequate shelter	Homeless

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

There are no direct impacts with the adoption of DCA-19-004. However, staff time must be considered for administration of the pre-approval process and periodic inspections of the severe event shelter facilities. This process has already been incorporated into the work flow of Building, Fire-Rescue and Planning staff

TIMING ISSUES

With winter months fast approaching, adoption of the proposed ordinance will enable community organizations to operate severe event shelters.

COUNCIL OPTIONS

- Approve the ordinance as presented.
- Modify the ordinance as presented.
- Deny the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance authorizing the Land Development Code Amendment as described in the Council Report dated October 31, 2019, and as recommended by the Planning Commission.

EXHIBITS

- Ordinance
- Council Report, including Exhibits A-I

ORDINANCE NO. 2019-119

AN ORDINANCE amending Sections 10.012, 10.314, and 10.337 of the Medford Municipal Code and adding Section 10.825, pertaining to emergency shelters.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 10.012 of the Medford Code is amended to read as follows:

10.012 Definitions, Specific.

Emergency Shelter. Any facility, the primary purpose of which is to provide permanent **or temporary** facilities that are used as a temporary or transitional shelter for the homeless in general or for specific populations of the homeless. See SIC Classification 832.

Homeless. Individual(s) or families who are experiencing one or more of the following living conditions:

- (1) Living in a place not meant for human habitation;
- (2) Living in an emergency shelter or in transitional housing;
- (3) At risk of imminently (within 14 days or less) losing their primary nighttime residence, which may include hotels/motels or sleeping in a residence as a temporary guest, and lack the resources or support networks to remain in housing;
- (4) Unstably housed and likely to remain unstably housed;
- (5) Attempting to flee domestic violence, have no other residence, and lack the resources or support networks to obtain permanent housing; or
- (6) At risk to exposure of extreme weather/**severe event** conditions; **See Severe Event definition per section 10.012.**

Severe Event. An act of nature or unforeseen circumstance that constitutes an uninhabitable living experience for individual or groups, as defined in the City of Medford Temporary Shelter Policy.

Severe Event Shelter. A temporary use within a building, typically not used as a residence, meant to provide relief during a Severe Event to individuals or groups who are homeless or at risk of exposure to a severe event.

Temporary Shelter. A temporary use within a building, **typically not used as a residence**, meant to provide relief from extreme weather and substandard living conditions **overnight sleeping accommodations and related services** for individuals or families/groups who are homeless.

SECTION 2. Section 10.314 of the Medford Code is amended to read as follows:

10.314 Permitted Uses in Residential Land Use Classification.

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section(s)
6. NONRESIDENTIAL SPECIAL USES									
* * *									
(c) Institutional Uses	Cs	Cs	Cs	Cs	Cs	Cs	Cs	Cs	10.815-817
(c)(i) Temporary Shelters Accessory Uses	Cs	Cs	Cs	Cs	Cs	Cs	Cs	Cs	10.816-817 & 10.819A
(c)(ii) Severe Event Shelters, Accessory Uses	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	10.825

SECTION 3. Section 10.337 of the Medford Code is amended to read as follows:

10.337 Uses Permitted in Commercial and Industrial Zoning Districts.

<u>SIC</u>	<u>USE</u>	<u>ZONING DISTRICT</u>							
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O. USES NOT CLASSIFIED. This major group includes uses not covered in the Standard Industrial Classification (SIC) Manual, 1987 Edition.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
005	Severe Event Shelters	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps

See section 10.839 for special use regulations on marijuana-related businesses.
 See section 10.819A for special use regulations for Temporary Shelters.
See section 10.825 for special use regulations for Severe Event Shelters.

SECTION 4. Section 10.825 is added to the Medford Code, to read as follows:

10.825 Severe Event Shelters.

(A) Purpose and Intent.

Severe Event shelters provide short-term relief from Severe Events, as defined in the City of Medford Temporary Shelter Policy, such as extreme weather. The City of Medford Temporary Shelter Policy, as referenced in Section 10.825, shall be herein referred to as “The Policy” in this section. Severe Event shelters shall be within an existing institutional building or other buildings, typically not intended for residential uses. It is the intent of these standards to ensure that any conflicts with Severe Event shelters and the surrounding land uses are mitigated through the special regulations set forth in this Section 10.825.

(B) Definitions Pertaining to Severe Event Shelters.

When used in Chapter 10 in reference to Severe Event shelters, the following terms shall have the meanings as herein ascribed:

(1) **Access Point:** The main point of entry and exit where users, visitors, and other persons must sign in and out to maintain security within a shelter.

(2) **Client(s):** Person or persons who receive services from an operator of a Severe Event Shelter which shall include overnight sleeping, and may include other items established per the shelter’s operations plan.

(3) **Operator:** The organization in charge of daily operations of a Severe Event Shelter. The operator shall be a civic, non-profit, public, faith, membership based, or otherwise competent organization and shall be the applicant for the Severe Event shelter. The words operator and applicant may be used interchangeably as they are one in the same.

(4) **Operational Period:** Days in which a Severe Event shelter are permitted to operate per the Policy

(5) **Operations Plan:** The guiding document for an operator to use in determining the standards clients must adhere to in a shelter.

(6) **User(s):** See 10.825 (B)(2) client(s).

(C) Severe Event Shelter Permit Requirements

(1) In order to begin operating a Severe Event shelter, an operator shall apply for and receive an approved permit per The Policy.

(D) General Standards for Severe Event Shelters

The following standards shall apply to Severe Event shelters:

(1) **Operational Requirements.** The operator shall be required to meet the following standards as it pertains to shelter operations:

(a) **Conformance.** It shall be the duty of the operator to ensure and maintain compliance with the City of Medford Shelter Policies and the requirements of the Operational Permit.

(b) **Operations Plan.** An operations plan shall be required for a Severe Event shelter. An operations plan shall include, at a minimum, items addressing client interaction, rules for shelter use and opening, facility operations and maintenance, safety and security provisions, and signage that complies with the

Medford Municipal Code.

(2) Operational Period.

(a) The operational period of a Severe Event shelter shall only be permitted in accordance with The Policy.

(b) The operator shall notify Medford Fire-Rescue each time the shelter is closing.

(c) The operator may be required to provide the opportunity for inspection prior to operating the shelter.

(3) Reporting Requirements. April 1 of each calendar year, the operator may be required to submit a report to the Housing Advisory Commission (HAC) or applicable conditions of approval on the operational permit.

(4) Standards for Closing/Suspending Severe Event Shelters

A shelter may be closed or suspended in accordance with the following procedures and criteria.

(a) A Severe Event shelter shall close or the operations may be suspended if:

i. Conditions are considered non-severe per The Policy.

ii. The City Manager, or designee, has determined that it would be in the public interest to do so.

iii. Any safety issues are identified during an inspection, including, but not limited to fire and life safety issues.

iv. Any violation of the Medford Municipal Code and/or state or federal law occurs.

(b) Clients of a temporary shelter, the operator, and the property owner shall be given a 24-hour notice to cease operations, unless immediate closure is necessary due to issues pertaining to fire or life safety. The owner or operator shall not be required to remove components utilized for the severe weather shelter if:

i. The shelter is closing due to condition changes per 10.825(D)(4)(a)(i); or

ii. The components of the shelter are customarily used for the primary use of the building.

(c) The City Manager, or designee, may revoke a shelter's permits and the decision shall be effective immediately. Appeals of this decision shall be made to the City Council.

(5) Consent to Inspection of Severe Event Shelter(s)

(a) Severe Event Shelters are subject to inspection at any time by the City to verify safe operation of a shelter.

i. Inspections by the City may include inspections of all portions of a Severe Event Shelter. Inspections shall be in conformance with all applicable local, state, and federal laws.

ii. Areas used for bathrooms and showers shall be subject to inspections by the City, but any users of the facilities shall be given ten minutes notice prior to inspection to allow for the privacy needs of individuals who may be using the facilities.

(b) Inspections may be required prior to each opening of a Severe Weather Shelter. All violations of applicable codes found through an inspection shall be resolved prior to commencing operations of a Severe Event Shelter. Inspections may be required by the following City departments to verify conformance with applicable codes, prior to operations commencing:

- i. Building Department**
- ii. Planning Department**
- iii. Police Department**
- iv. Fire-Rescue Department**

(c) Signage stating "Inspection by the City of Medford officials, including Medford Fire-Rescue and Medford Police Department, may occur without notice" shall be prominently posted in the sleeping units, shower areas, and toilet areas of the temporary shelter.

(E) Site Standards for Severe Event Shelters

The following standards shall apply to the development and use of Severe Event shelters.

- (1) Severe Event Shelters shall be an accessory use, in residential zones, to institutional uses.**
 - (2) In commercial and industrial zones, Severe Event shelters may be an accessory or primary use.**
 - (3) Adequate space shall be provided for client's personal items and shall not displace required parking per Sections 10.741-10.751.**
 - (4) Access points shall have a trash receptacle that does not block the public right of way and is large enough for trash disposal during times of intake.**
 - (5) Adequate access shall be given for emergency vehicles and personnel, where applicable.**
- (6) Operators of Severe Event shelters shall comply with all provisions contained in the most recently adopted/approved City of Medford Temporary Shelter Policy.**

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

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019.

Mayor

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



COUNCIL REPORT

for a Type- IV legislative decision: **Development Code Amendment**

Project Emergency Shelters (Severe Event Shelters)
File no. DCA-19-004
To Mayor & City Council *for 11/07/2019 hearing*
From Planning Commission via Kyle Kearns, Planner II
Reviewer Carla Angeli Paladino, Principal Planner
Date October 31, 2019

BACKGROUND

Proposal

An amendment (Exhibit A) to portions of Chapter 10, the Medford Land Development Code (MLDC), to create a land use for emergency (homeless) shelters for short-term use during severe weather events.

Authority

The amendment will be reviewed as a Type IV Legislative Development Code Amendment. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to the Municipal Code under Medford Municipal Code Section 10.214 and 10.218.

History

In February and March 2019, City Council directed staff to prepare a report describing the process for declaring an emergency and establishing emergency shelters during such emergencies. City Manager's Office staff prepared this report and presented to Council at the March 21, 2019, meeting with staff's recommendations which included the following six items for consideration:

- 1) Direct city staff to develop a "Shelter Site Pre-Authorization Plan..."

- 2) Address Chapter 10 in the Medford Municipal Code creating a mechanism for Emergency Shelters that differs from Temporary Shelters and does not require a Conditional Use Permit
- 3) Direct City staff to propose a rewrite of Chapter 12 in the Medford Municipal Code to align the Emergency Declaration process with current industry standards and build flexibility needed for the City to safely execute operations during times of emergency
- 4) Direct City staff to adopt administrative policies/requirements that address the fire/life/building safety issues for both temporary shelters and emergency shelters
- 5) Consider the creation of an administrative policy that allows the City to execute emergency shelter plans given a specific set of parameters for severe weather without elevating the situation to an official declaration of an emergency
- 6) When the City determines that opening Emergency Shelters is necessary, the City should make every effort to secure shelters at community based locations, staffed by community based organizations. City owned facilities are not optimal and even more so, City staff are not trained adequately to fully staff an emergency shelter responsibly at this time.

Of these recommendations, staff is accomplishing 1, 2, 4, 5 and 6 with this proposal. Staff has determined that, at this time, recommendation number 3 is not feasible or needed especially with the implementation of number 5.

Presently, permitted shelters include permanent shelters in the City's commercial zones (SIC# 839) and temporary shelters (no more than 180 days in 12 months) as a conditional use permit (CUP); temporary shelters may be accessory to an institutional use in residential zones or a primary or accessory use in commercial/industrial zones. Examples of permanent shelters include Medford Gospel Mission or Hearts with a Mission; examples of temporary shelters include the Kelly Shelter or Maslow Project's youth shelter, both of which went through the CUP process.

Public Hearings, Study Sessions and Public Outreach

Staff reviewed the proposal (Exhibit A) with the Planning Commission at the September 9, 2019, study session as well as with service providers at the Jackson County Homeless Task Force and the Continuum of Care (CoC) meetings on September 17 and 16, respectively. Below is a summary of the feedback received at the meetings.

City Council Study Session October 24, 2019 – Minutes Not Prepared Yet

To prepare for the City Council hearing on November 7, 2019, staff presented the draft amendment (Exhibit A) and the draft Temporary Shelter Policy (Exhibit B) at the regularly scheduled City Council study session on October 24, 2019. Discussion was detailed and productive. Council had several questions and/or comments of staff, answers to which are provided below. Additionally, staff had asked for direction on several items which have also been summarized below.

Council Questions/Comments *(staff responses in italic):*

- The intended time frame (two-three days) of Severe Event Shelters is too short to provide adequate shelter.
 - *There is no limit to how many days a shelter can operate, only that it must operate during a declared Severe Event per the Temporary Shelter Policy (Exhibit B)*

- There needs to be an alternative to the Conditional Use Permit (CUP) for temporary shelters.
 - Council previously passed the CUP process during the Temporary Shelter public hearing on September 20, 2018 after receiving input from Planning Commission and community partners. Subsequently in March of 2019, Council directed staff to provide options for opening facilities under extreme weather conditions that would not have to go through the CUP process. DCA-19-004 for Severe Event Shelters will provide shelter for shorter time periods only limited by the length of the declaration and the resources and willingness of providers. The Planning Director has discretion to waive the aforementioned CUP fees for Temporary Shelters.

 - Although outside of the intended scope of DCA-19-004, Council could direct staff to revisit this topic in a subsequent amendment.

- Are we prepared to manage the Severe Event Ourselves?
 - *The intent of the Severe Event Shelter policy and amendment is to better prepare to manage severe weather events in the City. This project is intended to be dynamic and change as needed. Additionally, Severe Event Shelters are simply one tool of many in addressing the shelter needs of Medford's residents.*

- **How is 10.825(D)(4)(a)(i) in Exhibit A implemented (i.e. how is a Severe Event determined)?**
 - *It is determined by the Mayor or City Manager per the Temporary Shelter Policy (Exhibit B).*

- **What outreach has been completed to date to get shelters in the City?**
 - *Staff, upon the completion of the Temporary Shelter policies and in preparation for the Sever Event Shelter amendment, went to Jackson County Homeless Task Force and Continuum of Care meetings to garner feedback and provide information. This has been and will be an ongoing process.*
 - *Currently four faith-based organizations are prepared to apply for an operational permit once DCA-19-004 is approved and the Pre-Authorization is complete.*

- **What is the local shelter capacity, currently? Red Cross capacity?**
 - *Determining the shelter capacity of the Medford area is not a simple task. Anecdotal evidence suggest that the majority of the shelter beds in the City are for specific socioeconomic groups of people (i.e. women/families fleeing domestic violence) and their capacity numbers are not often published to maintain privacy for shelter users. As of now, the shelter capacity of the area has been counted at the County level with 171 total emergency shelter beds in Jackson County, 100 of those dedicated to single adults, 67 persons in families, 10 to veterans.¹*
 - *Staff reached out to Red Cross locally to ensure that their operations would not be affected by DCA-19-004. Curtis Peetz, the Deputy Regional Disaster Officer of American Red Cross, stated the impacts of this amendment will not impede the Red Cross. Additionally, Red Cross is no a viable options for addressing the needs of destitute community members as they are intended to operate during declared emergencies, not within the prevue of the Sever Event declaration. A declared emergency is separate from a Severe Event.*

¹ City of Medford Homeless System Action Plan. 2019, City of Medford Homeless System Action Plan.

Council Direction *(staff responses in italic):*

- Does the Council support the policy (Exhibit B) overall?
 - *Staff received the direction to proceed with policy.*
- Does the council support the proposed language that allows the Mayor or City Manager to declare a severe event?
 - *Council was generally supportive. Some concern was raised over having both the City Manager and Mayor as declarants. However, only one need to declare in order for the policy to be enacted. Some language giving the ability to have the Council weigh in on the decision was voiced, but not clear direction to add into the policy.*
- Does the council support the draft considerations, and the concept of providing flexibility to adapt the [policy] language as needed?
 - *The Council was supportive of having the language regarding Severe Event Shelters in policy as opposed to municipal code.*
- What should the City's response be if we are asked to provide shelter locations and/or staffing if providers cannot meet demands?
 - *Council's direction was mixed, however the need for additional outreach, for both Temporary and Severe Event Shelters, and proactive action was favored. Staff will commit to doing more outreach regarding Severe and Temporary Shelter options and support shelter operators. Additionally, more research will be done into what options the City has available to provide shelter such as, but not limited to:*
 - *Providing hotel vouchers*
 - *Using City facilities and staff for shelters, including cost and potential liability issues*
 - *What the general shelter capacity of the Medford area is*
 - *Other options in providing shelter*
- Does the Council support the proposed Chapter 10 changes?
 - *The Council was supportive.*

Planning Commission Hearing October 10, 2019 - Minutes Exhibit D

At the regularly scheduled Planning Commission meeting on October 10, 2019, the Planning Commission voted 5-1 to recommend approval of DCA-19-004. Although the scope of a development code amendment (DCA) is to amend the Medford Land Development Code (MLDC), the Commission had been provided the Administrative Policy – Temporary Shelter Policy (Exhibit B) proposed to supplement the DCA. Their

recommendation does not extend to this Policy; however, the policy was provided as a part of the record for transparency. Lastly, the policy was largely discussed at the Planning Commission study session on September 9, 2019 (see below).

Planning Commission Study Session September 9, 2019 – Minutes Exhibit C

In large part, the discussion focused on understanding the implications of these shelters and the operations of organizations like Red Cross, how emergency shelters will open based on weather events outside of hot/cold spells, the validity of the Conditional Use Permit as a means of approval for such uses and whether or not to discuss the policies proposed (Exhibit B) outside of Chapter 10. It was the consensus of the Planning Commission that they wanted to review the policies, even though outside of the scope of Chapter 10. Additionally, staff coordinated with Curtis Peetz, the Deputy Regional Disaster Officer of American Red Cross, to see the effects of the proposed code language (Exhibit A) and the proposed policies (Exhibit B). Peetz concluded that the operations of organizations like Red Cross would not be impacted by the proposed amendments and policies. Lastly, the Commission had asked that the hearing be rescheduled to allow for more time on the proposed policies. This feedback is addressed below.

Jackson County Continuum of Care (CoC) and Homeless Task Force Meetings (JCHTF)

Staff, per the Planning Commission's direction, brought the proposed policies before the service providers at the regularly scheduled Continuum of Care (CoC) board meeting and the Jackson County Homeless Task Force meeting, on September 16 and 17, respectively. Comments at both meetings were focused on the following:

- parameters and flexibility desired in establishing a "severe weather event," such as
 - Air quality was mentioned as a determinant
 - Why not 32°F as determinant?
 - Build in flexibility to allow City Manager or designee to open shelters when minimum criteria isn't met
- the capacity of providers to provide shelter and how the aforementioned parameters could impact their ability (i.e. more allowance to open, more of their capacity is stretched thin)
- suggested the City have Community Emergency Response Team (CERT) volunteers ready to provide capacity
- staffing for Ashland's shelters is contracted out, Medford may want to consider a similar contract
- suggested communication methods for when "severe weather events" occur, including:

- "...Jackson County alert style..."
- Using 211
- Police Department & Livability Team
- Social Media & Email list

Staff provided a week for additional comments to be made, and to date, none have been received. Most of the proposed additions would impact the policies (Exhibit B) and not the proposed amendments to Chapter 10 (Exhibit A); changes have been incorporated into the latest draft policy.

OVERVIEW

Provisions within Chapter 10 currently allow for shelters for homeless, or individuals at risk of exposure of extreme weather, in both a permanent and temporary nature. Permanent shelters are permitted in commercial zones or as residential facilities, meeting state regulations, in residential zones. Additionally, the City conditionally permits temporary shelters (per section 10.819A) in the commercial and residential zones, with a conditional use permit (CUP). Both of these methods come with their own burdens in regards to staff time, land use permitting and financial cost.

For example, permanent shelters often require fire/life/safety building codes be met for the desired shelter capacity often escalating hard cost for the organizations seeking to provide shelter. Additionally, depending on the services provided, state permits for particular services may be necessary requiring additional staff capacity and financial requirements. Temporary shelters are a temporary use within a building that like, permanent shelters, are intended to provide relief to the homeless as defined by MLDC Section 10.012, Definitions, Specific. Per the MLDC, temporary shelters are to operate under a conditional use permit and the special standards of 10.819A. This process requires three to four months of land use review and offers no guarantee of an approved conditional use. While both options are being used throughout the City, the flexibility to respond to quickly changing weather and severe events does not exist currently in the MLDC.

Currently, City ordinances allow for three methods of providing shelter to homeless individuals. Those include permanent facilities (homeless shelters, supportive housing, social service programs), temporary shelters for three to six months and emergency declarations per Chapter 12 of the Medford Municipal Code. A fourth option, provided in the proposal (Exhibit A) for "severe event shelters," enables a step before a declared emergency that currently does not exist.

Severe Events vs. Declared Emergencies

Declared emergencies are intended to enable more direct coordination with larger agencies (Federal or State) to circumvent municipal code standards that would otherwise prohibit actions used to mitigate loss of life or property. Within recent history (i.e. 20 years), the City has not declared an emergency. Examples of possible reasons for declared emergencies would be large scale flooding, earthquakes, wildfires, and evacuation due to the aforementioned acts of nature. The creation of a “severe event shelter” standard (Exhibit A), and its accompanying policies (Exhibit B), allows for an avenue for permitting shelters during severe events that don’t constitute a declared emergency. Severe events are related to extreme cold or heat events that present issues for the homeless or groups/individuals without adequate shelter, but not the City, or a particular neighborhood, as a whole. These new policies and standards have more latitude in their ability to be declared as they are more regulated than shelters would be during an emergency. Thus, with the creation of the “severe event shelter” policies, the City can be more responsive to weather affecting the most disadvantaged citizens of Medford without declaring an emergency.

Temporary Shelters Compared to Severe Event Shelters

Below is a comparison of the new “severe event shelter” standards and policies as it relates to the existing temporary shelter standards (section 10.819A).

Key Provisions	Severe Event Shelter	Temporary Shelter
Permitting Requirements	Operational Permit (can only operate during severe event per policy)	Conditional Use Permit & Operational Permit
Intended Operational Period	2-3 days at a time, during severe events	3-6 months
Applicable standards	Exhibit A; City Temporary Shelter Policy	MLDC Section 10.819A; City Temporary Shelter Policy

Key Provisions	Severe Event Shelter	Temporary Shelter
Fire Watch Required	Yes	Yes
Public Input Process	No	Yes
Intended Populations Served	Homeless and persons without adequate shelter	Homeless

Other Cities and Shelter Policies

Many cities throughout the Pacific Northwest have implemented similar policies and standards allowing for the establishment of shelters during severe weather events. The process for implementation is varied, but typically they exist within a policy, like the one proposed (Exhibit B), with minimal standards within land use regulations. Below is a summary of some of the criteria used to establish when shelters can operate in other cities. These were used to prepare the proposed declaration standards within Exhibit B.

Ashland, OR

- "Regular" shelters offered on 6 regular nights per week when temperatures are below freezing.
- Emergency shelter offered when the temperatures will drop below 20 degrees Fahrenheit (°F) and no "regular" shelter is offered.
- The criteria of 20°F was established to open "Emergency" shelters to supplement the regular shelters, without overwhelming the community with too many nights requiring volunteers, etc.

Multnomah County, OR

- Temperatures are forecasted at 25°F or below.
- Forecasters predict an inch or more of snow.
- Overnight temperatures drop below 32°F, with an inch of driving rain.
- Other conditions occur as needed, including severe wind chills or extreme temperature fluctuations.

Bend, OR

- The weather has fallen to 25°F or less; and,
- All Bend area shelter facilities have reached capacity.

Lane County/Eugene, OR (criteria and shelters not established by City policy)

- Emergency shelter during extreme weather from November to March to accommodate the need for additional emergency housing when temperatures drop below 30°F.

Kelso, WA

- A period of two or more days where temperatures are forecasted by the National Weather Service (National Oceanic and Atmospheric Administration) or actually reach 32°F or below; and/or
- Snow accumulation exceeding or expected to exceed three inches in depth; and/or
- In association with severe weather warnings or alerts for temperature, precipitation, or flooding issued by the National Weather Service; and/or
- Other conditions deemed severe enough to present a substantial threat to life or health.

Proposed Language, Summarized

In order to allow for the drafted policies (Exhibit B) to function, updates to Chapter 10 are required to distinguish the land uses of temporary shelters from “severe event shelters.” Below are summaries of the changes proposed in Exhibit A.

Definitions Proposed in 10.012 Definitions, Specific

In order to create consistency with the proposed Temporary Shelter Policy (Exhibit B) and to show the difference of temporary shelters from severe event shelters new or modified definitions are needed. New definitions include severe event and severe event shelter; modified definitions include emergency shelter, homeless, and temporary shelter.

Zones Districts Proposed in 10.314 & 10.337

As proposed, severe event shelters would be permitted in all zones. In residential zones, severe event shelters would need to be an accessory use to an institutional use; in commercial and industrial zones it could be an accessory or primary use.

Proposed Special Use Standards, 10.825 Severe Event Shelters

Staff has proposed land use standards that clarify which policy to follow regarding severe event shelters. Additionally, the proposed Section 10.825 includes definitions pertaining to severe event shelters, permit requirements, operational requirements, operational periods, standards for closure, consent to inspection and site standards. The standards proposed were modeled after the Temporary Shelter standards found in Section 10.819A, but reduced as the policy (Exhibit B) is intended to dictate the standards for severe event shelters. The choice to use the policy as opposed to the MLDC for the severe event shelter standards was to provide greater flexibility if practices in providing severe event shelters were to change.

FINDINGS AND CONCLUSIONS

Applicable criteria

The applicable criteria that apply to code amendments are in Medford Municipal Code Section 10.218. The criteria are set in *italics* below; findings and conclusions are in roman type.

Land Development Code Amendment. The Planning Commission shall base its recommendation, and the City Council its decision, on the following criteria:

Section 10.218. (A) Explanation of the public benefit of the amendment.

Findings

Responding to the needs of those without adequate shelter during severe weather directly benefits the public. In using the Kelly Shelter, a temporary shelter per 10.819A, as a basis for providing shelter we can begin to understand the public benefit better. Per Rogue Retreats website (in 2018), the operator of the Kelly Shelter, 131 chronically homeless were provided shelter, 31 of the 131 people were provided with more permanent housing, 41 people were signed up for health insurance, and four shelter guests were enrolled in college. More importantly, enabling organizations to provide a shelter for homeless individuals enables a place for one to sleep as the City of Medford does not permit camping in the City per Municipal Code Section 5.257 Prohibited Camping unless specifically authorized by code or by declaration of the Mayor in emergency circumstances.

In a recent survey of business owners in the Rogue Valley, conducted by Southern Oregon University, 52% of the 621 respondents said homelessness impacted their business 1-5 times a week, 14% citing impacts 6-10 times per

week.² Having a place for homeless individuals and families to seek shelter removes potential conflicts from surrounding community members, and potentially enabling homeless persons to seek aid in achieving permanent housing, both of which would aid with concerns of conflicts of businesses, community members, and homeless people.

Lastly, providing shelter saves tax dollars. A recent study commissioned by the City of Albuquerque found that for every dollar spent housing chronically homeless persons resulted in a cost savings return of \$1.78.³ Albuquerque's program focused more on permanent housing over shelter, but anecdotally Rogue Retreat has cited a savings of \$150,000 in their second year of operations of the Kelly Shelter, per the Rogue Retreat website. The cost savings are attributed, in both cases, to less emergency service calls, less jail time, and less court time. Giving shelter in times of severe weather would potentially provide additional cost savings as extreme cold and heat can exacerbate health concerns, raising the cost of services needed to save lives. Providing severe event shelter provides many benefits to the larger community of Medford, not just homeless persons, and should be considered as one of the many tools in addressing homelessness.

Conclusions

Per the City's Environmental Element of the Comprehensive Plan, "Severe weather is the most frequently occurring natural hazard in Medford. Severe weather includes winter storm events such as heavy rain, wind, snow and ice..." The Environmental Element goes on to say that, "While severe weather events have been more frequent in winter months, climate change is resulting in probabilities becoming a moving target." This presents a public need for shelter that is unmet in times of severe weather, in particular for the City's most disadvantaged citizens. In creating an avenue for approval of severe event shelters, the City will be able to quickly respond to the hazards caused by the climate and severe storms. Additionally, providing shelter to otherwise unsheltered individuals has larger implications for the public benefit most immediately being the improved quality of life for shelter users, improved

² Benitez, Karla, et al. Business Perceptions of Homelessness and How Homelessness Impacts Business Along the I-5 Corridor in Southern Oregon. 2018, Business Perceptions of Homelessness and How Homelessness Impacts Business Along the I-5 Corridor in Southern Oregon.

³ Hilf, Aaron. "UNM Research Reveals Big Benefits to Housing Homeless Population." UNM Newsroom, 24 Oct. 2016, news.unm.edu/news/unm-research-reveals-big-benefits-to-housing-homeless-population.

quality of life for the community as a whole, and cost savings of tax dollars (e.g. less emergency service calls). The criterion has been satisfied.

10.218. (B) The justification for the amendment with respect to the following factors:

Findings

The following goals, policies, and implementation measures are from the Housing Element:

Policy 8: The City of Medford shall assist regional housing agencies, nonprofit organizations, private developers, and other entities in their efforts to provide affordable housing, opportunities for minorities, low- and moderate income people, and people in protected classes to gain access to housing.

The following goals, policies, and implementation measures are from the Population Element:

Goal 1: To accept the role and responsibilities of being the major urban center in a large and diverse region that includes portions of southwest Oregon and northern California.

The following goals, policies, and implementation measures are from the Health Services section of the Public Facilities Element:

Goal 1: To support the provision of adequate health services and facilities to meet the needs of the people within the Medford Urban Growth Boundary and the region.

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

The following goals, policies, and implementation measures are from the Environmental Element:

Goal 12: To protect the citizens of Medford from the potential damage caused by hazards such as flooding, earthquakes, wildland-urban interface

fires, volcanic eruptions, severe weather, emerging infectious diseases, noise, and airport hazards.

Policy 12-A: The City of Medford shall assure that hazard mitigation standards are formally adopted as public policy through comprehensive planning, land development ordinances, permit review, and fire/building safety codes.

Conclusions

The comprehensive plan is relatively silent on directly addressing issues of homelessness, however the proposal of DCA-19-004 is supported by the Housing, Population, Public Facilities, and Environmental Elements. Medford, being the regional hub of the Rogue Valley has, "To accept the role and responsibilities of being the major urban center in a large and diverse region..." In doing this it means accepting that Medford takes on many complex issues of being an urban center, homelessness being one of them. Providing shelter to homeless individuals, although temporary, is a start to "...accept[ing] the role and responsibilities of being the major urban center..." as stated in Goal 1 of the Population Element.

In accepting these aforementioned roles this would further require enabling those who provide "...adequate health services and facilities..." (Public Facilities Element) the ability to do just that, provide health services. In providing an avenue for the allowance of severe event shelters the City would be in direct support of the Public Facilities Element of the Comprehensive Plan. Additionally, with increased risk of climate change and severe weather events it will be increasingly important for the city to be able to quickly respond to weather events "To protect the citizens of Medford from the potential damage caused by hazards such as....severe weather."

Lastly, DCA-19-004 is supported by the Housing Element of the comprehensive plan as it calls for the support of "...nonprofit organizations, private developers, and other entities in their efforts to provide affordable housing, opportunities for minorities, low- and moderate income people, and people in protected classes to gain access to housing," (Policy 8). Within the housing element temporary housing programs are recognized as a service provided to homeless persons by non-profits, churches, or cities. In drafting the policies (Exhibit B) staff sought direction from service providers. As proposed, DCA-19-004 would assist local agencies, developers, and nonprofits in their efforts in providing severe event shelters. DCA-19-004 aids in meeting several goals,

polices and implementation items of the Comprehensive Plan. The criterion has been satisfied.

2) Comments from applicable referral agencies regarding applicable statutes or regulations.

Findings

The proposed development code amendment was distributed to internal and external agencies for review and comments. On September 11, 2019 DCA-19-004 was reviewed at the regularly scheduled Land Development Committee meeting and no substantive comments were provided (Exhibits E - I). Additionally, staff went before the Jackson County Continuum of Care (CoC) and the Homeless Task Force to seek comment on the proposed policy (Exhibit B). These two organizations represent the service providers, non-profits, social service agencies, affordable housing developers and faith-based organizations providing shelter to the homeless in Medford.

Conclusions

The City has reviewed and revised the draft language based on comments received from applicable referral agencies. This criterion is found to be satisfied.

3) Public comments.

Findings

A draft of the proposed text was e-mailed in October to a group of 45 citizens, developers, business owners, land use consultants, and non-profit representatives who have requested notification of code amendment projects. No specific comments have been received to date. Draft language is made available, with the staff report, to the public on the City's webpage seven days prior to the hearing and two public hearings will be provided to allow for public testimony.

Conclusions

The language was provided to members of the public interested in reviewing code amendments proposed by the City. This criterion is found to be satisfied.

4. Applicable governmental agreements.

Findings

Staff could find no applicable governmental agreement.

Conclusions

This criterion does not apply.

RECOMMENDED ACTION

The Planning Commission recommends adopting the proposed amendments based upon the findings and conclusions in the Council Report dated October 31, 2019, including exhibits A-I.

EXHIBITS

- A Proposed amendment
- B City of Medford Temporary Shelter Policy - DRAFT
- C Planning Commission Study Session Minutes – September 9, 2019
- D Planning Commission Hearing Minutes – October 10, 2019 - DRAFT
- E Medford Fire-Rescue Department Comments – September 11, 2019
- F Building Department Comments – September 11, 2019
- G Public Works Department Comments – September 11, 2019
- H Medford Water Commission Comments – September 11, 2019
- I Jackson County Roads Comments – September 11, 2019

CITY COUNCIL AGENDA: NOVEMBER 7, 2019

ARTICLE I - GENERAL PROVISIONS

* * *

10.012 Definitions, Specific.

When used in this chapter, the following terms shall have the meanings as herein ascribed:

* * *

Emergency Shelter. Any facility, the primary purpose of which is to provide permanent or temporary facilities that are used as a temporary or transitional shelter for the homeless in general or for specific populations of the homeless. See SIC Classification 832.

* * *

Homeless. Individual(s) or families who are experiencing one or more of the following living conditions:

- (1) Living in a place not meant for human habitation;
- (2) Living in an emergency shelter or in transitional housing;
- (3) At risk of imminently (within 14 days or less) losing their primary nighttime residence, which may include hotels/motels or sleeping in a residence as a temporary guest, and lack the resources or support networks to remain in housing;
- (4) Unstably housed and likely to remain unstably housed;
- (5) Attempting to flee domestic violence, have no other residence, and lack the resources or support networks to obtain permanent housing; or
- (6) At risk to exposure of extreme weather/severe event conditions; See Severe Event definition per section 10.012.

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Homeless Shelter. See Emergency Shelter or SIC Classification 832.

* * *

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Severe Event. An act of nature or unforeseen circumstance that constitutes an uninhabitable living experience for individual or groups, as defined in the City of Medford Temporary Shelter Policy.

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Severe Event Shelter. A temporary use within a building, typically not used as a residence, meant to provide relief during a Severe Event to individuals or groups who are homeless or at risk of exposure to a severe event.

* * *

Temporary Shelter. A temporary use within a building, typically not used as a residence, meant to provide relief from extreme weather and substandard living conditions overnight sleeping accommodations and related services for individuals or families-groups who are homeless.

* * *

ARTICLE III - ZONING DISTRICTS

* * *

10.314 Permitted Uses in Residential Land Use Classification.

* * *

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section(s)
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6.
NONRESIDENTIAL
SPECIAL USES

* * *

(c) Institutional Uses	Cs	10.815-817							
(c)(i) Temporary Shelters Accessory Uses	Cs	10.816-817 & 10.819A							
(c)(ii) Severe Event Shelters, Accessory Uses	<u>Ps</u>	<u>10.825</u>							

* * *

10.337 Uses Permitted in Commercial and Industrial Zoning Districts.

* * *

SIC USE ZONING DISTRICT

O. USES NOT CLASSIFIED. This major group includes uses not covered in the Standard Industrial Classification (SIC) Manual, 1987 Edition.

	C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
<u>005</u> <u>Severe Event Shelters</u>	<u>Ps</u>							

See section 10.839 for special use regulations on marijuana-related businesses.

See section 10.819A for special use regulations for Temporary Shelters.

See section 10.825 for special use regulations for Severe Event Shelters.

* * *

10.825 Severe Event Shelters.

(A) Purpose and Intent.

Severe Event shelters provide short-term relief from Severe Events, as defined in the City of Medford Temporary Shelter Policy, such as extreme weather. The City of Medford Temporary Shelter Policy, as referenced in Section 10.825, shall be herein referred to as "The Policy" in this section. Severe Event shelters shall be within an existing institutional building or other buildings, typically not intended for residential uses. It is the intent of

these standards to ensure that any conflicts with Severe Event shelters and the surrounding land uses are mitigated through the special regulations set forth in this Section 10.825.

(B) Definitions Pertaining to Severe Event Shelters.

When used in Chapter 10 in reference to Severe Event shelters, the following terms shall have the meanings as herein ascribed:

- (1) Access Point: The main point of entry and exit where users, visitors, and other persons must sign in and out to maintain security within a shelter.
- (2) Client(s): Person or persons who receive services from an operator of a Severe Event Shelter which shall include overnight sleeping, and may include other items established per the shelter's operations plan.
- (3) Operator: The organization in charge of daily operations of a Severe Event Shelter. The operator shall be a civic, non-profit, public, faith, membership based, or otherwise competent organization and shall be the applicant for the Severe Event shelter. The words operator and applicant may be used interchangeably as they are one in the same.
- (4) Operational Period: Days in which a Severe Event shelter are permitted to operate per the Policy
- (5) Operations Plan: The guiding document for an operator to use in determining the standards clients must adhere to in a shelter.
- (6) User(s): See 10.825 (B)(2) client(s).

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(C) Severe Event Shelter Permit Requirements

- (1) In order to begin operating a Severe Event shelter, an operator shall apply for and receive an approved permit per The Policy.

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(D) General Standards for Severe Event Shelters

The following standards shall apply to Severe Event shelters:

- (1) Operational Requirements. The operator shall be required to meet the following standards as it pertains to shelter operations:
 - (a) Conformance. It shall be the duty of the operator to ensure and maintain compliance with the City of Medford Shelter Policies and the requirements of the Operational Permit.
 - (b) Operations Plan. An operations plan shall be required for a Severe Event shelter. An operations plan shall include, at a minimum, items addressing client interaction, rules for shelter use and opening, facility operations and maintenance, safety and security provisions, and signage that complies with the Medford Municipal Code.
- (2) Operational Period.
 - (a) The operational period of a Severe Event shelter shall only be permitted in accordance with The Policy.
 - (b) The operator shall notify Medford Fire-Rescue each time the shelter is closing.
 - (c) The operator may be required to provide the opportunity for inspection prior to operating the shelter.
- (3) Reporting Requirements. April 1 of each calendar year, the operator may be required to submit a report to the Housing Advisory Commission (HAC) or applicable conditions of approval on the operational permit.
- (4) Standards for Closing/Suspending Severe Event Shelters

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A shelter may be closed or suspended in accordance with the following procedures and criteria.

(a) A Severe Event shelter shall close or the operations may be suspended if:

- i. Conditions are considered non-severe per The Policy.
- ii. The City Manager, or designee, has determined that it would be in the public interest to do so.
- iii. Any safety issues are identified during an inspection, including, but not limited to fire and life safety issues.
- iv. Any violation of the Medford Municipal Code and/or state or federal law occurs.

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(b) Clients of a temporary shelter, the operator, and the property owner shall be given a 24-hour notice to cease operations, unless immediate closure is necessary due to issues pertaining to fire or life safety. The owner or operator shall not be required to remove components utilized for the severe weather shelter if:

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i. The shelter is closing due to condition changes per 10.825(D)(4)(a)(i); or

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ii. The components of the shelter are customarily used for the primary use of the building.

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(c) The City Manager, or designee, may revoke a shelter's permits and the decision shall be effective immediately. Appeals of this decision shall be made to the City Council.

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(5) Consent to Inspection of Severe Event Shelter(s)

(a) Severe Event Shelters are subject to inspection at any time by the City to verify safe operation of a shelter.

i. Inspections by the City may include inspections of all portions of a Severe Event Shelter. Inspections shall be in conformance with all applicable local, state, and federal laws.

ii. Areas used for bathrooms and showers shall be subject to inspections by the City, but any users of the facilities shall be given ten minutes notice prior to inspection to allow for the privacy needs of individuals who may be using the facilities.

(b) Inspections may be required prior to each opening of a Severe Weather Shelter. All violations of applicable codes found through an inspection shall be resolved prior to commencing operations of a Severe Event Shelter. Inspections may be required by the following City departments to verify conformance with applicable codes, prior to operations commencing:

- i. Building Department
- ii. Planning Department
- iii. Police Department
- iv. Fire-Rescue Department

(c) Signage stating "Inspection by the City of Medford officials, including Medford Fire-Rescue and Medford Police Department, may occur without notice" shall be prominently posted in the sleeping units, shower areas, and toilet areas of the temporary shelter.

(E) Site Standards for Severe Event Shelters

The following standards shall apply to the development and use of Severe Event shelters.

(1) Severe Event Shelters shall be an accessory use, in residential zones, to institutional uses.

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(2) In commercial and industrial zones, Severe Event shelters may be an accessory or primary use.

(3) Adequate space shall be provided for client's personal items and shall not displace required parking per Sections 10.741-10.751.

(4) Access points shall have a trash receptacle that does not block the public right of way and is large enough for trash disposal during times of intake.

(5) Adequate access shall be given for emergency vehicles and personnel, where applicable.

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(6) Operators of Severe Event shelters shall comply with all provisions contained in the most recently adopted/approved City of Medford Temporary Shelter Policy.

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Exhibit B

City of Medford Temporary Shelter Policy - DRAFT

Purpose:

These policies have been established in coordination with other City of Medford departments including Building, Planning, Police, and Fire to provide a safe solution for providing shelters for sleeping purposes. Many of these policies are based on the Oregon State Fire Marshal's Technical Advisory for Temporary Shelters (OSFM TA 11-14). These policies allow a building not normally designated as a Residential "R" Occupancy to be used as a shelter (Residential use of a building, or a portion thereof, for temporary living and sleeping purposes). **These requirements apply to *Temporary Shelters* and *Severe Event Shelters*, unless noted otherwise.** These requirements are intended to be a starting point. Every shelter will be different, and these requirements are intended to provide a reasonable level of life safety. Therefore, some requirements will be on a case-by-case basis and **may be modified, if approved.**

City of Medford municipal code requirements for Temporary and Severe Event Shelters shall take precedence when in conflict with these requirements.

Application:

This policy will be applied by multiple departments and stakeholders, including:

- City Management will declare a Severe Event
- The Building Safety Department, Fire Department, Planning Department and other City of Medford departments to review and approve the use of shelters
- Stakeholders in the community dedicated to or affected by providing shelters for those in need.

Definitions:

Incapable of Self-Preservation (OFC Section 202): Persons who because of age, physical limitation, mental limitations, chemical dependency, or medical treatment cannot respond as an individual to an emergency situation.

Individual Area: An individual space or area provided per person (occupant) for sleeping purposes. Unless approved otherwise, the minimum dimensions shall be as follows:

- 4 ft x 7 ft if no storage area is provided. The occupants and operators shall be responsible for maintaining egress paths free of obstructions.
- 3 ft x 7 ft if a separate storage area is provided. This area does not include area required for means of egress. This is the minimum individual area to be provided when adequate storage space is provided for storage of personal belongings. The occupants may have small items within their individual space, such as a purse or small bag. The occupants and operators shall be responsible for maintaining egress paths free of obstructions.

Limited Assistance: Persons who because of age, physical limitation, mental limitations, chemical dependency, or medical treatment require limited verbal or physical assistance while responding to an emergency situation.

Marking of Sleeping Area: Markings, such as tape or another approved method, shall be provided to designate and define the exit access including aisles, and exits. Markings may also be used, and are encouraged, for *Individual Areas*. The purpose of these markings is to maintain clear egress paths at all times

Severe Event: from City of Medford Municipal Code Section 10.012 – An act of nature or unforeseen circumstance that constitutes an uninhabitable living experience for individuals or groups.

Severe Event Shelter: from City of Medford Municipal Code Section 10.012 – A temporary use within a building, typically not used as a residence, meant to

provide relief during a Severe Event to individuals or groups who are homeless or are at risk of exposure to a severe event.

Note: Rather than overwhelm Temporary Shelter resources, the intent of allowing Severe Event Shelters is to supplement Temporary Shelters by providing respite during Severe Events.

Sleeping Area: Space or area that includes, but is not limited to, exit access including aisles, and a row or rows of *Individual Areas*.

Temporary Shelter: from City of Medford Municipal Code Section 10.012 – A temporary use within a building, typically not used as a residence, meant to provide overnight sleeping accommodations and related services for individuals or groups who are homeless.

- Note: a Temporary Shelter is a place or area within a building that includes, but is not limited to, exit access including aisles, and a row or rows of *Individual Areas*.

Policy:

USE OF SHELTERS:

Approval Requirements:

Prior to approval for use of a shelter, the following items are required:

- All Shelters (Temporary Shelters and Severe Event Shelters)
 - Approval from the Medford Building Department
 - An approved Operational Permit through Medford Fire-Rescue
 - If not included in the application, please request a Business Safety Checklist for common fire hazards.
 - Note: Consultations/inspections for pre-approval will generally be provided at no cost. Fees may be required if a significant number of consultations or inspections are requested.
 - Inspection and approval from a fire code official and building code official prior to opening.

- Temporary Shelters:
 - Approval from the Planning Department for use of a location, including a Conditional Use Permit (CUP)
- Severe Event Shelters:
 - Conditional Use Permit (CUP) is not required
 - Locations are subject to zoning regulations
 - Shall only be operated during a declared Severe Event

Severe Event Declarations:

The Mayor or City Manager, or their designee, may consider declaring a Severe Event based on the following factors and criteria:

- Cold Weather
 - Forecasted low temperatures of 25 degrees Fahrenheit or less.
 - Forecasted temperatures at 32 degrees Fahrenheit or less, and additional factors and considerations that would reasonably cause a person to be at increased risk of exposure to cold, including:
 - Precipitation
 - Wind
 - Humidity, including dense fog
 - Sustained temperature, including during the day
 - Consecutive days (cumulative effects)
 - Overall weather patterns (e.g. precipitation, then drop in temperature)
 - Special alert such as warning or watch
- Hot Weather
 - Forecasted high temperature of 102 degrees Fahrenheit or more

- Forecasted sustained temperatures of 80 Fahrenheit degrees or more, and additional factors and considerations that would reasonably cause a person to be at increased risk of exposure to heat, including:
 - Precipitation
 - Humidity
 - Wind
 - Duration and potential for cumulative effects (hours per day, consecutive days)
 - Overall weather patterns
- Air Quality
 - Air Quality index of “very unhealthy” or more
- Other conditions that result in a Severe Event, such as:
 - Chemical spill or release

LOCATION PLANNING AND REQUIREMENTS:

Occupancy Requirements:

How each occupant responds during an emergency can affect the risk of all occupants. Considerations that can influence the ability to respond correctly to an emergency include, but are not limited to, mental and physical abilities. For this reason, there are more strict requirements for locations where some of the occupants require physical or verbal assistance to respond to an emergency including fire protection, staffing, training, etc. As such, the following requirements apply to all shelters:

- (OFC 1101.1) Persons who are Incapable of Self-Preservation shall not be permitted to stay at a shelter.

- (OFC 104.8, 1101.1) Shelters may allow persons requiring Limited Assistance to sleep at the shelter when approved. Considerations for approval include, but are not limited to:
 - The number of persons requiring limited assistance.
 - The presence of fire protection systems such as an automatic sprinkler system
 - Staffing
 - Staff training
 - Modifications to the Emergency Evacuation Plan.
 - Provisions for moving individuals who require limited assistance to a different location when the maximum number is exceeded.
- Locations may be approved to shelter persons who are Incapable of Self-Preservation and/or require Limited Assistance when sufficient fire and life safety features are provided. Approval will be on a case-by-case basis.
- Shelter Operations Plans shall include procedures for moving persons who are incapable of self-preservation to a location that can safely meet their needs.

Fire Protection Requirements:

The following life-safety requirements apply to buildings used as a shelter:

- (OFC 1101.1, 104.8) Automatic Sprinkler System. Buildings used as shelters shall be protected throughout with and approved Automatic Sprinkler System, with the following exceptions:
 - Temporary Shelters: Approval through Medford Fire-Rescue and the Building Department is required in order to locate a Temporary Shelter in a building not protected throughout with a fire sprinkler system. For shelters not protected throughout to be approved, the sleeping areas and shelter operations shall be limited to the ground floor with a minimum of two (2) exits directly to the outside at ground level.

- *Severe Event Shelters*: An automatic fire sprinkler system is not required for Severe Event Shelters that are located on the ground floor with a minimum of two (2) exits directly to the outside at ground level. Severe Event Shelters shall meet the other requirements of this Policy.
- Fire extinguishers with a minimum rating of 2-A:10-B:C shall be provided within 75 feet of travel, and within 10 feet of exits. A minimum of 2 fire extinguishers shall be provided unless approved otherwise.

Means of Egress (Exiting – OFC Chapter 10):

The following requirements apply to all shelters, unless noted otherwise. All means of egress (exit) paths shall be maintained free of obstructions at all times.

- Exits from sleeping areas within buildings protected throughout by an automatic sprinkler system shall be as follows;
 - Sleeping areas located on the ground floor of a shelter with an occupant load of 49 (i.e. persons using shelter) or less shall have at least one (1) exit and at least one (1) window qualifying as an escape or rescue window as defined by the building code.
 - All other floor levels (other than the ground floor) used as Temporary Shelter sleeping areas that have an occupant load of 10 or more shall have two (2) exits from the area.
 - The exits serving the areas shall be separated by a distance equal to at least 1/3 of the longest diagonal distance of the area.
- Exits from sleeping areas within buildings NOT protected throughout by an automatic sprinkler system:
 - For *Temporary Shelters* and *Severe Event Shelters* that are approved without an automatic fire suppression system, the sleeping areas shall only be located on the ground floor, and a minimum of 2 exits shall be provided for occupant loads of 10 or more.

- Shelters approved without a fire suppressions system with an occupant load of nine (9) or less shall have at least one (1) exit and at least one (1) window qualifying as an escape or rescue window as defined by the building code.
- The exits serving the areas shall be separated by a distance equal to at least 1/2 of the longest diagonal distance of the area.
- Doors shall operate properly. The intent of this is that doors are easily opened and closed, even for people with limited strength and mobility.
- Emergency egress lighting shall be provided. This lighting may be the plug-in type with battery backup.
- Egress for *Sleeping Areas*.
 - *Sleeping areas* shall be grouped in single (1) or double (2) rows of *Individual Areas*.
 - The total number of *Individual Areas* provided shall not exceed the maximum occupant load minus the minimum staffing.
 - A 36" min. aisle (OFC 1017.5) shall be provided on both sides of rows of *Individual*, except that:
 - An aisle may be provided on one side of a single row of *Individual Areas* against a wall.
 - Egress paths shall be marked (such as with tape on the floor) and shall be maintained clear at all times.
- (OFC 1007.1) Accessibility: An accessible egress path shall be provided, unless approved otherwise.

Maximum Number of Occupants Allowed:

(OFC 104.8, 1004.1.2) The maximum number of allowable shelter occupants will be approved by both a building code official and a fire code official on a case-by-case basis.

An occupant load sign shall be posted in a clear and obvious location near the entrance showing the maximum number of occupants in the shelter.

PLEASE NOTE: Additional requirements will apply when the occupant load exceeds 49 people in sprinklered shelters, and 9 people in unsprinklered shelters.

Smoke Alarms and Detection (OFC 907.2):

- All shelter sleeping areas shall be provided with approved smoke alarms or a complete approved smoke detection system.
- All other areas of the building used for shelter operations shall be equipped with smoke alarms or a smoke detection system as required by the local fire code official.
- Smoke alarms may be battery-powered.

Carbon Monoxide (CO) Alarms and Detection (OFC 908.7):

- All shelter sleeping areas shall be provided with approved carbon monoxide alarms or an approved Carbon Monoxide detection system
- Carbon monoxide alarms may be battery-powered.

Cooking Facilities:

(OFC 609.1 and 904.11) Shelters where food is provided may have to meet requirements for new construction for cooking equipment. This will be determined on a case-by-case basis.

Storage:

(OFC Section 315, Chapter 10) Provisions for storage shall be provided in order to maintain egress paths and allow storage of items that are not permitted within the shelter.

Sanitation:

Toilets, hand washing, and trash disposal shall be provided. Provisions for bathing are typically recommended, but not required.

OPERATIONAL (USE) REQUIREMENTS:

Operational Permit:

An Operational Permit through Medford Fire-Rescue will be required. A plan / layout shall be submitted as part of operation permit. The following shall be shown on the plan:

- Location, size and occupant load for all areas including sleeping areas, kitchen, bathroom, storage, etc.
- Access points
- Trash cans
- Lighting
- Emergency vehicle access
- Etc.

These items may be shown on the building floor plan required as part of the Emergency Evacuation Plan as long as the plan is legible and reasonably useful. A separate building floor plan may be required as part of the Emergency Evacuation Plan in order to provide only critical information needed during an emergency.

Staffing:

A minimum ratio of staff per occupants shall be provides as follows:

- Unless approved otherwise in rare circumstances, a minimum of 3 people shall staff a shelter at all times:
 - A minimum of 1 staff per 25 occupants, but not less than 2
 - A person dedicated to Fire Watch in addition the staffing required for the occupants

Recommended Staff:

- Shelter Liason – Represents the owner(s) of the shelter location
- Shelter Coordinator – Directs and leads the shelter operation.
 - Shelter Host – Responsible for operations under the direction of the Shelter Coordinator

- Meal Coordinator – Arranges meals, if provided
- Logistics Coordinator – Necessities, transportation, etc.

Notification:

Temporary Shelters:

- First Opening: A fire inspection shall be completed and final approval shall be received prior to opening a shelter for the first time.
- Subsequent Openings: The fire code official (Fire Marshal or Deputy Fire Marshal) shall be notified 48 hours minimum prior to each anticipated non-consecutive use of a shelter. The fire code official may require a fire inspection prior to the shelter being used.

Severe Event Shelters:

- Pre-Authorization: a location shall be approved by a building code official and fire code official prior to use as a *Severe Event Shelter*. A fire inspection should be requested a minimum of 2 months prior to anticipated use. The shelter shall not be used until a final inspection has been completed and approval for been provided.
- Approval Prior to Opening: The fire code official and operators will work together to schedule/conduct a fire inspection prior to use of a *Severe Event Shelter*. This is intended to be a follow-up inspection in addition to the fire inspection required prior to approval of a *Severe Event Shelter* location.

Time limits:

Temporary Shelters:

- A building may be used as a *Temporary Shelter* for a maximum of ninety days (90) within any twelve (12) month period of time beginning on the first (1st) day of occupancy or as approved by the local authority having jurisdiction.
- Additionally, Temporary uses exceeding a six month (180 day) time period beginning on the first (1st) day of occupancy require approval from the Building Code Official.

Severe Event Shelters:

- *Severe Event Shelters* shall only be operated during a *Severe Event*.

Emergency Evacuation Plan (OFC Chapter 4):

An approved emergency evacuation plan addressing the evacuation of all occupants in an emergency event shall be available at all times at the shelter location (not a remote location). The plan shall be reviewed a minimum of once per year, and shall be revised when needed. At a minimum, the emergency evacuation plan shall contain the following:

- Emergency Response Plan: complete and review with a fire code official
- Occupant log: A log of all occupants for each night must be maintained and made available to the emergency personnel in the event of a fire or incident.
- Building floor plans: Building floor plans for each floor of the shelter shall be posted throughout the shelter, and shall include:
 - *Sleeping Areas* clearly identified.
 - Room size: the square footage of all rooms within the shelter.
 - Evacuation Routes: the primary and secondary egress (exit) paths from all areas of the shelter shall be shown.
 - Accessible egress routes: locations shall be shown on the building floor plans.
 - Life-safety systems: include locations for fire sprinkler system including riser room, fire alarm panel and controls, etc.
 - Manual Fire Alarm Pull Boxes, if present
 - Fire Extinguishers
 - AED (Automated External Defibrillator), if present

Documentation:

Documentation of all fire safety requirements including copies of an Emergency Plan and a Shelter Operational Plan shall be maintained on site and shall be immediately available for review if requested by the fire code official.

Fire Watch:

A fire watch shall be maintained continuously. See fire watch packet for additional requirements. A fire watch shall be maintained during sleeping hours at a minimum, and may be required at other times. This means at least one responsible person shall be awake and assigned this responsibility. The intent is that if one person cannot survey all areas of the shelter, then additional persons will be required. Fire watch personnel are dedicated to this task and shall not be responsible for other duties such as serving food. This duty may be rotated among a number of responsible adults. The fire watch personnel shall be familiar with the building, the emergency plan, and shall be trained on procedures during an emergency. They have the responsibility for a continuous patrol of the shelter for the purpose of detecting fire or other emergencies and transmitting an immediate alarm to the Fire Department and occupants. If a fire alarm system is not present, fire watch personnel shall have a manual device such as a whistle or bell for alerting occupants and a cell phone for alerting the fire department and other Fire Watch personnel.

General Safety Requirements:

- Alcohol and drugs shall not be in possession or used
- (OFC 310) No smoking inside. Outside smoking, if allowed, shall be in designated locations and non-combustible containers filled with water shall be provided. Smoking shall be a minimum of 10 ft away from entrances, exits, windows, ventilation intakes, etc.
- (OFC 305) Potential fire ignition sources such as lighters and candles shall not be allowed in shelters, unless stored in supervised or locked storage areas.
- Use of portable heaters or unvented fuel-fired heaters shall be prohibited inside. Outside use may be approved.
- Separate locations or areas for different populations including families, single men, etc. shall be required, unless approved otherwise.

Responsibilities:

The Building Safety Department, Fire Department, Planning Department and other City of Medford departments will be responsible for:

- Review of shelters
- Approval of shelters
- Developing and maintaining a Shelter Team with stakeholders from City departments and the community

The City of Medford will not be responsible for:

- Providing staffing for Temporary Shelters or Severe Event Shelters
- Providing locations for Temporary Shelters or Severe Event Shelters

The Shelter Team will be responsible for:

- Developing partnerships within the community
- Revising policies and practices related to shelters

For Severe Events, The Mayor or City Manager, or their designee, will be responsible for:

- Ensuring the procedures are followed where possible
- Declaring a Severe Event
- Providing early warning of a Severe Event Declaration as soon as possible (ideally 48 hours) by:
 - Communicating Severe Events to Provider Network and City Departments,
 - Conducting media out reach

Severe Event Procedures:

Review the Shelter guidelines for recommended procedures.

Severe Event Procedures:

- Prepare for Severe Events:
 - Engage and partner with stakeholders to
 - Share information
 - Pre-authorize shelter locations
 - Develop processes and policies ahead of events
- Identify a Severe Event threat

- Communicate that a warning that a Severe Event may be declared
 - Notify stakeholders as soon as possible (48 hours is preferred)
- Coordinate with providers and stakeholders to:
 - Estimate need (# of beds, population type etc)
 - Identify available resources
- Declare Severe Event
 - Communicate resources and shelter locations (media, provider network, 211info, etc)
- Monitor the event
 - Communicate anticipated end of Severe Event
- Declare and end to the Severe Event
 - Communicate end of Severe Event
 - Shelter Team Review event and communicate ways to improve

Approved:

Brian Sjothun, City Manager

Date

Legal Reference(s):

Exhibit C

Planning Commission Study Session Minutes – September 9, 2019

September 9, 2019

12:00 P.M.

Lausmann Annex, Room 151

200 S. Ivy Street, Medford, Oregon

The regular meeting of the Planning Commission was called to order at 12:00 noon in the Medford Lausmann Annex, Room 151, 200 S. Ivy Street, Medford, Oregon on the above date with the following members and staff in attendance:

Commissioners Present

Mark McKechnie, Chair
Joe Foley, Vice Chair
David Culbertson
Bill Mansfield
David McFadden
E.J. McManus
Jared Pulver
Jeff Thomas

Staff Present

Carla Paladino, Principal Planner
Eric Mitton, Deputy City Attorney
Sarah Sousa, Planner IV
Kyle Kearns, Planner II

20. Subject

20.1 DCA-19-004 Emergency Shelters

Kyle Kearns, Planner II reported that the City Council adopted Temporary Shelters on September 20, 2018. Complaints received were that the Conditional Use Permit was onerous. On March 21 2019, the City Council directed staff to prepare policies for emergency shelters during "...severe weather emergencies..." with the following directives:

1. Create "Shelter Site Pre-Authorization Plan" (planning staff is not addressing)
2. Address Chapter 10 code language (planning staff addressing)
3. Address Chapter 12 code language for declaring emergency (not proposing with this project)

4. Fire/Life/Building Safety policies for shelters (planning staff addressing)
5. Administrative policies for severe weather events for shelters (planning staff addressing)
6. City staff should seek out shelter providers (planning staff is not addressing)

Temporary uses are often difficult to regulate. Conditional Uses Permit limits short-term action and definitions are limiting or non-existent.

The proposal creates new definitions for severe event and severe event shelter. They are permitted outright in all zones. Accessory to institutional uses in residential zones. It mirrored temporary shelter section removing unnecessary language from the code. Relies on City of Medford Shelter Policy.

Staff is seeking direction from service providers to aid in drafting policies on what a severe event is (outside Chapter 10). Staff will also seek out providers to set more shelters up for severe events. The proposal will be presented at the Thursday, September 26, 2019 Planning Commission hearing and is scheduled to go before the City Council on Thursday, November 7, 2019.

Does the Planning Commission want to review the policies that are outside the scope of Chapter 10 as part of the code amendment process or does the Commission feel those can be left out? Does the Planning Commission need more information before making a decision on September 26, 2019?

Vice Chair Foley asked, are fires, floods and earthquakes in this proposal? Mr. Kearns responded that they could be.

Commissioner McFadden asked, are there locations already identified for those issues? Mr. Kearns replied no. That would be in the scope for Emergency Management Plan. The discussion today is weather related.

Vice Chair Foley understands that but what about a wildfire that displaces 50 people. Red Cross opens a shelter. Can they do that in the City? Mr. Kearns stated that is outside the scope of this project.

Eric Mitton, City Deputy City Attorney commented that this is aimed at private organizations like a church or school who wants to set up for cold weather.

Vice Chair Foley stated it would not be as high as FEMA. The Red Cross gets calls from a fire department asking if the City could setup a temporary shelter. Does that type of instance fall into this category? If this is just for weather events he does not want it to preclude the City from other events that happen

like tornadoes, fires, earthquakes, not big enough to trigger FEMA. Mr. Kearns read the current definition of Severe Event: *"An act of nature or unforeseen circumstance that constitutes an uninhabitable living experience for individual or groups, as defined in the City of Medford Shelter Policy"*. It depends on what it states in that policy. Given past experience there is latitude for the City Manager to make that decision. Commissioner McFadden and Commissioner Mansfield commented that seems to cover Vice Chair Foley's concerns.

Chair McKechnie is confused. They just spent a lot of time on the shelter policy which was basically for the homeless. If that is still the group this is trying to serve why go through this proposal? Mr. Kearns responded that they have to get a Conditional Use Permit. Chair McKechnie suggested to fix that rather than coming through this proposal. The City has dealt with that population and has a policy. If it does not work, fix the policy. Mr. Kearns responded that they could recommend that.

Commissioner Pulver commented that he does not think they are being asked to approve the policy or not. It seems to be shoved down their throats because the City Council has decided this is necessary. That is not the question they are being asked. Personally he agrees with part of what Chair McKechnie stated. Conditional Use Permits are not made to be easy. If an organization decides to provide a shelter then they need to go through the process so neighbors are notified, they are set up appropriately and operate. What he read is that the organizations are willing to do it for a couple of nights but beyond that is too much of a burden. He is not in favor of this proposal.

Vice Chair Foley commented that when discussing temporary shelters originally there was the long term that was pushed to the side and then there was the immediate need for cooling that they are trying to address with this proposal. Chair McKechnie's statement is the correct one. Instead of creating a new policy is there a simpler fix to the current policy that allows for short durations versus approval of 180 days? The Conditional Use Permit makes sense for the longer term but for shorter term there needs to be a way to certify those places to be able to do that without going through the Conditional Use Permit process. It seems to him this is going about this the wrong way. Mr. Kearns replied that is the way they are proposing to do this. Currently, there is the temporary shelter policy. As proposed now, they are changing it to the Shelter Policy that are items outside of Chapter 10. There is no definition in Chapter 10 for the three to four day shelters. They have to refer to the temporary shelters that have to go through the Conditional Use Permit process or the SIC code the points to emergency shelters that is only permitted in four City zoning districts. It is not allowed in residential zones that are

largely where churches are located. They are the ones wanting to do the temporary shelters. The shelter policy dictates when, how and the length of time these shelters can be opened.

Commissioner Mansfield asked, what is Commissioner Pulver against? Commissioner Pulver responded that the idea of the temporary shelter with a Conditional Use Permit was that it gave the ability to be opened for 180 days not that they necessarily intend to be. It is an important distinction that if an organization wants to offer this service it should be difficult. When churches are approved as a conditional use and it comes before the Planning Commission, the Commissioners look at what they are providing. If they are going to change the scope of what they are doing it should be a new application. His objection of what is being proposed will utilize a lot of resources of the City's for a legitimate problem. He does not think this is how taxpayers want their resources used. Mr. Kearns responded that there are three or four churches that are ready to go. Commissioner Pulver does not think three or four will suffice. The City continues to enable the homeless and not solve the problem. This is another means of enabling.

Commissioner McFadden does not want to review policies outside of Chapter 10. Chapter 10 is what the Planning Commission goes by. There is no reason for the Planning Commission to review other chapters.

Commissioner Mansfield agrees with Commissioner McFadden. It was a consensus of the Planning Commissioners not to review other chapters outside of Chapter 10.

It feels to Commissioner McManus they are trying to create a parameter for other operators to provide this type of emergency service where there are other entities (i.e. Red Cross) that have already built these policies. They did it according to what the code allowed. Now, other private organizations are asking to do the same thing. He agrees that it is in their wheel-house to try and accomplish what the City Council is wanting to do. He does not think it is the right path.

Commissioner Thomas agrees with Commissioner Pulver.

Mr. Mitton asked, would it alleviate some of the concerns if the definitions were clarified that this is focusing primarily on the homeless population for short term weather events opposed to Red Cross emergency situations?

Commissioner McFadden does not think churches are set up to shelter long term. If it is short term for a specific reason it does not need a Chapter 10 review.

Commissioner Culbertson agrees with all the sentiments voiced. If a church has the facilities and capacity to have a warming shelter they know the process because they filed for a Conditional Use Permit in the past for 90 days, in that case they know and are prepared for the process. Maybe a streamline could be created for the people that have the capacity. As long as they follow the guidelines, have the emergency plan in place, made an application in the past, that their application is automatically expedited for the next season. His fear is allowing a church that is ill equipped to handle the circumstance and something happens in a short three day period they point to the City that they allowed them do it on a short term basis.

Mr. Kearns reported that the Shelter Operations Plan covers those concerns. It makes sure the building meets the code requirements. Staff has been directed to get this completed before winter.

Commissioner McFadden asked, could the City in an emergency situation have a liability waiver for a two or three day situation? Mr. Mitton responded that if a shelter catches fire and people die a waiver is not going to protect anyone. There is not another option between the warming /cooling shelters that require a Conditional Use Permit and the Mayor declaring a state of emergency that means anything in the code can be suspended at the Mayors discretion. Currently, there is no middle ground for a cold week and the existing warming shelters do not have the capacity and other places want to offer shelter for a few days.

Commissioner Mansfield agrees that liability waivers do not work.

Mr. Kearns asked, is it correct that the Planning Commission does not want to review the policies? There was not an audible answer.

Mr. Kearns asked, is the hearing date fine or does the Commission want two more weeks. Chair McKechnie stated it would be helpful if the Commission could get more information and clarity. Mr. Kearns responded that the only difference would be the policy that the Commission has stated they did not want to review. It would be more refined with reasons why the shelters could open and standards that service providers want incorporated.

Commissioner McFadden commented that those issues are outside of Chapter 10. If the policies were incorporated into Chapter 10 then the Commission should review it.

Chair McKechnie responded that if this is specifically for the homeless having a church on the east side of Medford would not be helpful. More than likely it will affect church organizations closer to the downtown area. If the idea is that there is an unusual cold snap and the shelter ran out of space and wanted to use a neighboring facility for several days to take care of the overflow a better way to do that is to put in something that allows the shelter administration to be responsible instead of the policy. Mr. Kearns reported that they have to work the policy regardless. The policy requires them to get an operational permit through the Fire department regardless of three days or ninety. They have to go through building inspections to meet the codes.

Mr. Mitton stated that the Kelly Shelter's permit has a limit on beds and which buildings on campus can be used. There are specific rules. Currently, cooling/warming shelters cannot suddenly open up a building that Fire and Building have not been through already. The permits are specific to a particular floor plan and layout. One cannot be ad-hoc adding more square footage that has not been reviewed outside what was approved for cool/warming shelters. If the intent is to be able in the short term add a building to an existing cooling/warming shelter the cooling/warming code would need to be rewritten.

Mr. Kearns reported staff's direction was to keep Chapter 10 with minimal changes and work through the policy in regards to temporary shelters whether they be three or ninety days. If the Commission wants the opportunity to review the policy staff is happy to provide that. Getting into the details of occupants and how many buildings the Commission needs to review the policy.

Vice Chair Foley would like to review the policy.

Commissioner McManus asked, when talking to private organizations has there been correspondence with Red Cross? Vice Chair Foley reported Red Cross does not have these types of facilities, they just administer. Red Cross is for disaster services.

Commissioner McManus stated it seems there could already be in place these agreements with all these shelters. If those agreements are already in place they have to be in compliant. Maybe staff is addressing an issue that has

already been taken care of by operators who already do emergency preparedness but maybe focuses on disasters. Mr. Kearns responded that currently the City has temporary shelters for ninety days and declared emergency in the code but there is no middle ground. If the Commission feels they need more information staff needs to get the policy written by October but staff could bring the policy before the Planning Commission to review. Does the Planning Commission want to review the policy?

Chair McKechnie, Vice Chair Foley, and Commissioner McFadden replied yes.

Mr. Kearns reported the hearing would be early October for the Planning Commission and late November for the City Council.

* * *

100. Adjournment

101. The meeting was adjourned at approximately 1:08 p.m.

Submitted by:



Terri L. Richards
Recording Secretary

Exhibit D

Planning Commission Meeting Minutes – October 10, 2019 DRAFT

October 10, 2019

5:30 P.M.

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

The regular meeting of the Planning Commission was called to order at 5:30 PM in the Medford City Hall, Council Chambers, 411 West 8th Street, Medford, Oregon on the above date with the following members and staff in attendance:

Commissioners Present

Mark McKechnie, Chair
David Culbertson
Bill Mansfield
David McFadden
E.J. McManus
Jared Pulver

Staff Present

Kelly Evans, Assistant Planning Director
Katie Zerkel, Senior Assistant City Attorney
Alex Georgevitch, City Engineer
Tanner Fairrington, Deputy Fire Marshal
Terri Richards, Recording Secretary
Liz Conner, Planner II
Kyle Kearns, Planner II

Commissioners Absent

Jeff Thomas, Excused Absence
Joe Foley, Vice Chair, Excused Absence

10. Roll Call

* * *

50.3 DCA-19-004 An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), to create a land use for emergency (homeless) shelters for short-term use during severe weather events. City of Medford: Applicant; Planner: Kyle Kearns.

Kyle Kearns, Planner II reported that the Development Code Amendment approval criteria can be found in the Medford Land Development Code Section 10.218. The applicable criteria were addressed in the staff report and hard

copies are available at the entrance of Council Chambers for those in attendance. Mr. Kearns gave a staff report.

Commissioner McFadden stated this seems to be out of the scope for Planning Commission input. Mr. Kearns responded that Chapter 10 is a rigid chapter and when there is not a clear definition it has to be interpreted. In this case because the temporary shelters were so stringent anyone trying to operate this type of shelter would be locked into the Conditional Use Permit requirement and all the regulations which is above and beyond what is being proposed for this. Staff needs a definition and avenue for approval.

The public hearing was opened and there being no testimony closed the public hearing.

Motion: The Planning Commission based on the findings and conclusions that all of the applicable criteria are satisfied, forwards a favorable recommendation for approval of DCA-19-004 to the City Council per the staff report dated October 3, 2019, including Exhibits A through H.

Moved by: Commissioner Culbertson
McManus

Seconded by: Commissioner

Commissioner Pulver is not in favor of this concept. He is concerned the findings line up that they are being manipulated to get the intended results. He will be voting no.

Roll Call Vote: Motion passed, 5-1-0 with Commissioner Pulver voting no.

* * *

Submitted by:

Terri L. Richards
Recording Secretary

Mark McKechnie
Planning Commission Chair

Approved: October 24, 2019

Exhibit E

Medford Fire-Rescue Department Comments – September 11, 2019



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 9/6/2019
Meeting Date: 9/11/2019

LD File #: DCA190000
4

Planner: Kyle Kearns

Applicant: City of Medford

Site Name: N/A

Project Location: N/A

Project Description: An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), to create a land use for emergency (homeless) shelters for short-term use during severe weather events. Staff is proposing the creation of a new land use category, "Severe Event Shelters" to allow for local organizations to set up short-term shelter during severe events due to inclement weather or other unforeseen acts of Nature.

Specific Development Requirements for Access & Water Supply

Conditions

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

Construction General Information/Requirements

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

Specific fire protection systems may be required in accordance with the Oregon Fire Code. This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only.

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

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

www.medfordfirerescue.org

Exhibit F

Building Department Comments – September 11, 2019



MEMORANDUM

To: Kyle Kearns, Planning Department
From: Chad Wiltrout, Building Department (541) 774-2363
CC: None
Date: September 11, 2019
Subject: DCA-19-00004_Emergency Shelters_Amend Chapter 10

Please Note:

This is not a plan review. Unless noted specifically as Conditions of Approval, general comments are provided below based on the general information provided; these comments are based on the 2014 Oregon Structural Specialty Code (OSSC) unless noted otherwise. Plans need to be submitted and will be reviewed by a commercial plans examiner, and there may be additional comments.

Fees are based on valuation. Please contact Building Department front counter for estimated fees at (541) 774-2350 or building@cityofmedford.org.

For questions related to the Conditions or Comments, please contact me, Chad Wiltrout, directly at (541) 774-2363 or chad.wiltrout@cityofmedford.org.

General Comments:

1. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" for information.
3. Building department will work in conjunction with the fire department's operational permit.

Exhibit G

Public Works Department Comments – September 11, 2019



LD DATE: 9/11/2019
File Number: DCA-19-00004

PUBLIC WORKS DEPARTMENT STAFF REPORT

Emergency Shelters ("Severe Event Shelters") City of Medford (*Code Amendment – Chapter 10*)

Project: An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), to create a land use for emergency (homeless) shelters for short-term use during severe weather events. Staff is proposing the creation of a new land use category, "Severe Event Shelters" to allow for local organizations to set up short-term shelter during severe events due to inclement weather or other unforeseen acts of Nature.

Applicant: City of Medford

Planner: Kyle Kearns, Planner II – Long Range Division

Public Works has no comments on the proposed amendment.

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs

Exhibit H

Medford Water Commission Comments – September 11, 2019



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: DCA-19-00004

PROJECT: An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), to create a land use for emergency (homeless) shelters for short-term use during severe weather events. Staff is proposing the creation of a new land use category, "Severe Event Shelters" to allow for local organizations to set up short-term shelter during severe events due to inclement weather or other unforeseen acts of Nature. Planner, Kyle Kearns

DATE: September 11, 2019

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

CONDITIONS

1. No Conditions

COMMENTS

1. No Comments

Exhibit I

Jackson County Roads Comments – September 11, 2019



JACKSON COUNTY
Roads

Roads
Engineering

Chuck DeJanvier
Construction Engineer

200 Antelope Road
White City OR 97503
Phone: (541) 774-6255
Fax: (541) 774-8295
dejanvca@jacksoncounty.org
www.jacksoncounty.org

September 5, 2019

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

RE: Consideration of a land development code amendment
Various city maintained roads.
Planning File: DCA-19-00004.

Dear Kyle:

Thank you for the opportunity to comment on consideration of a land development code amendment to modify portions of chapter 10 to create a land use for emergency (homeless) shelters for short-term use during severe weather events. Jackson County Roads has no comment.

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

Sincerely,

for Nancy Coats
Chuck DeJanvier, PE
Construction Engineer



MEDFORD

OREGON

cityofmedford.org

Item No: 90.2

AGENDA ITEM COMMENTARY

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

AGENDA SECTION: Council Business
MEETING DATE: November 7, 2019



MEMORANDUM

To: Mayor and Council
From: Brian Sjothun, City Manager
CC:
Date: October 31, 2019
Subject: Charter Review Committee Selection

Mayor and Council,

On September 19, 2019, the Council voted to establish a Charter Review Committee. The task at hand for the Mayor and Council this evening:

- Select applicants for appointment to the Charter Review Committee
- Appoint two Council members to serve as non-voting members of the Committee

Staff received 13 applications for consideration. These applications are part of this agenda packet and hard copies will also be provided for each of you at the dais. Two individuals submitted applications past the deadline, but their information is included and inclusion into the process should be decided Mayor/Council.

Applicants in alphabetical order:

1. Rick Bennett
2. Daniel Bunn
3. Dennie Conrad
4. Al Densmore
5. Randell Embertson (submitted application after the deadline of October 7)
6. John "Jay" Harland
7. Tim Jackle
8. Greg Jones
9. Barbara Laskin (submitted application after the deadline of October 7)
10. William Mansfield

11. John Michaels
12. Maureen Swift
13. Rick Whitlock

The selection process was outlined at the September 19 meeting and the full minutes of this item are provided below. The Mayor and Council are to each nominate one person from the list of applicants and vote on each individually. Staff recommends that the order for selection of propose members for consideration be based alphabetically by last name:

- Clay Bearson
- Kay Brooks
- Dick Gordon
- Alex Poythress
- Eric Stark
- Kevin Stine
- Tim D'Alessandro
- Mike Zarosinski
- Gary Wheeler

Meeting Dates and Direction to Committee

Staff recommends that the appointed Council Liaisons coordinate with the City Manager's Office to determine a meeting schedule. The Council Liaisons will be responsible for soliciting feedback from the Mayor and entire Council on items they wish for the Committee to review.

Minutes from September 19, 2019 Council Meeting

100. City Manager and Staff Reports

100.1 Charter Review Committee

Mr. Sjothun explained that during a recent study session, Council provided criteria for applicants interested in serving on a charter review committee. Because there were a variety of options presented during that study session, the proposed resolution was created based on staff's understanding of the direction.

Motion: Form a charter review committee of nine people. Those nine people will be individually selected, so that each Councilmember can appoint one person. The criteria for who may be chosen is that they currently sit or they were a former elected official to the Medford City Council or Mayor. The other criteria is that they sit on Planning, Transportation, Budget, Parks and Recreation, Housing, Police and Medford Water Commission.

Councilmember Bearnson requested clarification.

Councilmember Stine restated his motion as: Form a charter review committee composed of nine people. The nine elected officials will each choose one person. Each proposed member would be approved by a formal vote of the entire Council. The criteria for who may be selected is that they sit now or previously on those Commissions as presented in our agenda packet or they have previously served as a former City Councilmember or Mayor of Medford.

Moved by: Kevin Stine

Second: Clay Bearnson

Councilmember D'Alessandro questioned Council's basis for selecting the proposed members; Councilmember Stine clarified his intention was that each proposed member complete an application to provide information to the other Councilmembers. Each Councilmember's recommendation would be provided to staff for distribution to the entire Council and for placement on the dais.

Councilmember D'Alessandro questioned how the Council would appoint two Councilmembers to the committee; Councilmember Stine would like the Councilmembers to be appointed during the meeting that the members are determined, similar to the motion earlier for the vision funding process committee.

Councilmember Gordon requested clarification that member recommendations would require formal approval by the entire Council; Councilmember Stine confirmed. Councilmember Gordon then questioned the process if a selected person was not approved by the Council; Councilmember Stine responded that the Councilmember would be required to nominate another person. Councilmember Gordon asked whether the recommendations would be required to be from their Ward; Councilmember Stine responded that there were no Ward restrictions.

Mr. Mitton requested clarification on whether the Council Liaisons would be voting or non-voting; Councilmember Stine recommended non-voting, as outlined in the proposed resolution.

Councilmember D'Alessandro requested roll call on the motion. Deputy City Recorder Winnie Shepard questioned whether all recommendations made by Council should be considered amendments. Councilmembers Stine and Bearnson agreed that all recommendations were incorporated into their original motion.

Roll call: Councilmembers Bearnson, D'Alessandro, Gordon, Poythress, Stark and Stine voting yes. Motion carried and so ordered.

**CHARTER REVIEW
COMMITTEE APPLICATION**



MEDFORD
OREGON

RECEIVED

SEP 27 2019

CITY MANAGER'S OFFICE

NAME: RICK BENNETT

HOME ADDRESS: 25 WILLAMETTE AVE, MEDFORD

ZIP: 97504

TELEPHONE: 541-992-0682 EMAIL: rbennett6662@yahoo.com

OCCUPATION OR TITLE: Retired

BUSINESS NAME:

HOW LONG A MEDFORD RESIDENT? over 5 years

WARD NO: 4

1. Why do you wish to serve on the Charter Review Committee? See attached.

2. Please list your experience, skills or training which would assist your ability to serve on this committee: See attached.

3. What strengths would you bring to this committee? see attached

4. Please list your previous or present involvement in City government, (such as City Council, Board or Commission, citizen committee, etc.), in Medford or elsewhere, and list years of service: See attached.

Date 9-26-19

Signature Rick Bennett

The City of Medford volunteer positions are open to all persons without regard to race, sex, age, handicap, religion, ethnic background or national origin.

Submit completed form to:
City Manager's Office
411 West 8th Street Room 310
Medford, OR 97501
P: (541) 774-2000 F: (541) 618-1700
citymanager@cityofmedford.org

RECEIVED
SEP 27 2019
CITY MANAGER'S OFFICE

Charter Review Committee Application
Responses of application questions:

1. Why do you wish to serve on the Charter Review Committee? The city's charter provides the authority and structure by which the city will fulfill the functions of government. Periodic review of the city's charter to ensure its relevance to the needs of City of Medford's residents makes sense.
2. Please list your experience, skills or training which would assist your ability to serve on this committee: I have some familiarity with the structure and functions of state and local governments. As a Nevada legislator – albeit some time ago – I served on the Government Affairs Committee and considered numerous issues related to municipal government. More recently, I served on a League of Women Voters committee that updated a study of local government. As a part of that work, I had the opportunity to review the charters of Jackson and Josephine counties. My work as a lobbyist in both Nevada and Oregon has provide experience of working with legislation and an appreciation for the important and consequences of words.
3. What strengths would you bring to this committee? In addition to the experience noted in #2, an attention to detail and a willingness to listen and ask (hopefully) thoughtful questions. Also, the ability to work as a part of team.
4. Please list your previous or present involvement in City Government ... in Medford or elsewhere, and list years of service: Currently serving on the City of Medford Budget Committee (appointed January 2018). Previously served on city's Joint Transportation Subcommittee (served 2015-2018).

**CHARTER REVIEW
COMMITTEE APPLICATION**



**MEDFORD
OREGON**

NAME: Daniel Bunn

HOME ADDRESS: 5616 Saddle Ridge Drive

ZIP: 97504

TELEPHONE: 541-601-9188

EMAIL: daniel@rubiconcorp.com

OCCUPATION OR TITLE: CEO

BUSINESS NAME: Rubicon Investments

HOW LONG A MEDFORD RESIDENT? 19 years

WARD NO: 4

1. Why do you wish to serve on the Charter Review Committee?

It's been 20 years since our last serious look at the charter. In that time, Medford has undergone significant changes (economically, politically and demographically). If government is to be effective, it must be responsive to the needs of its citizens. On occasion, it feels that the Council-General Public relationship is lacking. I believe that this gap can be partially bridged by certain charter reforms.

2. Please list your experience, skills or training which would assist your ability to serve on this committee:

Significant current and prior experience with the City of Medford (see no. 4 below). Additionally, my educational background is in finance and political science, both of which are crucial to local government.

3. What strengths would you bring to this committee?

My experience in local government has taught me the importance of reaching meaningful consensus on large policy decisions. Taking the time to reconcile differences is worth the effort, even if it delays a short-term objective.

4. Please list your previous or present involvement in City government, (such as City Council, Board or Commission, citizen committee, etc.), in Medford or elsewhere, and list years of service:

- Current member of board of Water Commissioners (vice-chair)
- Current member of budget committee (chair)
- Former City Councilor (Ward 4); 2 terms as Council President
- Former member of Planning Commission and Parks and Recreation Commission

Date 9/23/2019

Signature

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411 West 8th Street Room 310
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citymanager@cityofmedford.org

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SEP 23 2019

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SEP 23 2019

CITY MANAGER'S OFFICE

**CHARTER REVIEW
COMMITTEE APPLICATION
APPLICATION**



MEDFORD
OREGON

NAME: Dennie Conrad

HOME ADDRESS: 5661 Aerial Heights drive, Medford, OR ZIP: 97504

TELEPHONE: 916-871-8185 **EMAIL:** Dennie. Conrad@asante.org

OCCUPATION OR TITLE: Chief Strategy Officer **BUSINESS NAME:** Asante Health System

HOW LONG A MEDFORD RESIDENT? 3 ½ Years **WARD NO:** 4

1. Why do you wish to serve on the Charter Review Committee?

- To assist in determining what business, geographical, cultural and demographic changes have occurred over the last 10 years that might be a catalyst for changes in the charter.
- To ratify current principles that aren't impacted by community, environmental and regulatory changes – providing stability where necessary.
- Ensure forward leaning, thoughtful and predictive thinking are embedded in the charter.
- Provide insights from a newer resident of the city while preserving a history that has made Medford a great place to live.
- Streamline the governance process and make the charter more responsive to the citizens of the city.

2. Please list your experience, skills or training which would assist your ability to serve on this committee:

- 30 years of executive level experience in strategic planning, developing mission and vision statements, strategies, bylaws and charters for large corporations.
- Senior strategy executive for the largest employer in Medford (and Southern Oregon)
- Detailed understanding of Medford market dynamics through work and volunteer activities (Board of Directors of Access, Make a Wish Oregon, Rogue Valley Country Club – Long Range Planning Committee).

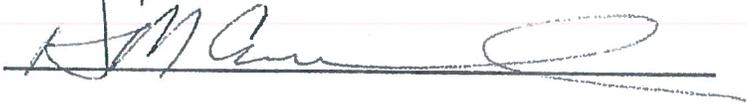
3. What strengths would you bring to this committee?

- Vast work experience, insights, creativity, team development, project management and energy.
- A blend of academic (masters and doctoral studies in Public Administration), experience, leadership, common sense, legal/compliance insights (definitely not a lawyer) and a bit of humor to a complex task.

4. Please list your previous or present involvement in City government, (such as City Council, Board or Commission, citizen committee, etc.), in Medford or elsewhere, and list years of service:

- Traffic Committee 2017-2018
- Transportation Commission (Vice Chair 2019 (Current)
- Jefferson Regional Health Alliance Planning Sessions 2018-2019

Date 9/23/19

Signature 

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SEP 23 2019
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citymanager@cityofmedford.org

**CHARTER REVIEW
COMMITTEE APPLICATION**



MEDFORD
OREGON

NAME: Al Densmore

HOME ADDRESS: 1200 Mira Mar Avenue, Apartment #409

ZIP: 97504

TELEPHONE: 541-857-6140

EMAIL:

OCCUPATION OR TITLE: VP, Community Development

BUSINESS NAME: JWA Public Affairs

HOW LONG A MEDFORD RESIDENT? 51 years

WARD NO: 4

- 1. Why do you wish to serve on the Charter Review Committee?** To help find common ground for needed improvements in the city's charter.
- 2. Please list your experience, skills or training which would assist your ability to serve on this committee:** Nearly 50 years of experience in state and local government including service (3 terms) representing Medford and Jackson County in the State House of Representatives and as a board member and chair of the Southern Oregon Education District
- 3. What strengths would you bring to this committee?** Ability to work effectively as a committee member and leader
- 4. Please list your previous or present involvement in City government, (such as City Council, Board or Commission, citizen committee, etc.), in Medford or elsewhere, and list years of service:** 6 years (3 terms) Mayor of Medford, 6 years (1.5 terms) as a member of the city council including service as council vice-president and president

Date 9/24/2019

Signature Al Densmore

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Submit completed form to:
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Medford, OR 97501
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citymanager@cityofmedford.org

RECEIVED

SEP 24 2019

CITY MANAGER'S OFFICE

**CHARTER REVIEW
COMMITTEE APPLICATION**



MEDFORD
OREGON

NAME: Randell Embertson

HOME ADDRESS: 1702 Yukon Ave, Medford ZIP: 97504

TELEPHONE: 541-602-0654 EMAIL: randell.embertson@gmail.com

OCCUPATION OR TITLE: Educator, ^{small} business owner BUSINESS NAME: Avodah OIL

HOW LONG A MEDFORD RESIDENT? Four years WARD NO: 3

1. Why do you wish to serve on the Charter Review Committee?

I desire to invest and serve my community and city to be a part in making it a great place to live.

2. Please list your experience, skills or training which would assist your ability to serve on this committee:

Prior to teaching I was in construction management and community development in Corvallis Oregon for seven years. Upon receiving my Masters I have worked overseas and in multiple communities to experience and observe what makes a great city.

3. What strengths would you bring to this committee?

I bring my experience as a builder and small business owner; knowledge from living in Sweden, Austria and the UAE; and a Masters in Education from OSU. As a community member and small business owner I am vested in my community and city to see it prosper.

4. Please list your previous or present involvement in City government, (such as City Council, Board or Commission, citizen committee, etc.), in Medford or elsewhere, and list years of service:

I am currently a board member on the Housing Committee in Medford.

Date 10/8/2019 Signature Randell Embertson

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citymanager@cityofmedford.org

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OCT 09 2019
CITY MANAGER'S OFFICE

**CHARTER REVIEW
COMMITTEE APPLICATION**



MEDFORD
OREGON

NAME: John 'Jay' H. Harland, III

HOME ADDRESS: 2052 Fallen Leaf Drive, Medford Oregon

ZIP: 97501

TELEPHONE: 541-778-6484

EMAIL: jay@csaplanning.net

OCCUPATION OR TITLE: President, CSA Planning Ltd. **BUSINESS NAME:** CSA Planning Ltd.

HOW LONG A MEDFORD RESIDENT? 18 years

WARD NO: 2

1. Why do you wish to serve on the Charter Review Committee?

The Charter is the foundation of civic engagement and governance for the City and I would work to analyze changes to be recommended for the ballot with a long-term view. On a personal note, there is one area I would like to put on the table - appointment of vacated Council seats. I served on a committee years ago for a Ward 2 vacancy. We interviewed the candidates and I voted with the majority to recommend appointment of Councilor Bearnson. The Council ignored the recommendation and left the seat vacant until the election - Councilor Bearnson was elected anyway. This was an inefficient and unstructured process.

2. Please list your experience, skills or training which would assist your ability to serve on this committee:

I have an undergraduate degree in Philosophy and a Master's degree in Geography. As a professional land use and transportation planner, I spend a lot of time working with local governments. This includes Medford but also many other cities which gives me perspective on different approaches to city governance. I work with business, institutional and municipal clients which provides me a unique understanding of these organizational interactions for any successful city. I also have to do a lot technical writing, professionally, which can be valuable if/when actual charter language changes are developed.

3. What strengths would you bring to this committee?

In a relatively small committee like this, I work to contribute in three ways. First, I always seek to achieve consensus if at all practicable. Two, I will do research outside the direct committee work to better understand the issues being raised and look for solutions that have worked in other cities. Third, I am not afraid to dissent - even if I am alone in doing so. Where honest debate, research, and compromise still does not leave me satisfied that a proposed change is in the long-term interest of the City, I am comfortable dissenting.

4. Please list your previous or present involvement in City government, (such as City Council, Board or Commission, citizen committee, etc.), in Medford or elsewhere, and list years of service:

Most recently, I have served on the City's "Super-Joint-Transportation Subcommittee" or whatever it is was being called while the TSP was under development (~2 years). The City's ad hoc Housing Advisory Committee that recommended a number of code changes and funding for the delivery of housing, especially affordable housing (~1 year). The City's Urban Renewal design committee (~3-4 years). Volunteer to get Prescott Park trails entitled and funded (~3 years). Other Government Involvement: RVTB Budget Committee (~2 years); Jackson County's Economic Development Advisory Committee Vice Chair - (~6 years).

Date 10/4/19

Signature [Handwritten Signature]

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citymanager@cityofmedford.org

RECEIVED

OCT 04 2019

CITY MANAGER'S OFFICE

**CHARTER REVIEW
COMMITTEE APPLICATION**



MEDFORD
OREGON

NAME: Tim Jackle

HOME ADDRESS: 2767 Shannesy Drive, Medford, OR

ZIP: 97504

TELEPHONE: 541-778-4819

EMAIL: tjackle@fosterdenman.com

OCCUPATION OR TITLE: Attorney

BUSINESS NAME: Foster Denman, LLP

HOW LONG A MEDFORD RESIDENT? Since 1998

WARD NO: One

1. Why do you wish to serve on the Charter Review Committee?

I am applying at the request of Dick Gordon. Also, I believe all government documents should be reviewed periodically for legal sufficiency and to ensure they are working as intended.

2. Please list your experience, skills or training which would assist your ability to serve on this committee:

My work as an attorney, and my volunteer experience as a member of the Medford Planning Commission and Medford City Council.

3. What strengths would you bring to this committee?

I have read the Medford Charter several times.

4. Please list your previous or present involvement in City government, (such as City Council, Board or Commission, citizen committee, etc.), in Medford or elsewhere, and list years of service:

Medford Planning Commission, 2004 through 2013;
Medford City Council, 2013 through 2018.

Date: October 4, 2019

Signature _____

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Submit completed form to:

City Manager's Office
411 West 8th Street Room 310
Medford, OR 97501

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citymanager@cityofmedford.org

RECEIVED

OCT 04 2019

CITY MANAGER'S OFFICE

**CHARTER REVIEW
COMMITTEE APPLICATION**



MEDFORD

OREGON

RECEIVED

OCT 02 2019

CITY MANAGER'S OFFICE

NAME: GREG E. JONES

HOME ADDRESS: 2340 GREENBROOK DR., MEDFORD ZIP: 97504

TELEPHONE: 541-770-5620 EMAIL: gregjones48@gmail.com

OCCUPATION OR TITLE: RETIRED BUSINESS NAME:

HOW LONG A MEDFORD RESIDENT? 46 YRS. WARD NO: 4

1. Why do you wish to serve on the Charter Review Committee?

THE CHARTER IS AN EXTREMELY IMPORTANT DOCUMENT AND ANY CHANGES MUST BE MADE WITH UTMOST SCRUTINY AND CAUTION TO ENSURE THAT IT IS TRULY A BENEFIT TO THE OPERATION OF THE CITY AND ITS CITIZENS AND I WOULD LIKE TO BE A PART OF THE COMMITTEE THAT IS TASKED WITH THAT REVIEW.

2. Please list your experience, skills or training which would assist your ability to serve on this committee:

I HAVE BEEN ASSOCIATED WITH THE CITY SINCE 1973, SERVING AS THE PARKS & RECREATION DIRECTOR, COUNCILOR WARD 4 & WATER COMMISSIONER. I UNDERSTAND HOW THE CITY WORKS AND CAN BRING A UNIQUE PERSPECTIVE.

3. What strengths would you bring to this committee?

I RESPECT THE OPINION OF OTHERS AND LISTEN BEFORE I RENDER A DECISION. I BELIEVE CIVILITY IS A MUST.

4. Please list your previous or present involvement in City government, (such as City Council, Board or Commission, citizen committee, etc.), in Medford or elsewhere, and list years of service:

MEDFORD CITY COUNCIL - MAY 2004 - DECEMBER 2012
MEDFORD WATER COMMISSION - NEARLY 1 YEAR

Date Oct. 2, 2019

Signature

The City of Medford volunteer positions are open to all persons without regard to race, sex, age, handicap, religion, ethnic background or national origin.

Submit completed form to:

City Manager's Office

411 West 8th Street Room 310

Medford, OR 97501

P: (541) 774-2000 F: (541) 618-1700

citymanager@cityofmedford.org

**CHARTER REVIEW
COMMITTEE APPLICATION**



**MEDFORD
OREGON**

NAME: BARBARA LASKIN
HOME ADDRESS: 583 WINDSONG WAY ZIP: 97504
TELEPHONE: 541-788-6188 EMAIL: laskinbarb@gmail.com
OCCUPATION OR TITLE: _____ BUSINESS NAME: _____
HOW LONG A MEDFORD RESIDENT? 2 yrs WARD NO: _____

1. Why do you wish to serve on the Charter Review Committee?

I am concerned about appropriate leadership at the city leadership and future planning for the city within its parameters

2. Please list your experience, skills or training which would assist your ability to serve on this committee:

Planning Commission Santa Clara City, San Jose CA

3. What strengths would you bring to this committee?

*plng -> Mgmt Analyst for SCC determining a range of other duties required by city ordinance
ability to connect w/ people at all levels in groups or in leadership
ability to bring a question to consensus*

4. Please list your previous or present involvement in City government, (such as City Council, Board or Commission, citizen committee, etc.), in Medford or elsewhere, and list years of service:

*Plng Commission Santa Clara City
active in nonprofit community to secure funding from city agencies*

Date Oct 11, 2013 Signature Barbara Laskin

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OCT 11 2013

CITY MANAGER'S OFFICE

BARBARA V. LASKIN
583 Windsong Way
Medford, OR 97504
541-778-6188 H
408-309-1225 C
laskinbarb@gmail.com

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OCT 11 2013
CITY MANAGER'S OFFICE

Strengths: Ability to interface with people at all levels to create consensus, tact and patience while juggling a multitude of tasks, able to work independently or within a group setting.

Management Analyst, County of Santa Clara, June 2002 – June 2017

Administrative duties included coordinating staff meetings, quarterly County Fiscal Officer meetings, appraise director of outstanding department issues, department safety coordinator, update workplace safety guidelines, determination of public assistance vs. mandated services, coordinated and updated County's FEMA insurance rating, tracked surface mining contractors to insure they were in compliance with County ordinances.

AP processing duties included department expenditure invoices relating to travel and contractors, encumbering funds for multi-year service agreements.

Contract administrator duties included vetting contractors under consideration, writing service agreements for construction, technical and environmental consultants, code enforcement and Board contracts for major multi-jurisdictional projects, RFP's, RFQ's.

Budget preparation duties included maintaining Financial Status Reports, Cost Recovery Analysis, Revenue Estimates, survey of fee increases, posting deferred revenue, vehicle leasing costs, performance-based bonds, and tracked contractual costs.

HR/Personnel duties included new employee orientation, proactive ergonomic evaluations, reviewing Position Status Reports on personnel vacancies and recruiting, Extra Help reports, posting position vacancies on the County transfer line and scheduling interviews.

Training Liaison duties included insuring staff was up to date with all required training such as Sexual Harassment Prevention, in possession of a valid county driving permit and inspectors were current with required certification and continuing education courses. Created and coordinated a training class "Ensuring Customer Satisfaction".

County Travel Coordinator duties included County liaison with the travel agency in Sacramento, CA, supporting 340 countywide travel coordinators, determining software access for same, updating travel policy guidelines, advising coordinators of travel and industry updates, reviewing travel invoices.

Vehicle Coordinator duties included annual revision of department vehicle policy and usage, tracked use of non-department vehicle use, updated vehicle policy as necessary, tracked vehicle costs vis-à-vis budgeted amount.

Administrative Support Officer, County of Santa Clara, Valley Health Plan 2011

Barbara V. Laskin

Administration duties include managing office of 80 persons with eight divisions, maintained personnel records, coordinated office equipment contracts and assessed office and equipment needs. Coordinated upgrade of equipment and software and office redesign regarding the best use of existing equipment to lessen budget impact. Coordinated the data management system and file retention to insure operation was in compliance with State and Federal requirements. Reviewed and coordinated Board transmittals. Safety and training liaison.

Program Manager, County of Santa Clara, 2003-2004

Implemented and coordinated a new revenue-producing program for the County concerning underground storage tank remediation; wrote the program policy, job code descriptions, determined the staff level required to meet State standards and position selection process. Established the budget parameters, data management and tracking system, staffing requirements, required training. Wrote and negotiated the contract with the State to obtain "seed money" for a new program; wrote the budget narrative, contacted comparable public entities with the same program to insure appropriate parameters. Coordinated with the Water District for the transition of the program to County oversight. Liaison between the Office of the Deputy County Executive, the Water District, and the Board of Supervisors.

Board Clerk, County of Santa Clara, 1999 – 2002

Coordinated monthly Planning Commission public hearings and annual daylong training seminar for local public entities on planning and environmental issues, insured public hearing notices were posted and the Brown Act was observed, monitored public comment, coordinated with Board aides on referrals and appeals, fielded inquiries from the press and the public and other county agencies.

Marketing Manager, San Jose Convention & Visitors Bureau, 1998

Promoted a new convention and destination management service to the industry to raise awareness of San Jose as a convention and leisure travel destination. Tracked budget and monitored costs and revenue. Developed relationships with suppliers of services and the arts community for industry client base.

Executive Director, International Academy of Trial Lawyers, 1985-1997

Managed a private, invitational bar association with a limit of 500 US lawyers. Responsible for planning three domestic meetings a year and one international conference, including budget management and tracking costs. Briefed Executive Committee on pertinent issues, prepared board agendas and took notes at board meetings, reorganized office procedures, supervised support staff. Wrote and edited three association publications every year. Active in the hospitality industry as a guest speaker and member of panel discussions.

Barbara V. Laskin

Reports Officer, Department of State in the Middle East, 1969-1978

Wrote and edited intelligence reports for the White House and the intelligence community, confirmed validity of source and whether the information was overt or covert.

Assistant Buyer, Carson, Pirie, Scott & Co., 1966-1968

Tracked vendor sales and seasonal merchandise, coordinated sales staff schedules, reviewed inventory reports, participated in redesign of the department to boutique format. Tracked inventory and sales of branch stores. Promoted to College Shop Manager supervising staff of 70, tracked sales and coordinated promotional events in concert with store promotions.

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**CHARTER REVIEW
COMMITTEE APPLICATION**

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CITY MANAGER'S OFFICE

NAME: William A. Mansfield
HOME ADDRESS: 3306 Edgewater, Medford; mailing: P.O. Box 1721 ZIP: 97504
Medford, OR 97501
TELEPHONE: 541-779-2521 EMAIL: meyer_jan@jeffnet.org
OCCUPATION OR TITLE: Attorney BUSINESS NAME: Attorney at Law
HOW LONG A MEDFORD RESIDENT? 56 years WARD NO: 4

1. Why do you wish to serve on the Charter Review Committee? I have dealt with and studied municipal charters all of my life as an attorney and as a citizen. I am interested in municipal organization.

2. Please list your experience, skills or training which would assist your ability to serve on this committee: 23 years experience as a city attorney, 3 of those years as City Attorney for Medford. 12 years on the Medford City Council and about 7 years on the Medford Planning Commission. Municipal Law is one of my legal specialties.

3. What strengths would you bring to this committee?
Interest in municipal organization.
Over 50 years experience in municipal law and municipal organization.

4. Please list your previous or present involvement in City government, (such as City Council, Board or Commission, citizen committee, etc.), in Medford or elsewhere, and list years of service: Medford Police Advisory Committee - 6 years
Medford Budget Committee - 4 years as lay member

Date September 24, 2019 Signature 

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Medford, OR 97501
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CHARTER REVIEW
COMMITTEE APPLICATION



MEDFORD
OREGON

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SEP 27 2019

CITY MANAGER'S OFFICE

NAME: John Michaels

HOME ADDRESS: 843 W. 2nd, Medford

ZIP: 97501

TELEPHONE: 541-301-4967 EMAIL: john-michaels-97501@yahoo.com

OCCUPATION OR TITLE: Tech Support BUSINESS NAME: Procure Software

HOW LONG A MEDFORD RESIDENT? 25 years

WARD NO:

1. Why do you wish to serve on the Charter Review Committee?

Interest and Concern about Medford's Future. I realize that Medford is rapidly changing and as such, there may be changes to the charter that need to be addressed

2. Please list your experience, skills or training which would assist your ability to serve on this committee:

Medford City Council
Medford Planning Commission
Urban Renewal Agency etc.

3. What strengths would you bring to this committee?

Great understanding of Medford workings
Ability work work with others

4. Please list your previous or present involvement in City government, (such as City Council, Board or Commission, citizen committee, etc.), in Medford or elsewhere, and list years of service:

See # 2

Date 9/24/19

Signature [Handwritten Signature]

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Medford, OR 97501
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citymanager@cityofmedford.org

**CHARTER REVIEW
COMMITTEE APPLICATION**



MEDFORD
OREGON

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NAME: MAUREEN SWIFT

HOME ADDRESS: 516 N. BERKELEY WAY

OCT 01 2019

ZIP: 97504

TELEPHONE: 541-776-4559 EMAIL:

Citymaureen55@gmail.com

CITY MANAGER'S OFFICE

OCCUPATION OR TITLE: RETIRED

BUSINESS NAME:

HOW LONG A MEDFORD RESIDENT? 12 YEARS

WARD NO: 1

1. Why do you wish to serve on the Charter Review Committee?

The update process is important to ensure that the City Charter is in compliance with all state ordinances, that it serves the best current interests of the City and its residents, and that it provides an adequate framework for the growth of the city.

2. Please list your experience, skills or training which would assist your ability to serve on this committee:

WORKED AS A CONTRACT WRITER, NEGOTIATOR, & ADMINISTRATOR FOR OVER 10 YEARS. ALSO SERVED AS FOUNDING MEMBER OF JACKSON COUNTY LIBRARY DISTRICT BOARD (3 YEARS, INC. 1 YEAR AS PRESIDENT.)

3. What strengths would you bring to this committee?

Experience across a number of local govt. agencies
Experience in formation of a government (JC Library District)
Excellent speaking & writing skills
Trained mediator

4. Please list your previous or present involvement in City government, (such as City Council, Board or Commission, citizen committee, etc.), in Medford or elsewhere, and list years of service:

MEMBER OF PAC SINCE INCEPTION; SERVED AS CHAIR FOR 5 YEARS
MEMBER OF GENERAL GRANT COMMITTEE 2011

Date 9/30/2019

Signature Maureen A Swift

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citymanager@cityofmedford.org

**CHARTER REVIEW
COMMITTEE APPLICATION**



MEDFORD
OREGON

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SEP 26 2019
CITY MANAGER'S OFFICE

NAME: Richard "Rick" Whitlock

HOME

ADDRESS:

3575 Shamrock Drive, Medford, OR

ZIP: 97504

TELEPHONE: 541.892.7898

EMAIL: rwhitlock0252@gmail.com

OCCUPATION OR TITLE: Retired Local Government Attorney (most recently Jackson County Counsel)

BUSINESS NAME: Richard Whitlock, Attorney at Law

HOW LONG A MEDFORD RESIDENT? 7+ years

WARD NO.: 4

1. **Why do you wish to serve on the Charter Review Committee?** Having served as an Oregon government lawyer for over 30 years (starting my service as a Deputy DA in 1985), I appreciate the value of citizen involvement in local government and I would like to continue serving the public, and this community, as a volunteer for the City. I believe the breadth of my experiences as an Oregon local government attorney, City Manager and Medford Water Commissioner (since February 2018), make me a unique asset to serve the citizens of Medford as a member of the Charter Review Committee. I believe that I have the common sense and political acuity to be a thoughtful and capable member of the Committee who will have insightful perspectives in forming recommendations for the City Council.

2. **Please list your experience, skills or training which would assist your ability to serve on this committee:**

Please see the attached resume. I have been extensively involved in Oregon local government problem solving since 2000. As City Attorney for Klamath Falls and County Counsel for Jackson County, I provided legal and practical advice to the City Council, County Commissioners, committees and commissions to address a myriad of issues confronting those government officials and entities and I was often called upon to research and interpret provisions in the city and county charters as well as state and federal constitutions.

3. **What strengths would you bring to this committee?**

I have extensive legal and managerial backgrounds in local government problem solving. I am an independent and creative critical thinker. I am an effective team player and good listener who can synthesize ideas and perspectives. I am open and receptive to inventive approaches and differing perspectives on the issues.

4. **Please list your previous or present involvement in City government, (such as City Council, Board or Commission, citizen committee, etc.), in Medford or elsewhere, and list years of service:**

I am currently serving on the Medford Water Commissioner since February 2018 (1.5 years); the Medford Budget Committee, since February of 2015 (4.5 years); the Medford Urban Renewal Budget Committee, since February of 2019 (8 months); and the Site Plan and Architectural Commission, since late May of 2015 (almost 4.5 years). I have also served on various ad hoc committees for the City of Med-

Charter Review Committee Application

ford, including a citizens' committee for the selection of a new City Manager and a citizens' committee to assist the City Council in replacing a Ward 4 council member who was elected to the state legislature. I served on the Board of Directors of the South Central Oregon Economic Development District (from 2012 through 2014); participated as a member of Team Klamath, an economic development entity serving Klamath County (from 2012 through 2014); and served as a member of the Klamath County Public Safety Task Force, a group appointed by the County Commissioners and City Council and charged with identifying system weaknesses and limitations in providing public safety services in Klamath County, and possible funding solutions for the jail and Sheriff's Office. While City Attorney, I also served as an Ex-Officio member of the Klamath Falls City Planning Commission.

Date SEPTEMBER 26, 2019

Signature

RW

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citymanager@cityofmedford.org

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SEP 26 2019

CITY MANAGER'S OFFICE

RICHARD C. "RICK" WHITLOCK

P.O. Box 1641, Medford, Oregon 97501
(541) 892.7898 (Cell)
rwhitlock0252@gmail.com

EDUCATIONAL BACKGROUND: LEGAL: Willamette University – J.D. received May 1977, Salem, OR
LIBERAL ARTS: Willamette University – B.A. Cum Laude received May 1974
Major Area of Study: Political Science (Mathematics emphasis)

EXPERIENCE:

2015 – Present Jackson County, 10 South Oakdale, Medford, OR 97501 (Independent Contractor)
Title: County Hearings Officer
Responsibilities: Deciding County Code violations and County contested land use matters, including Code interpretations and final County decisions on various land use applications.

Apr.-Sept. 2018 City of Klamath Falls, 500 Klamath Avenue, Klamath Falls, OR 97601
Title: Interim City Attorney
Responsibilities: Provided various legal services on an interim basis during search process for permanent attorney replacement.

2017 – Present City of Talent, 110 E Main Street, Talent, OR 97540 (Independent Contractor)
Title: Land Use Hearings Officer
Responsibilities: Deciding land use matters appealed from Planning Commission, including Code interpretations and final decisions on land use applications.

2012 - 2014 Jackson County, 10 South Oakdale, Medford, OR 97501 (Retired March 2014)
Title: County Counsel
Responsibilities: Supervised 3 attorneys and 2 support staff in the County Counsel's office; Responsible for all County legal matters; Rendered legal advice to the Commissioners, County Administrator, County staff and various County boards, commissions and committees on diverse County legal matters, including land use planning, public contracting, election laws, labor and employment law, special district creation, real property transactions and other local government law issues; Directed outside counsel representing County; Prepared Ordinances, staff reports and draft documents pertaining to all aspects of County business.

2010 - 2012 City of Klamath Falls, 500 Klamath Avenue, Klamath Falls, OR 97601
Title: City Manager
Responsibilities: Administrative head of City government; Directed and coordinated administration of city government in accordance with policies determined by City Council; Responsible for all city activities; Business agent of Council and the City; Prepared and presented Council meeting agendas; Interfaced with community; Implemented and enforced all ordinances, resolutions and rules of the city; Addressed complaints and resolved problems; Appointed and supervised department heads (8) and staff, including: approving hiring of all employees (158 total); planning, assigning,

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EXPERIENCE (CONT.):

and directing work; appraising performance of and rewarding and disciplining department directors; City budget officer.

2000 - 2010

City of Klamath Falls, 500 Klamath Avenue, Klamath Falls, OR 97601

Title: City Attorney and Municipal Court Supervisor

Responsibilities: Represented City as prosecutor in Municipal Court and appeared on behalf of City in all litigation and administrative proceedings; Directed outside legal counsel on all City legal matters; Rendered legal advice to the City Council, City staff and all City boards, commissions and committees pertaining to all City legal matters, including land use planning, public contracting, labor law, real property transactions and various municipal law issues; Prepared Council Ordinances and Resolutions and draft documents pertaining to all aspects of City business; Supervised Municipal Court staff; Compliance officer for purchasing and public contracting matters; Chair of City's ADA compliance committee and member of City's Risk Management committee.

2000 - 2000

Klamath County Planning Dept., 305 Main Street, Klamath Falls, OR 97601

Title: Land Use Hearings Officer (Part-time)

Responsibilities: Conduct hearings and render decisions for Klamath County on all land use issues, including zone changes, forestry and agriculture exceptions, conditional uses, variances, violations and rulemaking hearings.

1990 - 2000

Oregon Department of Justice, 610 Hawthorne Avenue S.E., Salem, OR 97301

Title: Assistant Attorney General in Criminal Justice Division, Organized Crime Section

Responsibilities: Prosecution of criminal cases (Public Corruption, Election Law crimes, Aggravated Murder Co-counsel; Civil Forfeiture Counsel to Oregon State Police; Legal Advisor to Oregon Criminal Intelligence Unit; Counsel to DPSST in Admin. Proceedings to revoke police certifications.

Pre-1990

Klamath County District Attorney (1985-1990 Chief Administrative Deputy)

Klamath County Land Use Hearings Officer (1989-1990)

Private Practice (1977-1985)

**COMMUNITY
ACTIVITIES:**

Oregon Bar Activities – Fee Arbitration Panel member; Client Security Fund Committee member.

City of Medford – Water Commission; Budget Committee; Site Plan & Architectural Commission

Community – North Medford Volleyball assistant coach; Past SCOEDD Board of Directors and Team Klamath Member (Klamath Economic Development positions); Past Klamath County Rotary Secretary; Klamath Basin Transit Board Member [Elective] - President; Former Sports Official [Football and Basketball].

REFERENCES AVAILABLE UPON REQUEST

Rick Whitlock (con't)