



Medford City Council Meeting

Agenda

January 19, 2017

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

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

10. Roll Call

Employee Recognition

Employee of the Quarter

McLoughlin Students of the Month

20. Approval or Correction of the Minutes of the January 5, 2017 Regular Meeting

30. Oral Requests and Communications from the Audience

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

40. Consent Calendar

50. Items Removed from Consent Calendar

60. Ordinances and Resolutions

60.1 COUNCIL BILL 2017-06 A resolution authorizing the Mayor to sign a public statement on the City of Medford's commitment to being a safe and welcoming community.

60.2 COUNCIL BILL 2017-07 An ordinance authorizing execution of an Employment Agreement between the City of Medford and William P. Haberlach, to provide municipal judge services through January 31, 2020.

60.3 COUNCIL BILL 2017-08 A resolution authorizing the position of Community Relations Coordinator in the City Manager's Office.

60.4 COUNCIL BILL 2017-09 A resolution adding the addition of a project to the current budget for the repair and replacement of sidewalk on Central Avenue.

60.5 COUNCIL BILL 2017-10 A resolution authorizing execution of a Letter of Intent by Cedar Investment Group, LLC, to donate open space and trails for development in Cedar Landing PUD.

70. Public Hearing

70.1 Consider an appeal of the City Recorder's administrative decision regarding a Taxi Driver's ID Card.

80. Council Business

90. City Manager and Other Staff Reports

90.1 Auditor Report by Paul Nielson of Isler CPA

- 90.2 Travel Medford Quarterly Report
- 90.3 U.S. Cellular Community Park – Annual Economic Impact Report
- 90.4 Further reports from City Manager

100. Propositions and Remarks from the Mayor and Councilmembers

- 100.1 Proclamations issued:
Medford School Choice Week – January 22-28, 2017
- 100.2 Further Council committee reports
- 100.3 Further remarks from Mayor and Councilmembers

110. Adjournment to the Evening Session

EVENING SESSION
7:00 P.M.

Roll Call

120. Oral Requests and Communications from the Audience

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

130. Public Hearings

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

130.1 COUNCIL BILL 2017-05 An ordinance vacating portions of Yamsay Drive and Farmington Avenue within the northerly portion of the Cedar Landing Planned Unit Development, lying north of Cedar Links Drive and west of Foothill Road. (SV-16-110) Land Use, Quasi-Judicial

140. Ordinances and Resolutions

150. Council Business

160. Further Reports from the City Manager and Staff

170. Propositions and Remarks from the Mayor and Councilmembers

- 170.1 Further Council committee reports
- 170.2 Further remarks from Mayor and Councilmembers

180. Adjournment



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.1

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

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: January 19, 2017

COUNCIL BILL 2017-06

A resolution authorizing the Mayor to sign a public statement on the City of Medford's commitment to being a safe and welcoming community.

SUMMARY AND BACKGROUND

After public testimony from various community members, the Council directed staff to draft a resolution authoring the Mayor to sign a public statement on the City of Medford's commitment to being a safe and welcoming community.

PREVIOUS COUNCIL ACTIONS

December 15, 2016 – Council approved a motion to direct the Council Officers to cause a resolution to be prepared affirming the City's commitment to a safe and diverse community and to report the same during the next Council meeting.

ANALYSIS

During the Oral Requests portion of the December 15, 2016 meeting, seven individuals representing various faith based groups reported finding anti-Muslim racial threat posters at sites in Medford. As faith leaders, they asked Council to clarify that hate groups targeting Muslims or other members of our community are not welcomed and that Medford stands for diversity and safety for all.

The proposed resolution was developed by the City Attorney's office and reviewed at the Council Officers meeting of January 5, 2017. The resolution was one of two that were presented for consideration with direction provided to bring forth the attached.

The proposed resolution is a public statement that the City of Medford is committed to being a safe and welcoming community through:

- Priority to provide for the safety and security of the public.
- Medford is blessed with great diversity.
- Social and cultural diversity is part of our city's heritage.
- City supports the peaceful exercise of free speech for all people.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

The presentation of the proposed resolution fits within the timeframe directed by Council.

COUNCIL OPTIONS

Approve, modify, or deny the resolution.

STAFF RECOMMENDATION

Staff recommends approval of the resolution.

SUGGESTED MOTION

I move to approve the resolution authorizing the Mayor to sign a public statement on the City of Medford's commitment to being a safe and welcoming community.

EXHIBITS

Resolution

RESOLUTION NO. 2017-06

A RESOLUTION authorizing the Mayor to sign a public statement on the City of Medford's commitment to being a safe and welcoming community.

WHEREAS, the highest priority of a city is to provide for the safety and security of the public; and

WHEREAS, the City of Medford is blessed with great diversity in our community; and

WHEREAS, our social and cultural diversity is part of our City's heritage and contributes to what makes Medford a special place, and

WHEREAS, during a time of transition, there can be heightened sense of anxiety at the local level and a need to assure the public of a city's commitment to their safety and well-being; and

WHEREAS, the City of Medford supports the peaceful exercise of free speech for all people; now therefore,

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

Hereby re-affirms our ongoing commitment to ensuring that the City of Medford is a safe and welcoming community for all of our residents, businesses, and visitors.

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

ATTEST: _____
City Recorder

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.2

www.ci.medford.or.us

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

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: January 19, 2017

COUNCIL BILL 2017-07

An ordinance authorizing execution of an Employment Agreement between the City of Medford and William P. Haberlach, to provide municipal judge services through January 31, 2020.

SUMMARY AND BACKGROUND

Employment Agreement authorizing the Mayor to reappoint Judge William Haberlach to a three (3) year term as the City of Medford's Municipal Court Judge – February 1, 2017 through January 31, 2020.

PREVIOUS COUNCIL ACTIONS

February 6, 2014-Council Bill 2014-21 was approved, authorizing an employment agreement with Judge William Haberlach to provide Municipal Judge Services through January 31, 2017.

ANALYSIS

The City Charter, Section 20 states the judge shall be admitted to practice law by the Oregon Supreme Court. The Judge shall be appointed by the Mayor, with the approval of the Council for a term of three years, subject to being removed by a two-thirds vote of the whole council for cause as defined by ordinance in effect prior to the occurrence of the grounds for cause. Council has consistently approved the Mayor to reappoint Judge William Haberlach to three (3) year terms as Municipal Court Judge since 1978.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Annual salary: \$80,163; 3.5% of salary contribution to HRA VEBA; and \$501.11 per pay period paid as a deferred compensation contribution in lieu of PERS. Municipal Court will include year two and three funding in their proposed 2017-19 biennium budget.

TIMING ISSUES

Current agreement expires on January 31, 2017. The need is for Council to approve the agreement in order to continue service. Employment agreement will be effective February 1, 2017.

COUNCIL OPTIONS

Approve, modify or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the reappointment of Municipal Court Judge William Haberlach to be effective February 1, 2017 through January 31, 2020.

SUGGESTED MOTION

I move to approve the ordinance authorizing the execution of an Employment Agreement with William Haberlach to reappoint him to a three (3) year term as the Municipal Court Judge.

EXHIBITS

Ordinance
Employment Agreement

ORDINANCE NO. 2017-07

AN ORDINANCE authorizing execution of an Employment Agreement between the City of Medford and William P. Haberlach, to provide municipal judge services through January 31, 2020.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of an Employment Agreement between the City of Medford and Municipal Court Judge, William P. Haberlach, to provide municipal judge services through January 31, 2020, which agreement is on file in the City Recorder's office, is hereby authorized.

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

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor

EMPLOYMENT AGREEMENT

THIS AGREEMENT is entered into effective February 1, 2017, by and between CITY OF MEDFORD (City), and WILLIAM HABERLACH (Employee).

SECTION 1 – EMPLOYMENT AND TERM

The City agrees to employ Employee in the position of Municipal Court Judge commencing on February 1, 2017, and continuing until January 31, 2020.

SECTION 2 - OUTSIDE EMPLOYMENT

Outside employment shall be permitted only with the express prior written approval of the Mayor. Should Employee have existing outside employment on the effective date of the ordinance authorizing this Agreement, Employee shall notify the City thereof upon signing this Agreement. To deny outside employment, the Mayor must find: that the employment is in conflict with the interest of City employment; that such employment detracts from the efficiency of Employee in his City work; that such employment is a discredit to City employment; or that such employment takes preference over the requirements of the City. In no case shall Employee conduct any outside employment during regular City business hours applicable to Employee, unless Employee is on authorized vacation or holiday leave, nor shall outside employment be conducted with use of City property such as telephone, computer, fax, etc. Employee may perform weddings pursuant to statute and retain any fees earned for such services, provided such services are conducted outside his normal working hours. Employee may continue with the private practice of law so long as such practice does not conflict with his employment with City.

SECTION 3 - SERVICES

3.1 Obligations. Employee agrees that during the period of his employment, he will devote his full attention to the rendition of services for City. Employee further agrees that in performing such services, he will comply with all federal and state laws, rules and regulations affecting City's business and with all of the City's policies, standards, and regulations which are established from time to time, including, but not limited to, Administrative Regulations dealing with Unlawful Discrimination and Harassment, Employee Possession of Dangerous Weapons, Use of Information and Telecommunications Systems, and Drug and Alcohol Free Workplace.

3.2 Restrictions. City will establish general procedures covering the duties to be performed by Employee. However, Employee shall not be supervised in his judicial duties, other than as provided in the Charter and by ordinance.

3.3 Facilities. Employee shall work in City offices. City shall provide Employee with a computer, office supplies, telephone, judicial robe, employee parking space, and other items as are reasonably required and suitable to his position and adequate for the performance of his

duties under this Agreement. Employee shall abide by City's policies regarding personal use of City property.

3.4 Hours of Work. Employee is an exempt salaried employee pursuant to Federal and State wage and hour law. No paid overtime will be granted for hours beyond the regular work hours. Employee has no minimum or maximum hours of work. It is understood that the average workweek must be 25 hours with a significant majority of the time worked being done Monday through Friday.

SECTION 4 - COMPENSATION

In consideration of all services to be rendered by Employee to the City, City shall pay Employee an annual salary of \$80,163. Employee shall also be entitled to a 3.5% salary contribution to an Internal Revenue Code Section 501(c)(9) HRA VEBA account (HRA VEBA account) established on behalf of an employee. It is understood that payments into the Employee's HRA VEBA account shall be made semi-monthly at the same time as other such HRA VEBA contributions are made on behalf of members of the Executive, Supervisor and Confidential-Professional employees of the City of Medford. In addition, the City shall contribute \$501.11 per pay period to an Internal Revenue Code Section 457 account established in Employee's name under the City's deferred compensation plan. The annual salary, deferred compensation and HRA VEBA contribution, shall be adjusted effective July 1, 2017 (payable July 27, 2014 and on a semi-monthly basis thereafter), to the extent that, such general economic adjustment is awarded to the Executive, Supervisor and Confidential-Professional employees of the City of Medford. Similar adjustments shall be made in like manner effective July 1, 2018 and July 1, 2019.

Employee as an appointed official for a fixed term elected not to participate in the State of Oregon Public Employees Retirement System.

SECTION 5 - TERMINATION OF EMPLOYMENT & RESIGNATION

5.1 Causes or Grounds for Termination of Employment. Employee may be terminated for cause by a two-thirds vote of the whole City Council. Cause for termination is as defined by City ordinance.

5.2 Resignation. Employee shall give City 30 calendar day's written notice.

5.3 Effect of Termination. Upon the termination of employment, Employee (or Employee's estate in the event of Employee's death) shall receive Employee's compensation prorated through the effective date of termination of employment and any other payments including, but not limited to, earned vacation or holiday pay to which Employee is entitled and accrued sick leave as further described in Section 6 below.

SECTION 6 - BENEFITS

6.1 **Benefits.** Employee shall receive the following benefits:

- A. *Holiday Leave.* Employee shall receive 60 hours of holiday pay per year as follows:
 - 1. Employee shall receive 45 hours of pay (5 hours each) for the following legal holidays on which City Hall is closed: New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday following Thanksgiving, and Christmas Day.
 - 2. Employee shall receive 15 hours of floating holiday pay which shall accrue at the rate of five hours for each four months of service. Floating holiday hours may be used at any time during the term of this contract.
- B. *Sick Leave.* Employee shall accrue 60 hours of sick leave annually (2.5 hours per pay period). Upon resignation or expiration of this contract, whichever occurs later, Employee shall be compensated for all unused sick leave at the rate of 20%, and such payment shall be deposited in the Employee's HRA VEBA account. Employee shall not receive compensation for sick leave if terminated for cause under Section 5.1 of this contract.
- C. *Vacation.* Employee shall accrue 150 hours of vacation leave annually (6.25 hours per pay period) and shall be paid off at 100% upon resignation or expiration of this contract, whichever occurs later, unless renewed by reappointment.
- D. *Use of Paid Leave.* Employee will be charged 5 hours for each full day of vacation, floating holiday, or sick leave Employee takes. Partial days shall be charged in increments of 2.5 hours.
- E. *Health and Other Insurance.* Employee shall be enrolled in the City's health insurance program as provided under the City's Rules and Regulations of Executive, Supervisory and Confidential Employees in effect on the date of this contract, including long-term disability insurance, \$50,000 life insurance and \$50,000 accidental death and dismemberment insurance coverage. Employee shall also be entitled to an annual physical at City expense to the extent such a physical is also offered under the City's Rules and Regulations of Executive, Supervisory and Confidential employees.

SECTION 7 - DUES AND TRAINING

7.1 Bar Membership Dues. The City shall pay, on behalf of Employee, the annual membership dues for the Oregon State Bar and the Oregon Municipal Judges Association dues. In the event Employee does not claim an exemption from Professional Liability Fund Malpractice Insurance, Employee shall be solely responsible for such premiums.

7.2 Continuing Legal Education. City shall pay for Continuing Education Training necessary to maintain Bar status offered within the state of Oregon, as well as any required training for the judicial position, not to exceed 10 working days per year. Training pay will only be provided for programs offered within the state of Oregon, unless otherwise approved by the Finance Director.

SECTION 8 - REPRESENTATIONS AND WARRANTIES OF EMPLOYEE

Employee represents and warrants to City that there is no employment contract or any other contractual obligation to which Employee is subject that prevents Employee from entering into this Agreement or from performing fully Employee's duties under this Agreement.

SECTION 9 - SEVERABILITY

If any provision of this Agreement is declared to be invalid, void, or unenforceable, the remaining provisions of this Agreement shall continue in full force and effect.

SECTION 10 - GOVERNING LAW

This Agreement shall be governed in all respects by the laws of the State of Oregon as such laws are applied to a grievance entered into and to be performed entirely within Oregon between Oregon residents.

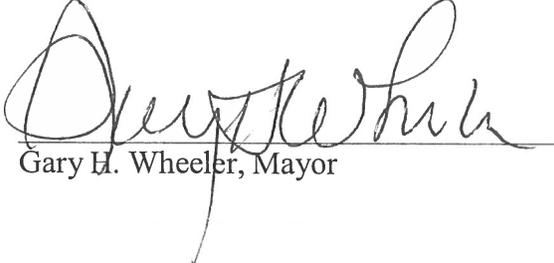
SECTION 11 - MODIFICATION AND WAIVER

11.1 Waiver. No waiver by either party, whether express or implied, of any provision of this Agreement shall constitute a continuing waiver of such provision or waiver of any other provision of this Agreement. No waiver by either party, whether express or implied, of any breach or default by the other party, shall constitute a waiver of any other breach or default of the same or any other provision of this Agreement.

11.2 Modifications. No modification or amendment of the terms and conditions of this Agreement are valid unless the same is in writing and signed by all parties to this Agreement.

This Agreement is executed on this the 19th day of January 2017 and is effective on February 1, 2017.

William Haberlach, Employee



Gary H. Wheeler, Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.3

www.ci.medford.or.us

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

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: January 19, 2017

COUNCIL BILL 2017-08

A resolution authorizing the position of Community Relations Coordinator in the City Manager's Office.

SUMMARY AND BACKGROUND

The City Manager is requesting the addition of one (1) Community Relations Coordinator for the remainder of the 2015-17 biennium. This position will be assigned to the City Manager's Office and will be responsible for developing public relations activities and marketing program for the City. This position will focus on increasing the visibility of the City in the community, the region, and the state. This is a temporary position and extension beyond the current biennium would be part of the Department's next biennial budget request for consideration.

PREVIOUS COUNCIL ACTIONS

December 15, 2016 – Council Bill 2016-149 was approved which adopted the eighth supplemental budget for the biennium. \$60,000 from previously unappropriated revenues was approved towards the future consideration for a Public Information Officer position for the remainder of the biennium.

ANALYSIS

The Council and staff have identified a need to create a position that would provide complex public relations activities for the City. This position plans, develops, creates, organizes, and facilitates public information and coordinates citywide publications, events, and information and citizen engagement activities. This position will also promote awareness and understanding of City services, policies, projects, and issues and creates new approaches to solve complex public affairs issues. This position would also work in cooperation with the already outstanding outreach efforts that are provided by the Police and Parks & Recreation departments.

Examples of elements for this position include:

- Re-establish the Communications Committee that consists of staff from each department and two Council members. The Committee will review and develop community outreach initiatives that this position will be responsible for completing.
- Creation of a strategic communications plan that will develop a brand and market the City in a way that is effective and consistent.
- Develop an updated City of Medford logo.
- Manage City social media accounts via Facebook, Twitter and Instagram. This would include posting and commenting on items related to the City and citizens.
- Coordinate press releases and media requests for Council and staff. Items would include scheduling of broadcast and print media opportunities. Development of talking points on key issues for both elected officials and staff prior to interviews.
- Improve the City's website content and assist each department in timely updates of information contained on the site.
- Disseminate information provided to the community through various publications and outlets:
 - Parks & Recreation Program and Services Guide.
 - Various department brochures.
 - City YouTube channel.
- Coordinate pictures and videos of various City events.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.3

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In coordination with Council policy, this position is temporary and will need approval for continuation through the upcoming biennial budget process as a Budget Issue. In preparation for this process, staff has identified the following funding sources in order to help sustain the position:

- Elimination of Deputy City Manager for Development Services – half of this position was funded through the General Fund.
- Reduction in salaries within the City Manager's office as a result of new hires that are not or will not be at levels of previous employees.
- Materials and Services reductions within various divisions within the City Manager's office.

Staff estimates the total per year cost for salary/benefits, materials and services to be \$120,000. Some of the additional costs will also be covered through collaborative efforts with all City departments.

The position description was developed through a review of similar positions in Beaverton, Corvallis, Hillsboro, and Wilsonville.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

\$40,000 for the remainder of the biennium. Staff estimates an official start date of March 15, 2017 for this position. \$25,000 is estimated for salary and benefits along with \$15,000 in materials and services that are necessary to start this position and duties assigned.

TIMING ISSUES

There is not an immediate timing issue with this position. However, staff is requesting approval of this position in advance of the upcoming Council, staff and community visioning process as well as 2017-19 budget hearings. The position will provide support to inform and engage the public in both of these processes.

COUNCIL OPTIONS

Approve, modify, or deny the resolution.

STAFF RECOMMENDATION

Staff recommends approval of the resolution.

SUGGESTED MOTION

I move to approve the resolution authorizing the creation of a Community Relations Coordinator for the City of Medford.

EXHIBITS

Resolution

Community Relations Coordinator Job Description and Salary Scale

RESOLUTION NO. 2017-08

A RESOLUTION authorizing the position of Community Relations Coordinator in the City Manager's Office.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON, that the position of Community Relations Coordinator in the City Manager's Office is hereby approved.

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

ATTEST: _____
City Recorder

Mayor



CITY OF MEDFORD, OREGON

COMMUNITY RELATIONS COORDINATOR

JOB TITLE: Community Relations Coordinator		DEPARTMENT: City Manager Office	
CLASSIFICATION: Exempt		POSITION #: 363	GRADE: S14
UPDATED: January 2017		<input checked="" type="checkbox"/> Approved by Human Resources Director <input checked="" type="checkbox"/> Approved by City Manager	

SUMMARY:

Under the general direction of the City Manager, the Community Relations Coordinator performs a variety of complex public relations activities including developing, planning and coordinating a comprehensive community relations and marketing program for the City. This position will focus on increasing the visibility of the City in the community, the region, and the state. Plans, develops, creates, organizes, and facilitates public information and coordinates citywide publications, events, and information and citizen engagement activities. This position promotes awareness and understanding of City services, policies, projects, issues and creates new approaches to solve complex public affairs issues.

Work is performed independently and in a team environment, and requires considerable use of initiative and judgment.

ESSENTIAL DUTIES/RESPONSIBILITIES:

These duties are a representative example; position assignments may vary depending on the business needs of the department and organization. This position:

GENERAL

- Design, write, edit, proofread, update, and publish City communications, including:
 - Print and digital publications
 - Media releases
 - Staff communications
 - City website content
 - Social media content
- Work closely with the City Manager, City Council, and City department heads to develop and implement key communication messages.
- Provide general public relations counsel to City departments, including:
 - Assisting with media relations programs
 - Marketing City programs
- Coordinate the City's cable channel programming.
- Post, monitor, and support social media content.
- Write/revise speeches for the Mayor and/or City Councilors.
- Attend regular City Council meetings and work sessions.
- Take photos for publication and community relations purposes.
- Serve on multi-department task forces as needed.
- Scope of assigned area will depend on departmental structure and is at the discretion of the City Manager or designee.
- Upholds the values of the organization and has strong customer service orientation.



CITY OF MEDFORD, OREGON

COMMUNITY RELATIONS COORDINATOR

- Must have the ability to handle job stress and interact effectively with others in the workplace.
- Must be honest and truthful in all tasks and responsibilities.
- Performs other related projects and duties as assigned.
- Demonstrates regular, reliable and punctual attendance.

COMMUNITY LIAISON

- Conducts interviews, gathers information, obtains photos, and selects graphics for use in City publications. Oversees process from production to delivery.
- Plans, leads, and coordinates public outreach, citizen engagement, and education activities. Plans, organizes, and coordinates events to promote the City's vision and mission.
- Conducts city-wide information activities in conjunction with other departments to enhance connectivity between the community and the City, and expand public understanding.
- Remains current on technical developments, coordinates speakers for City events, and organizes public forums and hearings.
- Conducts surveys and polls, as necessary with the public and community groups to identify information needs or opinions regarding programs, policies, or procedures. Staffs public meetings and public events such as special events coordinated by Parks and Recreation. May serve as City liaison and represent the City at other community events and in interactions with other community agencies.
- Helps facilitate resolutions to issues arising from citizen complaints, acts as liaison for City departments, and coordinates meetings on issues related to complaints when needed.

COMMUNITY & MEDIA RELATIONS

- Recommends actions to enhance opportunities for the City to become a leader in the information field through multimedia avenues such as print publications, the Internet, video productions, and social media.
- Develops and maintains good working relations with members of the media. Responds timely to inquiries from the media. Follows up with City staff to obtain, compose, and review information for the media.
- Researches and writes press releases, Q&As, articles, and other content for publication.
- Facilitates the development and implementation of video productions for the City.
- Provides oversight of City government cable channel, including programming, and schedule;
 - Responsible for gathering and producing information for the community board on cable television station.
 - Develops special programming for broadcasts or webcasts as needed.

MARKETING

- Assists in formulating and implementing a comprehensive communications and marketing plan utilizing a variety of communications techniques to reach targeted audiences.
- Assists other departments in developing and implementing communications plans for specific projects or activities as needed.
- Prepares and distributes all needed graphics in support of job responsibilities including fact sheets, talking points, news releases, website articles, photographs, scripts, articles or videotapes that publicize the City's programs and services.
- Creates and directs the creation of brochures, posters, flyers, advertisements, and other promotional materials of various departments to ensure a consistent City message and branding.



CITY OF MEDFORD, OREGON

COMMUNITY RELATIONS COORDINATOR

- Seeks thought leading content and posts material as appropriate on social media sites.
- Tracks and monitors media placements, industry trends, and social media benchmarks.
- Analyze, review, and report on effectiveness of campaigns to maximize results and help evolve marketing strategies.

CORE COMPETENCIES:

Individual Contributor: Incumbents should have a solid foundation of the following core competencies identified by the organization to be essential:

Communicativeness - Effective performers recognize the essential value of continuous information exchange. They actively seek information from a variety of sources and disseminate it in a variety of ways. They use modern technologies to access and circulate information. They take responsibility for ensuring that their people have the current and accurate information needed for success.

Composure - Effective performers maintain emotional control, even under ambiguous or stressful circumstances. They are able to demonstrate emotions appropriate to the situation and continue performing steadily and effectively.

Customer Service - Effective performers attend to customers in a timely manner. They view the organization through the eyes of the customer and go out of their way to anticipate and meet customer needs.

Drive/Energy - Effective performers have a high level of energy and the motivation to sustain it over time. They are ambitious and passionate about their role in the organization. They have the stamina and endurance to handle the substantial workload present in today's organizations. They know that a healthy work/life balance is important to sustained energy. They are motivated to maintain a fast pace and continue to produce even in exhausting circumstances.

Functional/Technical - Effective performers are knowledgeable and skilled in a functional specialty. They add organizational value through unique expertise in a functional specialty area. They remain current in their area of expertise and serve as a resource in that area for the organization.

Integrity - Effective performers think and act ethically and honestly. They apply ethical standards of behavior to daily work activities. They take responsibility for their actions and foster a work environment where integrity is rewarded.

Initiative - Effective performers are proactive and take action without being prompted. They don't wait to be told what to do or when to do it. They see a need, take responsibility, and act on it. They make things happen.

Learning Agility - Effective performers continuously seek new knowledge. They are curious and want to know 'why'. They learn quickly and use new information effectively. They create and foster a culture of interest, curiosity, and learning.



CITY OF MEDFORD, OREGON

COMMUNITY RELATIONS COORDINATOR

Positive Impact - Effective performers make positive impressions on those around them. They are personable, self-confident, and generally likable. They are optimistic and enthusiastic about what they do, and their excitement is contagious. They energize those around them.

Problem Solving/Decision Making - Effective performers are able to identify problems, solve them, act decisively, and show good judgment. They isolate causes from symptoms, and compile information and alternatives to illuminate problems or issues. They involve others as appropriate and gather information from a variety of sources. They find a balance between studying the problem and solving it. They readily commit to action and make decisions that reflect sound judgment.

Sensitivity - Effective performers value and respect the concerns and feelings of others. In the workplace, this compassion translates into behaviors that communicate empathy toward others, respect for the individual, and appreciation of diversity among team members.

Team Player - Effective performers are team oriented. They identify with the larger organizational team and their role within it. They share resources, respond to requests from other parts of the organization, and support larger legitimate organizational agendas as more important than local or personal goals.

QUALIFICATIONS/EXPERIENCE:

- Ideally, three (3) years of professional experience in public relations or affairs and/or marketing. Direct experience with local government is desirable; and
- Graduation from high school, preferably supplemented by college course work in the areas of public relations, marketing and communications and/or equivalent combination of education and experience sufficient to successfully perform the essential duties of the job such as those listed above.
- Current technical/professional knowledge of complex principles, methods, standards and techniques associated with journalism, broadcast media, public relations and graphic design.
- Requires possession of a valid driver's license by date of hire. New employees establishing resident status in the State of Oregon must obtain an Oregon driver's license within 30 days (ORS 807.020 (1)).
- Requires completion of a background investigation to the satisfaction of the City.

City of Medford
Supervisory / Confidential / Professional Employee Salary Schedule
 July 1, 2016 - June 30, 2017

Grade	Hrs/Year	Position	Step	Hourly	Monthly	Annual
S09	2080	181: EXECUTIVE ASSISTANT	1	\$19.3735	\$3,358.08	\$40,297
			2	20.3602	3,529.08	42,349
			3	21.3649	3,703.25	44,439
			4	22.4307	3,888.00	46,656
			5	23.5665	4,084.83	49,018
			6	24.7365	4,287.67	51,452
S12	2080	120: ADMINISTRATIVE ANALYST 137: PAYROLL COORDINATOR 211: HUMAN RESOURCES TECHNICIAN 240: EXECUTIVE SUPPORT SPECIALIST 247: POLICE CULTURAL OUTREACH COORD 355: PARKS CUSTOMER SERVICE SUPERVISOR <i>*Movement beyond step 6 requires Department Director, HR Director and City Manager approval</i>	1	\$20.3602	\$3,529.08	\$42,349
			2	21.3649	3,703.25	44,439
			3	22.4307	3,888.00	46,656
			4	23.5665	4,084.83	49,018
			5	24.7365	4,287.67	51,452
			6	25.9766	4,502.58	54,031
			7*	27.2696	4,726.75	56,721
			8*	28.6321	4,962.92	59,555
			9*	30.0561	5,209.75	62,517
S13	2080	125: PURCHASING AGENT	1	\$23.5574	\$4,083.25	\$48,999
			2	24.7274	4,286.08	51,433
			3	25.9682	4,501.17	54,014
			4	27.2607	4,725.17	56,702
			5	28.6233	4,961.33	59,536
			6	30.0561	5,209.75	62,517
S14	2080	107: ADMINISTRATIVE ASSISTANT 124: DEPUTY CITY RECORDER 133: ACCOUNTANT 160: RECREATION SUPERVISOR 199: NETWORK/PC SPECIALIST 250: OFFICE ADMINISTRATOR 320: ASST TO THE CITY MANAGER I 341: UTILITY BILL SERV SUPERVISOR	1	\$24.7365	\$4,287.67	\$51,452
			2	25.9766	4,502.58	54,031
			3	27.2696	4,726.75	56,721
			4	28.6321	4,962.92	59,555
			5	30.0734	5,212.75	62,553
			6	31.5671	5,471.67	65,660
S16	2080	187: MUNICIPAL COURT CLERK 202: PARKS MAINTENANCE SUPERVISOR 324: DEVELOPMENT SERV ADMINISTRATOR 331: ASSISTANT TO CITY ATTORNEY	1	\$27.2607	\$4,725.17	\$56,702
			2	28.6233	4,961.33	59,536
			3	30.0561	5,209.75	62,517
			4	31.5579	5,470.00	65,640
			5	33.1305	5,742.58	68,911
			6	34.7906	6,030.33	72,364
S17	2080	130: DATABASE SUPERVISOR 225: ASSISTANT TO TRAFFIC ENGINEER 296: MATERIALS SERVICES SUPERVISOR 357: JUNIOR SYSTEMS ADMINISTRATOR	1	\$28.6233	\$4,961.33	\$59,536
			2	30.0561	5,209.75	62,517
			3	31.5579	5,470.00	65,640
			4	33.1305	5,742.58	68,911
			5	34.7906	6,030.33	72,364
			6	36.5369	6,333.08	75,997



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.4

www.ci.medford.or.us

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

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: January 19, 2017

COUNCIL BILL 2017-09

A resolution authorizing the addition of a project to the current budget for the repair and replacement of sidewalk on Central Avenue.

SUMMARY AND BACKGROUND

Complaints have been received about uneven sidewalk pavers on Central Avenue. Inspections were performed and numerous sidewalk defects were noted. Letters were sent to property owners describing the defects and advising them of their responsibility to maintain sidewalks per Medford Municipal Code 3.010. Property owners protested to the City Council that they should not be liable for the repairs as the defects are a result of the design and construction performed by the Medford Urban Renewal Agency. The City Council directed staff to repair the sidewalks on Central Avenue abutting properties which execute a waiver releasing the City from any future liability for repairs to the sidewalk. City staff advised the Council of the intent to include this work in the next budget as it is not included in the current budget. This proposed action will create a new 'Central Avenue Sidewalk' project in the current budget which will allow funds not spent on other projects to be used for these repairs prior to adoption of the next City budget.

PREVIOUS COUNCIL ACTIONS

February 18, 2016 – 120.1: Appeal of an administrative decision pertaining to an unsafe sidewalk at 117 S. Central Avenue.

February 18, 2016 – 120.2: Appeal of an administrative decision pertaining to an unsafe sidewalk at 135-149 S. Central Avenue.

February 28, 2016 – 120.3: Appeal of an administrative decision pertaining to an unsafe sidewalk at 125 S. Central Avenue.

March 3, 2016 – 40.1 Council Bill 2016-27: A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 117 S. Central Avenue.

March 3, 2016 – 40.1 Council Bill 2016-28: A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 135-149 S. Central Avenue.

March 3, 2016 – 40.1 Council Bill 2016-29: A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 125 S. Central Avenue.

April 7, 2016 – 60.1 Council Bill 2016-27: Continued from March 3, 2016. A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 117 S. Central Avenue.

April 7, 2016 – 60.2 Council Bill 2016-27: Continued from March 3, 2016. A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 135 through 149 S. Central Avenue.

April 7, 2016 – 60.3 Council Bill 2016-27: Continued from March 3, 2016. A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 125 S. Central Avenue.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.4

www.ci.medford.or.us

July 7, 2016 – City Manager and other staff reports: Update on downtown sidewalk appeals.

Synopses of Council actions are provided in an attached exhibit.

ANALYSIS

Approval of this proposed action will enable City staff to begin the development of designs and construction contract documents necessary for the repair of sidewalks on Central Avenue prior to July 1, 2017. Funding will be provided by various Capital Improvement Projects (CIPs) which will not be constructed in the current budget period and were funded with the Street Utility Fund or the Gas Tax Fund. Examples of such projects are the Lone Pine Signal at Springbrook, Adaptive Signal Timing Barnett, and the 4th and Riverside Right Turn. The total available from CIPs which will not be completed in the current budget period is over \$1.5M.

Waivers as directed by the City Council were mailed to all property owners in the affected area with a request that they be executed and returned by November 30, 2016. An exhibit is attached which shows which property owners have signed and returned the waivers. Waivers were not required for properties owned by the City of Medford.

The current intent of the City Council as understood by staff is that defective areas will be repaired, that the tree grates will be modified to reduce or eliminate the impact of tree roots in the future, and that corner ramps affected by vehicle traffic will be reconstructed to traffic-bearing standards. The planning level cost estimate to accomplish this work is \$300,000. If this work costs more than the planning level estimate, it can be accomplished within the total funds without further Council action other than contract award(s).

An alternative is to completely replace the existing pavers with 2x2 scored or stamped concrete. This option will be more resilient and eliminate the problem of pavers shifting. The planning level cost estimate to accomplish this work is \$1,200,000. If this work costs less than approximately \$1,500,000 it can be accomplished without further Council action other than contract award(s).

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The majority of the funds reprogrammed will come from projects currently budgeted in the Gas Tax Fund. Approval of this action will reduce resources for future maintenance and street projects.

TIMING ISSUES

Contract(s) cannot be awarded for this work until a project is established in the budget.

COUNCIL OPTIONS

Approve, modify, or deny the resolution to add a \$300,000 sidewalk repair/replacement project to the current budget.

STAFF RECOMMENDATION

Staff recommends approval of the resolution.

SUGGESTED MOTION

I move to approve the resolution establishing a 'Central Avenue Sidewalks' project for \$300,000 in the current budget.

EXHIBITS

Resolution

Synopses of Council actions

List of properties required to execute waivers

RESOLUTION NO. 2017-09

A RESOLUTION authorizing the addition of a project to the current budget for the repair and replacement of sidewalk on Central Avenue.

WHEREAS, numerous sidewalk defects have been identified on Central Avenue and letters were sent to property owners advising them of their responsibility to maintain sidewalks per Medford Municipal Code 3.010; and

WHEREAS, the property owners appealed to City Council they should not be held liable for repairs that are a result of design and construction performed by the Medford Urban Renewal Agency; and

WHEREAS, the City Council directed staff to repair the sidewalks on Central Avenue and abutting properties; and

WHEREAS, this proposed action will create a new project in the current budget to allow for funds not spent on other projects to be used for these repairs prior to the adoption of the next budget; now, therefore,

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

That the addition of a project to the current budget for the repair and replacement of sidewalk on Central Avenue is hereby authorized.

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

ATTEST: _____
City Recorder

Mayor

Exhibit – Synopses of Council actions on Central Avenue sidewalks

Appeals

07/07/2016		Update on downtown sidewalk appeals
	Motion	Authorize removal of all the tree grates on properties in which owners have signed waivers and indemnities that are satisfactory to staff.
	Amended Motion	Authorize removal of all tree grates and to replace pavers on owners' properties that have signed waivers and indemnities that are satisfactory to staff.
		Motion carried and so ordered.
	Motion	Funding for this project should come from the same source as proposed for the bulb outs.
		Motion carried and so ordered.
05/19/2016	Motion	Direct City Manager to have ADA ramps or bulb-outs damaged by vehicle traffic on Central Avenue between 4 th Street and 10 th Street, and which have pending sidewalk defect complaints outstanding, be repaired by the City using any appropriate street maintenance funds.
04/07/2016	R2016-27	Continued from March 3, 2016 - A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 117 S. Central Avenue.
	R2016-28	Continued from March 3, 2016 - A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 135 through 149 S. Central Avenue.
	R2016-29	Continued from March 3, 2016 - A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 125 S. Central Avenue.
	Motion:	Hold all sidewalk appeals in abeyance for properties on Central Avenue from East Tenth Street in the south to East Fourth Street in the north and to toll all applicable time periods for sidewalk appeals for the same.
		Motion carried and so ordered.
03/03/2016	R2016-27	A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 117 S. Central Avenue.
03/03/2016	R2016-28	A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 135 – 149 S. Central Avenue.
03/03/2016	R2016-29	A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 125 S. Central Avenue.
		Councilmember Gordon requested the removal of 40.1, 40.2 and 40.3 and asked whether Council was obligated to vote on these items today. City Attorney Lori Cooper clarified that Code did not provide a deadline for a Council decision; however, there is a safety issue with these

sidewalks that should be taken into consideration by Council. Councilmember Gordon stated he walked part of Central Avenue and believes Council needs more information and should investigate whether the current system is reasonable. He also noted the City should also be concerned with indemnity throughout any investigation period.

Motion **FAILED:** Uphold the appeal of the administrative decision pertaining to an unsafe sidewalk at 117 South Central Avenue.
Denial of the appeal to the administrative decision pertaining to an unsafe sidewalk at 117 South Central Avenue and to grant the appellant nine months to comply, provided they sign an indemnity agreement approved by the City Attorney.

Motion Table Council Bills 2016-27, 28, and 29 to the April 7, 2016 Council meeting.

2/18/2016 Motion **FAILED:** Uphold the appeal of the administrative decision pertaining to an unsafe sidewalk at 117 South Central Avenue.

Motion Denial of the appeal to the administrative decision pertaining to an unsafe sidewalk at 117 South Central Avenue and to grant the appellant nine months to comply, provided they sign an indemnity agreement approved by the City Attorney.

2/18/2016 Motion Deny the appeal of the administrative decision pertaining to an unsafe sidewalk at 135-149 South Central Avenue and to grant the appellant nine months to comply, provided they sign an indemnity agreement approved by the City Attorney.

2/18/2016 Motion Deny the appeal of an administrative decision pertaining to an unsafe sidewalk at 125 South Central Avenue and grant the appellant nine months to comply provided they sign an indemnity agreement approved by the City Attorney.

Oral Requests

07/07/2016 Jack Schmidt reported that he had organized a repair to one of the street tree wells, as he requested in a previous meeting. He explained the process to Council; Councilmember Gordon thanked Mr. Schmidt for his work.

07/07/2016 Scott Henselman spoke regarding the sidewalks downtown between 4th Street and 10th Street. He noted that Medford Urban Renewal Agency installed incorrect sidewalks and the matter would be coming back to Council in the near future.

04/07/2016 Ben Tresser, representing the buildings 135-149 South Central, noted that an agenda item was confirming the ruling against him.

04/07/2016 Scott Henselman, representing five buildings on Central Avenue, spoke regarding uneven sidewalks and trees along Central. He noted that years ago when Medford Urban Renewal Agency first brought up the pavers, he spoke against them.

SITE ADDRESS	CERT MAIL RETURN WAIVER RECEIVED	OWNER	PROP MGR
Central Avenue Sidewalk Waivers			
Address	Return receipt	Date rec'd	Owner
10 N CENTRAL AVE			ALLIED CHRISTIAN FOUNDATION
2 N CENTRAL AVE			ALLIED CHRISTIAN FOUNDATION
117 N CENTRAL AVE	10/14/2016	10/17/2016	ASSOC/RETARDED CITIZENS OF
121 N CENTRAL AVE	10/14/2016	10/17/2016	ASSOC/RETARDED CITIZENS OF
202 N CENTRAL AVE	10/15/2016	10/31/2016	B P O E #1168
204 N CENTRAL AVE	10/15/2016	10/31/2016	B P O E #1168
CENTRAL AVE	10/15/2016	10/31/2016	B P O E #1168
135 S CENTRAL AVE	10/14/2016		CENTRAL AVENUE PROPERTIES L
137 S CENTRAL AVE	10/14/2016		CENTRAL AVENUE PROPERTIES L
141 S CENTRAL AVE	10/14/2016		CENTRAL AVENUE PROPERTIES L
149 S CENTRAL AVE	10/14/2016		CENTRAL AVENUE PROPERTIES L
23 S CENTRAL AVE	10/7/2016	11/16/2016	CRATERIAN PERFORMANCES CO
111 N CENTRAL AVE	10/7/2016	10/12/2016	DAVIS-BARTLETT PROPERTIES
115 N CENTRAL AVE	10/7/2016	10/12/2016	DAVIS-BARTLETT PROPERTIES
33 N CENTRAL AVE	10/14/2016	10/18/2016	DORSEY & PARRISH INVESTMENT
35 CENTRAL AVE	10/14/2016	10/18/2016	DORSEY & PARRISH INVESTMENT
37 N CENTRAL AVE	10/14/2016	10/18/2016	DORSEY & PARRISH INVESTMENT
101 N CENTRAL AVE	10/7/2016		EBERT R DANIEL/ANN
103 N CENTRAL AVE	10/7/2016		EBERT R DANIEL/ANN
30 N CENTRAL AVE	10/6/2016	10/7/2016	EHRlich JOHN A ET AL
12 S CENTRAL AVE	10/14/2016	10/24/2016	HUNT GEORGE A JR TRUSTEE ET
14 S CENTRAL AVE	10/14/2016	10/24/2016	HUNT GEORGE A JR TRUSTEE ET
16 S CENTRAL AVE	10/14/2016	10/24/2016	HUNT GEORGE A JR TRUSTEE ET
20 S CENTRAL AVE	10/14/2016	10/24/2016	HUNT GEORGE A JR TRUSTEE ET
22 S CENTRAL AVE	10/14/2016	10/24/2016	HUNT GEORGE A JR TRUSTEE ET
S CENTRAL -adjacent 134 E. Main St	10/14/2016	10/24/2016	HUNT GEORGE A JR TRUSTEE ET
38 N CENTRAL AVE	10/7/2016		J R DEVELOPMENT LLC
26 S CENTRAL AVE	10/14/2016	11/1/2016	J/F PROPERTIES
30 S CENTRAL AVE	10/14/2016	11/1/2016	J/F PROPERTIES
32 S CENTRAL AVE	10/14/2016	11/1/2016	J/F PROPERTIES
36 S CENTRAL AVE	10/14/2016	11/1/2016	J/F PROPERTIES
40 S CENTRAL AVE	10/14/2016	11/1/2016	J/F PROPERTIES
42 S CENTRAL AVE	10/14/2016	11/1/2016	J/F PROPERTIES
44 S CENTRAL AVE	10/14/2016	11/1/2016	J/F PROPERTIES
205 S CENTRAL AVE	10/6/2016	10/26/2016	JACKSON COUNTY
127 N CENTRAL AVE	10/8/2016		JENSEN BRETT R/DENISE R
N CENTRAL AVE-adjacent to 127 N Centr	10/8/2016	11/30/2016	JENSEN BRETT R/DENISE R
N Central adjaced to 236 N FRONT ST	10/8/2016	10/11/2016	LIME CATHIE L P TRUSTEE FBO
125 S CENTRAL AVE	10/8/2016	10/4/2201	MOUNTAIN DEVELOPMENT CO LLC
14 N CENTRAL AVE	10/6/2016	10/7/2016	NMMRB LLC
117 S CENTRAL AVE	10/6/2016		ROGUE COMM COLLEGE DISTRICT
106 N CENTRAL AVE	10/6/2016	2/16/2203	S ORE HISTORICAL SOCIETY
221 N CENTRAL AVE	10/7/2016		STENKAMP DIANE HIGHT (LE)
145 N CENTRAL AVE	10/8/2016	10/11/2016	STORMBERG MATTHEW P/TERI LE
131 E MAIN ST	10/8/2016		U S NATIONAL BANK/ORE
100 S CENTRAL AVE			CITY OF MEDFORD
146 N CENTRAL AVE			MEDFORD CITY OF
200 MAIN ST			MEDFORD CITY OF
207 N CENTRAL AVE			MEDFORD CITY OF
N CENTRAL AVE			MEDFORD CITY OF
N CENTRAL AVE			MEDFORD CITY OF
200 S CENTRAL AVE			MEDFORD URBAN RENEWAL AGCY
134 S CENTRAL AVE			MEDFORD URBAN RENEWAL AGENC
146 S CENTRAL AVE			MEDFORD URBAN RENEWAL AGENCY



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.5

www.ci.medford.or.us

DEPARTMENT:	Parks & Recreation	AGENDA SECTION:	Ordinances and Resolutions
PHONE:	(541) 774-2483	MEETING DATE:	January 19, 2017
STAFF CONTACT:	Rich Rosenthal, Interim Parks & Recreation Director		

COUNCIL BILL 2017-10

A resolution authorizing execution of a Letter of Intent by Cedar Investment Group, LLC, to donate open space and trails for development in Cedar Landing PUD.

SUMMARY AND BACKGROUND

The proposed Letter of Intent formalizes the intention of Cedar Investment Group, LLC, the developers of Cedar Landing PUD, to donate open space and trails to the City of Medford via the Medford Parks and Recreation Foundation.

PREVIOUS COUNCIL ACTIONS

On March 3, 2011, City Council approved Council Bill 2011-31 authorizing a Purchase & Sale Agreement in the amount of \$825,000 to acquire 5.5 acres of property known as Cedar Links Park.

On March 6, 2014, City Council approved Council Bill 2014-27 adopting the Cedar Links Park master plan.

On Oct. 20, 2016, City Council approved Council Bill 2016-130 initiating a minor amendment to the City's Comprehensive Plan to include the 2016-25 Leisure Services Plan (LSP), which specifies the City's desired level of service pertaining to accessibility of parkland, trails, pathways and open space.

ANALYSIS

Over the past two years, the Parks and Recreation Department has worked with Cedar Investment Group LLC, the developers of Cedar Landing PUD, about the potential of acquiring the dedicated open space for public use. The open space and trails are a condition of approval for the PUD and would come under the ownership and management of a private homeowners association if not donated to the City.

The proposed Letter of Intent formalizes the desire of the developers to donate 13.94 acres of open space, 3.59 acres of open space easements and approximately two miles of paved trails to the City of Medford via the Medford Parks and Recreation Foundation.

The open space and trails would increase the service area, functionality and vitality of the existing Cedar Links Park, a 5.5-acre neighborhood park on the west side of the PUD that serves one of the most densely populated areas of the City.

The potential acquisition would take place over the next 2-to-3 years in conjunction with phased development within the PUD as well as implementation of the City Council-approved Cedar Links Park master plan.

The enlargement of the park service area helps fulfill level-of-service goals outlined in the recently adopted Leisure Services Plan (LSP) and improves connectivity between neighborhoods identified in the City's Transportation System Plan. To meet LSP level-of-service goals based on growth estimates, the City needs to add 79 acres of neighborhood parkland and 16.45 miles of trails by 2026.

If the City Council approves the Letter of Intent, the City will formulate a development agreement outlining conditions and standards for acceptance of the open space and trails from the Foundation and the developers.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.5

www.ci.medford.or.us

The Parks and Recreation Commission recommend approval of a donation agreement for open space in the Cedar Landing PUD.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The estimated cost to maintain the proposed parkland and trails is approximately \$21,000 per year and would be absorbed into the Parks Maintenance Division operating budget.

TIMING ISSUES

The timing of the donation will coincide with the development of the various phases of the Cedar Landing PUD, an estimated 2-to-3-year timeframe.

COUNCIL OPTIONS

Approve, deny or amend the resolution.

STAFF RECOMMENDATION

Staff recommends approval of the resolution.

SUGGESTED MOTION

I move to approve the Letter of Intent with Cedar Investment Group, LLC.

EXHIBITS

Resolution

Cedar Landing Letter of Intent

Cedar Landing PUD open space and trail map

RESOLUTION NO. 2017-10

A RESOLUTION authorizing execution of a Letter of Intent by Cedar Investment Group, LLC, to donate open space and trails for development in Cedar Landing PUD.

WHEREAS, the Parks and Recreation Department has worked with Cedar Investment Group, LLC about acquiring the dedicated open space for public use; and

WHEREAS, the open space and trails are a condition of approval for the Cedar Landing PUD and would come under the ownership and management of a private homeowners association if not donated to the City; and

WHEREAS, a Letter of Intent has been prepared to express intended due diligence by the parties toward a common goal of increasing the service area and vitality of Cedar Links Park; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of a Letter of Intent by Cedar Investment Group, LLC, to donate open space and trails for development in Cedar Landing PUD, on file in the City Recorder's Office, is hereby authorized.

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

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor



OFFICE OF
THE CITY MANAGER
E-mail: citymanager@ci.medford.or.us

CITY OF MEDFORD
411 WEST 8TH STREET
MEDFORD, OREGON 97501

TELEPHONE (541) 774-2000
FAX: (541) 618-1700
www.ci.medford.or.us

LETTER OF INTENT

Cedar Landing Open Space Donation

THIS LETTER OF INTENT is made and entered into by and among the CITY OF MEDFORD, an Oregon municipal corporation ("City"), Cedar Investment Group, LLC ("Owner"), and C. A. Galpin ("Owner").

RECITALS:

A. The City of Medford Parks & Recreation Department is located in Medford, Jackson County, Oregon. The Owner is developing a Planned Unit Development known as "High Cedars at Cedar Landing" in Medford, Jackson County, Oregon (the "Development").

B. The Development is required to designate Open Space as part of the PUD approved by the Medford Planning Commission for the High Cedars at Cedar Landing.

C. The City is interested in acquiring the designated Open Space and pedestrian pathway on Owner's property, except for pathways that are located on individual residential lots, on these lots Owner will grant easements to the City. The City further agrees to accept the Owner's donation of dedicated land, as depicted in the attached *Cedar Landing Open Space Exhibit*. The City further agrees to accept the Open Space and pedestrian pathway in accordance with the approved PUD. The Owner will transfer all interest in the Open Space and pedestrian pathway, contained within the designated open space areas to the Medford Parks and Recreation Foundation ("Foundation").

NOW, THEREFORE, IT IS AGREED AND ACKNOWLEDGED:

1. INTENT TO DONATE. OWNER intends to transfer the Open Space and pedestrian pathways in the Development to the Foundation, and the Foundation will transfer the Open Space and pedestrian pathways to the City for future public use.
2. The Open Space and pedestrian pathways will become part of the City Parks & Recreation inventory.
3. NOTICES. All notices given or required to be given pursuant to the Letter of Intent shall be in writing and personally delivered or mailed by first class mail, postage prepaid, to the individual(s)

Continuous Improvement – Customer Service

named at the addresses below, or as any party may from time to time designate in writing:

CITY: City of Medford
411 West 8th Street
Medford, OR 97501
Attention: Brian Sjothun, City Manager

OWNER: _____

Attention: _____

IN WITNESS WHEREOF, the parties have executed the Letter of Intent as of the date set opposite their signatures

Agreed to and accepted by:

CITY OF MEDFORD

Title

Date: _____

OWNERS DocuSigned by:
Ch Galpin

A31DC989662645D...

Title

DocuSigned by:
Eric Arner

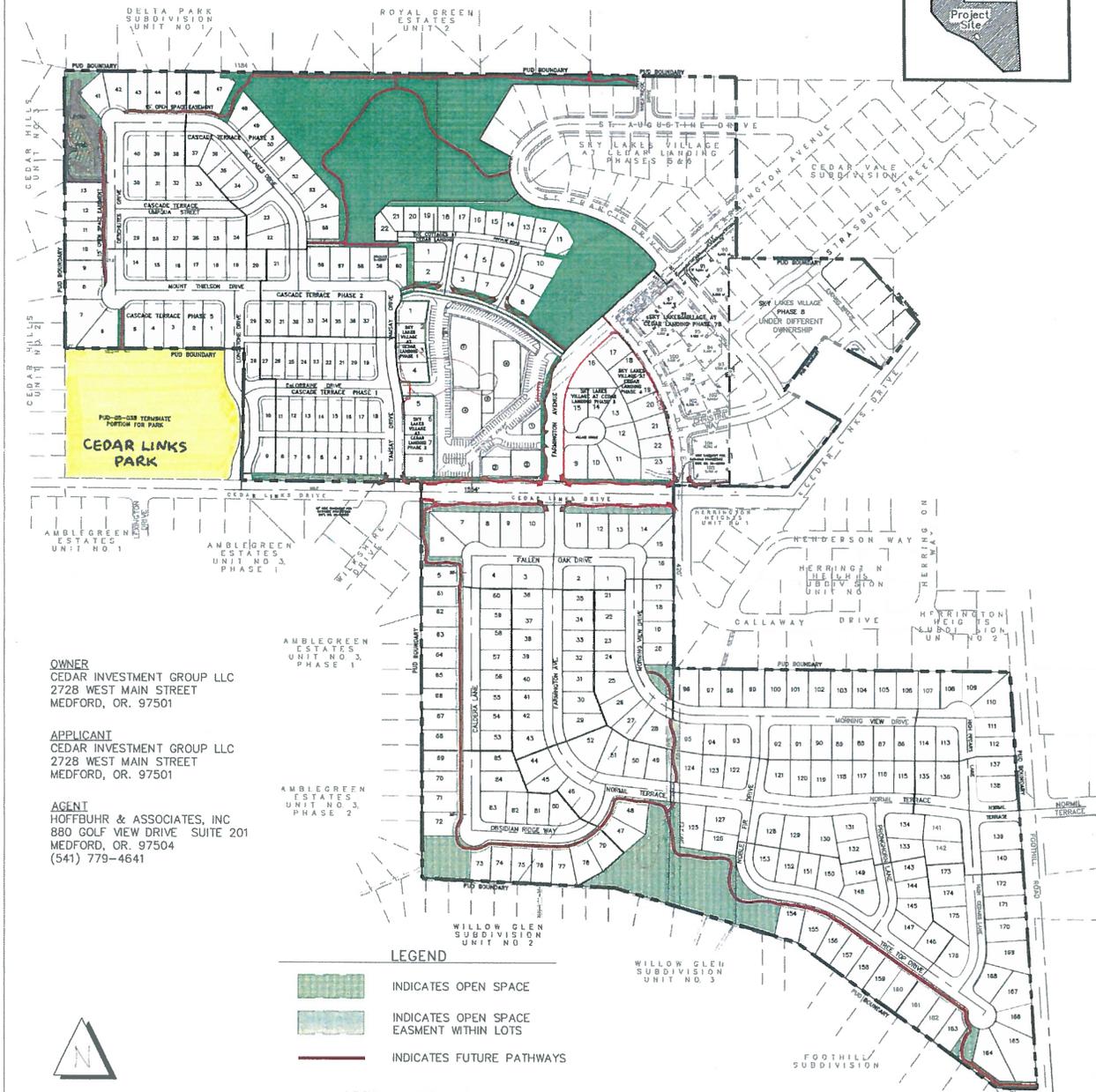
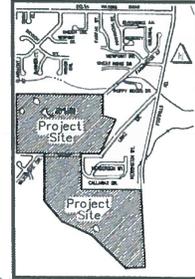
E11E799322A84FE...

Title

Date: 1/12/2017 1/12/2017

CEDAR LANDING OPEN SPACE EXHIBIT

VICINITY MAP



OWNER
CEDAR INVESTMENT GROUP LLC
2728 WEST MAIN STREET
MEDFORD, OR. 97501

APPLICANT
CEDAR INVESTMENT GROUP LLC
2728 WEST MAIN STREET
MEDFORD, OR. 97501

AGENT
HOFFBUHR & ASSOCIATES, INC.
880 GOLF VIEW DRIVE SUITE 201
MEDFORD, OR. 97504
(541) 779-4641

LEGEND

	INDICATES OPEN SPACE
	INDICATES OPEN SPACE EASMENT WITHIN LOTS
	INDICATES FUTURE PATHWAYS

OPEN SPACE AREAS

436,764 SF = 10.03 AC	OPEN SPACE—COMMON AREA (NORTH)
170,447 SF = 3.91 AC	OPEN SPACE (SOUTH)
607,211 SF = 13.94 AC TOTAL OPEN SPACE	
9,533 SF = 0.22 AC	OPEN SPACE EASMENT WITHIN LOTS (NORTH)
146,651 SF = 3.37 AC	OPEN SPACE EASMENT WITHIN LOTS (SOUTH)
156,184 SF = 3.59 AC TOTAL OPEN SPACE EASMENT WITHIN LOTS	

REGISTERED PROFESSIONAL LAND SURVEYOR
ELECTRONIC COPY
OREGON FEBRUARY 4, 1983
DARRELL L. HICK 2023

<p>HOFFBUHR & ASSOCIATES, INC. SURVEYORS/PLANNERS 880 GOLF VIEW DRIVE SUITE 201 MEDFORD, OR 97504 (541) 779-4641 FAX (541) 770-2872</p>	BY: HOFFBUHR and ASSOC., INC.	CEDAR LANDING
	PROJECT NO.:	14-099
	DRAWING FILE NO.:	14099 open_space exhibit R1.dwg
	SCALE: 1" = 200'	
	REVISION NO.:	1
	REVISION DATE:	JUNE 5, 2016
	SHEET 1 OF 1	
	BASIS OF BEARING:	SKY LAKES VILLAGE PHASE 7
	ELEVATION DATUM:	N/A
	DRAWN BY:	TAM
REVIEWED BY:	DLH	



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 70.1

www.ci.medford.or.us

DEPARTMENT: Business Licenses; Legal **AGENDA SECTION:** Public Hearing - Noon
PHONE: 541-774-2020; 541-774-2367 **MEETING DATE:** January 19, 2017
STAFF CONTACT: Eric Mitton, Senior Assistant City Attorney;
Tina Garvin, Development Services Manager

PUBLIC HEARING

A public hearing to consider an appeal of the City Recorder's administrative decision regarding a Taxi Driver's ID card.

SUMMARY AND BACKGROUND

Medford Code 8.425 states that a Taxi Driver's ID Card may issue if and only if the applicant is free of disqualifying events, which include any convictions for drug offenses within the last five years. The Medford Police Department revoked the issuance of an ID Card to Gerald Adams based on that provision (specifically, a misdemeanor conviction for possession of testosterone, a Schedule III drug, on September 16, 2014). Mr. Adams appealed, and the City Recorder confirmed the existence of a disqualifying event.

City Council, the final level of appeal from the denial of a ID Card, has discretion pursuant to MC 8.004(6) to issue an ID Card notwithstanding the existence of a disqualifying event, if the applicant provides sufficient indicia of rehabilitation. Mr. Adams has timely appealed to City Council seeking a discretionary issuance of an ID Card notwithstanding the disqualifying event.

PREVIOUS COUNCIL ACTIONS

None.

ANALYSIS

Pursuant to MC 8.425(2)(e)(iv), a Taxi Driver's ID Card may not be issued if the applicant has been convicted of a drug offense within five years of the date of application. City Council may nevertheless issue a taxi license if the applicant provides sufficient indicia of rehabilitation. Mr. Adams does not dispute the September 16, 2014 conviction, but nevertheless seeks issuance of a license, asserting various evidence of rehabilitation.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

Pursuant to MC 1.025, Council must hear this appeal within 30 days of the City Recorder's receipt of the Notice of Appeal, which was filed on January 5, 2017.

COUNCIL OPTIONS

- (1) Find that there is sufficient indicia of rehabilitation, granting Mr. Adams a Taxi Driver's ID Card; or
- (2) Find that there is not sufficient indicia of rehabilitation, denying the issuance of a Taxi Driver's ID Card.

STAFF RECOMMENDATION

If Mr. Adams provides sufficient indicia of rehabilitation, staff does not oppose the issuance of a Taxi Driver's ID Card under these specific circumstances.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 70.1

www.ci.medford.or.us

SUGGESTED MOTION

I move to reverse the administrative decision of the City Recorder and issue a Taxi Driver's ID Card to Gerald Adams.

EXHIBITS

Executive Summary

Executive Summary

January 11, 2017

Description

Consideration of an appeal of the City Recorder's affirmation of the Medford Police Department's denial of a Taxi Driver's ID Card. (Business License # 17-42504)

Appellant contends that notwithstanding his disqualifying criminal conviction, Council should exercise the discretion permitted in MC 8.004(6) to issue a Taxi Driver's ID Card. Council is the one and only level of appeal that has discretion under the Code to issue a license notwithstanding disqualifying events.

What are the issues before the City Council?

The sole issue before City Council is whether a Taxi Driver's ID Card should issue to Appellant.

City Council Scope of Review

The City Council's scope of review is listed in Medford Code Sections 1.025(4) and 8.004(6). The former states:

At the hearing the appellant or other parties interested may present witnesses and offer evidence in support of their case and, in the discretion of the council or appellate board, evidence may be heard to sustain the administrative decision.

The latter states:

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

Chronology

1. On September 16, 2014, the Jackson County Circuit Court convicted Appellant of possession of testosterone, a Schedule III controlled substance, which is a misdemeanor drug offense.
2. On December 5, 2016, Sgt. Don Lane of the Medford Police Department issued a revocation letter regarding Appellant's taxi ID license.

3. On December 15, 2016, Appellant timely appealed from the revocation letter.
4. Appellant was notified of his hearing before the City Recorder via letter dated December 16, 2016, including the date, time, and location of the hearing.
5. On December 27, 2016, that hearing was held. Appellant did not attend.
6. On December 30, 2016, the City Recorder issued the decision letter.
7. On January 5, 2017, Appellant timely filed a notice of appeal to Council; that appeal letter is identical to Appellant's December 15, 2016 notice of appeal.

Medford Code Criteria

8.425 Taxi Driver's ID Card

- (1) *No person shall operate a taxicab who does not have a taxi driver's ID Card issued by the Police Department.*
- (2) *A taxi driver's ID card shall be issued by the Police Department upon receipt of written application, certified copy of The Oregon State Police Background Check, and a fee as set forth in 8.400, if and only if the Police Department finds that the applicant:*
 - (a) *Is twenty-one years of age or older; and*
 - (b) *Possesses a valid motor vehicle operator's license; and*
 - (c) *Has not been declared a habitual traffic offender within five (5) years of the date of this application; and*
 - (d) *If the applicant has ever been declared a habitual traffic offender, has not been convicted of a traffic crime within five (5) years of the date of this application; and*
 - (e) *Has not been convicted of any of the following crimes or any similar crimes in any degree at any time:*
 - (i) *Any felony crime committed against another person*
 - (ii) *Any person who is a registered sex offender*
 - (iii) *Any felony crime involving use of a weapon*
 - (iv) *Any felony property crime within five (5) years of the date of this application*
 - (v) *Any traffic crime within three (3) years of the date of this application*
 - (vi) *Any drug offense within five (5) years of the date of this application*
 - (vii) *Any misdemeanor person crime within three (3) years of the date of this application*
 - (viii) *Any misdemeanor property crime within three (3) years of the date of this application*
 - (ix) *Any misdemeanor crimes against public order within two (2) years*

Executive Summary
Appeal of Unified Appeal Board Opinion
Gerald J. Adams, Appellant
January 11, 2017

- (f) Did not knowingly make any false statement in the application for the license.*
- (3) The Finance Director shall revoke the taxi driver ID card of a driver who fails to meet the qualifications set out in this section after a permit has been issued to that person. A person whose permit is denied or revoked may reapply after one year if the applicant meets the qualifications set forth in this section for a new applicant.*
- (4) A taxi driver's ID card is not transferable.*

(Underlining added). Nevertheless, Council has discretion to authorize issuance of an ID Card notwithstanding a disqualifying event as described in the "City Council Scope of Review" section above.

Notice of Appeal

A Notice of Appeal was filed by Appellant on January 5, 2017, which is within 10 days of the date the Recorder's decision letter was mailed, as required in MC 1.025(1). The Notice of Appeal does not dispute the factual or legal determinations as to the requirements of MC 8.425, but instead focuses solely on Council's discretion to disregard those disqualifying events.

Staff Response:

I. Factors in 8.004(6)

The Code provides a non-exclusive list of examples of what might constitute "sufficient indicia of rehabilitation" for a disqualifying event. Appellant is not required to provide evidence as to each factor; these are merely examples of what might constitute indicia of rehabilitation.

A. "successful completion of addiction recovery or substance abuse program"

Appellant has not provided any such evidence. It is not clear from the 2014 criminal case whether or not Appellant ever personally used testosterone, or still does; this particular issue could have been explored at the December 27th hearing if Appellant had attended.

B. "successful completion of anger management or cognitive behavioral training"

Appellant has not provided any such evidence, but given the nature of the conviction, this factor is not relevant.

C. "successful family programming treatment"

Appellant has not provided any such evidence, but given the nature of the conviction, this factor is not relevant.

D. "gainful employment"

Appellant notes in his appeal letter that he is currently employed by International Commodity Carriers as well as 5 Star Taxi. As to the former, Staff has verified that ICC lists Appellant as a Customer Sales Representative in its personnel directory. As to the latter, Staff has verified that Appellant currently drives a taxi for the company.

It should be noted that due to the type of revocation proceeding at issue here, Appellant's Taxi ID remains valid during the course of his appeal, so his work with 5 Star Taxi during the duration of this appeal is lawful and proper.

E. "stable housing"

Staff has communicated with Applicant via his home address and has no reason to doubt the stability of his housing.

F. "testimony from a mentor"

Appellant's notice of appeal states that Alex Barge, the owner of 5 Star Taxi, would be a reference. Senior Assistant City Attorney Eric Mitton called and spoke with Mr. Barge, who did in fact provide a glowing reference for Appellant. Mr. Barge stated that Appellant has been an extremely reliable worker, has followed all of the business's rules, is highly motivated, is pleasant to work with, and does not receive complaints or poor reviews from customers. Staff understands that Mr. Barge may be present to testify on Appellant's behalf at the hearing.

G. "testimony from victims or victims services organizations"

Appellant has not provided any such evidence, but given the nature of the conviction, this factor is not relevant.

H. "testimony from professionals in the field of criminal rehabilitation, probation, transition or parole"

Appellant has not provided any such evidence.

I. "reference from employers"

As noted above, Appellant's appeal made reference to Alex Barge, the owner of 5 Star Taxi, who provided a glowing reference during a telephone conversation.

J. "lack of additional convictions or traffic citations"

Staff has confirmed that Appellant has had no other criminal convictions, and no other traffic citations with the Jackson County Circuit Court or the Medford Municipal Court, since this conviction.

H. Lack of fines owed to Municipal Court.

Staff has confirmed that Appellant owes no fines to the Medford Municipal Court.

II. Other factors

Council may consider other indicia of rehabilitation not expressly listed in 8.004(6); that list is not an exclusive list what evidence may indicate rehabilitation. Here, the police report related to Appellant's conviction notes that he was cooperative with law enforcement during their investigation and that he was willing to take responsibility for his actions. Appellant's cooperation and willingness to take responsibility continued after charges were filed, and his conviction was entered pursuant to his plea of "guilty."

Recommendation

Staff notes that Appellant bears the burden of proof and should be required to meet his burden of proof. If Appellant appears and presents the anticipated evidence, Staff involved in this matter, including the Medford Police Department, do not oppose Appellant's appeal.

EXHIBITS

- 1 Revocation letters, dated December 5, 2016
- 2 Appellant's Notice of Appeal, received December 15, 2016
- 3 Notice of Hearing with City Recorder, dated December 16, 2016
- 4 Post-Hearing Decision of City Recorder, dated December 30, 2016 (excluding exhibits)
- 5 Appellant's City Council Notice of Appeal, received January 5, 2017



BUILDING SAFETY DEPARTMENT
Business License Division

CITY OF MEDFORD
LAUSMANN ANNEX
200 SOUTH IVY STREET
MEDFORD, OREGON 97501

TELEPHONE: (541) 774-2025
FAX: (541) 618-1726
E-MAIL: businesslicenses@cityofmedford.org

December 5, 2016

Gerald J. Adams
701 Western Ave #104
Medford, OR 97501

Dear Mr. Adams:

Your business license #17-42504 has been revoked pursuant to Medford Municipal Code Section 8.425(2c vi). The business license revocation is final immediately.

Your back ground check has revealed offences that resulted in the revocation of your business license and T card. If you have any questions regarding the findings please contact Medford Police Department, 541-774-2250.

Per Section 8.004 of the Medford Municipal Code, this denial shall be deemed final seven (7) business days from the date of this letter. If you believe this denial is in error, you may appeal the decision by filing a notice of intent to appeal before the close of business on the 7th day. Filing fee for this appeal is \$150.00, paid to the City of Medford Business License. Mailed to:

Tina Garvin, Development Services Manager
City of Medford Building Department
200 S. Ivy St, 2nd Floor
Medford, OR 97501
541-774-2367

Upon filling a timely notice of appeal, the Building Safety Director shall notify the applicant regarding the time and place of an appeal hearing. At the hearing, the applicant will have the opportunity to present additional information and evidence. The Unified Appeal Board shall make a final determination at that time.

Respectfully,

Vickie Knecht
Development Services
Support Technician
Business license 541-774-2025
E-mail: Vickie.Knecht@cityofmedford.org

cc: Kevin McConnell, City Attorney
Sgt Don Lane, Police Department
Tina Garvin, Development Services Manager



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

(1) An applicant denied a business license, or a holder of a business license that has received a notice of revocation or summary suspension shall have the right to appeal that action to the City Manager (or designee). A written appeal must be filed within seven (7) calendar days after the date of the notice of the action. The written appeal filed must state the basis for the appeal and be accompanied by the filing fee in an amount set by Council resolution. The fee shall be refunded if the denial or revocation decision is not affirmed or upheld.

(2) The revocation of a business license does not take effect until final determination of the appeal. Notwithstanding this paragraph, a summary suspension shall take effect upon issuance of, or such other time stated in, the notice of suspension.

(3) Unless the appellant and City agree to a longer period of time, an appeal shall be heard within fourteen (14) calendar days of receipt of the written appeal. The City Manager (or designee) shall give the appellant and any other persons requesting the same, at least seven (7) days' notice of the time and place of such hearing.

(4) At the time and place set for the hearing upon the appeal of the denial or revocation, the City Manager (or designee) shall give the appellant and any other interested party a reasonable opportunity to be heard. The City Manager (or designee) shall hear and determine the appeal on the basis of the applicant's written appeal statement and any additional evidence the City Manager (or designee) deems appropriate. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The rules of evidence as used by courts of law do not apply. In all such cases, the burden of proof shall be upon the appellant.

(5) The City Manager (or designee) shall uphold, or modify and uphold, the denial or revocation, or reverse the denial or revocation and render a new decision in the matter consistent with the requirements of the application or license in question. The decision of the City Manager (or designee) shall be issued within ten (10) calendar days of the hearing and shall be in writing and contain findings of fact and a determination of the issues presented. An applicant wishing to appeal the decision of the City Manager (or designee) shall have the right to appeal to the City Council under the procedures set out in section 1.025 of this code.

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

[Added, Sec. 3, Ord. No. 1998-233, Oct. 15, 1998; Amd. Sec. 2, Ord. No. 2007-98, June 7, 2007; Amd. Sec. 1, Ord. No. 2008-62, April 3, 2008; Amd. Sec. 3, Ord. No. 2008-174, Aug. 21, 2008.; Amd. Ord. No. 2011-74, May 5, 2011; Amd. Sec. 2, Ord. No. 2014-103, Aug. 21, 2014.]



CITY OF MEDFORD
411 W. 8TH ST
MEDFORD, OR 97501



Medford Police Dept.
Special Services Division

PHONE: (541) 774-2230
FAX: (541) 618-1733

December 5, 2016

Gerald J. Adams
4599 Dark Hallow Rd
Medford, OR 97501

Dear Mr. Adams.

Upon investigating your application for a Medford Taxi Driver ID Card, I have found that you were convicted of possession of a controlled substance (Schedule III) on September 16, 2014 in Jackson County. Medford Municipal Code 8.425 (2), (e) (vi) precludes you from receiving a Medford Taxi Driver ID Card for any drug offense within five (5) years of the date of the application.

I am therefore revoking your Taxi Driver ID Card. To appeal this decision, you must notify Tina Garvin in the Building Department at 541-774-2367 of your intent to request an evidentiary hearing to dispute the proposed decision. You have 15 days from the date of this letter to contact Ms. Garvin.

I have enclosed a copy of Medford Municipal Code 8.425 for your reference. 5 Star Taxi has been notified of the denial.

Sincerely,

Sgt. D. Lane
Special Services Division
541-774-2292

CC: 5 Star Taxi
mal

Your Police - Our Community

8.425 Taxi Driver's ID Card

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

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

- (a) Is twenty-one years of age or older; and
- (b) Possesses a valid motor vehicle operator's license; and
- (c) Has not been declared a habitual traffic offender within five (5) years of the date of this application; and
- (d) If the applicant has ever been declared a habitual traffic offender, has not been convicted of a traffic crime within five (5) years of the date of this application; and
- (e) Has not been convicted of any of the following crimes or any similar crimes in any degree at any time:
 - (i) Any felony crime committed against another person
 - (ii) Any person who is a registered sex offender
 - (iii) Any felony crime involving use of a weapon
 - (iv) Any felony property crime within five (5) years of the date of this application
 - (v) Any traffic crime within three (3) years of the date of this application
 - (vi) Any drug offense within five (5) years of the date of this application
 - (vii) Any misdemeanor person crime within three (3) years of the date of this application
 - (viii) Any misdemeanor property crime within three (3) years of the date of this application
 - (ix) Any misdemeanor crimes against public order within two (2) years
- (f) Did not knowingly make any false statement in the application for the license.

(3) The Finance Director shall revoke the taxi driver ID card of a driver who fails to meet the qualifications set out in this section after a permit has been issued to that person. A person whose permit is denied or revoked may reapply after one year if the applicant meets the qualifications set forth in this section for a new applicant.

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

To whom it may concern,

Currently I have a full time job at International Commodity Carriers Incorporated as a freight broker off and on since 1999.

A year ago purchased a vehicle to use as a taxi with 5 star as an investment with the company. After owning that taxi for 7 months and hiring a driver to operate the car, I decided to apply for my Taxi certification. Once I received the certification I started driving my own taxi, it helped bring in some extra income for myself and the holidays.

Recently I received a letter that my taxi certification was being suspended. So that is why I am writing this today. I would like to keep my certification, to be able to keep working towards my goals that I have set for myself, to make sure I am an active working person contributing to our community.

So I started thinking about what possibly could have happen to make my certification be revoked 3 months after receiving the certification. I remember in 2014 I had a misdemeanor, possession of a schedule 3 drug. On record I was charged with this misdemeanor because of my actions stated in a text message.

I have spent a lot of time thinking about my actions and been trying to grow to make my life and the loved ones around me better. I know that what I did was wrong and in no way ok for me to continue that life style. So when I received the news that my taxi certification was being suspended due to the charge I received back in 2014, after I had already had the taxi certification for 3 months confused me. I am working really hard to try and make my life better with these two jobs. Not to mention I really enjoy working both of the jobs. I just really feel like the 68hours a week that I am working is helping me improve my life in so many ways. I just hope the court will take another look at this situation and reconsider reinstating my taxi certification.

I would just hate to see one of my first investments that I put so much money and hard work in going to waste. I have also set a new goal prior to my certification being revoked in buying another taxi before this next 2017 summer.

I hope you will reconsider and understand that I am a hard working individual that is investing his time for the best.

Alex the owner of 5 star and I have a great relationship and if you need a recommendation he would be more than willing to send one over, thank you so much for your time.

Sincerely,

Jerry Adams

RECEIVED

DEC 15 2016

CITY OF MED
CITY RECORDER

EXHIBIT

2



OFFICE OF
THE CITY RECORDER
cromed@ci.medford.or.us

CITY OF MEDFORD
411 WEST 8TH STREET
MEDFORD, OREGON 97501

TELEPHONE (541) 774-2017
FAX: (541) 617-1800
www.ci.medford.or.us

December 16, 2016

Gerald Adams
701 Western Avenue #104
Medford, OR 97501

Mr. Adams:

The City Recorder's office has received your request for a hearing concerning the denial of a business license and T-card. The hearing has been scheduled for Tuesday, December 27, 2016 at 3:00 p.m. in the City Manager's Conference Room located on the Third Floor of City Hall, 411 W. 8th Street, Medford.

The hearing will begin with your presentation of information regarding your appeal; City staff will then present their information. No decision will be made during the hearing. Once a decision has been made, the decision will be mailed to all parties involved.

If you have any additional questions you may contact the City Recorder's office.

Sincerely,

A handwritten signature in black ink that reads "Karen M. Spoonts". The signature is written in a cursive style.

Karen M. Spoonts, MMC
City Recorder

cc: Eric Mitton, Legal Department
Sgt. Don Lane, Police Department
Tina Garvin, Building Department
Vickie Knecht, Building Department
Sam Barnum, Building Department





OFFICE OF
THE CITY RECORDER
cromed@ci.medford.or.us

CITY OF MEDFORD
411 WEST 8TH STREET
MEDFORD, OREGON 97501

TELEPHONE (541) 774-2017
FAX: (541) 617-1800
www.ci.medford.or.us

December 30, 2016

Gerald Adams
701 Western Avenue #104
Medford, OR 97501

Mr. Adams:

On Tuesday, December 28, 2016 an appeal hearing was held at your request regarding the denial of a business license and T-card. Those in attendance were City Recorder Karen Spoons, Senior Assistant City Attorney Eric Mitton, and Sam Barnum, Tina Garvin and Vickie Knecht of the Building Department. You did not appear for this hearing. This letter will serve as the written decision described in Medford Code 8.004(5).

Attorney Eric Mitton presented evidence regarding your conviction for unlawful possession of a Schedule III controlled substance from the Jackson County Circuit Court of the State of Oregon. Mr. Mitton also noted that the substance at issue in that conviction was testosterone, and that the police report indicated that you were cooperative with law enforcement. As you did not appear, no additional evidence or testimony was presented on your behalf.

Findings of Fact

Applicant was convicted of a misdemeanor drug offense for possession of testosterone, a Schedule III controlled substance, on September 16, 2014, in Jackson County Circuit Court Case No. 14CR03058.

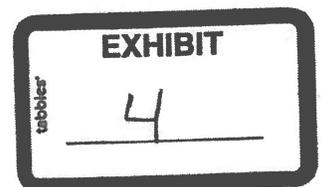
No evidence of any other disqualifying events was submitted.

Applicant asserts via his appeal letter that he currently is gainfully employed with both Five Star Taxi and International Commodity Carriers, and no contrary evidence was submitted.

Determination of the Issues Presented

Conviction for a drug offense is a disqualifying event for a taxi license for five years under Medford Code 8.425(2)(e)(vi). While City Council has discretion to issue a taxi license notwithstanding a disqualifying event at the final level of appeal if City Council finds sufficient indicia of rehabilitation, I do not have the same discretion at this intermediate level of appeal. Because you were convicted of a drug offense on September 16, 2014, and approximately 27 months have passed since that conviction out of the stated 60-month disqualification period, I hereby deny your appeal.

Continuous Improvement – Customer Service



Gerald Adams
December 30, 2016
Page 2

Right to Appeal to City Council

You may appeal the decision of the City Recorder to the City Council under the procedures and standards set out in Medford Code 1.025(1) and 8.004(6) within 10 days after the City Recorder's decision is mailed.

Sincerely,



Karen M. Spoonts, MMC
City Recorder

Enclosures: Medford Code 1.025 and 8.004

cc: Eric Mitton, Legal Department
Sgt. Don Lane, Police Department
Tina Garvin, Building Department
Vickie Knecht, Building Department
Sam Barnum, Building Department
Gary Borden, 5 Star Taxi

To whom it may concern,

Currently I have a full time job at International Commodity Carriers Incorporated as a freight broker off and on since 1999.

A year ago purchased a vehicle to use as a taxi with 5 star as an investment with the company. After owning that taxi for 7 months and hiring a driver to operate the car, I decided to apply for my Taxi certification. Once I received the certification I started driving my own taxi, it helped bring in some extra income for myself and the holidays.

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Alex the owner of 5 star and I have a great relationship and if you need a recommendation he would be more than willing to send one over, thank you so much for your time.

Sincerely,

Jerry Adams

RECEIVED
JAN 5 2017
CITY OF MEDFORD
CITY RECORDERS

EXHIBIT

5



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 130.1

www.ci.medford.or.us

DEPARTMENT:	Planning Department	AGENDA SECTION:	Public Hearings
PHONE:	541-774-2380	MEETING DATE:	January 19, 2017
STAFF CONTACT:	Matt Brinkley, Planning Director		

COUNCIL BILL 2017-05

An ordinance vacating portions of Yamsay Drive and Farmington Avenue within the northerly portion of the Cedar Landing Planned Unit Development, lying north of Cedar Links Drive and west of Foothill Road.

SUMMARY AND BACKGROUND

An ordinance for the vacation of portions of unimproved rights-of-way on Farmington Avenue and Yamsay Drive, both of which are in the northern portion of the Cedar Landing Planned Unit Development (PUD), north of Cedar Links Drive. (SV-16-110)

This item was originally scheduled for January 5, 2017. The evening meeting was cancelled due to weather conditions. The applicant's agent was contacted regarding the cancellation and informed about the new hearing date.

PREVIOUS COUNCIL ACTIONS

Council has initiated the street vacation procedure per Resolution 2016-131 on October 20, 2016. The street vacation was a condition of approval for the PUD-16-024 revision.

ANALYSIS

The Cedar Landing PUD has had several revisions to the overall plan most notably is the recent revision PUD-16-024. Per the previous PUD approval (PUD-13-119) Farmington Avenue and Yamsay Drive were to connect via a public road, DeLorraine Drive, north of Cedar Links Drive.

Previously, under PUD-13-119, the proposed area surrounding Farmington Avenue and Yamsay Drive was to contain single-family, commercial and multi-family development along with a congregate care facility. The previous road connection bisected the area and the various uses. Now, under the PUD-16-024 approval, the same types of development minus the congregate care facility will be sited in this location. The area will be connected by a parking lot; a road connection is proposed farther north.

The existing street stubs along Farmington Avenue and Yamsay Drive are no longer necessary and meet the criteria to be vacated.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve, modify or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance permitting the vacation of portions of unimproved rights-of-way of Farmington Avenue and Yamsay Drive.

EXHIBITS

Ordinance

Commission Report dated December 29, 2016 including Exhibits A through I

Vicinity Map

ORDINANCE NO. 2017-05

AN ORDINANCE vacating portions of Yamsay Drive and Farmington Avenue within the northerly portion of the Cedar Landing Planned Unit Development, lying north of Cedar Links Drive and west of Foothill Road.

WHEREAS, the City Council of the City of Medford, Oregon, by Resolution No. 2016-131 initiated proceedings for the vacation; and

WHEREAS, the City Council fixed 7:00 p.m. on January 5, 2017, 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 date for hearing any objections to the proposed vacation of said area was continued due to inclement weather, to 7:00 p.m. on January 19, 2017, 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 Commission Report dated December 29, 2016, 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 portions of Yamsay Drive and Farmington Avenue within the northerly portion of the Cedar Landing Planned Unit Development, lying north of Cedar Links Drive and west of Foothill, described in Exhibit "A" and Exhibit "B" attached hereto and incorporated herein, is hereby vacated and the ownership of the said area hereby vacated shall become vested as provided by law; and an easement retained for any existing public utilities.

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 Surveyor of Jackson County, Oregon.

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

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor

State of Oregon)
County of Jackson)

On this _____ day of _____, 2017, 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:

SV-16-110

RECEIVED

SEP 12 2016

PLANNING DEPT.

EXHIBIT
ROAD VACATION
(PORTION OF YAMSAY DRIVE)

BEGINNING at the northwest corner of Lot 94 of Sky Lakes Village at Cedar Landing, Phase 7A, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the westerly line of said Lot 94, South 00°23'20" West 55.00 feet; thence along the arc of a 20.00 foot radius non-tangent curve to the left (the long chord to which bears South 42°30'38" West 29.67 feet) a distance of 33.43 feet; thence leaving said westerly line, along the arc of a 531.50 foot radius non-tangent curve to the left (the long chord to which bears North 09°23'32" West 74.61 feet) a distance of 74.67 feet; thence along the arc of a 468.50 foot radius curve to the right (the long chord to which bears North 12°11'31" West 20.03 feet) a distance of 20.03 feet to the westerly line of Lot 91 of the aforesaid Sky Lakes Village at Cedar Landing, Phase 7A; thence along the boundary line of said Lot 91, along the arc of a 20.00 foot radius non-tangent curve to the left (the long chord to which bears South 50°40' 30" East 25.56 feet) a distance of 27.72 feet; thence continue along said boundary line, South 89°36'40" East 17.06 feet to the point of beginning. (containing 0.04 acres, more or less)

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darrell L Huck

OREGON
FEBRUARY 4, 1983
DARRELL L HUCK
2023

EXPIRES: 6/30/2017

Darrell L. Huck
L.S. 2023 – Oregon
Expires 6/30/2017
Hoffbuhr & Associates, Inc

(14083 yamsay vacate.doc)

EXHIBIT MAP
ROAD VACATION



YAMSAY DRIVE

93

91

94

AREA BEING
VACATED

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darrell L. Huck

OREGON
FEBRUARY 4, 1993
DARRELL L. HUCK
2023

Expires 6/30/2017

CEDAR LINKS DRIVE

SV-16-110

RECEIVED

SEP 12 2016

PLANNING DEPT.

EXHIBIT
ROAD VACATION
(PORTION OF FARMINGTON AVENUE)

BEGINNING at the northeast corner of that portion of Lot 94 of Sky Lakes Village at Cedar Landing, Phase 7A, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon which is located westerly of Farmington Avenue; thence South 89°36'40" East 17.52 feet; thence along the arc of a 20.00 foot radius non-tangent curve to the left (the long chord to which bears North 54°41'31" East 23.34 feet) a distance of 24.92 feet; thence South 18°59'44" West 4.18 feet; thence along the arc of a 292.00 foot radius curve to the left (the long chord to which bears South 10°28'23" West 86.54 feet) a distance of 86.86 feet; thence along the arc of a 20.00 foot radius non-tangent curve to the left (the long chord to which bears North 43°49'48" West 28.67 feet) a distance of 31.96 feet; thence North 00°23'20" East 55.00 feet to the point of beginning.

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LAND SURVEYOR

Darrell L. Huck

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Hoffbuhr & Associates, Inc

(14083 farm vacate.doc)

EXHIBIT MAP
ROAD VACATION



91

AREA BEING
VACATED

94

FARMINGTON AVENUE

94

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LAND SURVEYOR

Darrell L. Huck

OREGON
FEBRUARY 4, 1983
DARRELL L. HUCK
2023

Expires 6/30/2017



COMMISSION REPORT

to City Council for a Class-B decision: Right-of-way Vacation

Project Vacation of portions of Farmington Avenue and Yamsay Drive
Applicant: Cedar Investment Group LLC

File no. SV-16-110

To City Council *for 01/19/2017 hearing*

From Kyle Kearns, Planner II

Reviewer Kelly Akin, Interim Planning Director

Date December 29, 2016

BACKGROUND

Proposal

Consideration of a request to vacate two right-of-ways at portions of Farmington Avenue and Yamsay Drive, both of which are approximately 200 feet north of Cedar Links Drive (See Exhibits A & B).



History

The existing public rights-of-way proposed for vacation are in northeast Medford, on undeveloped portions of Farmington Avenue and Yamsay Drive within the northern portion of the Cedar Landings Subdivision, north of Cedar Links Dr. and south of Delta Waters Rd. More specifically, the vacations exist within portions of the Cedar Landings Subdivision titled Phases 1 and 2 of Sky Lakes Village and The Village at Cedar Landing. The two streets were originally planned to connect via a local public cross street, DeLorraine Dr., but this connection has since been changed to connect via a public commercial street per an exception (E-16-087) granted approval on October 13, 2016 and the most recent PUD revision (PUD-16-024) with a final order date of July 28, 2016.

The rights-of-way are currently unimproved and abut several large tax lots, most of which are owned by Cedar Landings Investment Group, LLC (Photos, Exhibits C & D). Currently, neither Farmington Avenue nor Yamsay Drive includes any public facilities or utilities. The public utility easement dedicated and adjacent to both streets will be modified to align with the revised rights-of-way and be dedicated to the City of Medford, consistent with the plan approvals mentioned below. The rights-of-ways to be vacated will revert to Cedar Investment Group, LLC ownership.

On December 8, 2016 the findings for SV-16-110 were presented before the City of Medford Planning Commission. No issues were raised. Mike Savage, the applicant's agent, had corrected the staff report to reflect the ruling of E-16-087 which had not been reflected in the staff report dated December 1, 2016. The Commission voted 7-0 to pass a favorable recommendation on to the Medford City Council.

Committee Comments

The proposal was presented at the November 2, 2016, Land Development Committee meeting in which there were no comments provided.

Agency Comments

The following agencies did not have any concerns or issues with the proposal: Medford Fire Department, Oregon Department of Transportation (ODOT), Medford Public Works Department, Medford Water Commission, Rogue Valley Sewer Services, Avista Gas and Jennifer Ingram, the City's Database Technician. Pertinent comments from The City Surveyor have been incorporated in the report and attached.

Related projects

PUD-13-119: Previous PUD approval that had Farmington Ave. and Yamsay Dr. connected by a public road named DeLorraine Dr. This created the rights-of-way in question.

LDS-13-121: Tentative Plat approval associated with PUD-13-119 for portions of the Cedar Landings Subdivision north of Cedar Links Dr.

PUD-16-024: Most recent PUD revision in which this vacation was made a condition of approval per the applicant's findings of fact. The approval created a street alignment that is to have Farmington Ave. and Yamsay Dr. connected via a public commercial road.

LDS-16-025, LDS-16-026, LDS-16-027: Tentative Plat approvals associated with PUD-16-024 for portions of the Cedar Landings Subdivision north of Cedar Links Dr.

E-16-087: Exception which granted permission to deviate from the standards for a public commercial street which is now proposed to connect Farmington Ave. and Yamsay Dr.

Authority

This proposed project is a Class-B application for vacation of public rights-of-way. The Planning Commission is authorized to recommend, and the City Council to approve vacations under Medford Municipal Code §§10.102–122, 10.165, and 10.185.

ANALYSIS

The proposed street vacation was requested by the property owner and initiated by City Council on October 20, 2016 (Resolution No. 2016-131). As stated above, the vacation of the rights-of-way along portions of Farmington Avenue and Yamsay Drive was made a condition of previous plan approvals. Given the new plans for the Cedar Landing PUD, the need for the previously dedicated rights-of-way has become unnecessary and would complicate future development of the site. The unimproved rights-of-way currently exist within an undeveloped portion of the Cedar Landing PUD in which there currently exist a pond and greenspace. No public utilities are currently provided and the City finds that reconfiguring the public utility easement would have no adverse effects to future development. Retaining the rights-of-way has become unnecessary as the development plans have changed rerouting traffic and redesigning lot line configurations.

FINDINGS AND CONCLUSIONS

The criteria that apply to vacations are in Medford Municipal Code §10.202. The criteria are rendered in italics; findings and conclusions in roman type.

Vacation Criteria. A request to vacate shall be approved by the approving authority (City Council) when the following criteria have been met:

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

Findings

A review of the goals and policies in the Comprehensive Plan that relate to public facilities, transportation and the Transportation System Plan (TSP) do not specifically address the topic of right-of-way vacation. Both rights-of-way exist on unimproved

sections of proposed and extensions of standard residential streets, those being Farmington Avenue and Yamsay Drive. Currently no public water, sanitary sewer facilities, electrical lines, telecommunications lines or natural gas lines exist and any future development of utilities will not be effected through the vacation. Upon vacation of the property, the ownership of the land would revert to Cedar Landings Investment Group, LLC the developer of the subdivision. Since the original PUD has since changed, the rights-of-way are no longer needed to develop the subdivision.

Conclusions

Since the goals and policies of the comprehensive plan are silent on right-of-way vacations, using the comprehensive plan directly for approval is unnecessary in this instance. Therefore, the criterion has been satisfied.

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

Findings

The application was not initiated by petition per the requirements in ORS 271.080(2); therefore the findings required by ORS 271.120 are not applicable.

Conclusions

This criterion is not applicable to the project.

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

The proposal will comply with the requirement of ORS 271.130 if the City Council can make the following findings:

- a. That the owners of more than 50% of the affected area do not object in writing; and*
- b. That the vacation will not substantially affect the market value of any abutting property where the owner objects, unless the City provides for paying damages to the owner.*

Findings

The City Council initiated the vacation on Thursday, October 20, 2016, per Resolution No. 2016-131. The vacation was requested from Cedar Landings Investment Group, LLC the majority property owner in the affected area. No objections from property owners have been received to date. It is not anticipated that the vacation will substantially affect the market value of any abutting property.

Conclusions

No objections have been submitted regarding the proposal and a substantial effect in market value positively or negatively is not likely. The criterion is satisfied.

RECOMMENDED ACTION

The Planning Commission recommends approving the vacation based on the analyses, findings, and conclusions in the Commission Report dated December 29, 2016 including Exhibits A through I.

EXHIBITS

- A Legal description and map showing street location – Farmington Avenue
- B Legal description and map showing street location – Yamsay Drive
- C County Assessor’s map showing right-of-way – Farmington Avenue
- D County Assessor’s map showing right-of-way – Yamsay Drive
- E Photograph of the project area – Farmington Avenue
- F Photograph of the project area – Yamsay Drive
- G City Surveyor comments
- H Applicant’s findings of fact with applicant’s exhibits
- I December 8, 2016 Planning Commission Meeting Minutes
Vicinity map

CITY COUNCIL AGENDA: JANUARY 19, 2017

Exhibit A

Legal Description and Map showing street location – Farmington Avenue

EXHIBIT
ROAD VACATION
LEGAL DESCRIPTION
(PORTION OF FARMINGTON AVENUE)

RECEIVED
SEP 27 2016
PLANNING DEPT.

BEGINNING at the northeast corner of that portion of Lot 94 of Sky Lakes Village at Cedar Landing, Phase 7A, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon which is located westerly of Farmington Avenue; thence South 89°36'40" East 17.52 feet; thence along the arc of a 20.00 foot radius non-tangent curve to the left (the long chord to which bears North 54°41'31" East 23.34 feet) a distance of 24.92 feet; thence South 18°59'44" West 4.18 feet; thence along the arc of a 292.00 foot radius curve to the left (the long chord to which bears South 10°28'23" West 86.54 feet) a distance of 86.86 feet; thence along the arc of a 20.00 foot radius non-tangent curve to the left (the long chord to which bears North 43°49'48" West 28.67 feet) a distance of 31.96 feet; thence North 00°23'20" East 55.00 feet to the point of beginning.

See attached Exhibit Map

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darrell L Huck

OREGON
FEBRUARY 4, 1983
DARRELL L HUCK
2023

EXPIRES: 6/30/2017

Darrell L. Huck
L.S. 2023 – Oregon
Expires 6/30/2017
Hoffbuhr & Associates, Inc

(14083 farm vacate.doc)

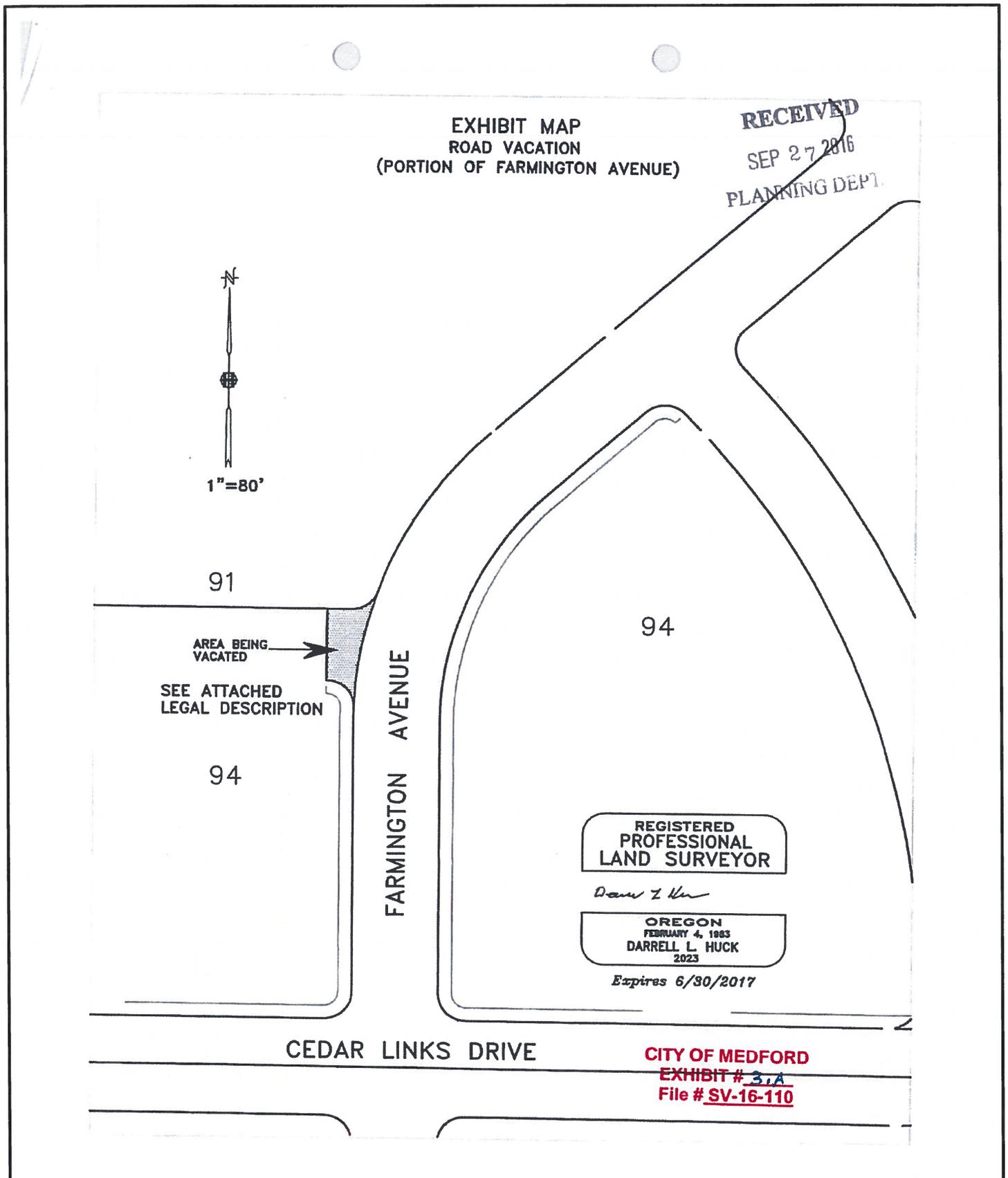


Exhibit B

Legal Description and Map showing street location – Yamsay Drive

EXHIBIT
ROAD VACATION
LEGAL DESCRIPTION
(PORTION OF YAMSAY DRIVE)

RECEIVED
SEP 27 2016
PLANNING DEPT.

BEGINNING at the northwest corner of Lot 94 of Sky Lakes Village at Cedar Landing, Phase 7A, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the westerly line of said Lot 94, South 00°23'20" West 55.00 feet; thence along the arc of a 20.00 foot radius non-tangent curve to the left (the long chord to which bears South 42°30'38" West 29.67 feet) a distance of 33.43 feet; thence leaving said westerly line, along the arc of a 531.50 foot radius non-tangent curve to the left (the long chord to which bears North 09°23'32" West 74.61 feet) a distance of 74.67 feet; thence along the arc of a 468.50 foot radius curve to the right (the long chord to which bears North 12°11'31" West 20.03 feet) a distance of 20.03 feet to the westerly line of Lot 91 of the aforesaid Sky Lakes Village at Cedar Landing, Phase 7A; thence along the boundary line of said Lot 91, along the arc of a 20.00 foot radius non-tangent curve to the left (the long chord to which bears South 50°40' 30" East 25.56 feet) a distance of 27.72 feet; thence continue along said boundary line, South 89°36'40" East 17.06 feet to the point of beginning. (containing 0.04 acres, more or less)

See attached Exhibit Map

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Darrell L. Huck
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FEBRUARY 4, 1983
DARRELL L. HUCK
2023
EXPIRES: 6/30/2017

Darrell L. Huck
L.S. 2023 – Oregon
Expires 6/30/2017
Hoffbuhr & Associates, Inc

(14083 yamsay vacate.doc)

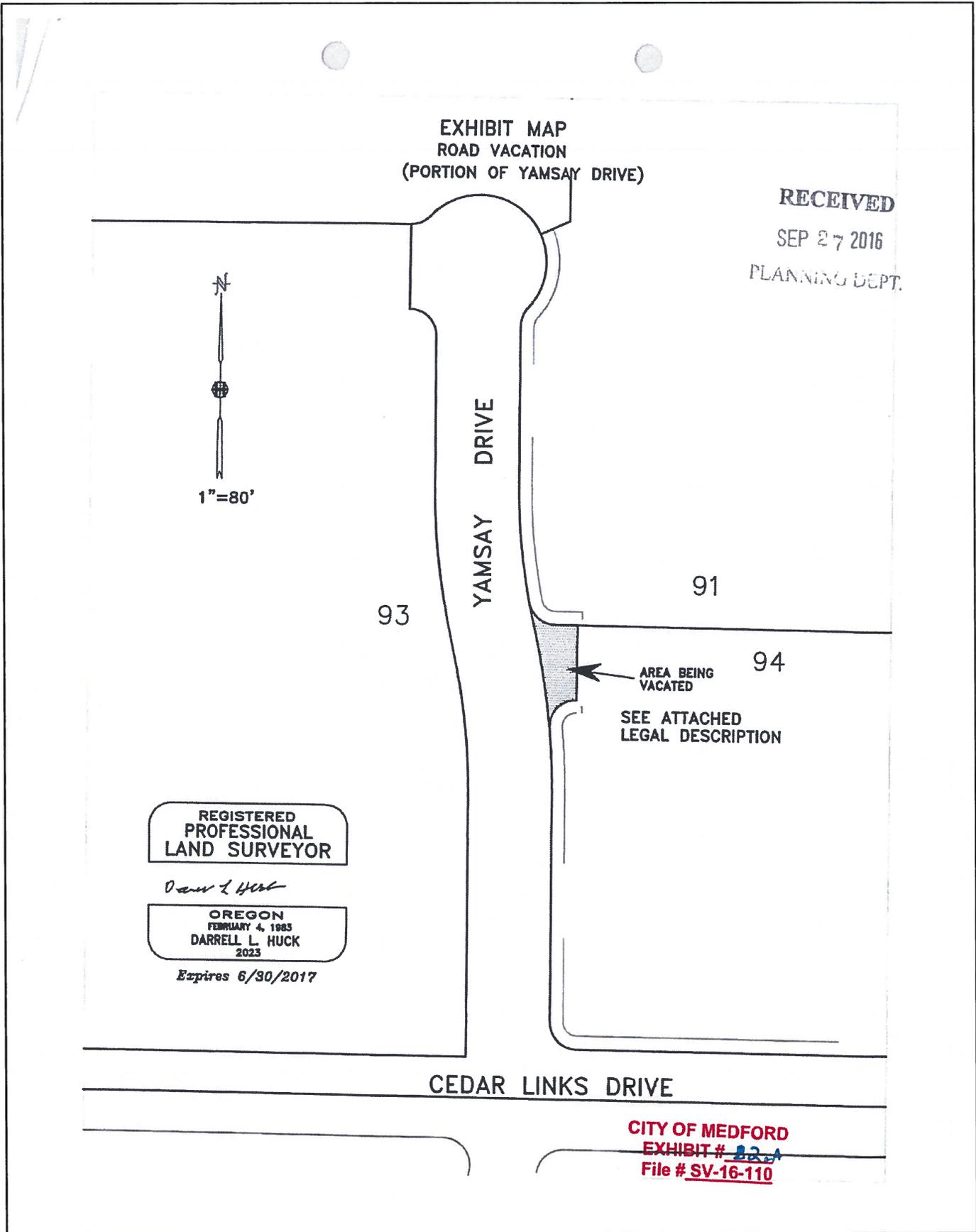


Exhibit D

County's Assessor map showing right-of-way – Yamsay Drive

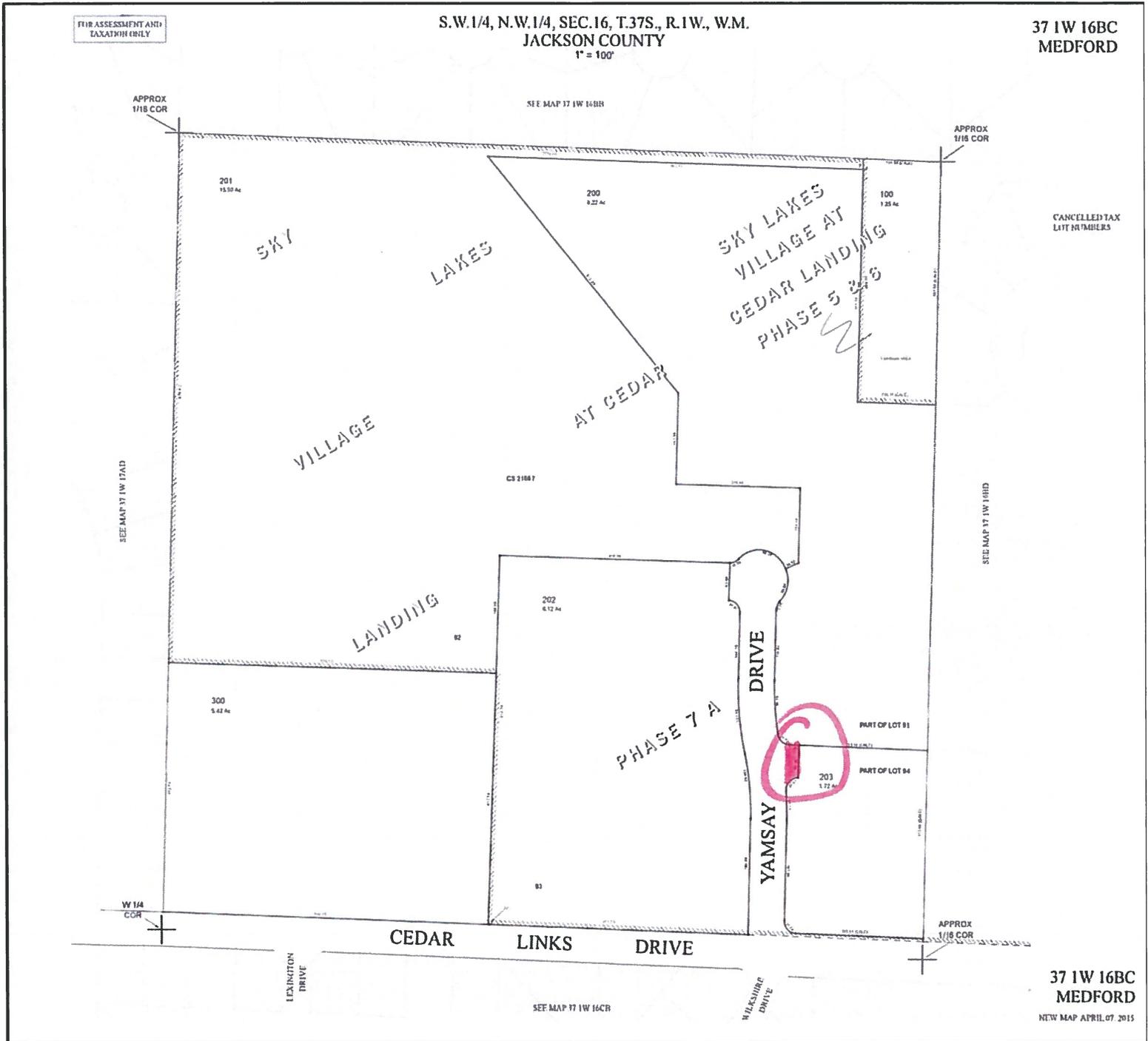


Exhibit E

Photo of project area – Farmington Avenue



Exhibit F

Photo of project area – Farmington Avenue



Exhibit G

City Surveyor Comments



CITY OF MEDFORD MEMORANDUM

To: Jon Proud, Engineering
From: Kyle Kearns, Planning Department
Date: 9/14/2016
Subject: Legal Description (File No. SV-16-110)

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

1. SV-16-110: The unimproved portions of Yamsay Drive (approx. 200' N. and 16' E. of Cedar Links Drive) and Farmington Ave (approx. 200' N. and 16' W. of Cedar Links Drive). —

① This description is confusing & not correct.

② Description of portions of Farmington & Yamsay are technically correct. Exhibit maps are very minimal & lacking information. If they are to be used as a document in vacation in my opinion.

na
Attachments

③ The vacation order should reference both documents as exhibits.

THANKS, JON

"Working with the Community to Shape a Vibrant and Exceptional City"

Exhibit H

Applicant's findings of fact

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

RECEIVED
SEP 12 2016
PLANNING DEPT.

IN THE MATTER OF THE PARTIAL)
VACATION OF THE FARMINGTON)
AVENUE AND YAMSAY DRIVE)
UNIMPROVED RIGHTS-OF-WAY)
LOCATED WITHIN THE NORTHERLY)
PORTION OF THE CEDAR LANDING)
PLANNED UNIT DEVELOPMENT)
ADJACENT TO THE PROPERTY)
DESCRIBED IN THE JACKSON)
COUNTY ASSESSMENT RECORDS AS)
TOWNSHIP 37 SOUTH, RANGE 1 WEST,)
SECTION 16BC, TAX LOTS 200 & 203;)
TOWNSHIP 37 SOUTH, RANGE 1 WEST,)
SECTION 16BD, TAX LOTS 200 & 238;)
LYING NORTH OF CEDAR LINKS DRIVE)
AND WEST OF FOOTHILL ROAD IN)
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 Farmington Avenue and Yamsay Drive, both of which are within the Cedar Landing Planned Unit Development (PUD). The vacations were made a condition of approval in earlier approvals granted by the Planning Commission concerning this Planned Unit Development (PUD) under municipal files PUD-16-024, LDS-16-025, LDS-16-026 and LDS-16-027.

As background, this PUD was previously approved with a local public cross street between Farmington Avenue and Yamsay Drive. As a result of the prior approvals, both Yamsay Drive and Farmington Avenue were dedicated to the public. Portions of the intersections of both Farmington and Yamsay Drive with the local cross street were also dedicated yet not improved. Later, the PUD was redesigned to remove the aforementioned cross street in lieu of a private road / cross street to be situated further to the north. A consequence of the redesign is the need to vacate the previously dedicated yet unimproved portions of Yamsay and Farmington where they intersect with the previously approved local cross street. The revised plans were approved by the Commission and were not appealed.

Oregon Revised Statutes (ORS) Chapter 271 provides two methods to vacate public streets. The first, pursuant to ORS 271.130 is on the City Council's own motion. The second,



11

Findings of Fact and Conclusions of Law
Vacation of Portions of Farmington Avenue and Yamsay Drive
Applicant: City of Medford, Oregon

pursuant to ORS 271.080 is on petition and the consent of affected property owners. 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 less risk. Accordingly, the property owner (Cedar Investment Group, LLC) requested that the Council initiate this street vacation proceeding under its own motion and the Council has done so.

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.** Map Showing Street Vacation Areas on *Tentative Plat For Sky Lakes Village Phases 1-4, The Village, and The Cottages At Cedar Landing (A Planned Community)*"
- Exhibit 4.** Notice Area Map
- Exhibit 5.** LDS-16-025, LDS-16-026, LDS-16-027 Approved Tentative Plats
- Exhibit 6.** PUD-16-025 Approved Preliminary PUD Plan
- Exhibit 7.** Final Order PUD-16-024, LDS-16-025, LDS-16-026 and LDS-16-027
- Exhibit 8.** Jackson County Assessor plat maps 37-1W-16BC and 37-1W-16BD which depict the areas proposed to be vacated.
- Exhibit 9.** Vacation Area Legal Description (*Included in September 12, 2016 update*)
- Exhibit 10.** Assessment Ownership Information
- Exhibit 11.** Completed vacation application forms with written authorization from Cedar Investment Group, 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:

Medford Land Development Code (MLDC)
10.202 Vacation Criteria.

A request to vacate shall only be favorably considered by the approving authority (City Council) when the following criteria have been addressed.



Findings of Fact and Conclusions of Law
Vacation of Portions of Farmington Avenue and Yamsay Drive
Applicant: City of Medford, Oregon

- (1) Compliance with the Public Facilities Element of the Comprehensive Plan.
- (2) If initiated by petition under ORS 271.080, the Council shall make the findings required by ORS 271.120.
- (3) If initiated by the Council, applicable criteria are 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 taken within the time and in substantially the manner provided for taking an appeal from justice or district court in civil cases.



Findings of Fact and Conclusions of Law
Vacation of Portions of Farmington Avenue and Yamsay Drive
Applicant: City of Medford, Oregon

IV

FINDINGS OF FACT

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

1. **Street Ownership:** The sections of Farmington Avenue and Yamsay Drive 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 an earlier PUD proceeding 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 LDS-13-121 a final plat creating, in part, 9 *reserve acreage lots* throughout the PUD. The plat was titled, "Sky Lakes Village at Cedar Landing, Phase 7A". 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 Farmington Avenue 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 November 19, 2015, the Medford City Council approved Ordinance 2015-122 vacating portions of Farmington Avenue and Normil Terrace in order to accommodate the realignment of both streets consistent with design approvals under PUD-15-043 and LDS-15-044.
 - On July 28, 2016 the City of Medford Planning Commission approved file PUD-16-024, a revision to the preliminary PUD plan for the Cedar Landing PUD. With exception of lot coverage modifications that affected the entire PUD, PUD-16-024 primarily dealt with a redesign of the portion of the PUD lying north of Cedar Links Drive, west of Farmington Avenue and east of Yamsay Drive. Coincident with the PUD modifications, the City also approved files LDS-16-025, LDS-16-026 and LDS-16-027 including changes to the tentative plats for lands lying north of Cedar Links Drive. As a condition of approval for each of the applications noted above, the subject portions of Yamsay Drive and Farmington Avenue were required to be vacated, in order to carry out the design modifications.
3. **Zoning:** All properties abutting the subject right-of-way for Farmington Avenue and Yamsay Drive are within the Cedar Landing PUD and are zoned SFR-4.
4. **Surrounding properties description:** All properties surrounding the subject portions of Farmington Avenue and Yamsay Drive are within the Cedar Landing PUD.



Findings of Fact and Conclusions of Law
Vacation of Portions of Farmington Avenue and Yamsay Drive
Applicant: City of Medford, Oregon

5. **Ownership after Vacation:** The ownership of all areas to be vacated will revert to Cedar Investment Group LLC.¹ Following the now sought vacations, the new or modified rights-of-way for both Farmington Avenue and Yamsay Drive are to be dedicated to the City of Medford as required by and in a manner consistent with PUD-16-024, LDS-16-025, LDS-16-026 and LDS-16-027.
6. **Topography:** The vacation areas for both Yamsay Drive and Farmington Avenue include flat to gentle slopes. A preliminary grading plan for the area was reviewed under PUD-16-024.
7. **Public Facilities and Utilities:** Neither street currently includes any public facilities or utilities. The Public Utility Easement dedicated and adjacent to both streets will be modified to align with the revised rights-of-way, consistent with PUD-16-024, LDS-16-025, LDS-16-026 and LDS-16-027.

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:

Criterion 1

A request to vacate shall only be favorably considered by the approving authority (City Council) when the following criteria have been addressed.

- 1.) **Compliance with the Public Facilities Element of the Comprehensive 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 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

¹ Before the rights-of-way were dedicated, the right-of-way land was owned by Cedar Investment Group, LLC. By law, the ownership of vacated street right-of-way is returned to its original owner (from which the dedication was made).



Findings of Fact and Conclusions of Law
Vacation of Portions of Farmington Avenue and Yamsay Drive
Applicant: City of Medford, Oregon

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.

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

Criterion 2

A request to vacate shall only be favorably considered by the approving authority (City Council) when the following criteria have been addressed.

2.) If initiated by petition under ORS 271.080, the Council shall make 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 10.202(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

3.) 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 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

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



Findings of Fact and Conclusions of Law
Vacation of Portions of Farmington Avenue and Yamsay Drive
Applicant: City of Medford, Oregon

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 4, all lands abutting the portions of Farmington Avenue and Yamsay Drive requested to be vacated are owned by Cedar Investment Group, LLC which also represents in excess of two thirds of the ownership of all real property deemed potentially affected under ORS 271.080.

The petition for vacation is being initiated by the City Council. As stated in Section I (Scope and Nature of the Action) the purpose of the vacation is to realign both Farmington Avenue and Yamsay Drive in order to implement the street and phasing layout approved under PUD-16-024, LDS-16-025, LDS-16-026 and LDS-16-027. Based on the foregoing, the Council concludes as follows:

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 Investment Group, LLC) and all of the abutting land has testified to its support of the street 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.



Findings of Fact and Conclusions of Law
Vacation of Portions of Farmington Avenue and Yamsay Drive
Applicant: City of Medford, Oregon

3. 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.
4. 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 vacation.

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 10.202 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 Farmington Avenue and Yamsay Drive are required as an earlier condition of approval imposed by the Medford Planning Commission and are necessary in order to achieve a realignment of both streets in a manner consistent with the earlier approvals that were the subject of city files PUD-16-024, LDS-16-025, LDS-16-026 and LDS-16-027.
4. The vacation of subject portions of Farmington Avenue and Yamsay Drive is not a land use decision.
5. If the street vacation is a land use decision, 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. The portion of streets to be vacated are neither arterials nor collector streets.
 - C. The portion of streets to be vacated are not designated routes for bicycles or pedestrians, yet pedestrian facilities can and will be provided consistent with files PUD-16-024, LDS-16-025, LDS-16-026 and LDS-16-027.



Findings of Fact and Conclusions of Law
Vacation of Portions of Farmington Avenue and Yamsay Drive
Applicant: City of Medford, Oregon

- D. 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 realignment and subsequent dedications — which the city can assure before finalization of the vacation.
6. The vacations comply with MLDC 10.202(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 portions of Farmington Avenue and Yamsay Drive will not produce significant impacts upon present or future land uses or their owners.

Dated September 12, 2016 in Medford, Oregon.

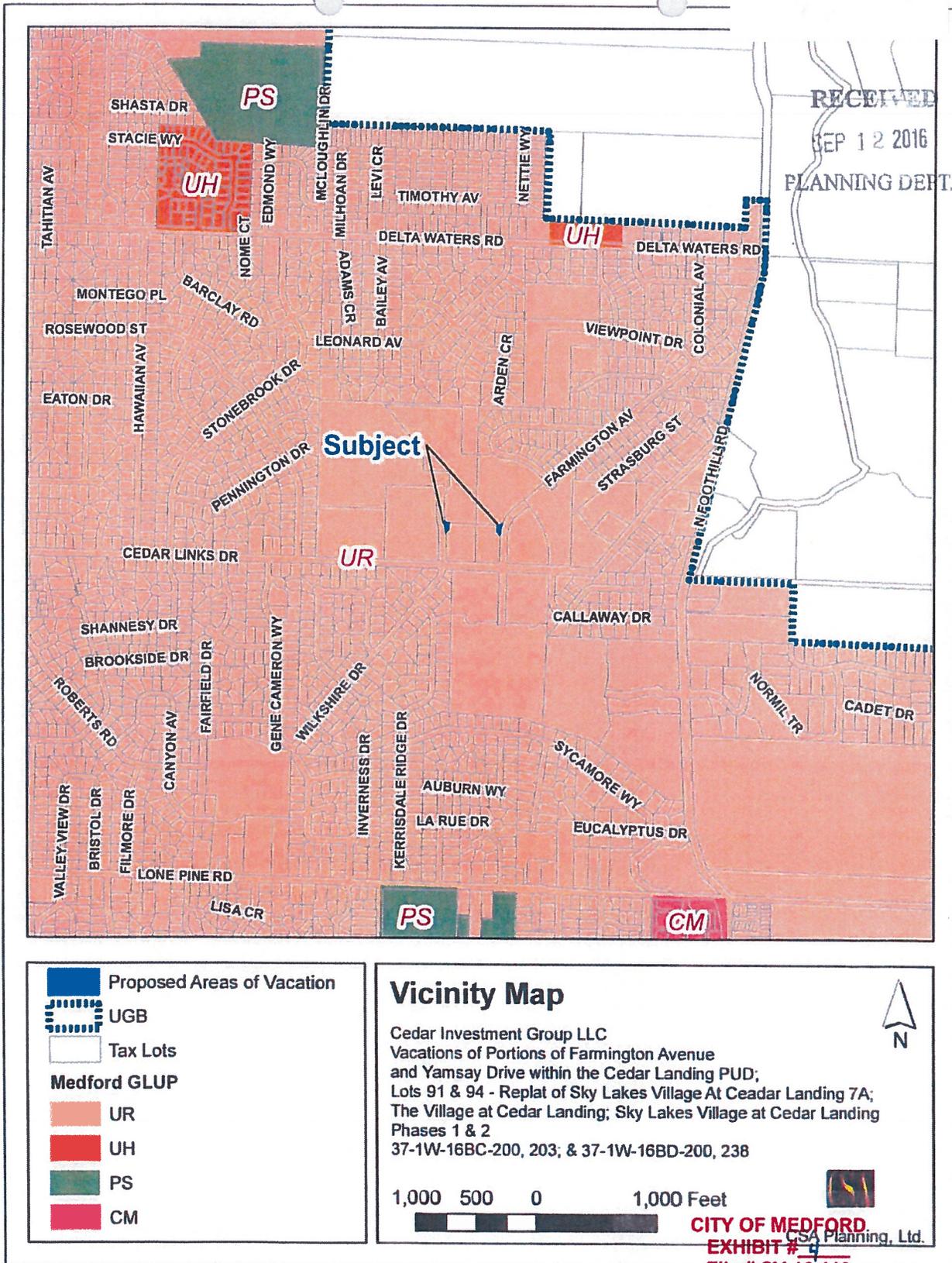
Respectfully submitted on behalf of Applicant,

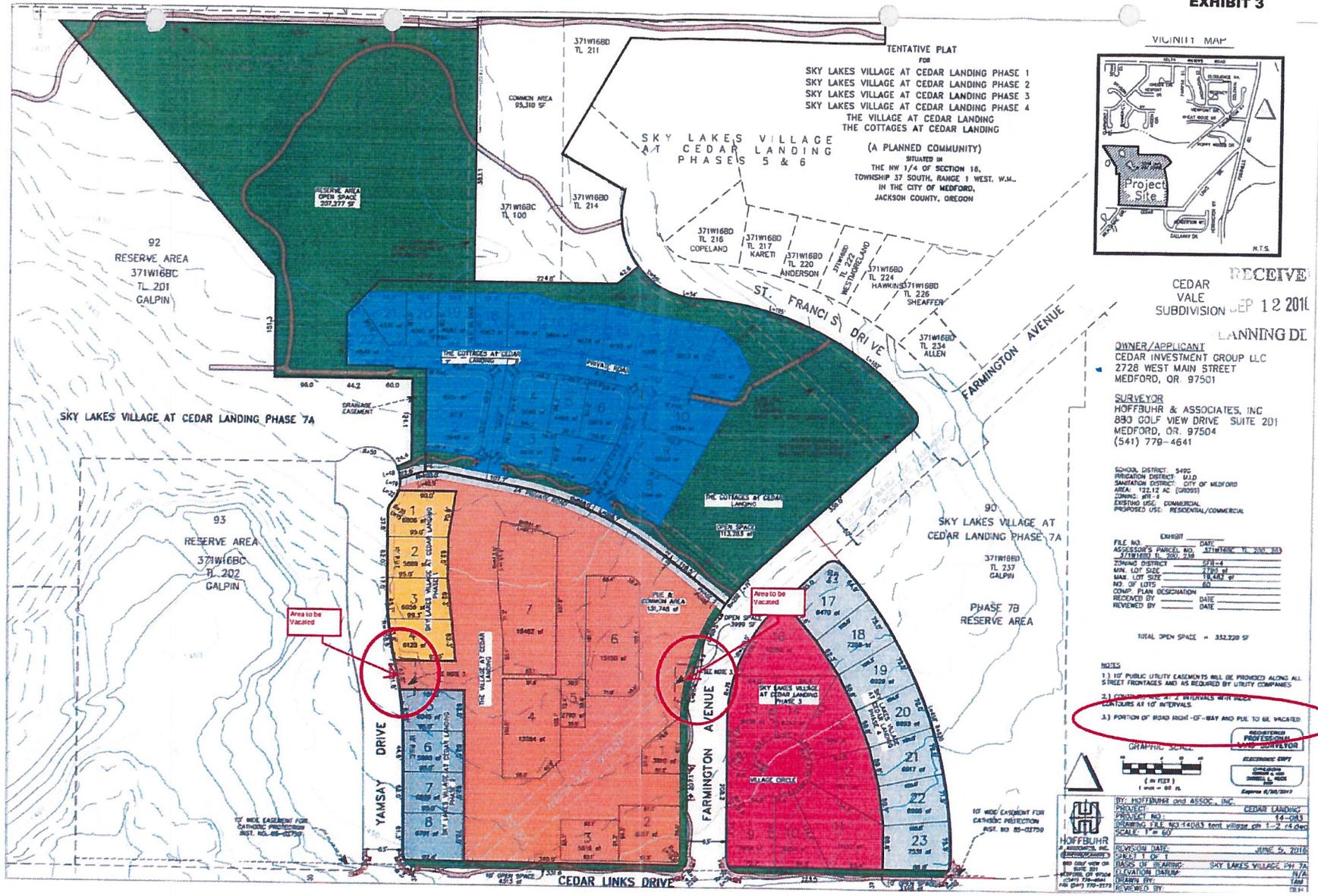
CSA Planning, LTD.

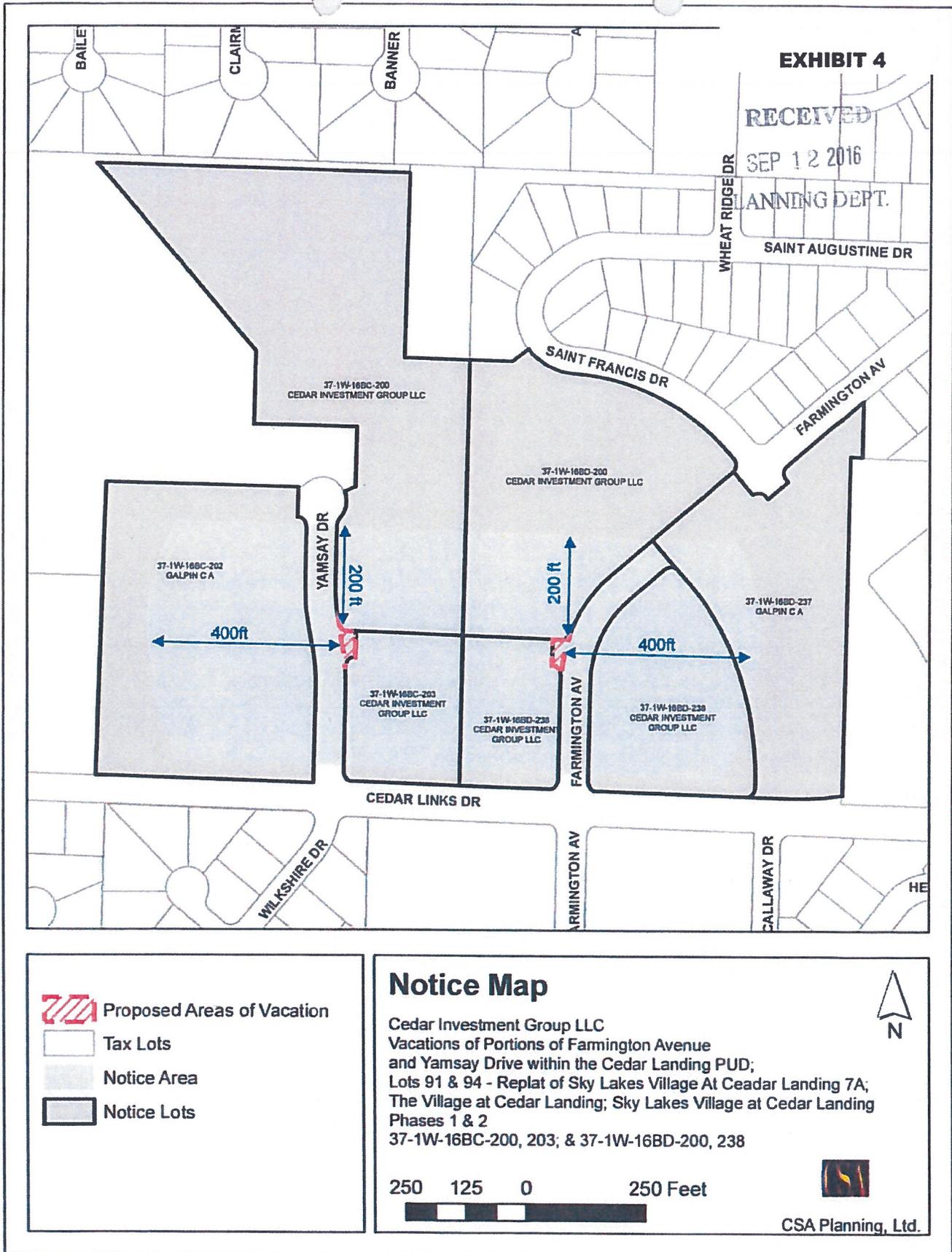


Mike Savage
Consulting Urban Planner

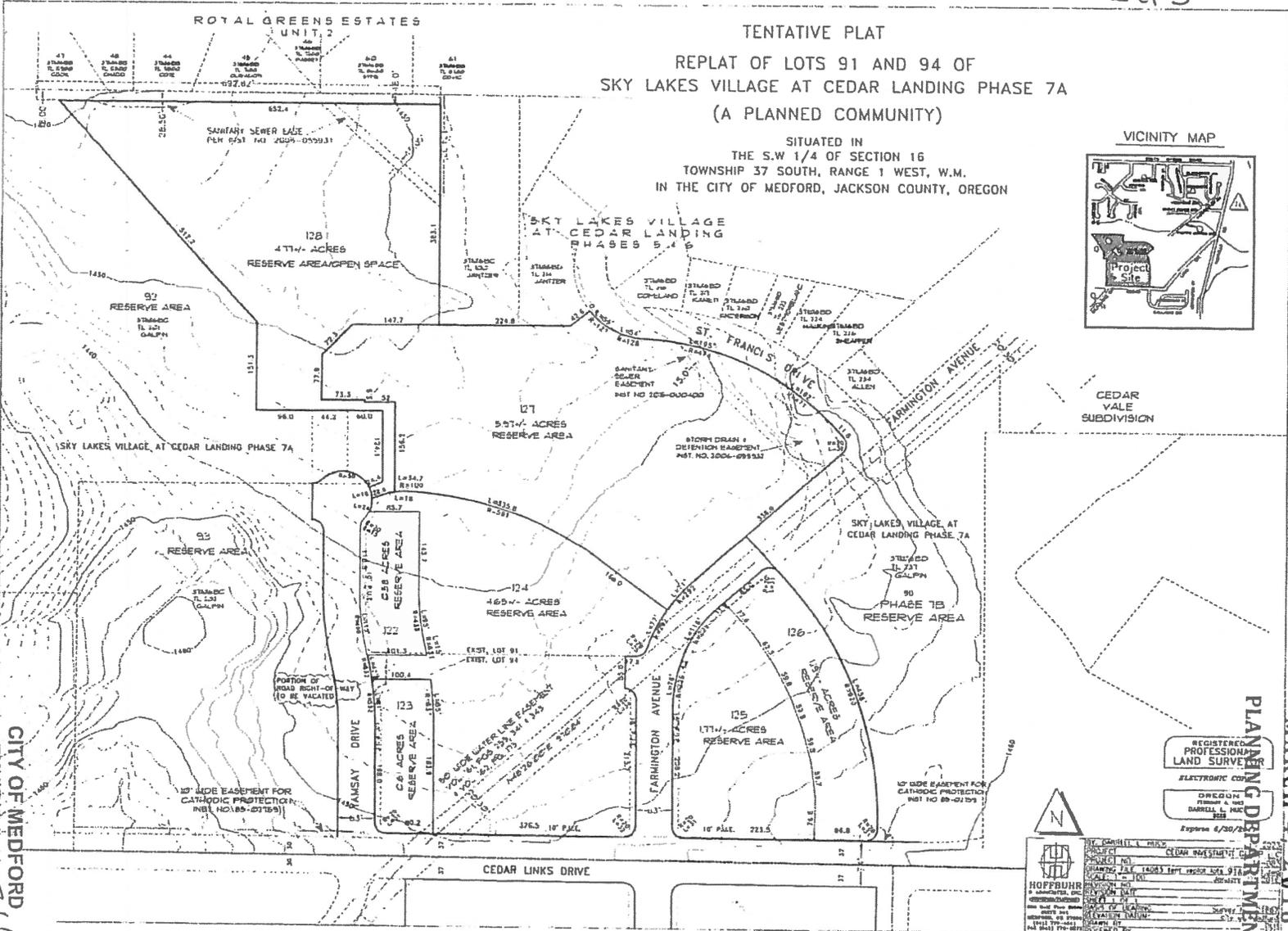




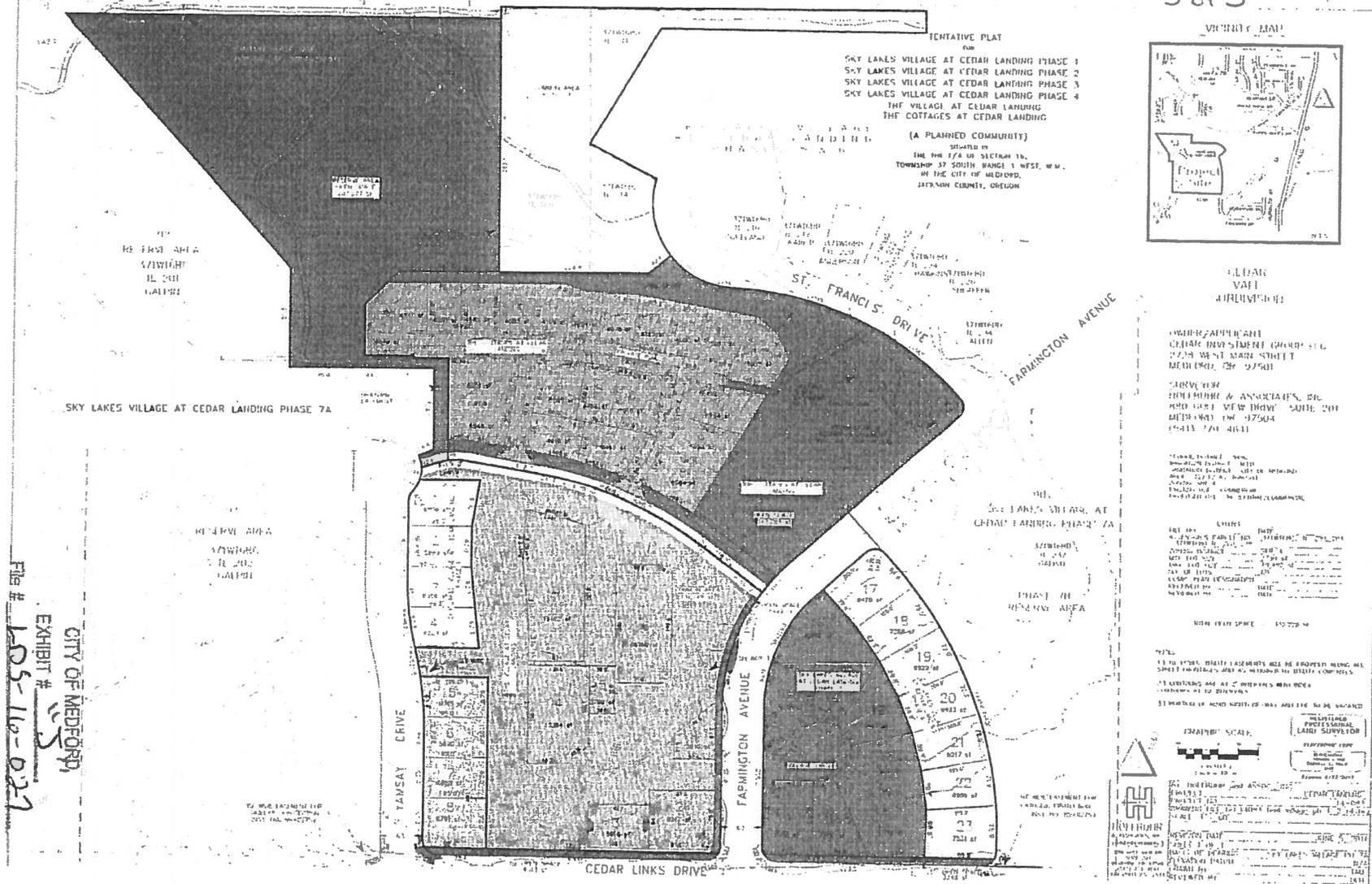




CITY OF MEDFORD
EXHIBIT # *16-026*
File # LDS-16-026



2 of 3



File # 105-110-027
EXHIBIT # 5
CITY OF MEDFORD

3 of 3

BEFORE THE MEDFORD PLANNING COMMISSION

EXHIBIT 7

STATE OF OREGON, CITY OF MEDFORD

RECEIVED

IN THE MATTER OF PLANNING COMMISSION FILE PUD-16-024
APPLICATION FOR REVISIONS TO CEDAR LANDING PLANNED UNIT
DEVELOPMENT SUBMITTED BY CEDAR INVESTMENT GROUP LLC

) SEP 12 2016
) ORDER
) PLANNING DEPT.

ORDER granting approval for a revision to the approved Preliminary PUD Plan described as follows:

Revision to the Cedar Landing Planned Unit Development (PUD) (see list below). The request for PUD Revision primarily applies to the portion of Cedar Landing located on the NORTH side of Cedar Links Drive. There is one PUD Modification request that is applicable to the entire development.

Proposed PUD revision applicable to the NORTH & SOUTH SIDE of the development:

- 1) Allow a 55% lot coverage maximum for single-family residential units under 25 feet; units more than 25 feet in height will remain subject to zoning provision maximum lot coverage of 40%.

Proposed PUD revisions applicable to the NORTH portion of the development:

- 1) Reconfiguration of the Multi-Family, Commercial, Congregate Care and Open Space land uses to a mixture of Single Family, Multi-Family, Commercial and Open Space
- 2) Allow for optional land use for a scaled-down congregate Care Facility in lieu of single-family cottage units;
- 3) Serve a portion of the property with a private street;
- 4) Increased maximum building height for multi-family structures within "The Village" sub-area to provide more architecturally appealing rooflines on three story units;
- 5) Allow a 10-foot front yard setback exclusive of garages for "The Cottages" sub-area;
- 6) Allow a 75-foot lot depth and minimum lot size of 3,800 square feet within "The Cottages" sub-area;
- 7) Allow up to 75% lot coverage for single family units under 25 feet in height within the "The Cottages" sub area;
- 8) Permit a minimum lot size of 5,800 square feet for lots within "Sky Lakes at The Village, Phase I & II".
- 9) Allow a minimum of 1.4 parking spaces for multi-family units rather than 1.5 (deferred to Site Plan and Architectural Commission).
- 10) Allow flexibility between multi-family unit counts and commercial square footages in a manner commensurate with the total parking provided on site.
- 11) Allow option of mixed residential and comical within the commercial buildings subject of final design review, as required by the MLDC.
- 12) Allow meandering sidewalk design
- 13) Eliminated requirement for public pedestrian access from Cul-De-Sac to Callaway Drive.
- 14) Permit driveway access from Cedar Links Drive to Commercial area of the "Villages"
- 15) Allow mix of uncovered and covered parking for multi-family units.
- 16) Allow street tree landscaping requirement relief in location affected by the MWC water line easement.

FINAL ORDER

PUD-16-024

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.245(A), Revision of a Preliminary or Final Planned Unit Development Plan; and
2. The Medford Planning Commission has considered in an open meeting the applicant's request for a revision to the approved Preliminary PUD Plan described above; and
3. Evidence and recommendations were received and presented by the applicant's representative and Planning Department staff; and
4. After consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, approved a revision to the approved Preliminary PUD Plan described above.

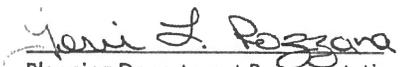
THEREFORE LET IT BE HEREBY ORDERED that the approval for a revision to the approved Preliminary PUD Plan described above, per the Planning Commission Report dated July 14, 2016.

Accepted and approved this 28th day of July, 2016.

CITY OF MEDFORD PLANNING COMMISSION


Planning Commission Chair

ATTEST:


Planning Department Representative

BEFORE THE MEDFORD PLANNING COMMISSION
STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF A REVISION TO THE TENTATIVE PLAT APPROVAL OF)
) ORDER
CASCADE TERRACE AT CEDAR LANDING PHASES 1-5 [LDS-16-025])

ORDER granting approval of a request for a revision to the Cedar Landing tentative plat for "Cascade Terrace at Cedar Landing Phases 1 through 5") described as follows:

The site is located in the north portion of the Cedar Links development project, north of Cedar Links Drive and west of Wilkshire Drive within a SFR-4/PUD (Single Family Residential 4 units per gross acre with Planned Unit Development Overlay). Applicant is requesting approval for a 98-lot residential subdivision tentative plat revision for the purpose of modifying phase boundaries and renaming the two tentative plats to *Cascade Terrace at Cedar Landing, Phase 1 through 5*. The subject request pertains only to project phasing and proposed name change. Lot configurations, open space, streets and infrastructure remain identical to the previously approved tentative plats (LDS-14-137, LDS-14-138).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.265 through 10.267; and
2. The Medford Planning Commission has duly held a public hearing on the request as described above, with the public hearing a matter of record of the Planning Commission on June 23, 2016.
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted the request as described above and directed staff to prepare a final order with all conditions and findings set forth.

THEREFORE LET IT BE HEREBY ORDERED that the request as described above stands approved per the Staff Report dated June 16, 2016, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request as describe above hereafter supported by the findings referenced in the Staff Report dated June 16, 2016.

BASED UPON THE ABOVE, the Planning Commission determined that the request as described above is in conformity with the provisions of law and Section 10.270 Land Division Criteria of the Land Development Code of the City of Medford.

Accepted and approved this 28th day of July, 2016.

CITY OF MEDFORD PLANNING COMMISSION


Planning Commission Chair

ATTEST:


Planning Department Representative

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF REPLAT APPROVAL OF LOTS 91 AND 94 OF THE)
) ORDER
SKY LAKES VILLAGE AT CEDAR LANDING PHASE 7A [LDS-16-026])

ORDER granting approval of a request to authorize a replat of lots 91 and 94 of the Sky Lakes Village at Cedar Landing Phase 7A.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.265 through 10.267; and
2. The Medford Planning Commission has duly held a public hearing on the request to authorize a replat of lots 91 and 94 of the Sky Lakes Village at Cedar Landing Phase 7A, with the public hearing a matter of record of the Planning Commission on June 23, 2016.
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted the request to authorize a replat of lots 91 and 94 of the Sky Lakes Village at Cedar Landing Phase 7A and directed staff to prepare a final order with all conditions and findings set forth.

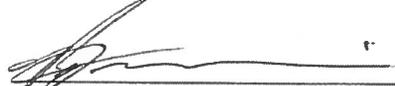
THEREFORE LET IT BE HEREBY ORDERED that the request to authorize a replat of lots 91 and 94 of the Sky Lakes Village at Cedar Landing Phase 7A stands approved per the Staff Report dated June 16, 2016, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request to authorize a replat of lots 91 and 94 of the Sky Lakes Village at Cedar Landing Phase 7A hereafter supported by the findings referenced in the Staff Report dated June 16, 2016.

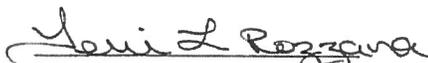
BASED UPON THE ABOVE, the Planning Commission determined that the request as described above is in conformity with the provisions of law and Section 10.270 Land Division Criteria of the Land Development Code of the City of Medford.

Accepted and approved this 28th day of July, 2016.

CITY OF MEDFORD PLANNING COMMISSION


Planning Commission Chair

ATTEST:


Planning Department Representative

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF TENTATIVE PLAT APPROVAL FOR SKY LAKES PHASES 1-4, THE)
) ORDER
VILLAGE AND THE COTTAGES AT CEDAR LANDING [LDS-16-027])

ORDER granting approval of a request to authorize tentative plat approval described as follows:

For "Sky Lakes at Cedar Landing Phases 1 through 4", "The Village at Cedar Landing", and "The Cottages at Cedar Landing" within an area previously identified as "The Village at Cedar Landing Phases 2 and 3", consisting of 54 lots on approximately 34.24 acres

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.265 through 10.267; and
2. The Medford Planning Commission has duly held a public hearing on the above request, with the public hearing a matter of record of the Planning Commission on June 23, 2016.
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted the above request and directed staff to prepare a final order with all conditions and findings set forth.

THEREFORE LET IT BE HEREBY ORDERED that the above request stands approved per the Staff Report dated June 16, 2016, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving the above request is hereafter supported by the findings referenced in the Staff Report dated June 16, 2016.

BASED UPON THE ABOVE, the Planning Commission determined that the request as described above is in conformity with the provisions of law and Section 10.270 Land Division Criteria of the Land Development Code of the City of Medford.

Accepted and approved this 28th day of July, 2016.

CITY OF MEDFORD PLANNING COMMISSION



Planning Commission Chair

ATTEST:



Planning Department Representative

37 1W 16BC
MEDFORD

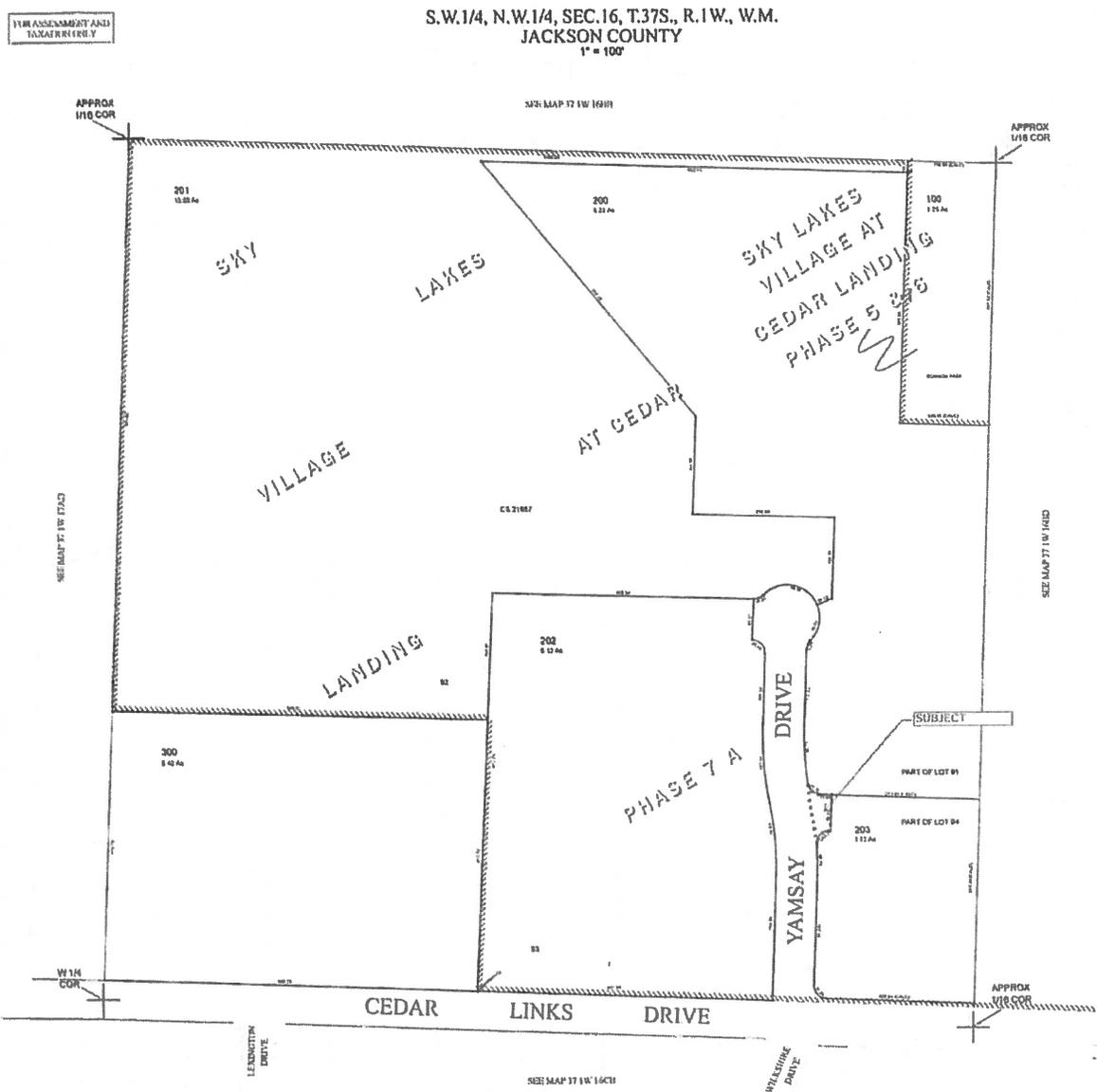
EXHIBIT 8

1 of 2

CANCELLED TAX
LOT NUMBER

RECEIVED
SEP 12 2016
PLANNING DEPT.

37 1W 16BC
MEDFORD
NEW MAP APRIL 07, 2015



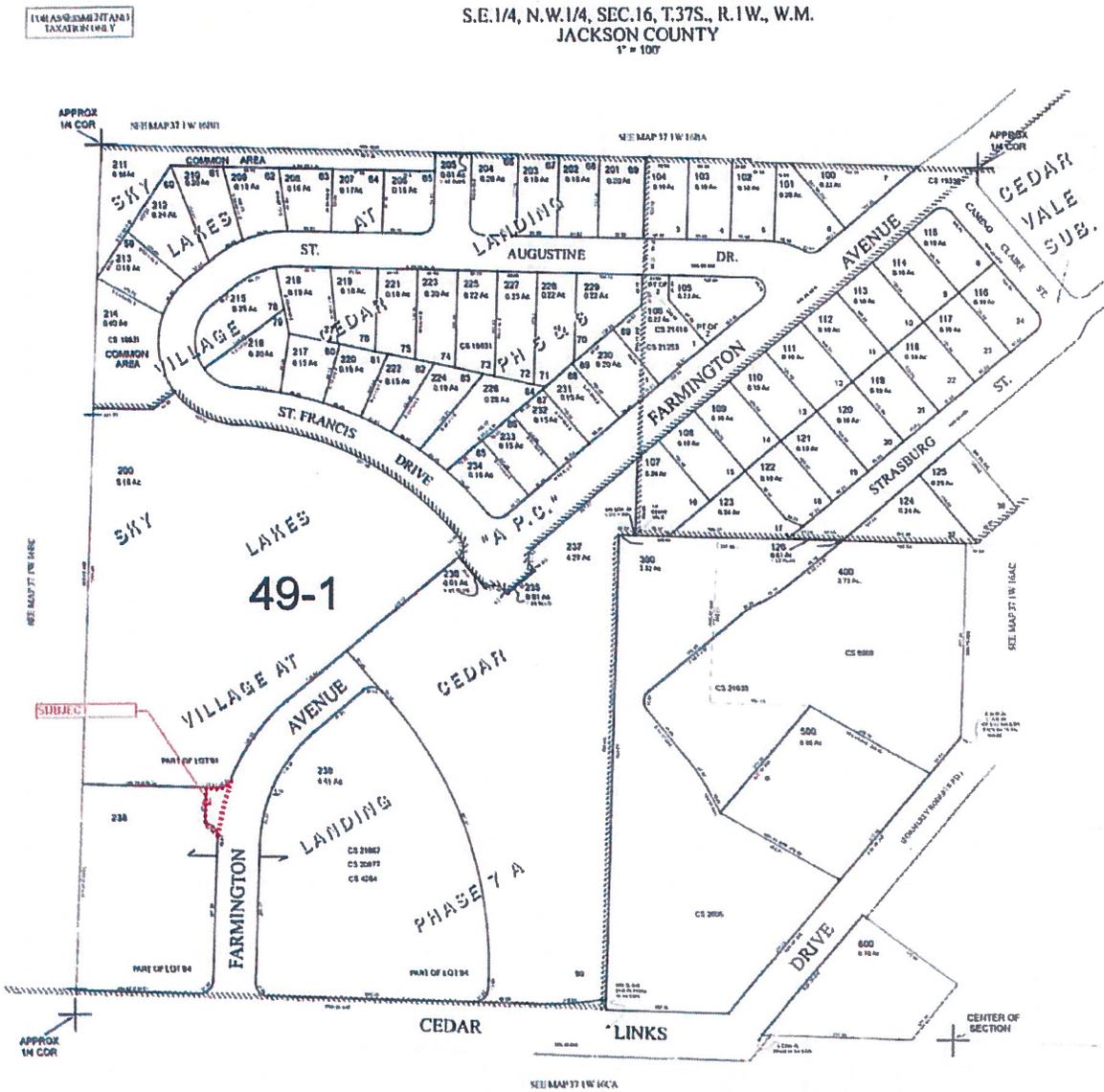
20

2 of 2

37 1W 16BD
MEDFORD

CANCELLED LAK
LIFE FARMERS
127 124 KILLED TO STREET

37 1W 16BD
MEDFORD
NEW MAP NUMBER 01, 2016
REV. APRIL 07, 2015

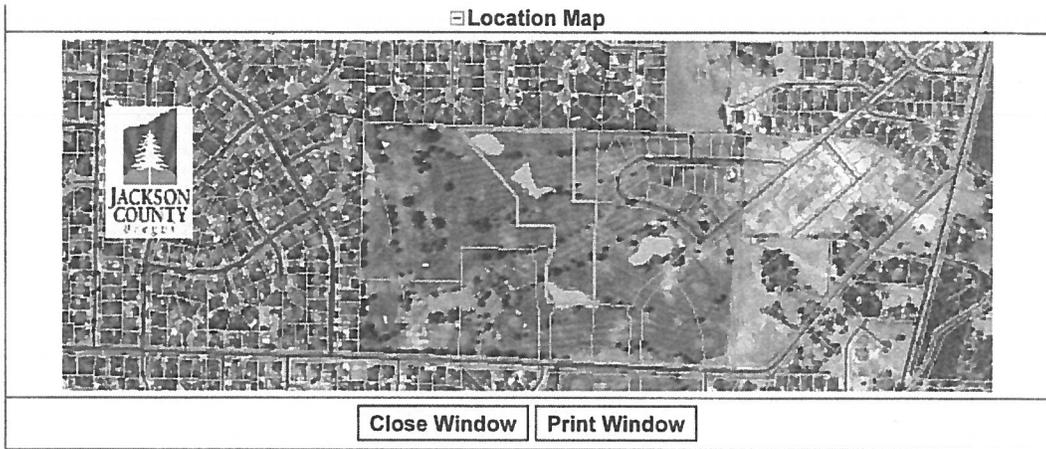


1161 AS @ 3481 217 A 1
TAX YEAR 1984 Y

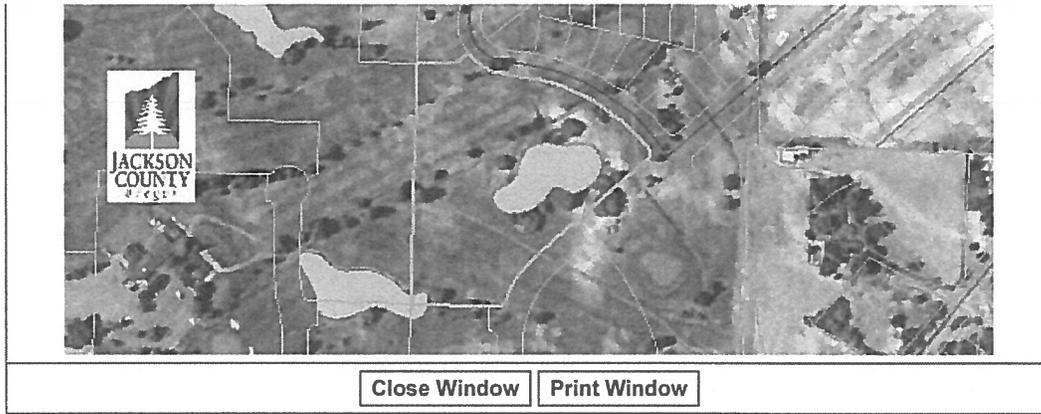
EXHIBIT 10

Account Sequence	Map TL Sequence	Assessment Year 2016	Print Window	Close Window
Assessment Info for Account 1-042379-8 Map 371W16BC Taxlot 200 Report For Assessment Purposes Only Created August 31, 2016				
Account Info		Tax Year 2015 Info		Land Info
Account	1-042379-8	Pay Taxes Online		Tax Code 49-01
Map Taxlot	371W16BC 200	Tax Report	Details	Acreage 8.22
Owner	CEDAR INVESTMENT GROUP LLC	Tax Statement	Details	Zoning
<input type="checkbox"/> Situs Address	3155 CEDAR LINKS DR MEDFORD R	Tax History	Details	Land Class
Mailing Address	CEDAR INVESTMENT GROUP LLC JACK KEESE C/O JIN YOO SECURED MGMT CORP 10250 CONSTELLATION BLVD 2770 LOS ANGELES CA, 90067	Tax Code 49-01		RT 8.22 Ac
<input type="checkbox"/> Associated Taxlots	1 Acct	Tax Type	Due Date	Amount
49-01 R	1-042381-1 371W16BD 200 ACTIVE	Advalorem	11/15/15	\$10,265.26
Appraiser	154	Tax Rate	15.8837	
Sales Data (ORCATS)				
Last Sale (consideration > 0)	Sale Date	Instrument Number	Sales History	
\$ 4,000,000	Aug 07, 2013	2013-26866	Details	
<input type="checkbox"/> Value Summary Detail (For Assessment Year 2016 - Subject To Change)				
<input type="checkbox"/> Market Value Summary (For Assessment Year 2016 - Subject To Change)				
Code Area	Type	Acreage	RMV	M5
49-01	LAND	8.22	\$ 621,210	\$ 621,210
Value History	Details	Total:	\$ 621,210	\$ 621,210
Improvements				
Images / Plans				
Image type	Item Number	Image Files		
RESIDENTIAL	1	1	PDF	
RESIDENTIAL	2	1	PDF	
All in One Report			PDF	
<input type="checkbox"/> Appraisal Maintenance				
<input type="checkbox"/> Account Comments				
(2) 1.4 acre site for the clubhouse (4) FOR INFORMATION ON ASSESSMENT DETAIL (5) SEE THE FILE IN THE COMMERCIAL SECTION. 09/29/97:VALUED BY DIRECT ENTRY,DO NOT PUT IN FINAL STATUS >>>03/04/13 SEVER AIC DUE TO NAMES/SALE #133>>>05/28/15 UPDATED SA/PC. NEW LOT IN SKY LAKES VILLAGE AT CEDAR LANDING PH 7A PART OF LOT#91 (MAKE AIC WITH 371W16BD-200 10423811) #133>>>6/11/15 NAC #154>>>				
<input type="checkbox"/> Exemptions / Special Assessments / Notations / Potential Liability				
Notations				
Description	Tax Amount	Year Added	Value Amount	
TRC DOWNLOADED FROM CAAP				
BALANCED VALUE		2015		
CARTOGRAPHIC ACTIVITY		2015		
ERROR OF ANY KIND- DECREASE		2013		
CARTOGRAPHIC ACTIVITY		2012		
OPEN SPACE LAND (POTENTIAL ADD'L TAX)		2012		
BOPTA ORDER-REDUCTION 309.120		1989		
BOPTA ORDER-REDUCTION 309.120		1988		

21



Account Sequence	Map TL Sequence	Assessment Year <input type="text" value="2016"/>	<input type="button" value="Print Window"/>	<input type="button" value="Close Window"/>		
Assessment Info for Account 1-042381-1 Map 371W16BD Taxlot 200 Report For Assessment Purposes Only Created August 31, 2016						
Account Info		Tax Year 2015 Info		Land Info		
Account	1-042381-1	<input type="button" value="Pay Taxes Online"/>		Tax Code <input type="text" value="49-01"/>		
Map Taxlot	371W16BD 200	Tax Report	<input type="button" value="Details"/>	Acreage <input type="text" value="5.16"/>		
Owner	CEDAR INVESTMENT GROUP LLC	Tax Statement	<input type="button" value="Details"/>	Zoning		
<input type="checkbox"/> Situs Address		Tax History	<input type="button" value="Details"/>	Land Class		
CEDAR LINKS DR MEDFORD	R	Tax Code 49-01		RT 5.16 Ac		
YAMSAY DR MEDFORD	R	Tax Type	Due Date	Amount		
CEDAR LINKS DR MEDFORD	R	Advalorem	11/15/15	\$2,845.16		
Mailing Address	CEDAR INVESTMENT GROUP LLC JACK KEESE C/O JIN YOO SECURED MGMT CORP 10250 CONSTELLATION BLVD 2770 LOS ANGELES CA, 90067	Tax Rate	15.8837			
<input type="checkbox"/> Associated Taxlots 1 Acct		District Rates	<input type="button" value="Details"/>			
49-01 R 1-042379-8 371W16BC 200 ACTIVE		District Amounts	<input type="button" value="Details"/>			
Appraiser	154	Tax Rate Sheet	<input type="button" value="Details"/>			
Sales Data (ORCATS)						
Last Sale (consideration > 0)	Sale Date	Instrument Number	Sales History			
\$ 4,000,000	Aug 07, 2013	2013-26866	<input type="button" value="Details"/>			
<input checked="" type="checkbox"/> Value Summary Detail (For Assessment Year 2016 - Subject To Change)						
<input type="checkbox"/> Market Value Summary (For Assessment Year 2016 - Subject To Change)						
Code Area	Type	Acreage	RMV	M5	MAV	AV
49-01	LAND	5.16	\$ 389,960	\$ 389,960	\$ 389,960	\$ 389,960
Value History	<input type="button" value="Details"/>	Total:	\$ 389,960	\$ 389,960	\$ 389,960	\$ 389,960
Improvements						
Images / Plans						
Image type	Item Number	Image Files				
RESIDENTIAL	1	1	<input type="button" value="PDF"/>			
ACCOUNT PHOTOS	2	1	<input type="button" value="PDF"/>			
RESIDENTIAL	3	1	<input type="button" value="PDF"/>			
All In One Report			<input type="button" value="PDF"/>			
<input checked="" type="checkbox"/> Appraisal Maintenance						
<input checked="" type="checkbox"/> Account Comments						
<input type="checkbox"/> Exemptions / Special Assessments / Notations / Potential Liability						
Notations						
Description	Tax Amount	Year Added	Value Amount			
OPEN SPACE LAND (POTENTIAL ADD'L TAX)						
TRC DOWNLOADED FROM CAAP						
BALANCED VALUE		2015				
CARTOGRAPHIC ACTIVITY		2015				
CARTOGRAPHIC ACTIVITY		2008				
CARTOGRAPHIC ACTIVITY		2007				
BOPTA ORDER-REDUCTION 309.120		1989				
BOPTA ORDER-REDUCTION 309.120		1988				
<input type="checkbox"/> Location Map						



Account Sequence	Map TL Sequence	Assessment Year 2016	Print Window	Close Window		
Assessment Info for Account 1-100084-5 Map 371W16BD Taxlot 238 Report For Assessment Purposes Only Created August 31, 2016						
Account Info		Tax Year 2015 Info		Land Info		
Account	1-100084-5	Pay Taxes Online		Tax Code 49-01		
Map Taxlot	371W16BD 238	Tax Report	Details	Acreage 4.41		
Owner	CEDAR INVESTMENT GROUP LLC	Tax Statement	Details	Zoning		
<input type="checkbox"/> Situs Address		Tax History	Details	Land Class		
FARMINGTON AVE MEDFORD R		Tax Code 49-01		RT 4.41 Ac		
CEDAR LINKS DR MEDFORD R		Tax Type	Due Date	Amount		
CEDAR INVESTMENT GROUP LLC JACK KEESE C/O JIN YOO SECURED MGMT CORP 10250 CONSTELLATION BLVD 2770 LOS ANGELES CA, 90067		Advolorem	11/15/15	\$2,431.59		
<input type="checkbox"/> Associated Taxlots 1 Acct		Tax Rate		15.8837		
49-01 R	1-100084-3 371W16BC 203 ACTIVE	District Rates	Details	Neighborhood 000		
Appraiser		District Amounts	Details	Study Area 11		
		Tax Rate Sheet	Details	Account Status ACTIVE		
				Tax Status Assessable		
				Sub Type NORMAL		
Sales Data (AS 400)						
<input checked="" type="checkbox"/> Value Summary Detail (For Assessment Year 2016 - Subject To Change)						
<input checked="" type="checkbox"/> Market Value Summary (For Assessment Year 2016 - Subject To Change)						
Code Area	Type	Acreage	RMV	M5	MAV	AV
49-01	LAND	4.41	\$ 333,280	\$ 333,280	\$ 333,280	\$ 333,280
Value History	Details	Total:	\$ 333,280	\$ 333,280	\$ 333,280	\$ 333,280
Improvements						
<input type="checkbox"/> Account Comments						
05/28/15 NEW LOT IN SKY LAKES VILLAGE AT CEDAR LANDING PH 7A PART OF LOT#94 (MAKE AIC WITH 371W16BC-203 11000843) #133>>>						
<input type="checkbox"/> Exemptions / Special Assessments / Notations / Potential Liability						
Notations						
Description	Tax Amount	Year Added	Value Amount			
BALANCED VALUE		2015				
CARTOGRAPHIC ACTIVITY		2015				
<input type="checkbox"/> Location Map						
Close Window			Print Window			



CSA Planning, Ltd
4497 Brownridge, Suite 101
Medford, OR 97504
Telephone 541.779.0589
Fax 541.779.0114
Mike@CSAplanning.net

August 23, 2016

MAYOR AND CITY COUNCIL
c/o Planning Department
City Hall
Medford, OR 97501

RECEIVED

AUG 30 2016

PLANNING DEPT.

REQUEST TO INITIATE STREET VACATION

Dear Mayor and Council:

We represent Cedar Landing Investment Group, LLC and record owner of the Cedar Landing Planned Unit Development (formerly the Cedar Links Golf Course). The topic of this letter concerns the partial vacation of Farmington Avenue and Yamsay Drive, both of which are within the Cedar Landing PUD. The vacations were made a condition of approval in earlier approvals granted by the Planning Commission concerning this PUD and Tentative Plat under municipal files PUD-16-024, LDS-16-025, LDS-16-026 and LDS-16-027

As background, the two streets were dedicated for public use (but not improved) as a condition of earlier approvals for this PUD. Later, under PUD-16-024, the PUD was redesigned and placed before the Planning Commission for consideration. The redesign effectively relocated the previously approved local cross street between Yamsay Drive and Farmington Avenue and replaced it with a private road cross street situated slightly further to the north. The revised plans were approved and were not appealed. A consequence of the redesign is the vacation of a small portion of the edges of both Farmington Avenue and Yamsay Drive.

Oregon Revised Statutes (ORS) Chapter 271 provides two methods for the vacation of public streets. The first, pursuant to ORS 271.130 is on the City Council's own motion. The second, pursuant to ORS 271.080 is on petition and consent of affected property owners. 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. As such and by this letter Cedar Landing Investment Group LLC herewith requests that the Council formally initiate these two street vacations on its own motion. Once initiated, CSA Planning on behalf of this client will furnish Findings of Fact and Conclusions of Law and other materials as required to prosecute and finalize the street vacations.

We appreciate the Council's consideration of this matter.

Very truly yours,
CSA Planning, Ltd.

A handwritten signature in blue ink, appearing to read 'Mike Savage', is written over a light blue horizontal line.

Mike Savage
Associate Planner

cc. Eric Artner
File



CITY OF MEDFORD
PLANNING DEPARTMENT

VACATION APPLICATION

- Vacation of Public Right-of-Way
 Vacation of Subdivision Plat

RECEIVED
AUG 30 2016
PLANNING DEPT.

1. APPLICANT INFORMATION (If a corporation, list all principals)

Name _____
Company CEDAR INVESTMENT GROUP LLC
Address 67 FAIRWAY CIR
City MEDFORD State OR Zip Code 97504
Email _____
Telephone (Primary) _____ (Secondary) _____

2. AGENT INFORMATION (Owner's consent required)

Name _____
Company CSA PLANNING, LTD
Address 4497 BROWNRIDGE TERRACE, SUITE 101
City MEDFORD State OR Zip Code 97504
Email mike@csaplanning.net
Telephone (Primary) 541 779-0569 (Secondary) _____

3. OWNER/CONTRACT PURCHASER OF RECORD

Name _____
Company _____
Address _____
City _____ State _____ Zip Code _____
Email _____
Telephone (Primary) _____ (Secondary) _____

"Working with the Community to Shape a Vibrant and Exceptional City"

Lausmann Annex • 200 South Ivy Street • Medford OR 97501
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www.ci.medford.or.us

SV-16-110

VP

1

VACATION APPLICATION

4. PROJECT DESCRIPTION

Include a general description of the area to be vacated, and the objective of the project:

Vacate unimproved portions of Yamsay Drive and Farmington Avenue consistent with conditions of approval under PUD-16-024; LDS-16-025; LDS-16-026; and LDS-16-027

5. REQUIRED SUBMITTALS

*to follow
Per DM*

- Application Form (signed)
- Vicinity Map to scale per Section 10.201
- Legal Description of area to be vacated
 - Emailed or on a CD, in Microsoft Word Format
- Assessor's Map of area to be vacated
 - Showing abutting and affected properties
 - Identifying the parcels for which consents to vacate have been acquired (if not initiating by letter to City Council)
- Findings of Fact (page 4)
- Typed Mailing Labels for each property owner within 200-feet of the site
 - Check with Planning Department, notice varies with type of vacation
- Written Consent of Owner (if applicable) (page 6)
- One of the Following:
 - If initiated by petition: Completed & signed consent forms for the required abutting and/or affect property owners
 - If initiated by City Council, a letter to the City Council requesting initiation of the vacation
- Fee:

<input type="radio"/> Vacation of Right-of Way	\$3,413	\$ <u>3,413.00</u>
<input type="radio"/> Publication and Recording of Vacation of Right-of-Way	\$990	\$ <u>990.00</u>
<input type="radio"/> Vacation of Subdivision Plat	\$970	\$ _____
TOTAL		\$ <u>4,403.00</u>

 - Fees are due at time of project submittal.
 - Checks shall be made payable to *City of Medford*.

Mailing Label Example:

372W19DB Tax Lot 3700
Jane and John Jones
000 Delta Waters Road
Medford, OR 97504

VACATION APPLICATION

6. I HEREBY STATE THAT THE FACTS RELATED IN THE ABOVE APPLICATION AND THE PLANS AND DOCUMENTS SUBMITTED HERewith ARE COMPLETE, TRUE, CORRECT, AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Signature  Date August 30, 2016
CSA PLANNING LTD/MIKE SAVAGE
 Applicant Agent Owner

If any wetlands exist on the site, it is the applicant's responsibility to apply for a permit to the Division of State Lands and Army Corps of Engineers before any site work begins.

Exhibit I

December 8, 2016 Planning Commission Meeting Minutes

The regular meeting of the Planning Commission was called to order at 5:33 PM in the City Hall Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Patrick Miranda, Chair
David McFadden, Vice Chair
Tim D'Alessandro
David Culbertson
Joe Foley
Bill Mansfield
Jared Pulver

Staff Present

Eric Mitton, Senior Assistant City Attorney
Alex Georgevitch, City Engineer
Terri Rozzana, Recording Secretary
Carla Paladino, Planner IV
Kyle Kearns, Planner II
Praline McCormack, Planner II
Dustin Severs, Planner II

Commissioner Absent

Mark McKechnie, Excused Absence

10. **Public Hearings – New Business**

50.1 SV-16-110 Consideration of a request for the vacation of portions of Yamsay Drive and Farmington Ave.; segments of unimproved right-of-way within the northern portion of the Cedar Landing Planned Unit Development, lying North of Cedar Links Drive and West of Foothill Road. (Cedar Investment Group LLC, Applicant; CSA Planning Ltd., Mike Savage, Agent)

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

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

Kyle Kearns, Planner II, reviewed the proposal, read the street vacation approval and gave a staff report.

The public hearing was opened.

a. CSA Planning, Ltd., Mike Savage, 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504-9173. Mr. Savage pointed out that CSA Planning was before the Planning Commission not too long ago requesting an exception allowing the private road to be a

public road which was approved. The staff report states it is a private road which is incorrect.

The public hearing was closed.

Motion: The Planning Commission based on the findings and conclusions that all of the approval criteria are met or not applicable, forwards a favorable recommendation to the City Council for approval of SV-16-110 per the staff report dated December 1, 2016, including Exhibits A through H .

Moved by: Vice Chair McFadden

Seconded by: Commissioner D'Alessandro

Voice Vote: Motion passed, 7-0.

Vicinity Map

