

Exhibit HHH



P.  
Hansen

August 13, 2015

MAYOR WHEELER AND CITY COUNCIL  
c/o Mayor and City Manager's Office  
City Hall  
Medford, OR 97501

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**URBAN GROWTH BOUNDARY AMENDMENT**  
**Testimony of Allen and Daralene Hansen (MD-5)**

RECEIVED

AUG 13 2015

Dear Mayor Wheeler and Council:

Planning Dept.

The following testimony is submitted on behalf of Allen and Daralene Hansen. Attached maps show the location of Mr. and Mrs. Hansen's land which is located within MD-5 and serves to connect Chrissy Park to Prescott Park. This letter supplements the proposal tendered by Mr. and Mrs. Hansen, et al which was submitted to the City Council record earlier.

**Scoring Method; Goal 14 (Urbanization); Process to Date**

The UGB process began officially with publication of a staff report which sought to address some requirements of Goal 14.<sup>1</sup> In the report five categories were offered as measures to determine which Urban Reserve properties would be included in the UGB at this time (versus presumably 20 years later).

The scoring system used by staff was and is flawed in its conception, application and consideration. Proposers here are required to raise objections and do so below. In summary the record shows that scoring for (in particular) sanitary sewer and transportation are flawed in a number of ways that have prejudiced Proposers' properties. Moreover, the scoring system was never corrected nor updated before the Planning Commission reached its final decision. This leaves its recommendation vulnerable because it then fails to properly address Goal 14's requirement for (in particular) the "orderly and economic provision of public facilities and services." This must be corrected if ultimate UGB adoption is to survive a challenge. The staff has noted several times that it will not correct or update the scoring unless so directed by the City Council. The Council should direct the staff to fix the mistakes and incorporate new evidence into the scoring. Additionally, while scoring was done under three categories for the detailed study lots, no overall/composite scoring was ever done and should be.

The scoring, at least in certain categories (principally for sanitary sewer and transportation) is internally inconsistent, does not comport with the staff recommendation nor the advice of the City's own consultants. The following concerns the specific areas denoted in the headings below:

<sup>1</sup> **Goal 14 (Boundary Location)**

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

- (1) Efficient accommodation of identified land needs;
- (2) Orderly and economic provision of public facilities and services;
- (3) Comparative environmental, energy, economic and social consequences; and
- (4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.



## Transportation Scoring

Staff reporting (through its report of July 21, 2015 states that scoring for Transportation was based upon the evaluation provided by the City's transportation consultant, Kittelson & Associates based upon Kittelson's Technical Memorandum #8 (Record p. 124-134). One additional mention concerning Transportation scoring was made by the Planning Department staff during the Commission's March 9, 2015 study session. That mention concerned a statement that the Proposal properties had streets serving them but these only terminated at North Phoenix Road which left people with no good means to travel elsewhere. This logic was apparently used in the scoring as the Proposal properties were scored very poorly on Transportation notwithstanding the high score given by Kittelson.

First, the Kittelson Memorandum concluded succinctly that the Proposal lands were in the most preferred general area of the City for growth of the four alternatives studied — UGB expansion to the east (Kittelson Scenario 2) and to the east and southwest (Kittelson Scenario 3). In summarizing the four scenarios, the Kittelson memo summarizes its conclusions at Record p. 134, stating:

- "Scenarios 2 and 3 provide the lowest costs relative to the other scenarios as improvements are limited to the southeast portion of the City. The improvements in this area would benefit all of the scenarios assessed, and would be implementable given the largely unbuilt areas surrounding these corridors."
- "Scenarios 2 and 3 reduce congestion on I-5 and OR 62, where improvements will be very costly or infeasible."

On its own, the Kittelson memo argues for scoring the Proposal lands at the highest levels while staff scoring produced a nearly opposite result. No substantive analysis was published with the staff report to explain the methodology used to translate the Kittelson analysis into assigned scores.

Again, the only explanation for the scoring discrepancy concerns staffs' verbal statement that once to North Phoenix Road, traffic has no good means to travel elsewhere. This is inaccurate. As we explained during the Planning Commission's March 12, 2015 public hearing, the Hansen property is currently served by Cherry Lane, McAndrews Road and Hillcrest Road — all higher order streets — and a planned higher order street linkage through the southeast Medford area via Barnett Road. Cherry Lane provides north-south connectivity allowing circulation to the north that connects to McAndrews Road (which passes over North Phoenix Road with an interchange-like intersection) and Hillcrest Road. However, after reaching North Phoenix Road, each of these higher order streets proceed west, traversing east Medford en route to central, north and west Medford. Moreover, traffic from this property (and other lands in Medford's southeast Area) have a choice in accessing Interstate 5 — by way of the newly reconstructed Phoenix interchange or west on Barnett Road to Medford's also newly reconstructed south interchange.

Under future conditions, this area will be served by a connection from **Lone Oak to Coal Mine Road** that will proceed west via Juanipero. Additionally, during the planning period, an overpass at South Stage Road is anticipated which will provide a shortcut for people seeking to travel from east to west Medford. See attached map that shows higher order transportation routes that serve the Proposal lands.

According to the Kittelson analysis (which was used to drive the scoring for transportation) the Proposal lands are located in the general area of the City that can best accommodate traffic at least cost. However, Hansen's land was scored the same as other lands located in Medford's most highly congested areas.

If the City intends to base its UGB boundary decisions on the scoring methodology for public facilities as presented in the staff's reporting to date, the applied scoring has to



be done correctly. There is a disconnect between the evidence and scoring that must be rectified by the City Council and if done properly and consistent with the Kittelson evidence, the Proposal lands should be scored very highly and not the same as other lands in Medford's most congested area along Highway 62.

Also, there have been remarks to the effect that the local connectivity is limited by the configuration of Chrissy Park. These remarks contort the facts. The City owns the land and our client is the Trustee for Chrissy Park. If the City desires more local connectivity across Chrissy Park they should simply request that of the Hansen's.

### Sanitary Sewer Scoring

The Proposal lands were given the lowest score for sanitary sewer service. At Record p. 120 Medford Public Works Department engineer Roger Thom states:

"Relatively, cost to upsize the sanitary sewer to accommodate ESA areas is as follows:

"Northeast is the least expensive, Hillcrest is next, Southeast area is highest. Southeast area could be looked at in a different way; currently there is approximately 500 acres of land in the UGB that is not serviceable without sewer upizing. If funding was available to upsize for the current UGB, the incremental cost to accommodate the new Southeast Area would be low." (emphasis added)

The sanitary sewer scoring methodology is flawed in several ways as staff itself acknowledged in its written staff report and the oral testimony of Public Works Director Cory Crebbin during the Planning Commission's public hearing. On this and other related points:

- Medford is served with sanitary sewer by two providers, the City and Rogue Valley Sewer Services (RVSS). As staff observes, the two entities employ different approaches which mostly speak to the willingness of RVSS to use expensive pumping stations to overcome topographic constraints while the City requires all sewers to rely exclusively upon gravity flows (without pumping stations). This resulted in an apples-to-oranges comparison that was never resolved (as it must to comply with Goal 14). The comparative cost to extend sewers is not insignificant, although there is no mention of comparative cost notwithstanding that Goal 14 requires the, "orderly and economic provision of public facilities and services." The comparative cost to serve all potential UGB lands must be evaluated in a manner that fairly compares alternative locations based upon the physical challenges and potential solutions with the respective public facility plans for competing areas and not the relative attitudes about those challenges between different service providers.
- As Public Works Department Director Crebbin testified during the March 12, 2015 public hearing, all of the southeast candidate lands can be served with sanitary sewer provided by the city. He further testified that downstream capacity issues simply must be addressed and once addressed, the marginal cost to serve the lands in MD-5 is low. During the Council's public hearing of August 6, 2015 Randy Jones (Mahar Homes) testified that its engineering studies shows that the marginal cost to serve the Proposal Lands is only about \$60,000 over the amount to serve land already in the UGB. Spread among the potential housing in this area, the cost per home is inconsequential.
- Municipal revenue used to upgrade the capacity of existing sanitary sewer facilities is generated by systems development charges (SDCs). If most or all UGB lands were to be served by RVSS, the City would receive little or no systems development charges — these instead would be paid to RVSS.
- Whether the 250-500 stranded acres already in the UGB (which were mentioned in Mr. Thom's memorandum at Record p. 135) must be served is not optional. Much of the stranded acreage was included in the UGB in 1992 based upon the City then



arguing that the land could and would be served. The stranded lands simply must be *served* and how they will be served must be determined in order to comply with substantive provisions of Goal 14 which requires: "Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary." Ignoring sanitary sewer service to the sewer-stranded lands produces a fatal flaw and reversible error. It has been mentioned that there is no fatal flaw here because Medford now permits septic systems to serve the stranded lands. This is incorrect. The City Council earlier permitted septic systems to address the need of people who have waited over twenty years for sanitary sewer service to become available. While septic systems can serve existing large parcels that have sufficient space for tanks and drainfields, septic systems cannot substitute for public sanitary sewer necessary to achieve planned urban housing densities.

- Mr. and Mrs. Hansen have submitted an engineering solution prepared by engineer Mark Dew that demonstrates how the Proposal lands can be served with sanitary sewer now and over the course of the planning period. This plan shows that these facilities will benefit (and are necessary for) the urbanization of lands already within the UGB. The economic and orderly extension of public facilities and services should account for extensions that make servicing lands within the existing UGB more cost effective (or even possible).
- Finally and with respect to the Proposal lands owned by Allen and Daralene Hansen, the Planning Department also appears to assume that all of the Hansen property must drain to the southeast (which is one possible alternative). However, Mr. and Mrs. Hansen engaged Dew Engineering to evaluate sewer service potential by extension to Hillcrest Road. By elevation, approximately 52 of the 97 acres of the Hansen property can physically gravity flow to Hillcrest Road and connect to existing service lines right now. The Dew analysis was submitted into the record by Mrs. Hansen during the March 12, 2015 public hearing, and is submitted now again. This evidence shows that the Hansen property should have received a sanitary sewer score of at least a 4 and potentially a5 (rather than the score of 1 given it by the staff).

In view of the testimony during the public hearing of March 12, 2015, the Council should and must reexamine how the availability of sanitary sewer should properly be scored and reconcile the disparate methodologies used by the two service providers. This must include a reasonable reconciliation of the respective capital improvement plans that lend appropriate weight to the factors of overall and marginal cost and the necessity to serve lands already in the UGB. The Commission should also consider a sanitary sewer scoring system that awards the highest score to lands that facilitate extending sewer service to other lands already in the UGB. Doing so will align the City's priorities with the requirements of Goal 14.

#### **Gross versus Net Density; Unbuildable Areas**

In its consideration of lands to include in the UGB, the Council should not fail to consider areas of the Proposal Lands that are unbuildable and include only the "net" buildable amounts in all acreage calculations.

#### **Environmental, Economic, Social and Energy (ESEE) Consequences**

The plain language of Goal 14 requires an evaluation of alternative boundary locations based upon the, "comparative environmental, energy, economic and social consequences" of each. The word "comparative" requires a comparison of UGB candidate parcels (or other appropriate planning area unit) to one another based upon the four ESEE factors. For each parcel (or area) the ESEE consequences must be explained based upon information contained in the city and county comprehensive plans (and other evidence of record, if any). The explanations can then be broadly



ranked as to whether the evaluated consequences are strongly positive, positive, neutral, negative and strongly negative.

For example, the Commission heard testimony from a resident representing the Clover Lane neighborhood who contended that further development in that area would be disruptive to that existing neighborhood. Under this Goal 14 factor, this testimony asserts a strong negative social consequence associated with the inclusion of certain lands in the UGB. The Commission should evaluate that testimony along with other asserted social consequences for that area and assign a value on the scale from strongly positive to strongly negative.

The ESEE analysis is a process at its core. It is somewhat laborious, but it is not a technical exercise and this is not an accident. It is 1 of only 4 factors in the alternative boundary location analysis. The ESEE factor in Goal 14 prescribes a process to assure that UGB amendments are not a paint-by-numbers exercise that overemphasizes engineering considerations and de-emphasizes the fundamental reality that City-building is a human capital deployment enterprise. Staff identification of potential consequences is but one source of input information that must be applied in the ESEE analysis. It is not the Staff's role to substitute its judgment of ESEE consequences for that of the City Council. Substantial progress was made by the staff in documenting the ESEE consequences as evidenced in its proposed Findings of Fact and Conclusions of Law. However, additional work is needed and the City must ensure that there is sufficient evidence of record so when final UGB location decisions are made, the same can be properly documented and defended. However, the ESEE analysis should be integrated as a fundamental component of the decision making process. It should not be treated as something to be constructed after location of the UGB is determined. Instead, it should be given appropriate consideration in the evaluation of alternative boundary locations.

Finally, and with specific reference to the land owned by Mr. and Mrs. Hansen, evidence now introduced shows that the portion of their property is covered by Jackson County's sensitive deer/elk winter range designation but has a plan for mitigation that has been worked out in advance with the Oregon Department of Fish and Wildlife (ODF&W). The mitigation plan and correspondence with ODF&W are submitted as Attachment 4. The same shows that Hansen's will mitigate deer/elk impacts by acquiring other unprotected lands (of equal or better habitat value) and placing these under a protected deer/elk designation. The mitigation plan can and will be carried out before any land now covered by the deer/elk overlay is developed in the future and consideration of this evidence is appropriate to the environmental portion of the ESEE analysis.

#### **Double Counting ("Other Lands Category")**

Written testimony from 1000 Friends of Oregon allege that the need for land that is neither residential nor commercial (parks and open space, land for schools and other institutions, etc.) were counted twice — once in the comprehensive plan Housing Element and again in the plan Economic Element. After failed attempts by others, our firm engaged and was responsible for both plan elements which were later adopted by the Council and acknowledged by LCDC.

When a simple explanation was offered, the staff said that it was "not compelling." Submitted earlier by my partner, Jay Harland under separate cover, is a detailed explanation as to why the estimation of land need for this "other lands" category was not "double counted" in any way. It simply urges the City to follow its adopted comprehensive plan and doing so places the City in the strongest position. Proposers urge the Council to adopt this explanation into evidence in support of any UGB decision. There is no basis to exclude acreage (as was done by the Planning Commission) and most of the acreage should be added back in. The explanation is thorough, adequate and appropriate. If 1000 Friends should continue to raise this objection, it should come forward with evidence (or more thoroughly articulated



objections) to back up what to date have been only broad allegations that Proposers assert is wrong and without foundation.

Please make this communication and its attachments a part of the permanent record for the Council's UGB.

Very truly yours,

CSA PLANNING, LTD.

A handwritten signature in blue ink, appearing to read 'Craig A. Stone', is written over a horizontal line. The signature is stylized and somewhat illegible.

Craig A. Stone  
President

CAS/m

**Attachment 1.** Map of Proposers Properties

**Attachment 2.** Letter and Map dated February 13, 2015 from engineer Mark Dew going to the availability of sanitary sewer to Proposers properties, most specifically to property owned by Allen and Daralene Hansen

**Attachment 3.** Map that shows higher order transportation routes that serve the Proposers lands.

**Attachment 4.** Deer/Elk Mitigation Plan approved by ODF&W.

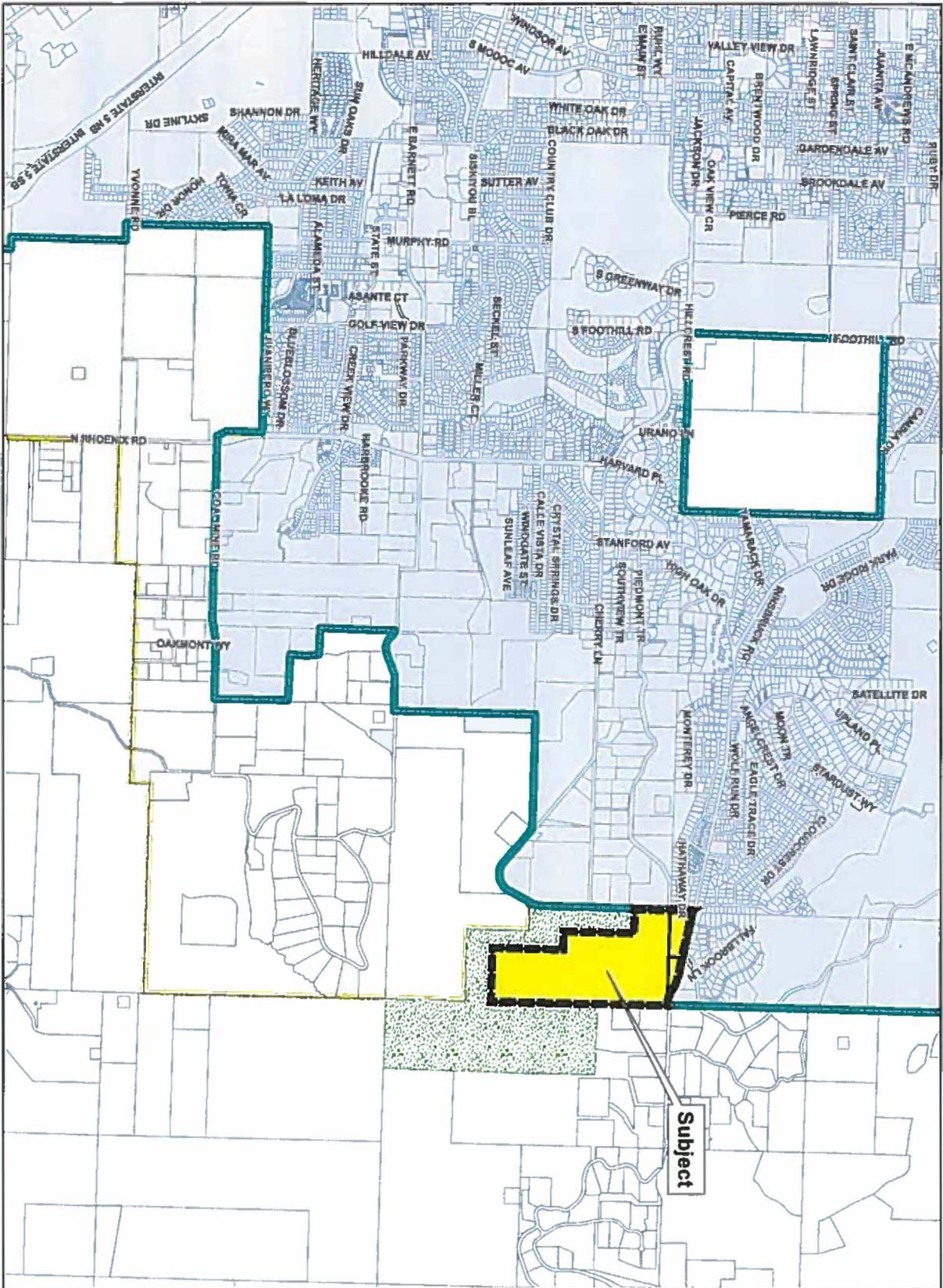
cc. Allen and Daralene Hansen  
Lee Harker and Steven Switzer  
Roy Bergstrom  
File

# Attachment 1

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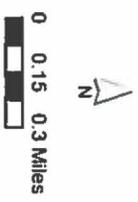
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Planning Dept.



**Legend**

- Subject
- Crisley Park
- Urban Growth Boundary
- Tax Lots
- Urban Reserves



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**Vicinity Map**  
 Hansen / MD-5

# Attachment 2

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## Technical Memorandum

To: City of Medford Planning Commission  
Date: March 9, 2015  
Subject: Hansen UGB Proposal

CSA Planning, Ltd  
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Craig@CSAplanning.net

Our clients, Allen and Darlene Hansen, requested CSA Planning provide a technical memorandum that responds to the UGB amendment recommended by the City of Medford planning staff. The Hansen Property was assigned ESA numbers of 6101 and 6201. The planning staff's proposal does not propose inclusion of the Hansen property but does propose inclusion of Chrissy Park. This memo provides CSA's initial review and response to the staff proposal to exclude the Hansen's property. Four technical issues were identified during this preliminary review. These issues warrant a response because they are significant enough that policy makers should consider them in full detail before deciding to virtually surround the Hansen property without including it.

**Transportation Scoring:** Staff prepared *Map 12.3 ESA Scoring Transportation*. The colors on the map and associated scoring are not consistent with the results of Technical Memorandum 8 prepared by Kittelson and Associates and provided as the technical foundation for the scoring map. The Kittelson analysis evaluated four scenarios, as follows:

- **Baseline Scenario:** This scenario assumes growth all around the City and appears to assume little improved land use efficiency inside the UGB. This is the worst performing scenario. The scattergram nature of this scenario provides little guidance on the benefits and challenges associated with growth in a particular direction.
- **Scenario 1:** This scenario evaluates a primary growth direction to the north and northeast. This scenario was the most problematic of the three directional growth scenarios in the Kittelson analysis.
- **Scenario 2:** This scenario evaluates the primary growth direction to the east. Scenario 2 and Scenario 3 were deemed substantially equivalent by Kittelson and the best of the four scenarios evaluated.
- **Scenario 3:** This scenario evaluates the primary growth direction to the west and southeast. As above mentioned, Scenarios 2 and 3 were deemed substantially equivalent by Kittelson and the best of the four scenarios evaluated.

Based upon the Kittelson analysis, the planning staff assigned a scoring of 1 to 5 (five being the least challenging and one being the most challenging). The Kittelson analysis is a regional analysis. Regional implications are the most relevant transportation considerations at the time of UGB amendment evaluation. The other factor that appears to have been included in the scoring analysis for transportation was support for future needed regional street connections. This is certainly appropriate even if it was not explicitly included in the Kittelson Analysis. Other than a brief allusion in the staff report, this factor is not discussed and specific needed connections are not detailed. Nevertheless, assuming these are the two major factors that resulted in the Staff scoring at Map 12.3, the actual assigned numbers cannot be reconciled with the Kittelson analysis and no logical explanation of the translation method from transportation analysis to ESA scoring assignment is provided in anywhere in the report.

For example, a logical method would be to assign a number from 1-3 based upon Kittelson's regional analysis with an additional bonus point for ESA's with the potential to support future transportation connectivity and an additional point for having frontage on a public street. Under such a logical scoring assignment, lands in the north and northeast would start out as a 1 and lands in the east a 2 and the southeast and west would start out as a 3. Then you would score from there. This type of method would result in a very different map than what is depicted on Map 12.3 and the worst possible transportation score that could be assigned to the Hansen property would be a "4" not a "2". If it was given credit for the potential to connect a valuable regional trail component it might rise to a 5.

The source of the inconsistencies between the input analysis and the scoring outcomes is unknown because the logic used to translate Kittelson's technical analysis into the scoring depicted on the Map is not provided in the staff report. Whatever scoring method is applied, the regional analysis should be heavily weighted with minor adjustments due to localized factors. No logical scoring method should result in the outcome depicted for the Hansen property. The Hansen property scored well in the regional growth direction analysis and has frontage on two public roads and will create a connection for a regional trail system. It is an absurd result that the scoring method would place the Hansen property in the second lowest category where it is ranked with or below lands identified as the most challenging from a regional growth perspective in the Kittelson analysis.

**Sewer Scoring:** The sewer scoring methodology is flawed in several ways. The analysis appears to assume that all of the Hansen property must drain to the southeast. This is one possible alternative. However, Hansens engaged Dew Engineering to evaluate sewer service potential by extension to Hillcrest Road. By elevation, approximately 52 of the

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From Hansen  
3-12-15 submitted at meeting



95.86 acres of the Hansen property can physically gravity flow to Hillcrest Road and connect to existing service lines. This portion of the property should receive the same score as did Hillcrest, a "2".

Moreover, the remaining acreage would gravity flow through the land in the Mahar Homes proposal and into lines being extended through the Southeast Plan as development progresses in that area. As City of Medford engineer Roger Thom rightly points out in his memo, the Southeast area can be considered two ways. The planning staff only scored sewer one way — as depicted on Map 12.2. The second way is to score the sewer assuming the City actually fulfills its Goal 11 responsibilities to provide a plan for needed sewer improvements to serve lands *already within* the UGB. This is the appropriate methodology and is required by Goal 14. Once the City plans appropriate sewer upgrades to serve the Southeast Area, then the marginal costs to install these upgrades with sufficient sizing to serve the entire Hansen property becomes negligible. With proper accounting for required sewer upgrades, the Hansen property should score no worse than a 3 and possibly a 4 or 5. Adding more land to this sewer service area while the needed improvements are being planned will distribute the project costs across more property.

The sewer scoring is also deeply flawed because it is the same facility type being scored by two different agencies using completely different methodologies. The RVSS analysis clearly allows pump stations while Medford does not. The RVSS analysis specifically states that downstream capacity is unknown. Conversely the City of Medford scoring analysis was almost completely based upon downstream capacity projections in the Sewer Master Plan. Without a reconciliation of these two service provider's methodologies, the sewer scoring is internally inconsistent and is inadequate to assess the orderly and economic extension of sewer service to potential UGB inclusion areas.

**Capacity Analysis:** The Capacity Analysis identified as Map 11.1 in the staff report depicts approximately one third of the Hansen parcel as unbuildable along its eastern edge. No explanation in the capacity analysis section of the staff report explains why this land was not considered buildable. The explanation appears to exist on Record Page 64 relating to Deer and Elk habitat. The eastern portion of the property is mapped by the County as being within the Grizzly Unit of the County's Big Game Winter Range Habitat area. For comparison purposes, the Grizzly Unit of the Big Game Winter Range habitat is about the size of Medford's entire UGB. This does not include the other 10 units in the County. Unlike riparian resources or wetlands, the City of Medford has never performed a Goal 5 analysis for Big Game Winter Range Habitat and it has no program to achieve Goal 5.

The County Map only functions to identify the potential presence of a significant resource (assuming the City wants to use the safe harbor in OAR 660-023-0110) for *identification*. ODFW's role concerns the inventorying of Big Game Winter Range habitat and even that is a safe harbor mapping and not a mandatory inventory method. Big Game Winter Range habitat has no safe harbor provision for urban protection programs and the City is required to complete the full Goal 5 process. The staff findings go on to state that a plan to achieve Goal 5 will be completed within one year. This approach is internally inconsistent with a determination that the land is unbuildable. Until the City has completed the Goal 5 process to address this potential resource, it is unknown what the Goal 5 Big Game Winter Range implications may be from an urban development capacity standpoint. CSA Planning has many years of experience working with ODFW on Big Game Habitat issues throughout Jackson County and it is our expectation that a reasonable and appropriate balance under Goal 5 can be achieved that would allow for appropriate urbanization of land designated within an Urban Reserve to be available for future urban expansion.

**Agricultural Lands.** Goal 14 requires the City to evaluate the "compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB." The staff report treats all potential UGB lands in the same way, including that buffering must be applied to all peripheral lands so they are all the same. They are not and the short and attention paid this State requirement is insufficient to pass muster at the State level.

**Land Need vs. Logical Boundary Configuration:** The planning staff has characterized the City's buildable Urban Land Need based upon adopted components of the City's Comprehensive Plan. The identified urban land need of 1,689 buildable acres appears justifiable based upon adopted plans. However, the staff report treats this need as an inviolate maximum. OAR 660-024-0040(1) specifically states that land need shall not be held to an unreasonable level of precision. The case law does not provide precise guidance on what an unreasonable level of precision might be. However, Goal 14 Land Need provisions need not be read in isolation from the Goal 14 Boundary Location factors. Surrounding the Hansen property on 3½ sides with the UGB produces an absurd result when considering that the buildable land on Hansen represents just 4.3% of the total buildable land need of the City's UGB amendment. The illogical boundary in the staff proposal is driven by the land need estimate being applied with an unreasonable level of precision. The City has reasonable latitude under Goal 14 to explain why an additional 72.5 buildable acres is appropriate to create a logically configured boundary irrespective of other boundary location choices the City might make through the UGB amendment process.

CSA PLANNING, LTD.

  
Craig A. Stone

Memorandum

Page 3



President  
CASm  
cc. Allen and Darlene Hansen  
File



Feasibility Study – Sanitary Sewer  
MD-5 (371W 26 TL100)  
Medford, OR 97501

February 13, 2015  
Project No 2014-025

**Serviceable Area**

The property located at 5500 Hillcrest Rd, Medford Oregon composes 96.86 acres and is under consideration for inclusion under a proposed Urban Growth Boundary (UGB) amendment designated within the MD-5 region.

Our firm was retained to evaluate the serviceability of this property for city services upon UGB inclusion and future development of the parcel. It was found that the City of Medford currently has an 8" sanitary sewer main at the intersection of Cherry Lane and Hillcrest Road. The finish grade at this intersection is 2048.0' and the invert of the sanitary sewer is 2041.0' (approximately 7' deep). Based upon the location and depth of the proposed point of connection to the *existing* sanitary sewer, a preliminary feasibility study determined that the serviceability of 5500 Hillcrest Road, with proper design, will yield approximately 52 acres of developable land.

Respectfully submitted,

DEW ENGINEERING, INC

*Mark R Dew*  
Mark R. Dew, P.E.

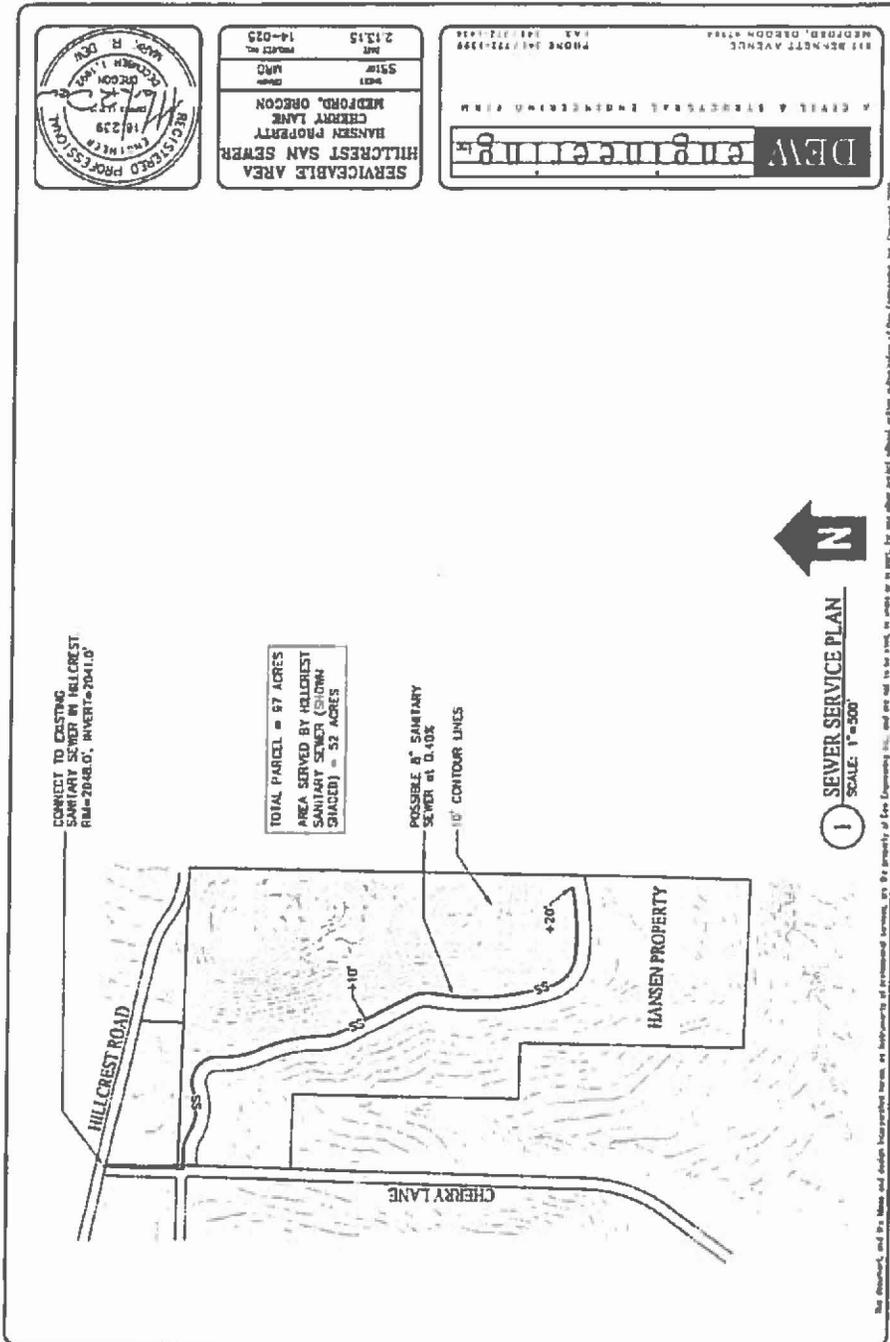


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Planning Dept.

*Hansen*  
*From Hansen/Holt 3-12-15 Submitted at hearing*



2. *Orderly and economic provision of public facilities and services;*

Findings

The External Study Areas (ESAs) were made up of the properties that passed through the coarse filter. Since the "efficient accommodation of identified land needs" is set as the first priority, any area that did not meet our measure for efficiency (the coarse filter) was eliminated from further consideration prior to further study on the ESAs. Once the ESAs were identified a capacity analysis was conducted (Exhibit F) similar to the Buildable Lands Inventory following the procedures of OAR 660-024-0050 and ORS 197.186 and 197.296 in determining buildable lands. Additional data were then collected for the ESAs regarding the serviceability for water, sewer, and transportation. This was done to measure the ability to provide public facilities and services in an orderly and economic fashion. Maps of the additional scoring results can be found in Exhibit H and the scoring memos provided by the service providers are attached as Exhibit I.

In the case of transportation there are major system improvements needed regardless of where the boundary is expanded. Some areas had a greater negative effect on the system than others based on existing infrastructure, network connections, and traffic patterns.

The scoring for water serviceability came from staff at the Medford Water Commission. The scoring memo they provided was very thorough and detailed and made for easy conversion to Planning staff's scoring map. There were a couple requests to change the water scoring map received by Planning after the map was made public at the October 2014 open house. The Medford Water Commission reviewed the requests and ultimately decided that the scores that were provided originally were consistent with the scoring methodology used for all of the ESAs and that those scores appropriately represented the comparative ease/difficulty of providing service based on current conditions. Their response is included with the scoring memos in Exhibit I.

The scoring of sewer serviceability was a little different because there are two service providers within the Urban Reserve. The comments received initially from the two providers were very different, which made comparative scoring difficult. Planning staff took those comments and attempted to rank all of the ESAs (both City and RVS service areas) based on those comments alone. Once Planning staff had a map done a meeting was held with the representatives from the City and RVS who provided the initial comments.

Planning staff and the representatives from both sewer service providers discussed the draft scoring map and found that Planning's scoring was off in many areas. In general RVS viewed all areas within the ESAs as either easy or relatively easy to serve. Even the need for additional pump stations was viewed as a minor part of the standard operations of the district. Conversely, the City of Medford sewer system is

*From Randy Jones*

*3-12-15 submitted at meeting*

Exhibit B  
Staff Report

In need of major system upgrades that for the most part are not currently funded. Any additional demand on the system, regardless of where it is placed within the ESAs, will require additional investment to improve downstream capacity. Some areas were worse than others and so they were ranked from poor to moderate based on input from the City sewer representative. Both sewer representatives were satisfied with the new map before the meeting was over. The information obtained from the two services providers is the most accurate, up-to-date information available for our analysis. The ability for the two providers to discuss their system operations and needs in the same room provided the comparative analysis across both systems in all portions of the ESAs.

Policy differences between the two service providers were used in the analysis and helped to determine scores for the whole area. The willingness to use pump stations to provide service to an area is a good example in policy differences: RVS is much more willing to use pump stations in its system than the City of Medford is.

The results of the scoring for all five factors—proximity, parcelization, water, sewer, and transportation—were used to guide the decision on where to expand the City's UGB. In addition to the scoring of the properties for the five factors the City also had to consider the obligations of the Regional Plan Element. The Regional Plan requires the City to collaborate with the Rogue Valley Metropolitan Planning Organization, applicable Irrigation districts, Jackson County, and other affected agencies to produce a conceptual land use plan for the area proposed to be added to the UGB. The conceptual land use plan must be used to demonstrate how the City is meeting targets for density, land use distribution, transportation infrastructure, and mixed-use/pedestrian-friendly areas. The scored properties were not ranked on a parcel-by-parcel basis, but rather, areas were selected based on their scores for the five factors and based on the area's ability to meet Regional Plan obligations. The mix of land uses in the area was an important consideration regarding the orderly and economic provision of public facilities and services.

#### Conclusions

By using the scores of the five factors, and considering an area's ability to meet the City's projected need by GLUP designation, and the Regional Plan obligations, rather than comparing properties on a parcel-by-parcel basis, the City proposes to expand its UGB in a way that will provide for the orderly and economic provision of public facilities and services.

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**CITY OF MEDFORD**  
**Interoffice Memorandum**

August 21, 2014

TO: Joe Slaughter

FROM: Roger Thom 

SUBJECT: UGB – ESA Sanitary Sewer Study

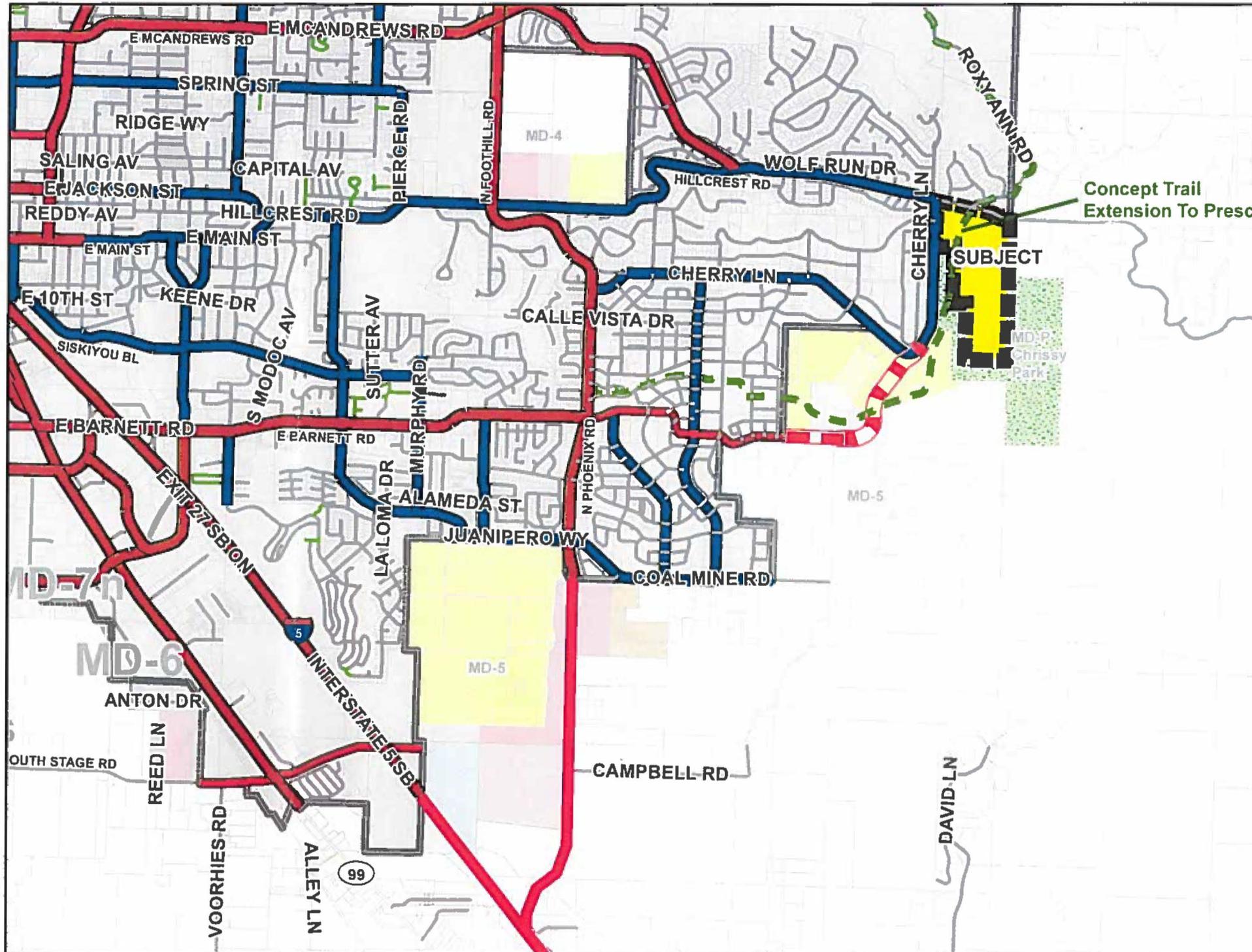
Public Works has reviewed our sanitary sewer system with consideration to impacts from development under the current proposal for UGB – ESA. Within the ESA, there are three primary areas served by the City; Northeast, 435 acres with ID#'s 3101 to 3103, and 3202 to 3212, Hillcrest/Vista Point, 353 acres with ID#'s 4101, 4102, 4201, 4202, 3213, 3214, Southeast, 379 acres with ID#'s 5101, and 5201 to 5206.

Relatively, cost to upsize the sanitary sewer to accommodate ESA areas is as follows: Northeast is the least expensive, Hillcrest is next, Southeast area is the highest. Southeast area could be looked at in a different way; currently there is approximately 500 acres of land in the UGB that is not serviceable without sewer upsizing. If funding was available to upsize for the current UGB, the incremental cost to accommodate the new Southeast area would be low.

If you need further information or clarification, please contact me.

# Attachment 3

RECEIVED  
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Planning Dept.



**HIGHER ORDER STREETS**

**Legend**

-  East Barnett Extension
-  Major Arterial
-  Minor Arterial
-  Major Collector
-  Local
-  Private
-  Trail Connection to Prescott Park
-  SUBJECT
-  Tax Lots
-  Urban Growth Boundary
-  Chrissy and Prescott Parks

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1 inch = 3,000 feet

# Attachment 4

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# Oregon

Kate Brown, Governor

Department of Fish and Wildlife  
Rogue Watershed District  
1495 East Gregory Road  
Central Point, OR 97502  
VOICE (541) 826-8774  
FAX (541) 826-8776

06/15/2015

RECEIVED

AUG 13 2015

Planning Dept.

Jay Harland  
Re: UGB Expansion and Winter Range  
CSA Planning Ltd.  
4497 Brownridge, Suite 101  
Medford, OR 97504

Dear Jay:

The intent of this letter is to describe ODFW's opinion on the portion of your client's property that is currently within winter range that they would like to include in Medford's urban growth boundary. The property is located at 5500 Hillcrest Road and identified as Township 37S Range 1W Section 26 Tax Lot 100 on the Assessor's Records of Jackson County. ODFW does not object to the inclusion of your client's land into Medford's Urban Growth Boundary, and will recommend that the parcel no longer be mapped as winter range, provided that your client completes appropriate mitigation.

Especially Sensitive Deer and Elk Winter Range in Jackson County is considered a Category 2 habitat per ODFW's mitigation policy because it is essential and limited habitat. The mitigation goal for Category 2 habitats is no net loss of habitat quantity or quality and to provide a net benefit of habitat quality or quantity, mitigation should be in-kind and in-proximity.

ODFW requests that your client:

- Acquire and suspend development rights to a piece of property at least 60 acres in size, either through direct purchase, conservation easement, or some other binding process.
- The property should have habitat components typical of winter range such as oak woodlands or wedgeleaf brush fields that would benefit from habitat improvement projects, and be located within Jackson County's Especially Sensitive Deer and Elk Winter Range.
- Complete a habitat project on the acquired parcel to provide a net benefit to deer habitat, such as thinning conifers from an oak stand or cutting, stacking, and burning a decadent wedgeleaf brush field.

ODFW will recommend that the City of Medford not approve a zone change on the portion of the property currently within winter range prior to the completion of this project. Once the development rights have been acquired and the habitat has been improved, ODFW will provide a letter recommending the property be removed from the Especially Sensitive Deer and Elk Winter Range overlay and become available for a zone change. This process is more formally detailed below.

Please call with any questions or comments.

Sincerely,

A handwritten signature in black ink that reads "Steve Niemela". The signature is written in a cursive style with a large initial "S" and "N".

Steve Niemela  
Assistant District Wildlife Biologist

## WINTER RANGE/URBAN GROWTH BOUNDARY MITIGATION PROCESS

1. A mitigation site shall be proposed by the private property owner and presented to ODFW for evaluation. The site proposed shall be approximately 60 acres. The identified site shall be located within the existing Big Game Winter Range Habitat in either the Lake Creek or Grizzly habitat units. Upon request of the property owner, ODFW will provide guidance to help identify potential mitigation site characteristics desired by the Department.
2. ODFW will complete the evaluation within 45 days of receipt of a letter requesting a mitigation site evaluation. ODFW will conduct a site visit of the proposed mitigation site. ODFW will provide a letter to the property owner that determines the suitability of the proposed site to meet the mitigation requirements in this condition. The letter shall also detail the habitat restoration efforts that will be required for the site.
3. If the property owner accepts the habitat restoration recommendations in 2 above then the restoration shall be completed and the site placed under permanent conservation easement (or other acceptable legal mechanism). Any conservation easement would need to be held by a third party with experience in managing these kinds of agreements, such as the Nature Conservancy or Southern Oregon Land Conservancy.
4. If the property owner does not accept the habitat restoration recommendations, the property owner may propose an alternative site or may propose alternative restoration measures in an attempt to reach agreement on a habitat restoration plan.
5. Upon completion of the agreed upon restoration for an approved mitigation site and evidence of the recorded conservation easement (or other adequate legal mechanism), ODFW will conduct another site visit. If mitigation is adequate, ODFW will provide the property owner a letter verifying the mitigation has been completed. ODFW will provide a copy of the letter to the Jackson County Planning Department and the City of Medford Planning Department.