



Exhibit
F F F F

CSA Planning, Ltd
4497 Brownridge, Suite 101
Medford, OR 97504
Telephone 541.779.0569
Fax 541.779.0114
Jay@CSAplanning.net

August 20, 2015

MAYOR and CITY COUNCIL
City of Medford
c/o Jim Huber, Medford Planning Department
200 South Ivy Street
Medford, Oregon 97501

RE: *Questions from Prior Hearing*

Dear Mayor and Council:

At the August 13, 2015 hearing, the Medford City Council asked questions of two of our firm's principals - Craig Stone and Raul Woerner. The questions posed are difficult ones and I believe additional response may be beneficial in the Council's decision making.

In essence, questions posed by the Council were as follows:

1. Is CSA's opinion that the Council can add land supply to the UGB project to meet identified needs?
2. What are the technical deficiencies for the project to-date?
3. What does CSA recommend be done to reduce or eliminate Technical Deficiencies?

This memo provides our response to the above questions.

LAND SUPPLY RESPONSE:

From a technical perspective, adding some additional supply acreage will not weaken the technical merits of this UGB review, as it has been structured. Based upon analysis we have performed, it is our professional opinion that as much as 150 gross acres could be added without introducing significant new technical risk to the project. It is our opinion that this acreage can be adequately explained by operation of the City's Comprehensive Plan. We have identified this additional acreage by analyzing the following:

1. Amount of built acreage on inclusion lands that was not included in City's built acreages.
2. Amount of acres that must be devoted to agricultural buffering and riparian areas not counted by the City.
3. Adopted Comprehensive Plan provisions
4. Review of applicable UGB amendment regulations

The addition of this acreage would restore the amount of land to the amount proposed in the original staff report (before acreage was removed by the Planning Commission) to satisfy the objection of 1000 Friends that certain land was "double-counted." While adding back additional acreage may heighten the risk of appeal from 1000 Friends, unfortunately, previous City actions have reduced the Council's leverage to affect a compromise with 1000 Friends on land supply. The challenge now is that the Planning Commission's UGB recommendation produces appeal risk from other interested private parties.

We encourage the Council to consider our technical opinion on land supply, as it deliberates to a decision to balance the political issues and litigation risk.



TECHNICAL DEFICIENCIES:

All UGB boundary amendment decisions are predicated on a basic legal and regulatory approach and the foundational land need components that are either already a part of a City's Comprehensive Plan or are included as Comprehensive Plan amendments that are coupled with the UGB boundary amendment action itself. Medford's UGB proposal is no different. For the most part, the testimony to-date has not challenged the project's basic legal and regulatory approach. The land need disagreements are relatively small in overall scale, comprising less than 10% of the total land to be supplied.

The technical objections raised to-date are almost all methodological in nature. I will not attempt to recapitulate all the prior objections but some discussion is illustrative.

One type of methodological objection is the inadequate treatment of a Goal 14 Boundary Location Factor. For example, there is no methodology to explain how Agricultural Compatibility is considered. The Planning Commission record states the opposite. PC record indicates that no methodology is required because all the potential for impacts are functionally equivalent. However, there is no substantial evidence to support such a finding and any such evidence would appear highly questionable. Oregon courts have long recognized compatibility issues can arise with agricultural uses caused by indirect impacts (new urban traffic through agricultural areas or noise from windmills). The potential for different levels and types of indirect impacts to existing agricultural uses associated with alternative boundary locations is readily apparent. One need only look at a myriad of aerial photo maps around the City that already exist in the record to see that the proximity to agricultural uses varies by area.

Other objections relate to the "scoring" system. There is considerable testimony and substantial evidence in the record with respect to scoring that indicate the scoring was done inconsistently and/or the scoring did not consider important Goal 14 considerations. Even some of the testimony supporting the scoring system points up inconsistencies in the "scoring system". Throughout the proceedings, responses to these objections have been handled with a series of ad hoc explanations of why a certain property or area received a certain score that did not comport with the underlying data upon which the score was supposed to be based.

The City is free to use a scoring system for one or more of the four Goal 14 Boundary Location Factors. There is nothing inherently wrong with this approach. To serve its function as substantial evidence, the scoring system must have an adequate methodology to produce results that are internally consistent (i.e. applied consistently to all properties in the evaluation area) and explains how the scoring system is adequate to rate alternative boundary locations for the applicable factor. There is no methodology to explain how the base data was translated into scores anywhere in the record.

The goal should be that the reader can look at the scoring map and read the methodology and understand how they got the score they received. If additional information is provided during the review process to indicate a score is inaccurate a sound methodology could easily incorporate the new information so that the property has a score that is consistent with the way all the other properties were scored.

ADDRESSING THE TECHNICAL DEFICIENCIES

If the Council wants to address the technical deficiencies, the Council appears to have two procedural options. One option is to shore up the methodological issues and then follow-up with deliberations. The other option is to deliberate on a preferred boundary based upon the evidence and testimony at this point, leave the record open



and direct the staff to enhance the methodology and improve the evidentiary support for the preferred boundary. There actually is a lot of substantial evidence in the record for the Council to consider. If the Council elects to address these deficiencies we can recommend two general approaches:

1. The Council could alter course and determine that the scoring system will not serve as the primary substantial evidence upon which the City's decision is justified. The City could go to a narrative based methodology that described the Goal 14 boundary location trade-offs for all the lands in the study area then explain how those trade-offs are best balanced with the preferred boundary alternative. This approach does require a thorough narrative for *all* the Goal 14 boundary location factors. This is probably the most cost effective and efficient option at this point.
2. Continue to rely on the scoring system as the primary substantial evidence to justify the UGB amendment and make the necessary improvements. The scoring system needs a robust methodology explanation and composite scoring. Composite scores need to be assigned for all lands in the study area for any Goal 14 factors analyzed with a scoring system. All the Goal 14 factors still need to be addressed in a thorough manner whether each has its own scoring system or not.

I realize these are probably not the simple answers you would like to receive at this point but I hope it is helpful in reaching your decision.

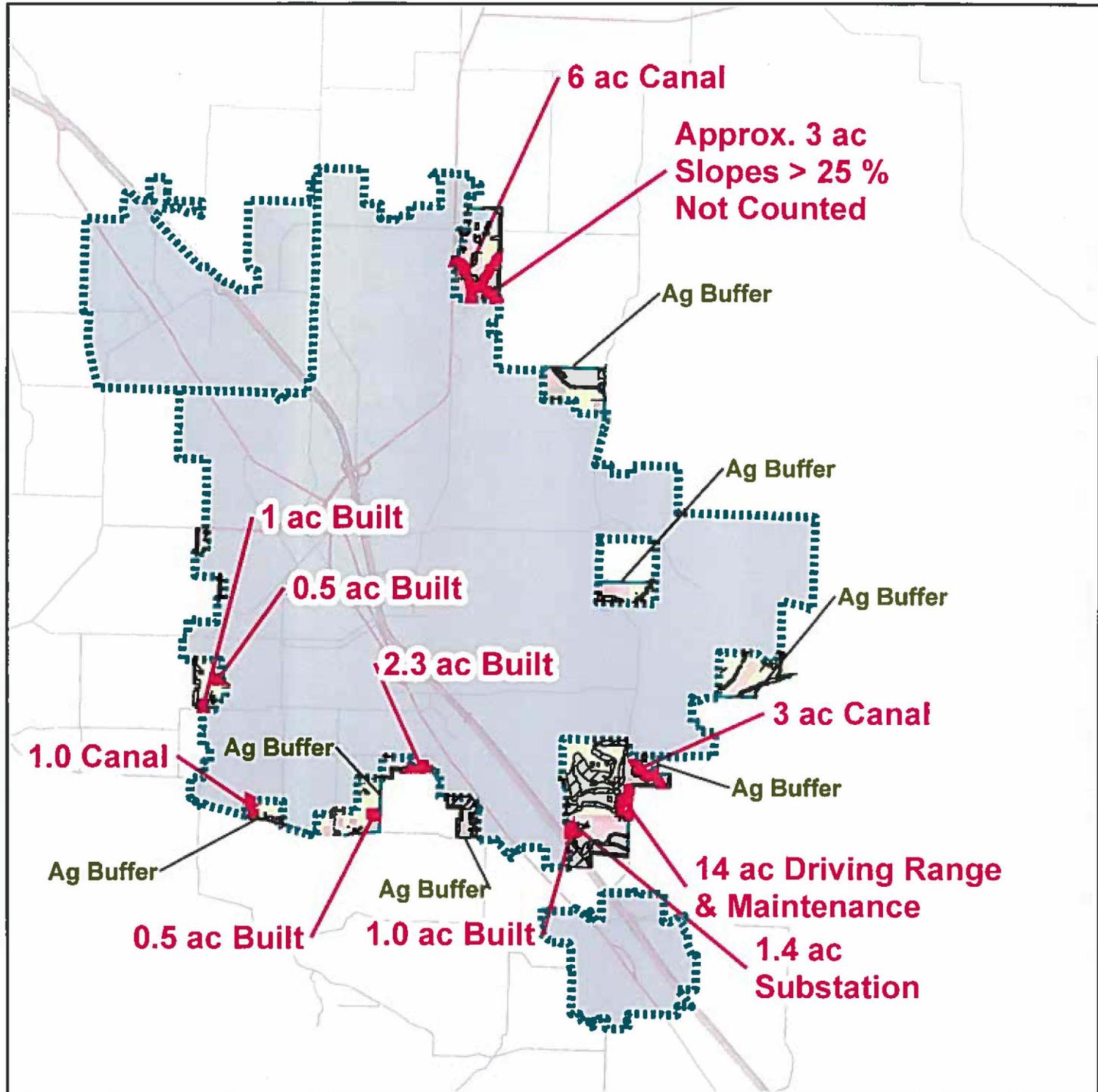
Very Truly Yours,

CSA Planning, Ltd.

A handwritten signature in blue ink, appearing to read 'Jay Harland', is written over a horizontal line.

Jay Harland
Principal

cc. File



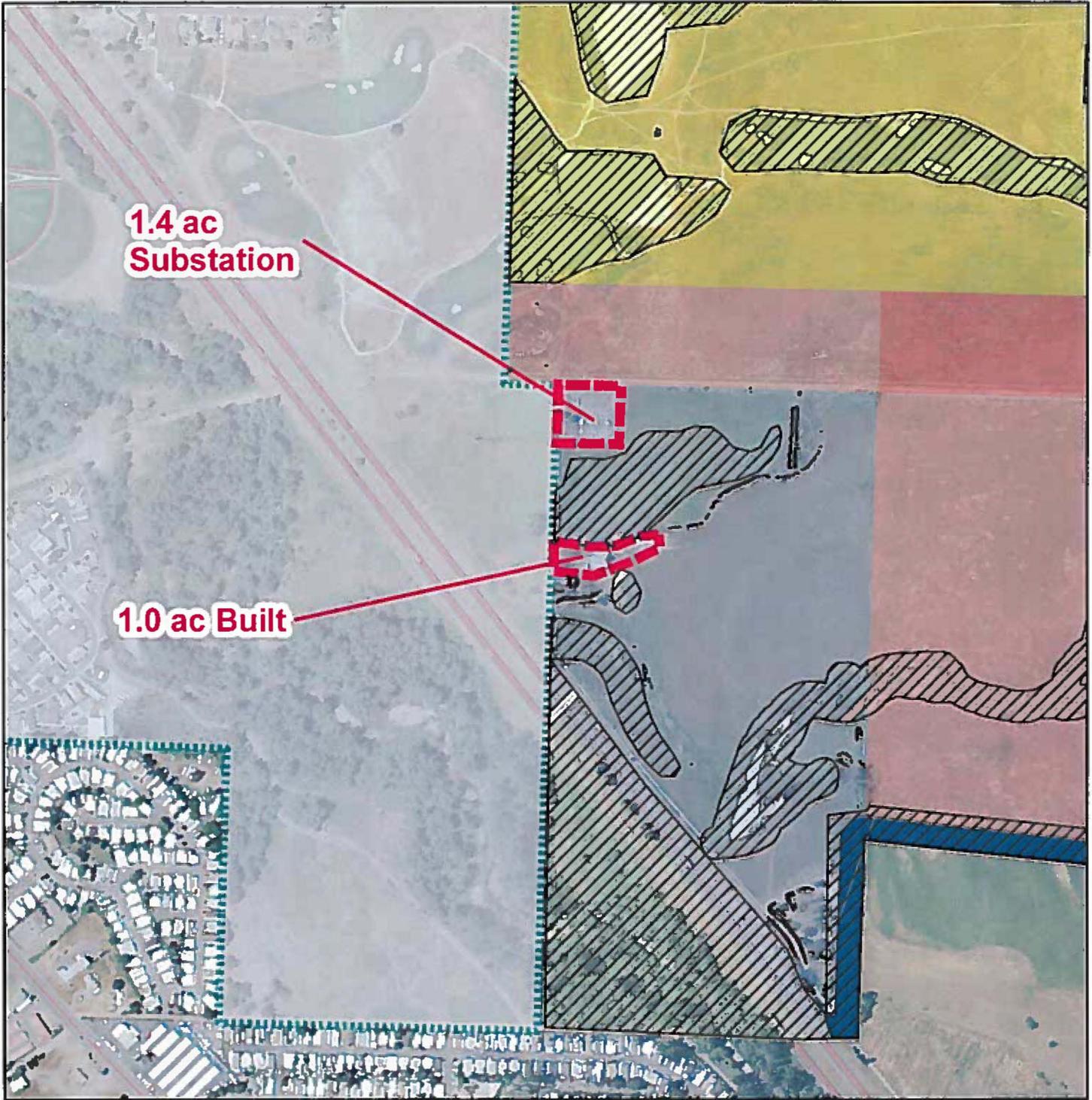
Developed & Unbuildable Lands Not Accounted For

-  PC Unbuildable
-  Ag Buffer NOT Accounted For (100-200 ft)
-  Ag Buffer Accounted For
-  Urban Growth Boundary
-  Additional Built/ Unbuildable

CSA Planning, Ltd. 8-20-2015

Type *	Acre
Built	20
Canals	10
Slopes > 25%	3
	<i>subtotal</i>
	33
Ag Buffer - 100ft (min)	66
Ag Buffer - 150ft (ave)	99
Ag Buffer - 200ft (max)	132
Total Additional Developed and Unbuildable:	99 to 165

*Built includes Existing Dwellings, Maintenance Facilities, Garages, Driving Range and Substation
 *Canal acreage is estimated based on a 30-foot easement
 *Slopes are estimated based on city unbuildable layer and County dem
 Where City did identify Ag Buffer, it used a 150 ft buffer. It however, did not capture all required buffers



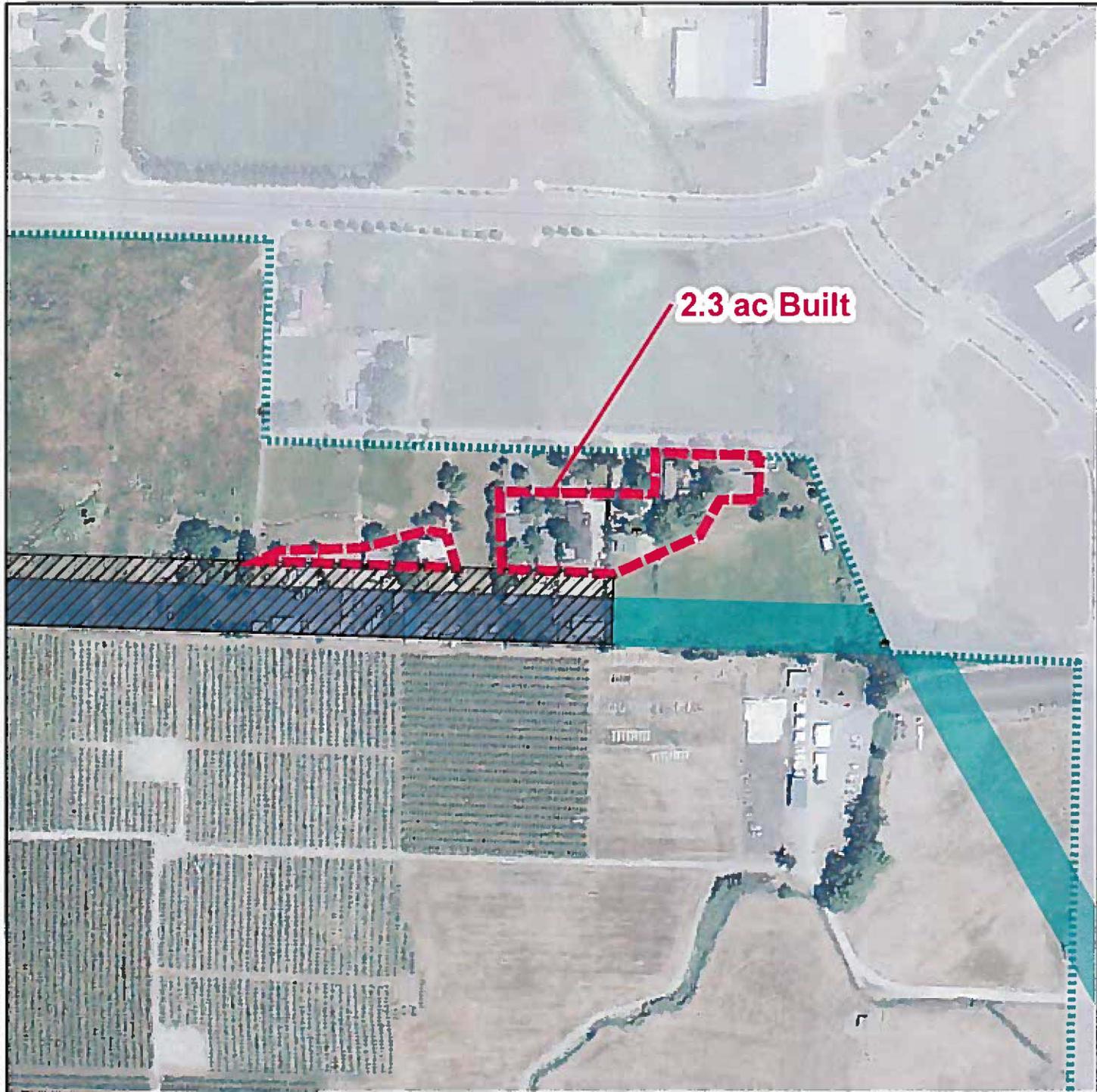
**Example of
Additional Built Lands
Not Accounted For**



-  PC Unbuildable
-  Ag Buffer NOT Accounted For (100-200 ft)
-  Ag Buffer Accounted For
-  Urban Growth Boundary
-  Additional Built/ Unbuildable

600 300 0 600 Feet





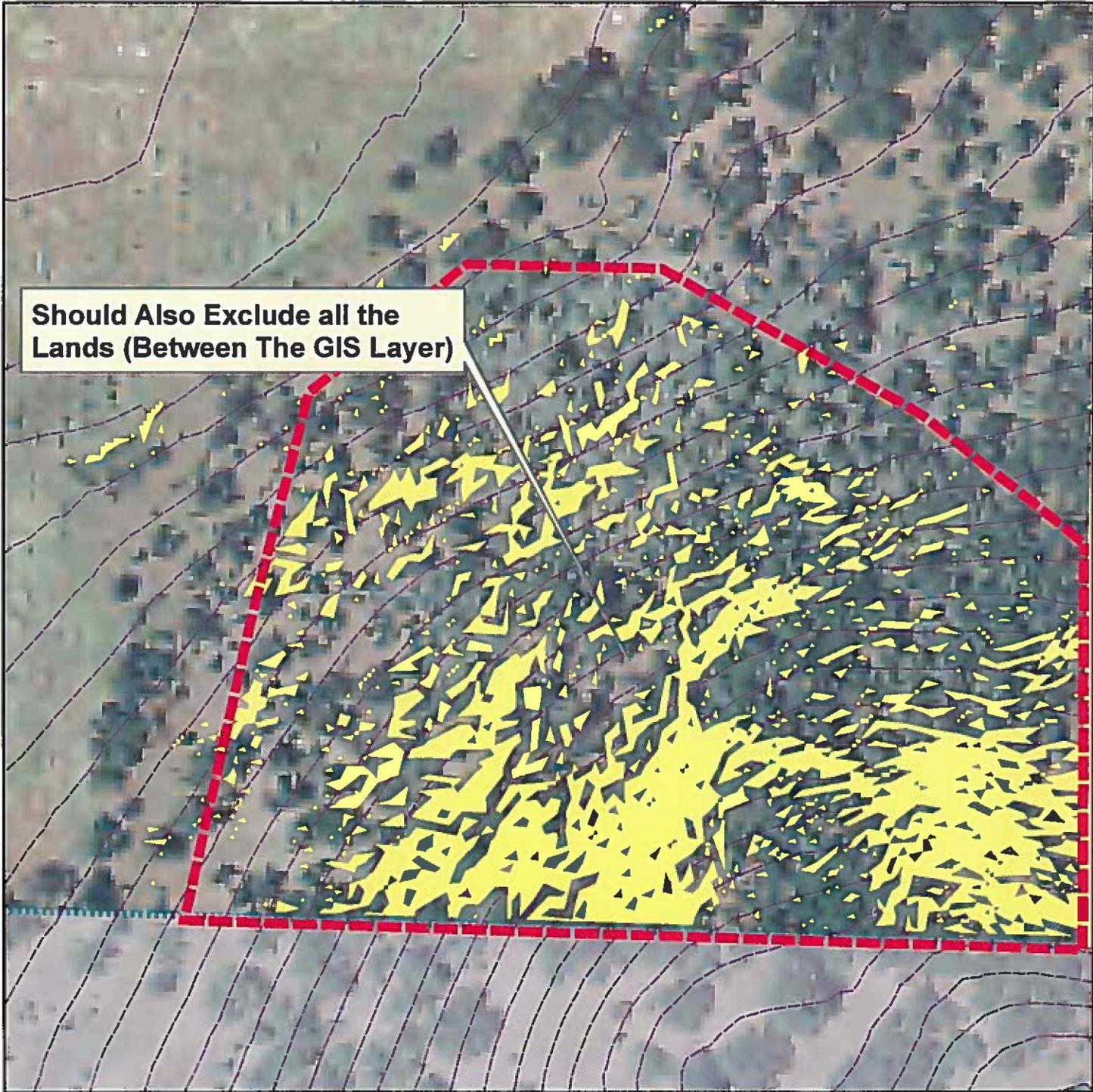
2.3 ac Built

**Example of
Additional Built Lands
Not Accounted For**



-  PC Unbuildable
-  Ag Buffer NOT Accounted For (100-200 ft)
-  Ag Buffer Accounted For
-  Urban Growth Boundary
-  Additional Built/ Unbuildable





**Example of How
Steep Slopes
Appear to Have
Been Calculated
In PC Recommendation**

Location: Coker Butte

Legend

-  Steep Slopes (Per PC / Unbuildable Layer)
-  10-Foot Contours