



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

Community Services Division

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD

September 16, 2015

SENT VIA E-MAIL



John Adam, Principal Planner
City of Medford
200 South Ivy Street
Medford, Oregon 97501

RECEIVED

SEP 16 2015

Planning Dept.

RE: Urban Growth Boundary Amendment (local file CP-14-114; DLCDC File 012-014)

Dear Mr. Adam:

This letter is meant to supplement the email I sent to you on August 13, 2015 (Exhibit WW). In that email we advised, based on the most recent population forecast which shows a substantially slower growth rate than the one relied upon for this Urban Growth Boundary (UGB) amendment, that Medford should err on the side of the lower range of boundary options. Subsequent to that letter there has been testimony submitted into the record (Exhibits LL, QQQ, FFFF) suggesting that the City can instead justify more land because of various discrepancies in the amount of land which should be considered as "unbuildable".

The testimony submitted suggests that as much as 150 acres of gross additional land can be justified by the City. The testimony cites both the City's agricultural buffering requirements which serve to implement the Regional Problem Solving Plan (Regional Plan) and certain built situations which in total add up to somewhere between 99 and 165 acres (Exhibit FFFF; Map-Developed & Unbuildable Lands Not Accounted For). Given the new attention applied to this and our significant involvement in the Regional Plan, our department is compelled to weigh in on the subject.

First, the suggestion that all land within future agricultural buffers should be counted as "unbuildable" is not justified. During the development of the buffering scheme of the Regional Plan and subsequent adoption by each city, the conversation was that these buffers could either serve to meet the open space allocations of the urban reserves and/or be used as the locations to place facilities such as roads, pedestrian paths, or other infrastructure. All of the urban reserves have open space allocations as provided for in the Regional Plan except MD-6 and MD-7n which could encompass land within these future agricultural buffers. So, it is our opinion that no land within future agricultural buffers should be counted as "unbuildable" during this process. Furthermore, after additional analysis, we have determined that, in its current calculations, the City has already deemed approximately 65 acres of land as "unbuildable" due to agricultural

buffers. We believe this is an error which should be corrected. As such, approximately 65 acres should be moved from the “unbuildable” to the “buildable” column.

Second, the analysis of the built environment submitted in Exhibit FFFF appears to be flawed. The map (Developed & Unbuildable Lands Not Accounted For) references irrigation canals and other built situations which should be counted as “unbuildable”. Regarding irrigation canals, the conversation during the Regional Plan was always that these irrigation canals would likely be removed and the irrigation water piped through the properties which were to be developed. The justification for this was: 1) Canals in urban areas represent a potential liability for the irrigation districts, 2) The area encumbered by the physical canal and the associated easement could be reduced substantially or even eliminated if the irrigation water was piped and possibly co-located in the right-of-way of a road or other infrastructure. This would have substantial value to the property owner or developer. 3) Piping irrigation water is considerably more efficient, in the best interest of the irrigation districts, and is consistent with the WISE project (Water for Irrigation, Stream and Economy). Additionally, this land could also be planned and used as open space or recreation.

It is unclear from the map submitted what is being classified as “built”. But, after further conversation with City planning staff, we have developed a better understanding. Regarding the items classified as “built” we have the following comments:

1. The 14 acres counted as “Driving Range and Maintenance” should not be considered “built” and therefore “unbuildable”. It is our understanding that the proposal for this land is to discontinue the driving range and use the land for development. If this assumption is not correct, the city should receive evidence that this land is not available for urban development in the form of some sort of legal development restriction that encumbers the property.
2. Land encumbered by buildings such as barns, existing building foundations, and similar rural development should not be considered “built”. The presumption is that the land proposed for inclusion within the UGB will be developed more efficiently than it currently is. As such, buildings such as barns and existing building foundations will be removed to make room for efficient urban level development.
3. Additional Land between the steep slopes on Coker Butte should not be considered “unbuildable”. While this land may not be an ideal place to develop, it could serve to meet the Regional Plan open space allocation.

In summary, we disagree that as much as 150 gross acres of land should be added to the City’s estimated 20-year “need”. On the contrary, we believe that a small minority of the land depicted in Exhibit FFFF should qualify as “unbuildable” (possibly 5 acres). Additionally, we believe the City incorrectly classified 65 acres of land as “unbuildable” due to the agricultural buffering requirements. That land should be shifted back to the “buildable” column. Therefore, instead of adding 150 gross acres of land, the City should instead reduce the amount of land by approximately 60 acres.

Lastly, on a separate but related item, given the late interest in requesting the City to increase the amount of land it can justify through this UGB amendment, our Department is inclined to raise one additional matter, specifically, the High Employment Growth Scenario selected in the Economic Element. In the adopted and acknowledged Economic Element, the City chose to use the highest employment growth scenario it could justify. For reference, the difference between the low and high employment growth scenarios is 488 acres. This, as we know now, was based upon an optimistic population forecast. Being an acknowledged document, the use of this high growth scenario is allowed. However, we want to raise this to underscore the point made in our August 13, 2015 email— the City should feel confident it is proposing an adequate amount of land to meet its 20-year land need without adding additional land at this point. In fact, using the new population forecast, the current proposal is closer to a 60-year land supply.

If you have any questions, please don't hesitate to contact me at (541) 414-7932 or josh.lebombard@state.or.us.

Yours truly,

A handwritten signature in black ink, appearing to read "Josh LeBombard". The signature is fluid and cursive, with a long horizontal stroke at the end.

Josh LeBombard
Southern Oregon Regional Representative