



City of Medford

Planning Department

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MEMORANDUM

Subject UGB Amendment, Phase 2: ESA Boundary Amendment
Supplemental Findings memo no. 2
Summaries of testimony and questions around the map; responses to general testimony.

File no. CP-14-114

To Mayor and City Council

From John Adam, Principal Planner, Comprehensive Planning

Date September 9, 2015 *for 09-17-2015 meeting*

INTRODUCTION

This memo comments on each of the areas in the urban reserve by reference to its “MD” number, providing the status of each through the UGBA process and responding to some of the testimony received. The second part of the memo will respond to some of the testimony that stood out for the Council and staff.

MD-1

No part of MD-1 was included in the staff recommendation. Planning Commission did not choose to add any land from it. There was no testimony regarding it.

MD-2

Most of MD-2 was in the staff recommendation and was not changed by the Planning Commission. Testimony centered on the mix of land uses and the land dedications to the Medford School District and to the Medford Parks Foundation.

MD-3

About two thirds of MD-3 was in staff’s recommendation. When the Planning Commission asked for alternatives to remove 175 acres, one of the alternative recommendations was to leave out the northwestern third of the area because it had less effect on

potential transportation improvements than removing the southeastern third¹. This exclusion was part of the Planning Commission's recommendation.

This area is where the question of who would pay for street upgrades when the City took over jurisdiction of County roads first came up. There were also charges made of inconsistencies between the scoring maps and staff's recommendations.

MD-4

This area was in the staff recommendation. When the Planning Commission asked for alternatives to remove 175 acres, one of the alternative recommendations was to leave out the northern two thirds of the area. This exclusion was part of the Planning Commission's recommendation.

Petitioners testified that the Goal 14 locational factors require inclusion of MD-4. Staff disagrees. The location factors are not criteria, they're guidelines. Consider the first two:

1. Efficient accommodation of identified land needs;

The MD-4 area is about 280 acres; the Planning Commission's recommended map excludes 180 of those. Councilmember Gordon replied to a petitioner that the City needs to bring in land that it is sure will be built on, voicing his doubt that urban development is intended for MD-4. If the Council believes that is the case, that the land will not develop in the next 20 years, then to bring in such land is precisely the opposite of efficient accommodation of the City's land need.

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

The MD-4 area was left out of the 1990 UGB amendment either because Hillcrest opposed inclusion or for other reasons. The City has had to work around it since then: sewer, water, and transportation utilities have had to bypass this area. The single obvious benefit of inclusion would be the extension of Spring Street through to provide a parallel route to East McAndrews Road and Hillcrest Road. Such an extension would also have to pass through Dunbar Farms. The 100 acres in the southern third was retained to make such an extension a possibility.

MD-5 northeast

None of this area was in the staff recommendation. Approximately 180 acres owned by Mahar was added by the Planning Commission.

¹ See p. 180 of the 08-06-2015 Council agenda packet (Commission Report, Exhibit L, p. 149)

Petitioners testified that the Hansen property north of Chrissy Park should be included so that there was a logical boundary, that it would make “map sense.” Inclusion would be logical only if a necessary street or other utility connection were to be made through it. Since that is not the case, leaving a gap there does not hurt the City in any way.

There was quite a lot of testimony about trails and the continuation of the SE Plan, plus arguments regarding sewer connections. The Planning Commission responded to that and added the Mahar piece. There was also a request toward the end of the hearings to add a little more just northeast of the point where East Barnett Road starts to bend southward. In order to do that land would have to be siphoned from elsewhere or the land need “bank” would have to be supplemented.

MD-5 southwest

There were no issues raised in the testimony about Centennial, the area across North Phoenix Road from it, or the employment area at the south end.

MD-6

There was a petition from property owners along Starlite Lane not to be included. There’s no reason not to include them: the lots comprise about 18 acres, but they were counted as “developed” so they were not expected to help meet the identified commercial land need. The City does not have an aggressive annexation policy, so they could remain outside the city limits if they chose. Inclusion in the UGB does not alter property taxes, inclusion in the city limits does, improvements on the land does.

Staff does not advocate leaving those 18 acres out, but it would be possible to do so. They are mostly developed acres, so there would be almost no additional commercial land need created by exclusion. The City should include, however, the full right-of-way of South Stage Road in the UGB expansion in order to have continuous and not intermittent jurisdiction.

MD-7

There appeared to be no controversy here. The area was in the original staff recommendation and remained through the Planning Commission recommendation.

There was a request to consider designating MD-7 North as Commercial instead of Service Commercial (CM instead of SC). There are two lots in MD-7 North totaling 36 acres, more or less. The lots have frontage on Garfield Street, a major arterial that becomes a minor arterial immediately west of Holly Street. When staff was trying to distribute the

land need types around the expansion areas², it seemed to make more sense to put SC in this location rather than such a large amount of CM given the relatively low traffic on Garfield Street and its distance from the interchange and highway. If the Council would like to accommodate the request—in whole or in part—the 18 acres of SC would have to be redistributed.

MD-8

There appeared to be no controversy here. This area was in the original staff recommendation and remained through the Planning Commission recommendation.

MD-9

There appeared to be no controversy here. These areas were in the original staff recommendation and remained through the Planning Commission recommendation.

GENERAL TESTIMONY

Process

There was testimony attacking the process the City went through to develop the current proposal. There was a charge that the coarse filter method used is not spelled out in State law. That is correct, because land selection is largely at a city's discretion.

The City has almost 4,500 acres in the urban reserve. All of it is first priority for inclusion by definition. Staff believed that there had to be a way to winnow out the poorly situated lands from the better-situated ones.

There was testimony alleging inconsistencies between what the coarse filter maps showed and the resulting external study areas (ESAs). The coarse filter scoring maps were not intended to be additive. If they had been, staff could have aggregated the scores and put the resulting map in front of the Planning Commission without further effort. As pointed out before, exclusion from the ESAs does not preclude Council from adding any land it chooses from the urban reserve into the expansion. The maps were tools for reasoning. Considerations of transportation and distribution of ESAs around the periphery played just as large a role in the selection process³.

For both the coarse filter and the facilities scoring, the negative testimony generally tends to overcomplicate the maps and give them disproportional importance in the final

² It was a continual struggle to find good locations for the large amount of commercial land need, even after moving some of that need into the existing UGB in Phase 1.

³ See also pp. 40–42 of the 08-06-2015 Council agenda packet (Commission Report, Exhibit B, pp. 9–11)

decision. Exclusion from the coarse filter step does not prevent the Council from putting the land in if it wants to—provided the City stays within its budget of needed acres.

Transportation

Note in the clarification of the transportation scoring⁴ that the scoring process was not a direct translation of the Kittelson memo⁵. There was not only one factor in play—relative costs of the scenarios—there were other factors noted under each scenario: lack of connectivity in areas and the need to upgrade the Phoenix–Foothill corridor no matter where the growth goes.

The analysis was not as well designed as it might have been were there unlimited funds and time to explore dozens of growth scenarios. Given those limitations, the analysis was designed to tease out gross inadequacies in the system. The virtually identical stresses on Phoenix–Foothill, on the intersection of Highland and Barnett, and on East Vilas Road in Scenarios 2 and 3 led to the moderate and low scores in the ESAs near those facilities. Another fact that should be clear from the transportation scoring map is the lack of fine gradations as seen on sewer and water. That is because the growth effects are felt more systemically rather than proximally; it would have been deceptive to assign finer gradations. Scoring on a large scale was the best that could be done at this high level.

But the scores were not all that bad. MD-3 and MD-5 each received the equivalent of a ‘C’—not spectacular, but easily a passing grade. The Hansen property in northeast MD-5 (north of Chrissy Park) received a lower score because it could not contribute to the eventual connectivity of the street system (recreational trail use notwithstanding). Inclusion of the Mahar piece, by contrast, would permit a connection from East Barnett Road to Cherry Lane—one of the N–S connections called out as lacking on the east side.

Stormwater

Staff asked for an evaluation of these facilities at the same time other facilities were being evaluated. Public Works explained that an analysis would be unnecessary since mitigation is required on site. Stormwater is a concern of development, not a high-level expansion concern.

Sewer⁶

Much of the scoring was based on a meeting with RVS and Public Works to reconcile the differences in their approaches to the question of relative costs to serve areas. The northeast portion of MD-5 (Mahar and Hansen) received low scores because it was re-

⁴ See pp. 170–73 of the 08-06-2015 Council agenda packet (Commission Report, Exhibit J, pp. 139–142)

⁵ See pp. 126–33 of the 08-06-2015 Council agenda packet (Commission Report, Exhibit I, pp. 95–102)

⁶ The findings provide a full explanation. See pp. 40–41 of the 08-06-2015 Council agenda packet (Commission Report, Exhibit B, pp. 9–10)

ported that there were downstream capacity problems in East Barnett Road and because the sewer system was still stubbed a good distance away from the parcels in this area. Subsequent testimony and information from Public Works supplemented the understanding of this issue, including how considering the marginal cost of sewer improvements was important, leading to the realization that sewer scores could reasonably be viewed as flatter than had been earlier determined.

Testimony on this factor attacked the early materials while ignoring the record of continual improvement in understanding of the issue. The tactic in this challenge and in similar ones was to dismiss subsequent clarifications as “ad hoc,” as though the information were made up on the fly, or clarification were unwelcome.

Agricultural Buffering

There was a statement made that if we considered land for agricultural buffers we could add an additional 121 acres to our UGB because those bufferyards are considered unbuildable. Staff did account for the bufferyards in the original staff recommendation and was able to add about 65 acres to the land need by counting the bufferyards as unbuildable. Staff did not account for the new bufferyards that would need to be created by the Planning Commission recommendation. The map is in flux, calculating the agricultural buffers is complex given all the variables that have to be taken into account. And then there is also some overlap between open space and agricultural buffering.

Staff has begun calculating how much more land can be put in the “unbuildable” column. It will not be 121 acres because much was already accounted for. Also, further changes to the map will trigger a recalculation.

Concept plan

Staff disagrees that the conceptual plan is inadequate to present to the County. In combination with the requirement for urbanization plans showing how the density obligations will be met, the conceptual plan is a solid framework showing distribution of land uses and transportation. The urbanization plans are an innovation to deal with the problem of reconciling the small discrepancy between the Housing Element’s projected density and the Regional Plan Element’s density target. Mr. Woerner had several months ago provided an idea about “pre-zoning” that we folded into the urbanization plan concept⁷.

Slopes

There may be 582 acres of 15–25 percent slope and 265 acres of 25–35 percent slope in the existing UGB⁸ if you sum all the streambanks, bluffs, and road cuts in the City.

⁷ See p. 23 of the 08-06-2015 Council agenda packet (Commission Report, Exhibit A, p. 4)

⁸ Exhibit Z, p. 2

other words, not all those acres are together in one or two big clumps, they are strung out across the City. They do not affect the potential density to the extent argued in Exhibit Z.

Double counting

This issue first came up in a March 3, 2015 letter from 1000 Friends of Oregon⁹ that raised a number of questions or challenges to the expressed land need. Staff responded to the letter, and to some counter-arguments from CSA Planning, in a memorandum dated May 6, 2015¹⁰. Staff countered all the challenges except the double counting of land for government uses and some parkland excess. That led to the Planning Commission's recommendation to remove 135 and 18 acres from the land need.

A subsequent letter from Mr. Harland¹¹ presents another argument from in the debate over the alleged double counting of government land needs. It also tackles the other land excesses alleged in the 1000 Friends letter that staff had already countered. The new argument is that when the Economic Element calculated land need for government uses it allocated 85 percent to office uses and 15 percent were unallocated but could be assumed to be workers in the field—public works crews, parks maintenance, and so forth. The sports park was cited as an example of a large land area with few employees attached to it. Those low employee-to-land ratios equal some extra amount.

Staff believes this argument would also be double counting. The land for parks was already accounted for in the Housing Element as a component of residential need. The Economic Element already accounted for employees for parks maintenance under appropriate NAICS categories for warehousing and maintenance without specifying them as government employees¹². But if staff understands the argument being made, the more important question is why 15 percent of government employees were left unallocated. If that were the case it would cast doubt on the stated employment land need.

COUNCIL QUESTIONS

Map reductions

Some of the Council questions appeared to point in the direction of removing some land from various areas, presumably to redistribute them. The two thoughts staff would interject are that roads have to connect and that if Commercial land is taken out then it is Commercial land that has to go back in. Likewise with Residential and Industrial land.

⁹ See pp. 90–104 of the 08-06-2015 Council agenda packet (Commission Report, Exhibit C, pp. 59–73)

¹⁰ See pp. 105–111 of the 08-06-2015 Council agenda packet (Commission Report, Exhibit D, pp. 74–80)

¹¹ Exhibit Z

¹² See footnote 22 on p. 109 of the 08-06-2015 Council agenda packet.

Urbanization plans

The urbanization plans¹³ will be required prior to annexation and will demonstrate in greater detail how particular areas will meet the Regional Plan Element objectives. The conceptual plan developed by staff and the Planning Commission followed the general distribution of land uses and roadways required by the Regional Plan Element, and will be adopted as General Land Use Plan map designations and street classifications when the UGB expansion is adopted. The urbanization plans will demonstrate compliance with the minimum density requirement and, where appropriate, how the Regional Plan Element goal of having mixed-use, pedestrian-friendly neighborhoods will be achieved. The conceptual plan of the whole urban reserve was a starting point, not an end point. Staff conceived that petitioners would have some latitude to shift land uses around in developing their urbanization plans.

The urbanization plan concept is simple: applicants submit a map showing zoning designations and major roads; the City then adopts it into the Neighborhood chapter of the Comprehensive Plan and the General Land Use Plan map is adjusted accordingly. These will be simple maps; lavish illustrations and specialized development standards will not be necessary. The focus is land uses and densities.

In most cases the plan areas have logical boundaries that include multiple owners. Interestingly, the City has seen parties of owners assembling themselves and making joint development agreements to share the benefits and the costs from eventual development.

As with any plan age is the enemy. Successive owners tend to have no interest in previously adopted plans, still less if planned open space is located on their property. That gets to the question raised by the Council: how binding can these plans be? In other words, what promises can petitioners be held to? Councilmember Jackle suggested that proper ESEE findings cannot be made unless proffered amenities can be secured through some kind of device. Staff will explore the options if the Council wishes.

CONCLUSION

There was testimony stating that the findings need work. Staff agrees. The findings explain the bases for staff's recommendation and the Planning Commission's recommendation. Staff's plan is to prepare a set of final findings when the City Council provides direction for amending the UGB. With the aid of testimony offered at the hearings, staff will prepare the most legally defensible findings possible. However, both the State and 1000 Friends have indicated that the City's process has been generally sound, and if the Planning Commission's recommendation were to be adopted they would not have rea-

¹³ See p. 23 of the 08-06-2015 Council agenda packet (Commission Report, Exhibit A, p. 4)

son to challenge Medford’s amendment. That is not typical position for UGB amendments in Oregon to be in.

There were generally three types of testimony:

1. Put mine in,
2. Keep mine in,
and
3. There are some problems with the process or findings.

Part of the purpose of this memo was to respond to the last one. If there are flaws, they are either refinable or explicable. Most of the information in this memo was derived from the submitted findings, which necessarily lacks a narrative structure and so lacks the focus on particular questions.