



## Medford City Council Meeting

# Agenda

**December 3, 2015**

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

**Medford City Hall, Council Chambers  
411 West Eighth Street, Medford, Oregon**

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### **10. Roll Call**

#### **McLoughlin Middle School Students of the Month**

### **20. Approval or Correction of the Minutes of the November 19, 2015 Regular Meeting**

### **30. Oral Requests and Communications from the Audience**

Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. PLEASE SIGN IN.

### **40. Consent Calendar**

40.1 COUNCIL BILL 2015-124 An ordinance authorizing a cash sum payment of Street System Development Charge credits to Berkeley Hills LLC in the amount of \$185,555.67 for right-of-way dedication and construction of street improvements between Keene Way and Berkeley Way along the southerly frontage of College Hills Addition.

40.2 COUNCIL BILL 2015-126 An ordinance amending section 11.505 of the Medford Code pertaining to installation of grease traps and amending various other sections of the Medford Code by substituting "superintendent" for "manager."

40.3 COUNCIL BILL 2015-127 A resolution denying the appeal and upholding the Site Plan and Architectural Commission determination that it lacked jurisdiction to hear the request for revision to approved plans for the construction of a 1,850 square foot Starbucks on a 1.01 acre parcel located at 2676 East Barnett Road, on the south side of Barnett Road between Black Oak Road and Murphy Road, within a Community Commercial zoning district.

### **50. Items Removed from Consent Calendar**

### **60. Ordinances and Resolutions**

60.1 COUNCIL BILL 2015-125 SECOND READING An ordinance amending the existing Construction Manager/General Contractor contract with Adroit Construction, Inc. and acceptance of a Guaranteed Maximum Price of \$7,422,499.82 for the construction of Fire Stations #2 and #4.

60.2 COUNCIL BILL 2015-128 An ordinance authorizing acceptance and expenditure of a special purpose grant in the amount of \$10,000 from the Oregon Office of Emergency Management for community preparedness pocket guides to be distributed by Jackson County's Community Emergency Response Team (CERT) programs.

60.3 COUNCIL BILL 2015-129 An ordinance authorizing the execution of an agreement pertaining to State government relations consulting in the amount of \$30,000 per year with Rainmakers LLP.

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**70. Council Business**

**80. City Manager and Other Staff Reports**

- 80.1 Quarterly Travel Medford update by Anne Jenkins
- 80.2 Quarterly Economic Development update from SOREDI by Ron Fox
- 80.3 Freshwater Trust Temperature Trading by Cory Crebbin
- 80.4 Capital Improvement Project by Greg McKown
- 80.5 Further reports from City Manager

**90. Propositions and Remarks from the Mayor and Councilmembers**

- 90.1 Proclamations issued: None
- 90.2 Further Council committee reports
- 90.3 Further remarks from Mayor and Councilmembers

**100. Adjournment to the Evening Session**

**EVENING SESSION  
7:00 P.M.**

**Roll Call**

**110. Oral Requests and Communications from the Audience**

Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. PLEASE SIGN IN.

**120. 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.

120.1 CONTINUED. Consideration of a proposed Comprehensive Plan/Urban Growth Boundary Amendment affecting the General Land Use Plan (GLUP) map, the Medford Street Functional Classification Plan of the Transportation Element, and portions of the text of both the Urbanization and GLUP Elements.

**130. Ordinances and Resolutions**

**140. Council Business**

**150. Further Reports from the City Manager and Staff**

**160. Propositions and Remarks from the Mayor and Councilmembers**

160.1 Further Council committee reports

160.2 Further remarks from Mayor and Councilmembers

**170. Adjournment**



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 40.1

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

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** December 3, 2015

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**COUNCIL BILL 2015-124**

An ordinance authorizing a cash sum payment of Street System Development Charge credits to Berkeley Hills LLC in the amount of \$185,555.67 for right-of-way dedication and construction of street improvements between Keene Way and Berkeley Way along the southerly frontage of College Hills Addition.

**ISSUE STATEMENT & SUMMARY:**

Ordinance authorizing a single lump sum payment of Street System Development Charge (SDC) credits to Berkeley Hills LLC.

**BACKGROUND:**

**A. Council Action History**

None

**B. Analysis**

These SDC credits were generated as a result of street improvements and right-of-way dedications on Spring Street, between Keene Way and Berkeley Way along the southerly frontage of College Hills Addition. College Hills Addition is an existing subdivision recorded in February 1911. In 2005, the Developer submitted an application for a tentative subdivision plat for the development called Berkeley Hills, which included a portion of the College Hills Addition. The approval of the tentative plat conditioned the Developer to construct street improvements along the Spring Street frontage of the old subdivision. The Developer completed the street improvements, but did not complete the Berkeley Hills development. The Berkeley Hills approval has since expired.

In December 2014, Berkeley Hills LLC sold the property to Hayden Homes LLC. One of the conditions of the sale was that a 7-foot wide strip of land along the College Hills Addition's frontage with Spring Street be dedicated as public street right-of-way to bring Spring Street up to City standards.

The sale transferred all Street SDC credit payments for street improvements and for right-of-way dedication to Berkeley Hills LLC.

**C. Financial and/or Resource Considerations**

The street improvements and right-of-way dedication generated a total of \$185,555.67 in Street SDC credits. Payments of SDC credits which exceed \$100,000 must be approved by the City Council prior to disbursement.

Payments shall be made as follows: \$33,417.83 from project code CE1563—Developer Street SDC credits-R/W, and \$152,137.84 from project code CC1563—Developer Street SDC credits-Construction.

**D. Timing Issues**

The Street SDC credit payment will be a lump sum following approval by the City Council.



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**AGENDA ITEM COMMENTARY**

Item No: 40.1

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**STRATEGIC PLAN:**

Theme: Quality Public Services

Goal 9: Provide a safe, multi-modal, efficient and well planned transportation system.

**COUNCIL OPTIONS:**

1. Approve the ordinance.
2. Modify the ordinance.
3. Deny the ordinance.

**STAFF RECOMMENDATIONS:**

Approve an ordinance authorizing a single lump sum payment of Street SDC credits to Berkeley Hills LLC for street improvements and right-of-way dedications made to Spring Street, between Keene Way and Berkeley Way.

**SUGGESTED MOTION:**

I move to approve the ordinance authorizing payment of Street SDC credits to Berkeley Hills LLC in the amount of \$185,555.67, to be paid in a cash sum payment.

**EXHIBITS:**

- Ordinance
- Maps
- Street SDC Calculation Form
- Right-of-Way Valuation Spreadsheet

ORDINANCE NO. 2015-124

AN ORDINANCE authorizing a cash sum payment of Street System Development Charge credits to Berkeley Hills LLC in the amount of \$185,555.67 for right-of-way dedication and construction of street improvements between Keene Way and Berkeley Way along the southerly frontage of College Hills Addition.

WHEREAS, the Street System Development program provides credits for right-of-way dedication and construction of street improvements for the City's arterial and collector street system; and

WHEREAS, the Medford Code requires City Council approval prior to issuing payments for Street System Development Charge credits over \$50,000; now, therefore;

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a single lump sum payment of Street System Development Charge credits to Berkeley Hills LLC in the amount of \$185,555.67 for right-of-way dedication and construction of street improvements between Keene Way and Berkeley Way along the southerly frontage of College Hills Addition is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

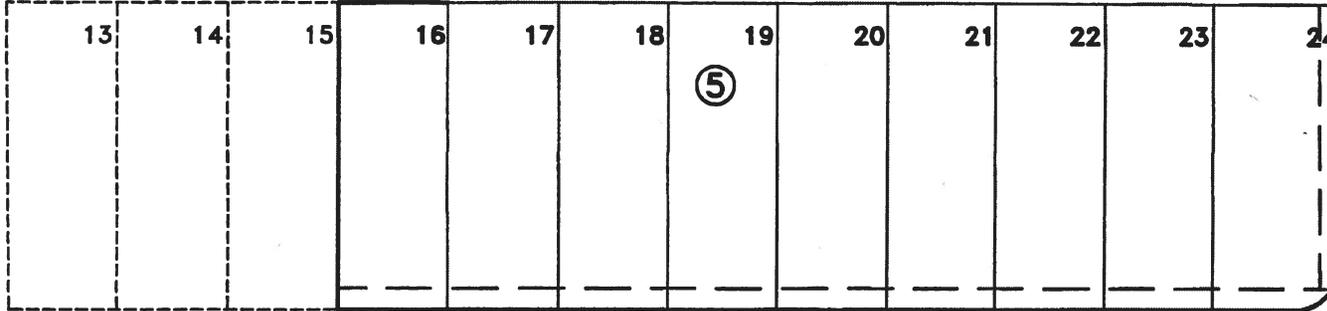
ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

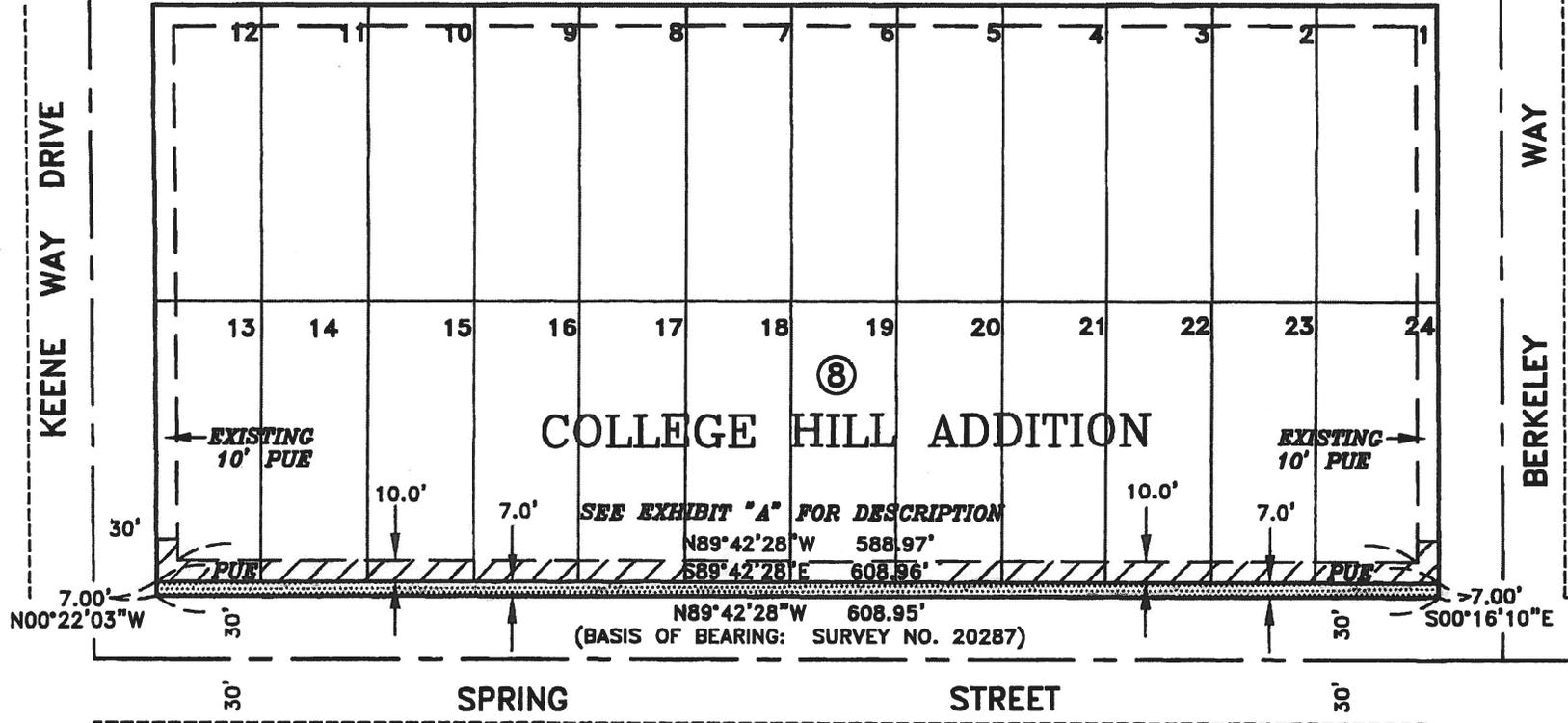
APPROVED: \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

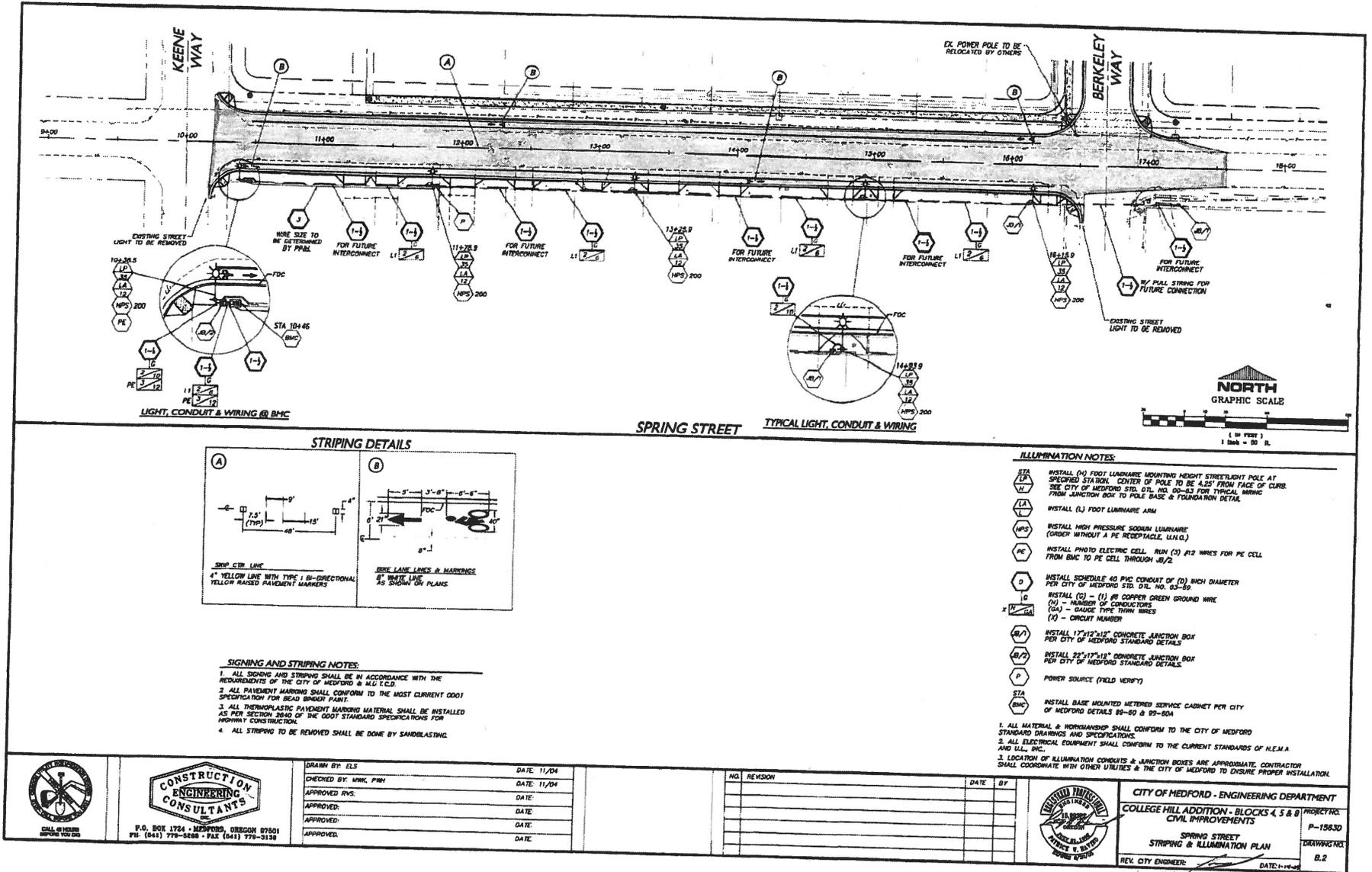
**EXHIBIT "B"**



**FLOWER STREET**



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\*NOT AS-BUILT\* P1563D

## STREET SDC CREDIT CALCULATION FORM

### A. PROJECT INFORMATION

Parent Proj. No. \_\_\_\_\_  
 Paving Proj. No. P-1563D  
 Project Name: College Hills Addition  
 Location: Spring St--Keene Way to Berkeley  
 \_\_\_\_\_  
 Date of Final Order \_\_\_\_\_  
 Date of R/W Dedication \_\_\_\_\_  
 Date of 1st Plan Submittal: \_\_\_\_\_  
 Date of Final Inspection: \_\_\_\_\_  
 Developer Name: Berkeley Hills LLC (Chris Galpin, Mgr)  
 Mailing Address: 744 Cardley Ave, Suite 100  
 City/State/Zip: Medford, OR 97504

PLANNING NUMBER  
 LDS \_\_\_\_\_  
 LDP \_\_\_\_\_  
 PUD \_\_\_\_\_  
 SPAC \_\_\_\_\_  
 Bldg Permit \_\_\_\_\_  
 Other \_\_\_\_\_

Phone: \_\_\_\_\_

### B. STREET SDC CREDIT CALCULATIONS

#### 1. Right-of-Way Dedication Credits

a. Street Name: Spring St.

1) Parent parcel: See attached spreadsheet

$\frac{\text{Map}}{\text{Tax Lot}} \text{ Ac x } 43,560 = \frac{\text{Tax Lot}}{\text{Map}} \text{ 0 sf}$

Parent parcel valuation: See attached spreadsheet (Per County or Appraisal?) C A

Unit valuation (\$/sf): See attached spreadsheet per sf

Area dedicated:  
See attached spreadsheet = 4,263 sf

Reduction for direct driveway access (if any):  
 $\frac{\text{Length}}{\text{Width}} \times \text{Width} = \text{0 sf}$

Net right-of-way area to credit: = 4,263 sf

2) Total Credit for Right-of-way = **\$33,417.83**

2. Street Construction Credits Applicable Const. Cost Factor = \$382,050

a. Street Name: Spring St--Keene Way to Berkeley

#### 1) Roadway Construction Credits (Multiplier = 0.0000118)

Area of street pavement (curb face to curb face):  
 $\frac{634.23}{\text{Length}} \times \frac{44}{\text{Width}} = \frac{27,906.12}{\text{sf}}$

$\frac{103.28}{\text{Length}} \times \frac{37.61}{\text{Width}} = \frac{3,884.36}{\text{sf}}$

Reduction for direct driveway access (if any):  
 $\frac{\text{Length}}{\text{width}} \times 14 \text{ ft} = \frac{0.00}{\text{sf}}$

Net Roadway Area to Credit = 31,790.48 sf

SDC Credit Rate per SF of Roadway Area:  
 $0.0000118 \times \frac{\$382,050}{\text{ConstCostFactor}} = \$4.508 \text{ per sf}$

Sub-Total Roadway Credits =  
 $\frac{31,790.48}{\text{sf}} \times \$4.508 = \underline{\underline{\$143,317.53}}$

## STREET SDC CREDIT CALCULATION FORM

**2) Curb and Gutter Credits (Multiplier = 0.0000198)**

Length of C & G for this street	=		=	1166 lf
Reduction in length for direct access (if any)	=		=	0 lf
Net length of C& G to credit	=		=	1166 lf
<i>SDC Credit Rate per LF of C&amp;G:</i>				
0.0000198	X	\$382,050	=	\$7.565 per lf
		<small>ConstCostFactor</small>		
<u>Sub-Total Curb &amp; Gutter Credits</u>				
1166	X	\$7.565	=	\$8,820.31

**3) Sidewalk Credits (Multiplier = 0.0000087)**

<i>Area of eligible sidewalk:</i>				
0	X	0	=	0.00 sf
<small>Length</small>		<small>Width</small>		
<i>SDC Credit Rate per SF of Sidewalk Area:</i>				
0.0000087	X	\$382,050	=	\$3.324
		<small>ConstCostFactor</small>		
<u>Sub-Total Sidewalk Credits</u>				
0.00	X	\$3.324	=	\$0.00

**4) Illumination (Multiplier = 0.009619)**

Number of street lights to credit	=		=	
<i>SDC Credit Rate per Street Light:</i>				
0.009619	X	\$382,050	=	\$3,674.94
<u>Sub-Total Street Light Credits:</u>				
0	X	\$3,674.94	=	\$0.00

**5) Total Credit for Construction** = **\$152,137.84**

**3. TOTAL STREET SDC CREDITS (R/W + CONST)** = **\$185,555.67**

**STREET SDC CREDIT CALCULATION FORM**

**C. FORM ROUTING INFORMATION**

Credit Calc's Prepared by: Bob J Date: 11/5/2015  
Credit Calc's Checked by: \_\_\_\_\_ Date: \_\_\_\_\_  
Date to Bus Mgr: \_\_\_\_\_  
HTE Proj. Code. CC1563 & CE1563  
AIC Needed ? YES  
Date of Council Action: \_\_\_\_\_

**D. SDC CREDIT DISTRIBUTION**

SDC fee per lot N/A  
No. lots \_\_\_\_\_  
**Total SDC fees** \$0.00 Deduct from Total Credit \$0.00  
  
**Excess credit (if any) to be paid 'up front'** \$185,555.67  
**Total amount to be distributed btw the lots** 0  
**CREDIT AMT TO BE DISTRIBUTED PER LOT** 0

**E. PROJECT ACCOUNTING**

R/W Credits CE1563 \$33,417.83  
Const Cred CC1563 \$152,137.84

**R/W Dedications along Spring St Frontage of College Hills Addition**

LOT NO.	TAX LOT	RMV (\$)	LOT DIMENSIONS		AREA (sf)	VALUE	AREA DEDICATED			SDC CREDIT VALUE
			L (ft)	W (ft)		(per sf)	L (ft)	W (ft)	AREA (sf)	(\$)
24	5008	\$58,332.00	138.325	57.56	7961.99	\$7.3263	7	57.56	402.92	\$2,951.92
23	5007	\$54,466.00	138.215	49.99	6909.37	\$7.8829	7	49.99	349.93	\$2,758.47
22	5006	\$54,466.00	138.105	49.99	6903.87	\$7.8892	7	49.99	349.93	\$2,760.67
21	5005	\$54,466.00	137.995	49.99	6898.37	\$7.8955	7	49.99	349.93	\$2,762.87
20	5300	\$54,466.00	137.885	49.99	6892.87	\$7.9018	7	49.99	349.93	\$2,765.07
19	5305	\$54,466.00	137.77	49.99	6887.12	\$7.9084	7	49.99	349.93	\$2,767.38
18	5306	\$54,466.00	137.655	49.99	6881.37	\$7.9150	7	49.99	349.93	\$2,769.69
17	5307	\$54,466.00	137.545	49.99	6875.87	\$7.9213	7	49.99	349.93	\$2,771.91
16	5308	\$54,466.00	137.435	49.99	6870.38	\$7.9277	7	49.99	349.93	\$2,774.13
15	5309	\$54,466.00	137.325	49.99	6864.88	\$7.9340	7	49.99	349.93	\$2,776.35
14	5310	\$54,466.00	137.215	49.99	6859.38	\$7.9404	7	49.99	349.93	\$2,778.57
13	5311	\$54,466.00	137.105	51.49	7059.54	\$7.7152	7	51.49	360.43	\$2,780.80
									4262.65	\$33,417.83



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 40.2

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

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** December 3, 2013

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**COUNCIL BILL 2015-126**

An ordinance amending section 11.505 of the Medford Code pertaining to installation of grease traps and amending various other sections of the Medford Code by substituting "superintendent" for "manager".

**ISSUE STATEMENT & SUMMARY:**

The City and the Building Codes Division of the Oregon Consumer and Business Codes Department have entered into a settlement agreement which requires the City to amend Medford Municipal Code (MMC) 11.505 no later than January 1, 2016. If MMC 11.505 is not amended by that deadline the City will be assessed a fine in the amount of \$4,000. Additionally, the Water Reclamation Division Superintendent position has been retitled to "Water Reclamation Division Manager". All instances of the previous position title in Chapter 11 have been changed to reflect the current title.

**BACKGROUND:**

**A. Council Action History**

None to date

**B. Analysis**

Modification of MMC 11.505 to meet the requirements of the Settlement Agreement between the City and the Oregon State Building Codes Division will prevent additional fines of \$4,000.

**C. Financial and/or Resource Considerations**

Approval will preclude \$4,000 of costs.

**D. Timing Issues**

Changes to MMC 11.505 must be completed by January 1, 2016 per the Settlement Agreement.

**STRATEGIC PLAN:**

Theme: Quality Public Services

Goal 10: Provide efficient and effective sewer and storm water services.

**COUNCIL OPTIONS:**

1. Approve the ordinance.
2. Modify the ordinance.
3. Do not approve the ordinance.

**STAFF RECOMMENDATIONS:**

Staff recommends approval of the ordinance modifying MMC Chapter 11.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 40.2

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**SUGGESTED MOTION:**

I move to approve the ordinance modifying Chapter 11 of the Medford Municipal Code.

**EXHIBITS:**

Ordinance

ORDINANCE NO. 2015-126

AN ORDINANCE amending section 11.505 of the Medford Code pertaining to installation of grease traps and amending various other sections of the Medford Code by substituting “superintendent” for “manager.”

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. Section 11.100 of the Medford Code is amended to read as follows:

11.100 General Provisions.

\*\*\*

3. The WRD ~~Superintendent~~ **Manager** shall initiate contact with the jurisdictional participant regarding any restrictive action within their jurisdiction. In an emergency, contact shall be initiated with the jurisdictional participant at the earliest practical time.

Section 2. Section 11.101 of the Medford Code is amended to read as follows:

11.101 Administration.

Except as otherwise provided herein, the WRD ~~Superintendent~~ **Manager** shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the WRD ~~Superintendent~~ **Manager** may be delegated by the ~~Superintendent~~ **Manager** to a duly authorized City employee.

\*\*\*

Section 3. Section 11.102 of the Medford Code is amended to read as follows:

11.102 Connection Approval Required.

No industrial waste connection shall be made to the sanitary sewer system without prior approval of the Manager/WRD ~~Superintendent~~ **Manager**. All conditions allowing industrial waste connection to the sewer system defined in the industrial waste Discharge Permit shall be satisfied prior to system connection. Jurisdictional participants shall assure that the industrial user completes the application for Sewer Use Permit form and forwards same to the WRD ~~Superintendent~~ **Manager** and Rogue Valley Sewer Services.

Section 4. Section 11.104 of the Medford Code is amended to read as follows:

11.104 Definitions of Terms Commonly Used.

\*\*\*

(4) The individuals described in paragraphs 1-3 above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the authorization is submitted to the WRD ~~Superintendent~~ **Manager**.

\*\*\*

11. Control Authority. The City of Medford, **Regional** Water Reclamation Facility.

\*\*\*

42. ~~Manager/WRD Superintendent~~ **Manager**. This notation indicates joint action by the Jurisdictional Participant and the WRD ~~Superintendent~~**Manager**. Both will be cosignatories to the action. The Manager is considered the legal representative for the jurisdictional participant. The WRD ~~Superintendent~~ **Manager** is the responsible authority in administering the Industrial Waste Pretreatment Program.

\*\*\*

60. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain types or characteristics of wastewater as established by EPA, DEQ and/or the WRD ~~Superintendent~~ **Manager**.

\*\*\*

71. Significant Industrial User.

\*\*\*

(3) Is designated as significant by the WRD ~~Superintendent~~ **Manager** on the basis that the industrial user has a reasonable potential for causing pass through or interference.

(b) Upon a finding that an industrial user meeting the criteria in paragraph (a) (ii) of this section has no reasonable potential for adversely affecting the sewer system's operation or for violating any pretreatment standard or requirement, the WRD ~~Superintendent~~ **Manager** may in accordance with 40 CFR 403.8 (f) (6), determine that such industrial user is not a significant industrial user.

\*\*\*

85. WRD ~~Superintendent~~ **Manager**. The City of Medford Water Reclamation Division (WRD) ~~Superintendent~~ **Manager** or duly designated representative with authority to administer the Industrial Waste Pretreatment Program and respond to the requirements of regulatory agencies with respect to the National Pollutant Discharge Elimination System (NPDES) permit held by the Regional Water Reclamation Facility.

Section 5. Section 11.201 of the Medford Code is amended to read as follows:

11.201 Prohibitive Discharge Standards.

A. General Prohibitions

Except as hereinafter provided, no person shall discharge any wastewater containing pollutants in sufficient quantity (flow or concentration), either singly or by interaction with other pollutants, to pass through or interfere with the wastewater system, to injure or interfere with any wastewater treatment process; to interfere with the use of or disposal of treatment plant sludge; to constitute a hazard to humans or animals; to create a toxic effect in the receiving waters of the sewer system; to exceed the limitation set forth in a National Pretreatment Standard; or to exceed a local limit established by the WRD ~~Superintendent~~ **Manager**.

\*\*\*

(5) Any wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the collection system greater than 190 °F, or which will cause the wastewater treatment plant influent to exceed 104 °F. The WRD ~~Superintendent~~ **Manager** may require thermal loading reduction from industrial users with the potential for thermal impact on the sanitary sewer system.

\*\*\*

(11) Any wastewater containing any radioactive waste or isotopes except as specifically approved by the WRD ~~Superintendent~~ **Manager** in compliance with applicable State or Federal regulations.

\*\*\*

(13) Any trucked or hauled pollutants, including holding tank wastes, except at discharge points designated by the WRD ~~Superintendent~~ **Manager**.

\*\*\*

(17) Any material identified as hazardous waste according to 40 CFR Part 261 except as specifically authorized by the WRD ~~Superintendent~~ **Manager**.

\*\*\*

Section 6. Section 11.202 of the Medford Code is amended to read as follows:

11.202 National Categorical Pretreatment Standards.

\*\*\*

A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the WRD ~~Superintendent~~ **Manager** may impose equivalent concentration or mass limits in accordance with Section 11.202(D) and 11.202(E).

B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the WRD ~~Superintendent~~ **Manager** may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the WRD ~~Superintendent~~ **Manager** shall impose an alternate limit in accordance with 40 CFR 403.6(e).

D. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the WRD ~~Superintendent~~ **Manager**.

\*\*\*

(c) Continue to record the facility's production rates and notify the WRD ~~Superintendent~~ **Manager** whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 11.202(D)(1)(c). Upon notification of a revised production rate, the WRD ~~Superintendent~~ **Manager** will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

\*\*\*

(3) When developing equivalent mass limits, the WRD ~~Superintendent~~ **Manager**:

\*\*\*

E. The WRD ~~Superintendent~~ **Manager** may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the WRD ~~Superintendent~~ **Manager**.

\*\*\*

H. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the WRD ~~Superintendent~~ **Manager** within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the WRD ~~Superintendent~~ **Manager** of such anticipated change will be required to meet the mass or

concentration limits in its permit that were based on the original estimate of the long term average production rate.

Section 7. Section 11.204 of the Medford Code is amended to read as follows:

11.204 Local Limits.

The WRD ~~Superintendent~~ **Manager** is authorized to establish and revise from time-to-time local limits pursuant to 40 CFR 403.5(c). The pollutant limits (local limits) will be established to protect against Pass-Through and Interference. No significant industrial user (SIU) shall discharge wastewater containing in excess of the limits established by the WRD ~~Superintendent~~ **Manager**.

\*\*\*

The WRD ~~Superintendent~~ **Manager** may impose mass limitations in addition to concentration based limitations.

\*\*\*

When directed to do so by the WRD ~~Superintendent~~ **Manager**, any industrial user may be required to separate existing domestic wastestreams. The WRD ~~Superintendent~~ **Manager** shall endeavor to keep the Regional Committee apprised of the status of local limits and pollutant levels.

Section 8. Section 11.205 of the Medford Code is amended to read as follows:

11.205 Denial, Termination, or Limitation of Discharge.

The WRD ~~Superintendent~~ **Manager** or Manager may deny, condition, or terminate the discharge of industrial wastes to the sewer system where such discharges do not meet the requirements of this Ordinance or other applicable pretreatment standards.

Notwithstanding prior acceptance of industrial wastes into the treatment plant, if the WRD ~~Superintendent~~ **Manager** or Manager finds that an industrial waste from a particular commercial or industrial occupancy or a class of wastes from similar commercial or industrial occupancies constitute a nuisance or may create a hazard to the collection system or treatment plant or receiving waters, or have an adverse effect on reclaimed wastewater, then the WRD ~~Superintendent~~ **Manager** or Manager may limit the characteristics or volume of such wastes, or may terminate the acceptance, or may deny acceptance.

\*\*\*

Section 9. Section 11.206 of the Medford Code is amended to read as follows:

11.206 Best Management Practices.

The WRD ~~Superintendent~~ **Manager** or Manager may require commercial and/or industrial users to implement best management practices to restrict and/or condition discharges to the sanitary sewer system to meet the requirements of this ordinance or other applicable pretreatment standards or requirements.

Section 10. Section 11.300 of the Medford Code is amended to read as follows:

11.300 Spill Prevention/Slug Control.

\*\*\*

A Spill Prevention/Slug Control Plan shall be submitted to the WRD ~~Superintendent~~ **Manager**

within ninety (90) days of notification of requirement by the WRD ~~Superintendent~~ **Manager**. Any user who commences contribution to the treatment plant after the effective date of this Ordinance shall not be permitted to introduce pollutants into the system until accidental spill/slug discharge procedures have been submitted and approved by the WRD ~~Superintendent~~ **Manager**.

\*\*\*

3. Provisions for immediate notification of the WRD ~~Superintendent~~ **Manager** of any accidental and/or slug discharge, with follow-up written notification within 5 days per 11.301;

\*\*\*

Section 10. Section 11.301 of the Medford Code is amended to read as follows:

11.301 Spill/Slug Reporting.

In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the WRD ~~Superintendent~~ **Manager** of the incident.

\*\*\*

2. Written Notice. Within five (5) days following an accidental discharge, the user shall submit to the WRD ~~Superintendent~~ **Manager** a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences.

\*\*\*

The Manager/~~WRD Superintendent~~ **Manager** may require the industrial user to install or modify equipment or make other changes necessary to prevent such discharges as a condition of issuance of an Industrial Waste Discharge Permit or as a condition of continued discharge into the sewer system. A schedule of compliance shall be established by the WRD ~~Superintendent~~ **Manager**, which requires completion of the required actions within the shortest reasonable period of time. Violation of the schedule without an extension of time granted by the WRD ~~Superintendent~~ **Manager** is a violation of this Ordinance.

Section 11. Section 11.400 of the Medford Code is amended to read as follows:

11.400 Wastewater Survey.

When requested by the WRD ~~Superintendent~~ **Manager**, an industrial user shall submit information on the nature and characteristics of their wastewater by completing a wastewater survey. The WRD ~~Superintendent~~ **Manager** is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete the survey shall be considered a violation of the Ordinance.

Section 12. Section 11.401 of the Medford Code is amended to read as follows:

11.401 Permit Authority.

The WRD ~~Superintendent~~ **Manager** shall have the authority to establish Industrial Waste Discharge Permit limitations to the extent necessary to comply with this Ordinance as well as the National Pretreatment Standards including current Categorical Pretreatment Standards and waste discharge requirements as promulgated by the U.S. Environmental Protection Agency and the Oregon State Department of Environmental Quality; to protect the public health and safety; to protect the receiving water quality; to protect the sewer system; to protect the ability to reclaim wastewater; and to comply with all other applicable Federal and State laws.

Section 13. Section 11.402 of the Medford Code is amended to read as follows:

11.402 Requirement for a Permit.

It shall be unlawful for a significant industrial user to discharge wastewater into the sanitary sewer system without first applying for and obtaining a wastewater permit from the WRD ~~Superintendent~~ **Manager**.

\*\*\*

The WRD ~~Superintendent~~ **Manager** may require other industrial users to obtain wastewater permits as necessary to carry out the purposes of this Ordinance.

Section 14. Section 11.403 of the Medford Code is amended to read as follows:

11.403 Existing Users.

\*\*\*

The determination for requirement shall be made by the WRD ~~Superintendent~~ **Manager** in accordance with the requirements established in this Ordinance.

\*\*\*

A completed application for an Industrial Waste Discharge Permit shall be submitted to the WRD ~~Superintendent~~ **Manager** within ninety (90) days after permit requirement notification was received.

Section 15. Section 11.404 of the Medford Code is amended to read as follows:

11.404 Application for an Industrial Waste Discharge Permit.

\*\*\*

Application for an Industrial Waste Discharge Permit shall be made to the WRD ~~Superintendent~~ **Manager** on forms provided by the Regional Water Reclamation Facility. The application shall not be considered complete until all information identified on the form is provided, unless specific exemptions are granted by the WRD ~~Superintendent~~ **Manager**.

Completed applications shall be submitted to the WRD ~~Superintendent~~ **Manager** within ninety (90) days prior to the date the discharge is to begin.

\*\*\*

Section 16. Section 11.406 of the Medford Code is amended to read as follows:

11.406 Application Information and Baseline Monitoring Report (BMR)

\*\*\*

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the WRD ~~Superintendent~~ **Manager**, of regulated pollutants in the discharge from each regulated process.

\*\*\*

(d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 11.604 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation

as required by the WRD ~~Superintendent~~ **Manager** or the applicable Standards to determine compliance with the Standard.

\*\*\*

12. Any other information as may be deemed by the WRD ~~Superintendent~~ **Manager** to be necessary to evaluate the permit application.

Section 17. Section 11.407 of the Medford Code is amended to read as follows:

11.407 Application Signatories and Certifications.

\*\*\*

B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the WRD ~~Superintendent~~ **Manager** prior to or together with any reports to be signed by an Authorized Representative.

Section 18. Section 11.408 of the Medford Code is amended to read as follows:

11.408 Issuance of Industrial Waste Discharge Permits.

The WRD ~~Superintendent~~ **Manager** shall evaluate the data furnished by the user in the Industrial Waste Discharge Permit application and may require the user to provide additional information. After evaluation and acceptance of the data furnished, the WRD ~~Superintendent~~ **Manager** may issue or deny an Industrial Waste Discharge Permit subject to terms and conditions provided in this Ordinance. Copies of all permits shall be sent to the Manager.

1. General Conditions.

(a) Industrial Waste Discharge Permits shall be issued or denied by the WRD ~~Superintendent~~ **Manager** within forty-five (45) days after a completed application is received.

\*\*\*

(d) The WRD ~~Superintendent~~ **Manager** may deny approval to issue a discharge permit if the discharge will result in violations of local, State, or Federal laws or regulations; will overload or cause damage to any portion of the treatment plant; or will create an imminent or potential hazard to personnel.

\*\*\*

(ii) A statement that the wastewater discharge permit is nontransferable without prior notification to the WRD ~~Superintendent~~ **Manager** in accordance with Section 11.410 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

\*\*\*

(vii) Requirements to control Slug Discharge, if determined by the WRD ~~Superintendent~~ **Manager** to be necessary.

(viii) Any grant of the monitoring waiver by the WRD ~~Superintendent~~ **Manager** (Section 11.605(3)(B) must be included as a condition in the User's permit.

\*\*\*

(f) Requirements for submission of technical reports or discharge reports required by the WRD ~~Superintendent~~ **Manager**, by provisions of the National Pretreatment Standards or to support monitoring requirements of the Pretreatment Program;

\*\*\*

Section 19. Section 11.409 of the Medford Code is amended to read as follows:

11.409 Modification of Permits.

An Industrial Waste Discharge Permit may be modified for good and valid cause at the written request of the permittee or at the discretion of the WRD ~~Superintendent~~ **Manager**.

\*\*\*

1. Permittee modification requests shall be submitted to the WRD ~~Superintendent~~ **Manager** and shall contain a detailed description of all proposed changes in the discharge. The WRD ~~Superintendent~~ **Manager** may request any additional information needed to adequately prepare the modification or assess its impact. The WRD ~~Superintendent~~ **Manager** may deny a request for modification if the change will result in violations of Federal, State, or local laws or regulations; will overload or cause damage to any portion of the sewer system; or will create an imminent or potential hazard to personnel.

2. If a permit modification is made at the direction of the WRD ~~Superintendent~~ **Manager**, the Permittee shall be notified in writing of the proposed modification and may have at least thirty (30) days to make appropriate changes. The WRD ~~Superintendent~~ **Manager** may require the industrial user to immediately comply with the revised permit.

\*\*\*

Section 20. Section 11.410 of the Medford Code is amended to read as follows:

11.410 Permit Transfer.

Industrial Waste Discharge Permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the WRD ~~Superintendent~~ **Manager** and provision of a copy of the existing permit to the new owner/user. If no changes are made to the operation by the new owner, the approval shall be completed in at least thirty (30) days. Certification by the new owner or new user that no significant changes in operation have occurred may be required. If modifications are made in the operation, or if a new use of the premises is planned by the new user, a permit modification or issuance of a new permit shall be required.

Section 21. Section 11.411 of the Medford Code is amended to read as follows:

11.411 Trucked and Hauled Pollutant Permits.

The WRD ~~Superintendent~~ **Manager** may issue or deny a permit to authorize discharge of trucked and hauled pollutants subject to the terms and conditions provided by this Ordinance.

Section 22. Section 11.502 of the Medford Code is amended to read as follows:

11.502 Pretreatment Facilities.

1. If treatment facilities, operation changes, or process modifications at an industrial discharger's facility are needed to comply with any requirements of this Ordinance or are necessary to meet any applicable State or Federal requirements, the ~~Manager/WRD Superintendent~~ **Manager** may require that such facilities be constructed or modifications or changes be made within a specified time period, taking into consideration construction time, impact of the untreated waste on the sewer system, economic impact on the facility, impact of the waste on the marketability of the treatment plant sludge or reclaimed wastewater, and any other appropriate factor.
2. Any facilities required to pretreat wastewater to a level acceptable to the ~~WRD Superintendent~~ **Manager** shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities, operating procedures, and/or process modifications, shall be submitted to and acceptable to the ~~WRD Superintendent~~ **Manager** before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge under the provisions of the Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the ~~WRD Superintendent~~ **Manager** prior to the user's initiation of the changes.

Section 23. Section 11.503 of the Medford Code is amended to read as follows:

11.503 Flow Measurement and Sampling Facilities.

If so directed by the ~~WRD Superintendent~~ **Manager** or Manager, flow measurement, sampling devices, access facilities, and related equipment shall be installed by the user discharging the waste, at the user's expense, and shall be maintained by the user so as to be in safe condition, in proper operating condition at all times, and readily accessible to the requesting authority during periods of industrial activity of any type.

\*\*\*

Complete plans on all phases of the proposed installation including all equipment proposed for use, shall be submitted to the ~~WRD Superintendent~~ **Manager** for approval prior to construction.

Section 24. Section 11.504 of the Medford Code is amended to read as follows:

11.504 Sampling Manhole.

The ~~Manager/WRD Superintendent~~ **Manager** may require a discharger to install and maintain at the discharger's expense a suitable manhole in the discharger's branch sewer to allow observation, sampling and measurement of all industrial wastes being discharged into the sewer system. It shall be constructed in accordance with plans approved by the ~~WRD Superintendent~~ **Manager** and shall be designed so that flow measuring and sampling equipment may be conveniently installed. Access to the manhole shall be available for monitoring purposes at all times when wastewater is being produced and/or discharged.

Section 25. Section 11.505 of the Medford Code is amended to read as follows:

11.505 Grease Interceptors and Other Pretreatment.

Grease, oil, and sand interceptors shall be provided, operated, and maintained when, in the opinion of the WRD ~~Superintendent~~ **Manager** or Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful substances; except that such interceptors shall not be required for residential users.

\*\*\*

**All grease, oil, and sand interceptors shall be installed in conformance with the most recent revision of the Oregon Plumbing Specialty Code, the rules adopted thereunder, and any statute or rule of general applicability administered by the State of Oregon Building Codes Division.**

Section 26. Section 11.601 of the Medford Code is amended to read as follows:

11.601 General.

The WRD ~~Superintendent~~ **Manager** has the authority to carry out all inspection, surveillance, and monitoring activities necessary to determine compliance or noncompliance with applicable pretreatment standards and requirements.

Section 27. Section 11.602 of the Medford Code is amended to read as follows:

11.602 Waste Sampling and Monitoring.

\*\*\*

The sampling method shall be one approved by the WRD ~~Superintendent~~ **Manager** and done in accordance with good engineering practice.

\*\*\*

In the event flow proportional sampling is infeasible, the WRD ~~Superintendent~~ **Manager** may authorize the use of time proportional sampling.

\*\*\*

(b) Samples that are taken by the authority of the WRD ~~Superintendent~~ **Manager** for the purposes of determining compliance with the requirements of this Ordinance shall be split with the WRD ~~Superintendent~~ **Manager** and the industrial user (or a duplicate sample provided in the instance of fats, oils, and greases) if requested before or at the time of sampling.

2. The Manager/~~WRD Superintendent~~ **Manager** may require waste sampling and monitoring by the user at the user's expense if information and/or data is needed to determine compliance with Pretreatment Standards, determine the treatability of the waste, establish a sewer rate charge, or determine any other factor which is related to the operation and maintenance of the sewer system. The locations, frequencies, and types of sampling and monitoring shall be determined by the WRD ~~Superintendent~~ **Manager**.

Section 28. Section 11.603 of the Medford Code is amended to read as follows:

11.603 Inspection and Entry Requirements.

The WRD ~~Superintendent~~ **Manager** shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow the WRD ~~Superintendent~~ **Manager** ready access to all parts of the premises for the purposes of inspection,

sampling, records examination and copying, and the performance of any additional duties.

A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the WRD ~~Superintendent~~ **Manager** shall be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The WRD ~~Superintendent~~ **Manager** shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

C. The WRD ~~Superintendent~~ **Manager** may require the User to install monitoring equipment as necessary.

\*\*\*

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the WRD ~~Superintendent~~ **Manager** and shall not be replaced. The costs of clearing such access shall be born by the User.

E. Unreasonable delays in allowing the WRD ~~Superintendent~~ **Manager** access to the User's premises shall be a violation of this ordinance.

Section 29. Section 11.604 of the Medford Code is amended to read as follows:

11.604 Analytical Requirements.

\*\*\*

If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the WRD ~~Superintendent~~ **Manager** or other parties approved by DEQ and the RWRF.

Industrial user process control data analyses may be performed by methods that are not EPA approved methods, but shall be by methods approved by the WRD ~~Superintendent~~ **Manager**. Analyses performed by non-EPA approved methods may be used for routine process evaluations, but may not be used for compliance verification or reporting.

Section 30. Section 11.605 of the Medford Code is amended to read as follows:

11.605 Reporting Requirements.

Any user may be required to report the status of their wastewater discharge concerning compliance with the requirements of this Ordinance. The frequency of the reports shall be determined by the WRD ~~Superintendent~~ **Manager**. If a user subject to reporting requirements monitors any pollutant more frequently than required by the WRD ~~Superintendent~~ **Manager**, the results of this monitoring shall be included in the required report.

\*\*\*

Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the WRD ~~Superintendent~~ **Manager** or the applicable Standards to determine compliance with the Standard;

\*\*\*

### 3. Periodic Compliance Reports.

(A) All Significant Industrial Users must, at a frequency determined by the WRD **Superintendent Manager** submit no less than twice per year (June and December, or on dates specified) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the WRD **Superintendent Manager** or the Pretreatment Standard necessary to determine the compliance status of the User.

\*\*\*

(6) Any grant of the monitoring waiver by the WRD **Superintendent Manager** must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the WRD **Superintendent Manager** for 3 years after expiration of the waiver.

(7) Upon approval of the monitoring waiver and revision of the User's permit by the WRD **Superintendent Manager**, the Industrial User must certify on each report with the statement in Section 11.608, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.

(8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 11.605(3), or other more frequent monitoring requirements imposed by the WRD **Superintendent Manager**, and notify the WRD **Superintendent Manager**.

\*\*\*

(E) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by WRD the **Superintendent Manager**, using the procedures prescribed in Section 11.602 and Section 11.604 of this ordinance, the results of this monitoring shall be included in the report.

### 4. Compliance Schedules and Progress Reports.

If additional pretreatment, monitoring equipment, process control, or equipment modification will be required to meet the Pretreatment Standards established under this Ordinance the Manager/WRD **Superintendent Manager** may require the user to provide Progress Reports and Compliance Schedules. The compliance schedule shall be subject to WRD **Superintendent Manager** approval or may be established by the WRD **Superintendent Manager** at his discretion.

\*\*\*

(b) not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a Progress Report to the WRD **Superintendent Manager** including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than ninety (90) days elapse between such Progress Reports to the WRD **Superintendent Manager**.

Section 31. Section 11.606 of the Medford Code is amended to read as follows:

11.606 Notification of Changed Conditions.

Each industrial user is required to notify the WRD ~~Superintendent~~ **Manager** of any planned significant changes to the industrial user's operations or pretreatment systems that might alter the nature, quality, or volume of its wastewater; this includes any change in spill or slug discharge potential.

1. The WRD ~~Superintendent~~ **Manager** may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition.
2. The WRD ~~Superintendent~~ **Manager** may modify an existing wastewater permit to accommodate the change.
3. No industrial user shall implement the planned changed condition(s) until the WRD ~~Superintendent~~ **Manager** has responded to the industrial user's notice.

\*\*\*

Section 32. Section 11.607 of the Medford Code is amended to read as follows:

11.607 Records Retention and Confidentiality.

\*\*\*

1. Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits, and monitoring programs, and from inspection and sampling activities conducted by the WRD ~~Superintendent~~ **Manager**, shall be available to the public without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the WRD ~~Superintendent~~ **Manager** that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State laws.

\*\*\*

Section 33. Section 11.609 of the Medford Code is amended to read as follows:

11.609 Provision on Fraud and False Statements.

Any reports required under the authority of this Ordinance and any other documents required to be submitted to the WRD ~~Superintendent~~ **Manager** or maintained by the industrial user shall be subject to enforcement provision of this Ordinance, and Municipal and State law relating to fraud and false statements

\*\*\*

Section 34. Section 11.610 of the Medfrod Code is amended to read as follows:

11.610 Hazardous Waste Notification.

All industrial users shall notify the WRD ~~Superintendent~~ **Manager**, the EPA Regional Waste Management Division Director, and State Hazardous Waste Authorities in writing of any discharge into the sewer system of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261.

\*\*\*

Section 35. Section 11.611 of the Medford Code is amended to read as follows:

11.611 Violation Notification.

If sampling performed by a user indicates a violation, the user shall notify the WRD ~~Superintendent~~ **Manager** within twenty-four (24) hours of becoming aware of the violation.

\*\*\*

The analytical results must be submitted to the WRD ~~superintendent~~ **Manager** within 30 days after becoming aware of the violation.

Section 36. Section 11.612 of the Medford Code is amended to read as follows:

11.612 Potential Problem Notification.

All industrial users shall notify the WRD ~~Superintendent~~ **Manager** immediately of all discharges that could cause problems to the wastewater treatment system including any slug loadings.

Section 37. Section 11.613 of the Medford Code is amended to read as follows:

11.613 Seasonal Operation Notification.

1. Any user discharging more than 10,000 gallons per day shall notify the WRD ~~Superintendent~~ **Manager** and the Jurisdictional Participant at least seven (7) days prior to commencing discharge to the sewer system if the user has not been discharging wastewater at industrial rates for a thirty (30) day period prior to restarting.

\*\*\*

2. Any user discharging more than 10,000 gallons per day in a seasonal operation shall notify the WRD ~~Superintendent~~ **Manager** and the Jurisdictional Participant at least seven (7) days in advance of a shut down anticipated to be thirty (30) days or greater in duration.

Section 38. Section 11.701 of the Medford Code is amended to read as follows:

11.701 Violations.

A violation shall be considered to have occurred when any requirement of this Ordinance has not been met; when a written request of the Manager/~~WRD Superintendent~~ **Manager**, made under the authority of this Ordinance, is not met within the specified time; when a condition of a permit or contract issued under the authority of this Ordinance is not met within the specified time; when effluent limitations are exceeded, regardless of intent or accident; or when false information has been provided by the discharger. The remedies provided for in this ordinance are not exclusive. The Manager/~~WRD Superintendent~~ **Manager** may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Manager/~~WRD Superintendent~~ **Manager** may take other action against any User when the circumstances warrant. Further, the Manager/~~WRD Superintendent~~ **Manager** is empowered to take more than one enforcement action against any noncompliant User.

Section 39. Section 11.702 of the Medford Code is amended to read as follows:

sewer system or any person or property.

\*\*\*

(a) In situations that are determined by the WRD ~~Superintendent~~ **Manager** not to be emergencies, the Notice of Termination shall be in writing and shall contain the reasons for the termination, the effective date, and notice of the opportunity for an informal hearing before the WRD ~~Superintendent~~ **Manager** at least ten (10) days before the effective termination date.

\*\*\*

(b) In situations that are determined by the WRD ~~Superintendent~~ **Manager** to be emergencies, the initial Notice of Termination may be oral or written and the termination of the discharge may be immediate.

\*\*\*

(ii) The Emergency Notice of Termination shall inform the user of the opportunity for an informal hearing before the WRD ~~Superintendent~~ **Manager** at the earliest practical date.

Section 41. Section 11.704 of the Medford Code is amended to read as follows:

11.704 Public Participation Requirement.

A list of industrial users, which were determined by the WRD ~~Superintendent~~ **Manager** to be in significant noncompliance with applicable pretreatment requirements, shall be published at least annually in the largest daily newspaper published in the service area of the treatment plant.

\*\*\*

Section 42. Section 11.705 of the Medford Code is amended to read as follows:

11.705 Consent Orders.

The WRD ~~Superintendent~~ **Manager** may enter into Consent Orders, assurance of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance.

\*\*\*

Section 43. Section 11.706 of the Medford Code is amended to read as follows:

11.706 Show Cause Hearing.

The WRD ~~Superintendent~~ **Manager** may order any industrial user that causes or contributes to violations(s) of this Ordinance, wastewater permits, or orders issued hereunder, or any other pretreatment requirement to appear before the WRD ~~Superintendent~~ **Manager** and show cause why a proposed enforcement action should not be taken.

\*\*\*

Section 44. Section 11.707 of the Medford Code is amended to read as follows:

11.707 Compliance Orders.

When the WRD ~~Superintendent~~ **Manager** finds that an industrial user has violated or continues to violate the Ordinance, permits or orders issued hereunder, or any other pretreatment requirement, the WRD ~~Superintendent~~ **Manager** may issue an order to the industrial user responsible for the discharge directing that, following a specific time period, sewer service shall be discontinued unless

adequate treatment facilities, devices, or other related appurtenances are installed and properly operated.

\*\*\*

Furthermore, the WRD ~~Superintendent~~ **Manager** may continue to require such additional self-monitoring after consistent compliance has been achieved.

Section 45. Section 11.708 of the Medford Code is amended to read as follows:

11.708 Injunctive Relief.

Whenever an industrial user has violated or continues to violate the provisions of this Ordinance, Permits or Orders issued hereunder, or any other pretreatment requirements, the Manager/~~WRD Superintendent~~ **Manager**, may petition a court of competent jurisdiction for the issuance of a temporary or permanent injunction, as may be appropriate, which restrains or compels the specific performance of the wastewater permit, order, or other requirement imposed by this Ordinance on activities of the industrial user. Such other action as may be appropriate for legal and/or equitable relief may also be sought by the Manager/~~WRD Superintendent~~ **Manager**. The Court shall grant an injunction without requiring a showing of a lack of an adequate remedy at law.

Section 46. Section 11.709 of the Medford Code is amended to read as follows:

11.709 Civil Penalties.

Any industrial user which has violated or continues to violate this Ordinance, any order or permit hereunder, or any other pretreatment requirement shall be liable to the Manager/~~WRD Superintendent~~ **Manager** for a maximum civil penalty of \$3,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each business day during the period of this violation.

1. The Manager/~~WRD Superintendent~~ **Manager** may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred.

\*\*\*

3. Where appropriate, the Manager/~~WRD Superintendent~~ **Manager** may accept mitigation projects in lieu of the payment of civil penalties where the project provides a valuable service and the industrial user's expense in undertaking the project is at least one hundred and fifty percent (150%) of the civil penalty.

Section 47. Section 11.710 of the Medford Code is amended to read as follows:

11.710 Cease and Desist Orders.

When the WRD ~~Superintendent~~ **Manager** finds that an industrial user has violated or continued to violate this Ordinance, permits or order issued hereunder, or any other pretreatment requirement, the WRD ~~Superintendent~~ **Manager** may issue an order to the industrial user directing it to cease and desist all such violations and directing the user to:

\*\*\*

Section 48. Section 11.711 of the Medford Code is amended to read as follows:



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.3

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**DEPARTMENT:** Planning Department

**PHONE:** (541) 774-2380

**STAFF CONTACT:** James E. Huber, AICP, Planning Director

**AGENDA SECTION:** Consent Calendar

**MEETING DATE:** December 3, 2015

## **COUNCIL BILL 2015-127**

A resolution denying the appeal and upholding the Site Plan and Architectural Commission determination that it lacked jurisdiction to hear the request for revision to approved plans for the construction of a 1,850 square foot Starbucks on a 1.01 acre parcel located at 2676 East Barnett Road, on the south side of Barnett Road between Black Oak Road and Murphy Road, within a Community Commercial zoning district.

## **ISSUE STATEMENT & SUMMARY:**

A resolution denying the appeal and upholding the Site Plan and Architectural Commission determination that it lacked jurisdiction to hear the request for revision to approved plans for the construction of a 1,850 square foot Starbucks on a 1.01 acre parcel located at 2676 East Barnett Road, on the south side of Barnett Road between Black Oak Road and Murphy Road, within a C-C (Community Commercial) zoning district. (File No. AC-15-013)

## **BACKGROUND:**

On June 19, 2015, the Site Plan and Architectural Commission approved an application to construct a 1,850 square foot Starbucks (AC-15-013). No appeal was filed.

On August 7, 2015, an application to modify the approved site plan for AC-15-013 was received. The application was deemed complete the same day. The 120<sup>th</sup> day for rendering a final decision is December 5, 2015.

On September 19, 2015, the Commission held the duly noticed public hearing. After receiving testimony, the Commission determined that it lacked jurisdiction to consider the proposal. No final order was adopted, nor was an action letter sent.

On October 2, 2015, the City received an appeal from Foster Denman LLP on behalf of the applicant and now Appellant, Oregon Architecture, Inc.

On November 19, 2015, the City Council held a public hearing and voted to deny the appeal and uphold the determination of the Site Plan and Architectural Commission.

### **A. Council Action History**

The Council held the public hearing on November 19, 2015.

### **B. Analysis**

An Executive Summary prepared by staff was included in the November 19, 2015, City Council agenda packet.

### **C. Financial and/or Resource Considerations**

None identified.

### **D. Timing Issues**

Under Medford Land Development Code (MLDC) Section 10.166, the approving authority shall take final action on an application within 120 days after the application is deemed complete. ORS 227.178(1) further requires that, "...the governing body of a city...shall take final action on an application...including resolution of all appeals...within 120 days



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

**Item No: 40.3**

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after the application is deemed complete". The 120th day for this application is December 5, 2015. The City Council must render its decision by that date.

**STRATEGIC PLAN:**

Theme: Quality Public Services

Goal 11: Provide efficient and state-of-the-art development application review.

**COUNCIL OPTIONS:**

Adopt the resolution per the oral decision of November 19, 2015.

**STAFF RECOMMENDATIONS:**

Staff recommends approval of the resolution denying the appeal and upholding the Site Plan and Architectural Commission determination that it did not have jurisdiction to consider the modification of AC-15-013 based on the findings contained in the resolution.

**SUGGESTED MOTION:**

I move to approve the resolution denying the appeal and upholding the Site Plan and Architectural Commission determination that it did not have jurisdiction to consider the modification of AC-15-013 based on the findings contained in the resolution.

**EXHIBITS:**

Resolution

RESOLUTION NO. 2015-127

A RESOLUTION denying the appeal and upholding the Site Plan and Architectural Commission determination that it lacked jurisdiction to hear the request for revision to approved plans for the construction of a 1,850 square foot Starbucks on a 1.01 acre parcel located at 2676 East Barnett Road, on the south side of Barnett Road between Black Oak Road and Murphy Road, within a Community Commercial zoning district.

WHEREAS, on June 19, 2015, the Site Plan and Architectural Commission approved an application to construct a 1,850 Starbucks; and

WHEREAS, on August 7, 2015 an application to modify the approved site plan was received and deemed complete the same day with the 120<sup>th</sup> day for rendering a final decision being December 5, 2015; and

WHEREAS, on September 19, 2015, the commission held the duly noticed public hearing and determined it lacked jurisdiction to consider the proposal with no final order adopted or action letter sent; and

WHEREAS, on October 2, 2015 the City received an appeal from Foster Denman LLP on behalf of Appellant Oregon Architecture, Inc.; and

WHEREAS, on November 19, 2015 the City Council held a public hearing and voted to deny the appeal and uphold the determination of the Site Plan and Architectural Commission now, therefore;

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

Section. 1. That the City Council hereby upholds the Site Plan and Architectural Commission determination that it lacked jurisdiction to hear the request for revision because it was not a major modification of the application that had been previously heard by the Site Plan and Architectural Commission.

Section 2. That the City Council hereby declares its denial of an appeal pertaining to request for revision to approved plans for the construction of a 1,850 square foot Starbucks on a 1.01 acre parcel located at 2676 East Barnett Road, on the south side of Barnett Road between Black Oak Road and Murphy Road, within a Community Commercial zoning district.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.1

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**DEPARTMENT:** City Manager's Office      **AGENDA SECTION:** Ordinances and Resolutions  
**PHONE:** (541) 774-2657      **MEETING DATE:** December 3, 2015  
**STAFF CONTACT:** Greg McKown, Facilities & Project Manager

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## **COUNCIL BILL 2015-125**

SECOND READING. An ordinance amending the existing Construction Manager/General Contractor (CMGC) contract with Adroit Construction, Inc. and acceptance of a Guaranteed Maximum Price (GMP) of \$7,422,499.82 for the construction of Fire Stations #2 and #4.

## **ISSUE STATEMENT & SUMMARY:**

An ordinance amending the existing Construction Manager/General Contractor (CMGC) contract with Adroit Construction Inc. and acceptance of a Guaranteed Maximum Price (GMP) of \$7,422,499.82 for the construction of Medford Fire Stations #2 and #4.

## **BACKGROUND:**

The GMP of \$7,422,499.82 includes \$7,150,000 for the construction of Fire Stations #2 and #4, \$22,500 in preconstruction cost, and \$249,999.82 for the temporary apparatus bay at Fire Station #4. The Temporary Apparatus Bay project at Fire Station 4 was completed under the Adroit CMGC contract, however, this was a general fund capital improvement project budgeted in the current biennial budget.

### **A. Council Action History**

On November 21, 2013 Council approved Resolution 2013-166 authorizing an inter-fund loan relating to the City's limited tax revenue bonds, series 2013 for the purpose of project financing, establishing an interest rate and repayment schedule, and delegating authority to authorized representatives and related matters. On December 5, 2013, the City sold \$38.155 million in bonds at a 4.42% interest rate.

On May 15, 2014, Council authorized an exemption from competitive bidding and awarded a Construction Manager/General Contractor contract to Adroit Construction. The contract authorized pre-construction services in an amount not to exceed \$22,500, and authorized construction in an amount not to exceed \$8,960,000.00 for three new fire stations (Stations #2, #3 and #4).

On September 17, 2015, Council approved a motion directing staff to proceed with the existing CMGC and to modify the architect contract to redesign the three fire stations to incorporate the value engineering items presented to Council.

On October 1, 2015, Council approved a motion directing staff to proceed with subcontractor solicitation and development of a construction GMP on Fire Station #2 and Fire Station #4, after redesigning the three fire stations to incorporate the value engineering presented to Council.

On November 12, 2015, Council requested the Guaranteed Maximum Price Amendment to the Adroit Construction CMGC contract be added to the November 19, 2015 Council meeting for review.

On November 19, 2015, Council voted on an ordinance to amend the existing Construction Manager/General Contractor (CMGC) contract with Adroit Construction, Inc. to accept a Guaranteed Maximum Price (GMP) of \$7,422,499.82 for construction of



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.1

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Medford Fire Stations #2 and #4. Due to a 5-3 vote, a second reading on the ordinance is required.

**B. Analysis**

Staff worked with Adroit Construction to develop a GMP amendment for the construction of Fire Stations #2 and #4 as directed by Council. This GMP is being proposed by Adroit prior to completion of the value engineering redesign and subcontractor bidding on these projects.

**C. Financial and/or Resource Considerations**

Bond proceeds in the amount of \$10,631,960 were allocated to the development of three new fire stations at Fire Station #2, #3 and #4. However, due to costs coming in higher than expected; only Fire Station #2 and Fire Station #4 will now be developed. Therefore acceptance of a GMP of \$7,422,499.82 is within the funds available for the project.

**D. Timing Issues**

Authorization of the construction GMP amendment at this time with Adroit Construction will move the projects forward and help to maintain a completion date of February 12, 2017.

**STRATEGIC PLAN:**

**Theme: Safe Community**

Goal 1: Ensure a safe community by protecting people, property and the environment.

Objective 1.7: Fund and implement a phased-in approach to update all Fire facilities as identified in the Fire Facilities *Master Plan*.

Action Item: 1.7a: Implement a combined "work group" to assist in the planning and development of the finalized plans for the proposed new Fire facilities #2, 3 & 4.

**COUNCIL OPTIONS:**

1. Approve the ordinance authorizing the amendment to the CMGC contract with Adroit Construction, Inc, accepting the construction GMP of \$7,422,499.82.
2. Deny the ordinance authorizing the amendment to the CMGC contract with Adroit Construction Inc., accepting the construction GMP of \$7,422,499.82.

**STAFF RECOMMENDATIONS:**

Staff recommends the approval of the ordinance authorizing amendment to the contract with Adroit Construction Inc., accepting the construction GMP of \$7,422,499.82.

**SUGGESTED MOTION:**

I move to approve the ordinance authorizing amendment to the CMGC contract with Adroit Construction Inc., accepting the construction GMP of \$7,422,499.82.

**EXHIBITS:**

Ordinance

Contract amendment is on file in the City Recorder's office.

ORDINANCE NO. 2015-125

AN ORDINANCE amending the existing Construction Manager/General Contractor contract with Adroit Construction Inc. and acceptance of a Guaranteed Maximum Price of \$7,422,499.82 for the construction of Fire Stations #2 and #4.

WHEREAS, City Council approved Resolution 2013-166 on November 21, 2013 authorizing an inter-fund loan relating to the City's limited tax revenue bonds for the purpose of project financing and,

WHEREAS, on December 5, 2013 the City sold \$38.155 million in bonds at a 4.42 percent interest rate and,

WHEREAS, City Council approved Ordinance 2014-61 on May 15, 2014 authorizing an exemption from competitive bidding and awarding a Construction Manager/General Contractor contract to Adroit Construction to authorize pre-construction services in an amount not to exceed \$22,500 and construction in an amount not to exceed \$8,960,000 for new Fire Stations #2, #3, and #4, and,

WHEREAS, on September 17, 2015 Council was informed of an \$11,619,549 preliminary estimate of construction costs that exceeded the budget allocated for these projects and approved a motion to proceed with the existing contract and modify the architect contract to redesign the three Fire Stations to incorporate the value engineering items presented to Council and,

WHEREAS, on October 1, 2015 Council approved a motion directing staff to proceed with subcontractor solicitation and development of a Guaranteed Maximum Price on Fire Stations #2 and #4 after redesigning the Fire Stations to incorporate the value engineering items presented to Council and,

WHEREAS, on November 12, 2015 Council requested staff bring the Guaranteed Maximum Price for the Construction Manager/General Contractor contract with Adroit Construction to the next Council meeting; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That an amendment to the existing Construction Manager/General Contractor contract with Adroit Construction Inc. and acceptance of a Guaranteed Maximum Price of \$7, 422, 499.82 for the construction of Fire Stations #2 and #4, which agreement is on file in the City Recorder's office, is

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hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2015

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.2

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**DEPARTMENT:** City Manager's Office  
**STAFF CONTACT:** Larry Masterman  
**STAFF PHONE:** 541-774-2091

**AGENDA SECTION:** Ordinances and Resolutions  
**MEETING DATE:** December 3, 2015

## COUNCIL BILL 2015-128

An ordinance authorizing acceptance and expenditure of a special purpose grant in the amount of \$10,000 from the Oregon Office of Emergency Management for community preparedness pocket guides to be distributed by Jackson County's Community Emergency Response Team (CERT) programs.

## ISSUE STATEMENT & SUMMARY:

A ordinance recognizing the revenue and authorizing the expenditure of a special purpose grant awarded by the Oregon Office of Emergency Management in the amount of \$10,000. The grant is a specific purpose grant for community preparedness pocket guides to be distributed by Jackson County's four Community Emergency Response Team (CERT) programs.

Receipt of specific purpose grants, gifts or donations can be expended after enactment of a resolution under ORS 294.338. A supplement budget is not required.

## BACKGROUND:

The City of Medford applied for and was awarded a \$10,000 grant from the state of Oregon Office of Emergency Management.

### A. Council Action History

None

### B. Analysis

Jackson County's four CERTs collaborated on this grant proposal to obtain approximately 2,000 pocket guides on family emergency preparedness. These are to be distributed during various CERT community activities.

### C. Financial and/or Resource Considerations

This will increase revenues and expenditures by \$10,000.

### D. Timing Issues

None

## STRATEGIC PLAN:

Theme: Safe Community

Goal 2: Provide public education regarding law enforcement, gang and drug activities and promote emergency preparedness.

## COUNCIL OPTIONS:

Authorize acceptance and expenditure of the grant.

Deny acceptance and expenditure of the grant.

## STAFF RECOMMENDATIONS:

Staff recommends adopting the ordinance as presented.

## SUGGESTED MOTION:

Move for approval of the ordinance accepting and expending \$10,000 of a grant awarded by the State of Oregon Office of Emergency Management.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.2

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**EXHIBITS:**

Ordinance

Appropriation Modification worksheet

ORDINANCE NO. 2015-128

AN ORDINANCE authorizing acceptance and expenditure of a special purpose grant in the amount of \$10,000 from the Oregon Office of Emergency Management for community preparedness pocket guides to be distributed by Jackson County's Community Emergency Response Team (CERT) programs.

WHEREAS, ORS 294.338 authorizes acceptance and expenditure of a grant without adopting a supplemental budget or other procedural requirements of local budget law; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That acceptance and expenditure of a special purpose grant in the amount of \$10,000 from the Oregon Office of Emergency Management for community preparedness pocket guides to be distributed by Jackson County's CERT programs, as shown on the Appropriation Modifications Form attached as Exhibit A and incorporated herein, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor





ORDINANCE NO. 2015-129

AN ORDINANCE authorizing the execution of an agreement pertaining to State government relations consulting in the amount of \$30,000 per year with Rainmakers LLP.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That the execution of an agreement pertaining to State government relations consulting in the amount of \$30,000 per year with Rainmakers LLP, which 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 \_\_\_\_\_, 2015.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 120.1

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**DEPARTMENT:** Planning  
**PHONE:** 541-774-2380  
**STAFF CONTACT:** James E. Huber, AICP, Planning Director

**AGENDA SECTION:** Public Hearings  
**MEETING DATE:** December 3, 2015

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## **PUBLIC HEARING**

CONTINUED. Consideration of a proposed Comprehensive Plan/Urban Growth Boundary Amendment affecting the General Land Use Plan (GLUP) map, the Medford Street Functional Classification Plan of the Transportation Element, and portions of the text of both the Urbanization and GLUP Elements.

## **ISSUE STATEMENT & SUMMARY:**

File number CP-14-114 is a proposed Comprehensive Plan/Urban Growth Boundary Amendment affecting the General Land Use Plan (GLUP) map, the Medford Street Functional Classification Plan of the Transportation Element, and portions of the text of both the Urbanization and GLUP Elements.

The proposed UGB amendment contains a total of nearly 3,800 acres of land, of which about 400 acres are either already developed or unbuildable, resulting in a total of almost 3,400 usable acres: 1,520 acres for future development and 1,877 acres for Prescott and Chrissy Parks. The developable acres consist of 884 acres for residential development and 636 acres for employment uses.

## **BACKGROUND:**

The process of expanding the City's UGB has been ongoing in some capacity for the past 10 years and staff has been actively working on the expansion proposal since the adoption of the Regional Plan in 2012. The Planning Commission held a hearing on staff's recommendation for expansion on March 12, 2015. The Commission then met with staff at an April 6, 2015 study session to work through issues related to the project before continuing deliberation on the matter at the May 14, 2015 meeting. At that meeting, the Commission passed the attached recommendation for UGB expansion on a 4–3 vote.

### **A. Council Action History**

Council approved UGBA Phase 1 (city file number CP-13-032) in December 2014, which intensified land uses for more than 500 acres of land within the existing UGB.

Council held hearings on this second phase on August 6, 13, and 20, 2015. The hearing was closed and the record was left open indefinitely.

### **B. Analysis**

UGBA Phase 1 allowed the City to meet a greater portion of its residential and employment land need for the next 20 years within its existing UGB, but more land is still needed to meet the overall demand. The City is limited to selecting from its identified Urban Reserve when choosing where to expand to meet the need. The Planning Commission used the boundary locational factors of statewide planning Goal 14 in selecting properties from the Urban Reserve to include in its recommendation for boundary expansion.

### **C. Financial and/or Resource Considerations**

Discussion of water, sewer, and transportation conditions is contained in the commission report.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 120.1

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**D. Timing Issues**

The Department of Land Conservation and Development (DLCD) has agreed that the City can continue to use the population figures from the Population Element of the Comprehensive Plan because the City had initiated the UGB amendment process prior to the adoption of the Portland State University (PSU) population figures. This agreement does not have a specific expiration date, but it could be argued that the City must use the new population numbers if the process is stopped, or restarted.

**STRATEGIC PLAN:**

Theme: Healthy Economy

Goal 6: Maintain and enhance community livability

Action 6.2b: Maintain a current inventory of buildable residential land and periodically compare it to the needs identified in the Housing Element of the Comprehensive Plan.

Goal 7: Encourage a diverse economy

Objective 7.1: Ensure there is a long term supply of appropriately located and serviceable commercial and industrial land.

Theme: Quality Public Services

Goal 8: Provide recreational activities and opportunities to improve the lives of Medford residents.

Action 8.1b: Pursue the inclusion of Prescott and Chrissy Parks into the City's Urban Growth boundary.

Goal 9: Provide a safe, multi-modal, efficient and well planned transportation system.

Goal 10: Provide efficient and effective sewer and storm water services.

**COUNCIL OPTIONS:**

1. Adopt the recommendation of the Planning Commission as amended by staff as indicated in the commission report dated July 21, 2015
2. Modify the recommendation of the Planning Commission

**STAFF RECOMMENDATIONS:**

The Planning Commission recommended approval of the urban growth boundary amendment, as shown in "Exhibit A" of the commission report (minus the three additions from staff indicated in the commission report dated July 21, 2015), at their May 14, 2015 hearing by a 4-3 vote.

**SUGGESTED MOTION:**

I move to adopt the comprehensive plan and urban growth boundary amendment included in the commission report dated July 21, 2015 and supplements to it, and to direct staff to prepare an ordinance for adoption at a later date.

**EXHIBITS:**

None