

CITY COUNCIL AGENDA



MEDFORD
OREGON

May 21, 2020

6:00 P.M.

Medford City Hall, Council Chambers

411 W. 8th Street, Medford, Oregon

This meeting may be viewed via livestream at www.cityofmedford.org. Click on COUNCIL MEETINGS at the bottom of the first page. From there click on LIVE STREAM GOVERNMENT CHANNEL.

10. Roll Call

20. Recognitions, Community Group Reports

30. Oral Requests and Communications from the Audience

Due to restrictions with public gatherings, no in-person public comments are being allowed at this time. We encourage comments be submitted via email at council@cityofmedford.org.

40. Approval or Correction of the Minutes of the May 7, 2020 Regular Meeting

50. Consent Calendar

50.1 **COUNCIL BILL 2020-59**

A resolution setting the public hearing date and initiating annexation to the City of Medford of approximately 424 acres of property located south of Juanipero Way, west of North Phoenix Road, and north of the planned extension of South Stage Road, to include the full width of the easterly adjacent right-of-way along North Phoenix Road between Juanipero Way and the future extension of South Stage Road. The proposed annexation would change the County zoning designations of Exclusive Farm Use (EFU) and Rural Residential 2.5 to the City's SFR-00 (Single-Family Residential -1 dwelling unit per existing lot) holding zone designation and would remove the property from Medford Rural Fire Protection District #2. (ANNX-19-003)

50.2 **COUNCIL BILL 2020-60**

A resolution setting the public hearing date and initiating annexation to the City of Medford of approximately 79.6 acres of property located approximately 640 feet to the east of Springbrook Road, between Owen Drive and Coker Butte Road, and approximately 186 feet of the abutting right-of-way along Coker Butte Road. The proposed annexation would change County zoning designations of Exclusive Farm Use (EFU) to the City SFR-00 (Single-Family Residential -1 dwelling unit per existing lot) holding zoning designation and would remove the property from Medford Rural Fire Protection District #2. (ANNX-20-094)

Meeting locations are generally accessible to persons with disabilities. To request interpreters for hearing impaired or other accommodations for persons with disabilities, please contact the ADA Coordinator at (541) 774-2074 or ada@cityofmedford.org at least three business days prior to the meeting to ensure availability. For TTY, dial 711 or (800) 735-1232.

50.3 COUNCIL BILL 2020-61

An ordinance authorizing execution of an agreement between the City of Medford and the International Association of Fire Fighters (IAFF) Local 824 employees, concerning wages, hours, fringe benefits, and other working conditions from July 1, 2020, through June 30, 2023.

60. Items Removed from Consent Calendar

70. Ordinances and Resolutions

80. Public Hearings

Council is only accepting written comments and not verbal comments, with the exception of land use applicants, who will be given the opportunity to attend. Public comments will be accepted via first class mail or email until Noon on May 21, 2020. Public hearing testimony pertaining to the agenda items should be sent to the project planner's email listed by each agenda item.

80.1 COUNCIL BILL 2020-57

CONTINUED - An ordinance proclaiming annexation to the City of Medford of approximately 33.68 acres of property located at the northwest corner of South Stage Road and Kings Highway and the full width of adjacent rights-of-way along the properties; changing the zoning designation of the property from Exclusive Farm Use (EFU) to Single-Family Residential (SFR-00, one dwelling unit per lot) zoning district; and removing the property from Medford Rural Fire Protection District #2. (ANNX-19-002) Land Use, Quasi-Judicial; Planner: Carla Paladino, Carla.paladino@cityofmedford.org

80.2 COUNCIL BILL 2020-62

An ordinance repealing Sections 9.701, 9.702, 9.703, 9.704, 9.705, 9.706, and 9.707, of the Medford Municipal Code, pertaining to Flood Damage Prevention Regulations and Flood Insurance Maps adding Chapter 13, Environmental Health and Safety, to the Medford Municipal Code; and adopting the 2019 Oregon DLCDC Model Floodplain Ordinance, as modified, by adding Sections 13.005, 13.010, 13.015, 13.020 and 13.025 to the Medford Municipal Code. (DCA-20-040) Land Use, Legislative; Planner: Carla Paladino, Carla.paladino@cityofmedford.org

80.3 COUNCIL BILL 2020-63

An ordinance amending Section 10.012, 10.185, 10.421, 10.482, 10.924, and 10.925 of the Medford Municipal Code, and adding Section 10.503, pertaining to Shared-Use Paths. (DCA-18-112) Land Use, Legislative; Planner: Sara Sousa, sara.sousa@cityofmedford.org

80.4 COUNCIL BILL 2020-64

A resolution adopting the fifth Supplemental Budget for the 2019-21 biennium. Acting CFO: Lorraine Peterson, Lorraine.peterson@cityofmedford.org

90. Council Business

90.1 Proclamations issued

None

90.2 Committee Reports and Communications

a. Council Officers Update

100. City Manager and Staff Reports

110. Adjournment



AGENDA ITEM COMMENTARY

DEPARTMENT: Planning
PHONE: (541) 774-2380
STAFF CONTACT: Matt Brinkley, AICP, CFM, Planning Director

AGENDA SECTION: Consent Calendar
MEETING DATE: May 21, 2020

COUNCIL BILL 2020-59

A resolution setting the public hearing date and initiating annexation to the City of Medford of approximately 424 acres of property located south of Juanipero Way, west of North Phoenix Road, and north of the planned extension of South Stage Road, to include the full width of the easterly adjacent right-of-way along North Phoenix Road between Juanipero Way and the future extension of South Stage Road. The proposed annexation would change the County zoning designations of Exclusive Farm Use (EFU) and Rural Residential 2.5 to the City's SFR-00 (Single-Family Residential -1 dwelling unit per existing lot) holding zone designation and would remove the property from Medford Rural Fire Protection District #2. (ANNX-19-003)

SUMMARY AND BACKGROUND

Council is requested to consider a proposal to set the hearing date and initiate the annexation to the City of Medford of approximately 424 acres of property. The property is located south of Juanipero Way, west of North Phoenix Road and north of the planned extension of South Stage Road, and includes the full width of adjacent right-of-way along North Phoenix Road between Juanipero Way and the future extension of South Stage Road. The County zoning designations of Exclusive Farm Use (EFU) and Rural Residential 2.5 will be changed to the City's SFR-00 (Single-Family Residential - 1 dwelling unit per existing lot) holding zone designation. The property will be removed from Medford Rural Fire Protection District #2. (File No. ANNX-19-003)

PREVIOUS COUNCIL ACTIONS

On August 18, 2016, Council Bill 2016-99 was approved adopting the urban growth boundary. The properties proposed for annexation were included in the 2016 UGB expansion.

ANALYSIS

The Rogue Valley Manor has submitted a request for annexation of the Centennial Golf Course properties and adjacent right-of-way located within the City's Urban Growth Boundary. The properties are contiguous to the city limits along the northern and western boundary of the parcels.

The current uses on site include a single family residence, an 18-hole golf course, driving range, and club house. Future urban development of the site will be incorporated around the golf course. Four General Land Use Plan categories were designated on the properties during the Urban Growth Boundary amendment process, and include Urban Residential (UR), Urban High Density Residential (UH), Service Commercial (SC) and Commercial (CM). The existing County zoning of Exclusive Farm Use and Rural Residential 2.5 will be changed to the City's SFR-00 holding zone as part of the annexation process until such time as the applicant files for a subsequent zone change.

The evaluation of the annexation request will be preceded by review and adoption of an Urbanization Plan for the property on the same evening (UP-19-004). The properties are referenced as planning



unit MD-5f in the Urbanization Planning section of the Neighborhood Element of the Comprehensive Plan.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Annexation of properties from the Urban Growth Boundary must comply with the Urban Growth Management Agreement (UGMA) adopted by the City and Jackson County. The agreement includes annexing the full width adjacent right-of-way along North Phoenix Road for the length of the properties between Juanipero Way and the south property line of the southernmost parcel. The UGMA indicates the City will request surrender of these roads from the County upon annexation.

The City collects fees for streets, parks, public safety, sewer, and storm drain maintenance. Property taxes are also adjusted based on annexation occurring.

TIMING ISSUES

The final hearing for this matter is scheduled before City Council on Thursday, July 16, 2020.

COUNCIL OPTIONS

- Approve the resolution as presented.
- Modify the resolution as presented.
- Decline to approve the resolution as presented and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the request to initiate the annexation.

SUGGESTED MOTION

I move to adopt the resolution to initiate the annexation and set the public hearing date of July 16, 2020.

EXHIBITS

- Resolution
- Legal Description with exhibit map
- Vicinity Map

RESOLUTION NO. 2020-59

A RESOLUTION setting the public hearing date and initiating annexation to the City of Medford of approximately 424 acres of property located south of Juanipero Way, west of North Phoenix Road, and north of the planned extension of South Stage Road, to include the full width of the easterly adjacent right-of-way along North Phoenix Road between Juanipero Way and the future extension of South Stage Road. The proposed annexation would change the County zoning designations of Exclusive Farm Use (EFU) and Rural Residential 2.5 to the City's SFR-00 (Single-Family Residential –1 dwelling unit per existing lot) holding zone designation and would remove the property from Medford Rural Fire Protection District #2. (ANNX-19-003)

WHEREAS, on August 18, 2016, Council Bill 2016-99 was approved adopting an amended urban growth boundary for the City of Medford. The area proposed for annexation was included in the 2016 UGB expansion and the area consists of the Centennial Golf Course properties and the easterly adjacent right-of-way, which are located within the City's Urban Growth Boundary; and

WHEREAS, the owner of the area proposed for annexation has submitted a request for annexation; and

WHEREAS, the area proposed for annexation is situated in Jackson County, Oregon, is described in Exhibit A, attached hereto and incorporated herein, and is contiguous along its northern and western boundaries to the City of Medford; now, therefore,

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

SECTION 1. Pursuant to ORS 222.170, the City Council elects to dispense with submitting the question of the proposed annexation to the electors of the City.

SECTION 2. A public hearing on the annexation shall be held at the hour of 6:00 p.m. on the 16th day of July, 2020, before the City Council of the City of Medford, Oregon, in City Hall Council Chambers, 411 W. 8th Street, of Medford. Following the hearing, the council will consider a proposed ordinance a) annexing approximately 424 acres of property located south of Juanipero Way, west of North Phoenix Road, and north of the planned extension of South Stage Road, to include the full width of adjacent right-of-way along North Phoenix Road between Juanipero Way and the future extension of South Stage Road; b) changing the County zoning designations of Exclusive Farm Use (EFU) and Rural Residential 2.5 to the City's SFR-00 (Single-Family Residential –1 dwelling unit per existing lot) holding zone designation; and c) removing the property from Medford Rural Fire Protection District #2.

SECTION 3. Pursuant to ORS 222.120(3), the City Recorder is directed to give notice of the time, place, and purpose of the public hearing provided for in Section 2 hereof by publishing notice thereof once each week for two consecutive weeks prior to the date of said hearing in a newspaper of general circulation in the City of Medford and by causing notices thereof to be posted in four (4) public places in the city for a like period of time.

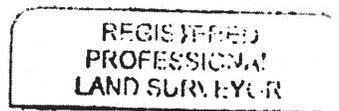
PASSED by the Council and signed by me in authentication of its passage this ____ day of May, 2020.

ATTEST: _____
City Recorder

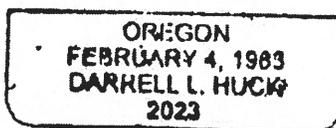
Mayor

EXHIBIT A
ANNEXATION

BEGINNING at the center of Section 33 in Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon, said point of beginning being the southeasterly corner of the area annexed to the City of Medford by Ordinance No. 6330, passed January 17, 1956; thence westerly, along said annexed boundary, a more or less distance of 927.5 feet to an angle point in said annexed boundary; thence southerly, along said annexed boundary, a more or less distance of 2649.7 feet to the northerly boundary of the area annexed to the City of Medford by Ordinance No. 1999-50; thence along said northerly boundary, North 89°55'30" East a more or less distance of 321 feet to an angle point in said annexed boundary; thence along the easterly line of said annexed boundary, South 00°03'30" West, a more or less distance of 2143.22 feet to the northerly boundary of the area annexed to the City of Medford by Ordinance No. 2007-50; thence easterly, along said northerly boundary, a more or less distance of 209 feet to the northeast corner of said annexed area, said northeast corner being situated on the north line of Donation Land Claim (D.L.C.) No. 40 in Township 38 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence leaving said annexation boundary and along the north line of said D.L.C. No. 40, South 89°52'40" East a more or less distance of 1324 feet to the northeast corner of said D.L.C. No. 40; thence along the south line of Donation Land Claim (D.L.C.) No. 38 in Township 38 South, Range 1 West, Willamette Meridian, Jackson County, Oregon, and it's easterly prolongation, South 89°50'40" East a more or less distance of 2191.45 feet to the easterly right-of-way line of North Phoenix Road, as described per Instrument No. 94-10501, Official Records, Jackson County, Oregon; thence northerly, along said easterly right-of-way line and it's northerly prolongation, a more or less distance of 4043 feet to the southerly boundary of the area annexed to the City of Medford by Ordinance No. 1998-86; thence along said annexed boundary, North 89°50'15" West a more or less distance of 106 feet to the southwest corner of said annexed area; thence along the westerly boundary of said annexed area, along the arc of a 409.30 foot radius non-tangent curve to the right (the long chord to which bears North 14°05'04" West 200.21 feet) an arc distance of 202.26 feet; thence continue along said westerly boundary, North 00°04'21" East a more or less distance of 614 to the southerly boundary of that area annexed to the City of Medford by Ordinance No. 775, passed January 16, 1970; thence westerly along said southerly boundary, a more or less distance of 2865 feet to the point of beginning.



Darrell L. Huck



EXPIRES: 6/30/2021

Darrell L. Huck
L.S. 2023 – Oregon
Expires 6/30/2021
Hoffbuhr & Associates, Inc

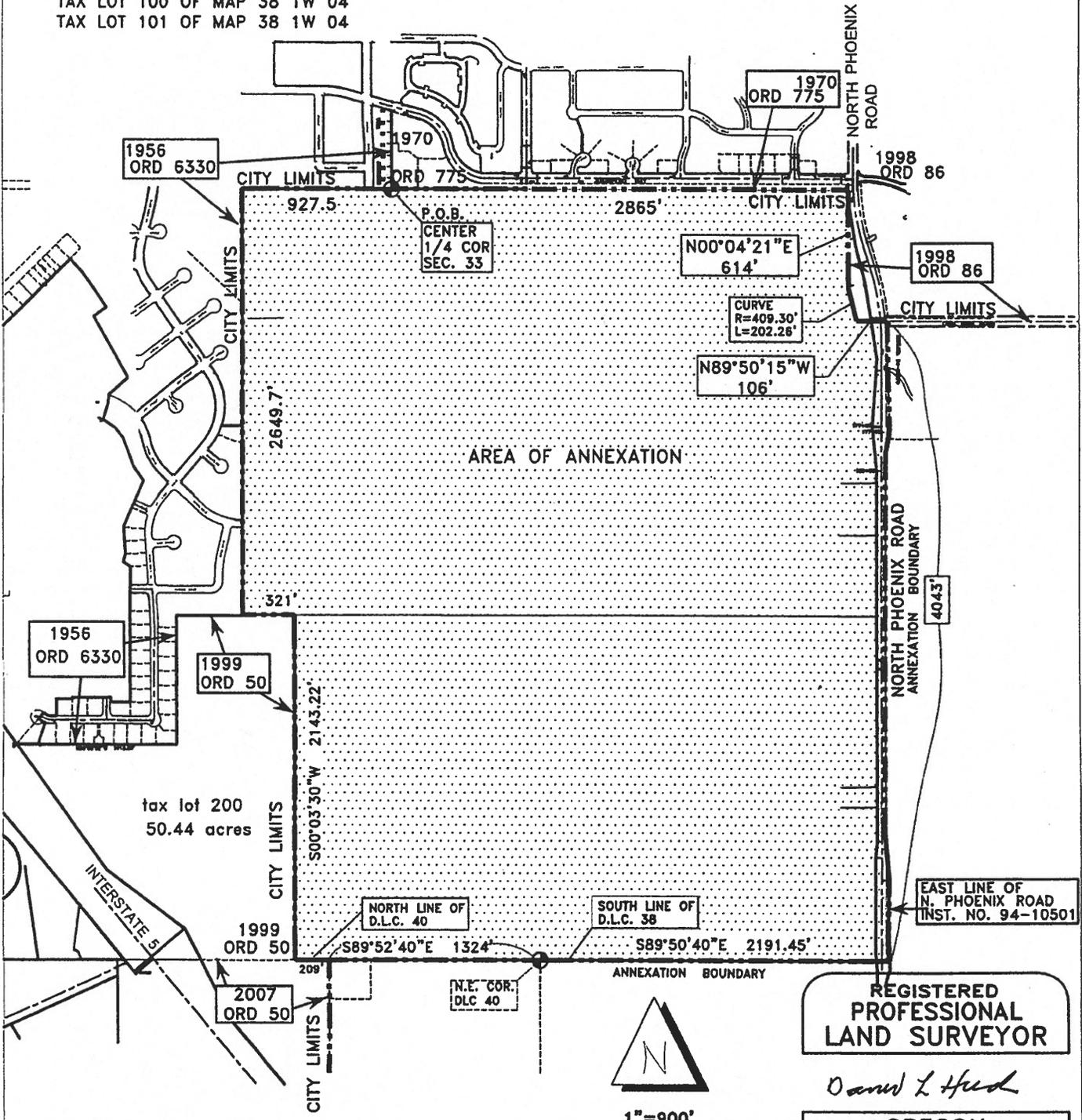
(19083annex desc.doc)

NOTES:

AREA OF ANNEXATION = 424 ACRES
 ANNEXED AREA INCLUDES:
 TAX LOT 700 OF MAP 37 1W 33
 TAX LOT 900 OF MAP 37 1W 33
 TAX LOT 1000 OF MAP 37 1W 33
 TAX LOT 1100 OF MAP 37 1W 33
 TAX LOT 1200 OF MAP 37 1W 33
 TAX LOT 2000 OF MAP 37 1W 33CA
 TAX LOT 4700 OF MAP 37 1W 33CD
 TAX LOT 100 OF MAP 38 1W 04
 TAX LOT 101 OF MAP 38 1W 04

EXHIBIT "B" ANNEXATION

LOCATED IN:
 THE S.W. 1/4 & S.E. 1/4, SEC. 33 & THE S.W. 1/4, SEC. 34 &
 THE S.E. 1/4, SEC. 33 & THE S.W. 1/4, SEC. 34, T. 37S., R. 1W., W.M.
 & THE N.W. 1/4 & N.E. 1/4, SEC. 04, T. 38S., R. 1W., W.M.
 JACKSON COUNTY, OREGON



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darrell L. Huck

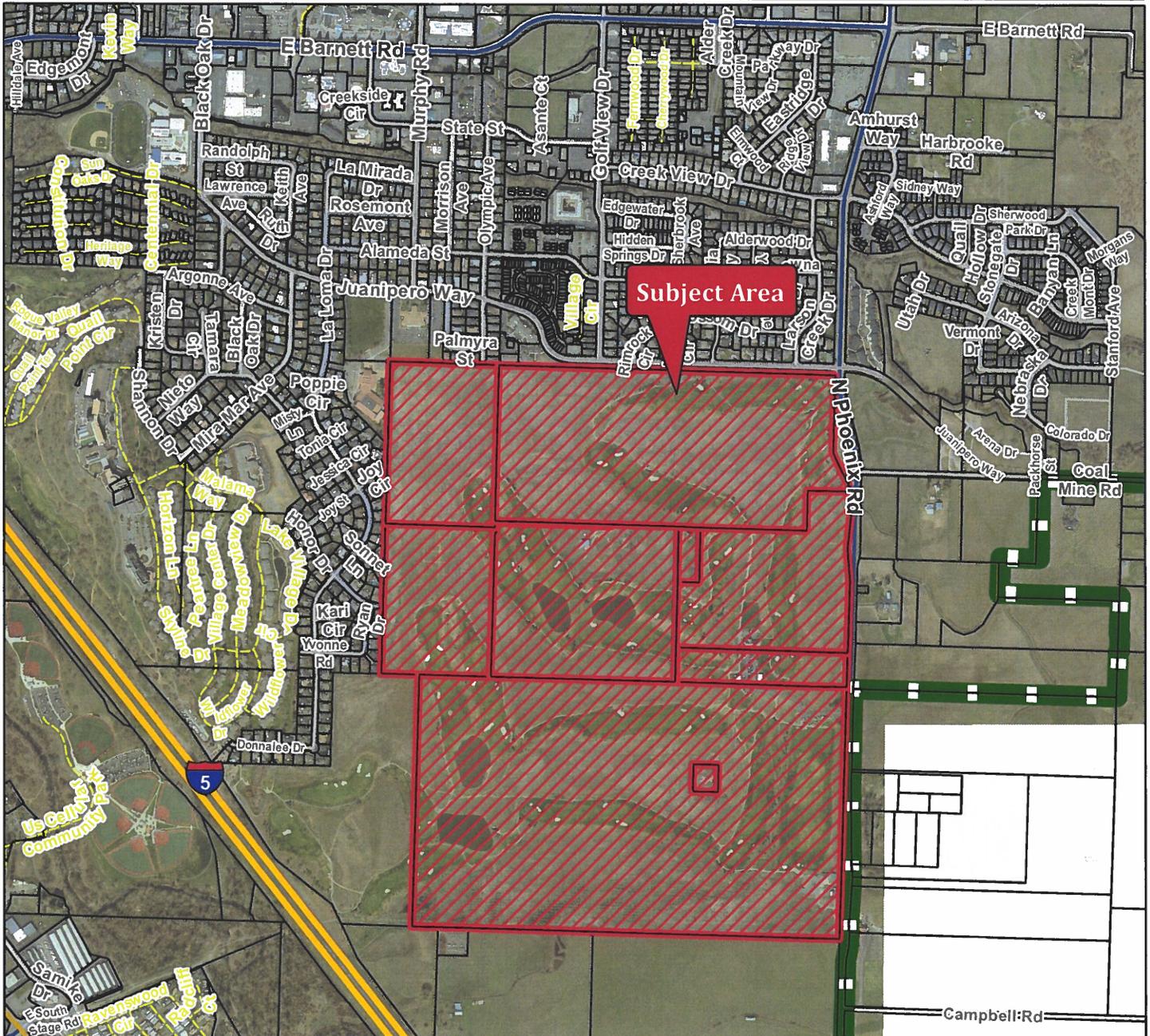
OREGON
FEBRUARY 4, 1983
DARRELL L. HUCK
2023



1"=900'

(19083 annex exhibit b 5-1-20)

Expires 6/30/2021



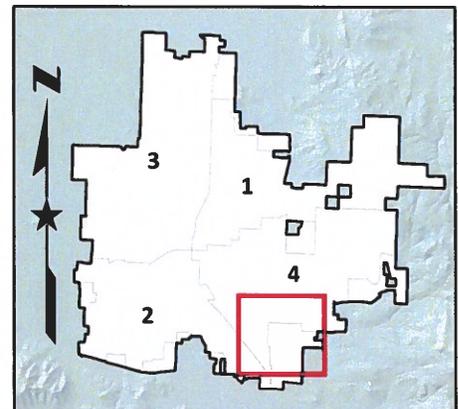
Project Name:
Rogue Valley Manor
1710, 1720, 1900, 2000,
& 2320 North Phoenix Road

Map/Taxlot:
371W33 TL 700, 801, 900, 1000, 1100 & 1200
371W33CA TL 2000, 371W33CD TL 4700
381W4 TL 100 & 101



Legend

-  Subject Area
-  Tax Lots





AGENDA ITEM COMMENTARY

DEPARTMENT: Planning
PHONE: (541) 774-2380
STAFF CONTACT: Matt Brinkley, AICP, CFM, Planning Director

AGENDA SECTION: Consent Calendar
MEETING DATE: May 21, 2020

COUNCIL BILL 2020-60

A resolution setting the public hearing date and initiating annexation to the City of Medford of approximately 79.6 acres of property located approximately 640 feet to the east of Springbrook Road, between Owen Drive and Coker Butte Road, and approximately 186 feet of the abutting right-of-way along Coker Butte Road. The proposed annexation would change County zoning designations of Exclusive Farm Use (EFU) to the City SFR-00 (Single-Family Residential -1 dwelling unit per existing lot) holding zoning designation and would remove the property from Medford Rural Fire Protection District #2. (ANNX-20-094)

SUMMARY AND BACKGROUND

Council is requested to consider a proposal to set the hearing date and initiate the annexation to the City of Medford of approximately 79.6 acres of property located approximately 640 feet to the east of Springbrook Road, between Owen Drive and Coker Butte Road, and approximately 186 feet of the abutting right-of-way along Coker Butte Road. The County zoning designation of Exclusive Farm Use (EFU) will be changed to the City SFR-00 (Single-Family Residential, one dwelling unit per lot) zoning district. The properties will be removed from Medford Rural Fire Protection District #2. (File No. ANNX-20-094)

PREVIOUS COUNCIL ACTIONS

On August 18, 2016, Council Bill 2016-99 was approved adopting the urban growth boundary. The properties proposed for annexation were included in the 2016 UGB expansion.

ANALYSIS

The subject properties and right-of-way are located within the City's Urban Growth Boundary and are contiguous with the city limits along the southern boundaries of the properties. The properties have General Land Use Plan designations of Urban Residential (UR), Urban Medium Density Residential (UM), Urban High Density Residential (UH), Service Commercial (SC), and Commercial (CM). The SFR-00 zoning district is the appropriate transition zone for the properties. The application is filed in conjunction with an Urbanization Plan (UP-20-095). The subject properties are part of the approximately 88.73 acre MD-3a planning unit, which is identified in the Urbanization Planning section of the Neighborhood Element of the Comprehensive Plan; however, only four of the eleven parcels within MD-3a are requesting annexation.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Annexation of the full right-of-way along Coker Butte Road is outlined in the Urban Growth Management Agreement with Jackson County. Upon annexation of the subject area, City Council will request that the County surrender the 186 foot length of Coker Butte Road that abuts the north end of the property. The City collects fees for streets, parks, public safety, sewer, and storm drain maintenance. The City will also begin collecting its own property tax levy upon annexation.



TIMING ISSUES

The final hearing for this matter is scheduled before City Council on Thursday, August 20, 2020.

COUNCIL OPTIONS

Approve the resolution as presented.

Modify the resolution as presented.

Decline to approve the resolution as presented and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the request to initiate the annexation.

SUGGESTED MOTION

I move to adopt the resolution to initiate the annexation and set the public hearing date of August 20, 2020.

EXHIBITS

Resolution

Legal Description with exhibit map

Vicinity Map

RESOLUTION NO. 2020-60

A RESOLUTION setting the public hearing date and initiating annexation to the City of Medford of approximately 79.6 acres of property located approximately 640 feet to the east of Springbrook Road, between Owen Drive and Coker Butte Road, and approximately 186 feet of the abutting right-of-way along Coker Butte Road. The proposed annexation would change County zoning designations of Exclusive Farm Use (EFU) to the City SFR-00 (Single-Family Residential-1 dwelling unit per existing lot) holding zoning designation and would remove the property from Medford Rural Fire Protection District #2. (ANNX-20-094)

WHEREAS, on August 18, 2016, Council Bill 2016-99 was approved adopting an amended urban growth boundary for the City of Medford. The area proposed for annexation was included in the City's 2016 UGB expansion and is within the City's current UGB; and

WHEREAS, the owners of the area proposed for annexation have submitted a request for annexation; and

WHEREAS, the area proposed for annexation is situated in Jackson County, Oregon, is described in Exhibit A, attached hereto and incorporated herein, and is contiguous along its southerly boundary to the City of Medford; now, therefore,

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

SECTION 1. Pursuant to ORS 222.170, the City Council elects to dispense with submitting the question of the proposed annexation to the electors of the City.

SECTION 2. A public hearing on the annexation shall be held at the hour of 6:00 p.m. on the 20th day of August, 2020, before the City Council of the City of Medford, Oregon, in City Hall Council Chambers, 411 W. 8th Street, of said city. Following the hearing, the council will consider a proposed ordinance a) annexing approximately 79.6 acres of property located approximately 640 feet to the east of Springbrook Road, between Owen Drive and Coker Butte Road, to include approximately 186 feet of Coker Butte Road right-of-way abutting the northerly property boundary; b) changing the County zoning designation of Exclusive Farm Use (EFU) to the City's SFR-00 (Single-Family Residential –1 dwelling unit per existing lot) holding zone designation; and c) removing the property from Medford Rural Fire Protection District #2.

SECTION 3. Pursuant to ORS 222.120(3), the City Recorder is directed to give notice of the time, place, and purpose of the public hearing provided for in Section 2 hereof by publishing notice

thereof once each week for two consecutive weeks prior to the date of said hearing in a newspaper of general circulation in the City of Medford and by causing notices thereof to be posted in four (4) public places in the city for a like period of time.

PASSED by the Council and signed by me in authentication of its passage this ____ day of May, 2020.

ATTEST: _____
City Recorder

Mayor

EXHIBIT "A"

LEGAL DESCRIPTION

ANNEXATION BOUNDARY

ASSESSORS MAP NO. 371W08, TAX LOTS 300, 700, 800, PORTIONS OF TAX LOTS 900 AND 1000, AND A PORTION OF COKER BUTTE ROAD

The following described parcel is a portion of the property originally acquired in deeds recorded in Document Numbers 1990-010208 and 2019-0030865 of the Official Records of Jackson County, Oregon, situated in the Northeast quarter of Section 8, Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon and being more fully described as follows;

BEGINNING at the East quarter corner of Section 8, in Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon, monumented with a 2-inch Brass Cap, said point also being the Northeast corner of the area annexed to the City of Medford by Ordinance Number 1998-126; thence South 89°45'11" West along the East-West centerline of said Section 8 and the North line of said annexation ordinance, 1324.26 feet to the Center-East Sixteenth corner of said Section 8, monumented with a 2-inch Brass Cap; thence, continuing along said East-West centerline and North line of said annexation ordinance, South 89°45'16" West, 1324.86 feet to the Center Quarter corner of said Section 8, monumented with a 2-inch Brass Cap, said point also being the Northwest corner of said annexation ordinance; thence North 00°26'07" West along the North-South centerline of said Section 8 and the East boundaries of those areas annexed to the City of Medford by Ordinance Numbers 9470 passed August 24, 1966, 7093 passed March 19, 1992 and 1998-130, 2455.30 feet to the West-Northwest corner of Document Number 2019-030856 of said Official Records; thence North 89°51'33" East along the North line of said Document, 477.00 feet to an inner angle point of said Document; thence North 00°26'07" West, 218.00 feet to a point on the North Right of Way line of Coker Butte Road; thence North 89°51'33" East along said right of way, 186.31 feet to a point which bears North 00°19'32" West from the Northwest corner of Document Number 2014-003269 of said Official Records; thence, leaving said Right of Way line, South 00°19'32" East to and along the West boundary of said Document, 643.78 feet to the Southwest corner of said Document; thence South 89°40'28" West, 1.01 feet to the East boundary of Parcel 1 of Document Number 2019-030856 of said Official Records; thence, along the East boundary of said Parcel 1, South 00°28'26" East, 1293.31 feet; thence North 89°45'16" East, 661.93 feet to the West boundary of Document Number 1990-010208 of said Official Records; thence, along the West boundary of said Document, North 00°30'45" West, 259.09 feet; thence North 89°47'34" East, 1323.15 feet to the East boundary of said Document; thence, along the East boundary of said Document, South 00°34'37" East, 993.17 feet to the POINT OF BEGINNING.

CONTAINING: 79.6 acres, more or less.

Prepared by:

Jason M. Martin
Professional Land Surveyor

To The Point Land Surveying, LLC
P.O. Box 217
Gold Hill, OR 97525
(541) 855-4280
Date: March 31, 2020

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jason M. Martin
OREGON
MAY 8, 2012
JASON M. MARTIN
54729

RENEWS: 1-1-2021

EXHIBIT "B"

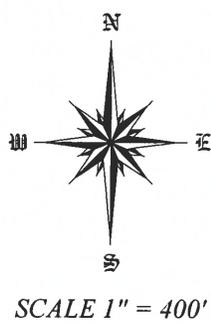
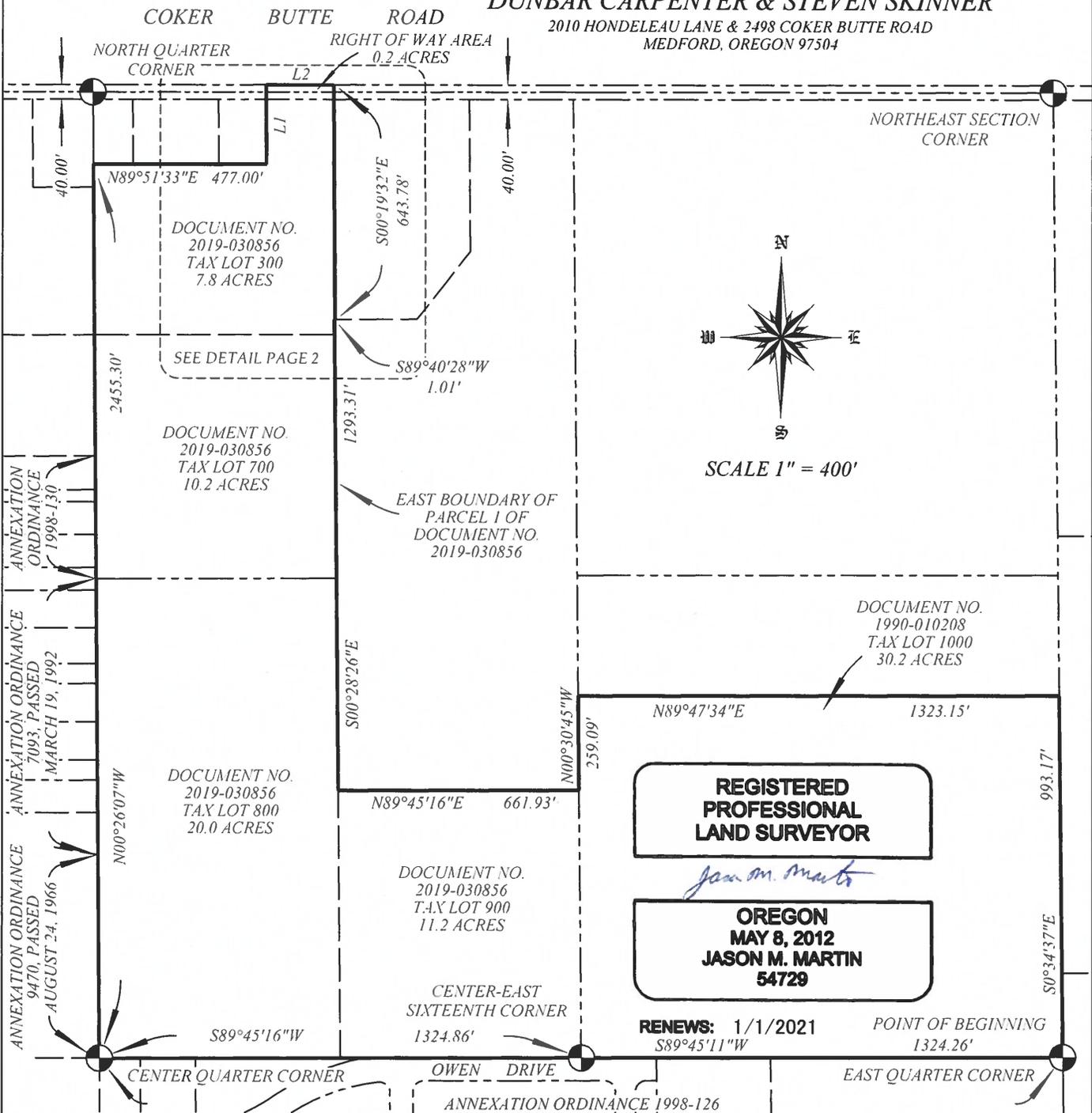
LOCATED WITHIN

THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 37 SOUTH, RANGE 1 WEST,
WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON

FOR

DUNBAR CARPENTER & STEVEN SKINNER

2010 HONDELEAU LANE & 2498 COKER BUTTE ROAD
MEDFORD, OREGON 97504



**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Jason M. Martin
**OREGON
MAY 8, 2012
JASON M. MARTIN
54729**

RENEWS: 1/1/2021 **POINT OF BEGINNING**
S89°45'11"W 1324.26'

LINE	BEARING	DISTANCE
L1	N00°26'07"W	218.00'
L2	N89°51'33"E	186.31'

SURVEYED BY:
TO THE POINT LAND SURVEYING, LLC
P.O. BOX 217
GOLD HILL, OR 97525
(541) 840-7587

Date: March 31, 2020
Project No. 0027-19



EXHIBIT "B"

LOCATED WITHIN

THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 37 SOUTH, RANGE 1 WEST,
WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON

FOR

DUNBAR CARPENTER & STEVEN SKINNER

2010 HONDELEAU LANE & 2498 COKER BUTTE ROAD
MEDFORD, OREGON 97504

SCALE 1" = 100'

N89°51'33"E 186.31'

COKER BUTTE ROAD

40.00'

218.00'

N00°26'07"W

PART OF
DOCUMENT NO.
2019-030856
TAX LOT 900
0.02 ACRES

NORTHWEST CORNER
OF DOCUMENT NO.
2014-003269

40.00'

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Jason M. Martin

**OREGON
MAY 8, 2012
JASON M. MARTIN
54729**

RENEWS: 1/1/2021

S00°19'32"E
643.78'

DOCUMENT NO.
2019-030856
TAX LOT 300
7.8 ACRES

DOCUMENT NO.
2014-003269
TAX LOT 200

EAST BOUNDARY OF
PARCEL 1 OF
DOCUMENT NO.
2019-030856

S89°40'28"W
1.01'

S00°28'26"E 1293.31'

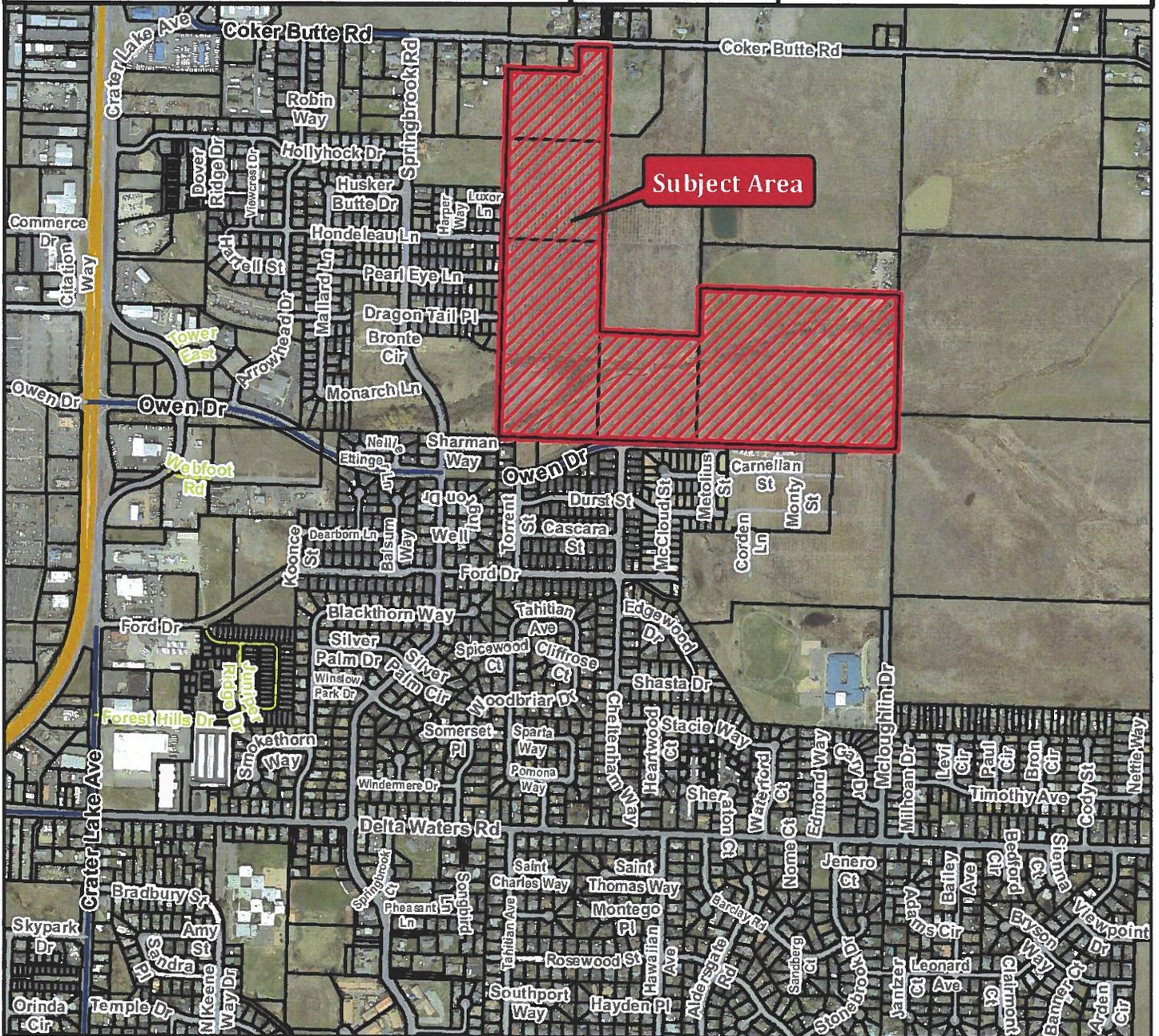
DOCUMENT NO.
2019-030856
TAX LOT 700
10.2 ACRES

**SURVEYED BY:
TO THE POINT LAND SURVEYING, LLC
P.O. BOX 217
GOLD HILL, OR 97525
(541) 840-7587**

Date: March 31, 2020
Project No. 0027-19

2 / 2

TO THE POINT LAND SURVEYING



Project Name:

**Steven Skinner & Veritas
Properties LLC Annexation**

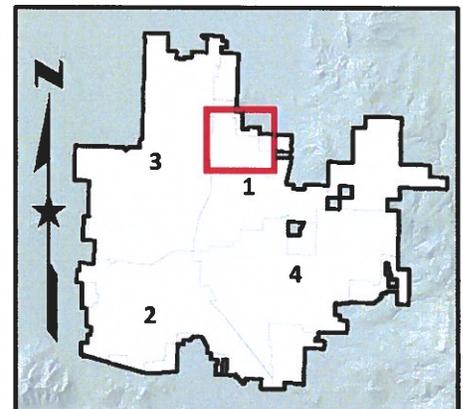
Map/Taxlot:

371W08 TL

300, 700, 800, 900 & 1000

Legend

-  Subject Area
-  Tax Lots



4/28/2020



AGENDA ITEM COMMENTARY

DEPARTMENT: Human Resources
PHONE: [(541) 774-2010
STAFF CONTACT: Bonnie Barasch, HR Director

AGENDA SECTION: Consent Calendar
MEETING DATE: May 21, 2020

COUNCIL BILL 2020-61

An ordinance authorizing execution of an agreement between the City of Medford and the International Association of Fire Fighters (IAFF) Local 824 employees, concerning wages, hours, fringe benefits, and other working conditions from July 1, 2020, through June 30, 2023.

SUMMARY AND BACKGROUND

Council is requested to consider a three-year agreement with International Association of Fire Fighters (IAFF) Local 824 employees. The previous agreement, representing employees within the Medford Fire Department expires June 30, 2020. The proposed three-year agreement from July 1, 2020 through June 30, 2023, provides consistency with past history on Council direction regarding wages, hours, fringe benefits and other working conditions.

PREVIOUS COUNCIL ACTIONS

On September 6, 2018 - Council Bill O2018-107 was approved authorizing an agreement with International Association of Fire Fighters Local 1431.

ANALYSIS

The proposed agreement covers seventy-six (76) Fire Department employees and provides for:

1. Salary increases: 4.50% effective 7/1/20, 4.0% effective 7/1/2021, and 4.0% effective 7/1/2022.
2. Health insurance: The cap for the City contribution to insurance would be increased by \$50.00 on July 1, 2020 for a total cap of \$1700.00. Beginning January 1, 2021, the cap would be increased by \$50.00 to a total cap of \$1750.00. Beginning January 1, 2022 and for the remaining term of this contract the City would pay 100% of the insurance premium for the lowest cost insurance plan. An employee would be responsible to pay any difference between the lowest cost plan and any higher cost plan they have selected. Currently that cost is approximately \$1564 per employee for the lowest cost plan. The IAFF also has the option of opting out of the City insurance effective January 1, 2023 if the current plan is not to their satisfaction.
3. Additional amendments were tentatively agreed to. These amendments have minimal financial impact and provide for clarity within the agreement.
4. The contract was ratified unanimously by the bargaining unit on May 4, 2020.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The total increased compensation cost of the proposed action has been estimated by the Finance Department to be approximately \$457,917 for the first year of the agreement, approximately \$913,650 for the second year of the agreement and approximately \$1,376,379 for the third year of



AGENDA ITEM COMMENTARY

the agreement. Funds for the contract increases are available in the current budget for FY 2021. The costs for the remaining two years of the agreement will be incorporated into the 2021-23 Biennial Budget requests.

TIMING ISSUES

If the Council chooses not to approve this proposed agreement, negotiations with the bargaining unit will need to be re-opened.

COUNCIL OPTIONS

- Approve the ordinance as presented.
- Modify the ordinance as presented.
- Deny the ordinance as presented and direct staff regarding further action

STAFF RECOMMENDATION

Staff recommends approval of the ordinance authorizing the agreement with International Association of Fire Fighters.

SUGGESTED MOTION

I move to approve the ordinance authorizing the agreement with International Association of Fire Fighters Employees.

EXHIBITS

Ordinance

Agreement on file in City Recorder's office.

ORDINANCE NO. 2020-61

AN ORDINANCE authorizing execution of an agreement between the City of Medford and the International Association of Fire Fighters (IAFF) Local 824 employees, concerning wages, hours, fringe benefits, and other working conditions from July 1, 2020 through June 30, 2023.

WHEREAS, the current, two-year collective bargaining agreement between the City of Medford and the International Association of Fire Fighters (IAFF) Local 1431 was approved by the City Council on September 6, 2018 (Council Bill O2018-107) and will expire on June 30, 2020; and

WHEREAS, after negotiating the terms of a new collective bargaining agreement for several months, City management staff and IAAF representatives have reached tentative agreement on a three-year contract, from July 1, 2020 through June 30, 2023; and

WHEREAS, the proposed collective bargaining agreement provides consistency with past history on Council direction regarding wages, hours, fringe benefits and other working conditions; and

WHEREAS, the IAAF changed its local affiliation number from 1431 to 824; and

WHEREAS, the proposed collective bargaining agreement was unanimously ratified by the members of International Association of Fire Fighters (IAFF) Local 824 on May 4, 2020; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Execution of an agreement between the City of Medford and the International Association of Fire Fighters (IAFF) Local 824 employees, concerning wages, hours, fringe benefits, and other working conditions from July 1, 2020, through June 30, 2023, which agreement is on file in the office of the City Recorder, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this ___ day of May, 2020.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2020.

Mayor



AGENDA ITEM COMMENTARY

DEPARTMENT: Planning
PHONE: (541) 774-2380
STAFF CONTACT: Matt Brinkley, AICP, CFM, Planning Director

AGENDA SECTION: Public Hearings
MEETING DATE: May 21, 2020

COUNCIL BILL 2020-57 - CONTINUED

An ordinance proclaiming annexation to the City of Medford of approximately 33.68 acres of property located at the northwest corner of South Stage Road and Kings Highway and the full width of adjacent rights-of-way along the properties; changing the zoning designation of the property from Exclusive Farm Use (EFU) to Single-Family residential (SFR-00, one dwelling unit per lot) zoning district; and removing the property from Medford Rural Fire Protection District #2. (ANNX-19-002)

SUMMARY AND BACKGROUND

Council is requested to consider the annexation of property to the City of Medford totaling approximately 33.68 acres. The property under consideration is located at the northwest corner of South Stage Road and Kings Highway and includes the full width of adjacent rights-of-way extending approximately 1,320 feet to the north along Kings Highway and approximately 1,380 feet to the west along South Stage Road. The County zoning designation of Exclusive Farm Use (EFU) will be changed to the City SFR-00 (Single-Family Residential, one dwelling unit per lot) zoning district. The property will be removed from Medford Rural Fire Protection District #2. (File No. ANNX-19-002)

PREVIOUS COUNCIL ACTIONS

On May 7, 2020, the public hearing was closed and the record left open; the Council continued the item until May 21, 2020.

On February 20, 2020, Council Bill 2020-20 was approved establishing a hearing date of May 7, 2020, for consideration of this matter.

On August 18, 2016, Council Bill 2016-99 was approved adopting the urban growth boundary. The property proposed for annexation was included in the 2016 UGB expansion.

ANALYSIS

The subject property (identified as two tax lots on the Assessor’s maps) and adjacent rights-of-way are located within the City’s Urban Growth Boundary and are contiguous with the city limits along the northern boundary of the property. The property has a General Land Use Plan designation of Urban Residential (UR) and Commercial (CM), and a County zoning designation of Exclusive Farm Use (EFU). The SFR-00 zoning district is the appropriate transition zone for the properties until a formal zone change application is submitted to consider Single Family Residential -10 units per acre (SFR-10) and Community Commercial (C-C).

The Urbanization Plan filed in conjunction with the annexation was approved by City Council on May 7, 2020. The properties are identified as planning unit MD-7c in the Urbanization Planning section of



AGENDA ITEM COMMENTARY

the Neighborhood Element of the Comprehensive Plan. This parcel is the first property proposed for annexation since the adoption of the Urban Growth Boundary.

Annexation of the full rights of way along Kings Highway and South Stage Road are outlined in the Urban Growth Management Agreement (UGMA) with the County. The agreement also indicates the City Council will request surrender of these roads from the County upon annexation. Public Works and County Roads staff agree that jurisdictional exchange of South Stage Road will come at the request of the County in the future. Once the request is made by the County, the City will agree to take it over. Because of the regional significance of South Stage Road and the short segment being annexed with this proposal, it is agreed that jurisdictional transfer may not be appropriate until additional segments of the roadway are also annexed and transferred.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The City collects fees for streets, parks, public safety, sewer, and storm drain maintenance. Property taxes are also adjusted based on annexation occurring. The 2020 combined assessed value for the tax lots is \$347,300. The 2019 taxes for the tax lots was \$4,177.34. An approximate estimate of taxes based solely on existing vacant land after annexation is \$4,235.95 (based on 2019 numbers). This number will change with development of the land.

TIMING ISSUES

None.

COUNCIL OPTIONS

- Approve the ordinance as presented.
- Modify the ordinance as presented.
- Decline to approve the ordinance as presented and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the annexation.

SUGGESTED MOTION

I move to adopt the ordinance authorizing the annexation of a 33.68 acre parcel and adjacent rights-of-way located at the northwest corner of Kings Highway and South Stage Road.

EXHIBITS

- Ordinance
- ANNX-19-002 -Council Report, including Exhibits A through G
- ANNX-19-002- Vicinity Map

ORDINANCE NO. 2020-57

AN ORDINANCE proclaiming annexation to the City of Medford of approximately 33.68 acres of property located at the northwest corner of South Stage Road and Kings Highway and the full width of adjacent rights-of-way along the properties; changing the zoning designation of the property from Exclusive Farm Use (EFU) to Single-Family Residential (SFR-00, one dwelling unit per lot) zoning district; and removing the property from Medford Rural Fire Protection District #2. (ANNX-19-002)

WHEREAS, the owners of the land in the territory to be annexed have consented in writing to the annexation, said consent having been heretofore filed with the City Recorder in the manner prescribed by law; and

WHEREAS, the City Council by Resolution No. 2020-20, adopted February 20, 2020, dispensed with submitting the question of the proposed annexation to the electors of the city and set 6:00 p.m. on the 7th day of May, 2020, in the Council Chambers of the City Hall in said city as the time and place of hearing thereon, at which time and place the registered voters of the city and other interested parties were given an opportunity to be heard on the question; and

WHEREAS, notices of the public hearing were published and posted in the manner and for the time prescribed by law; the public hearing was duly held by and before the City Council on May 7, 2020 as provided by law and by the terms of said resolution and the published notice; the public hearing was closed by the City Council on May 7, 2020, the record was left open for participants to provide additional comments and evidence and the matter was continued until May 21, 2020 for Council deliberation and decision; and

WHEREAS, it is in the best interests of the City and of the area involved that it be annexed to the City of Medford and the area be withdrawn from Medford Rural Fire Protection District #2; and

WHEREAS, the City Council finds and determines that the Findings and Conclusions in the Staff Report dated May 8, 2020, incorporated by this reference and on file in the Planning Department, are true and correct and are hereby adopted as the findings of the City Council; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. The area described in Exhibit A, attached hereto, (the "Property") shall be annexed to the City of Medford, Oregon.

Section 2. The above-described Property annexed to the City of Medford is hereby withdrawn from Medford Rural Fire Protection District #2.

Section 3. Pursuant to ORS 222.177, the City Recorder is directed to submit to the Oregon Secretary of State a) a copy of this Ordinance; and b) a copy of the statement of consent signed by the landowners or electors in the Property being annexed. The City Recorder is further directed, within ten days of the effective date of this annexation, to send copies of this Ordinance to the Jackson County Clerk, Jackson County Assessor, and Medford Rural Fire Protection District #2.

Section 4. Pursuant to ORS 222.180 the annexation shall be complete from the date of filing the annexation records with the Secretary of State and the annexation shall be the effective on the date such filing.

PASSED by the Council and signed by me in authentication of its passage this ____ day of May, 2020.

ATTEST: _____
City Recorder

Mayor

APPROVED: _____, 2020.

Mayor

TELEPHONE
541-772-2782



L.J. FRIAR & ASSOCIATES P.C.

CONSULTING LAND SURVEYORS

JAMES E. HIBBS, PLS

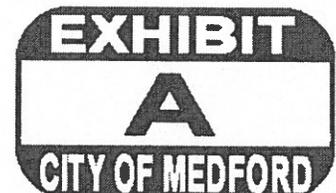
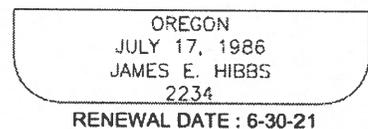
P.O. BOX 1947
PHOENIX, OR 97535

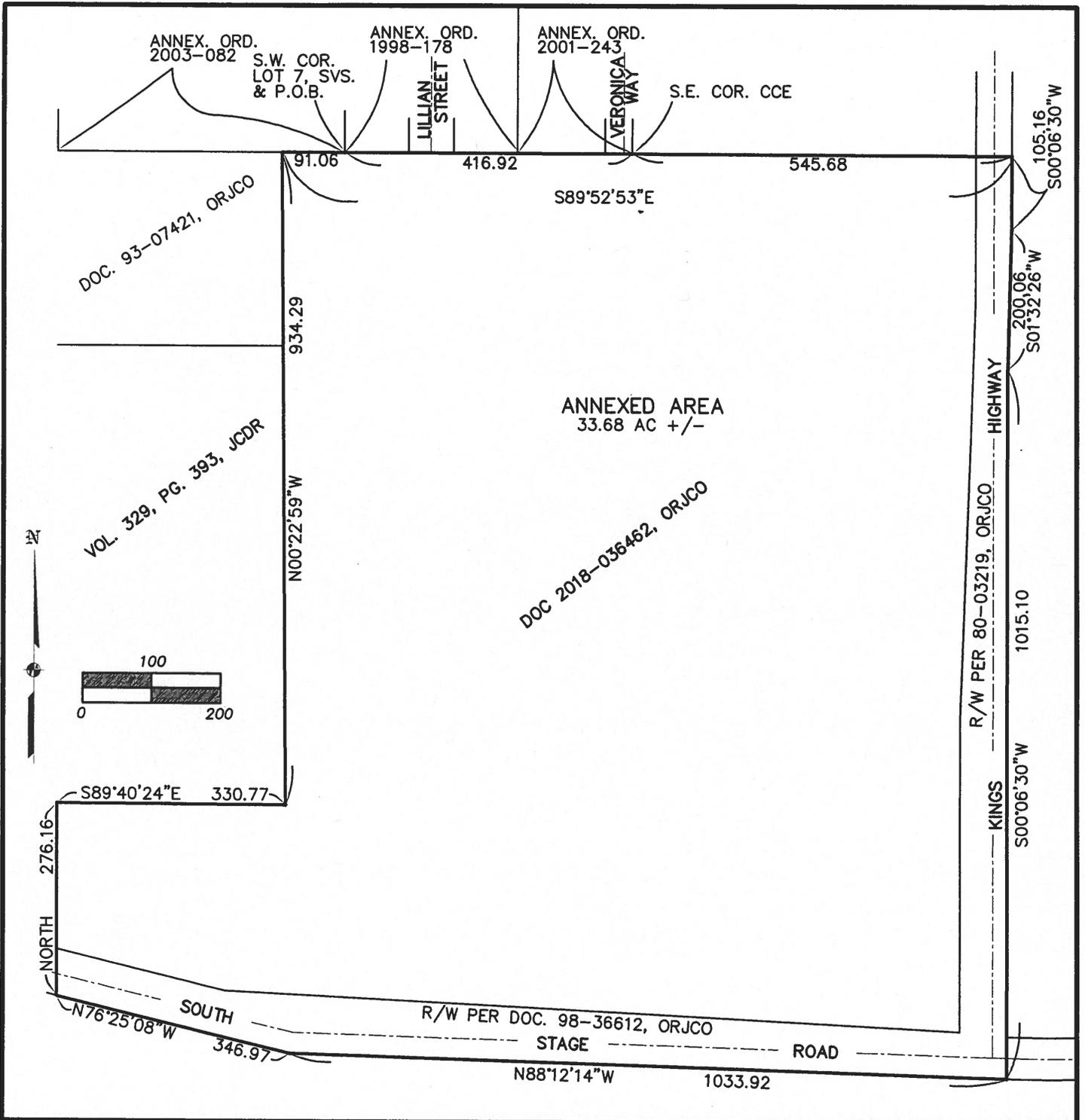
ljfriarandassociates@charter.net

LEGAL DESCRIPTION

Beginning at the Southwest corner of Lot 7 of SHAFER VILLAGE SUBDIVISION, according to the official plat thereof, now of record, in Jackson County, Oregon, said point also being on the existing City of Medford Boundary at the Southwest corner of that property annexed per Ordinance No. 1999-178; thence along the South line of said SUBDIVISION, the South line of CROOKED CREEK ESTATES, according to the official plat thereof, now of record, in Jackson County, Oregon and along said City Boundary, South 89°52'53" East, 416.92 feet to the Southeast corner of said CROOKED CREEK ESTATES, said point also being the Southeast corner of that property annexed per Ordinance 2001-243; thence leaving said City boundary along the North line of that tract described in Document No. 2018-036462, Official Records of Jackson County, Oregon and its Easterly prolongation, South 89°52'53" East, 545.68 feet to the East line of Kings Highway; thence along said East line and Southerly prolongation the following three courses: South 00°06'30" West, 105.16 feet; thence South 01°32'26" West, 200.06 feet; thence South 00°06'30" West, 1015.10 feet to the South line of South Stage Road; thence along said South line the following two courses: North 88°12'14" West, 1033.92 feet; thence North 76°25'08" West, 346.97 feet to a point on the Southerly prolongation of the West line of that tract described in Document No. 2018-036462, said Official Records; thence along said West line and prolongation, NORTH, 276.16 feet to the Southerly Northwest corner thereof; thence along the South line thereof, South 89°40'24" East, 330.77 feet to the interior ell corner thereof; thence along the West line thereof, North 00°22'59" West, 934.29 feet to the Northerly Northwest corner of said tract, said point also being the existing City of Medford per Ordinance No. 2003-082; thence along the North line of that tract described in Document No. 2018-036462, said Official Records and also along said City Boundary, South 89°52'53" East, 91.06 feet to the point of beginning. Containing 33.68 acres, more or less.

TRACT TO BE ANNEXED & ZONE CHANGED
382W01AD TL1000/382W01D TL100
Ayala
19-157
September 10, 2019





<p>REGISTERED PROFESSIONAL LAND SURVEYOR</p> <p><i>James E. Hibbs</i></p> <p>OREGON JULY 17, 1986 JAMES E. HIBBS 2234</p> <p>RENEWAL DATE: 6-30-21</p> <p>© L.J. FRIAR & ASSOCIATES, P.C. 2020</p>	<p>TITLE: ANNEXATION MAP</p> <p>ASSESSOR'S MAP #: 382W01AD TL1000/382W01D TL100</p>	<p>DATE: 12 JAN 2020</p>
	<p>FOR: KDA HOMES, INC. 604 FAIR OAKS CT. ASHLAND, OR 97520</p>	<p>SCALE: 1 inch : 200 feet</p>
	<p> L.J. FRIAR & ASSOCIATES P.C. CONSULTING LAND SURVEYORS P.O. Box 1947, Phoenix, OR 97535 Phone: (541) 772-2782 ljfriarandassociates@charter.net</p>	<p>DRAWN BY: JEH CHK BY:</p> <p>ORIGIN:</p>
	<p>ROTATION: 0° JOB#: 19157FM</p>	<p>Sheet 1 of 1.</p>



COUNCIL REPORT

for a Type IV Quasi-Judicial decision: **Annexation**

Project Ayala Annexation
File no. ANNX-19-002
Applicant Lazaro Ayala Family Trust
Agent Scott Sinner, Sinner Consulting Inc.
To Mayor and City Council
From Carla Angeli Paladino, Principal Planner
Reviewer Matt Brinkley, AICP CFM, Planning Director
Date May 8, 2020

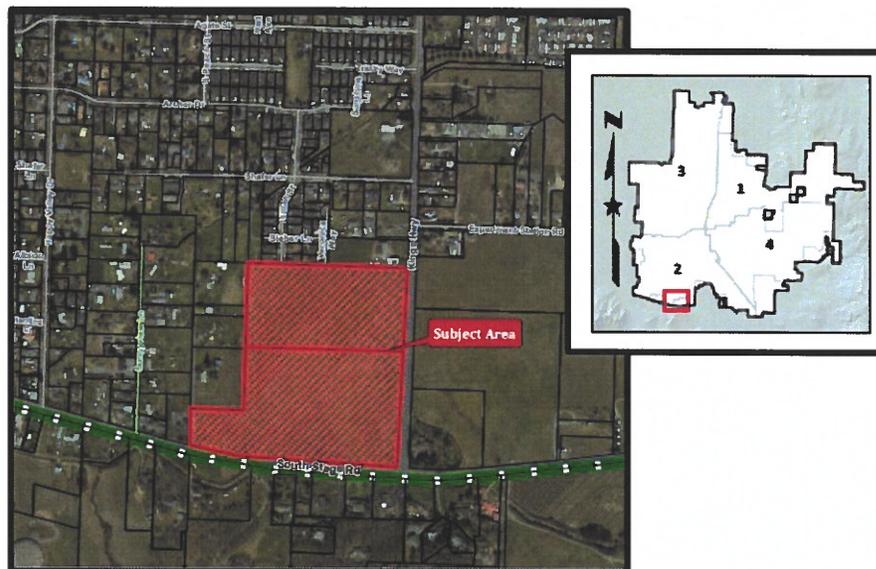
for May 21, 2020 hearing

BACKGROUND

Proposal

Council is requested to consider annexing to the City of Medford a single parcel (identified as two tax lots – 382W01AD 1000 and 382W01D 100) and adjacent rights-of-way totaling approximately 33.68 acres located at the northwest corner of South Stage Road and Kings Highway (See Exhibit A). The County zoning designation of Exclusive Farm Use (EFU) will be changed to the City Single Family Residential-1 unit per lot (SFR-00) holding zone designation. The property will be removed from Medford Rural Fire Protection District #2.

Vicinity Map



History

On February 20, 2020, Council approved Council Bill 2020-20 establishing a hearing date of May 7, 2020, for consideration of the matter.

On May 7, 2020, due to social distancing requirements because of COVID-19, to provide individuals the ability to respond to the applicant's presentation, and comply with state law (ORS 197.763(6)) and Medford Code section 10.031(E)(10), the public hearing was held and then closed, but the record was left open for seven days for participants to submit written evidence or comments regarding the application.

Related Projects

UP-19-003 – Urbanization Plan for MD-7c

Authority

This proposed plan authorization is a Type IV Quasi-judicial decision. City Council is authorized to approve annexations under Medford Municipal Code Sections 10.214 and 10.216.

ANALYSIS

The subject property was adopted into Medford's Urban Growth Boundary in 2016 and was acknowledged by the State in 2018. The site is identified as planning unit MD-7c in the Comprehensive Plan. The annexation request is filed in conjunction with an Urbanization Plan (UP-19-003), and was approved by Council on May 7, 2020.

The applicant's written findings of fact are attached as **Exhibit B**.

The parcel is bordered by South Stage Road on the south and Kings Highway on the east. The City limits are contiguous along the northwest portion of the property near Lillian Avenue and Veronica Way. Urban Residential and Commercial are the General Land Use Plan (GLUP) designations on the site. The existing County zoning designation is Exclusive Farm Use (EFU), and upon annexation will be converted temporarily to the City's SFR-00 (Single Family Residential - 1 dwelling unit per lot) holding zone. A formal zone change application is needed to change the holding zone to the proposed zoning districts of SFR-10 (Single Family Residential - 10 dwelling units per acre) and Community-Commercial (C-C).

The SFR-10 zoning district provides a minimum density of 6 dwelling units per acre and a maximum of 10 dwelling units per acre. As noted in the accompanying Urbanization Plan (UP-19-003) application, the Urban Residential portion of the property (calculated at 17.56 gross acres roughly) and proposed to accommodate SFR-10 zoning can provide a minimum of 106 dwelling units and a maximum of 175 dwelling units. The applicant proposes a mix of single-family detached and single-family attached units to occupy the site. The City's

Housing Element indicates 15,050 dwelling units are needed between 2009 and 2029. Of that total, the need for single-family detached (for both owners and renters) is 9,034 units, while the need for single-family attached units is identified as 384 dwelling units. The SFR-10 zone is highly versatile and can accommodate everything from single-family detached dwelling units to three or more multi-family dwelling units. The exact number of attached and detached dwelling units for this property is not known at this stage in the process. The single-family detached housing type is identified as the greatest needed dwelling type in the Housing Element. The applicant's proposal will provide for a very small percentage of this need. The Community Commercial zoning designation also provides allowances for multi-family residential at higher minimum densities providing additional opportunities for accommodating a range of housing types in line with needs identified in the Housing Element.

As outlined in the Urban Growth Management Agreement (UGMA), the annexation of property from the Urban Growth Boundary will include the full width rights-of-way along the subject parcels. In this case, the rights-of-way include portions of South Stage Road and Kings Highway (highlighted in yellow below).



Jackson County Roads comments are attached as **Exhibit C**. The County's comments indicate that the remaining portion of Kings Highway should also be annexed (orange highlighted segment above). This topic was raised by the applicant at the time of submitting the application and discussions with City Public Works concluded the remaining segment of Kings Highway would be annexed when the adjacent properties to the east in Planning Unit MD-7b propose annexation. The orange segment represents about 195 feet (approximately 9,400 square feet) of right-of-way. The legal description and map for the proposal only includes the yellow highlighted areas. Public Works comments are attached as **Exhibit D**.

A letter and follow up e-mail from Brent Thompson was received by staff the week of the May 7th hearing. The letter is attached as **Exhibit E** and the e-mail with attached letter is identified as **Exhibit F**. The Planning Department provided a letter in response identified as **Exhibit G**.

FINDINGS AND CONCLUSIONS

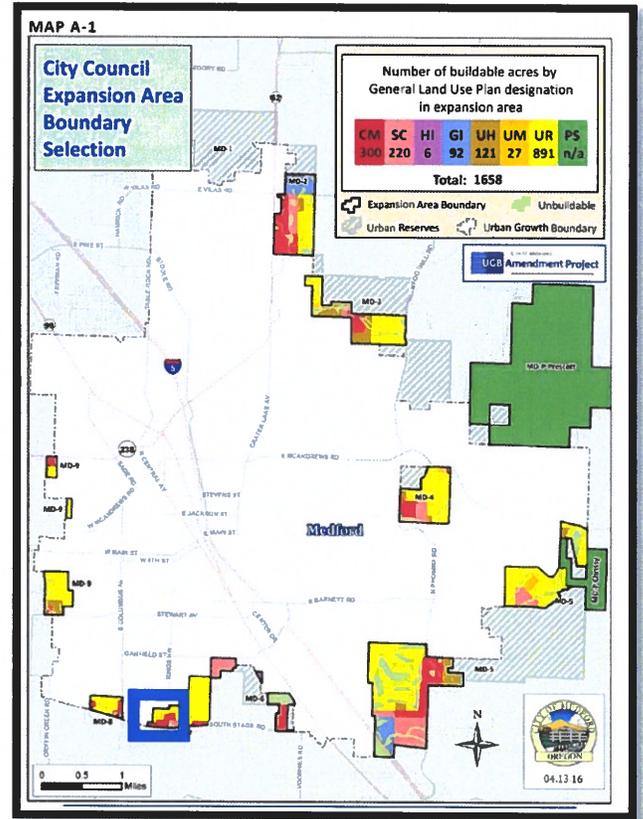
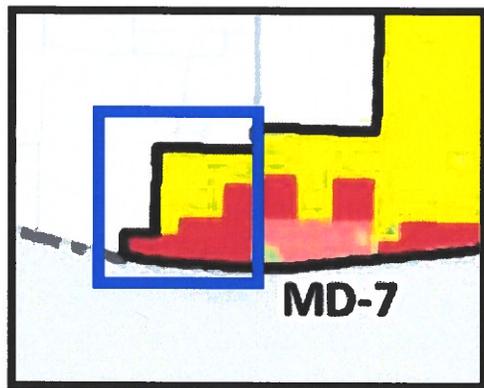
Applicable Criteria

The applicable criteria are found in Medford Municipal Code 10.216(C). The criteria are set in *italics* below; findings and conclusions are in roman type. The City Council must find that the following State requirements are met in order to approve an annexation:

1. *The land is within the City's Urban Growth Boundary.*

Findings

The subject property was adopted into the City's Urban Growth Boundary in 2016 (Ordinance no. 2016-99 and Ordinance no. 2017-102). The City's Urban Growth Boundary amendment was acknowledged by the Department of Land Conservation and Development in 2018. The subject property is identified as planning unit MD-7c and is located in southwest Medford at the northwest corner of Kings Highway and South Stage Road.



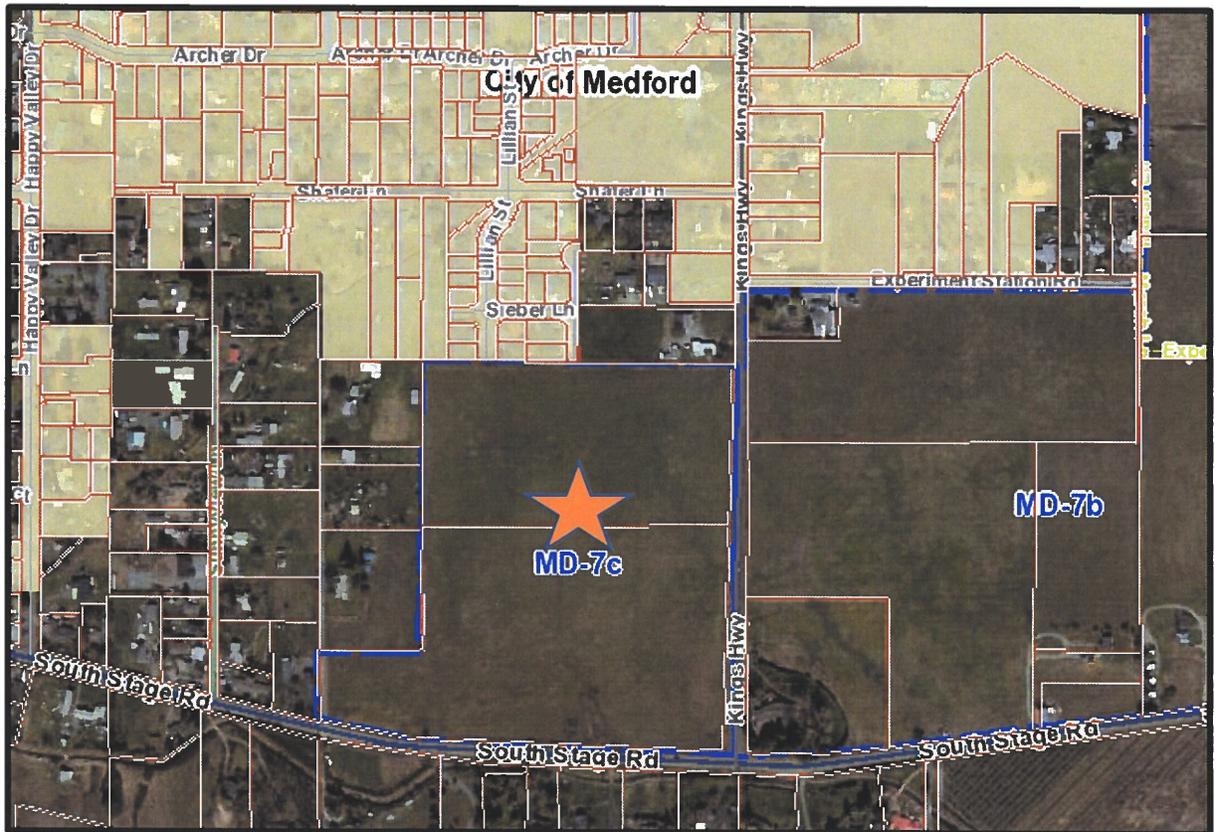
Conclusions

The subject property became a part of the City's Urban Growth Boundary in June 2018. This criterion is satisfied.

2. *The land is contiguous to the current city limits.*

Findings

The northwest portion of the property is contiguous to the current city limits represented by the yellow shaded areas on the map below.



Conclusions

The City finds the property is contiguous to the exiting city limits along the property's northern boundary. This criterion is satisfied.

3. *Unless the land being considered for annexation is enclaved by the City or the City chooses to hold an election, a majority of the land owners and/or electors have consented in writing to the annexation per ORS 222.125 or ORS 222.170.*

Findings

The property is under the sole ownership of the Lazaro Ayala Family Trust and written consent forms have been signed and submitted to annex. The property is currently vacant and does not have any electors.

Conclusions

The applicable state statutes have been followed regarding the annexation request. The City Council can decide on the proposal without holding an election on the matter because the property owner consents to the action. This criterion is satisfied.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and approve the ordinance for the annexation per the staff report dated May 8, 2020, including Exhibits A and G.

EXHIBITS

- A Legal description and Exhibit Map, dated January 12, 2020.
- B Applicant's Findings of Fact and Conclusions of Law, dated December 20, 2020.
- C Jackson County Roads letter, dated February 4, 2020.
- D Public Works report, dated February 26, 2020.
- E Letter dated May 2, 2020 from Brent Thompson
- F E-mail dated May 6, 2020 from Brent Thompson
- G Planning Department letter dated May 7, 2020, responding to Mr. Thompson
Vicinity Map

CITY COUNCIL AGENDA:

MAY 21, 2020

TELEPHONE
541-772-2782



L.J. FRIAR & ASSOCIATES P.C.

CONSULTING LAND SURVEYORS

JAMES E. HIBBS, PLS

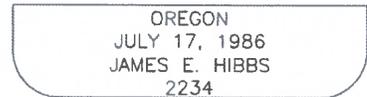
P.O. BOX 1947
PHOENIX, OR 97535

ljfriarandassociates@charter.net

LEGAL DESCRIPTION

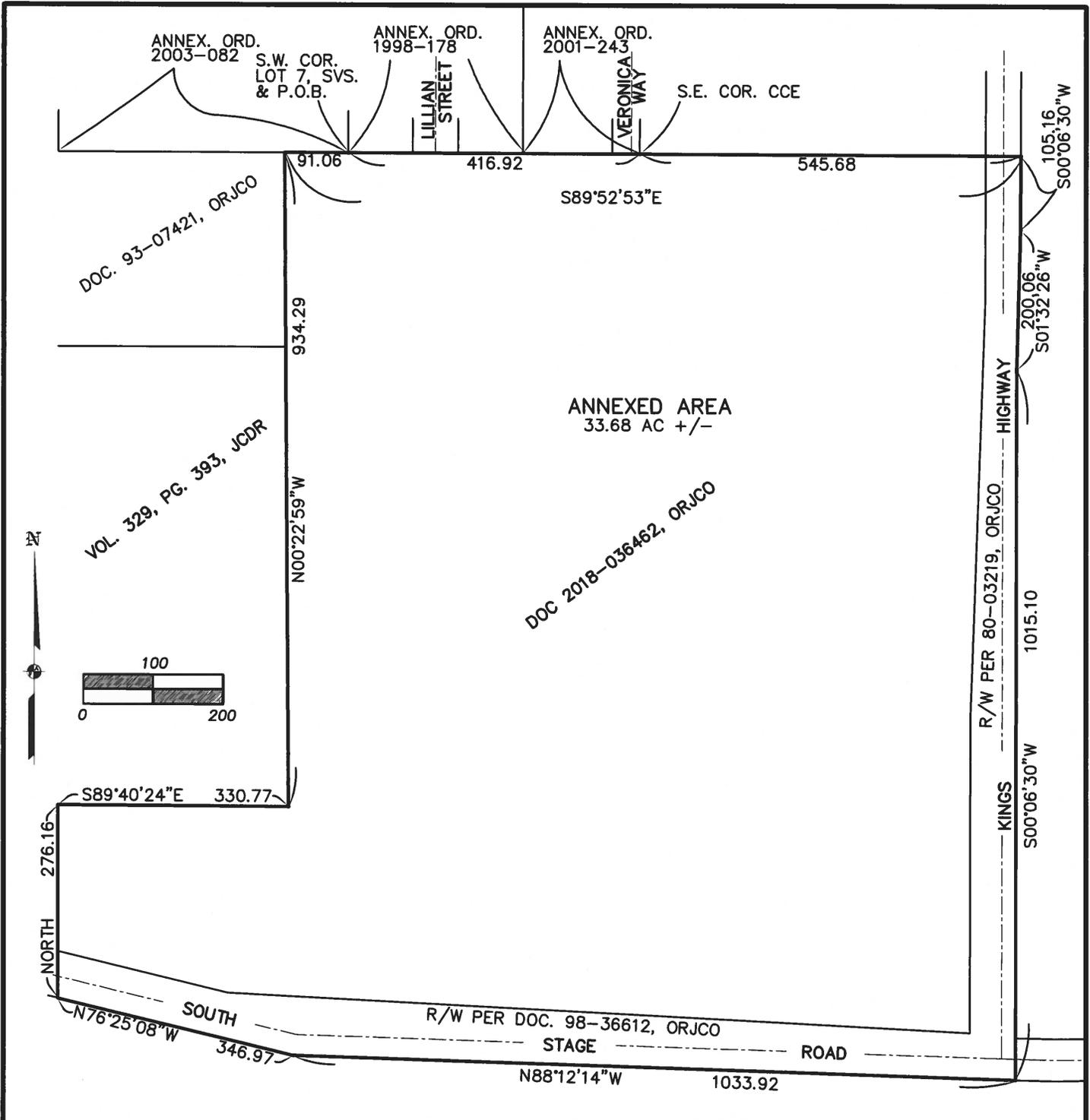
Beginning at the Southwest corner of Lot 7 of SHAFER VILLAGE SUBDIVISION, according to the official plat thereof, now of record, in Jackson County, Oregon, said point also being on the existing City of Medford Boundary at the Southwest corner of that property annexed per Ordinance No. 1999-178; thence along the South line of said SUBDIVISION, the South line of CROOKED CREEK ESTATES, according to the official plat thereof, now of record, in Jackson County, Oregon and along said City Boundary, South 89°52'53" East, 416.92 feet to the Southeast corner of said CROOKED CREEK ESTATES, said point also being the Southeast corner of that property annexed per Ordinance 2001-243; thence leaving said City boundary along the North line of that tract described in Document No. 2018-036462, Official Records of Jackson County, Oregon and its Easterly prolongation, South 89°52'53" East, 545.68 feet to the East line of Kings Highway; thence along said East line and Southerly prolongation the following three courses: South 00°06'30" West, 105.16 feet; thence South 01°32'26" West, 200.06 feet; thence South 00°06'30" West, 1015.10 feet to the South line of South Stage Road; thence along said South line the following two courses: North 88°12'14" West, 1033.92 feet; thence North 76°25'08" West, 346.97 feet to a point on the Southerly prolongation of the West line of that tract described in Document No. 2018-036462, said Official Records; thence along said West line and prolongation, NORTH, 276.16 feet to the Southerly Northwest corner thereof; thence along the South line thereof, South 89°40'24" East, 330.77 feet to the interior ell corner thereof; thence along the West line thereof, North 00°22'59" West, 934.29 feet to the Northerly Northwest corner of said tract, said point also being the existing City of Medford per Ordinance No. 2003-082; thence along the North line of that tract described in Document No. 2018-036462, said Official Records and also along said City Boundary, South 89°52'53" East, 91.06 feet to the point of beginning. Containing 33.68 acres, more or less.

TRACT TO BE ANNEXED & ZONE CHANGED
382W01AD TL1000/382W01D TL100
Ayala
19-157
September 10, 2019



RENEWAL DATE : 6-30-21





REGISTERED
PROFESSIONAL
LAND SURVEYOR

James E. Hibbs

OREGON
JULY 17, 1986
JAMES E. HIBBS
2234

RENEWAL DATE: 6-30-21

TITLE:
ANNEXATION MAP

ASSESSOR'S MAP #:
382W01AD TL1000/382W01D TL100

FOR: **KDA HOMES, INC.**
604 FAIR OAKS CT.
ASHLAND, OR 97520



L.J. FRIAR & ASSOCIATES P.C.
CONSULTING LAND SURVEYORS
P.O. Box 1947, Phoenix, OR 97535
Phone: (541) 772-2782
ljfriarandassociates@charter.net

DATE:
12 JAN 2020

SCALE:
1 inch : 200 feet

DRAWN BY: JEH
CHK BY:

ORIGIN:

ROTATION: 0°
JOB#: 19157FM

Sheet 1 of 1.

BEFORE THE CITY COUNCIL FOR THE CITY OF MEDFORD:

RECEIVED
RECEIVED
DEC 20 2019
PLANNING DEPT.
PLANNING DEPT.

IN THE MATTER OF AN APPLICATION FOR)
AN ANNEXATION PLAN FOR THE PROPERTIES)
IDENTIFIED AS T382W01AD TAX LOT 1000 AND) FINDING OF FACT
T382W01D TAX LOT 100) AND
SCOTTSINNER CONSULTING, INC. AGENT) CONCLUSIONS
OF LAW

BACKGROUND INFORMATION

Applicant:

Lazaro Ayala Family Trust
132 Main St Suite 201
Medford, OR 97501
Mark Knox <knox@mind.net>

Agent:

Scott Sinner Consulting, Inc.
4401 San Juan Dr. Suite G
Medford, OR 97504
scottsinner@yahoo.com

Property 1:

38 2W 01AD TL 1000
Lazaro Ayala Family Trust
11.84 Acres

Property 2:

38 2W 01D TL 100
Lazaro Ayala Family Trust
17.88 Acres

Project Summary:

The subject property is identified on two assessors' maps; however, the properties are a single legal lot with the approval of a property line adjustment (439-18-00050-SUB) while under Jackson County jurisdiction.

This application will demonstrate the request is consistent with the criteria for an annexation into the City Limits of Medford. This application is consolidated with an Urbanization Plan as the subject parcels are a the MD7-C Planning Unit as described in the Medford Comprehensive Plan.



8

BEFORE THE CITY COUNCIL FOR THE CITY OF MEDFORD:

Approval Criteria:

The approval criteria and procedure for an annexation into the City Limits of Medford is found within the Medford Land development Code Section (MLDC) 10.216. An annexation is a Type IV Land use action and the City Council is the approving authority.

10.216 Annexation

(A) Annexation is the action taken to incorporate land into a city. The state requires annexation of property that is contiguous to city limits and within the city's Urban Growth Boundary.

B) Application for Annexation. Except for the annexation of unincorporated territory surrounded by the city as provided in Subsection (E) below, applications for annexation shall, in addition to requirements contained in the application form, be subject to the provisions of ORS 222.111 to 222.180 or 222.840 to 222.915.

(C) Annexation Approval Criteria. The City Council must find that the following State requirements are met in order to approve an annexation:

- (1) The land is within the City's Urban Growth Boundary,***
- (2) The land is contiguous to the current city limits, and***
- (3) Unless the land being considered for annexation is enclaved by the City or the City chooses to hold an election, a majority of the land owners and/or electors have consented in writing to the annexation per ORS 222.125 or ORS 222.170.***

Findings of Fact:

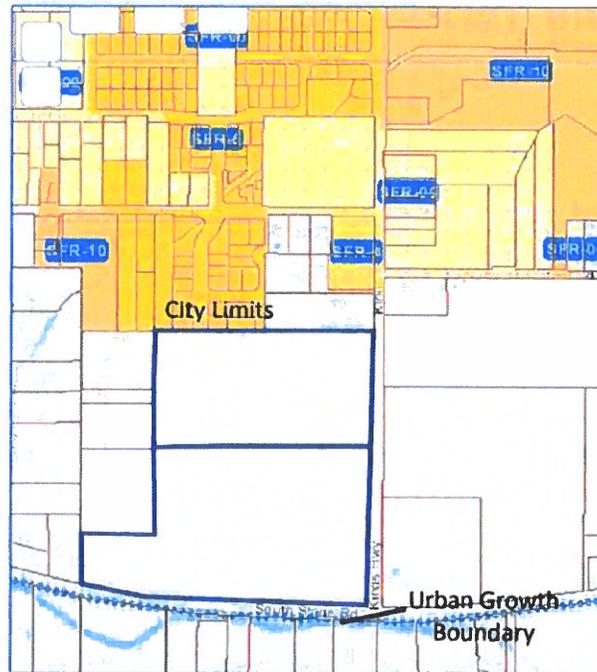
- (1) The land is within the City's Urban Growth Boundary,***
- (2) The land is contiguous to the current city limits, and***

The MLDC locational criteria for an annexation are the property must be within the Urban Growth Boundary and adjacent to the City Limits of Medford. The exhibit below demonstrates the property meets these locational criteria.

The property lies north of the Urban Growth Boundary as seen with the exhibit.

The property is contiguous with the current City Limits on the north property line.

BEFORE THE CITY COUNCIL FOR THE CITY OF MEDFORD:



Conclusions of Law:

The City Council can conclude the requested subject property is within the City of Medford's Urban Growth Boundary and contiguous to the existing City limits of Medford.

The locational criteria are met with this annexation request.

(3) Unless the land being considered for annexation is enclaved by the City or the City chooses to hold an election, a majority of the land owners and/or electors have consented in writing to the annexation per ORS 222.125 or ORS 222.170.

Findings of Fact:

The subject parcel is a single tax lot in a single ownership and the required consent is attached with this implementation.

Application Summary and Conclusion:

This application includes the required submittals on the forms provided by the City.

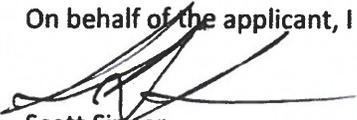
The subject property meets with the locational criteria, the property is within the existing Urban Growth Boundary and is also adjoining the City limits of Medford.

BEFORE THE CITY COUNCIL FOR THE CITY OF MEDFORD:

The property is in a single ownership and the required consent forms have been completed.

The City Council can conclude this application is consistent with all approval criteria for the approval of this application for annexation into the City Limits of Medford.

On behalf of the applicant, I respectfully request the approval of this application.



Scott Sinner
Scott Sinner Consulting, Inc.



JACKSON COUNTY

Roads

Roads
Engineering

Chuck DeJanvier
Construction Engineer

200 Antelope Road
White City, OR 97503
Phone: (541) 774-8255
Fax: (541) 774-8295
dejanvca@jacksoncounty.org
www.jacksoncounty.org

February 4, 2020

Attention: Carla Paladino
Planning Department
City of Medford
200 South Ivy Street, Lausmann Annex, Room 240
Medford, OR 97501

RE: Urbanization Plan & Annexation request for Planning Unit MD-7c
South Stage Road - a County maintained road at this location
and Kings Highway – a County maintained road at this location
Planning File: UP-19-003 & A-19-002

Dear Carla:

Thank you for the opportunity to comment on a Comprehensive Plan Amendment to Adopt an Urbanization Plan into the Neighborhood Element for approximately 29.72 acres located at the northwest corner of Kings Highway and South Stage Road (38-2W-01D tax lot 100 and 38-2W-01AD TL 1000). Jackson County Roads has the following comments:

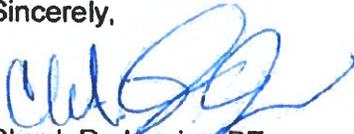
1. As provided in the Urban Reserve Management Agreement (URMA) between City and County, please expand the annexation to include the remainder of Kings Highway right-of-way. Then, following annexation, City is required to request jurisdiction of this portion of Kings Highway. As provided in the URMA, the request for jurisdiction shall conform to ORS 373.270, except that conditions and compensation allowed by ORS 373.270(6) are not allowed.
2. As provided in the URMA, storm drain management within the annexed areas (including road rights-of-way) become the responsibility of City, upon annexation.
3. If county storm drain facilities are to be utilized, the applicant's registered Engineer shall provide a hydraulic report and plans for review and approval by Jackson County Roads. Storm drainage runoff is limited to that area currently draining to the County storm drainage system. Upon completion of the project the developer's Engineer shall certify that the construction of the drainage system was constructed per the approved plan. A copy of the certification shall be sent to Chuck DeJanvier at Jackson County Roads.
4. South Stage Road is a County Minor Arterial and is maintained by the County. The Average Daily Traffic count was 5,744 on July 24, 2018, 225' east of King Highway.



5. Kings Highway is a County Minor Arterial and is maintained by the County. The Average Daily Traffic count was 2,679 on July 24, 2018, 150' north of South Stage Road.
6. All access points will be from Kings Highway. No accesses will be permitted from South Stage Road.
7. The applicant shall submit construction plans to Jackson County Roads, so we may determine if county permits will be required.
8. We would like to be notified of future development proposals, as county permits may be required.

If you have any questions or need further information feel free to call me at 774-6255.

Sincerely,



Chuck DeJanvier, PE
Construction Engineer



PUBLIC WORKS DEPARTMENT STAFF REPORT

Urbanization Plan & Annexation Request for Planning Unit MD-7c Kings Highway at South Stage Road (TLs 100 & 1000)

Project: A Comprehensive Plan Amendment to adopt an Urbanization Plan into the Neighborhood Element for approximately 29.72 acres of property located at the north-west corner of South Stage Road and Kings Highway (382W01AD1000 and 382W01D100).

Applicant: Applicant: Lazaro Ayala Family Trust, Agent: Scott Sinner Consulting.

Planner: Carla Paladino, Principal Planner – Long Range Division

The Urbanization Plan is filed in conjunction with an annexation request of the above properties plus adjacent right-of-way along South Stage Road and Kings Highway. The County zoning designation of Exclusive Farm Use (EFU) will be change to the City Single Family Residential- 1unit/acre (SFR-00) zoning district. The property will be removed from Medford Rural Fire Protection District #2.

A. STREETS

Kings Highway and South Stage Road are classified as a Minor Arterial streets and are both maintained by Jackson County. Both streets are paved without curb and gutter, sidewalks or street lights. In accordance with the City's Urban Reserve Management Agreement, the County will surrender jurisdiction of Kings Highway and South Stage Road and the City will assume jurisdiction at the time of annexation.

All other potential future Commercial and/or Minor/Standard Residential internal connection streets shall be public and will be maintained by the City of Medford.

B. SANITARY SEWERS

The area of this proposed annexation lies within the Rogue Valley Sewer Service (RVSS) area. Contact RVSS for sanitary sewer accessibility and capacity adequacy.

City of Medford

200 S. Ivy Street, Medford, OR 97501

(541) 774-2100



C. STORM DRAINAGE

Future development on this parcel will require stormwater detention and stormwater quality facilities, which shall comply with Medford Land Development Code (MLDC) Sections 10.486 and 10.729 and the Rogue Valley Stormwater Quality Design Manual.

D. TRANSPORTATION SYSTEM

The map titled, "Secondary Streets with Conceptual Offsite Circulation" shall be adopted as the circulation plan in the City of Medford Comprehensive Plan. Showing the detail will not lock in the location of streets but does make a commitment to the overall level of connectivity needed (per MLDC 10.426.B.1).

The applicant shall submit a revised circulation plan showing the locations of the higher order streets in accordance with Subsection 5.2 of Chapter 10.4 of the City of Medford Comprehensive Plan. The revised circulation plan shall also include a key identifying what types of streets the different line types on the map represent.

No comments on the annexation.

E. SYSTEM DEVELOPMENT CHARGES

Future development/buildings within this parcel will be subject to System Development Charges (SDC). These SDC fees shall be assessed at the time individual building permits are reviewed.

This development is also subject to Storm Drain System Development Charges. A portion of the storm drain system development charge shall be collected at the time of the approval of a final plat, as applicable.

F. UTILITY FEES

Upon annexation, this parcel will be subject to City of Medford monthly utility fees as applicable.

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs

Brent Thompson
P.O. Box 201
Ashland, OR 97520

Medford City Council
411 W 8th St.
Medford
Oregon 97501

May 2, 2020

Re: Resolution No. 2020-20; Annx-10-002

To Members of the Medford City Council ,

The proposal to annex and rezone 33 Exclusive Farm Use acres by South Stage Road and King's Highway for single family residential zoning may have been part of the Regional Problem Solving plan from the 2000's, but because Medford still has a population density in the low 3000's, City Council members should reject the proposal.

Your helpful staff includes suggested wording for motions in the packet. The proper suggested motion in this case would be, "I move to reject this annexation proposal for the ND-7 Planning Area and request that Mayor Wheeler appoint a committee to recommend infill strategies"

Medford still has too much underdeveloped land, and it still lacks an adequate infill strategy.

Around 2010 there was a pro-sprawl committee appointed called something like the Boundary Adjustment Committee whose task was to determine ways to sprawl beyond what had been slated in Regional Problem Solving. An attempt to have that committee look at infill strategies failed, but that still needs to happen before annexations occur.

The State for good reason rejected Medford's "boundary adjustment" process that would have resulted in sprawl beyond the Regional Problem Solving stipulations.

Hopefully a majority of the Council will reject this pro-sprawl proposal and persuade Mayor Wheeler to finally appoint an "Infill Committee". It is still needed. More people now know that sprawl is the enemy of livability. Likely, a few are on the Council.

There are many ways to accommodate the growth Medford is forced to accept besides grabbing more land at the perimeter. That this proposal may correct the "jagged" City Limit is testimony that past annexations were ill advised also, not that more ill advised annexations need to occur. It is time to end the mentality where geographic growth is seen as progress. It only curses us with exponential traffic increases.

The County Commissioners should reject this proposal also. They need to be stingy about ceding Exclusive Farm Use Land for sprawl. Too much of the best farm land was already unnecessarily urbanized due to past unwise leadership. County Commissioners before approving annexations need proof that a given city has exhausted its infill potential. Medford has not even come close to exhausting its infill potential.

Respectfully,

Brent Thompson

Brent Thompson

Former Medford Boundary Adjustment Committee Member.

cc County Commission



From: Brent Thompson [<mailto:brentthom@ashlandhome.net>]
Sent: Wednesday, May 6, 2020 4:05 AM
To: Kyle W. Kearns <Kyle.Kearns@cityofmedford.org>
Subject: Re: S. Stage (MD-7) Annex Follow Up

<EXTERNAL EMAIL **Click Responsibly!**>

Thank you for the info Kyle.

Yes, the Council does have a lot to digest.

As background, in the mid 1980's to early 1990's I became familiar with Medford due to spending most nights at my girlfriend's on Jackson and Crater. Most mornings I was up at 6 AM, and I ran all over the town.

In 1985 I was appointed to the Ashland Planning Commission where I stayed for 10 years until being elected to be Ashland Council.

In the late 1980's I wrote columns supporting an open space program for Ashland and soon after was president of the Southern Oregon Land Conservancy.

When the County was approving houses all over in violation of local and state law, I helped form the Jackson County Citizen's League where we successfully brought suit with 1000 Friends help to stop over the counter County approvals of houses in farm and forest land. Between July 1 1990 and June 30 1991 about 435 hoses were approved on farm and forest land which would mean 4350 in 10 years and 8700 in 20 years.

I left JCCL when I was elated to the Ashland Council.

In 2002 I was asked to run Friends of Jackson County which I did for 8 years until we turned over 1/3 of our cash to Rogue Advocates because they were 10 years younger on average. We donated 1/3 to to help SOLC purchase a conservation easement on Eagle Mill Farm along Bear Creek, and 1/3 went to help 1000 Friends push for reasonable amounts of land to expand into. As you know Ashland elected to not expand its urban growth boundary. While on the Council this was my principal conscious raising effort.

In 2009 or 2010 I was asked to be on the MFR Boundary Adjustment Committee which is why I felt I had standing to write what I sent the Council by mail.

Yes, I was the one who badgered staff into actually dealing with infill issues because that is what was really needed. The BAC staff members indicated they could not alter what they were directed to do. A City like Medford with such a low population density has clearly wasted thousands of acres by profligate uses of land.

Any one who explores would see the huge scale of the underdevelopment. Over the years different staff members have told me in private how much they appreciated my efforts to inject thrift into the MFR land use process.

I believe they are all gone now. Why wouldn't they be?

You can share this email.

Below is a copy of what I sent the MFR Council

Brent Thompson
P.O. Box 201
Ashland, OR 97520
541 488-0407



Brent Thompson
P.O. Box 201
Ashland, OR 97520

Medford City Council
411 W 8th St.
Medford
Oregon 97501

May 2, 2020

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Respectfully,

Brent Thompson
Former Medford Boundary Adjustment Committee Member.
& to clutter up the author line
Former President of Friends of Jackson County, the Jackson County Citizen;'s League, and the Southern Oregon Land Conservancy



May 7, 2020

Brent Thompson
P.O. Box 201
Ashland, OR 97520

Subject: Annexation project – ANNX-19-002 – Response to Testimony Exhibits E and F

Dear Mr. Thompson,

Thank you for reaching out to Medford Planning staff about the above referenced project which will consider annexing 33.68 acres of property and right-of-way located at the northwest corner of South Stage Road and Kings Highway in southwest Medford. The property is referenced as planning unit MD-7c. Your testimony has been added to the record.

Your service and passion for southern Oregon is evident in your service on many boards, groups and Ashland City Council over the years.

The expansion of Medford’s Urban Growth Boundary took several decades and built off of an ambitious project known as Regional Problem Solving that culminated in the adoption of the Greater Bear Creek Regional Plan by six participant cities (including the cities of Medford and Ashland) and Jackson County. That plan involved extensive and comprehensive consideration of the urban land needs of each signatory city as well as the need to balance those needs with the conservation of resource land and protection of agricultural operations. Many community members like yourself contributed to that process during its nearly 20 year span.

In 2012, Ordinance No. 2012-127 was approved by Medford City Council adopting the Regional Plan and establishing the City’s Urban Reserve and regional plan requirements related to items such as residential density, land use distribution, and open space.

In 2014, Ordinance No. 2014-154 was approved by Medford City Council which evaluated nearly 900 acres of land within the City’s existing city limits. Modifications to the City’s General Land Use Plan (GLUP) map were approved in order to provide development opportunities internally before evaluating a need to expand the City’s Urban Growth Boundary. In all, that process resulted in the re-designation of approximately 500 acres of land within Medford’s Urban Growth Boundary in order to achieve more efficient use of those lands. These actions focused greater residential density toward existing

neighborhoods and urban infrastructure, amenities and services, and supporting needed infill housing development. This action is referenced as the Internal Study Areas/Selected Amendment Locations project. It is worth noting that no other community involved in Regional Problem Solving, including Ashland, has embarked on such a project that addresses land use efficiency so systematically and comprehensively.

In 2016, Ordinance No. 2016-99 was approved by Medford City Council which expanded the City's Urban Growth Boundary by 4,046 acres (1,877 (Prescott Park), 1,658 for future development, and 511 developed or unbuildable land). The City of Medford only included enough land in its Urban Growth Boundary to meet a demonstrable, quantified need to house and otherwise provide for a future population that was projected by Portland State's Center for Population Research.

In 2017, the Jackson County Board of Commissioners approved the City's proposed urban growth boundary expansion areas through Ordinance No. 2017-11.

In June 2018, the Department of Land Conservation and Development acknowledged the City's urban growth boundary which provided the City the opportunity to continue working on plan updates to the Transportation System Plan and Urbanization Planning work to enable the next steps of developing these lands.

In addition, the City has prioritized meeting its housing needs by re-focusing efforts on redeveloping its downtown with an emphasis on more housing units, and has adopted a neighborhood plan for the Liberty Park area just north of downtown. Since 2018, the City has accomplished the following in increasing housing and infill development:

- Simplified the three-lot partition process by making it a Director's Decision
- Adopted multi-family residential design standards and made almost all multifamily project reviews a Director's Decision
- Expanded where duplexes can be built
- Adopted a cottage housing ordinance
- Modified locational criteria for zone changes
- Simplified the conversion of legal nonconforming single-family residences in commercial zones
- Modified the Accessory Dwelling Unit provisions
- Adopted a Construction Excise Tax, funds is used to produce more housing units affordable to lower and middle income households
- Established the Housing Advisory Commission to oversee the CET funding and housing production and other economic incentive programs supporting production of housing that is affordable to lower and middle income households

Annexation Project: ANNX-19-002

May 7, 2020

Page 3 of 3

- Created a System Development Charge deferral program to support smaller builder-developers who have historically been most likely to pursue infill housing development

Efforts to continue developing the land within the City limits are just as much a priority to the City as ensuring efficient use of the lands gained through the Urban Growth Boundary process.

The subject property under consideration for annexation was included in the 2016 Urban Growth Boundary expansion and is intended to urbanize to accommodate for growth within the City of Medford. The Urbanization Planning process is designed to ensure that projects like this meet the minimum standards for residential density and mixed-use, walkable neighborhoods that were established by the Regional Plan. The Urbanization Plan submitted by the applicant meets these requirements. We have confidence, given other developments undertaken by this developer in other communities including Ashland, that the developer will likely exceed these expectations.

Thank you for taking part in the public process and providing your input into the background work of these monumental projects that have occurred over the decades. If you have any questions regarding this matter, please contact me at 541-774-2395 or via e-mail at carla.paladin@cityofmedford.org.

Respectfully,

CPaladino

Carla Angeli Paladino, Principal Planner



Project Name:

KDA Homes

Kings Hwy & S Stage Rd

Map/Taxlot:

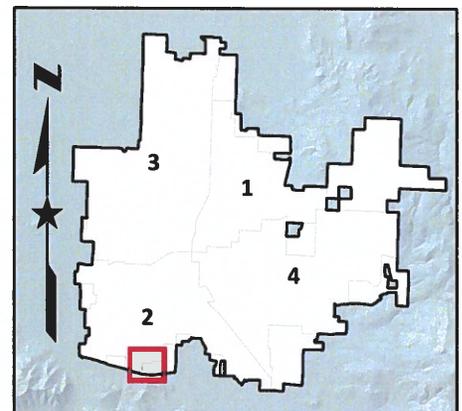
**382W01AD TL 1000 &
382W01D TL 100**



Legend

-  Tax Lots selection
-  Tax Lots

12/30/2019





AGENDA ITEM COMMENTARY

DEPARTMENT: Planning
PHONE: (541) 774-2380
STAFF CONTACT: Matt Brinkley, AICP, CFM, Planning Director

AGENDA SECTION: Public Hearings
MEETING DATE: May 21, 2020

COUNCIL BILL 2020-62

An ordinance repealing Sections 9.701, 9.702, 9.703, 9.704, 9.705, 9.706, and 9.707, of the Medford Municipal Code, pertaining to Flood Damage Prevention Regulations and Flood Insurance Maps adding Chapter 13, Environmental Health and Safety, to the Medford Municipal Code; and adopting the 2019 Oregon DLCD Model Floodplain Ordinance, as modified, by adding Sections 13.005, 13.010, 13.015, 13.020 and 13.025 to the Medford Municipal Code. (DCA-20-040) Land Use, Legislative

SUMMARY AND BACKGROUND

Council is requested to consider repealing Sections 9.701 through 9.707 of the Municipal Code related to Flood Damage Prevention Regulations and Flood Insurance Rate Maps, and replacing the sections with a revised Floodplain Development ordinance based on updated state model code language. The new regulations will be placed into the Municipal Code as Chapter 13 (new), titled Environmental Health and Safety (File No. DCA-20-040).

This project does not make any code changes to Chapter 10, the Land Development Code Chapter of the Municipal Code, and therefore the Planning Commission has not discussed or made a recommendation on the proposal. Notice of the proposed changes was mailed to property owners located in the Special Flood Hazard Area, as well as local engineers, surveyors, and planners who might be interested in this topic. The project information was e-mailed to the Planning Department's interested parties list for code amendments and is posted on the Planning page of City's website.

PREVIOUS COUNCIL ACTIONS

On April 7, 2011, Council Bill 2011-64 was approved adding Sections 9.701-9.707 and deleting Sections of 10.012 related to floodplain regulations.

On December 19, 2019, Council Bill 2019-133 was approved, adopting the 2019 Oregon Structural Specialty Code, the 2019 Oregon Mechanical Specialty Code, and the 2019 Oregon Zero Energy Ready Commercial Code and approved updates to MMC Chapter 9. The updates inadvertently eliminated various sections including Sections 9.701 through 9.707.

On April 15-17, 2020, the topic was discussed during Council G3 meetings.

On April 16, 2020, Council Bill 2020-50 was approved re-instating Sections 9.701-9.707 into the Municipal Code.

ANALYSIS

The City has Special Flood Hazard Areas identified along Bear Creek and its tributaries based on the Flood Insurance Rate Maps (FIRM) and other detailed studies. These mapped areas identify the extent of the floodway, the one percent (1%) annual chance of flooding (formerly known as the 100-year



floodplain), and the two tenths percent (0.2%) annual chance of flooding (formerly known as the 500-year floodplain). These specific designations inform the community and staff about how development and redevelopment of property occurs in these locations and the types of requirements imposed in order to minimize loss of life and property when floods occur. The City's maintenance and enforcement of floodplain regulations helps ensure continued participation in the National Flood Insurance Program (NFIP), assistance from the Federal Emergency Management Agency (FEMA), compliance with the State of Oregon, and the Community Rating System (CRS) program.

Until five years ago, the City's floodplain management responsibilities and participation in the above mentioned programs were conducted and funded by the Building Safety Department. Due to changes in State law, these responsibilities were turned over to the Planning Department during the 2015-2017 biennial budget. The Planning Department has executed the floodplain management program since then, through use of the regulations found in Chapter 9 (9.701-9.707). These regulations were adopted in 2011 and at the time were the State's model code floodplain regulations.

The Department of Land Conservation and Development (DLCD) developed an updated model floodplain ordinance in August 2019 that has been approved by the Federal Emergency Management Agency (FEMA) Region X. The Planning Department seeks to replace the existing regulations found in Chapter 9 with an adapted version of the model state code to meet the City's needs in managing flood hazards moving forward. The new regulations will be placed within a new chapter of the Municipal Code, Chapter 13, to be titled Environmental Health and Safety. The model language is based on minimum requirements found within the Code of Federal Regulations (CFRs), Oregon's Statewide Planning Goal 7 (Natural Hazards) and the Oregon Specialty codes. Staff has been coordinating the ordinance with Celinda Adair, the State's National Flood Insurance Program Coordinator and has received e-mail approval from her on the City's proposal as presented to City Council for its review.

The 2019 model code builds upon the 2011 version by expanding the topics covered. A side-by-side comparison of the two codes was provided to the City Council during the G3 meetings in April. There are eight main topics covered within the regulations including the Purpose Statement, Methods of Reducing Flood Losses, Definitions, General Provisions, Administration, Variance Procedure, Provisions of Flood Reduction, and Residential Construction Freeboard. There are additional subcategories identified under General Provisions and Administration.

In summary, the new code updates the Purpose Statements and Methods for Reducing Flood Losses. The Definition section contains slightly more terms to help explain the meanings of words within the document. The General Provisions section adds three additional topics including Compliance, Penalties for Noncompliance, and Abrogation and Severability. These topics help explain the relevance of the code, how actions of noncompliance are addressed, clarifies what prevails when there is conflicting language, and if portions of the ordinance are held to be invalid such ruling does not invalidate the remainder of the regulations.



Other changes include additional topics being added to the Administration section of the code, the first one being Information to be Obtained and Maintained. This outlines items the City will keep on file and make available for public inspection such as elevation certificates, hydrological and hydraulic analyses, and floodproofing certificates. The new Community Boundary Alterations section requires the City to notify the Federal Insurance Administration when the jurisdictional boundaries of the city are altered due to annexations or other provisions. This is important to reflect which flood maps are relevant for the City to enforce as city limits change. The last new topic added in this category is Substantial Improvement and Substantial Damage Assessments and Determinations. For structures being expanded, rehabilitated, or restored, the City must calculate the value of the improvements compared to the market value of the structure before the improvements occur and determine what requirements are imposed on the structure in order to comply with the floodplain regulations. This is a requirement of the Floodplain Insurance Program. A final new addition to the regulations which is absent from the current code relates to the elevating of structures at or above the base flood elevation. The requirement to elevate structures was originally outlined in adopted building codes. However, as building codes changed and floodplain regulations were removed, the need to have this requirement adopted in other regulations became more important. The new code clearly outlines this requirement for the City to enforce.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The City of Medford holds a Class 6 rating through the Community Rating System (CRS) program which provides citizens and business owners in the community with a twenty (20) percent premium discount on flood insurance. Planning Department staff have been working closely with the state floodplain manager and FEMA to achieve an even higher rating that would further reduce floodplain insurance premiums with a twenty-five (25) percent discount. Staff strongly recommends that the City maintain this course of action and momentum.

TIMING ISSUES

The implementation of these sections of the code are important to assist in lowering the City's rating through the Community Rating System (CRS) program from a Class 6 to a Class 5.

COUNCIL OPTIONS

- Approve the ordinance as presented.
- Modify the ordinance as presented.
- Decline to approve the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance adopting updated Floodplain Development regulations to be housed in a new Chapter 13 of the Municipal Code.

SUGGESTED MOTION

I move to approve the ordinance adopting updated Floodplain Development regulations into the new Chapter 13 of the Municipal Code.



EXHIBITS

Ordinance

DCA-20-040 Proposed Language

DCA-20-040 Email Comments from Celinda Adair

ORDINANCE NO. 2020-62

AN ORDINANCE repealing Sections 9.701, 9.702, 9.703, 9.704, 9.705, 9.706, and 9.707, of the Medford Municipal Code, pertaining to Flood Damage Prevention Regulations and Flood Insurance Maps adding Chapter 13, Environmental Health and Safety, to the Medford Municipal Code; and adopting the 2019 Oregon DLCD Model Floodplain Ordinance, as modified, by adding Sections 13.005, 13.010, 13.015, 13.020 and 13.025 to the Medford Municipal Code. (DCA-20-040)

WHEREAS, the City Council enacted the current floodplain regulation provisions of the Medford Municipal Code in 2011. The current provisions are set forth in Medford Municipal Code Sections 9.701, 9.702, 9.703, 9.704, 9.705, 9.706, and 9.707, and are titled, "FLOOD DAMAGE PREVENTION REGULATIONS AND FLOOD INSURANCE RATE MAPS;" and

WHEREAS, the Oregon Department of Land Conservation and Development (DLCD) developed an updated model floodplain ordinance in August 2019 that has been approved by the Federal Emergency Management Agency (FEMA) Region X; and

WHEREAS, Planning Department staff has reviewed the 2019 model floodplain ordinance and is recommending that City Council adopt a modified version of the 2019 DLCD model code; and

WHEREAS, the current City of Medford floodplain regulations provide citizens and business owners in the community with a twenty (20) percent premium discount on flood insurance, and adoption of the model ordinance would further reduce floodplain insurance premiums to provide a twenty-five (25) percent total discount to Medford residents and business owners; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. Section 9.701 of the Medford Municipal Code, as set forth below, is hereby repealed:

~~FLOOD DAMAGE PREVENTION REGULATIONS AND FLOOD INSURANCE RATE MAPS~~

~~(The following Sections 9.701 through 9.707 shall be effective May 3, 2011)~~

~~9.701. Flood Damage Prevention Purpose. The purposes of Sections 9.701 9.707 are to:~~

- ~~(1) Protect human life, health and property;~~
- ~~(2) Minimize damage to public facilities and utilities, such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, and streets and bridges located in floodplains;~~
- ~~(3) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas;~~
- ~~(4) Minimize expenditure of public money for costly flood control projects;~~

ORDINANCE NO. 2020-62

AN ORDINANCE repealing Sections 9.701, 9.702, 9.703, 9.704, 9.705, 9.706, and 9.707, of the Medford Municipal Code, pertaining to Flood Damage Prevention Regulations and Flood Insurance Maps adding Chapter 13, Environmental Health and Safety, to the Medford Municipal Code; and adopting the 2019 Oregon DLCD Model Floodplain Ordinance, as modified, by adding Sections 13.005, 13.010, 13.015, 13.020 and 13.025 to the Medford Municipal Code. (DCA-20-040)

WHEREAS, the City Council enacted the current floodplain regulation provisions of the Medford Municipal Code in 2011. The current provisions are set forth in Medford Municipal Code Sections 9.701, 9.702, 9.703, 9.704, 9.705, 9.706, and 9.707, and are titled, "FLOOD DAMAGE PREVENTION REGULATIONS AND FLOOD INSURANCE RATE MAPS;" and

WHEREAS, the Oregon Department of Land Conservation and Development (DLCD) developed an updated model floodplain ordinance in August 2019 that has been approved by the Federal Emergency Management Agency (FEMA) Region X; and

WHEREAS, Planning Department staff has reviewed the 2019 model floodplain ordinance and is recommending that City Council adopt a modified version of the 2019 DLCD model code; and

WHEREAS, the current City of Medford floodplain regulations provide citizens and business owners in the community with a twenty (20) percent premium discount on flood insurance, and adoption of the model ordinance would further reduce floodplain insurance premiums to provide a twenty-five (25) percent total discount to Medford residents and business owners; now, therefore,

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~~FLOOD DAMAGE PREVENTION REGULATIONS AND FLOOD INSURANCE RATE MAPS~~

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~~9.701. Flood Damage Prevention Purpose. The purposes of Sections 9.701 9.707 are to:~~

- ~~(1) Protect human life, health and property;~~
- ~~(2) Minimize damage to public facilities and utilities, such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, and streets and bridges located in floodplains;~~
- ~~(3) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas;~~
- ~~(4) Minimize expenditure of public money for costly flood control projects;~~

- ~~(5) Minimize the need for rescue, emergency services, and relief associated with flooding and generally undertaken at the expense of the general public;~~
- ~~(6) Minimize prolonged business interruptions, unnecessary disruption of commerce, access and public service during times of flood;~~
- ~~(7) Ensure that potential buyers are notified that property is in an Area of Special Flood Hazard;~~
- ~~(8) Ensure that those who occupy the Areas of Special Flood Hazard assume responsibility for their actions, and;~~
- ~~(9) Manage the alteration of Areas of Special Flood Hazard, stream channels and shorelines to minimize the impact of development on the natural and beneficial functions.~~

Section 2. Section 9.702 of the Medford Municipal Code, as set forth below, is hereby repealed:

~~9.702. Flood Damage Prevention Methods. To accomplish its purposes, Sections 9.701–9.707 include methods and provisions to:~~

- ~~—(1) Require development that is vulnerable to floods, including structures and facilities necessary for the general health, safety and welfare of citizens, to be protected against flood damage at the time of initial construction;~~
- ~~—(2) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion; Control filling, grading, dredging and other development which may increase flood damage or erosion;~~
- ~~—(3) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;~~
- ~~—(4) Preserve and restore natural floodplains, stream channels, and natural protective barriers which carry and store floodwaters, and;~~
- ~~—(5) Coordinate with and supplement provisions of State of Oregon Specialty Codes enforced by the State of Oregon Building Codes Division.~~

Section 3. Section 9.703 of the Medford Municipal Code, as set forth below, is hereby repealed:

~~9.703. Flood Damage Prevention—Definitions. When used in Sections 9.701–9.707, the terms below shall have the meanings herein ascribed. Unless specifically defined below, words or phrases used in Sections 9.701–9.707 shall be interpreted according to the meaning they have in common usage.~~

~~Appeal. A request for review of the Floodplain Administrator’s interpretation of provisions of Sections 9.701–9.707.~~

~~Basement. Any area of a building having its floor sub-grade (below ground level) on all sides.~~

~~Certification, No Rise. A certification by a registered professional civil engineer that demonstrates, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that an encroachment will not result in any increase in flood levels affecting adjoining property during the occurrence of the Base Flood discharge.~~

~~Construction, New. A structure for which the "Start of Construction" commenced after May 3, 2011 and includes subsequent substantial improvements to the structure.~~

~~Construction, Start of. This includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of a building.~~

~~Crawlspace, Below Grade. An enclosed area below the Base Flood Elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade, and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed four feet at any point.~~

~~Damage, Substantial. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of its market value before the damage occurred.~~

~~Datum. The vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points was the National Geodetic Vertical Datum of 1929 (NAVD29). The vertical datum now used by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).~~

~~Development. Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of~~

~~equipment or materials located within the Area of Special Flood Hazard. Work exempt from Oregon Residential Specialty Code, Section R105.2 requires a Floodplain Development Permit unless specifically exempted by definition in Sections 9.701-9.707. Development does not include signs, markers, aids, etc. placed by a public agency to serve the public.~~

~~Dwelling, Manufactured or Manufactured Home. A structure, transportable in one or more Sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "Manufactured Dwelling" does not include a "Recreational Vehicle."~~

~~Elevation, Water Surface. The height, in relation to a specific datum, of floods of various magnitudes and frequencies in the floodplains of riverine areas.~~

~~Encroachment. The advancement or infringement of uses, fill, excavation, buildings, permanent structures, stream habitat restoration, or other development into a Floodway, which may impede or alter the flow capacity of a floodplain.~~

~~Building, Elevated. A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.~~

~~Facility, Critical. See "Facility, Essential".~~

~~Facility, Essential or Critical:~~

- ~~a. Hospitals and other medical facilities having surgery and emergency treatment areas;~~
- ~~b. Fire and police stations;~~
- ~~c. Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;~~
- ~~d. Emergency vehicle shelters and garages;~~
- ~~e. Structures and equipment in emergency preparedness centers;~~
- ~~f. Standby power generating equipment for essential facilities; and,~~
- ~~g. Structures and equipment in government communication centers and other facilities required for emergency response.~~

~~Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from (1) The overflow of inland or tidal waters; or (2) The unusual and rapid accumulation or runoff of surface waters from any source.~~

~~Flood, Base. The flood having a 1.0% chance of being equaled or exceeded in any given year.~~

~~Flood Elevation, Base (BFE). The water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation is depicted on the Flood Insurance Rate Maps to the nearest foot and in the Flood Insurance Study to the nearest 0.1 foot. Same as "Design Flood Elevation".~~

~~Flood Hazard, Area of Special. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year (the area in which a base flood occurs). Zones designating Areas of Special Flood Hazard on Flood Insurance Rate Maps always include the letters A or V. Also known as the Special Flood Hazard Area.~~

~~Flood Insurance Rate Map (FIRM). An official map of a community, issued by the Federal Insurance Administration, delineating the Areas of Special Flood Hazard and/or risk premium zones applicable to the community.~~

~~Flood Insurance Rate Map, Digital (DFIRM). A map that depicts flood risk and zones, and flood risk information. The DFIRM presents the flood risk information in a format suitable for electronic mapping applications.~~

~~Flood Insurance Study (FIS). The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles, Regulatory Floodway boundaries and water surface elevations of the Base Flood.~~

~~Floodway. The channel of a river or other watercourse and those portions of the floodplain adjoining the channel required to discharge the Base Flood without cumulatively increasing the water surface elevation more than one foot. For the City of Medford, Bear Creek is the only watercourse with a Regulatory Floodway defined herein.~~

~~Floor, Lowest. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a structure's lowest floor, provided that the enclosed area is built and maintained in accordance with the applicable design requirements of the Specialty Codes and Sections 9.701-9.707. The lowest floor of a manufactured dwelling is the bottom of the longitudinal chassis frame beam in A zones.~~

~~Grade, Highest Adjacent. The highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the Elevation Certificate (FEMA Form 81-31) for more information.~~

~~Improvement, Substantial. Reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the Market Value of the structure before the "Start of Construction" of the~~

improvement. This term includes structures which have incurred "Substantial Damage," regardless of the actual repair work performed.

The Market Value of the structure is:

- a. the real market value of the structure prior to the start of the initial repair or improvement; or
- b. in the case of damage, the real market value of the structure prior to the damage occurring.

The term "Substantial Improvement" does not include either:

- a. a project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or,
- b. alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a Historic Structure.

Letter of Map Change (LOMC). An official Federal Emergency Management Agency determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. LOMCs are issued in the following categories:

Letter of Map Amendment (LOMA). A revision based on technical data showing that a property was inadvertently included in a designated Special Flood Hazard Area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a Special Flood Hazard Area;

Letter of Map Revision (LOMR). A revision based on technical data showing, due to manmade alterations, changes to flood zones, flood elevations, or floodplain and Regulatory Floodway delineations. One common type of LOMR, a LOMR-F, is a determination that a structure or parcel has been elevated by fill above the Base Flood Elevation and is excluded from the Special Flood Hazard Area;

Conditional Letter of Map Revision (CLOMR). A formal review and comment by the Federal Emergency Management Agency as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

Mean Sea Level. For purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

~~Specialty Codes. The combined specialty codes adopted under ORS 446.062, 446.185, 447.020(2), 455.020(2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730(1) or 480.545, but does not include regulations adopted by the State Fire Marshal pursuant to ORS Chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220. The combined specialty codes are often referred to as building codes.~~

~~Structure. A walled and roofed building, a manufactured dwelling, a modular or temporary building, or a gas or liquid storage tank that is principally above ground.~~

~~Structure, Accessory. Same as definition of "Building, accessory" under Section 10.012.~~

~~Structure, Historic. A structure that is:~~

- ~~a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;~~
- ~~b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;~~
- ~~c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or,~~
- ~~d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - ~~i. By an approved state program as determined by the Secretary of the Interior; or,~~
 - ~~ii. Directly by the Secretary of the Interior in states without approved programs.~~~~

~~Use, Water Dependent. A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a dam or irrigation canal. The term does not include long term storage, manufacture, sales, or service facilities.~~

~~Variance. A grant of relief from a requirement of Sections 9.701-9.706 by permitting construction in a manner that would otherwise be prohibited by said Sections.~~

~~Vehicle, Recreational. A vehicle that is:~~

- ~~a. Built on a single chassis;~~
- ~~b. 400 square feet or less when measured at the largest horizontal projection;~~

- e. ~~Designed to be self-propelled or permanently towed by a light duty truck, and;~~
- d. ~~Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.~~

~~Violation. The failure of a structure or other development to be fully compliant with the floodplain management regulations of Sections 9.701-9.707. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.~~

~~Watercourse. A lake, river, creek, stream, wash, arroyo, channel or other topographic feature in, on, through, or over which water flows at least periodically.~~

Section 4. Section 9.704 of the Medford Municipal Code, as set forth below, is hereby repealed as follows:

~~9.704. Flood Damage Prevention — General Provisions.~~

~~A. *Applicability.*~~

~~Sections 9.701-9.707 shall apply to all Areas of Special Flood Hazard within the jurisdiction of the City of Medford. Nothing in Sections 9.701-9.707 is intended to allow uses or structures that are otherwise prohibited by the Land Development Code or Specialty Codes.~~

~~B. *Basis for Area of Special Flood Hazard.*~~

~~The Area of Special Flood Hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for the City of Medford dated May 3, 2011, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), are adopted by reference and declared a part of Sections 9.701-9.707. The FIS and the FIRM are on file at the offices of the City of Medford, 200 South Ivy Street.~~

~~C. *Coordination with Specialty Codes Adopted by the State of Oregon Building Codes Division.*~~

~~Pursuant to the requirement established in ORS 455 that the City administers and enforces the State of Oregon Specialty Codes, the City of Medford does hereby acknowledge that the Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in Areas of Special Flood Hazard. Therefore, Sections 9.701-9.707 is intended to be administered and enforced in conjunction with the Specialty Codes.~~

~~D. *Requirement for a Floodplain Development Permit.*~~

~~A Floodplain Development Permit shall be required prior to initiating development activities in any Areas of Special Flood Hazard established in Section 9.704(B).~~

E. Interpretation.

In the interpretation and application of Sections 9.701-9.707, all provisions shall be:

- (1) Considered as minimum requirements; and,
- (2) Deemed neither to limit nor repeal any other powers granted under state statutes, including state Specialty Codes.

F. Warning and Disclaimer of Liability.

The degree of flood protection required by Sections 9.701-9.707 is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This Section does not imply that land outside Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City of Medford or any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on Sections 9.701-9.707 or an administrative decision lawfully made hereunder.

Section 5. Section 9.705 of the Medford Municipal Code, as set forth below, is hereby repealed:

~~9.705. Flood Damage Prevention Regulations Administration.~~

~~A. Designation of Floodplain Administrator.~~

~~The Building Official is hereby appointed as the Floodplain Administrator who is responsible for administering and implementing the provisions of Sections 9.701-9.707.~~

~~B. Duties and Responsibilities of the Floodplain Administrator.~~

~~Duties of the Floodplain Administrator shall include, but not be limited to:~~

- ~~(1) Review all proposed development to determine whether it will be located in Areas of Special Flood Hazard or other flood-prone areas;~~
- ~~(2) Review applications for new development or modifications of any existing development in Areas of Special Flood Hazard for compliance with the requirements of Sections 9.701-9.707;~~
- ~~(3) Review proposed development to ensure that necessary permits have been received from governmental agencies from which approval is required by Federal or state law. Copies of such permits shall be maintained on file;~~
- ~~(4) Review all development permit applications to determine if proposed development is located in the Regulatory Floodway, and if so, ensure that the encroachment standards of SubSection 9.706.B, Development in Regulatory Floodways, are met.~~
- ~~(5) When Base Flood Elevation data have not been established in SubSection 9.704.B, Basis for Area of Special Flood Hazard, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation and Floodway data available from a Federal, state or other authoritative source in order to administer the provisions of Sections 9.701-9.707;~~

- ~~(6) When Base Flood Elevations are not available from an authoritative source, the Floodplain Administrator shall require Base Flood Elevations to be developed in accordance with Paragraph 9.706(A)(2);~~
- ~~(7) When a determination is needed of the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make a determination. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the determination per Section 10.051;~~
- ~~(8) Issue Floodplain Development Permits when the provisions of Sections 9.701-9.707 have been met, or deny the same in the event of noncompliance;~~
- ~~(9) Ensure that applications for building permits comply with the requirements of Sections 9.701-9.707;~~
- ~~(10) Obtain, verify and record the actual elevation in relation to the vertical datum used on the effective Flood Insurance Rate Map, or, in relation to the highest adjacent grade where no Base Flood Elevation is available, of the lowest floor level, including basement, of all new construction or substantially improved buildings and structures, including manufactured dwellings;~~
- ~~(11) Obtain, verify and record the actual elevation of finished construction, in relation to the vertical datum used on the effective Flood Insurance Rate Map, or highest adjacent grade where no Base Flood Elevation is available, to which any new or substantially improved non-residential buildings or structures have been flood-proofed. When flood proofing is utilized for a structure, the Floodplain Administrator shall obtain certification of elevation to which the structure was flood proofed from a registered professional engineer or land surveyor;~~
- ~~(12) Ensure that all records and certifications pertaining to the provisions of Sections 9.701-9.707 are permanently maintained in the City of Medford Building Safety Department and available for public inspection;~~
- ~~(13) Make periodic inspections of Areas of Special Flood Hazard to establish that development activities are being performed in compliance with Sections 9.701-9.707, and to verify that existing buildings and structures maintain compliance with Sections 9.701-9.707;~~
- ~~(14) Inspect areas where buildings and structures in Areas of Special Flood Hazard have been damaged, regardless of the cause of damage, and notify owners that permits may be required prior to repair, rehabilitation, demolition, relocation, or reconstruction of the building or structure; and,~~
- ~~(15) Make substantial improvement and substantial damage determinations for all structures located in Areas of Special Flood Hazard.~~

~~C. Floodplain Development Permit Procedures.~~

~~Application for a Floodplain Development Permit shall be made to the Floodplain Administrator or designee on forms furnished by the Floodplain Administrator or designee prior to starting development activities. Specifically, the following information is required:~~

- ~~(1) Application Stage.~~

- a. Plans drawn to scale, with elevations of the project area, and the nature, location, and dimensions of existing and proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities;
- b. Delineation of Areas of Special Flood Hazard, Regulatory Floodway boundaries including Base Flood Elevations, or flood depth in AO zones, where available;
- c. For all proposed structures, elevation of the lowest enclosed area in relation to the highest adjacent grade and the Base Flood Elevation (or flood depth in AO zones), including crawlspace or basement, elevation of the top of the proposed garage slab, if any, and elevation of the next highest floor.
- d. Locations and sizes of all flood openings, if required, in any proposed building;
- e. Elevation to which a non-residential structure will be flood-proofed;
- f. Certification from a registered professional engineer that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of the National Flood Insurance Program (NFIP) and Specialty Codes;
- g. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development;
- h. Proof that application has been made for necessary permits from other governmental agencies from which approval is required by Federal or state law.

(2) ~~Construction Stage.~~

- a. ~~Copies of all necessary permits from other governmental agencies from which approval is required by Federal or state law shall be provided prior to start of construction.~~
- b. ~~Development activities shall not begin without an approved Floodplain Development Permit;~~
- c. ~~For all new construction and substantial improvements, the Floodplain Development permit holder shall provide to the Floodplain Administrator an as-built certification of the floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is placed and prior to further vertical construction; and,~~
- d. ~~Any deficiencies identified by the Floodplain Administrator shall be corrected by the Floodplain Development Permit holder immediately and prior to work proceeding. Failure to submit certification or failure to make the corrections shall be cause for the Floodplain Administrator to issue a stop-work order for the project.~~

(3) ~~Certificate of Occupancy.~~

- a. ~~In addition to the requirements of the Specialty Codes pertaining to Certificate of Occupancy, and prior to the final inspection, the owner or authorized agent shall submit the following documentation for finished construction that has been signed and sealed by a registered surveyor or engineer:~~
 - ~~i. For elevated buildings and structures in Areas of Special Flood Hazard (all A zones), the elevation of the lowest floor, including basement or, where no Base Flood Elevation is available, the height above highest adjacent grade of the lowest floor; and,~~

- ~~ii. For non-residential buildings and structures that have been flood proofed, the elevation to which the building or structure was flood proofed.~~

~~b. Failure to submit certification or failure to correct violations shall be cause for the Floodplain Administrator to withhold a Certificate of Occupancy until such deficiencies are corrected.~~

~~(4) Expiration of Floodplain Development Permit. A Floodplain Development Permit shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing.~~

~~D. *Watercourse Alterations.*~~

~~(1) Development shall not diminish the flood-carrying capacity of a watercourse. If any watercourse will be altered or relocated as a result of the proposed development, the applicant must submit certification by a registered professional engineer that the flood-carrying capacity of the watercourse will not be diminished.~~

~~(2) The applicant shall be responsible for obtaining all necessary permits from governmental agencies from which approval is required by Federal or state law, including, but not limited to, Section 404 of the Federal Water Pollution Control Act Amendments of 1972 (33 USC 1334); the Endangered Species Act of 1973 (16 USC 1531-1544); and State of Oregon Department of State Lands regulations.~~

~~(3) If the altered or relocated watercourse is part of an Area of Special Flood Hazard, the applicant shall notify other affected jurisdictions and Oregon Department of Land Conservation and Development (the NFIP Coordinating Agency for Oregon) prior to any alteration or relocation of the watercourse. Evidence of notification must be submitted to the Floodplain Administrator and to the Federal Emergency Management Agency as set forth in Section 9.705(E) below.~~

~~(4) The applicant shall be responsible for ensuring necessary maintenance for the altered or relocated portion of the watercourse is provided so that the flood-carrying capacity will not be diminished.~~

~~(5) The applicant shall meet the requirements to submit technical data in Section 9.705(E) below, when an alteration of a watercourse results in the expansion, relocation or elimination of the Special Flood Hazard Area.~~

~~E. *Requirement to Submit New Technical Data.*~~

~~(1) Within six months of project completion, an applicant who obtains an approved Conditional Letter of Map Revision from the Federal Emergency Management Agency (FEMA), or whose development alters a watercourse that is part of an Area of Special Flood Hazard, or modifies floodplain boundaries or Base Flood Elevations, shall obtain from FEMA a Letter of Map Revision reflecting the as-built changes to the Flood Insurance Rate Map.~~

~~(2) It is the responsibility of the applicant to have technical data prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision and to~~

~~submit such data to FEMA on the appropriate application forms. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.~~

~~(3) Applicants shall be responsible for all costs associated with obtaining a Conditional Letter of Map Amendment or Letter of Map Revision from FEMA.~~

~~(4) When the applicant has demonstrated that the project will or has met all applicable requirements of this Section, the Floodplain Administrator may sign the Community Acknowledgement Form, which is part of the Conditional Letter of Map Amendment or Letter of Map Revision application.~~

~~*F. Non-Conversion of Enclosed Areas Below the Lowest Floor.*~~

~~To ensure that enclosed areas below the lowest floor continue to be used solely for parking vehicles, limited storage, or access to the building, and not be finished for use as human habitation, the Floodplain Administrator shall:~~

~~(1) Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are five feet or higher; and~~

~~(2) Require those applicants to enter into a "Non-Conversion Deed Declaration for Construction Within Flood Hazard Areas" or equivalent, with the City of Medford. The deed declaration shall be recorded with Jackson County. The deed declaration shall be in a form acceptable to the Floodplain Administrator and City Attorney.~~

Section 6. Section 9.706 of the Medford Municipal Code, set forth below, is hereby repealed:

9.706. Flood Damage Prevention Regulations Flood Hazard Reduction Provisions.

~~*A. Site Improvements and Subdivisions.*~~

~~All plans and permits for new site improvements, subdivisions, and manufactured home parks shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes such things as historical data, high water marks, and photographs of past flooding.~~

~~(1) Building lots shall have adequate buildable area outside of Floodways.~~

~~(2) Where Base Flood Elevation data has not been provided or is not available from another authorized source, it shall be generated for land division proposals and other proposed developments.~~

~~(3) New site improvements, subdivisions, and manufactured home parks shall have public utilities and facilities, such as sewer, gas, electric and water systems, located and constructed to minimize or eliminate damage and infiltration of floodwaters. Replacement public utilities and facilities, such as sewer, gas, electric and water systems, likewise, shall be sited and designed to minimize or eliminate damage and infiltration of floodwaters.~~

~~(4) New and replacement onsite waste disposal systems and sanitary sewerage systems shall be located and constructed to avoid functional impairment, or discharges from them, during flooding.~~

~~(5) Subdivisions and manufactured home parks shall have adequate drainage provided to reduce exposure to flood hazards. In AO and AH zones, drainage paths~~

shall be provided to guide floodwater around and away from all proposed and existing structures.

B. Development in Regulatory Floodway

(1) ~~Encroachments are prohibited in the Regulatory Floodway unless a registered professional civil engineer provides a No-Rise Certification.~~

(2) ~~Any fill permitted to be placed in the Regulatory Floodway shall be designed to be stable under conditions of flooding, including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and flood-related erosion and scour.~~

(3) ~~Before the City will permit an encroachment in the Regulatory Floodway that will cause any increase in the base flood elevation, applicants shall obtain a Conditional Letter of Map Revision from the Federal Emergency Management Agency, unless the development causes a temporary encroachment and the conditions in (4), below, are satisfied.~~

(4) ~~Temporary encroachments in the Regulatory Floodway for the purposes of capital improvement projects (including bridges) require a Floodplain Development Permit. A conditional or final Letter of Map Revision shall not be required. Up to a one-foot rise in the base flood elevation shall be allowed due to temporary encroachments associated with capital improvement projects, when:~~

a. ~~The project is limited as to duration, with the days and dates that the structure or other development will be in the Regulatory Floodway specified in the Floodplain Development Permit;~~

b. ~~Accessory structures (i.e. construction trailers) are restricted from the Regulatory Floodway;~~

c. ~~The project limits placement of equipment and material in the Regulatory Floodway to that which is absolutely necessary for the purposes of the project;~~

d. ~~The project includes a flood warning system sufficient to allow equipment to be evacuated from the Regulatory Floodway and placed outside the Area of Special Flood Hazard in the event of imminent flood;~~

e. ~~The project applicant identifies any insurable structures affected by temporary changes to the Area of Special Flood Hazard or Base Flood Elevation and notifies owners of any increased risk of flooding; and,~~

f. ~~The project applicant is provided with written notification that they may be liable for any flood damages resulting from the temporary encroachment.~~

C. Zones with Base Flood Elevations but No Regulatory Floodway.

(1) ~~In areas within Zone AE on the community's FIRM where no Regulatory Floodway has been designated, the floodway is the channel of the stream. Encroachments shall be prohibited in the channel or floodway unless all the provisions of 9.706.B are satisfied.~~

(2) ~~In Areas of Special Flood Hazard, encroachments shall be prohibited unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.~~

~~(3) Applicants of proposed projects that increase the Base Flood Elevation more than one foot shall obtain from FEMA a Conditional Letter of Map Revision (CLOMR) before the project may be permitted. As soon as possible, but no later than six months after project completion, an application for a Letter of Map Revision (LOMR) shall be submitted by the applicant to FEMA. The applicant is responsible for paying any costs associated with the CLOMR and LOMR process.~~

~~D. Areas of Special Flood Hazard without Base Flood Elevations.~~

~~(1) When Areas of Special Flood Hazard have been provided, but Base Flood Elevation or floodway data have not been identified by FEMA in a Flood Insurance Study and/or Flood Insurance Rate Maps, the Floodplain Administrator shall obtain, review, and utilize scientific or historic Base Flood Elevation and Regulatory Floodway data available from a Federal, state, or other source, in order to administer these regulations. If Base Flood Elevations are not available, SubSection (3) below shall apply.~~

~~(2) Where the Floodplain Administrator has obtained Base Flood Elevation data, Section 9.706(C) and 9.706(E) through (K) shall apply.~~

~~(3) In Areas of Special Flood Hazard without Base Flood Elevation data no encroachments shall be located in an Area of Special Flood Hazard within an area equal to the width of the stream or 50 feet, whichever is greater, measured from the ordinary high water mark of the stream, unless a Base Flood Elevation is developed by a licensed professional engineer.~~

~~E. Building Design and Construction~~

~~Buildings and structures, including manufactured dwellings, within the scope of the Building Codes, including repair of substantial damage and substantial improvement of such existing buildings and structures, shall be designed and constructed in accordance with the flood-resistant construction provisions of these codes.~~

~~F. Below Grade Crawlspace.~~

~~Below grade crawlspaces are allowed subject to the following standards as illustrated in FEMA Technical Bulletin 11-01, "Crawlspace Construction for Buildings Located in Special Flood Hazard Areas":~~

~~(1) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in SubSection (2) below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.~~

~~(2) The crawlspace is an enclosed area below the Base Flood Elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the~~

automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.

(3) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

(4) Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

(5) The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.

(6) The height of the below grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

(7) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options perforated pipes, drainage tiles, or gravel/crushed stone drainage by gravity or mechanical means.

(8) The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.

G. Recreational Vehicles.

In all Areas of Special Flood Hazard, Recreational Vehicles that are an allowed use or structure under the land development code must:

(1) Be placed on the site for fewer than 180 consecutive days; or,

(2) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or addition.

H. Essential Facilities.

Construction of new essential facilities shall be located outside the limits of the Area of Special Flood Hazard, except that construction of new essential facilities shall be permissible within the Area of Special Flood Hazard if no feasible alternative site is available. Flood proofing and sealing measures must be taken to ensure that toxic substances or priority organic pollutants as defined by the Oregon Department of Environmental Quality will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the Base Flood Elevation shall be provided to all essential facilities to the maximum extent possible.

I. Tanks.

New and replacement tanks in an Area of Special Flood Hazard shall either be elevated above the Base Flood Elevation on a supporting structure designed to prevent flotation, collapse or lateral movement during conditions of the base flood, or be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy assuming the tank is empty, during conditions of the Design Flood.

New and replacement tank inlets, fill openings, outlets and vents shall be placed a minimum of two feet above Base Flood Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tank during conditions of the Design Flood.

J. Fences and Walls

New and replacement fencing in an Area of Special Flood Hazard shall be designed to collapse under conditions of the Base Flood or to allow the passage of water by having flaps or openings in the areas at or below the Base Flood Elevation sufficient to allow flood water and associated debris to pass freely.

K. Other Development, including Accessory Structures, in High Hazard Areas.

All development in high hazard areas (all A zones) for which provisions are not specified in Sections 9.701-9.707 or building codes, shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Be designed so as not to impede flow of floodwaters under Base Flood conditions;
- (3) If located in a Regulatory Floodway, meet the limitations of Section 9.706.B;
- (4) Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (5) Be constructed of flood damage resistant materials;
- (6) Have electric service and or mechanical equipment elevated above the Base Flood Elevation (or depth number in AO zones), except for minimum electric service required to address life safety and electric code requirements;
- (7) Relief from elevation or dry flood proofing standards may be granted for new and replacement, or substantially improved accessory structures containing no more than 200 square feet; larger than 200 square feet, building codes apply. Such a structure must meet (1) through (6) of this SubSection, and, in addition, shall meet the following standards:
 - a. It shall not be used for human habitation and may be used solely for parking of vehicles or storage of items having low damage potential when submerged;
 - b. Toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality shall not be stored below Base Flood Elevation, or where no Base Flood Elevation is available, lower than three feet above grade, unless confined in a tank installed in compliance with this Section;
 - c. It shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying

with this requirement must be certified by a licensed professional engineer or architect, or:

- i. Provide a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- ii. The bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening; and,
- iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention.

Section 7. Section 9.707 of the Medford Municipal Code, as set forth below, is hereby repealed:

~~9.707. Flood Damage Prevention Variance.~~

~~Variiances from the provisions of Sections 9.701-9.706 may be permitted when there are practical difficulties or unnecessary hardships created in carrying out the provisions. The basis for a variance shall be the physical circumstances or characteristics of a lot; a variance shall not be based on the inhabitants or owners of the property, their economic or financial circumstances, or the condition or situation of structures on the property. The burden is on the applicant to show that the variance is warranted and meets the approval criteria set out herein.~~

~~The provisions of this Section are not the same as, not to be confused with, provisions for Exceptions in the Land Development Code.~~

~~A variance may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties without regard to the procedures set forth in this Section.~~

~~A. Variance Procedure.~~

- ~~(1) An application for a variance from the Flood Damage Prevention regulations must be submitted to the Floodplain Administrator on the form provided by the City and shall include, at a minimum, the same information required for a Floodplain Development Permit, and an explanation of the basis for the request for a variance.~~
- ~~(2) Variance requests will be heard by the Planning Commission and be processed in the manner of a Class C application, using the Class C procedural requirements in Chapter 10, Article II of the Municipal Code. City will use the same referral agency notification list as is used for Exceptions (Section 10.146).~~
- ~~(3) Upon consideration of the approval criteria in SubSection B, below, and the purposes of this Section, and finding that the approval criteria can be met, the City approving authority may approve the request and attach such conditions to the granting of a variance as it deems necessary to further the purposes of these regulations.~~

(4) The Floodplain Administrator shall maintain a permanent record of all variances and report any variances to the Federal Emergency Management Agency upon request.

B. Variance Approval Criteria:

(1) A variance shall not be issued within a Floodway if any increase in flood levels during the Base Flood discharge would result.

(2) A variance shall only be issued upon the:

a. Determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

b. Showing of good and sufficient cause;

c. Determination that failure to grant a variance from these regulations would result in exceptional hardship to the applicant; and,

d. Determination that the granting of a variance would not result in increased flood heights, additional threats to public safety, or extraordinary public expense; or create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) In approving a variance, the City approving authority shall consider all technical evaluations, all relevant factors, standards specified in other Sections of this Code, and the:

a. Danger that materials may be swept onto other lands to the injury of others;

b. Danger to life and property due to flooding or erosion damage;

c. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d. Importance of the services provided by the proposed facility to the community;

e. Necessity to the facility of a waterfront location, where applicable;

f. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

g. Compatibility of the proposed use with existing and anticipated development;

h. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;

i. Safety of access to the property in times of flood for ordinary and emergency vehicles;

j. Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters, expected at the site; and,

k. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(4) A variance may be issued for a water dependent use provided that:

a. the criteria of subsections (1) through (3) of this Section are met; and,

b. the structure or other development is protected by methods that minimize flood damages during the Base Flood and that create no additional threats to public safety.

~~C. Variance Decision.~~

~~The decision to either grant or deny a variance shall be in writing and shall set forth the reasons for such approval or denial. If the variance is granted, the property owner shall be put on notice, along with the written decision, that the permitted building will have its lowest floor below the Base Flood Elevation and that the cost of flood insurance likely will be commensurate with the increased flood damage risk.~~

Section 8. Chapter 13, Environmental Health and Safety, is hereby added to the Medford Municipal Code.

Section 9. The 2019 Oregon DLCD Model Floodplain Ordinance, as modified, is hereby adopted by adding Sections 13.005, 13.010, 13.015, 13.020 and 13.025 to the Medford Municipal Code as set forth in Exhibit A, which is attached hereto and incorporated herein by this reference.

PASSED by the Council and signed by me in authentication of its passage this ____ day of May, 2020.

ATTEST: _____
City Recorder

Mayor

APPROVED: _____, 2020.

Mayor

NOTE: Matter in **bold** is new. Matter ~~struck out~~ is existing law to be omitted. Three asterisks (* * *) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.

**CHAPTER 13
ENVIRONMENTAL HEALTH AND SAFETY**

TABLE OF CONTENTS

13.005 – 13.025 FLOODPLAIN DEVELOPMENT

13.005 Statutory Authority, Findings of Fact, Purpose, and Methods.....4

 (1) Statutory Authorization4

 (2) Findings of Fact4

 (3) Statement of Purpose4

 (4) Methods of Reducing Flood Losses.....5

13.010 Definitions5

13.015 General Provisions.....12

 (1) Lands to Which This Ordinance Applies.....12

 (2) Basis for Establishing the Special Flood Hazard Areas12

 (3) Coordination with State Of Oregon Specialty Codes13

 (4) Compliance and Penalties for Noncompliance13

 (a) Compliance.....13

 (b) Penalties for Noncompliance13

 (5) Abrogation and Severability.....13

 (a) Abrogation13

 (b) Severability.....14

 (6) Interpretation.....14

 (7) Warning and Disclaimer of Liability14

 (a) Warning.....14

 (b) Disclaimer of Liability14

13.020 Administration.....14

 (1) Designation of the Floodplain Administrator14

 (2) Duties and Responsibilities of the Floodplain Administrator15

 (a) Permit Review15

 (b) Information To Be Obtained and Maintained.....15

 (c) Requirement to Notify Other Entities and Submit New Technical Data.....16

 (i) Community Boundary Alterations16

EXHIBIT A

(ii) Watercourse Alterations	17
(iii) Requirement to Submit New Technical Data	17
(iv) Substantial Improvement and Substantial Damage Assessments and Determinations	18
(3) Establishment of Development Permit	18
(a) Floodplain Development Permit Required	18
(b) Application for Development Permit	19
(4) Variance Procedure	19
(a) Conditions for Variances	19
(b) Variance Notification	20
13.025 Provisions for Flood Hazard Reduction	20
(1) General Standards	20
(a) Alteration of Watercourses	20
(b) Anchoring	21
(c) Construction Materials and Methods	21
(d) Utilities and Equipment	21
(i) Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems	21
(ii) Electrical, Mechanical, Plumbing, and Other Equipment	21
(e) Tanks	22
(f) Subdivision Proposals and Other Proposed Developments	22
(g) Use of Other Base Flood Data	22
(h) Structures Located In Multiple or Partial Flood Zones	23
(i) Critical Facilities	23
(2) Specific Standards for Riverine (Including All Non-Coastal) Flood Zones	23
(a) Flood Openings	24
(b) Garages	24
(c) For Riverine (Non-Coastal) Special Flood Hazard Areas With Base Flood Elevations	25
(i) Before Regulatory Floodway	25
(ii) Residential Construction	25
(iii) Non-Residential Construction	25
(iv) Manufactured Dwellings	26
(v) Recreational Vehicles	27
(vi) Appurtenant (Accessory) Structures	27
(vii) Below-Grade Crawl Spaces	28

(3) Floodways29

(4) Standards for Shallow Flooding Areas30

 (a) Standards for AH Zones.....31

 (b) Standards for AO Zones31

13.005 Statutory Authority, Findings of Fact, Purpose, and Methods

(1) Statutory Authorization

The State of Oregon has in ORS 197.175 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Medford does ordain as follows:

(2) Findings of Fact

(a) The flood hazard areas of the City of Medford are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(b) These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

(3) Statement of Purpose

It is the purpose of this ordinance to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

(a) Protect human life and health;

(b) Minimize expenditure of public money for costly flood control projects;

(c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) Minimize prolonged business interruptions;

(e) Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;

(f) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;

(g) Notify potential buyers that the property is in a special flood hazard area

(h) Notify those who occupy special flood hazard areas that they assume responsibility for their actions

(i) Participate in and maintain eligibility for flood insurance and disaster relief.

(4) Methods of Reducing Flood Losses

In order to accomplish its purposes, this ordinance includes methods and provisions for:

(a) Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(b) Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(d) Controlling filling, grading, dredging, and other development which may increase flood damage;

(e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

13.010 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage.

Appeal: A request for a review of the interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding: A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of

flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard".

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Building: See "Structure."

Below-grade crawl space: Means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

Critical facility: Means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Flood or Flooding:

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters.
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.
- (c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud

on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood elevation study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS): See "Flood elevation study".

Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodplain or flood prone area: Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

Floodplain administrator: The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain management: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain management regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Hazardous material: The Oregon Department of Environmental Quality defines hazardous materials to include any of the following:

- (1) Hazardous waste as defined in ORS 466.005;
- (2) Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy Facility Siting Council under ORS 469.605 and radioactive substances defined in ORS 453.005
- (3) Communicable disease agents as regulated by the Health Division under ORS Chapter 431 and 433.010 to 433.045 and 433.106 to 433.990;
- (4) Hazardous substances designated by the United States Environmental Protection Agency (EPA) under section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended;
- (5) Substances listed by the United States EPA in section 40 of the Code of Federal Regulations, Part 302 – Table 302.4 (list of Hazardous Substances and Reportable Quantities) and amendments;
- (6) Material regulated as a Chemical Agent under ORS 465.550;
- (7) Material used as a weapon of mass destruction, or biological weapon;
- (8) Pesticide residue;
- (9) Dry cleaning solvent as defined by ORS 465.200(9).

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure: Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Change (LOMC): Means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. The following are categories of LOMCs:

- (1) **Conditional Letter of Map Amendment (CLOMA):** A CLOMA is FEMA's comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1-percent-annual-chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.
- (2) **Conditional Letter of Map Revision (CLOMR):** A CLOMR is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.
- (3) **Conditional Letter of Map Revision based on Fill (CLOMR-F):** A CLOMR-F is FEMA's comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway.
- (4) **Letter of Map Amendment (LOMA):** An official amendment, by letter, to the Flood Insurance Rate Maps (FIRMs) based on technical data showing that an existing structure, parcel of land or portion of a parcel of land that is naturally high ground, (i.e., has not been elevated by fill) above the base flood, that was inadvertently included in the special flood hazard area.
- (5) **Letter of Map Revision (LOMR):** A LOMR is FEMA's modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both.

LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or FBFM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

- (6) **Letter of Map Revision based on Fill (LOMR-F)**: A LOMR-F is FEMA's modification of the special flood hazard area shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.
- (7) **PMR**: A PMR is FEMA's physical revision and republication of an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) report. PMRs are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.

Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured dwelling: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home".

Manufactured dwelling park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

Mean sea level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction: For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by City of Medford and includes any subsequent improvements to such structures.

Recreational vehicle: A vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway: See "Floodway".

Sheet flow area: See "Area of shallow flooding".

Special flood hazard area: See "Area of special flood hazard" for this definition.

Start of construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the

structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not include:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

Variance: A grant of relief by City of Medford from the terms of a flood plain management regulation.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Water dependent: Means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of intrinsic nature of its operations.

Water surface elevation: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

13.015 General Provisions

(1) Lands to Which This Ordinance Applies

This ordinance shall apply to all special flood hazard areas within the jurisdiction of City of Medford.

(2) Basis for Establishing the Special Flood Hazard Areas

The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for "Jackson County, Oregon and Incorporated Areas", dated January 19, 2018, with accompanying Flood Insurance Rate Maps (FIRMs) 41029CIND0C, 41029C1769F, 41029C1788F, 41029C1956F, 41029C1957F, 41029C1958F, 41029C1959F, 41029C1966F, 41029C1967F, 41029C1976F, 41029C1977F, 41029C1978F, 41029C1979F, 41029C1983F, 41029C1986F, 41029C1987F,

are hereby adopted by reference and declared to be a part of this ordinance. The FIS and FIRM panels are on file at the City of Medford Planning Department.

1.1.1 (3) COORDINATION WITH STATE OF OREGON SPECIALTY CODES

Pursuant to the requirement established in ORS 455 that the City of Medford administers and enforces the State of Oregon Specialty Codes, the City of Medford does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

(4) Compliance and Penalties for Noncompliance

(a) Compliance

All development within special flood hazard areas is subject to the terms of this ordinance and required to comply with its provisions and all other applicable regulations.

(b) Penalties for Noncompliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a public nuisance and may be abated as provided in Sections 5.520 - 5.535 of the Medford Code. The city may enjoin any violation of the provisions of this chapter through a civil suit.

Nothing contained herein shall prevent the City of Medford from taking such other lawful action as is necessary to prevent or remedy any violation.

(5) Abrogation and Severability

(a) Abrogation

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(b) Severability

This ordinance and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

(6) Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

- a. Considered as minimum requirements;
- b. Liberally construed in favor of the governing body; and
- c. Deemed neither to limit nor repeal any other powers granted under state statutes.

(7) Warning and Disclaimer of Liability

(a) Warning

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

(b) Disclaimer of Liability

This ordinance shall not create liability on the part of the City of Medford, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

13.020 Administration

(1) Designation of the Floodplain Administrator

The City Manager and their designee is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

(2) Duties and Responsibilities of the Floodplain Administrator

Duties of the floodplain administrator, or their designee, shall include, but not be limited to:

(a) Permit Review

Review all development permits to determine that:

- i. The permit requirements of this ordinance have been satisfied;
- ii. All other required local, state, and federal permits have been obtained and approved.
- iii. Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway assure that the floodway provisions of this ordinance in Section **13.025(3)** are met; and
- iv. Review all development permits to determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of section **13.025(1)(g)**; and
- v. Provide to building officials the Base Flood Elevation (BFE) and one foot of freeboard elevation standard applicable to any building requiring a development permit.
- vi. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in Section **13.010**.
- vii. Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in Section **13.025(1)(a)**.
- viii. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.

(b) Information to Be Obtained and Maintained

The following information shall be obtained and maintained and shall be made available for public inspection as needed:

- i. Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood

Insurance Rate Map (FIRM), or obtained in accordance with Section **13.025(1)(g)**.

- ii. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of Sections **13.020(2)(a)(ii)** and **13.025(3)**, are adhered to.
- iii. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
- iv. Where base flood elevation data are utilized, obtain As-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
- v. Maintain all Elevation Certificates (EC) submitted to City of Medford;
- vi. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this ordinance and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with Section **13.025(1)(g)**.
- vii. Maintain all floodproofing certificates required under this ordinance;
- viii. Record and maintain all variance actions, including justification for their issuance;
- ix. Obtain and maintain all hydrologic and hydraulic analyses performed as required under Section **13.025(3)**.
- x. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under Section **13.020(2)(c)(iv)**.
- xi. Maintain for public inspection all records pertaining to the provisions of this ordinance.

(c) Requirement to Notify Other Entities and Submit New Technical Data

(i) Community Boundary Alterations

The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance

Rate Maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

(ii) Watercourse Alterations

Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:

- A. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
- B. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under Section 13.020(2)(c)(iii). Ensure compliance with all applicable requirements in Sections 13.020(2)(c)(iii) and 13.025(1)(a).

(iii) Requirement to Submit New Technical Data

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Section 44 of the Code of Federal Regulations (CFR), Sub-Section 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.

The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

- A. Proposed floodway encroachments that increase the base flood elevation; and

- B. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

An applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

The applicant shall be responsible for preparing all technical data to support CLOMR/LOMR applications and paying any processing or application fees associated with the CLOMR/LOMR.

The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable state and federal permits.

(iv) Substantial Improvement and Substantial Damage Assessments and Determinations

Conduct Substantial Improvement (SI) (as defined in Section 13.010) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with Section 13.020(2)(b). Conduct Substantial Damage (SD) (as defined in Section 13.010) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in Section 13.015(2)) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(3) Establishment of Development Permit

(a) Floodplain Development Permit Required

A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in Section 13.015(2). The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in Section 13.010, including fill and other development activities.

(b) Application for Development Permit

Application for a development permit may be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically the following information is required:

- i. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of Section **13.020(2)(b)**.
- ii. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
- iii. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in Section **13.025(2)(c)(iii)**.
- iv. Description of the extent to which any watercourse will be altered or relocated.
- v. Base Flood Elevation data for subdivision proposals or other development when required per Sections **13.020(2)(a)** and **13.025(1)(f)**.
- vi. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
- vii. The amount and location of any fill or excavation activities proposed.

(4) Variance Procedure

The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.

(a) Conditions for Variances

- i. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of Sections **13.020(4)(a)(iii)** and **(v)**, and **13.020(4)(b)**. As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.

- ii. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- iii. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- iv. Variances shall only be issued upon:
 - 1. A showing of good and sufficient cause;
 - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- v. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of Sections **13.020(4)(a)(ii)-(iv)** are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(b) Variance Notification

Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with Section **13.020(2)(b)**.

Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation of a historic structure will not preclude the structure’s continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

13.025 Provisions for Flood Hazard Reduction

(1) General Standards

In all special flood hazard areas, the following standards shall be adhered to:

(a) Alteration of Watercourses

Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with Sections **13.020(2)(c)(ii)** and **13.020(2)(c)(iii)**.

(b) Anchoring

- i. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- ii. All manufactured dwellings shall be anchored per Section **13.025(2)(c)(iv)**.

(c) Construction Materials and Methods

- i. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- ii. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(d) Utilities and Equipment

(i) Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

(ii) Electrical, Mechanical, Plumbing, and Other Equipment

Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated a minimum of one foot above base flood for the City of Medford or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities replaced as part of a substantial improvement shall meet all the requirements of this section.

(e) Tanks

- i. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
- ii. Above-ground tanks shall be installed a minimum of one foot above base flood level for the City of Medford or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

(f) Subdivision Proposals and Other Proposed Developments

- i. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals, Base Flood Elevation data.
- ii. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:
 - A. Be consistent with the need to minimize flood damage.
 - B. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
 - C. Have adequate drainage provided to reduce exposure to flood hazards.

(g) Use of Other Base Flood Data

When Base Flood Elevation data has not been provided in accordance with Section **13.015(2)** the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source,

in order to administer Section **13.025**. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of Section **13.025(1)(f)**.

Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, or other methods where available. When no base flood elevation data is available, development proposals located within a riverine unnumbered A Zone shall be elevated a minimum of two (2) feet above the highest adjacent grade to be reasonably safe from flooding. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

(h) Structures Located In Multiple or Partial Flood Zones

In coordination with the State of Oregon Specialty Codes:

- i. When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.
- ii. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

(i) Critical Facilities

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three (3) feet above the Base Flood Elevation (BFE) or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

(2) Specific Standards for Riverine (Including All Non-Coastal) Flood Zones

These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in Section **13.025(1)** of this ordinance.

(a) Flood Openings

All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements.

Enclosed areas below the Base Flood Elevation, including crawl spaces shall:

- i. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
- ii. Be used solely for parking, storage, or building access;
- iii. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
 - A. A minimum of two openings,
 - B. The total net area of non-engineered openings shall be not less than one (1) square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls,
 - C. The bottom of all openings shall be no higher than one foot above grade.
 - D. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.
 - E. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.

(b) Garages

- i. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:
 - A. If located within a floodway the proposed garage must comply with the requirements of Section **13.025(3)**.
 - B. The floors are at or above grade on not less than one side;
 - C. The garage is used solely for parking, building access, and/or storage;
 - D. The garage is constructed with flood openings in compliance with Section **13.025(2)(a)** to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

- E. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
 - F. The garage is constructed in compliance with the standards in Section **13.025(1)**; and
 - G. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- ii. Detached garages must be constructed in compliance with the standards for appurtenant structures in Section **13.025(2)(c)(vi)** or non-residential structures in Section **13.025(2)(c)(iii)** depending on the square footage of the garage.

(c) For Riverine (Non-Coastal) Special Flood Hazard Areas with Base Flood Elevations

In addition to the general standards listed in Section **13.025(1)** the following specific standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

(i) Before Regulatory Floodway

In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(ii) Residential Construction

- A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above one (1) foot above the Base Flood Elevation (BFE).
- B. Enclosed areas below the lowest floor shall comply with the flood opening requirements in Section **13.025(2)(a)**.

(iii) Non-Residential Construction

- A. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall:
 - i. Have the lowest floor, including basement elevated to or above one (1) foot above the Base Flood Elevation (BFE); together with attendant utility and sanitary facilities,
 - ii. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - iii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - iv. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth Section **13.020(2)(b)**.
- B. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in Section **13.025(2)(a)**.
- C. Applicant's floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one (1) foot below).
- D. Applicants shall supply a maintenance plan for the entire structure to include but not limited to: exterior envelop of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components, as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.
- E. Applicants shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.

(iv) Manufactured Dwellings

- A. New or substantially improved manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with Section **13.025(2)(a)**;
- B. The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation;
- C. New or substantially improved manufactured dwellings shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA’s “Manufactured Home Installation in Flood Hazard Areas” guidebook for additional techniques), and;
- D. Electrical crossover connections shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE).

(v) Recreational Vehicles

Recreational vehicles placed on sites are required to:

- A. Be on the site for fewer than 180 consecutive days, and
- B. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- C. Meet the requirements of Section **13.025(2)(c)(iv)**, including the anchoring and elevation requirements for manufactured dwellings.

(vi) Appurtenant (Accessory) Structures

Relief from elevation or floodproofing requirements for residential and non-residential structures in Riverine (Non-Coastal) flood zones may be granted for appurtenant structures that meet the following requirements:

- A. Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in Section **13.025(3)**;
- B. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;
- C. In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all

- property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet;
- D. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
 - E. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;
 - F. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in Section **13.025(2)(a)**;
 - G. Appurtenant structures shall be located and constructed to have low damage potential;
 - H. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with Section **13.025(1)(e)**.
 - I. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

(vii) Below-Grade Crawl Spaces

- A. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required flood openings stated in **13.025(2)(a)(iii)**. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
- B. The crawlspace is an enclosed area below the Base Flood Elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.

- C. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
- D. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
- E. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
- F. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
- G. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.
- H. The velocity of floodwaters at the site shall not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

(3) Floodways

Located within the special flood hazard areas established in Section **13.015(2)** are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:

- i. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge;
Or,
- ii. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that a Conditional Letter of Map Revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, Section 65.12 are fulfilled.

If an encroachment proposal resulting in an increase in Base Flood Elevation meets the following criteria:

- A. Is for the purpose of fish enhancement,
- B. Does not involve the placement of any structures (as defined in Section 13.010) within the floodway,
- C. Has a feasibility analysis completed documenting that fish enhancement will be achieved through the proposed project,
- D. Has a maintenance plan in place to ensure that the stream carrying capacity is not impacted by the fish enhancement project,
- E. Has approval by the National Marine Fisheries Service, the State of Oregon Department of Fish and Wildlife, or the equivalent federal or state agency, and
- F. Has evidence to support that no existing structures will be negatively impacted by the proposed activity;

Then an approved CLOMR may be required prior to approval of a floodplain permit.

- b) If the requirements of Section 13.025(3)(a) are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of Section 13.025.

(4) Standards for Shallow Flooding Areas

Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with Base Flood Elevations. For AO zones the base flood depths range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be

evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

(a) Standards for AH Zones

Development within AH Zones must comply with the standards in Sections **13.025(1), 13.025(2), and 13.025(4)**.

(b) Standards for AO Zones

In AO zones, the following provisions apply in addition to the requirements in sections **13.025(1)** and **13.025(4)**:

- i. New construction and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at minimum to one (1) foot above the depth number specified on the Flood Insurance Rate Maps (FIRM) (at least three (3) feet above the highest adjacent grade if no depth number is specified). For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.
- ii. New construction and substantial improvements of non-residential structures within AO zones shall either:
 - A. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum to one (1) foot above the depth number specified on the Flood Insurance Rate Maps (FIRMS) (at least three (3) feet above the highest adjacent grade if no depth number is specified); or
 - B. Together with attendant utility and sanitary facilities, be completely floodproofed to one (1) foot above the depth number specified on the FIRM or a minimum of three (3) feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in Section **13.025(2)(c)(iii)(A)(iv)**.
- iii. Recreational vehicles placed on sites within AO Zones on the community's Flood Insurance Rate Maps (FIRM) shall either:

- A. Be on the site for fewer than 180 consecutive days, and
 - B. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - C. Meet the elevation requirements of Section **13.025(4)(b)(i)**, and the anchoring and other requirements for manufactured dwellings of Section **13.025(2)(c)(iv)**.
- iv. In AO zones, new and substantially improved appurtenant structures must comply with the standards in Section **13.025(2)(c)(vi)**.
 - v. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in Section **13.025(2)(a)**.

May 8, 2020

Adair, Celina celinda.adair@state.or.us

RE: City of Medford Floodplain Regulation Draft Language

<EXTERNAL EMAIL **Click Responsibly!**>

Hi Liz,

Thank you for all of the work you and your community have done on these proposed floodplain management regulation revisions. I've completed my final review of the attached document and found that it meets all of the minimum NFIP requirements for floodplain management regulations.

If any future revisions are made through the planning process going forward, please send them through so that a compliance check can be undertaken to ensure what is adopted complies with NFIP requirements. As of this point in time what is being proposed is NFIP compliant.

Please also be sure to send through a copy of the final executed ordinance and to upload it to the DLCD Papa portal online with the notice of adoption.

It has been a pleasure working with you during this process.

Kind regards,
Celinda



Celinda Adair, CFM

National Flood Insurance Program (NFIP) Coordinator
Oregon Department of Land Conservation and Development
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540
Direct: 503-934-0069 | Cell: 503-930-9739 | Main: 503-373-0050
celinda.adair@state.or.us | www.oregon.gov/LCD



AGENDA ITEM COMMENTARY

DEPARTMENT: Planning

PHONE: (541) 774-2380

STAFF CONTACT: Matt Brinkley, AICP, CFM, Planning Director

AGENDA SECTION: Public Hearings

MEETING DATE: May 21, 2020

COUNCIL BILL 2020-63

An ordinance amending Section 10.012, 10.185, 10.421, 10.482, 10.924, and 10.925 of the Medford Municipal Code, and adding Section 10.503, pertaining to Shared-Use Paths. (DCA-18-112) Land Use, Legislative

SUMMARY AND BACKGROUND

Council is requested to consider a legislative amendment to Chapter 10 of the Medford Municipal Code to add standards for shared-use paths.

On March 17, 2017, the Planning Commission initiated a code amendment to create new development code language to address shared use paths. The Parks, Recreation and Facilities Department (PRFD) hired a planning firm to work on draft language to accommodate this amendment. Once this draft was complete in April of 2018, Planning and PRFD staff began revising the standards to be consistent with the language of the Code, City policies, and other regulations.

After finalized by staff in February of 2020, the proposed amendment was made available to the planning firm that originally worked on the draft. Based upon the feedback from the planning firm, the draft has been modified to eliminate the conditional use permit requirement for riparian pathways when reviewed in conjunction with another land use application. This prevents a duplicate review.

Staff worked closely with the PRFD staff to ensure the amendment properly addresses the necessary requirements for shared-use paths. Multiple meetings were held to revise the draft to its current form. Staff did not consult with the Parks and Recreation Commission as the subject standards typically apply at the time of private development.

The amendment was made available to the public as well as the development community. Members of the Bicycle and Pedestrian Advisory Committee reviewed the proposed amendment at a meeting on March 9, 2020. The group did not have any objections to the proposal. The amendment was placed on the city's website on the Planning Department's page. It was also emailed to a group of interested parties of the development community. A few questions were brought up and answered, but no objections have been made. Most recently, the Planning Commission held a hearing on the amendment on April 23, 2020. The Planning Commission voted 7-1 in favor of the amendment. (File No. DCA-18-112)

PREVIOUS COUNCIL ACTIONS

On February 19 & 20, 2020, the amendment was discussed at G3 meetings with members of the City Council to determine if a study session was necessary. Collectively, the Council concluded this project did not warrant a study session.



ANALYSIS

The new code language includes clear and objective standards for design and construction. It creates a definition of shared-use paths. It also includes design standards that integrate connections between pathways, safety features, maintenance and emergency vehicle access, and designs appropriate for certain geotechnical conditions and terrain. It adds construction specifications that describe required materials and also landscape standards appropriate for different types of pathways. Cross sections have also been added that visually detail riparian and non-riparian (typical) pathways.

Two changes to the current Code are proposed. First, under *General Development Design Standards and Criteria* in Section 10.421, shared-use paths have been added to the list of public improvements and construction drawing requirements have been included. The other change proposed is to *Conditional Uses within Riparian Corridors* in Section 10.925. This section is amended to clarify that shared-use paths within riparian areas do not require a conditional use permit when associated with another land use review.

The City has a system of paths and trails identified in the Comprehensive Plan within the Parks and Recreation Leisure Services Plan and also the Transportation System Plan. As part of development review, staff identifies when those paths align with proposed projects. When they do, the installation of a shared-use path becomes a condition of land use approval. Currently, there are only standards for shared-use paths within the Southeast Area overlay. In situations where the development occurs outside of the Southeast, the PRFD staff have to establish path requirements on a case-by-case basis. The proposed code amendment incorporates standards for paths city-wide, providing clarity and consistency for the development community and staff.

The current proposal categorizes pathways into riparian, non-riparian, and paths in-lieu of sidewalk. Riparian pathways are located within 50-feet of a riparian stream or creek while non-riparian paths are not located within a riparian corridor and may not be adjacent to a surface body of water associated with a protected riparian area. The third type, paths in-lieu of sidewalk, would be located in the street right-of-way like sidewalks when a pathway cannot be located within a separate off-road corridor due to topography or other constraints. In addition, there may be instances where the Leisure Services Plan shows a shared-use path parallel to a public street. This is another example of when a sidewalk in the street right-of-way may replace construction of a sidewalk and a separate pathway. On arterial streets, the cross sections in the Transportation System Plan will be applied as they accommodate separated bicycle lane and pedestrian facilities. The future extensions of South Stage Road and improvement of Foothill Road are examples.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

There is no new financial consideration in regards to this amendment. Once the paths are built, the Parks Recreation and Facilities Department takes over maintenance responsibility. There is \$50,000 in a recurring Capital Improvement Plan for pathway repairs.



If the path is built in the street right-of-way as a sidewalk, it is the maintenance responsibility of the adjoining property owner.

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve the ordinance as presented.

Modify the ordinance as presented.

Decline to approve the ordinance as presented and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the Code Amendment to adopt shared use path standards.

SUGGESTED MOTION

I move to adopt the ordinance authorizing a Development Code Amendment as described in the Council Report dated May 14, 2020.

EXHIBITS

Ordinance

DCA-18-112 Council Report, including Exhibit A

ORDINANCE NO. 2020-63

AN ORDINANCE amending Sections 10.012, 10.185, 10.421, 10.482, 10.924, and 10.925 of the Medford Municipal Code, and adding Section 10.503, pertaining to Shared-Use Paths. (DCA-18-112)

WHEREAS, the City has identified a system of paths and trails in the Parks Leisure Services Plan and the Transportation System Plan, but there are no city-wide standards for shared-use paths, which results in inconsistent standards being applied on a case-by-case basis; and

WHEREAS, on March 17, 2017 the Planning Commission initiated a code amendment to create new development code language to address the development and construction of shared use paths and a consulting firm was hired to assist the City in developing the standards; and

WHEREAS, the proposed code amendment includes clear and objective standards for design and construction of shared paths and it incorporates city-wide standards that will provide clarity and consistency for staff and the development community; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. Section 10.012 of the Medford Municipal Code is amended to read follows:

ARTICLE I - GENERAL PROVISIONS

10.012 Definitions, Specific.

Shared-Use Path. A facility designed for travel and recreation by non-motorized users that is improved with a hard surface and separated from motor vehicle traffic.

Section 2. Section 10.185 of the Medford Municipal Code is amended to read follows:

ARTICLE II – PROCEDURAL REQUIREMENTS

10.185 Park Development Review.

In order to ensure a harmonious transition between parkland and surrounding uses, a Park Development Review is required for new and expanded parks, trails, and paths within the Public Parks zone. All park facilities, including paths and trails within the Public Parks zone, previously approved under a Conditional Use Permit, are subject to the Park Development Review process as described in this section.

The following uses are subject to a Conditional Use Permit:

1. ~~New or expanded parks, trails, and paths outside of the Public Parks zone~~
2. ~~New or expanded trails and paths within a riparian corridor~~

Outside of the Public Parks Zone, the following is required:

- (1) **New or expanded parks outside of the Public Parks zone require a Conditional Use Permit.**
- (2) **New or expanded trails or shared-use paths outside of the Public Parks zone may be reviewed in conjunction with another land use review, such as a Land Division, Site Plan & Architectural Commission Review, Transportation Facility, or Planned Unit Development. If the trail or path is a standalone project, outside of the Public Park zone, a Conditional Use Permit is required.**

Section 3. Section 10.421 of the Medford Municipal Code is amended to read follows:

ARTICLE IV -- PUBLIC IMPROVEMENT STANDARDS AND CRITERIA

10.421 General Development Design Standards and Criteria.

The developer shall design and improve all required public right-of-way elements, including streets, bicycle ~~facilities lanes~~, sidewalks, planter strips, street lights, alleys, storm drains, sanitary sewers, waterlines, accessways, **shared-use paths**, and public easements which are a part of the development ~~and~~. Those off-site public improvements necessary to serve the development consistent with the Comprehensive Plan or any specific plan thereof, and such other public improvements as required by this chapter in accordance with the standards and criteria set forth herein ~~and~~ shall thereafter warrant the materials and workmanship of said improvements for a period of one (1) year from the date of completion. Such improvements as set forth herein shall be considered necessary for the general use of the property owner(s) of the development, the local neighborhood and the city's traffic and drainage needs including without limitation grading and surfacing of streets and accessways, installation of facilities to supply domestic water, construction of storm and sanitary drainage and treatment facilities, all other improvement work as hereafter set forth. All improvement work shall be at the sole cost and expense of the developer unless otherwise specifically provided herein.

Section 4. Section 10.482 of the Medford Municipal Code is amended to read follows:

10.482 Public Improvement Plan Requirements.

D. Public improvement plans and specifications shall contain performance data reviewed by the developer's engineer demonstrating compliance with all design requirements of this Code. City and Water Commission personnel who check and/or approve public

improvement plans and specifications are authorized to accept such performance data at face value without independently verifying the accuracy thereof.

E. Public improvement plans and specifications for shared-use paths shall also include the location of the centerline of the path on the final construction drawings that is substantially consistent with the location approved in the land use review. A landscape and irrigation plan, if applicable, shall be prepared by an Oregon licensed landscape architect and submitted with the final construction drawings. In the case of a City-initiated shared-use path, the landscape plan may be prepared by Parks Recreation and Facilities Department staff.

Section 5. Section 10.503 of the Medford Municipal Code is added to read follows:

10.503 Shared-Use Paths

Shared-Use Paths shall be required of new developments located on sites that are identified for a planned path within the City's Comprehensive Plan including, but not limited to, the Parks and Recreation Leisure Services Plan, Transportation System Plan, Neighborhood Plan or other adopted special area plan. Where there is a difference between standards, the requirements in an adopted special area plan shall apply.

Land intended for shared-use paths shall be dedicated for public use and/or ownership following the installation of the required improvements. However, the City, at its sole discretion, may permit the dedication of easements in lieu of fee-simple land dedication.

(A) Shared-Use Path Design Standards

Shared-use paths shall:

- (1) Integrate connections with existing and planned path and trail networks and accessways;**
- (2) Incorporate safety features at street intersections and at mid-block pathway crossings;**
- (3) Maintain grades at no more than five percent and cross slopes at no more than two percent unless otherwise approved by the Parks Recreation and Facilities Director or designee;**
- (4) Maintain a minimum vertical clearance of 10 feet;**
- (5) Allow for maintenance and emergency vehicles, including turning radiuses;**
- (6) Provide a design in accordance with the latest addition of the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities with an appropriate design speed for the terrain; and**
- (7) Provide a paved width of at least 10 feet with 2 foot shoulders, unless otherwise recommended by the Parks Recreation and Facilities Director (wider paths may be needed where higher volume use is anticipated).**

(B) Shared-Use Path Construction Specifications, Non-Street Right-of-Way.
Shared-use paths shall be constructed in accordance with the following specifications.

(1) Materials: Shared-Use pathways shall be constructed with asphalt concrete according to the Parks Recreation and Facilities Department standard specification. Other surfaces, including concrete, bricks, flagstones, or compacted aggregate may be approved by the Parks Recreation and Facilities Director.

(2) Construction Details: The asphalt concrete surface shall be a minimum of 2 ½ inches thick, placed upon a 12 inch layer of compacted ¾ inch minus base with geotechnical fabric. If constructed in concrete or other materials, the structural section must provide compression strength equal to or better than standard sidewalks.

(3) Location: Shared-use paths shall be sited to provide non-motorized connectivity as shown in the Comprehensive Plan. The approving authority may approve paths to deviate from such locations if the new location will provide the equivalent connectivity and functionality. The following typologies apply to shared-use pathways.

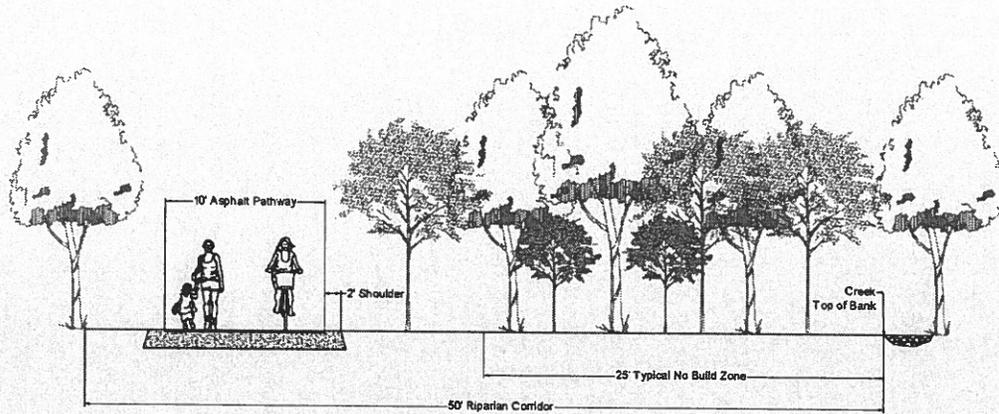
(a) Pathways within a riparian corridor: Shared-Use pathways shall be constructed a minimum of 25 feet from top of bank as per Section 10.503C(1). The approving authority may approve an alternate location based upon site conditions.

(b) Pathways, other: Shared-Use pathway corridors outside a riparian area, shall be a minimum of 20 feet in width as per Section 10.503C(2).

(c) Special Circumstances: Where Shared-Use pathways provide access to storm drainage facilities or other public facilities, additional conditions may be required by the utility provider.

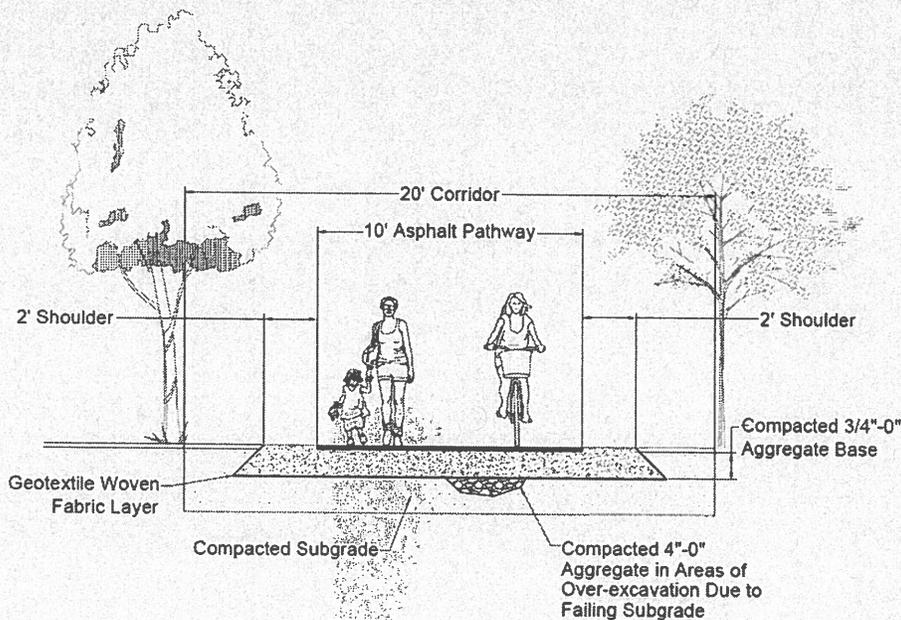
(C) Shared-Use Path Cross Sections, Non-Street Right-of-Way

(1) Typical Section, Riparian Shared-Use Path



TYPICAL SECTION
RIPARIAN CORRIDOR PATHWAY

(2) Typical Section, Other Shared-Use Path



TYPICAL SECTION
SHARED USE PATH

(D) Sidewalks, in lieu of pathways, within Street Right-of-Way

Where it is not feasible to designate a dedicated corridor due to topography or other constraints, sidewalks may be installed within the public right-of-way, in lieu of a standard pathway, if approved by the Parks Recreation and Facilities Department and the Public Works Department. Sidewalks in lieu of pathways shall also be

considered where an adopted City plan shows a path parallel to a public street. They shall not be used where there are frequent driveway crossings.

Sidewalks, in lieu of pathways, shall be built as per the Public Works Department specifications and require signage and/or striping to be installed indicating the shared-use function by both bicycles and pedestrians.

Shared-use paths on arterial streets shall follow the cross-sections with separated bicycle facilities in Section 10.428(1), unless modified by the approving authority. On all other streets, the planter strip may be reduced on one or both sides of the street in order to accommodate a 10-foot wide sidewalk, if approved by the approving authority.

(E) Shared-Use Path Installation and Timing

Shared-use paths shall be installed in accordance with the approved plan prior to final plat for land division approvals, prior to issuance of the certificate of occupancy for building permits for Site Plan & Architectural Commission approvals, and prior to certificate of occupancy for building permits or the commencement of use for Conditional Use Permits and Park Development Reviews unless otherwise approved by the approving authority.

The City will accept the dedication and maintenance of the shared-use path upon the satisfactory completion of the installation of the path and required landscaping per the approved construction drawings and landscape plan.

(F) Shared-Use Path Landscaping Design and Improvement

(1) Landscaping requirements for shared-use paths shall be in accordance with the following requirements.

(a) Riparian Greenways: A plan shall be submitted demonstrating protection of native vegetation, along with restoration and enhancement plantings. Such plan shall be submitted to the Oregon Department of Fish & Wildlife for review and approval. Landscaping and irrigation shall be required along both sides of a shared-use path unless the approving authority determines it is not necessary due to topography, existing vegetation, or other existing conditions.

(b) Shared-use pathway, other: Trees offset at 50-foot intervals shall be required on both sides of the shared-use path to provide adequate shading. Enhanced landscaping is not required but may be approved if a maintenance agreement is accepted by the Parks Recreation and Facilities Director. Landscaping and irrigation shall be required along both sides of a shared-use path unless the approving authority determines it is not necessary due to topography, existing vegetation, or other existing conditions.

(c) Sidewalk in lieu of pathway: Trees and irrigation shall be required within the adjacent planter strip next to the sidewalk. For residential zoning districts,

trees shall be installed to provide not less than 100 percent canopy cover over the sidewalk at the time of tree maturity. Street trees within all the other zoning districts shall be installed to provide not less than 70 percent canopy cover over the sidewalk at tree maturity. Canopy cover shall be based upon tree maturity and growth habit data provided in the *Official List of City of Medford Approved Street Trees*, a copy of which is on file in the City of Medford Parks Department. Street trees shall not be located within 50 feet of the corner of an intersection of two streets measured at the curb line.

(2) Landscape Installation and Timing

(a) Landscaping shall be installed in accordance with the approved landscape plan prior to final plat for land division approvals, prior to issuance of the certificate of occupancy for building permits for Site Plan & Architectural Commission approvals, and prior to certificate of occupancy for building permits or the commencement of use for Conditional Use Permits and Park Development Reviews. The developer shall record a maintenance agreement, reviewed and approved by the City Parks Recreation and Facilities Department, ensuring an 85 percent survival of all new landscaping within a two year period after the installation of landscaping.

(G) Shared-Use Path, Short Segments

Where a section of a planned shared-use path is 300 feet or less through a development, the City may delay the installation of the path. Dedication of the land for the shared-use path shall be shown on the final plat or recorded separately as part of another land use review application. In those cases, the City shall require security for future construction of the shared-use path and associated landscaping. The security may be in the form of a bond or other method acceptable to the City. The amount of the security shall be 125 percent of the engineer's cost estimate of the shared-use path construction and 125 percent of a landscape architect's cost estimate for landscape installation, including irrigation. The 300-foot length for implementation of this section shall not apply to individual phases of a larger development.

Section 6. Section 10.924 of the Medford Municipal Code is amended to read follows:

10.924 Permitted Activities within Riparian Corridors.

B. The following activities, and maintenance thereof, are permitted within a riparian corridor, subject to obtaining applicable permits, if any, from the Oregon Department of State Lands and the U.S. Army Corps of Engineers. All plans for development and/or improvements within a riparian corridor shall be submitted to the Oregon Department of Fish and Wildlife for a habitat

mitigation recommendation pursuant to O.A.R. 635-415 "Fish and Wildlife Habitat Mitigation Policy."

(9) Shared-use pathways or greenways, accessways, trails, picnic areas, interpretive and educational displays and overlooks, including benches and outdoor furniture, may be permitted when reviewed in conjunction with a land use review, such as a Park Development Review, Land Division, Site Plan & Architectural Commission review, Traffic Facility, or Planned Unit Development.

Section 7. Section 10.925 of the Medford Municipal Code is amended to read as follows:

10.925 Conditional Uses within Riparian Corridors.

The following activities, and maintenance thereof, are allowed within a riparian corridor if compatible with Section 10.920, "Riparian Corridors, Purposes," and if designed to minimize intrusion. Such activities shall be subject to approval of a Conditional Use Permit which may be considered separately or in conjunction with another land use review. The approving authority must determine that the proposal complies with at least one of the Conditional Use Permit criteria. Applicable permits, if any, from the Oregon Department of State Lands and the U.S. Army Corps of Engineers shall subsequently be obtained. All development and improvement plans shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to O.A.R. 635-415 "Fish and Wildlife Habitat Mitigation Policy."

~~(4) Multi-use paths~~**Shared-use paths**, accessways, trails, picnic areas, or interpretive and educational displays and overlooks, including benches and outdoor furniture. **A conditional use permit shall not be required for these items when reviewed in conjunction with a land use review, such as a Park Development Review, Land Division, Site Plan & Architectural Commission Review, Transportation Facility, or Planned Unit Development.**

PASSED by the Council and signed by me in authentication of its passage this _____ day of May, 2020.

ATTEST: _____
City Recorder

Mayor

APPROVED _____ 2020.

Mayor

NOTE: Matter in **bold** is new. Matter ~~struck out~~ is existing law to be omitted. Three asterisks (***) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.



COUNCIL REPORT for a Type-IV legislative decision: **Development Code Amendment**

Project Shared-Use Path Amendment

File no. DCA-18-112

To Mayor and Council *for 05/21/2020 hearing*

From Sarah Sousa, Planner IV

Reviewer Carla Angeli Paladino, Principal Planner

Date May 14, 2020

BACKGROUND

Proposal

A legislative code amendment to Chapter 10 of the Medford Municipal Code to add standards for shared-use paths.

History

On March 17, 2017, the Planning Commission initiated a code amendment to create new development code language to address shared use paths. The Parks Recreation and Facilities Department hired a planning firm to work on draft language to accommodate this amendment. Once this draft was complete, Planning and Parks Department staff began revising the standards to be consistent with the language of the Code, City policies, and other regulations. The proposed amendment was discussed with both the Planning Commission and City Council.

Authority

This proposed plan authorization is a Type IV legislative Code Amendment. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to the Medford Municipal Code per Sections 10.214 and 10.218.

ANALYSIS

The City has a system of paths and trails identified in the Comprehensive Plan within the Parks Leisure Services Plan and also the Transportation System Plan. Currently, there are special design standards in the Code for greenways within the Southeast Overlay only. The proposed changes incorporate standards for paths city-wide. These paths are currently required to be installed as part of development projects. The new regulations clarify what is necessary to be installed.

Project Summary

The new regulations provide clear and objective standards relating to the following.

- Definition – A definition of shared use paths has been created.
- Public Improvement Standards and Plans – Shared use paths have been added to the list of public improvements. Construction drawing requirements have been included requiring that the drawings are consistent with the associated land use review and specifying that an Oregon licensed landscape architect must prepare the landscape and irrigation plans.
- Design Standards – Standards have been included that integrate: connections between pathways, safety features, maintenance and emergency vehicle access, and designs appropriate for the geotechnical conditions and terrain.
- Construction Specifications – Specifications have been added that detail the path base and materials, and clarify the location in proximity to waterways.
- Cross Sections – New cross sections are included that visually detail typical and riparian pathways.
- Sidewalks in lieu of pathways – Language is incorporated to describe when sidewalks may be installed in the street right-of-way in lieu of a pathway in an exclusive corridor due to topography or other physical constraints.
- Landscaping Standards – Landscaping standards have been added that specify the requirement of trees for typical greenways and native vegetation for riparian greenways. This section also clarifies that trees are required to be installed in the park strips for shared-use path sidewalks, which must be chosen from the *Official List of City of Medford Approved Street Trees*. The

timing of the landscape installation is based upon the type of land use review associated with the shared-use path.

- Riparian Corridor Pathways – The Riparian Corridor section of the Code is amended to clarify that shared-use paths do not require a conditional use permit when associated with another land use review.

Planning Commission Recommendation

On April 23, 2020, the Planning Commission voted 7-1 to recommend approval of the amendment to the City Council. There were no changes to the amendment proposed.

FINDINGS AND CONCLUSIONS

Applicable criteria

The applicable criteria for Land Development Code Amendments is found in Medford Municipal Code Section 10.218. The criteria are set in *italics* below; findings and conclusions are in roman type.

Land Development Code Amendment. The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:

Section 10.218(A) Explanation of the public benefit of the amendment.

Findings

As stated in the city's Leisure Services Plan, "paths, trails, and greenways provide recreational opportunities and links in Medford's transportation system." This system provides healthy outdoor recreation while also connecting people to the places they need to go. The system is an important benefit to the public. Making sure these pathways get built is a vital part of the city's review at the time of development. This amendment creates standards by which these pathways should be built to serve the public.

The proposed code amendment also helps to improve the Land Development Code by clarifying the requirements for shared-use path amendments. Clear and objective standards make it easier for the development community to understand and plan for necessary public improvements including shared-use paths. The existing code language only covers paths when within the Southeast area of Medford. The new language will cover all of the city. It specifies public improvement plans standards, design standards, construction specifications, and landscape requirements. The proposal gives the option for wider sidewalks in the street right-of-way when site

conditions do not allow for a typical pathway. It also changes the procedure for allowing shared-use paths in riparian areas via most land use reviews without the need for an additional conditional use permit.

Conclusions

Requiring shared-use path installation with development is not a new City requirement. Most of the developments with shared-use paths have been in the Southeast area of town. The Code language has been established for shared-use paths in that area since 2004. However, the City's Transportation Plan and the City's Parks and Leisure Services Plan shows a grid of existing and proposed trails and paths throughout the entire city. The proposed code amendment clarifies what the installation requirements are for the development community for the whole city, not just in the Southeast area.

These pathways are built to serve the public. Creating standards ensure these get built to City specifications for use by the public. This criterion is found to be satisfied.

10.218(B) The justification for the amendment with respect to the following factors:

1. Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.

Findings

The goal and policy within the Public Facilities Element – Parks, Recreation, and Leisure Services section below support the proposed code amendment.

Goal 3: To provide recreational opportunities within parks and connectivity to parks through a path and trail system that is well integrated with the community.

Policy 3-A-2. Integrate the siting of proposed path and trail segments into the development review process; require development projects along designated routes to be designed to incorporate path and trail segments as part of the project.

As part of development review, staff identifies paths that are shown on the maps of both the Parks and Leisure Services Plan and the Transportation System Plan. Once this is determined, the installation of a shared-use path becomes a condition of land use approval. If such property is outside of the Southeast Area of Medford, there are no specific standards to apply. In those situations, the Parks Recreation and Facilities Department staff has to provide requirements on a case-by-case scenario. The proposed code amendment provides clarity and consistency so that it is clear what standards will be applied for all required shared-use paths.

Conclusions

This amendment conforms to Comprehensive Plan Goal 3 and Policy 3-A-2 by setting standards for shared-use paths that can be applied during the development review process. This criterion is found to be satisfied.

2. Comments from applicable referral agencies regarding applicable statutes or regulations.

Findings

The proposed code amendment has been reviewed by representatives from multiple city departments and outside agencies. During the process, multiple meetings were held between staff of the Parks Department, Engineering Division, and Planning Department. The draft language was also sent out to the City's Land Development Committee and reviewed at a meeting on March 11, 2020.

The Fire Department, Building Department, Public Works Department, and Medford Water Commission provided official "no comments" for the record.

Conclusions

No concerns from applicable referral agencies have been brought up in regards to the proposed code amendment. This criterion is found to be satisfied.

3. Public Comments

Findings

The members of the Bicycle and Pedestrian Advisory Committee reviewed the proposed amendment at a meeting on March 9, 2020. The group did not have any specific objections to the proposal.

The proposal was made available to the planning firm that originally worked on the draft. The only concern brought up from that was regarding the conditional use permit process for paths in the riparian areas. The previous draft kept the regulation in place that if a path was to be placed within a riparian area, a conditional use permit would be required. Based upon the feedback from the planning firm, the draft has been modified to eliminate the conditional use permit requirement for riparian pathways when reviewed in conjunction with another land use review. This prevents a duplicate review.

The code amendment was made available on the city's website on the Planning Department's page. It was also emailed to a group of interested parties of the development community.

Conclusions

The code amendment has been made available to the public via the public hearing notice in the newspaper, on the City's website, to the Bicycle and Pedestrian Advisory Committee, and to members of the development community. Comments have been addressed. This criterion is found to be satisfied.

4. Applicable governmental agreements.

Findings

There are no governmental agreements that apply to the proposed amendment.

Conclusions

This criterion is not applicable to the proposed amendment.

RECOMMENDED ACTION

The Planning Commission recommends adopting the proposed amendment based upon the findings and conclusions in the City Council Report dated May 14, 2020, including Exhibit A.

EXHIBITS

A Proposed Code Language

CITY COUNCIL AGENDA:

MAY 21, 2020

SHARED USE PATH STANDARDS AMENDMENT (DCA-18-112)

(Blue lettering = proposed addition / Red strikeout = words to be removed)

ARTICLE I - GENERAL PROVISIONS

10.012 Definitions, Specific.

Shared-Use Path. A facility designed for travel and recreation by non-motorized users that is improved with a hard surface and separated from motor vehicle traffic.

ARTICLE II – PROCEDURAL REQUIREMENTS

10.185 Park Development Review.

In order to ensure a harmonious transition between parkland and surrounding uses, a Park Development Review is required for new and expanded parks, trails, and paths within the Public Parks zone. All park facilities, including paths and trails within the Public Parks zone, previously approved under a Conditional Use Permit, are subject to the Park Development Review process as described in this section.

~~The following uses are subject to a Conditional Use Permit:~~

- ~~1. New or expanded parks, trails, and paths outside of the Public Parks zone~~
- ~~2. New or expanded trails and paths within a riparian corridor~~

Outside of the Public Parks Zone, the following is required.

- (1) New or expanded parks outside of the Public Parks zone require a Conditional Use Permit.
- (2) New or expanded trails or shared-use paths outside of the Public Parks zone may be reviewed in conjunction with another land use review, such as a Land Division, Site Plan & Architectural Commission Review, Transportation Facility, or Planned Unit Development. If the trail or path is a standalone project, outside of the Public Park zone, a Conditional Use Permit is required.

ARTICLE IV -- PUBLIC IMPROVEMENT STANDARDS AND CRITERIA

10.421 General Development Design Standards and Criteria.

The developer shall design and improve all required public right-of-way elements, including streets, bicycle facilities lanes, sidewalks, planter strips, street lights, alleys, storm drains, sanitary sewers, waterlines, accessways, shared-use paths, and public easements which are a part of the development. ~~and~~ Those off-site public improvements necessary to serve the development consistent with the Comprehensive Plan or any specific plan thereof, and such other public

improvements as required by this chapter in accordance with the standards and criteria set forth herein ~~and~~ shall thereafter warrant the materials and workmanship of said improvements for a period of one (1) year from the date of completion. Such improvements as set forth herein shall be considered necessary for the general use of the property owner(s) of the development, the local neighborhood and the city's traffic and drainage needs including without limitation grading and surfacing of streets and accessways, installation of facilities to supply domestic water, construction of storm and sanitary drainage and treatment facilities, all other improvement work as hereafter set forth. All improvement work shall be at the sole cost and expense of the developer unless otherwise specifically provided herein.

10.482 Public Improvement Plan Requirements.

A. Prior to the issuance of a development permit and prior to commencement of improvement work, plans and specifications for all public improvements shall be prepared by a professional engineer registered in the State of Oregon in accordance with the design and improvement standards of this Code, and shall be submitted to and reviewed by the City Engineer; water system plans which shall be submitted to and reviewed by the Medford Water Commission.

B. All public improvements shall be constructed and completed under the inspection of and with the approval of the City Engineer.

C. Without limiting the foregoing, and using City data, public improvement plans shall include typical cross sections and proposed finished grades of all streets together with a profile showing the relationship between finished grade and existing ground elevations, and the lengths, sizes, grades, and type of all pipes, culverts, and other structures.

D. Public improvement plans and specifications shall contain performance data reviewed by the developer's engineer demonstrating compliance with all design requirements of this Code. City and Water Commission personnel who check and/or approve public improvement plans and specifications are authorized to accept such performance data at face value without independently verifying the accuracy thereof.

E. Public improvement plans and specifications for shared-use paths shall also include the location of the centerline of the path on the final construction drawings that is substantially consistent with the location approved in the land use review. A landscape and irrigation plan, if applicable, shall be prepared by an Oregon licensed landscape architect and submitted with the final construction drawings. In the case of a City-initiated shared-use path, the landscape plan may be prepared by Parks Recreation and Facilities Department staff.

10.503 Shared-Use Paths

Shared-Use Paths shall be required of new developments located on sites that are identified for a planned path within the City's Comprehensive Plan including, but not limited to, the Parks and Recreation Leisure Services Plan, Transportation System Plan, Neighborhood Plan or other adopted special area plan. Where there is a difference between standards, the requirements in an adopted special area plan shall apply.

Land intended for shared-use paths shall be dedicated for public use and/or ownership following the installation of the required improvements. However, the City, at its sole discretion, may permit the dedication of easements in lieu of fee-simple land dedication.

(A) Shared-Use Path Design Standards

Shared-use paths shall:

- (1) Integrate connections with existing and planned path and trail networks and accessways;
- (2) Incorporate safety features at street intersections and at mid-block pathway crossings;
- (3) Maintain grades at no more than five percent and cross slopes at no more than two percent unless otherwise approved by the Parks Recreation and Facilities Director or designee;
- (4) Maintain a minimum vertical clearance of 10 feet;
- (5) Allow for maintenance and emergency vehicles, including turning radiuses;
- (6) Provide a design in accordance with the latest addition of the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities with an appropriate design speed for the terrain;
- (7) Provide a paved width of at least 10 feet with 2 foot shoulders, unless otherwise recommended by the Parks Recreation and Facilities Director (wider paths may be needed where higher volume use is anticipated).

(B) Shared-Use Path Construction Specifications, Non-Street Right-of-Way.

Shared-use paths shall be constructed in accordance with the following specifications.

(1) Materials: Shared use pathways shall be constructed with asphalt concrete according to the Parks Recreation and Facilities Department standard specification. Other surfaces, including concrete, bricks, flagstones, or compacted aggregate may be approved by the Parks Recreation and Facilities Director.

(2) Construction Details: The asphalt concrete surface shall be a minimum of 2 ½ inches thick, placed upon a 12 inch layer of compacted ¾ inch minus base with geotechnical fabric. If constructed in concrete or other materials, the structural section must provide compression strength equal to or better than standard sidewalks.

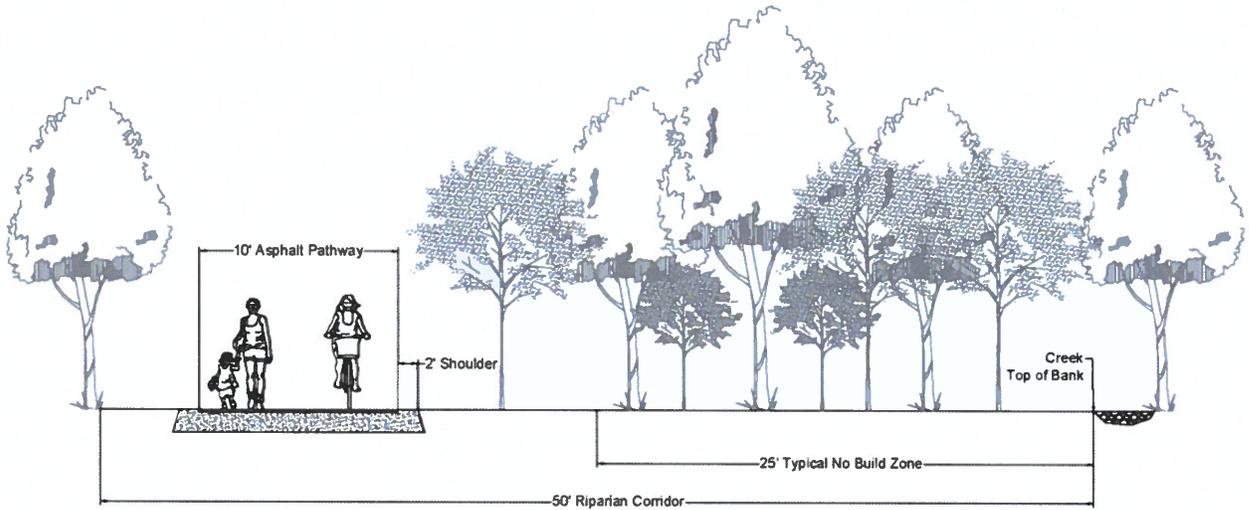
(3) Location: Shared-use paths shall be sited to provide non-motorized connectivity as shown in the Comprehensive Plan. The approving authority may approve paths to deviate from such locations if the new location will provide the equivalent connectivity and functionality. The following typologies apply to shared-use pathways.

- (a) Pathways within a riparian corridor: Shared use pathways shall be constructed a minimum of 25 feet from top of bank as per Section 10.503C(1). The approving authority may approve an alternate location based upon site conditions.
- (b) Pathways, other: Shared use pathway corridors outside a riparian area, shall be a minimum of 20 feet in width as per Section 10.503C(2).

- (c) Special Circumstances: Where shared use pathways provide access to storm drainage facilities or other public facilities, additional conditions may be required by the utility provider.

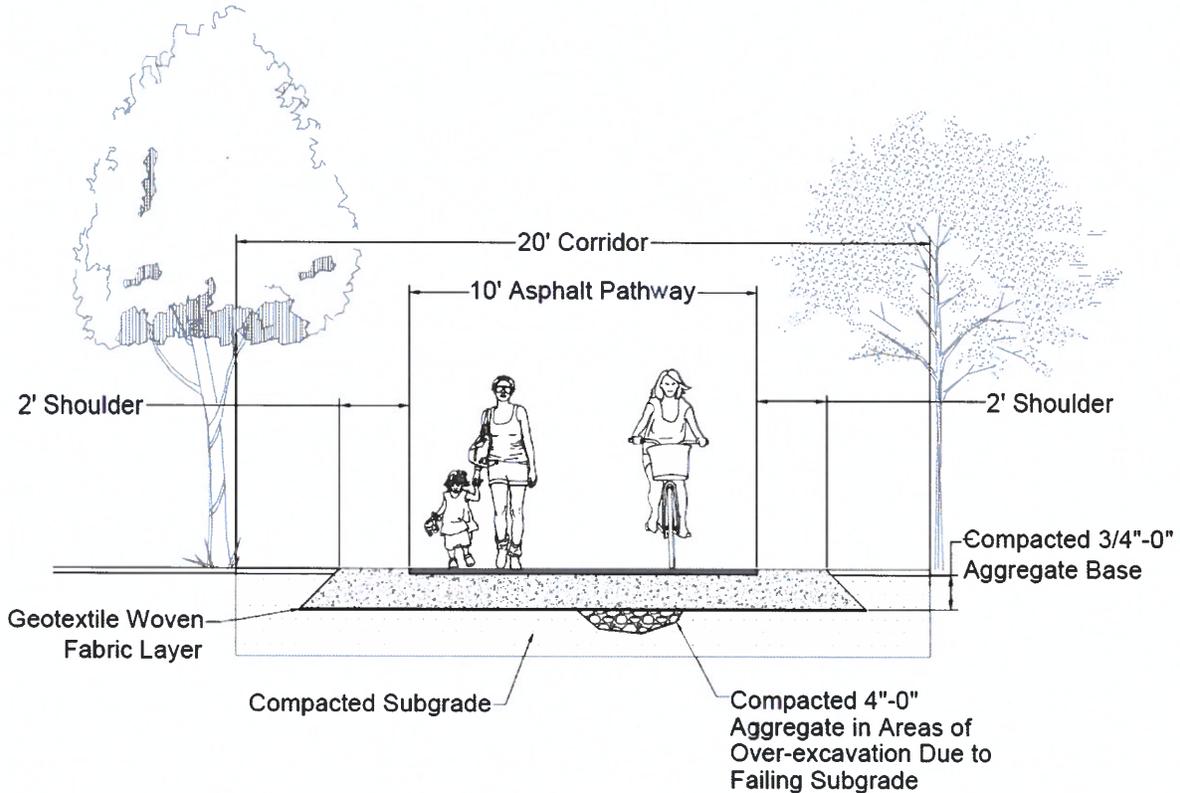
(C) Shared-Use Path Cross Sections, Non-Street Right-of-Way

(1) Typical Section, Riparian Shared-Use Path



TYPICAL SECTION
RIPARIAN CORRIDOR PATHWAY

(2) Typical Section, Other Shared-Use Path



TYPICAL SECTION
SHARED USE PATH

(D) Sidewalks, in lieu of pathways, within Street Right-of-Way

Where it is not feasible to designate a dedicated corridor due to topography or other constraints, sidewalks may be installed within the public right-of-way, in lieu of a standard pathway, if approved by the Parks Recreation and Facilities Department and the Public Works Department. Sidewalks in lieu of pathways shall also be considered where an adopted City plan shows a path parallel to a public street. They shall not be used where there are frequent driveway crossings.

Sidewalks, in lieu of pathways, shall be built as per the Public Works Department specifications and require signage and/or striping to be installed indicating the shared-use function by both bicycles and pedestrians.

Shared-use paths on arterial streets shall follow the cross-sections with separated bicycle facilities in Section 10.428(1), unless modified by the approving authority. On all other streets, the planter strip may be reduced on one or both sides of the street in order to accommodate a 10-foot wide sidewalk, if approved by the approving authority.

(E) Shared-Use Path Installation and Timing

Shared-use paths shall be installed in accordance with the approved plan prior to final plat for land division approvals, prior to issuance of the certificate of occupancy for building permits for Site Plan & Architectural Commission approvals, and prior to certificate of occupancy for building permits or the commencement of use for Conditional Use Permits and Park Development Reviews unless otherwise approved by the approving authority.

The City will accept the dedication and maintenance of the shared-use path upon the satisfactory completion of the installation of the path and required landscaping per the approved construction drawings and landscape plan.

(F) Shared-Use Path Landscaping Design and Improvement

(1) Landscaping requirements for shared-use paths shall be in accordance with the following requirements.

(a) Riparian Greenways: A plan shall be submitted demonstrating protection of native vegetation, along with restoration and enhancement plantings. Such plan shall be submitted to the Oregon Department of Fish & Wildlife for review and approval. Landscaping and irrigation shall be required along both sides of a shared-use path unless the approving authority determines it is not necessary due to topography, existing vegetation, or other existing conditions.

(b) Shared-use pathway, other: Trees offset at 50-foot intervals shall be required on both sides of the shared-use path to provide adequate shading. Enhanced landscaping is not required but may be approved if a maintenance agreement is accepted by the Parks Recreation and Facilities Director. Landscaping and irrigation shall be required along both sides of a shared-use path unless the approving authority determines it is not necessary due to topography, existing vegetation, or other existing conditions.

(c) Sidewalk in lieu of pathway: Trees and irrigation shall be required within the adjacent planter strip next to the sidewalk. For residential zoning districts, trees shall be installed to provide not less than 100 percent canopy cover over the sidewalk at the time of tree maturity. Street trees within all the other zoning districts shall be installed to provide not less than 70 percent canopy cover over the sidewalk at tree maturity. Canopy cover shall be based upon tree maturity and growth habit data provided in the *Official List of City of Medford Approved Street Trees*, a copy of which is on file in the City of Medford Parks Department. Street trees shall not be located within 50 feet of the corner of an intersection of two streets measured at the curb line.

(2) Landscape Installation and Timing

(a) Landscaping shall be installed in accordance with the approved landscape plan prior to final plat for land division approvals, prior to issuance of the certificate of occupancy for building permits for Site Plan & Architectural Commission approvals, and prior to certificate of occupancy for building permits or the commencement of use for Conditional Use Permits and Park Development Reviews. The developer shall record a maintenance agreement, reviewed and approved by the City Parks Recreation and Facilities Department, ensuring an 85 percent survival of all new landscaping within a two year period after the installation of landscaping.

(G) Shared-Use Path, Short Segments

Where a section of a planned shared-use path is 300 feet or less through a development, the City may delay the installation of the path. Dedication of the land for the shared-use path shall be shown on the final plat or recorded separately as part of another land use review application. In those cases, the City shall require security for future construction of the shared-use path and associated landscaping. The security may be in the form of a bond or other method acceptable to the City. The amount of the security shall be 125 percent of the engineer's cost estimate of the shared-use path construction and 125 percent of a landscape architect's cost estimate for landscape installation, including irrigation. The 300-foot length for implementation of this section shall not apply to individual phases of a larger development.

10.924 Permitted Activities within Riparian Corridors.

A. Any use, sign, or structure, and the maintenance thereof, lawfully existing on the date of adoption of the provisions herein, is permitted within a riparian corridor. Such use, sign, or structure may continue at a similar level and manner as existed on the date of adoption of the provisions herein. The maintenance and alteration of pre-existing ornamental landscaping is permitted within a riparian corridor as long as no additional riparian vegetation is disturbed. The provisions of this section shall not be affected by any change in ownership of properties containing a riparian corridor.

B. The following activities, and maintenance thereof, are permitted within a riparian corridor, subject to obtaining applicable permits, if any, from the Oregon Department of State Lands and the U.S. Army Corps of Engineers. All plans for development and/or improvements within a riparian corridor shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to O.A.R. 635-415 "Fish and Wildlife Habitat Mitigation Policy."

(1) Waterway restoration and rehabilitation activities such as channel widening, realignment to add meanders, bank grading, terracing, reconstruction of road crossings, or water flow improvements.

(2) Restoration and enhancement of native vegetation, including the addition of canopy trees; cutting of trees which pose a hazard due to threat of falling if the tree is left in the riparian area after felling; or removal of non-native vegetation if replaced with native plant species at the same amount of coverage or density.

- (3) Normal farm practices, other than structures, in existence at the date of adoption of the provisions herein, on land zoned for Exclusive Farm Use.
- (4) Normal flood control channel maintenance practices within a waterway, other than structures, necessary to maintain flow.
- (5) Replacement of a permanent legal nonconforming structure in existence at the date of adoption of the provisions herein with a structure in the same location, if it does not disturb additional riparian area, and in accordance with the provisions of Sections 10.032 through 10.037 “Non-Conformities.”
- (6) Expansion of a permanent legal nonconforming structure in existence at the date of adoption of the provisions herein, if the area of the expansion is not within the riparian corridor, and in accordance with the provisions of Sections 10.032 through 10.037 “Non-Conformities.”
- (7) Perimeter mowing and other cutting necessary for hazard prevention.
- (8) Improvements to, and maintenance of, the Medford International Airport and its runway protection zone, to meet the Federal Aviation Administration’s regulations, advisory circulars, and guidelines.
- (9) Shared-use pathways or greenways, accessways, trails, picnic areas, interpretive and educational displays and overlooks, including benches and outdoor furniture, may be permitted when reviewed in conjunction with a land use review, such as a Park Development Review, Land Division, Site Plan & Architectural Commission review, Traffic Facility, or Planned Unit Development.

C. New fencing may be permitted subject to consideration by the Planning Director or designee in consultation with the Director of Public Works and applicable state and federal agencies. An application for new fencing within a riparian corridor shall contain a to-scale drawing that clearly delineates the top-of-bank and riparian corridor boundary on the entire parcel or parcels, and shall indicate why the proposal is necessary and how it minimizes intrusion into the riparian corridor.

10.925 Conditional Uses within Riparian Corridors.

The following activities, and maintenance thereof, are allowed within a riparian corridor if compatible with Section 10.920, “Riparian Corridors, Purposes,” and if designed to minimize intrusion. Such activities shall be subject to approval of a Conditional Use Permit which may be considered separately or in conjunction with another land use review. The approving authority must determine that the proposal complies with at least one of the Conditional Use Permit criteria. Applicable permits, if any, from the Oregon Department of State Lands and the U.S. Army Corps of Engineers shall subsequently be obtained. All development and improvement plans shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to O.A.R. 635-415 “Fish and Wildlife Habitat Mitigation Policy.”

- (1) Water-related or water-dependent uses, such as drainage facilities and irrigation pumps.
- (2) Utilities or other public improvements.
- (3) Streets, roads, or bridges where necessary for access or crossings.
- (4) ~~Multi-use paths~~Shared-use paths, accessways, trails, picnic areas, or interpretive and educational displays and overlooks, including benches and outdoor furniture. A conditional use permit shall not be required for these items when reviewed in conjunction with a land use review, such as a Park Development Review, Land Division, Site Plan & Architectural Commission Review, Transportation Facility, or Planned Unit Development.



DEPARTMENT: Finance

AGENDA SECTION: Public Hearings

PHONE: (541) 774-2030

MEETING DATE: May 21, 2020

STAFF CONTACT: Lorraine Peterson, Acting Chief Financial Officer

COUNCIL BILL 2020-64

A resolution adopting the fifth Supplemental Budget for the 2019-21 biennium.

SUMMARY AND BACKGROUND

Council is requested to consider a fifth supplemental budget for the 2019-21 biennium which will affect one department and one fund.

The total impact is no increase in appropriations; this supplemental budget is an appropriation transfer of contingency. The amount which may be transferred from contingency by resolution is limited to 15% of the total appropriations in the fund (ORS 294.463(2)); transfers of contingency exceeding 15% may be made only after adopting a supplemental budget for that purpose. ORS 294.471 provides for a supplemental budget process.

PREVIOUS COUNCIL ACTIONS

On June 6, 2019, City Council approved Resolution 2019-45 adopting the 2019-21 Biennium Budget.

On August 1, 2019, City Council approved Resolution 2019-78 adopting the first Supplemental Budget for the 2019-21 Biennium.

On September 19, 2019, City Council approved Resolution 2019-105 adopting the second Supplemental Budget for the 2019-21 Biennium.

On December 19, 2019, City Council approved Resolution 2019-132 adopting the third Supplemental Budget for the 2019-21 Biennium.

On March 19, 2020, City Council approved Resolution 2020-33 adopting the fourth Supplemental Budget for the 2019-21 Biennium.

On May 7, 2020, City Council approved Resolution 2020-58 adopting a COVID-19 Small Business Grant program in the amount of \$125,000.

On May 14, 2020, a Study Session was held to determine how to allocate the remaining \$326,758 in Council Vision funds that are available for disbursement in this cycle.

ANALYSIS

An appropriation transfer of \$451,758 is needed to fund the Council Vision fund projects that were identified at the May 7, 2020 Council meeting and the May 14, 2020 Study Session.



FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The proposed resolution will not increase appropriations in Fund 420, Council Vision; it is a transfer from Contingency.

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve the resolution as presented.

Modify the resolution as presented.

Deny the resolution as presented and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the resolution.

SUGGESTED MOTION

I move to approve the resolution (as outlined in the attached exhibit).

EXHIBITS

Resolution

Supplemental Budget Request

RESOLUTION NO. 2020-64

A RESOLUTION adopting the fifth Supplemental Budget for the 2019-2021 biennium.

WHEREAS, On June 6, 2019, City Council approved Resolution 2019-45 adopting the 2019-2021 Biennium Budget; and

WHEREAS, ORS 294.463(2) limits the amount which may be transferred from contingency by resolution to 15% of the total appropriations in a fund; transfers from contingency exceeding 15% may be made only after adopting a supplemental budget for that purpose; and

WHEREAS, City Council has previously approved supplemental budgets on August 1, 2019, (Resolution 2019-78); September 19, 2019 (Resolution 2019-105); December 19, 2019 (Resolution 2019-132); and on March 19, 2020 (Resolution 2020-33); and

WHEREAS, on May 7, 2020, City Council approved Resolution 2020-58 adopting a COVID-19 Small Business Grant program in the amount of \$125,000. On May 14, 2020, a Study Session was held to determine allocations of the remaining \$326,758 in Council Vision Funds that are available for disbursement; and

WHEREAS, an appropriation transfer of \$451,758 is needed to fund the Council Vision fund projects that were identified at the May 7, 2020 Council meeting and the May 14, 2020 Study session; now, therefore,

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

SECTION 1. The City Council hereby adopts the fifth Supplemental Budget for the 2019-21 biennium.

SECTION 2. The City Council hereby makes the new appropriations and transfers of appropriations for the 2019-21 biennium in the amounts and for the purposes shown on the Supplemental Budget Adjustment form, which is attached hereto as Exhibit A and incorporated herein by reference.

PASSED by the Council and signed by me in authentication of its passage this ____ day of May, 2020.

ATTEST: _____
City Recorder

Mayor



AGENDA ITEM COMMENTARY

DEPARTMENT: City Manager's Office
PHONE: (541) 774-2009
STAFF CONTACT: Kelly Madding, Deputy City Manager

AGENDA SECTION: Council Business
MEETING DATE: May 21, 2020

COUNCIL BILL 2020-65

A resolution authorizing creation and operation of a COVID-19 Small Business Grant program with an additional \$125,000 from the Council Vision Fund.

SUMMARY AND BACKGROUND

Council is requested to consider approval of a COVID-19 Small Business Grant program. The total Vision Fund request is \$125,000. Councilors D'Alessandro, Poythress and Stine are the request's sponsors.

PREVIOUS COUNCIL ACTIONS

On September 9, 2019 a Council motion was passed approving a process to allocate marijuana funds via Vision Fund requests. The motion outlined a process to allocate the funds which included: sponsorship by a councilmember with two council co-sponsors before it comes to the full Council. The funds were to be distributed twice per year.

On May 7, 2020 the City Council approved an allocation of \$125,000 in Council Vision Funds to a COVID-19 Small Business Grants program. That funding was exhausted within 11 minutes of opening the grant applications on May 12.

On May 14, 2020 the City Council held a Study Session and there was consensus to forward the request for \$125,000 in Council Vision Funds for approval to the City Council.

ANALYSIS

One hundred twenty-five thousand dollars was awarded but in anticipation of the Council approving an additional \$125,000 the City accepted approximately \$288,000 in applications under the program parameters below:

Size of Business: no more than 15 non-owner employees as of March 1, 2020

Eligibility

- ✓ A current City of Medford Business License is required
- ✓ Franchise businesses are not eligible
- ✓ Multiple business owners are limited to 1 grant
- ✓ No outstanding City related liens, fees or code enforcement cases
- ✓ Has not been a recipient of the Federal Paycheck Protection Program

Assistance Amount

- \$1,500 minimum
- For every non-owner employee grantee receives an additional \$500
- Total maximum grant award - \$5,000



AGENDA ITEM COMMENTARY

Qualifying Expenses

- Rents or mortgage
- Utilities

Requirements

Complete application

Review

First come, first served

Grant Administration

The City of Medford will serve as the grant administrator. Grant recipients agree to be subject to a random audit to ensure program guidelines are met.

On Monday, the same day our program was implemented staff became aware of a Business Oregon (BO) COVID-19 Emergency Business Assistance Matching Funds Grant program. The program will allocate \$10 million between May and June to local governments with \$4 million going to urban areas like Medford (defined as over 30,000 people). The grant funds are a maximum of a 1:1 ratio of City funds and State funds. A summary of the BO's program versus the City's program BO matching funds is below:

- Has similar but more extensive eligibility criteria than the City's program.
- BO program requires an emphasis on sole proprietorships and historically disadvantaged population groups (per State – Asian, Black, Hispanic, Native American and Women Owned Businesses).
- The grant amounts are higher than the City's program however the BO has stated that our program could be narrower and provide smaller grants than the State's maximum allowable grant application.

Staff is recommending that, to be eligible for matching funds for both the first and second \$125,000 awards, a survey is sent out to the applicants asking them the State's collecting the State required information. The businesses answers would not disqualify them for the City's funds but if the business met the State's requirements it is likely that the funds could be matched should the City receive State funding.

Finally, if the City receives State matching funds putting the total program funds over \$288,000, then the City would reopen the grant process and would utilize the State's required application.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The request is for a total of \$125,000. The funds are budgeted within Fund 420, Council Vision Fund.

TIMING ISSUES

Staff will work with the State on developing a survey, for the businesses applications the City currently with the goal of releasing the proposed \$125,000 within two weeks.



COUNCIL OPTIONS

Approve the resolution as presented.

Modify the resolution as presented.

Deny the resolution or motion and provide direction to staff.

STAFF RECOMMENDATION

Staff makes no recommendation.

SUGGESTED MOTION

I move to approve the resolution allocating \$125,000 of Vision Fund monies to be used for a COVID-19 Small Business Grant program.

EXHIBITS

Resolution

RESOLUTION NO. 2020-65

A RESOLUTION authorizing creation and operation of a COVID-19 Small Business Grant program with an additional \$125,000 from the Council Vision Fund.

WHEREAS, the City of Medford and State of Oregon have declared emergencies as a result of the ongoing COVID-19 pandemic; and

WHEREAS, the COVID-19 pandemic has caused an economic catastrophe for many small businesses in the City of Medford; and

WHEREAS, City Council previously created the "Council Vision Fund" to utilize marijuana tax revenues for programs that further Council Goals instead of funding routine ongoing, operational expenditures. The Council Vision Fund is administered pursuant to an internal application and review process memorialized in Resolution 2019-128; and

WHEREAS, the funding for the proposed COVID-19 Small Business Grant program was not accounted for in the budget most recently approved as of March 27, 2020.

WHEREAS, Resolution 2019-128 adopted procedures and a time line for requests for expenditures from the Council Vision Fund, commencing with a study session in June and proceeding to a regular Council meeting thereafter;

WHEREAS, the City Council allocated Council Vision Funds totaling \$125,000 on May 7, 2020 for the COVID-19 Small Business Grant program. That funding was exhausted within 11 minutes of the grants opening at 10:00 a.m. on May 11.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON determines that the COVID-19 Small Business Grant program is a necessary expenditure that was not accounted for in the currently adopted budget and the City Council allocates an additional \$125,000 of the Council Vision Fund to create a COVID-19 Small Business Grant program, to be administered in the following manner:

Section 1. Size of business. No more than 15 non-owner employees as of March 1, 2020.

Section 2. Eligibility. A current City of Medford business license is required. Franchise businesses are not eligible. Multiple business owners are limited to one grant for the business. The business may not have outstanding City-related liens, fees, or code enforcement cases at the time of application submission. The business may not have already received relief through the Federal Paycheck Protection Program.

Section 3. Assistance Amount. The grant shall have a \$1,500 minimum per award. For every non-owner employee, the grantee will receive an additional \$500, up to a total maximum grant award of \$5,000 per business.

Section 4. Qualifying Expenses. The grant funds may be used for business-related rents, mortgages and utilities.

Section 5. Requirements. Persons or businesses that submitted complete grant applications during the initial round of funding that commenced on May 11, 2020 will not be required to submit a new application and will remain eligible to receive grant funds from this second round of funding. New applicants will need to complete an application in a form to be created by City staff, and provide all requested records.

Section 6. Review. The additional \$125,000 shall be provided to eligible applicants on a first-come-first-serve basis based upon the date of submission of a complete application with all requested documents included.

Section 7. Grant Administration. The City of Medford will serve as grant administrator. Grant recipients agree to be subject to audit to ensure program guidelines are met.

PASSED by the Council and signed by me in authentication of its passage this ___ day of May, 2020.

ATTEST: _____
City Recorder

Mayor