CITY COUNCIL AGENDA

MEDFORD OREGON

August 20, 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

20.1 Employee Recognitions

20.2 Team Awards

20.3 Friends of Medford Parks & Recreation Awards

30. Oral Requests and Communications from the Audience

Comments will be limited to 4 minutes per individual, group or organization. Comments on all matters scheduled for a Public Hearing under Agenda Item 80 must be given during the public hearings on those matters. PLEASE SIGN IN

40. Approval or Correction of the Minutes of the August 6, 2020 Regular Meeting

50. Consent Calendar

60. Items Removed from Consent Calendar

70. Ordinances and Resolutions

70.1 COUNCIL BILL 2020-109

AN ORDINANCE granting to Cellco Partnership d/b/a Verizon Wireless, its successors and assigns, the non-exclusive privilege ("Franchise") to use the public way to locate, construct, install, replace, operate and maintain facilities within the City of Medford.

70.2 COUNCIL BILL 2020-110

A RESOLUTION authorizing the signing of checks, check-warrants and warrants of the City of Medford by Ryan Martin, as Chief Financial Officer, and Winnie Shepard, as Acting City Recorder of the City of Medford, effective October 1, 2020.

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.

80. Public Hearings

For land use matters and other quasi-judicial appeals, comments are limited to a total of 30 minutes for applicants and/or their representatives. They may request a 5-minute rebuttal time. Appellants and/or their representatives are limited to a total of 30 minutes and if the applicant is not the appellant they will also be allowed a total of 30 minutes. All other participants will be limited to 4 minutes.

For matters that are legislative or administrative and are not quasi-judicial, comments are limited to 4 minutes per individual, group or organization. PLEASE SIGN IN.

YOU ARE ENCOURAGED TO SUBMIT WRITTEN COMMENTS INSTEAD OF TESTIFYING IN PERSON. IF YOU PROVIDE TIMELY WRITTEN TESTIMONY BY NOON OF THE DATE OF THE MEETING, YOU NEED NOT TESTIFY IN PERSON.

80.1 COUNCIL BILL 2020-63 - CONTINUED FROM MAY 21 AND JUNE 18, 2020

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) (Land use, Legislative)

80.2 COUNCIL BILL 2020-111

AN ORDINANCE approving an amendment to the Medford Comprehensive Plan, to adopt the Urbanization Plan for planning unit MD-3a into the Neighborhood Element for twelve tax lots located between Coker Butte Road and Owen Drive and east of Springbrook Road. (Tax lots 300, 400, 500, 600, 700, 800, 900 and 1000 of 37-1W-08; and 100, 200, 300 and 400 of 37-1W-08BA). (UP-20-95) (Land Use, Legislative)

80.3 COUNCIL BILL 2020-112

AN ORDINANCE proclaiming 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 holding zoning designation of SFR-00 (Single-Family Residential - 1 dwelling unit per existing lot), and would remove the property from Medford Rural Fire Protection District #2. (ANNX-20-094) (Land Use, Quasi-Judicial)

90. Council Business

90.1 Proclamations issued

None.

90.2 Committee Reports and Communications

a. Council Officers Update

100. City Manager and Staff Reports
    100.1 CDBG CARES Act Progress – Principal Planner Angela Durant

110. Adjournment

DEPARTMENT: City Attorney's Office
PHONE: (541)774-2020
STAFF CONTACTS: Eric Mitton, Deputy City Attorney

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: August 20, 2020

COUNCIL BILL 2020-109

AN ORDINANCE granting to Cellco Partnership d/b/a Verizon Wireless, its successors and assigns, the non-exclusive privilege ("Franchise") to use the public way to locate, construct, install, replace, operate and maintain facilities within the City of Medford.

SUMMARY AND BACKGROUND

Council is requested to consider approval of a non-exclusive franchise with Cellco Partnership d/b/a Verizon Wireless for small wireless facilities in the public right-of-way.

PREVIOUS COUNCIL ACTIONS

On September 6, 2018, in Council Bill 2018-106, Council adopted a code provision allowing and regulating wireless communication facilities in the public right-of-way.

On March 21, 2019, in Council Bill 2019-22, Council granted a non-exclusive franchise with ExteNet Systems, Inc. for small wireless facilities in the public right-of-way.

On August 15, 2019, in Council Bill 2019-91, Council modified the landscaping requirements for ground-wireless communication facilities as part of a series of Land Development Code housekeeping amendments.

ANALYSIS

Small cell wireless facilities used to support the new fifth-generation cellular data network are smaller, but more numerous than traditional wireless telecommunication towers. For this reason, small cell wireless facilities are oftentimes placed in the public right-of-way, frequently on existing poles in the right-of-way, instead of in a dedicated tower on a dedicated parcel of land.

The proposed Cellco franchise has identical pricing terms to the existing ExteNet franchise. The 2019 ExteNet franchise does not have contract provisions addressing the aesthetics of the small cell facilities, and the proposed Verizon franchise is identical in this regard. Instead, design standards for telecommunication facilities are regulated in a uniform and consistent manner for all telecommunication providers by MMC 10.824, particularly subsection (G). The regulations include provisions regarding aesthetics, collocation on existing poles, and physical location.

One area where the proposed Cellco franchise deviates from the existing ExteNet franchise is the inclusion of an early termination provision. This would allow a uniform right-of-way ordinance to supersede the franchise if and when such a uniform right-of-way ordinance is put into place.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The franchisee would pay a $500 one-time, non-recurring application fee for up to five small wireless facilities, with an additional $100 non-recurring application fee for each facility beyond five, plus a $1,000 non-recurring fee for a new pole (i.e., not a collocation). Franchisee would also pay $270 per small wireless facility per year.

TIMING ISSUES

Verizon is interested in starting small cell deployment in the City sooner rather than later.

COUNCIL OPTIONS

Approve the ordinance as written.
Modify the ordinance.
Deny the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance granting a non-exclusive franchise with Cellco Partnership d/b/a Verizon Wireless for small wireless facilities in the public right-of-way.

EXHIBITS

Ordinance

ORDINANCE NO. 2020-109

AN ORDINANCE granting to Cellco Partnership d/b/a Verizon Wireless, its successors and assigns, the non-exclusive privilege ("Franchise") to use the public way to locate, construct, install, replace, operate and maintain facilities within the City of Medford.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. As used in this ordinance, the following words and phrases shall mean:

City: The City of Medford, Oregon.

City Manager: The City Manager or his or her designee.

Facilities: Antennas and any associated utility or equipment boxes, transmitters, receivers, radios, amplifiers, ancillary fiber-optic cables and wiring, and ancillary equipment for the transmission and reception of Grantee's wireless communication signals for voice and other data transmission, including the means and devices used to attach such equipment to poles, peripherals, and wiring, cabling, and power feeds.

Grantee: Cellco Partnership d/b/a Verizon Wireless, its successors and assigns.

Public Way or Right of Way: Any highway, street, road, alley, public right-of-way or utility easement for public use under control of the City within the corporate limits of the City now existing and as annexed during the term of this Franchise.

Section 2. A reliable source for wireless communications services is in the public interest of the City and its inhabitants. Therefore, subject to the provisions and restrictions of this ordinance and the Code of Medford, the City grants to Grantee the non-exclusive privilege to locate, construct, install, replace, operate and maintain its Facilities over, in, on or under current or future Rights of Way within the City.

Section 3. Except as provided in this section, Grantee's Facilities shall be installed underground except along those routes existing at the time of enactment of this ordinance or where infeasible and except to the extent that Grantee's Facilities must remain above-ground to operate. Subject to the City Manager's authority to prescribe which Public Ways will be used and the location within the Public Way, it shall be lawful for Grantee to make all necessary excavations in any public way for the purpose of locating, constructing, operating and maintaining its facilities. Grantee's use of the Public Way and all construction by Grantee shall comply with the standard specifications and special provisions of the City and all other applicable Federal, State and local laws and regulations, and Grantee and the City shall comply with the applicable requirements of the Oregon Utility Notification Law, ORS Chapter 757 (2013), and the related rules and administrative regulations promulgated thereunder in OAR Chapter 952. No work affecting the Public Way shall be done by the Grantee without first obtaining the permits required by the City,

which may include plan submittal and approval before work begins. During the approval process, Grantee shall bear the burden of proof regarding the infeasibility of installing facilities underground along new routes when requesting customary above-ground Facilities; under such circumstances, the City and Grantee will work together in good faith to reach a mutually agreeable solution consistent with this Section 3.

Section 4. New plans will be furnished promptly for any additions or modifications. Plans for Facilities already existing on the effective date of this Franchise that Grantee has not already provided to the City under previous agreement or ordinance shall be furnished to City within 60 days after the effective date of this Franchise.

Section 5. Nothing in this Ordinance shall be construed in any way to prevent the City from constructing and maintaining any public improvement in any Public Way. In its construction and maintenance of public improvements, the City shall endeavor not to obstruct or prevent the free use by Grantee of its Facilities; however, the City's rights shall be paramount, subject to applicable state and federal law.

Section 6. The City shall have the right to require Grantee to change the location of any Facility within the Public Way when the City determines that a necessary public improvement project requires such change, and the expense thereof shall be paid by Grantee, provided the City's request is (a) not unreasonable or discriminatory in nature, (b) is consistent with a lawful exercise of the City's police power, and (c) subject to applicable state and federal law.

If the City requires Grantee to relocate its Facilities located within the City, the City will make a reasonable effort to provide Grantee with an alternate location for its Facilities within the Public Way. City shall give Grantee written notice to relocate its Facilities at least 120 days prior to the date established by the City as the deadline for relocation. Within 30 days receipt of such notice, Grantee shall do any necessary field investigation and furnish the City with a plan showing the exact location of all of Grantee's Facilities in the construction area and showing necessary adjustments and reasonable time requirements. Thereafter, the City will furnish Grantee with final improvement plans and a schedule which allows Grantee a reasonable time to complete the relocation of its Facilities.

Should Grantee, due to its negligence, fail to relocate any such Facilities by the date established by the above-referenced final improvement plans and schedule, the City may effect such relocation at its own risk. The work shall be done by a qualified contractor. The reasonable and verifiable expense thereof shall be paid by Grantee. Grantee shall pay the City's charges for such work within 30 days after receipt of City's statement of charges, subject to Grantee's rights to pursue legal and equitable remedies.

Section 7. Should it ever become necessary to temporarily rearrange or temporarily relocate Grantee's Facilities at the request of a private person or business, as a condition of City permit requirements or other City-required reasons, Grantee shall perform such temporary rearrangement or relocation as expeditiously as possible upon receipt of reasonable written notice from the person or business desiring the temporary change of the Facilities if such notice meets all

of the following requirements:

(a) approved by the City Manager in writing,

(b) provides all necessary information about the project,

(c) provides that the costs incurred by Grantee in making the change be borne by the person or business giving said notice,

(d) provides that the person or business giving notice shall indemnify and hold harmless the Grantee and City of and from any and all damages or claims of whatsoever kind or nature caused directly or indirectly from such change of Grantee's Facilities, and

(e) accompanied by a cash deposit or a good and sufficient bond to pay any and all of the Grantee's estimated costs as estimated by Grantee, unless Grantee provides written confirmation that it waives such requirement.

Section 8. Grantee shall at all times maintain all of its Facilities in a good state of repair. Any damage to the Public Way caused by Grantee shall be promptly repaired by Grantee at no cost to the City. Grantee shall have a local representative available at all times through the local utility coordinating notification center, whether it be the Rogue Basin Utilities Coordinating Council, the Oregon Utility Notification Center, or any such successor authority, to locate Grantee's facilities for persons who need to excavate in the Public Way. Should Grantee fail to maintain or repair any such Facilities by the date established by the City, the City may affect such repair at its own risk, and the reasonable and verifiable expense thereof shall be paid by Grantee within thirty (30) days after receipt of an invoice therefor. Procedures and costs shall be as in Section 6 above.

Section 9. Grantee shall indemnify and hold harmless the City from any and all damages of any kind or character to the extent caused by the location, installation, operation and maintenance of the Grantee's Facilities in the City by Grantee or its contractors, except to the extent caused by the City's or a third party's negligence, recklessness or willful misconduct. Grantee or City shall promptly advise the other in writing of any known claim or demand against Grantee or the City related to or arising out of Grantee's activities in the Public Way.

Section 10. The Federal Communications Commission issued an order, *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order* (September 26, 2018) (the "FCC Order") that limits the charges a local government can impose on small cell wireless facilities ("SWF") within the Right of Way. As Grantee's Facilities within the Right of Way will be SWF, pursuant to the FCC Order, as to any SWF installed or operated under this Franchise, Grantee shall pay to City a fee of $270 per year for each SWF in City Rights-of-Way (the "Franchise Fee"). In addition to the Franchise Fee, Grantee shall pay a non-recurring application fee of $500 for up to five SWFs, and an additional $100 for each application for a SWF beyond five. In the event that a new pole is required, Grantee shall pay an application fee of $1,000 for such installation.

The Franchise Fee shall be due and payable beginning on the first day of the month following the installation of the SWF, and thereafter on January 1 of each year. For any partial year in which the payment of the Franchise Fee commences, such fee will be prorated for the remainder of the calendar year.

The Franchise Fee shall not be in addition to any other special license, occupation, franchise or excise taxes or charges which might otherwise be levied or collected by the City from Grantee with respect to Grantee's wireless communications business or the exercise of this Franchise within the corporate limits of the City, and the amount due to the City under any other special license, occupation, franchise or excise taxes or other charges for corresponding periods shall be reduced by deducting therefore the amount of said Franchise Fee paid hereunder. A deductible "special" tax or charge is one that is levied only on Grantee or only on utility companies.

Grantee shall not deduct any general business taxes or general sales taxes levied or collected by the City. Grantee shall not deduct charges and penalties imposed by the City for noncompliance with charter provisions, ordinances, resolutions or permit conditions from the Franchise Fee payment required by this section. Nothing contained herein shall relieve the Grantee from the requirement to pay a system development charge properly imposed by the City in the appropriate cases consistent with applicable law, and such system development charges shall not reduce the Franchise Fee. Except as required by the City's moratorium on pavement cuts, Grantee shall not be required to pay any permit fees or similar charges for street opening, installations, construction and the like.

Payment not received within thirty (30) days from the due date shall be assessed interest at the rate of five percent (5%) of the annual Franchise Fee. Except as otherwise required or allowed by law or rule, no portion of the Franchise Fee shall be noted separately on any bill to any customer or user of services or commodities furnished by Grantee.

Section 11. Payment of the Franchise Fee shall not exempt Grantee from the payment of any other license fee, tax or charge on the business, occupation, property or income of Grantees that may be imposed by the City, except as may otherwise be provided in the ordinance or ordinances imposing such other license fee, tax or charge, and subject to applicable state and federal law.

Section 12. This Franchise shall commence on the date of full execution and shall continue to be in force for a period of 10 years, Grantee and City may renew this Franchise upon mutual agreement.

This Franchise may also be terminated at any time upon 45 days written notice for failure to pay the Franchise Fee pursuant to Section 10 of this ordinance or comply with other material provisions of this Franchise or the Code of Medford unless such failure is remedied within the 45-day period.

If the City elects to adopt a new right-of-way ordinance that regulates and sets fees for the

use of the Right of Way by wireless communications carriers for the same purpose as set forth herein ("New Ordinance"), provided such New Ordinance is in compliance with state and federal laws, this Franchise will terminate on January 1 of the first calendar year following the effective date of that ordinance. Thereafter, Licensee's use of the Right of Way will be governed by the New Ordinance. The City will engage Licensee in the discussion and review of the New Ordinance and allow Licensee the opportunity to provide comment. The City's agreement to engage Licensee in establishing the New Ordinance is a material inducement to Licensee agreeing to the termination right set forth herein.

Otherwise, if a New Ordinance is not established or the New Ordinance is not in full compliance with state and federal law, this Franchise shall remain in effect.

If Cellco contends that the New Ordinance is in violation of state or federal law, Cellco must give City written notice of the dispute. Such notice will result in this Franchise Agreement remaining in effect for Cellco for an additional 120 days, instead of the New Ordinance going into effect as scheduled. It is contemplated that during that window, the parties shall attempt negotiation, mediation, or other alternative dispute resolution; and/or Cellco may approach the Jackson County Circuit Court for the State of Oregon, or the United States District Court for the District of Oregon, seeking a preliminary injunction or other judicial intervention. Those two courts shall be the exclusive venue for litigating whether the New Ordinance is in violation of state or federal law.

Section 13. This Franchise is not transferable. Nothing herein shall be interpreted to limit Grantee's rights to use contractors, nor its right or responsibility, as applicable, to allow other entities to use portions of its wireless communication system; in such instances, neither notice to nor consent from the City shall be required.

Notwithstanding anything to the contrary within the terms of this Franchise, Grantee shall have the right to assign its rights and interest under the Franchise to its subsidiaries, affiliates or successor legal entities, to the subsidiaries or affiliates of Grantee, or to any entity which acquires all or substantially all of Grantee's wireless communications assets in the market defined by the Federal Communications System in which the City is located, without notice or consent.

Section 14. The City Manager is authorized to act for the City in all matters pertaining to this Franchise. Grantee may appeal any action of the City Manager to the City Council by giving written notice thereof within twenty-one (21) days after Grantee was notified of such action. The City Council will hear the appeal and render a final decision within thirty (30) days after the notice of appeal is given.

Section 15. Whenever any notice is to be given pursuant to this ordinance, it shall be effective on the date it is sent in writing by registered or certified mail, addressed as follows:

<u>To the City</u>: City Manager
Medford City Hall
411 West 8th Street

Medford, OR 97501

To Grantee: Verizon Wireless (VAW) LLC
d/b/a Verizon Wireless
180 Washington Valley Road
Bedminster, New Jersey 07921
Attention: Network Real Estate

Notice of change of address may be given in the same manner as any other notice.

Section 16. This Franchise supersedes all prior franchises between City and Grantee, if any.

Section 17. Proprietary information as identified and provided by the Grantee to the City under this Ordinance is entitled to protection as trade secrets and shall be governed by confidentiality procedures pursuant to ORS 192.501, ORS 192.502 and under any other applicable State or Federal laws.

Section 18. This ordinance shall be governed by Oregon law. Nothing in this Ordinance is intended to be inconsistent with the State or Federal Law and further neither the City nor Grantee waives any rights granted under State or Federal Law by agreeing to this Ordinance. If any clause, sentence, or section of this Ordinance, or any portion thereof, shall be held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder, as a whole or any part thereof, other than the part declared invalid.

PASSED by the Council and signed by me in authentication of its passage this _____ day of August, 2020 (the "Effective Date").

ATTEST: _____ _____
City Recorder Mayor

APPROVED:_____, 2020. _____
Mayor

UNCONDITIONAL ACCEPTANCE BY GRANTEE:

I, the undersigned officer of Cellco Partnership d/b/a Verizon Wireless, am authorized to bind Verizon Wireless and to unconditionally accept the terms and conditions of the foregoing City of Medford Franchise Ordinance, which are hereby accepted by _____ this _____ day of _____, 2020.

CELLCO PARTNERSHIP d/b/a Verizon Wireless

By: _____

Name: _____

Title: _____

STATE OF _____)
) ss.
COUNTY OF _____)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that s/he signed this instrument, on oath stated that s/he was authorized to execute the instrument and acknowledged it as the _____ of _____ an Delaware limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

_____
Notary Public for the State of _____
Print Name: _____
Residing in: _____
My Commission Expires: _____

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Item No: 70.2

AGENDA ITEM COMMENTARY

DEPARTMENT: City Manager's Office
PHONE: (541) 774-2000
STAFF CONTACT: Donna Holtz, Chief Administrative Officer

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: August 20, 2020

COUNCIL BILL 2020-110

A RESOLUTION authorizing the signing of checks, check-warrants and warrants of the City of Medford by Ryan Martin, as Chief Financial Officer, and Winnie Shepard, as Acting City Recorder of the City of Medford, effective October 1, 2020.

SUMMARY AND BACKGROUND

Council is requested to consider approving a resolution granting signature authority for Winnie Shepard as Acting City Recorder on all warrants and check warrants. The current City Recorder, Karen Spoonts, announced her retirement effective October 1, 2020. Per Municipal Code 2.155 and 2.160, the finance director and recorder may sign warrants and check warrants and shall have the joint control and supervision of the mechanical check writing device. Our banking institutions require a Council resolution authorizing the transfer of signature authority for signing of checks, check-warrants and warrants of the City of Medford. Council approval will ensure the continued financial operations and performance of our fiduciary responsibilities to the City of Medford.

PREVIOUS COUNCIL ACTIONS

On September 8, 1998 Council approved Council Bill 1998-209 authorizing the signing of checks, check-warrants and warrants of the City of Medford by Jonathan J. Jalali, as Finance Director, and Beverly Sandblast, as City Recorder, or by facsimiles of said signatures, at banking depositories of the City of Medford due to the death of the City Recorder on August 28, 1998.

On November 30, 2017 Council approved Council Bill 2017-137 authorizing checks, check-warrants and warrants of the City of Medford may thereafter be signed by Donna Holtz, as Interim Finance Director, and Karen Spoonts as City Recorder, or by facsimiles of said signatures, at banking depositories of the City of Medford.

On July 5, 2018 Council approved Council Bill 2018-79 authorizing checks, check-warrants and warrants of the City of Medford may thereafter be signed by Ryan Martin, as Chief Financial Officer, and Karen Spoonts as City Recorder, or by facsimiles of said signatures, at banking depositories of the City of Medford.

ANALYSIS

Municipal Code 2.155 The finance director and recorder may sign warrants and check warrants by use of a mechanical device containing plates bearing the facsimile signatures of the officers. The signatures of these officers upon warrants and check warrants, when affixed with the use of this device, shall be considered to be the signatures of these officers with like effect as if signed by their autographed signatures.

Municipal Code 2.160 The finance director and recorder shall have the joint control and supervision of the mechanical check writing device. The device shall be used only under the joint supervision and control of these officers and shall be used for the purpose of signing checks and check warrants.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

There will be minimal charges under $1,000 to accommodate changes to the software and check printer.

TIMING ISSUES

The bank and software vendors will need new signatures in place immediately following the departure of Karen Spoonts on September 30, 2020.

COUNCIL OPTIONS

Approve the resolution as presented.
Modify the resolution as presented.
Deny the resolution and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the resolution.

SUGGESTED MOTION

I move to approve the resolution authorizing checks, check-warrants and warrants of the City of Medford be signed by Ryan Martin, Chief Financial Officer, and Winnie Shepard, Acting City Recorder, or by facsimiles of said signatures, at banking depositories of the City of Medford starting October 1, 2020.

EXHIBITS

Resolution

RESOLUTION NO. 2020-110

A RESOLUTION authorizing the signing of checks, check-warrants and warrants of the City of Medford by Ryan Martin, as Chief Financial Officer, and Winnie Shepard, as Acting City Recorder of the City of Medford, effective October 1, 2020.

WHEREAS, the current City Recorder, Karen Spoonts, announced her retirement effective October 1, 2020;

WHEREAS, Medford Municipal Code Sections 2.155 and 2.160 state that the finance director and recorder may sign warrants and check warrants and shall have the joint control and supervision of the mechanical check writing device;

WHEREAS, Ryan Martin is the Chief Financial Officer of the City, which is the positional equivalent of the finance director, and Winnie Shepherd will be appointed as Acting City Recorder effective October 1, 2020;

WHEREAS, the City of Medford's banking and financial institutions require a Council resolution authorizing the transfer of signature authority for signing of checks, check-warrants and warrants of the City of Medford; now, therefore,

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

Effective October 1, 2020, check-warrants, checks, and warrants of the City of Medford may thereafter be signed by Ryan Martin, as Chief Financial Officer, and Winnie Shepherd, as Acting City Recorder, or by facsimiles of such signatures.

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

ATTEST: _____ _____

City Recorder Mayor

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Item No: 80.1

AGENDA ITEM COMMENTARY

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

AGENDA SECTION: Public Hearings
MEETING DATE: August 20, 2020

COUNCIL BILL 2020-63 - CONTINUED FROM MAY 21 AND JUNE 18, 2020
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) (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.

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 Parks, Recreation and Facilities Department (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.

On March 17, 2017, the Planning Commission initiated a code amendment to create new development code language to address shared use paths. The 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.

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 Planning Department's webpage. 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. 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 May 21, 2020, Council considered the proposed amendment at a public hearing. One concern raised was regarding maintenance responsibility. When shared-use paths are built in a corridor outside of the public right-of-way, they would typically be built as a 10-foot wide asphalt path. As long as these paths were built to City standards set forth in this amendment, they would be accepted by the City and maintained by the PRFD. It is only when a sidewalk in the public right-of-way is permitted in lieu of a separate pathway that the maintenance responsibility shifts to the adjoining property owners. Municipal Code Section 3.010 requires property owners to maintain sidewalks abutting their property in a condition safe for use by the public.

Since the May 21, 2020 City Council meeting, Public Works and PRFD staff have met to clarify and discuss maintenance responsibilities. Below is a summary of an agreement made between the two departments.

- Where shared-use paths outside of the public right-of-way provide bicycle facilities parallel to a higher order street on which no bicycle lane is provided, Public Works will be responsible for maintenance.
- Public Works will be responsible for pavement maintenance of shared-use paths in the public right-of-way if it is constructed with concrete; however, Medford Municipal Code Section 3.010 needs to be amended to relieve abutting property owners of this duty. It is further recommended that this only apply in residential areas.
- In instances where the above requirement is not met, the Public Works Department may provide shared-use path pavement maintenance on a reimbursable basis. Reimbursement may be exchange of services, such as vegetation maintenance.

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.

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

Once the paths are built, the Parks, Recreation and Facilities Department will take over maintenance responsibility. There is $50,000 in a recurring Capital Improvement Plan for pathway repairs. If the shared-use path is built outside of the public right-of-way parallel to a higher order street that does not provide a bicycle lane, the Public Works Department will provide maintenance. The Public Works Department will also provide maintenance if a shared-use path is built as a concrete sidewalk in the right-of-way in residential areas.

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve the ordinance.
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 City Council Report dated August 13, 2020, and to direct staff to bring forward an amendment to Chapter 3.010 by the end of this year to change the maintenance responsibility from property owners to the City for path in lieu of sidewalks in the right-of-way. (Staff plans to bring the new amendment forward between the November 19th and December 17th meetings).

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. City Council held duly noticed public hearings on May 21, June 18, and August 20, 2020; 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 t~~ **T**hose 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.

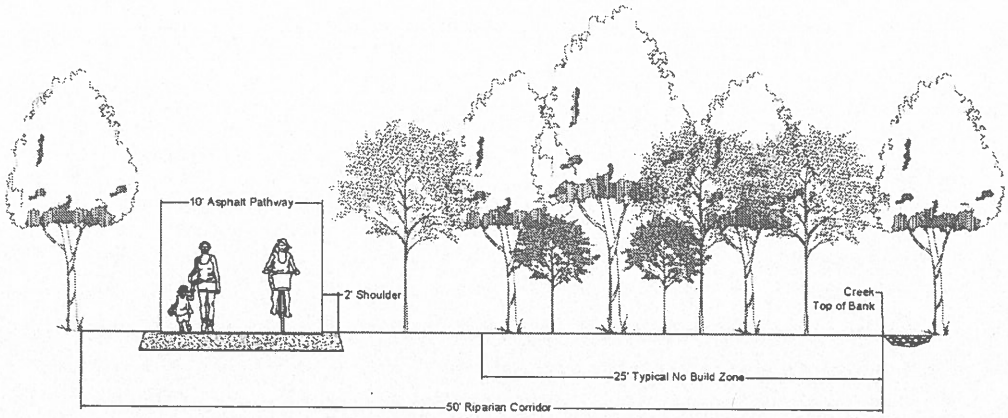
(2) Construction Details: The asphalt concrete surface shall be a minimum of 2 ½ inches thick, placed upon a 12 inch layer of compacted ¾ inch minus base with geotechnical fabric. If constructed in concrete or other materials, the structural section must provide compression strength equal to or better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

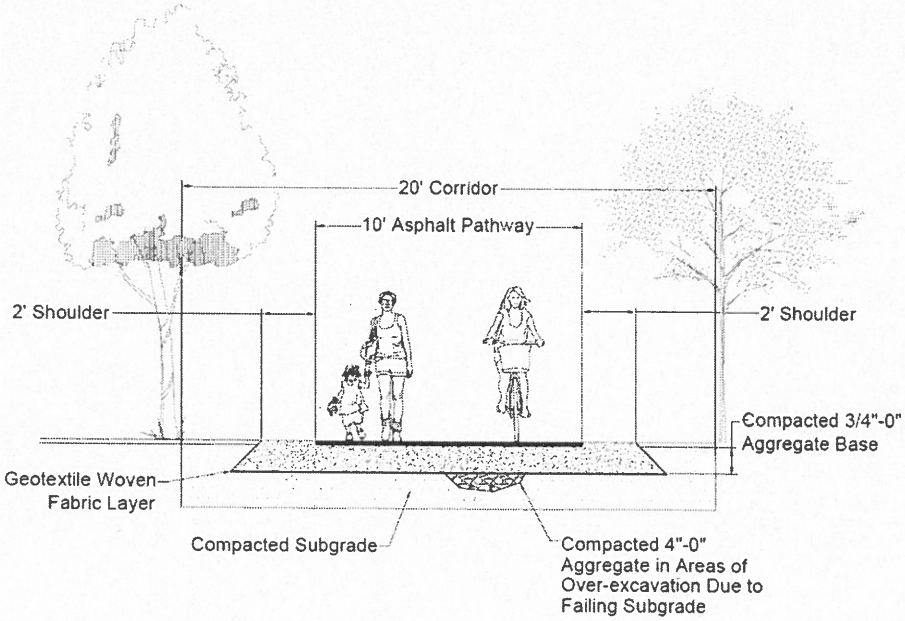
(C) Shared-Use Path Cross Sections, Non-Street Right-of-Way

(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.**

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.

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

ATTEST: _____ _____
City Recorder Mayor

APPROVED _____2020. _____
Mayor

MEDFORD
PLANNING

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 08/20/2020 hearing*
From	Sarah Sousa, Planner III	
Reviewer	Carla Angeli Paladino, Principal Planner	
Date	August 13, 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.

City Council Meeting

On May 21, 2020, the Council considered the proposed amendment. One concern raised was regarding maintenance responsibility. When shared-use paths are built in a corridor outside of the street right-of-way, they would be typically be built as a 10-foot wide asphalt path. As long as they are built to the City standards set forth in this amendment, they would be accepted by the City and maintained by the Parks Recreation and Facilities Department. It is only when a sidewalk in the street right-of-way is permitted in lieu of a separate pathway that the maintenance responsibility

shifts to the adjoining property owners. Municipal Code Section 3.010 requires property owners maintain sidewalks abutting their property in a condition safe for use by the public.

There are instances where the developer has been granted the option of the sidewalk in lieu of a pathway. In southeast Medford in the Summerfield Subdivision (Phases 16-21 and 23-29), the original plan was for a separate corridor pathway but the developer asked and was granted the ability to do a wider sidewalk in right-of-way instead. Over 50 property owners will ultimately be responsible for the maintenance once it has been built out.

In the case of Cedar Landing PUD in northeast Medford, a pathway system was approved. Some of the pathway is located in open space areas to be owned by the City. However, much of that pathway system was approved as a 7-foot concrete surface to be built in front of the homes, making it hardly distinguishable from a standard sidewalk. In that instance, approximately 50 homeowners will be responsible for maintenance.

Since the May 21, 2020 City Council meeting, Public Works and Parks Recreation and Facilities staff have met to clarify and discuss maintenance responsibilities. Below is a summary of an agreement made between the two departments.

- Where shared-use paths outside of the public right-of-way provide bicycle facilities parallel to a higher order street on which no bicycle lane is provided, Public Works will be responsible for maintenance.
- Public Works will be responsible for pavement maintenance of shared-use paths in the public right-of-way if it is constructed with concrete; however, Medford Municipal Code Section 3.010 needs to be amended to relieve abutting property owners of this duty. It is further recommended that this only apply in residential areas.
- In instances where the above requirement is not met, the Public Works Department may provide shared-use path pavement maintenance on a reimbursable basis. Reimbursement may be exchange of services, such as vegetation maintenance.

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 August 13, 2020, including Exhibit A.

EXHIBITS

A Proposed Code Language

CITY COUNCIL AGENDA: AUGUST 20, 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 t~~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.

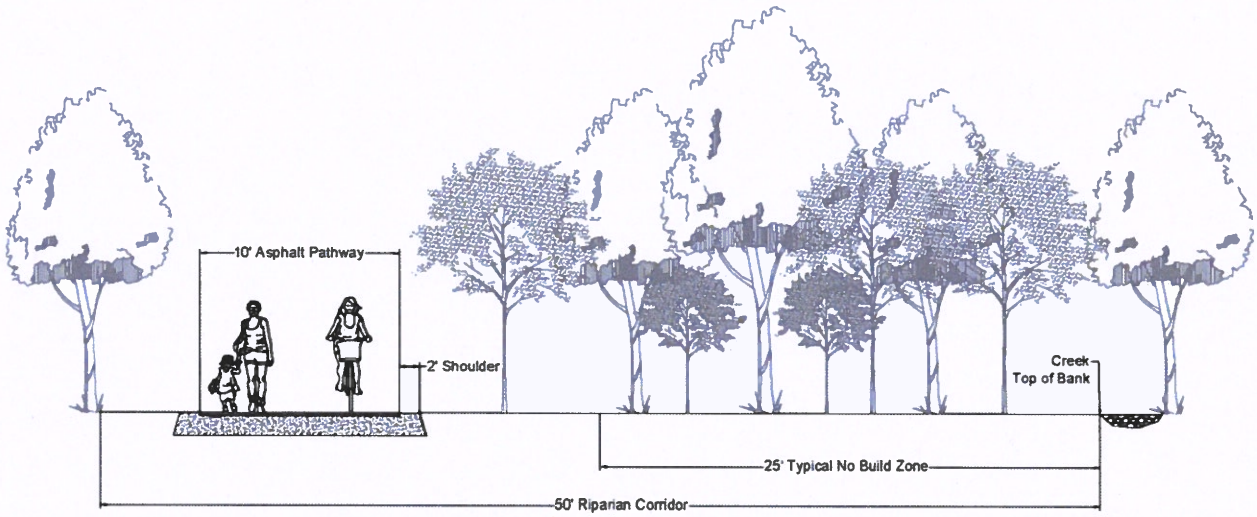
(3) Location: Shared-use paths shall be sited to provide non-motorized connectivity as shown in the Comprehensive Plan. The approving authority may approve paths to deviate from such locations if the new location will provide the equivalent connectivity and functionality. The following typologies apply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

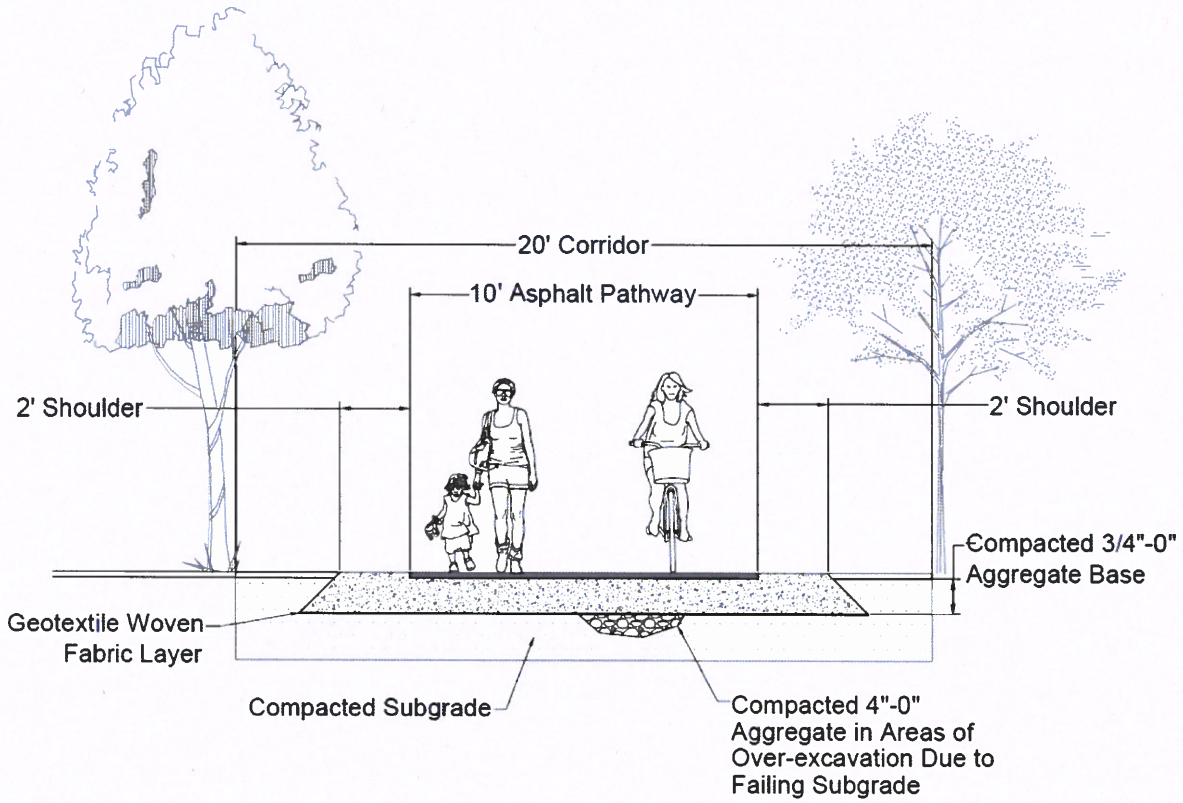
(C) Shared-Use Path Cross Sections, Non-Street Right-of-Way

(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, Transportation 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.

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Item No: 80.2

AGENDA ITEM COMMENTARY

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

AGENDA SECTION: Public Hearings
MEETING DATE: August 20, 2020

COUNCIL BILL 2020-111

AN ORDINANCE approving an amendment to the Medford Comprehensive Plan, to adopt the Urbanization Plan for planning unit MD-3a into the Neighborhood Element for twelve tax lots located between Coker Butte Road and Owen Drive and east of Springbrook Road. (Tax lots 300, 400, 500, 600, 700, 800, 900 and 1000 of 37-1W-08; and 100, 200, 300 and 400 of 37-1W-08BA). (UP-20-95) (Land Use, Legislative)

SUMMARY AND BACKGROUND

Council is requested to consider a Comprehensive Plan Amendment to adopt an Urbanization Plan for planning unit MD-3a into the Neighborhood Element for twelve tax lots located between Coker Butte Road and Owen Drive and east of Springbrook Road. (Tax lots 371W08 300, 400,500, 600, 700, 800, 900, and 1000; and 371W08BA 100, 200, 300, and 400).

The Planning Commission voted 9-0 in favor of the Urbanization Plan at their June 25, 2020, hearing. (File No. UP-20-095)

PREVIOUS COUNCIL ACTIONS

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

On November 15, 2018, Council Bill 2018-131 was approved incorporating procedural requirements into the Neighborhood Element for preparing and adopting urbanization plans for areas within the expanded Urban Growth Boundary.

ANALYSIS

Urbanization plans are high level planning documents intended to show compliance with identified elements of the Regional Plan including defined land use patterns, higher order street networks, minimum density requirements, mixed-use pedestrian friendly development, and required open space. These plans provide guidance for future development of the site, but do not authorize any construction or land divisions. These plans are incorporated into the Neighborhood Element of the Comprehensive Plan and are required prior to annexing the land.

The twelve subject properties identified as planning unit MD-3a are located in northeast Medford and contain approximately 88.73 acres. Of these parcels, only five are being proposed for annexation totaling 79.6 acres. As part of the Urban Growth Boundary amendment process, the properties were designated with five General Land Use Plan (GLUP) designations including Urban Residential (UR), Urban Medium Density Residential (UM), Urban High Density Residential (UH), Service Commercial

(SC) and Commercial (CM). The existing uses include residences along Coker Butte Road and agriculture.

The proposal identifies the higher order street network to serve the planning unit including the easterly extensions of Hondeleau Lane and Owen Drive and the northerly extensions of Cheltenham Way and McLoughlin Drive.

The calculated minimum residential density is 434 dwelling units. The applicant proposes to exceed this number by 9 units for a total of 443 dwelling units distributed among the three residential GLUP designations. The proposal exceeds the sixteen (16) percent open space requirement, and the commercial designations are re-arranged to create two equally sized areas in the southeast corner of the planning unit.

The application is filed in conjunction with an annexation request (ANNX-20-094).

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
None.

TIMING ISSUES
Urbanization Plans are required to be approved prior to annexation so this action can proceed forward.

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 urbanization plan.

SUGGESTED MOTION
I move to adopt the ordinance incorporating the urbanization plan for planning unit MD-3a into the Neighborhood Element of the Comprehensive Plan.

EXHIBITS
Ordinance
UP-20-095 - Council Report, including Exhibits A through U
UP-20-095 - Vicinity Map

ORDINANCE NO. 2020-111

AN ORDINANCE approving an amendment to the Medford Comprehensive Plan, to adopt the Urbanization Plan for planning unit MD-3a into the Neighborhood Element for twelve tax lots located between Coker Butte Road and Owen Drive and east of Springbrook Road. (Tax lots 300, 400, 500, 600, 700, 800, 900 and 1000 of 37-1W-08; and 100, 200, 300 and 400 of 37-1W-08BA). (UP-20-95)

WHEREAS, on August 18, 2016 Council Bill 2016-99 was approved adopting an amended urban growth boundary (UGB). On November 15, 2018, Council Bill 2018-131 was approved incorporating procedural requirements into the Neighborhood Element for preparing and adopting urbanization plans for areas within the expanded Urban Growth Boundary;

WHEREAS, Medford Municipal Code (MMC) Section 10.110(C) designates the City Council as the approving authority for Comprehensive Plan amendments;

WHEREAS, the City of Medford received an application requesting adoption of an Urbanization Plan for planning unit MD-3a into the Neighborhood Element for twelve tax lots located between Coker Butte Road and Owen Drive and east of Springbrook Road (Tax lots 300, 400, 500, 600, 700, 800, 900 and 1000 of 37-1W-08; and 100, 200, 300 and 400 of 37-1W-08BA)); the application was accompanied by annexation request file number ANNX-20-094;

WHEREAS, the subject properties identified as planning unit MD-3a are located in northeast Medford and contain approximately 88.73 acres. The properties were included in the amended UGB adopted in 2016 and were designated with five General Land Use Plan (GLUP) designations: Urban Residential (UR), Urban Medium Density Residential (UM), Urban High Density Residential (UH), Service Commercial (SC) and Commercial (CM). The existing uses include residences along Coker Butte Road and agriculture;

WHEREAS, at a June 25, 2020 hearing, the Planning Commission considered the application and unanimously recommended City Council approval of the application;

WHEREAS, a public hearing was appropriately noticed and duly held before the City Council in accordance with City notice requirements for Comprehensive Plan amendments on August 20, 2020; and

WHEREAS, the City Council has determined that the proposed Urbanization Plan for Planning Unit MD-3a satisfies the applicable criteria as demonstrated by the Findings and Conclusions included in the Council Report dated August 13, 2020 on file in the Planning Department; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

The Findings and Conclusions regarding the applicable criteria as set forth in the Council Report dated August 13, 2020 are hereby approved and adopted and the application requesting amendment of the Medford Comprehensive Plan to adopt an Urbanization Plan for planning unit MD-3a into the Neighborhood Element for twelve tax lots located between Coker Butte Road and

Owen Drive and east of Springbrook Road, as specifically described and identified in Exhibit B to the Council Report, incorporated herein by this reference and on file in the Planning Department, is hereby approved.

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

ATTEST: _____ _____

City Recorder Mayor

APPROVED:_____, 2020. _____

Mayor

Medford Comprehensive Plan
Chapter 10

Neighborhood Element

Introduction

The divisions of this chapter are special area plans that have been adopted by the Council. Two plans are incorporated by reference; three others are incorporated into this document.

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2. Planning Unit MD-5f (South of Juanipero Way and West of North Phoenix Road)
3. Planning Unit MD-3a (South of Coker Butte Road, North or Owen Drive, and East of Springbrook Road

EXHIBIT B

URBANIZATION PLAN FOR PLANNING UNIT MD-3a

Adopted by the City Council on August 20, 2020; Ordinance No. 2020-XX

"CHILSONRISE NEIGHBORHOOD URBANIZATION PLAN"

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1. CHILSONRISE NEIGHBORHOOD VISION AND OPPORTUNITIES

The Chilsonrise Neighborhood Plan has been developed through cooperative planning efforts by the two largest landowners in the planning area, Veritas Properties LLC and Steven Skinner; a list of all the acreages and ownerships at the time the plan was developed is provided in the Ownerships Background document, see Section 6. The Veritas and Skinner ownerships comprise ~89.5 percent of the total planning area. The planning area is identified in the City's Urbanization Planning Areas Map as MD-3a. MD-3a is a subarea of the much larger Urban Reserve area that was analyzed, and ultimately planned as an Urban Reserve, through the Regional Problem Solving (RPS) planning process. In 2017, the City of Medford included the "MD-3a" area along with the "MD-3c" area into its Urban Growth Boundary. Approximately half the MD-3 Urban Reserve area remains outside the Urban Growth Boundary (UGB). The inclusion of this area into Medford's UGB was acknowledged by the State of Oregon in 2018.

Following the 2017 UGB amendment, the City of Medford established criteria and identified sub-areas for Urbanization Planning. The City adopted an updated Transportation System Plan (TSP) at the end of 2018. The new TSP planned transportation facilities for the areas added to the UGB in 2017 and considered the planned land uses for the areas added to the UGB.

The Chilsonrise Neighborhood Plan is the Urbanization Plan for the MD-3a sub-area. It has been developed to comply with the Urbanization Plan criteria and to implement the TSP. The Plan provides a vision that balances planned land uses and transportation improvements with the physical conditions of the site, existing and planned land uses for the area, and market potential.

1.1. Creating Opportunities Out of Physical Constraints

The Chilsonrise Neighborhood is constrained by the following physical and environmental conditions:

- Rogue River Irrigation District's Hopkins Canal meanders through the southwest corner of the area.
- A creek cuts across the plan area running from east to west, separating the southern ~34 ½ acres of the neighborhood from the northern ~54 acres. The creek is mapped with different naming conventions, primarily being called Midway Creek or Garrett Creek. This plan refers to the creek as Garrett Creek as it empties into the Garrett Creek drainage on the west side.
- There are potential wetlands in the low-lying areas of the site near the creek and adjacent to irrigation features.
- There is a rock outcrop and shallow depth to bedrock in the northwest corner of Tax Lot 1000.

All the above constraints affect the potential urban form of the Chilsonrise Neighborhood. These features cross through the middle of the neighborhood planning area. The plan seeks to design around these features and retain them as natural area open space in the plan. The Garrett Creek Greenway also presents opportunities for targeted wetland mitigation in MD-3a and perhaps as a site for additional mitigation from development elsewhere in the City. Portions of the area may also be well-suited for storm drainage detention to be integrated with other hydric open space uses for a more natural open space experience. The Garrett Creek Greenway will become a natural area amenity to the neighborhood. The proposed higher-order street arrangement advances this concept by minimizing crossings of the Garrett Creek Greenway.

1.2. High Density Corridor on Owen Drive

The area between Owen Drive and Garrett Creek Greenway is planned for High Density Residential in the GLUP Map that was adopted through the City's UGB amendment process. The adjacent Garrett Creek Greenway will provide open space proximity for people living in multi-family housing in this area. The Garrett Creek Greenway also provides a natural separation from the medium density and single-family densities in the northern part of the neighborhood. The center of the high-density area is about a third of a mile from RVTD's Route 26. Owen Drive is a minor arterial in this location and separates high density residential from the single-family densities to the south. It will provide excellent bike and pedestrian access to commercial areas to the west. For kids in the neighborhood, a single crossing of Owen Drive is all that would be required to walk or bike to Lincoln Elementary School at a distance of about half a mile. The rest of the route can be biked or walked by kids through the Delta Estates Subdivision on well-connected local streets with relatively low traffic volumes and speeds.

1.3. Multi-Use Path

The City's Leisure Services Plan depicts a multi-use path along the Garrett Creek Greenway. The Chilsonrise Neighborhood Plan depicts this multi-use path. This path will create an active recreation and bike/ped transportation facility to derive further benefits from the Greenway. The path west of Cheltenham is contemplated to be co-located with the Rogue River Irrigation District's maintenance road; this area is narrow between the location where future streets will need to go and the irrigation canal maintenance road. It is anticipated that the City, the District and a future developer will need a coordinated management plan this portion of the path.

1.4. Commercial/Service Commercial Market Opportunities

An array of market opportunities may arise for the commercial and service commercial land uses in the southeast corner of Tax Lot 1000 as the plan is implemented. Medford's commercial and service commercial zoning regulations are flexible and allow for multi-family, commercial office, retail and many institutional uses as either permitted or conditional uses. This site could be desirable for many of these uses as the neighborhood plan is implemented. The flexibility of Medford's commercial use regulations will allow this area to respond to market conditions as opportunity arises and the land use plan for the neighborhood will assure that the most intensive land uses will be located nearest to the planned higher-order intersection within the neighborhood.

1.5. Neighborhood Urban Design Considerations

The Chilsonrise Neighborhood Plan does not propose design themes or architectural standards. Medford's Urbanization Plan criteria 5.15 arguably prohibits these. Nevertheless, implementation of the Chilsonrise Neighborhood Plan may ultimately benefit from neighborhood-specific development or architectural design standards. Refinement plans may be appropriate as urban design implementation unfolds.

1.6. Relationship to Existing and Planned Development in Northeast Medford

Lands to the north across Coker Butte Road were not added to the UGB in the 2017. Lands south of Coker Butte and east of the planning area were also not part of the UGB amendment. These areas remain Urban Reserve. It is expected that these areas will retain the rural land use character as the Chilsonrise Neighborhood Plan is building out, but future urbanization must be considered as they are Urban Reserve.

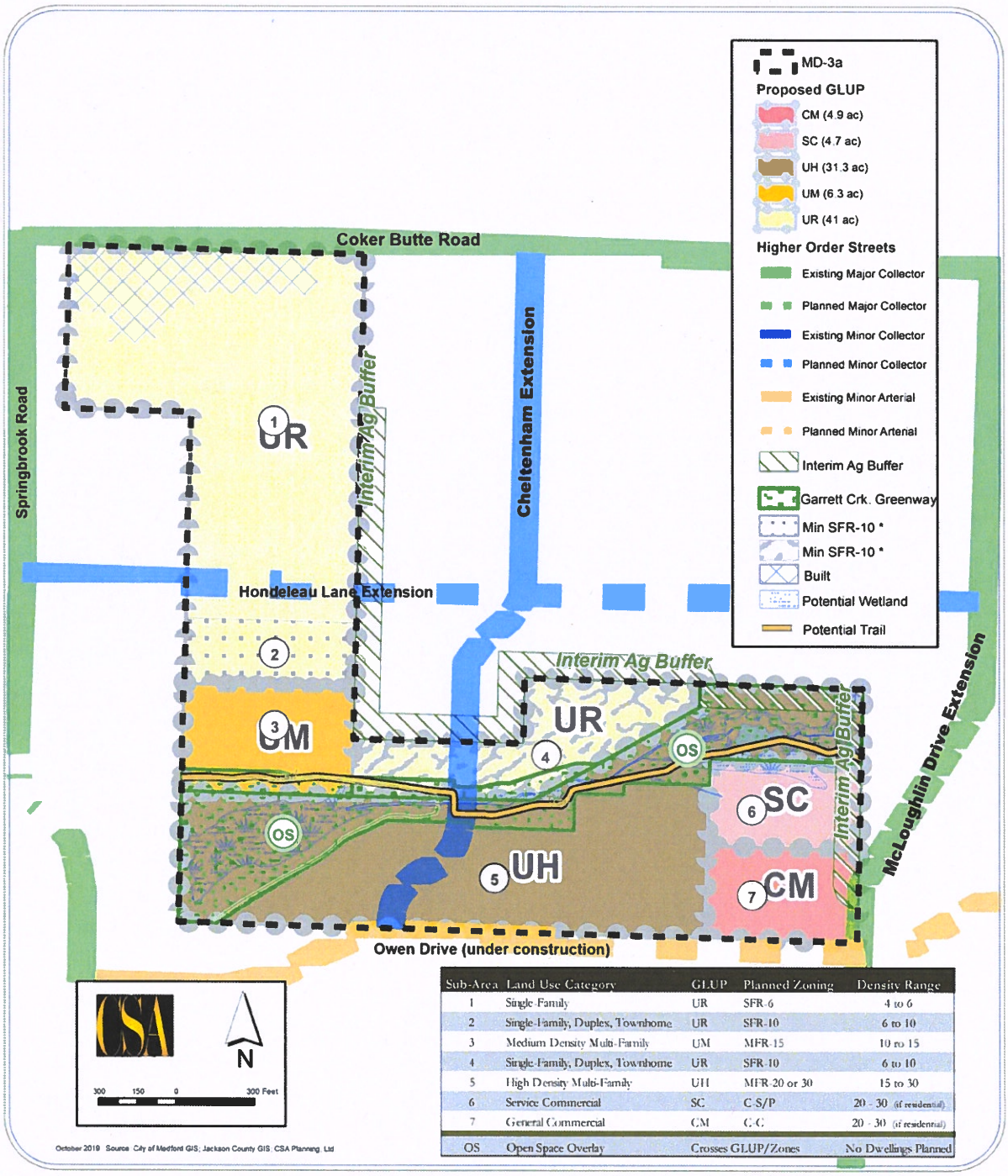
It is not expected that the Chilsonrise Neighborhood Plan will adversely affect future urbanization of any of those lands. The plan proposes specific changes to the future alignment of McLoughlin Drive north of its intersection with Owen Drive, see Section 4 below for more detailed discussion of that issue.

Lands to the southeast of the MD-3a planning area were also added in the 2017 UGB Amendment as Planning Area MD-3c. This area is being planned as the "Autumn Hills" Neighborhood. These two Urbanization Plans have been coordinated and are intended to complement one another. Importantly, the Autumn Hills plan implementation will extend Owen Drive all the way to Foothill Road.

Lands to the south across Owen Drive are comprised of the phases of a single-family neighborhood, the Delta Estates Subdivision. By virtue of the GLUP Map designations applied during the UGB process, Owen Drive and two storm detention ponds serve to separate the multi-family in the Chilsonrise Neighborhood from the single-family to the south.

Lands to the west are a mix of single-family vacant land designated medium density. The single-family off of Sharman Way is separated from the multi-family by the detention ponds for Delta Estates. The medium density is near the medium density on Tax Lot 500 to the west. The remaining portion of the Chilsonrise Neighborhood is single-family and adjacent to other single-family to the west.

2. CHILSONRISE NEIGHBORHOOD URBANIZATION PLAN MAP



Sub-Area	Land Use Category	GLUP	Planned Zoning	Density Range
1	Single-Family	UR	SFR-6	4 to 6
2	Single-Family, Duplex, Townhome	UR	SFR-10	6 to 10
3	Medium Density Multi-Family	UM	MFR-15	10 to 15
4	Single-Family, Duplex, Townhome	UR	SFR-10	6 to 10
5	High Density Multi-Family	UH	MFR-20 or 30	15 to 30
6	Service Commercial	SC	C-S/P	20 - 30 (if residential)
7	General Commercial	CM	C-C	20 - 30 (if residential)
OS	Open Space Overlay	Crosses GLUP/Zones		No Dwellings Planned

3. LAND USE DESIGNATIONS AND MARKET POSITION ANALYSIS

The overall land use arrangement proposed in the Chilsonrise Neighborhood Urbanization Plan reflects minor adjustments to the arrangement adopted through the Urban Growth Amendment process. This section analyzes the proposed Urbanization Plan by GLUP. Summary analysis is provided for areas where GLUP changes are proposed as well as for key Urbanization Plan criteria; see the Technical Findings and Conclusions of Law document for specific detailed findings and analysis concerning applicable criteria.

3.1. GLUP Arrangement Narrative

The General Land Use Plan (GLUP) Map arrangement retains, for the most part, the land use arrangement originally applied to the planning area in the UGB amendment process. The Commercial and Service Commercial areas have been slightly reconfigured and acreages adjusted to focus the Commercial on the higher traffic areas of Owen Drive with the Service Commercial further to the north between the Commercial and Open Space area. The other change is from UH to UR north of Garrett Creek. High density multi-family development would be confronted with significant challenges from a constructability standpoint in this area.

The resulting plan has a nice mix of single-family on the gently sloped lands and the tighter areas along the northern boundary of the UGB area with medium and high density housing on the north and south sides of the open space area. The commercial areas are located near to the only highest volume intersection in the planning area. Each of the land uses are analyzed and described in subsequent sections.

3.2. Density Obligations Narrative

Expressed in dwelling units, the UGB amendment process assumed that the MD-3a area would provide ~434 dwelling units. When developed at the minimum densities under the zoning designations required by the Chilsonrise Neighborhood Urbanization Plan, the plan will deliver ~443 dwelling units. Applying the minimum density for each zone specified for the planning areas in the plan and after properly accounting for the additional land as a result of the Ag Buffer relocation, the plan will yield at least 9 more dwelling units than projected for the planning area during the UGB process. Detailed analysis of the City's criteria for Urbanization Plan density obligations are provided in the Density Obligation Calculations, Reference Document 6.6.

3.3. Urban Residential GLUP and Zoning for Single-Family Residential

The plan includes areas for standard single-family in Sub-Area 1 of the plan and "small-lot" single-family/duplex/townhomes in Areas 2 and 4 of the plan. The Urban Residential acreage is approximately 41.5 acres.

Sub-Area 1 of the plan is required to be zoned SFR-6. This standard single-family zone is located in the northern portion of the planning area. There is more topographic relief in Sub-Area 1 so it is a logical place for standard single-family development which can overcome topographic challenges more easily than many other types of development. This also locates new single-family development adjacent to existing single-family zoning and development to the west. Standard lots in this portion of the City have been demanded by the market in recent years as evidenced by the build-out of the Delta Estates Subdivision. Many of the homes in this area should have views to the south towards Mount Ashland and Wagner Peak.

SFR-4 would be allowed in this area in the future if it is accompanied with a density analysis that shows that actual constructed densities elsewhere in the Chilsonrise Neighborhood Plan Area have exceeded minimum densities to a degree that some SFR-4 can be zoned and still remain in compliance with the density obligations for the planning area.

Sub-Area 2 is planned as a SFR-10 zoning area that allows small-lot single-family as well as duplex, cottage, and townhome style housing development. This area functions as a transition block between the standard single-family in Sub-Area 1 to the medium density multi-family in Sub-Area 3. SFR-6 would also be allowed in this area in the future if it is accompanied with a density analysis that shows that actual constructed densities elsewhere in the Chilsonrise Neighborhood Plan Area have exceeded minimum densities to such a degree that SFR-6 can be applied to some areas and still remain in compliance with the density obligations for the planning area. From a market standpoint, it is expected that there is demand for smaller units that would be attractive to first-time home buyers, rental investors and people looking to downsize.

Sub-Area 4 is also planned to be zoned SFR-10. SFR-10 zoning allows small-lot single-family as well as duplex, cottage, and townhome style housing development. SFR-10 is one of the City's most flexible zoning districts and this flexibility is critical for urban design in this area. Even after a portion of the Agricultural Buffer is relocated outside the UGB to the north, this area is still challenging to develop. The eastern end of Sub-Area 4 is only 160 feet deep. By the time a half street is constructed (really a ¾ street) that leaves an area that would work well for small lots with small dwellings that could still have reasonably sized backyards. The one area that is wider in the northeast corner of Sub-Area 4 is impacted by shallow depth to bedrock. The flexibility of the SFR-10, potentially applying the PUD ordinance as well, would allow for the arrangement of "skinny streets" and houses with small footprints. This would allow for more complex design work based upon detailed geotechnical work that would occur prior to development design so that cuts and fills can be designed around bedrock and minimize the need for large-scale filling and/or extensive bedrock cutting. If the relationship to the Garrett Creek Greenway is fostered during the urban design process, there is an opportunity to create a development area with a small-scale built environment that is complemented by open space amenities to create a desirable market position.

3.4. Urban Medium Density Residential GLUP

Sub-Area 3 is planned as Urban Medium-Density Residential (UM) during the UGB process and no changes the GLUP Map in this area are proposed. The Urban Medium Density residential Plan area is approximately 6.3 acres. The area would be zoned MFR-15 as that is the only zone that corresponds to the UM GLUP Map designation. Relocation of the Agricultural Buffer outside the UGB increases the "planning calculation" buildable acreage by ~.8 acres, from ~4.3 acres to ~5.1 acres. However, streets are allowed in the Agricultural Buffer and most of the relocated Agricultural Buffer area will necessarily be used up by local streets to attain required block lengths and connectivity. Four to five acres is an appropriate size for a cohesive medium density development in a transition area from single-family to the north and west to the higher densities to the south. Medium density developments can be challenging from an economic feasibility standpoint and the market viability tends to vary over time. The size of the area is relatively small so it is expected that favorable market conditions will arise during the planning period to support plan implementation. The proximity to the Garrett Creek Greenway open space should also enhance market acceptance when opportunities for this housing type arise.

3.5. Urban High Density Residential GLUP and Zoning for High Density Residential

Sub-Area 5 was planned as urban High-Density Residential (UH) during the UGB process and no changes to the UH high density GLUP Map are proposed in this area. The Urbanization Plan allows either of the two multi-family residential districts for this area, either the MFR-30 zoning or the MFR-20 zoning The Urban High Density acreage is approximately 32.6 acres (including adjacent right-of-way on Owen Drive); most of the Open Space area is located in the UH designation and this is consistent with assumptions made in the UGB amendment. This area slopes gently to the north toward Garrett Creek. This gentle slope tends to be ideal for efficient building designs and parking lot layouts associated with higher density multi-family uses. A major consideration for higher density uses is proximity to transit. RVTD's Route 26 is just over a third of a mile away. This area is also a reasonable walking distance to Lincoln Elementary School. This high-density area will back up to the Garrett Creek Greenway which will provide a natural amenity. This area is also located nearest to the commercial designated areas which may create opportunities for interaction between commercial uses and higher density residential uses. All these factors combine to create an opportunity for higher-density residential development that should exhibit some market demand.

3.6. Service Commercial GLUP Map Designation

Sub-Area 6 of the plan is Service Commercial and has a single zoning designation associated with it, C-S/P. The Service Commercial area is approximately 4.6 acres. This zoning district supports office commercial uses and some retail uses. It allows multi-family residential as well. The zoning district is relatively flexible and allows for a variety of urban land uses. Market demands for residential or office uses would be expected to occur earlier in the development cycle and market demand for more retail-oriented uses will increase as build-out of Delta Estates Subdivision, Autumn Hills, and Chilsonrise occurs over time.

3.7. Commercial GLUP Map Designation

Sub-Area 7 of the plan is Commercial and is planned to be zoned Community Commercial C-C. The Commercial area of the plan is approximately 4.9 acres. This zoning district supports retail uses and allows for office and commercial uses. It also allows multi-family residential. The zoning district is relatively flexible and allows for a variety of urban land uses. Market demands for residential or office uses would be expected to occur earlier in the development cycle and market demand for more retail-oriented uses will increase as build-out of Delta Estates Subdivision, Autumn Hills, and Chilsonrise occurs over time. This may also be an opportunity for some live-work development patterns that would allow smaller retail and commercial office lots with accessory housing.

3.8. Garrett Creek Open Space

The plan includes an area planned as a greenway centered on Garrett Creek. This area is planned for land uses properly considered as "Open Space" under the Regional Plan. Residential and commercial structural development in the greenway area is not planned as allowed uses. Structural development associated with public, quasi-public, development common buildings, or institutional uses are planned to be allowed. Natural and man-made open space uses are planned to be allowed in this area; use examples would include detention ponds, natural wetlands, wetland mitigation sites, and multi-use trails.

3.9. Hillside Overlay

The Atlas of Maps includes a slopes map that identifies the Hillside Overlay area where future development would be subject to the City's Hillside Development Ordinance.

4. CHILSONRISE NEIGHBORHOOD TRANSPORTATION PLANNING

This section discusses the transportation planning issues for the planning area.

4.1. Cheltenham Way

The City's Transportation System Plan (TSP) depicts the extension of Cheltenham Way to the north across Garrett Creek. The TSP classifies the section of Cheltenham Way between Owen Drive and Coker Butte Road as a Minor Collector. The Urbanization Plan adjusts the alignment to the east somewhat, from the unrefined connectivity location depicted in the TSP, to the most logical and least environmentally impactful location for the stream crossing. The plan expects to apply the City's standard minor collector cross-section for Cheltenham Way except at the stream crossing location where the cross-section would be reduced to eliminate planter strips; other crossing specific changes would be evaluated at the time of development permits for the crossing design. Adjusting the alignment to the east also has the advantage of improving sight distance by moving any future intersection of Cheltenham Way with Coker Butte Road away from the crest of the hill on Coker Butte Road, for whenever that future connection is ultimately created. The precise crossing location and alignment will be refined through the development design process as there is a complicated design balance between centerline radii, design speed, super-elevations and the crossing location.

4.2. Owen Drive

The City's Transportation System Plan (TSP) depicts Owen Drive as a Minor Arterial. Implementation of the Chilsonrise Neighborhood Plan will build-out the remaining portion of Owen Drive not being constructed as part of the Delta Estates Subdivision. Two projects by others outside of the Planning Area are required to complete the Owen Drive Corridor. West of the MD-3a planning area there is a ~380-foot gap in Owen Drive that is planned for construction as a short-term Tier 1 project. Owen Drive is planned to continue east to meet Foothill Road. Once both are completed Owen Drive will connect Highway 62 with Foothill Road.

4.3. McLoughlin Drive

The City's Transportation System Plan (TSP) depicts the extension of McLoughlin Drive to the north across Garrett Creek. The TSP classifies the section of McLoughlin Drive between Owen Drive and Coker Butte Road as a Major Collector. The Urbanization Plan adjusts the alignment to the east somewhat, from the location depicted in the TSP. The TSP simply plots McLoughlin Drive directly north of its intersection with Owen Drive. The alignment depicted in the TSP is problematic from an environmental perspective. The TSP alignment appears to run directly within the Garrett Creek drainage and wetland area. It is expected to be challenging, or even impossible, to get State and Federal removal-fill permits for the alignment shown on the TSP when an alternative alignment a short distance to the east would substantially reduce potential wetland impacts. For this reason, the Urbanization Plan aligns the McLoughlin Drive extension by curving east, north of its intersection with Owen Drive.

4.4. Hondeleau Lane

The City's Transportation System Plan (TSP) depicts the extension of Hondeleau Lane from the west across the Chilsonrise Neighborhood to connect outside the UGB with the future extension of McLoughlin Drive and Cheltenham Way. The TSP classifies the section of Hondeleau Lane between Springbrook Road and McLoughlin Drive as a Minor Collector. The plan expects to apply the City's standard minor collector cross-section for Hondeleau Lane.

4.5. Local Street Discussion

The Chilsonrise Neighborhood Urbanization Plan does not plan local streets. However, there are a number of factors about this urbanization planning area that will dictate future local street locations to a significand degree, including the following:

- There are four existing street stubs on the west property boundary. Future local streets will need to extend these street stubs eastward.
- The "L" shape of the area combined with the Garrett Creek Greenway area limits connectivity locations north of Garrett Creek to connect with the proposed crossing location at the Cheltenham Way extension location.
- The irrigation canal, wetlands and Garret Creek drainage significantly affect north-south local street connectivity.

The planned Cheltenham Way crossing is approximately equidistant from the planned Springbrook Road crossing and the planned Mcloughlin Drive extension crossing, at a distance of about 1,500 feet. As such, when the full transportation network in this area is ultimately constructed, and under the current UGB boundary conditions, the maximum out-of-direction travel is around 750 feet. This is a relatively small out-of-direction travel configuration given the environmental constraints in the area. Two additional crossings would be required to reduce the distance by half both directions. A reduction potential on the order of 325 feet does not balance against the great expense and environmental impacts of additional local street crossings of the Garrett Creek Greenway. Therefore the location of the Neighborhood Plan's single crossing of Cheltenham Way is sufficient to supply adequate north-south street connectivity across the Garrett Creek Greenway.

4.6. McLoughlin Drive and Owen Drive Roundabout Discussion

The coordinated urbanization planning of the Chilsonrise Neighborhood and the Autumn Hills Neighborhood has raised the question of future traffic control measures along Owen Drive. Preliminary investigations reveal that a roundabout location at the future intersection of McLoughlin Drive and Owen Drive may make sense. Roundabouts are efficient from a traffic operations standpoint. Roundabouts are cost-effective to maintain and they can be cost-effective to construct if they are planned well in advance, before structural development occurs within a future roundabout footprint which escalates right-of-way costs dramatically.

Phase 8b of the Delta Estates Subdivision has tentative plat approval and will construct the southwest corner of this intersection. The lot on the southwest corner of the intersection is occupied by a recently constructed cell tower. As such, some right-of-way constriction has already occurred. However, with three corners of the intersection still unoccupied and planter strips on the southwest corner that could be sacrificed to accommodate a new roundabout footprint, future roundabout cost control is still an option.

The urbanization plan recommends further coordination between the two urbanization plans in MD 3 and City traffic engineering on the roundabout question. This transportation planning evaluation should be prioritized so that a roundabout determination is made by the City well in advance of development approvals in the area.

4.7. TSP Projected Transportation Facility Capacity Discussion

The recently adopted TSP projected future traffic volumes to 2038 assuming urban development of the areas added to the UGB in 2017 as well as the GLUP Map amendments completed through the "internal study area" process. TSP Figures 3A and 3B of Appendix H depict the intersection capacity analysis results in and around the Chilsonrise Neighborhood with the planned mitigations and improvements identified and planned by the TSP.

Figure 3B depicts intersections in the immediate vicinity. With planned improvements in the TSP, Figure 3B indicates transportation facilities will be adequate in the area immediately around the Chilsonrise Neighborhood.

Figure 3A shows four intersections south of Delta Waters not meeting applicable mobility standards:

- Poplar Drive/Bullock Road with Highway 62
- Biddle with Hilton/Crater Lake Ramp connector
- N Pacific Highway with West Table Rock Road
- Highway 99/Riverside/Court St with Highway 62/Highway 238

Figure 3A also shows Vilas and Highway 62 (old highway) not meeting applicable mobility standards.

The projected facility operational capacities immediately around the neighborhood is a significant positive. The intersections projected to exceed applicable standards are about two miles from the centroid of the neighborhood. At these intersection locations, the direct traffic impacts from the neighborhood's development is starting to diffuse and impacts at those intersections would occur as more of a regional growth function contributor than a direct impact.

4.8. Transit, Bicycle and Pedestrian Facilities

The Chilsonrise Neighborhood is planned for alternative transportation modes and facilities. Development throughout the neighborhood will have sidewalks and the City's block standards will assure appropriate local street connectivity. A multi-use path or trail is planned along the Garrett Creek Greenway. Owen Drive is planned to have dedicated bike lanes. RVTD Route 26 is approximately a third of a mile from the center of the neighborhood at the planned crossing of Garrett Creek at Cheltenham Way.

5. CHILSONRISE NEIGHBORHOOD GOALS AND POLICIES

Goal CN1: The city will work with property owners and affected agencies to advance implementation the Neighborhood's Land Use Plan and provide flexibility where appropriate.

Policy CN1-1: Apply the zone designations set out by Area in the plan, allow the lower of the two described densities in the plan only where analysis shows that actual delivered densities have exceeded minimums and the committed number of dwelling units in the planning area will not be reduced below the amount required in to satisfy Urbanization Plan Criterion 5.1.

Policy CN1-2: Consider Initiating Development Code Amendments for sub-area specific design or development standards for one or more of the Chilsonrise Neighborhood subareas if the owner of a sub-area requests one or more amendments. Initiation of the amendment request shall not require the City to ultimately the adopt the code amendments.

Policy CN1-3: At the time of a future UGB amendment adding land from MD-3, give appropriate consideration to the MD-3a owners who provided open space in MD-3a in excess of their proportionate regulatory share.

Goal CN2: The City will work with property owners and affected agencies to advance implementation of the Neighborhood's Transportation Planning and provide flexibility where appropriate.

Policy CN2-1: Coordinate with Rogue River Irrigation District to co-locate the proposed multi-use path with the Hopkins Canal Maintenance Road if possible.

Policy CN2-2: Consider updates to the TSP to adjust the higher order street extension alignments of Cheltenham Way and Mcloughlin Drive identified in the Chilsonrise Neighborhood Plan.

Policy CN2-3: Consider updates to the TSP to evaluate intersection treatment options at the intersection of Mcloughlin Drive and Owen Drive to determine if a roundabout is the best option.

6. BACKGROUND AND REFERENCE DOCUMENTS:

The documents described below provide the foundational information for development of Sections 1 through 5 of the Chilsonrise Neighborhood Urbanization Plan. These documents were included with the Urbanization Plan submittal in Planning File No. UP-20-00095. These documents are Comprehensive Plan Reference Documents and are not intended to be included in the main body of the Comprehensive Plan, but may be used to explain or interpret the language in Sections 1 through 5 of the Chilsonrise Neighborhood Urbanization Plan. See also the City Council's adopting ordinance for Planning File No. UP-20-00095.

6.1. Owner Consent Documentation and Application Forms

A Type 4 Application Form and Agent Authorization provided by property owners who own a majority of the land area in MD-3a. Also, included is documentation of the process undertaken by CSA Planning Ltd. to coordinate with other property owners in the planning area. These materials are provided as Reference Document 6.1

6.2. Technical Findings and Conclusions of Law

Findings of fact and conclusions of law are provided as Reference Document 6.2.

6.3. Neighborhood Meeting Documentation

The neighborhood meeting requirement was completed. Documentation on the Neighborhood Meeting is provided as Reference Document 6.3

6.4. Atlas of Maps

Maps to illustrate plans and provide information in support of the Neighborhood Plan.

6.5. Public Facilities and Services Technical Memo

Tech Memo on Public Facilities and Services prepared by CSA Planning Ltd. and provided as Reference Document 6.5.

6.6. Density Obligations Calculations Technical Memo

Tech Memo prepared by CSA Planning Ltd. explaining methodology and analysis of compliance with applicable density obligation criteria and provided as Reference Document 6.6.

6.7. Agricultural Buffer Relocation Legal Documentation

Tech Memo on Public Facilities and Services prepared by CSA Planning Ltd. and provided as Reference Document 6.7.

MEDFORD
PLANNING

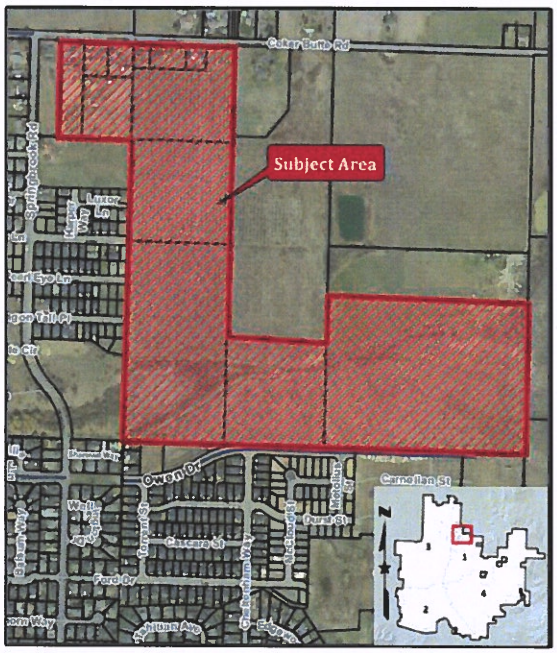
COUNCIL REPORT for a Type-IV legislative decision: Comprehensive Plan Amendment – Urbanization Plan

Project	Urbanization Plan for Planning Unit MD-3a
Applicant	Steven Skinner & Veritas Properties, LLC
Agent	Jay Harland, CSA Planning, Ltd.
File no.	UP-20-095
To	Mayor and City Council *for 08/20/2020 hearing*
From	Planning Commission via Carla Angeli Paladino, Principal Planner
Reviewer	Matt Brinkley, AICP CFM, Planning Director
Date	August 13, 2020

BACKGROUND

Proposal

A legislative amendment to adopt an Urbanization Plan into the Neighborhood Element of the Comprehensive Plan for approximately 88.73 acres of property located between Owen Drive and Coker Butte Road, and to the east of Springbrook Road (Planning Unit MD-3a) (371W08 300, 400, 500, 600, 700, 800, 900, and 1000; and 371W08BA 100, 200, 300, and 400). **(Exhibit A)**



The Urbanization Plan is filed in conjunction with an annexation request for four tax lots within the Urbanization Plan area, plus adjacent right-of-way along Coker Butte Road (totaling approximately 79.6 acres). (ANNX-20-094)

Urbanization Plan Details

Minimum Residential Density	Open Space	Street Extensions
443 dwelling units (UR) ~29% (UM) ~10% (UH) ~61%	Required: 16.0% (14.1 acres) Proposed: 18.1% (16 acres)	Hondeleau Lane (Minor Collector) Cheltenhan Way (Minor Collector) Owen Drive (Minor Arterial) McLoughlin Drive (Major Collector)

Subject Site Characteristics

Zoning: Exclusive Farm Use (EFU) and Rural Residential 5 (RR-5)

GLUP: Urban Residential, Urban Medium Density Residential, Urban High Density Residential, Service Commercial, and Commercial

Uses: Rural single-family residential and agriculture

Acreage: 88.73 acres

Surrounding Site Characteristics

North Zone: County Exclusive Farm Use (EFU) and Rural Residential 5 (RR-5)
Use(s): Residential and agriculture

South Zone: City SFR-6
Use(s): Residential

East Zone: County Exclusive Farm Use (EFU)
Use(s): Agriculture and vacant land

West Zone: City SFR-6, SFR-10
Use(s): Residential

History

In June 2018, the Department of Land Conservation and Development acknowledged the City of Medford's proposed Urban Growth Boundary (UGB) amendment providing for the inclusion of 1,658 acres of buildable land to be developed. Following the adoption of the UGB, the City established the Urbanization Planning process in order to provide a regulatory framework for ensuring specific development goals are met as land converts from rural to urban uses. The land included in the UGB was categorized into distinct planning units and coded with a specific numbering and lettering system (e.g. MD-3a). Each planning unit must adopt an Urbanization Plan prior to or in conjunction with a proposal for annexation. The Urbanization Plans are high level master plans intended to show conformance with the Regional Plan and transportation plan requirements.

A pre-application conference with planning staff and other internal and external review agencies is required prior to submitting a formal application in order to discuss the proposal. A pre-application conference was held with the applicants to discuss the subject properties on December 11, 2019. In addition, applicants are required to hold a neighborhood meeting with surrounding neighbors and property owners in order to provide an opportunity to explain the proposal and provide for questions and answers. A neighborhood meeting was held for this project on January 6, 2020.

Planning Unit MD-3a was approved with five General Land Use Plan (GLUP) designations: Urban Residential (UR), Urban Medium Density Residential (UM), Urban High Density Residential (UH), Service Commercial (SC), and Commercial (CM). The planning unit consists of eleven tax lots that are located south of Coker Butte Road and north of Owen Drive. Springbrook Road and a new residential subdivision are to the west, and the future extension of McLoughlin Drive to the east. The proposal was initiated by two property owners who own 89.5% of the property within the planning unit.

The two property owners that initiated the Urbanization Plan have also requested concurrent annexation of the 79.4 acres of property that they own within the plan area, along with approximately 0.2 acres of the adjacent right-of-way along Coker Butte Road. The City Council set the annexation hearing date for August 20, 2020, through Resolution No. 2020-60. The review and decision on the Urbanization Plan and Annexation will be held on the same evening.

Public Comments

A letter from the Fair Housing Council of Oregon in support of the proposal was received on June 21, 2020 (Exhibit S). An e-mail from Connie Marmet was received on June 25, 2020, noting concerns with traffic on Coker Butte Road, road connections, buffer zones, and the need to retain the creek and wild areas and maintain involvement of surrounding property owners (Exhibit T).

Planning Commission Hearing and Recommendation

The Planning Commission voted 9-0 in favor of the urbanization plan at their June 25, 2020 hearing.

Related Projects

ANNX-20-094: Annexation request for four parcels and adjacent right-of-way

CP-16-075: Urbanization Planning Comprehensive Plan Amendments

CP-14-114: Urban Growth Boundary Amendment

Authority

This proposed plan authorization is a Type IV legislative Comprehensive Plan Amendment. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to the Comprehensive Plan under Medford Municipal Code §§10.102–10.122, 10.214, and 10.220.

ANALYSIS

Planning unit MD-3a was adopted into the City's Urban Growth Boundary in 2016 and acknowledged by the State in 2018 to help accommodate future growth. The site is located in northeast Medford and provides for the continued development of residential neighborhoods that have recently been constructed within the existing city limits to the south and west. The area is bordered by a major collector street (Coker Butte Road) on the north and a minor arterial street (Owen Drive) on the south. Also to the south are an existing minor collector street (Cheltenham Way) that will eventually be extended north through the planning area, and a major collector (McLoughlin Drive) that will eventually extend north immediately to the east of the planning area.

Finally, there is an existing minor collector street (Hondeleau Lane) on the west edge of the site that will extend east to the future McLoughlin Drive. Coker Butte Road is currently maintained by Jackson County, and in accordance with the City's Urban Reserve Management Agreement, the City will assume maintenance of Coker Butte Road at the time of annexation, and request that a jurisdictional transfer be completed.

As described below, this proposal meets the plan requirements/criteria for incorporation into the Neighborhood Element of the Comprehensive Plan. The proposed plan (**Exhibit B**), which has been named by the applicants as the "Chilsonrise Neighborhood Plan," provides for future street connectivity in all directions with the extension of local, collector, and arterial streets to serve existing and future residents of the area.

FINDINGS AND CONCLUSIONS

Applicable Criteria

For the applicable criteria, the Medford Municipal Code §10.220(B)(4) redirects to the criteria in the "Review and Amendments" chapter of the Comprehensive Plan. The applicable criteria in this action are those for an Urbanization Plan found in Sections 5 and 6 in the Urbanization Planning Chapter of the Neighborhood Element. The criteria are set in *italics* below; findings and conclusions are in roman type.

The applicant's findings of fact and conclusions address each of the criteria in detail and are attached as **Exhibit C**.

Section 5 - PLAN CONTENTS

Criterion 5.1 *RPS Density Requirements: Compliance with the Regional Element minimum gross density performance measures. The urbanization plan shall include specific zoning designations or text that assures development under the minimum densities will meet or exceed the density expected to be achieved for the planning unit(s) in the UGB Amendment residential land supply analysis. Plan techniques that can be employed to achieve this standard include but are not limited to the following:*

5.1.1 *Specify residential zoning districts for certain areas.*

5.1.2 *Commit to specific quantities of residential development in commercial areas.*

The findings supporting the urbanization plan submittal shall include density calculations that explain how the plan complies.

The text below also includes findings that demonstrate compliance with Goal 10 (Housing).

Findings

The Regional Plan Element of the Comprehensive Plan was adopted in August 2012 and established the minimum residential densities that each of the participating jurisdictions agreed to achieve. For Medford, the minimum target density is 6.6 dwelling units per gross acre until 2035, when the density increases to 7.6 dwelling units per gross acre. Gross acreage in the City of Medford includes the total area of the properties' boundaries plus any adjacent right-of-way measured to the center line, multiplied by the zoning district minimum and maximum density factors.

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 housing is 9,034 units, of which 384 are identified as being attached units. The need for multi-family housing includes 651 duplexes and 4,586 multi-units. The applicant proposes to supply a minimum total of 443 dwelling units within the overall planning area. A total of 127.5 units will be supplied within the approximately 41.5 gross acres of Urban Residential (UR) GLUP designated lands. These areas are proposed to be zoned Single-Family Residential – 6 dwelling units per gross acre (SFR-6) and Single-Family Residential – 10 dwelling units per gross acre (SFR-10).

The planning area also includes approximately 6.3 gross acres of Urban Medium Density Residential (UM) GLUP designated land which is planned to be zoned Multi-Family Residential 15 (MFR-15), and approximately 32.6 gross acres of Urban High Density Residential (UH) GLUP designated land which is planned to be zoned Multi-Family Residential 20 (MFR-20). These areas will supply a minimum of 315.8 multi-family dwelling units.

The proposed 443 dwelling units will contribute to meeting the two greatest needs outlined in the Housing Element, which are the detached single family and multi-family dwelling type categories.

The zoning districts noted above include minimum and maximum density factors at the following dwelling units per acre (du/acre):

Zoning	SFR-6	SFR-10	MFR-15	MFR-20
Minimum Density	4.0	6.0	10.0	15.0
Maximum Density	6.0	10.0	15.0	20.0

Using a detailed spreadsheet to standardize how residential density is calculated for each of the planning units, the Planning Department has calculated 434 dwelling units as the minimum residential density needed within the planning unit. (**See Exhibit D for calculation summary**). The applicant proposes to exceed this number by 9 units by requiring SFR-6 and SFR-10 zoning in the areas with the UR GLUP designation.

Conclusions

Satisfied. The minimum residential density requirement as calculated by staff is 434 dwelling units, and the applicant proposes to exceed this number by providing 443 dwelling units. To ensure this number of units is met, the applicant proposes to zone the UR GLUP areas to the Single-Family Residential 6 (SFR-6) and the Single-Family Residential 10 (SFR-10) zones. The area designated with the UM GLUP is proposed to be zoned Multi-Family Residential 15 (MFR-15), and the area designated with the UH GLUP is proposed to be zoned Multi-Family 20 (MFR-20). The re-zoning of the property and future development will be required to meet the minimum residential densities as an obligation of meeting the Regional Plan elements.

The City has an adopted Housing Element (2010) that describes the housing needs of the City through 2029. The housing mix allocations assumed roughly two-thirds of the dwelling units to be constructed as single family detached homes, single-family attached homes, manufactured homes, and two-family attached homes (duplexes). The remaining one third would accommodate multi-family homes (3 or more attached units). The overall needed density in the Housing Element was calculated as 6.3 dwellings per gross acre.

The Regional Plan (2012) imposes a density standard that exceeds that outlined in the Housing Element at a minimum density of 6.6 dwelling units per gross acre. The City has committed to this density until 2035, and then the density factor increases to 7.6 dwelling units per gross acre from 2036 through 2050. Land use changes made as

part of the Urban Growth Boundary Phase I (Internal Study Areas 2014) project increased the supply of medium and high density residential designations within the City limits and reallocated lower density residential into the expansion areas. The Urbanization Planning (2018) process was established in order to establish minimum residential density standards in the UR GLUP designations and track housing production within each planning unit as the land develops. This process helps ensure land within the Urban Growth Boundary is being used to its maximum capacity to ensure needed housing of all types is being constructed and the City's obligations under the Regional Plan are being met to the extent possible. This criterion is satisfied.

Criterion 5.2 *Transportation Planning: A neighborhood circulation plan map showing:*

5.2.1 *Locations of higher-order streets. Locations and alignments of higher order streets should be planned in appropriate locations.*

The plan will depict how local streets, alleys and paths could be arranged to comply with the City's applicable street connectivity requirements. Typically, a well-connected street grid is desirable both for efficient utilization of urban land and to serve the transportation needs of all modes.

The urbanization plan may seek approval for local street arrangements with less connectivity (fewer intersections, longer block lengths, more dead-ends, greater potential out-of-direction travel) that is otherwise allowed by the code. Such arrangements may be justified on the basis of topographical and other environmental or development constraints, access management requirements, and/or the particular needs of adjacent land uses and those of the surrounding vicinity.

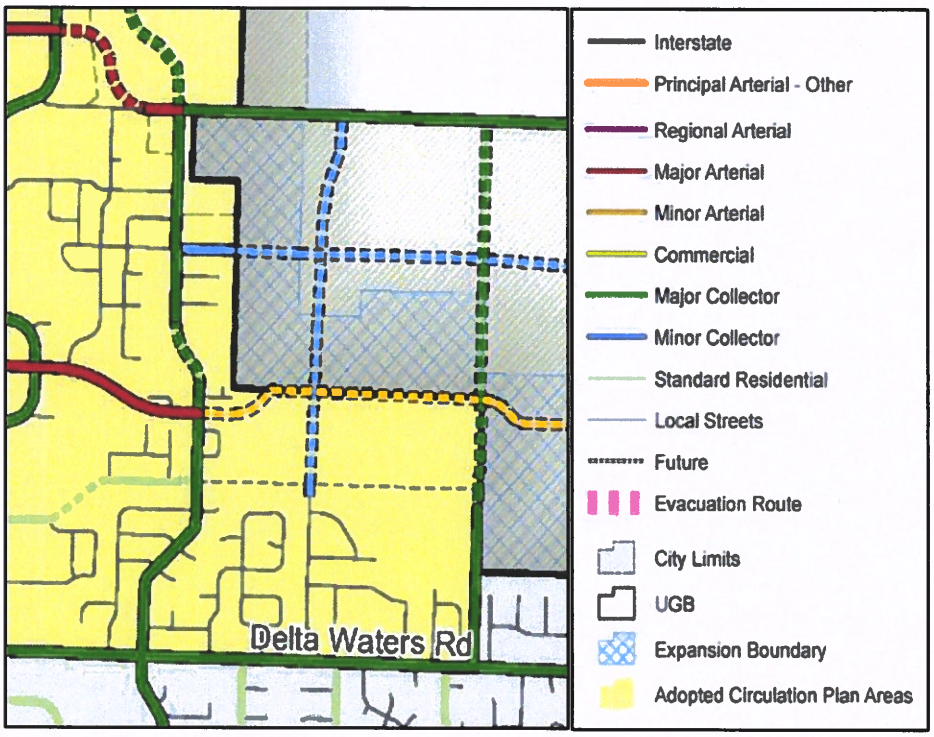
Proposed networks with lower vehicular connectivity may also include mitigation measures including enhanced pedestrian and other active transportation facilities. An example of an active transportation facility may include off-road multi-use paths.

Maps depicting street functional classifications shall utilize a system that is the same as or readily convertible to the City's adopted Transportation System Plan.

<u>Findings</u>

The subject properties are bordered by existing higher order streets, including Coker Butte Road (major collector) on the north, and Owen Drive (minor arterial) on the south. Per the Transportation System Plan (TSP) as identified in Figure 18 (Roadway Functional Classification), Cheltenham Way (minor collector) will be extended north through the planning area from its current terminus to the south, and McLoughlin

Drive (major collector) will be extended north along the east edge of the planning unit from its current terminus to the southeast. Hondeleau Lane (minor collector) is an existing street that currently terminates at the western edge of the planning unit, and it will be extended to the east to connect with the future McLoughlin Drive. These streets and their future extensions are depicted in an excerpt from Figure 18 of the TSP below.



Portion of Figure 18 from TSP

The applicant proposes to shift the future alignments of Cheltenham Way and McLoughlin Drive from what is shown in the TSP. In order to minimize environmental impacts to Garrett Creek, Cheltenham Way is proposed to be shifted slightly to the east. Similary, McLoughlin Drive is also proposed to be shifted slightly east as the TSP alignment runs within the Garrett Creek drainage and wetland area (**Exhibit E**). This shifting of McLoughlin Drive will also avoid impacts to a large irrigation pond that is located to the north, outside of the planning area and the Urban Growth Boundary.

Conclusions

Satisfied. There are two higher order streets planned within this planning unit: Cheltenham Way and Hondeleau Lane. Additionally, the future McLoughlin Drive extension will run along a portion of the planning unit's eastern boundary. Existing local streets on the west edge of the planning unit, including Luxor Lane, Pearl Eye

Lane, and Dragon Tail Place, can be extended east through the area, and the spacing between the higher order streets is sufficient to allow for local streets and alleys to be arranged in a street grid that is in accordance with City block length standards, as well as avoiding unnecessary crossings of Garrett Creek. The proposal provides the proposed street connections outlined in the Transportation System Plan (TSP), just with slightly different alignments in the cases of Cheltenham Way and McLoughlin Drive. This criterion is satisfied.

Criterion 5.3 *Compliance with the open space allocation for an urban reserve area. Units that contain only Industrial GLUP designations are exempt from this requirement. The following classifications count as open space for purposes of fulfilling the RPE requirements:*

5.3.1 *Parks, both public and private shall be counted as open space. Schools may be counted as open space. Where land acquisition is not complete or where specific open space dedications were not offered and accepted as part of the UGB process, park and school sites may be identified as opportunity areas on maps and the acreage planned may be described in text form that explains how the planning unit can satisfy the open space requirement. Areas where specific open space dedications were offered and accepted as part of the UGB review process shall be depicted and the acreage counted toward open space percentages.*

5.3.2 *Agricultural buffers. Proposed agricultural buffers within the UGB shall be counted as open space. Interim agricultural buffers shall not be counted toward open space percentages unless an additional legal or planning mechanism is imposed to render such areas as open space even after a future UGB amendment in the applicable MD area.*

5.3.3 *Riparian corridors shall be counted.*

5.3.4 *Areas under an "open space" tax assessment shall be counted.*

5.3.5 *Locally significant wetlands and any associated regulatory buffer shall be counted.*

5.3.6 *Slopes greater than 25 percent*

Findings

The Regional Plan allocated employment, residential and open space land use requirements within each of the planning units. For the planning units within MD-3, 16 percent of the land is to be designated open space. Based on 88.3 acres in MD-3a, a 16 percent allocation would provide 14.1 acres of open space within the planning

unit. The area proposed as permanent open space is 16 acres, or 18.1 percent of the MD-3a area.

The proposed open space includes portions of agricultural buffers and areas identified as probable wetlands, as well as some areas where recreational amenities (private or public) could potentially be developed (e.g. playgrounds, shared-use trail, BBQ gazebos, etc). There are no riparian corridors, areas under an "open space" tax assessment, or slopes greater than 25 percent within the planning unit that would count towards open space.

Conclusions

Satisfied. The property owner is subject to a 16 percent open space requirement that equates to 14.1 acres. The proposed plan designates 16 acres as open space within the planning unit, thereby exceeding the requirement by 1.9 acres. This criterion is satisfied.

Criterion 5.4 *Compliance with the requirements of Regional Plan Element, Section 4.1.6, for mixed-use/pedestrian-friendly development and any specific land use performance obligation. Planning units containing only an Industrial GLUP Map designation are exempt from the mixed-use pedestrian friendly development evaluation.*

Findings

Section 4.1.6 of the Regional Plan Element points to the 2020 benchmark targets identified in the most recent Regional Transportation Plan (RTP-2017) for number of dwelling units and new employment in mixed-use and pedestrian friendly developments or activity centers. Activity centers are defined in the RTP as:

- Areas of development that contribute to achieving mixed-use, pedestrian friendly development;
- Neighborhood commercial and employment centers, parks, and schools;
- Downtown areas;
- Transit Oriented Developments; and
- Development that is vertically or horizontally mixed-use

The 2020 target for new dwelling units in the RTP is identified as 49 percent, and for new employment in activity centers it is 44 percent. Data from 2001 indicated that

Medford was already exceeding these targets at 61 percent and 48 percent, respectfully. The City is required to continue meeting or exceeding these targets as required by the Regional Plan.

The intent of the mix of land uses distributed throughout each of the planning units within the Urban Growth Boundary Expansion areas is to continue this trend of providing housing, employment, and open space in close proximity to one another. In MD-3a, the mix of residential and commercial provides an opportunity to create housing and employment/service opportunities in a new neighborhood setting that is close to Abraham Lincoln Elementary School, as well as recreational amenities both on and off site, including a multi-use path that will traverse the length of the open space area.

The subject planning unit includes residential and commercial land use types to achieve a mix of uses that are accessible and will serve those living or working in the planning unit or the surrounding neighborhoods. The distribution of residential and commercial GLUP designations aligns with that adopted through the Urban Growth Boundary process, with commercial proposed along the higher order streets of future Owen Drive (minor arterial) and future McLoughlin Drive (major collector). Both of these street types have cross sections that will provide for convenient and safe traveling by pedestrians and provide connections to the planning unit and other destinations. Multi-family residential is located in the south and east portions of the planning unit, and is abutting or in close proximity to the commercial areas located at the southeast corner.

The applicant is required to meet minimum density requirements (443 dwelling units per the applicant's proposal) for the residential portions of the plan, and the commercial portion provides versatility through the types of permitted uses, including multi-family residential, retail, and offices that can be developed in order to compliment the proposed mix of residential units. Finally, the proposed street network and multi-use path will provide multi-modal access to internal and external developments.

Conclusions

Satisfied. MD-3a has the appropriate combination of residential and commercial land uses, street connectivity, and allowed versatility within the commercial components to meet the Regional Plan requirements related to housing and employment in activity centers. This criterion is satisfied.

Criterion 5.5 *Preliminary coordination and discussions with public utility providers, including water, sewer, transportation, and irrigation districts.*

5.5.1 *Coordination may include identifying any existing infrastructure on or adjacent to the site and determining whether it can be maintained or needs to be moved.*

Findings

The applicants/property owners have begun preliminary discussions with utility providers through their development of this urbanization plan. Comments were provided during the pre-application process and through this formal application. The guidance from utility providers at this stage is informational only and serves to guide the applicants with their future development plans. No utilities are being extended to serve the property during the urbanization planning process.

Prior to and during the Land Development Committee meeting held on May 27, 2020, comments were received from Medford Public Works (**Exhibit F**), Jackson County Roads (**Exhibit G**), Rogue Valley Sewer Services (**Exhibit H**), Medford Parks & Recreation (**Exhibit I**), and the Medford Water Commission (**Exhibit J**). Medford Building (**Exhibit K**) and Medford Fire-Rescue (**Exhibit L**) provided standard comments but no specific conditions that must be addressed at this time. The installation of off-site and on-site utilities will be coordinated with future development phases of the property.

Public Works commented that, upon annexation the City will assume maintenance jurisdiction of that portion of Coker Butte Road along the north boundary of the planning unit, and will request that a jurisdictional transfer be completed. The other public streets proposed to be constructed will be maintained by the City. Sewer system capacity constraints exist in this area that will need to be addressed prior to any future zone change approvals. Future development within the planning unit will require stormwater detention and stormwater quality facilities.

Public Works supports the proposed alterations to the alignments of Cheltenham Way and McLoughlin Drive, and recommends that the TSP be updated to reflect those changes. Public Works also supports the applicants' offer to analyze a roundabout at the intersection of Owen Drive and McLoughlin Drive, with the condition that the analysis be done at the time of the first zone change that has the potential to generate more than 250 net average daily trips in the Urbanization Plan area. Finally, Public Works commented that a pedestrian bridge to cross Garrett Creek somewhere between Cheltenham Way and McLoughlin Drive shall be considered with future phases of development in order to mitigate the lack of street connectivity between the UR area north of Garrett Creek and the multi-use and commercial area. Similarly,

a pedestrian accessway connecting the same UR area to the urban reserve area to the north shall also be considered.

The subject of the pedestrian bridge was discussed between staff and the applicant, and it was agreed that the feasibility of crossing Garrett Creek is an undertaking that will need to be looked at in the future when development is proposed to occur in Sub-Area 4. Matters that were discussed and that will need to be weighed at the time of development include the number of units being proposed within Sub-Area 4, environmental constraints (including outside agency permitting requirements), the financial costs of constructing a pedestrian bridge relative to the amount of use the bridge is expected to generate, and whether the City would be willing and able to financially participate in its construction (e.g. if the Parks Department were to have future interest in acquiring or partnering with the eventual developer on the shared-use path and open space area). Additionally, Cheltenham Way will provide access to the shared-use path from Sub-Area 4, although this route will be slightly longer in distance and require out of direction travel for residents that desire to go east on the shared-use path.

Jackson County Roads provided comments related to the annexation and jurisdictional transfer of the portion of Coker Butte Road along the northern edge of the planning unit. If County storm drain facilities are utilized, the runoff will be limited to the area currently draining to the County storm drainage system, and construction of the storm drainage system will need to be constructed per plans approved by Jackson County Roads.

Rogue Valley Sewer Services (RVSS) currently serves tax lots within the planning unit, and will likely serve the remainder in the future. There are existing RVSS sewer mains located along Springbrook Road and extended through properties in the planning unit. The downstream RVSS sewer system has adequate capacity; however, the service boundary between RVSS and the City of Medford is largely undefined in the area, and the topography may require sewer service to be split between the jurisdictions.

Medford Parks & Recreation commented that the proposed plan depicts roughly 16 acres of open space to the Garrett Creek Greenway and surrounding wetlands, and includes a shared-use path in that area in accordance with the Leisure Services Plan. The applicant is encouraged to work with Parks Department staff on any acquisition, development, and/or maintenance agreements pertaining to the open space areas, and the applicant has stipulated they will do so. Parks also noted that while they have no specific plans to acquire and develop parkland in the planning unit area, the Parks Department remains open to identifying strategic opportunities, and that the design of the open space may be more amenable to a "Special Use Area" parkland

designation. Parks also stated they can advise on irrigation design and tree species selection for higher-order right-of-way planter strips.

Medford Water Commission (MWC) provided comments that the planning unit is located in the Commission's "Gravity" Pressure Zone, and metered service exists to some of the properties along Coker Butte Road. Access to MWC water lines is available, and there is an existing 6-inch water line located in Coker Butte Road. All parcels/lots will be required to have metered water service prior to recordation of final map, and the installation of "on-site" water lines is required. Water lines are required to be installed in paved travel lanes, and all water lines are required to be looped. The applicant's civil engineer is required to coordinate with Medford Fire-Rescue for approved fire hydrant locations, and depending on Fire-Rescue requirements for available fire flow, off-site water line improvements may be required in Coker Butte Road.

Conclusions

Satisfied. Utility providers have reviewed the urbanization plan and have provided preliminary comments that the applicant can use and apply to the next stage of development for the property. This criterion is satisfied.

Criterion 5.6 *Location or extensions of riparian corridors, wetlands, historic buildings or resources, and habitat protections and the proposed status of these elements.*

Findings

The planning unit does not contain any riparian corridors, historic buildings or resources, or habitat protections. The City's adopted 2017 Local Wetland Inventory identifies four wetlands and two ponds within the southern half of MD-3a (**Exhibit M**), and recommends to allow for development of conflicting uses but reduce impacts to the extent possible. At the applicant's request, preliminary on-site wetlands investigations were conducted by Schott & Associates in January 2019 (**Exhibit N**). That investigation identified six wetlands, one pond, two ditches, and portions of the Hopkins Irrigation Canal and Midway Creek within the planning unit. The conditions identified by Schott & Associates are preliminary assessments, and a complete delineation of any and all wetlands will need to be prepared and submitted to the Oregon Department of State Lands and the U.S. Army Corps of Engineers for concurrence prior to any development occurring within the areas identified as potential wetlands.

Conclusions

Satisfied. The plan includes a linear open space area that encompasses the locations and extent of the probable wetlands, the existing pond, Midway Creek, and the Hopkins Irrigation Canal. In order to minimize wetland impacts, the plan proposes only one crossing of Garrett Creek for the extension of Cheltenham Way. This criterion is satisfied.

Criterion 5.7 *Compliance with applicable provisions of the Urban Growth Management Agreement.*

Findings

The property is currently within the Urban Growth Boundary and is subject to the provisions in the Urban Growth Management Agreement (UGMA) as included in the Urbanization Element.

Applicable policies in the UGMA include the protection of agricultural land zoned Exclusive Farm Use (EFU) outside of the Urban Growth Boundary. There is land zoned EFU located along the east edges of the planning unit. The plan includes interim agricultural buffers along the full lengths of the abutting properties that are zoned EFU, and the applicants/property owners have stipulated that prior to any future zone change approvals, they will prepare interim agricultural buffer relocation agreements to be reviewed and approved by the City attorney, and record the approved agreements prior to any physical urban development occurring on the affected property.

Conclusions

Satisfied. Segments of the property are and will be subject to agricultural buffering standards which are included in the plan. This criterion is satisfied.

Criterion 5.8 *Compliance with the terms of special agreements between the landowners and other public entities that were part of the basis for including an area in the urban growth boundary, as detailed in the Urban Growth Management Agreement.*

Findings

The annexation policies and Urban Growth Management Agreement as outlined in the Comprehensive Plan did not include special agreements or provisions for this planning unit. There were no stipulations included in the agreement for the inclusion of MD-3a into the Urban Growth Boundary.

Conclusions

Not Applicable. The applicant is not subject to additional requirements as outlined in the annexation and Urban Growth Management Agreement policies for the inclusion land into the Urban Growth Boundary. This criterion is not applicable to this planning unit.

Criterion 5.9 *Coordination with the Parks and Recreation Department for adherence to the Leisure Service Plan related to open space acquisition and proposed trail and path locations.*

Findings

The Leisure Services Plan indicates a shared-use pathway through the Garrett Creek greenway, and the plan accordingly includes a shared-use path through that area. Conversations between the applicants and the Parks and Recreation Department have occurred through the pre-application conference that took place in 2019, and most recently as a result of this formal application.

Conclusions

Satisfied. The plan includes a shared-use path along the Garrett Creek Greenway in accordance with the Leisure Service Plan, and the applicants have stipulated that they will coordinate with the Parks and Recreation Department on the future use, ownership, and maintenance of the shared-use path and open space. This criterion is satisfied.

Criterion 5.10 *Vicinity map including adjacent planning units and their General Land Use Plan designations.*

Findings

The applicants provided a map that identifies the General Land Use Plan designations for the adjacent portion of the MD-3c planning unit to the southeast. (**Exhibit O**). The abutting lands within MD-3c are designated Commercial (CM), which will match the proposed GLUP designation at the southeastern most corner of MD-3a.

Conclusions

Satisfied. The applicants have provided a map showing the subject property in relationship to the adjacent and adjoining properties, including their General Land Use Plan designations. This criterion is satisfied.

Criterion 5.11 *Property lines for the subject planning unit and adjacent properties, particularly where new streets are proposed.*

Findings

The applicants Neighborhood Circulation Plan Map (**Exhibit E**) that depicts the property lines of the lands within and adjacent to the planning unit. The applicants' circulation plan allows for the extension of future streets to serve land to the north and east.

Conclusions

Satisfied. The required information has been provided by the applicant. This criterion is satisfied.

Criterion 5.12 *Existing easements of record, irrigation canals, and structures.*

Findings

Tentative plats (**Exhibit P**) for the properties proposed for concurrent annexation into the city were submitted with the application. The tentative plats are being processed through Jackson County, and will be approved prior to the annexation hearing on August 20, 2020. The plat for the approximately 30.2 acre parcel at the southeast corner of the planning unit indicates there is a power easement running the length of the east property boundary, the majority of which is designated as an interim agricultural buffer. The Rogue River Irrigation District's Hopkins Irrigation Canal runs in a loop through the southwest corner of the planning unit, and is fully within the area designated as open space in the plan. None of the proposed streets will impact the canal, and should any future development be proposed that would require alterations to the canal, coordination with the Irrigation District would be required. No comments have been received from the Irrigation District regarding this application. The Neighborhood Circulation Plan Map (**Exhibit E**) identifies seven parcels along the north boundary of the planning unit that have existing structures (primarily single-family residences). While these properties are included in the urbanization plan, they are not proposed for annexation, and any easements or other obstacles to development that may exist on those properties would necessarily be dealt with at the time they are proposed for annexation.

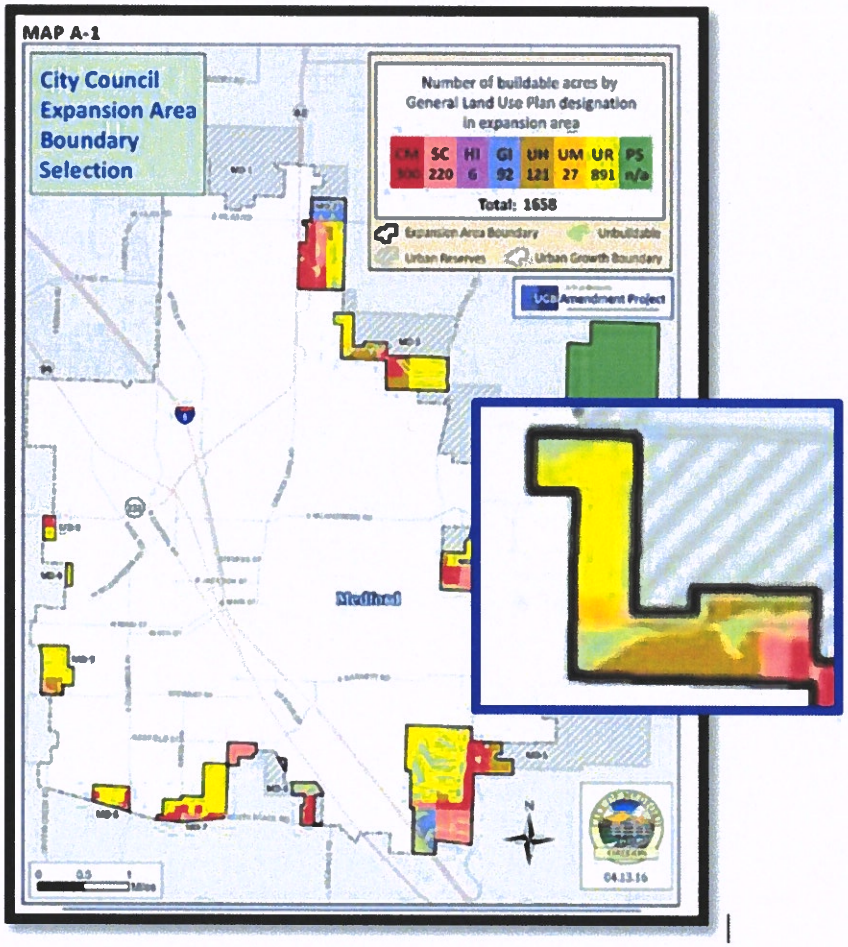
Conclusions

Satisfied. The applicant has provided documentation of existing easements and shown the location of existing irrigation canals and structures within the planning unit. This criterion is satisfied.

Criterion 5.13 *Areas designated as unbuildable per the Urban Growth Boundary City Council Report dated August 18, 2016 (Map A-1), and the status of those areas, including agricultural buffers.*

Findings

The figure below is Map A-1 which is part of the Urban Growth Boundary Amendment project report adopted by City Council on August 18, 2016. The subject planning unit is enlarged and outlined in blue. The map outlines the unbuildable areas (green/grey color) within the planning unit, and include the area proposed in the plan as designated open space, agricultural buffers, and the existing structures at the north end of the area along Coker Butte Road.



Conclusions

Satisfied. The areas identified as unbuildable are primarily located within or abutting the plan's designated open space, are existing structures, or are within proposed interim agricultural buffers. This criterion is satisfied.

Criterion 5.14 *Contour lines and topography.*

Findings

The applicants have submitted a topographical and slope map (**Exhibit Q**) that was prepared by a licensed surveyor using two foot contour data. The only areas with slopes greater than 15 percent are located in or adjacent to the open space area, and none of those areas exceed 35 percent slope.

Conclusions

Satisfied. The applicants have provided a contour map showing the grade changes for the property, and there are no developable areas in the planning unit that would be subject to the City's Hillside Ordinance regulations. This criterion is satisfied.

Criterion 5.15 *In the interest of maintaining clarity and flexibility for both the City of Medford and for landowners, no urbanization plan may be submitted with or contain the following items, which are only appropriate at the time of development:*

5.15.1 *Deviations from Municipal Code provisions, including exceptions to Chapter 10. This prohibition does not function to limit specific neighborhood circulation plan requirements hereinabove.*

5.15.2 *Limitations on development due to facility capacity shortfalls.*

5.15.3 *Architectural details.*

5.15.4 *Specifics about building types and building placement.*

5.15.5 *Access and internal circulation on prospective lots or development sites.*

Findings

The applicant does not propose any deviations from the code, limitations on development due to capacity shortfalls, architectural details, building types or placement, or access points.

Conclusions

Satisfied. The proposed urbanization plan does not contain any of the above listed deviations or details that are inappropriate at this level of the planning stage. This criterion is satisfied.

Section 6 - GLUP AMENDMENTS

Criteria

6.1.1 *Minor Spatial Adjustments: If GLUP map amendments are proposed within the planning unit but the total acreage for each GLUP Map designation is not significantly changed, the urbanization plan can be the basis for GLUP amendments without the need for complex land supply analysis.*

6.1.2 *Moderate Spatial Adjustments: If land supply GLUP map amendments are proposed that change the spatial arrangement of GLUP designations beyond the boundary of a particular planning unit but maintain the total acreage for each GLUP Map designation within the applicable MD area that is now inside the UGB, then the urbanization plan shall be accompanied by a mapping analysis that explains how the total land use allocations are maintained by GLUP. Spatial exchanges of land use designations such as this shall be coordinated with other planning units in the MD and an analysis urban land use value equity shall be provided.*

6.1.3 *Complex Spatial Adjustments: More complex GLUP Map amendments that have the potential to alter the land supplies in more fundamental ways will typically require extensive city-wide and/or regional plan land supply analyses. This analysis shall demonstrate that both the urban land needs described in the City's Housing Element and Economy Element will be served and that the resulting amendment will continue to comply with all applicable provisions of the Regional Plan for the area specifically and the City as a whole.*

Findings

The applicants propose to change approximately 8.2 acres of land from the UH GLUP to the UR GLUP designation, with the required future zoning being SFR-10. This land area is located north of Garrett Creek in the southern portion of the planning unit, and is identified as "Sub-Area 4" on the Neighborhood Plan Map (**Exhibit A**). The 2016 Urban Growth Amendment identified approximately 3.2 acres in this area as being buildable land, with wetlands to the south and an agricultural buffer to the north. However, the theoretically buildable area is actually too narrow to accommodate new streets and development. Additionally, the applicants discovered during the

preparation of this urbanization plan that the area has a very shallow depth to bedrock that will make development of sizable multi-family buildings infeasible.

Changing the GLUP in this area to UR with a required zoning of SFR-10 will allow for the development of a mix of townhomes and/or cottages, which are product types that can be more readily built given the site constraints. The applicants own the property immediately to the north which is outside of the UGB and have proposed to relocate the interim agricultural buffer in this area to their property outside of the UGB in order to create more buildable area; however, the resulting buildable area is still too constrained to accommodate multi-family development once streets, buildings, parking areas, etc. are accounted for given the minimum 15 units per acre that would have to be built under MFR-20 zoning. At 15 units per acre, the original 3.2 acres of buildable land would equate to 48 dwelling units, while the expanded buildable area made possible by the relocation of the interim agricultural buffer would equate to 40 units (6 units/acre minimum under SFR-10 zoning). This difference of 8 fewer units is balanced out in the end by the proposed plan's commitment to a minimum of 443 dwelling units, or 9 more than anticipated under the UGB amendment process and as detailed under Criterion 5.1.

The applicants also propose to change the arrangement of the areas with GLUP designations of Service Commercial (SC) and Commercial (CM). The plan calls for the amount of SC designated land to be reduced by approximately 2.21 acres, and for the CM designated land to be increased by approximately 2.21 acres. This results in two equally sized areas with the CM land being at the southeast corner of the planning unit with lengthy frontages along Owen Drive and the future McLoughlin Drive. These areas are identified as "Sub-Areas 6 and 7" on the Neighborhood Plan Map.

The SC land is proposed on the north side of the CM land and backs up to the Garrett Creek Greenway. There is a good amount of overlap in the types of development that can occur on properties with CM and SC GLUP designations, and it is therefore possible that in the end all of the CM and SC land could be developed with the same use types.

Detailed maps of the existing GLUP designations and the proposed GLUP amendments have been provided by the applicants (**Exhibit R**). While the proposed GLUP amendments result in UH and SC acreage reductions, they can be considered Minor Spatial Adjustments because the acreage of each GLUP designation is not significantly changing. Additionally, the net outcome will effectively be the same in terms of the total number of dwelling units and the types of commercial development that can be built within the planning unit area. Upon approval by City Council, the City's General Land Use Plan map will be updated to reflect the modifications to the Urban High Density Residential, Urban Residential, Service Commercial, and Commercial boundaries.

Conclusions

Satisfied. The applicant proposes to modify the location of the GLUP designations within the planning unit as proposed in the application and the above map. The approval of the Urbanization Plan provides for this GLUP adjustment without the need for a separate GLUP Amendment process. The changes represent a Minor Spatial Adjustment that the City Council can approve with this application. This criterion is satisfied.

RECOMMENDED ACTION

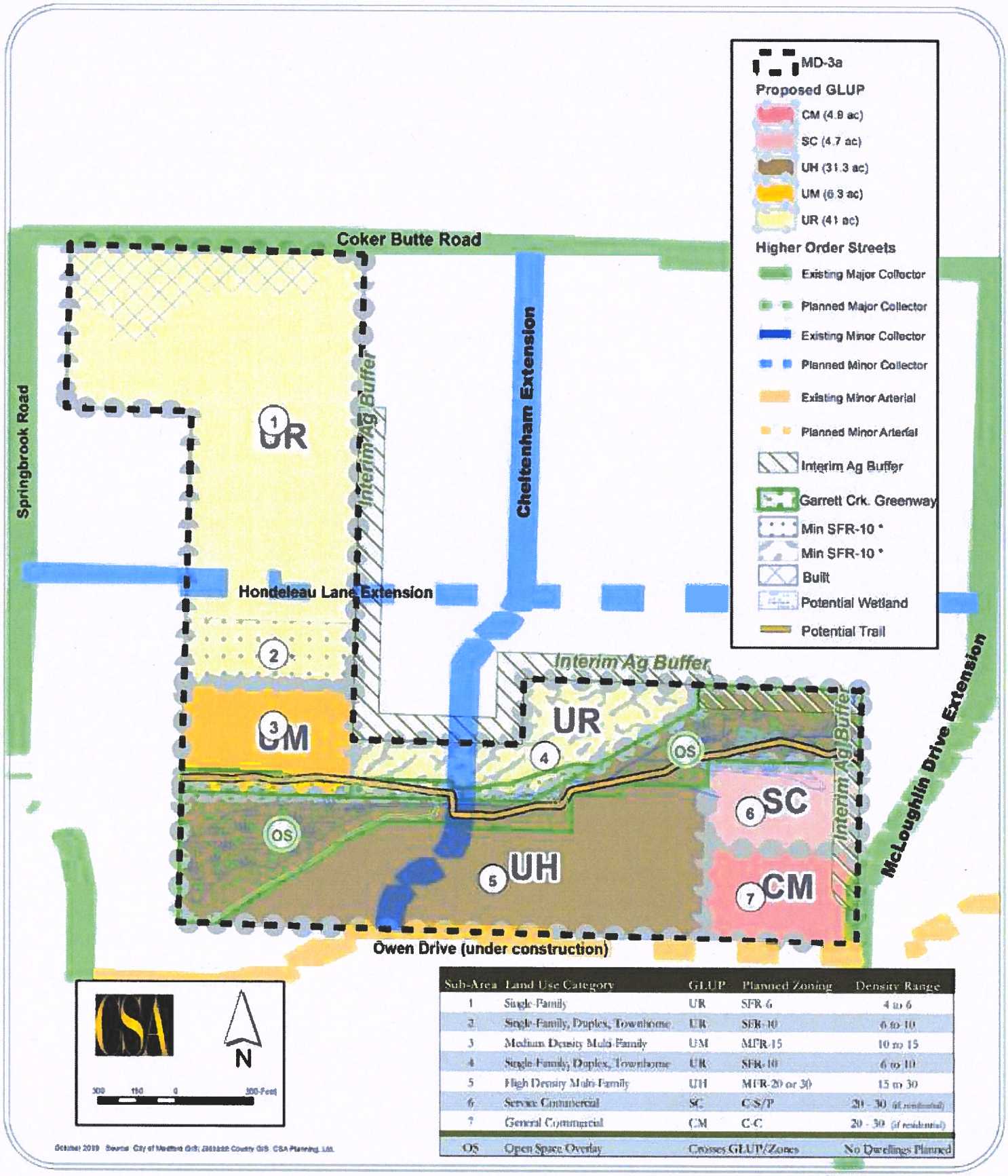
The Planning Commission recommends adopting the Urbanization Plan for MD-3a as identified in Exhibit B into the Neighborhood Element of the Comprehensive Plan based upon findings and conclusions in the Council Report dated August 13, 2020, including Exhibits A through U.

EXHIBITS

A Applicants' Neighborhood Plan Map
B Neighborhood Element Amendment
C Applicants' Findings of Fact & Conclusions of Law
D Summary Residential Density Calculator Spreadsheet
E Applicant's Neighborhood Circulation Plan Map
F Public Works Department Comments dated June 12, 2020
G Jackson County Roads Comments dated May 5, 2020
H Rogue Valley Sewer Services Comments dated May 5, 2020
I Parks & Recreation Department Comments dated June 10, 2020
J Medford Water Commission Comments dated May 27, 2020
K Medford Building Safety Department Comments dated May 27, 2020
L Medford Fire-Rescue Comments dated May 27, 2020
M Local Wetland Inventory Maps
N Applicants' Wetland Determination Report
O Applicants' Map of Existing GLUP Designations
P Applicants' Tentative Plats for Properties to be annexed
Q Applicants' Topography/Slopes Map
R Applicants' Detailed Comparison Map of GLUP Changes
S Letter from Fair Housing Council of Oregon, June 21, 2020
T E-mail from Connie Marmet, June 25, 2020
U Planning Commission Hearing Minutes, June 25, 2020
Vicinity Map

CITY COUNCIL AGENDA: **AUGUST 20, 2020**

2. CHILSONRISE NEIGHBORHOOD URBANIZATION PLAN MAP



Sub-Area	Land Use Category	GLUP	Planned Zoning	Density Range
1	Single-Family	UR	SFR 6	4 to 6
2	Single-Family, Duplex, Townhome	UR	SFR-10	6 to 10
3	Medium Density Multi-Family	UM	MFR-15	10 to 15
4	Single-Family, Duplex, Townhome	UR	SFR-10	6 to 10
5	High Density Multi-Family	UH	MFR-20 or 30	15 to 30
6	Service Commercial	SC	C-S/P	20 - 30 (if residential)
7	General Commercial	CM	C-C	20 - 30 (if residential)
OS	Open Space Overlay	Crosses GLUP/Zones		No Dwellings Planned

October 2019 Source: City of Medford GIS; Jackson County GIS; CSA Planning, Ltd.

EXHIBIT A

Medford Comprehensive Plan
Chapter 10

Neighborhood Element

Introduction

The divisions of this chapter are special area plans that have been adopted by the Council. Two plans are incorporated by reference; three others are incorporated into this document.

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2. Planning Unit MD-5f (South of Juanipero Way and West of North Phoenix Road)
3. Planning Unit MD-3a (South of Coker Butte Road, North or Owen Drive, and East of Springbrook Road

EXHIBIT B

URBANIZATION PLAN FOR PLANNING UNIT MD-3a

Adopted by the City Council on August 20, 2020; Ordinance No. 2020-XX

"CHILSONRISE NEIGHBORHOOD URBANIZATION PLAN"

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1. CHILSONRISE NEIGHBORHOOD VISION AND OPPORTUNITIES

The Chilsonrise Neighborhood Plan has been developed through cooperative planning efforts by the two largest landowners in the planning area, Veritas Properties LLC and Steven Skinner; a list of all the acreages and ownerships at the time the plan was developed is provided in the Ownerships Background document, see Section 6. The Veritas and Skinner ownerships comprise ~89.5 percent of the total planning area. The planning area is identified in the City's Urbanization Planning Areas Map as MD-3a. MD-3a is a subarea of the much larger Urban Reserve area that was analyzed, and ultimately planned as an Urban Reserve, through the Regional Problem Solving (RPS) planning process. In 2017, the City of Medford included the "MD-3a" area along with the "MD-3c" area into its Urban Growth Boundary. Approximately half the MD-3 Urban Reserve area remains outside the Urban Growth Boundary (UGB). The inclusion of this area into Medford's UGB was acknowledged by the State of Oregon in 2018.

Following the 2017 UGB amendment, the City of Medford established criteria and identified sub-areas for Urbanization Planning. The City adopted an updated Transportation System Plan (TSP) at the end of 2018. The new TSP planned transportation facilities for the areas added to the UGB in 2017 and considered the planned land uses for the areas added to the UGB.

The Chilsonrise Neighborhood Plan is the Urbanization Plan for the MD-3a sub-area. It has been developed to comply with the Urbanization Plan criteria and to implement the TSP. The Plan provides a vision that balances planned land uses and transportation improvements with the physical conditions of the site, existing and planned land uses for the area, and market potential.

1.1. Creating Opportunities Out of Physical Constraints

The Chilsonrise Neighborhood is constrained by the following physical and environmental conditions:

- Rogue River Irrigation District's Hopkins Canal meanders through the southwest corner of the area.
- A creek cuts across the plan area running from east to west, separating the southern ~34 ½ acres of the neighborhood from the northern ~54 acres. The creek is mapped with different naming conventions, primarily being called Midway Creek or Garrett Creek. This plan refers to the creek as Garrett Creek as it empties into the Garrett Creek drainage on the west side.
- There are potential wetlands in the low-lying areas of the site near the creek and adjacent to irrigation features.
- There is a rock outcrop and shallow depth to bedrock in the northwest corner of Tax Lot 1000.

All the above constraints affect the potential urban form of the Chilsonrise Neighborhood. These features cross through the middle of the neighborhood planning area. The plan seeks to design around these features and retain them as natural area open space in the plan. The Garrett Creek Greenway also presents opportunities for targeted wetland mitigation in MD-3a and perhaps as a site for additional mitigation from development elsewhere in the City. Portions of the area may also be well-suited for storm drainage detention to be integrated with other hydric open space uses for a more natural open space experience. The Garrett Creek Greenway will become a natural area amenity to the neighborhood. The proposed higher-order street arrangement advances this concept by minimizing crossings of the Garrett Creek Greenway.

1.2. High Density Corridor on Owen Drive

The area between Owen Drive and Garrett Creek Greenway is planned for High Density Residential in the GLUP Map that was adopted through the City's UGB amendment process. The adjacent Garrett Creek Greenway will provide open space proximity for people living in multi-family housing in this area. The Garrett Creek Greenway also provides a natural separation from the medium density and single-family densities in the northern part of the neighborhood. The center of the high-density area is about a third of a mile from RVTD's Route 26. Owen Drive is a minor arterial in this location and separates high density residential from the single-family densities to the south. It will provide excellent bike and pedestrian access to commercial areas to the west. For kids in the neighborhood, a single crossing of Owen Drive is all that would be required to walk or bike to Lincoln Elementary School at a distance of about half a mile. The rest of the route can be biked or walked by kids through the Delta Estates Subdivision on well-connected local streets with relatively low traffic volumes and speeds.

1.3. Multi-Use Path

The City's Leisure Services Plan depicts a multi-use path along the Garrett Creek Greenway. The Chilsonrise Neighborhood Plan depicts this multi-use path. This path will create an active recreation and bike/ped transportation facility to derive further benefits from the Greenway. The path west of Cheltenham is contemplated to be co-located with the Rogue River Irrigation District's maintenance road; this area is narrow between the location where future streets will need to go and the irrigation canal maintenance road. It is anticipated that the City, the District and a future developer will need a coordinated management plan this portion of the path.

1.4. Commercial/Service Commercial Market Opportunities

An array of market opportunities may arise for the commercial and service commercial land uses in the southeast corner of Tax Lot 1000 as the plan is implemented. Medford's commercial and service commercial zoning regulations are flexible and allow for multi-family, commercial office, retail and many institutional uses as either permitted or conditional uses. This site could be desirable for many of these uses as the neighborhood plan is implemented. The flexibility of Medford's commercial use regulations will allow this area to respond to market conditions as opportunity arises and the land use plan for the neighborhood will assure that the most intensive land uses will be located nearest to the planned higher-order intersection within the neighborhood.

1.5. Neighborhood Urban Design Considerations

The Chilsonrise Neighborhood Plan does not propose design themes or architectural standards. Medford's Urbanization Plan criteria 5.15 arguably prohibits these. Nevertheless, implementation of the Chilsonrise Neighborhood Plan may ultimately benefit from neighborhood-specific development or architectural design standards. Refinement plans may be appropriate as urban design implementation unfolds.

1.6. Relationship to Existing and Planned Development in Northeast Medford

Lands to the north across Coker Butte Road were not added to the UGB in the 2017. Lands south of Coker Butte and east of the planning area were also not part of the UGB amendment. These areas remain Urban Reserve. It is expected that these areas will retain the rural land use character as the Chilsonrise Neighborhood Plan is building out, but future urbanization must be considered as they are Urban Reserve.

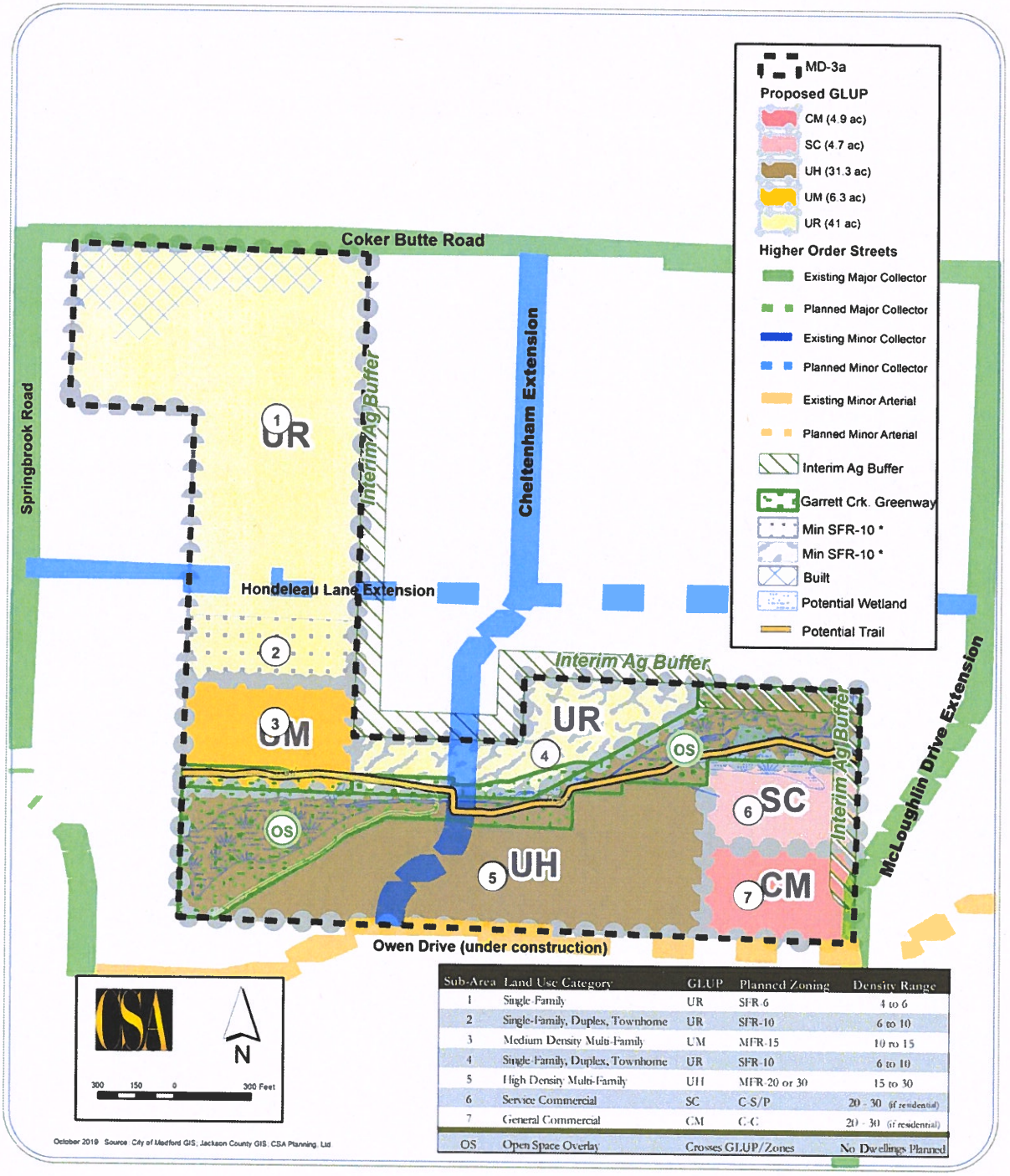
It is not expected that the Chilsonrise Neighborhood Plan will adversely affect future urbanization of any of those lands. The plan proposes specific changes to the future alignment of McLoughlin Drive north of its intersection with Owen Drive, see Section 4 below for more detailed discussion of that issue.

Lands to the southeast of the MD-3a planning area were also added in the 2017 UGB Amendment as Planning Area MD-3c. This area is being planned as the "Autumn Hills" Neighborhood. These two Urbanization Plans have been coordinated and are intended to complement one another. Importantly, the Autumn Hills plan implementation will extend Owen Drive all the way to Foothill Road.

Lands to the south across Owen Drive are comprised of the phases of a single-family neighborhood, the Delta Estates Subdivision. By virtue of the GLUP Map designations applied during the UGB process, Owen Drive and two storm detention ponds serve to separate the multi-family in the Chilsonrise Neighborhood from the single-family to the south.

Lands to the west are a mix of single-family vacant land designated medium density. The single-family off of Sharman Way is separated from the multi-family by the detention ponds for Delta Estates. The medium density is near the medium density on Tax Lot 500 to the west. The remaining portion of the Chilsonrise Neighborhood is single-family and adjacent to other single-family to the west.

2. CHILSONRISE NEIGHBORHOOD URBANIZATION PLAN MAP



Sub-Area	Land Use Category	GLUP	Planned Zoning	Density Range
1	Single-Family	UR	SFR-6	4 to 6
2	Single-Family, Duplex, Townhome	UR	SFR-10	6 to 10
3	Medium Density Multi-Family	UM	MFR-15	10 to 15
4	Single-Family, Duplex, Townhome	UR	SFR-10	6 to 10
5	High Density Multi-Family	UH	MFR-20 or 30	15 to 30
6	Service Commercial	SC	C-S/P	20 - 30 (if residential)
7	General Commercial	CM	C-C	20 - 30 (if residential)
OS	Open Space Overlay	Crosses GLUP/Zones		No Dwellings Planned

3. LAND USE DESIGNATIONS AND MARKET POSITION ANALYSIS

The overall land use arrangement proposed in the Chilsonrise Neighborhood Urbanization Plan reflects minor adjustments to the arrangement adopted through the Urban Growth Amendment process. This section analyzes the proposed Urbanization Plan by GLUP. Summary analysis is provided for areas where GLUP changes are proposed as well as for key Urbanization Plan criteria; see the Technical Findings and Conclusions of Law document for specific detailed findings and analysis concerning applicable criteria.

3.1. GLUP Arrangement Narrative

The General Land Use Plan (GLUP) Map arrangement retains, for the most part, the land use arrangement originally applied to the planning area in the UGB amendment process. The Commercial and Service Commercial areas have been slightly reconfigured and acreages adjusted to focus the Commercial on the higher traffic areas of Owen Drive with the Service Commercial further to the north between the Commercial and Open Space area. The other change is from UH to UR north of Garrett Creek. High density multi-family development would be confronted with significant challenges from a constructability standpoint in this area.

The resulting plan has a nice mix of single-family on the gently sloped lands and the tighter areas along the northern boundary of the UGB area with medium and high density housing on the north and south sides of the open space area. The commercial areas are located near to the only highest volume intersection in the planning area. Each of the land uses are analyzed and described in subsequent sections.

3.2. Density Obligations Narrative

Expressed in dwelling units, the UGB amendment process assumed that the MD-3a area would provide ~434 dwelling units. When developed at the minimum densities under the zoning designations required by the Chilsonrise Neighborhood Urbanization Plan, the plan will deliver ~443 dwelling units. Applying the minimum density for each zone specified for the planning areas in the plan and after properly accounting for the additional land as a result of the Ag Buffer relocation, the plan will yield at least 9 more dwelling units than projected for the planning area during the UGB process. Detailed analysis of the City's criteria for Urbanization Plan density obligations are provided in the Density Obligation Calculations, Reference Document 6.6.

3.3. Urban Residential GLUP and Zoning for Single-Family Residential

The plan includes areas for standard single-family in Sub-Area 1 of the plan and "small-lot" single-family/duplex/townhomes in Areas 2 and 4 of the plan. The Urban Residential acreage is approximately 41.5 acres.

Sub-Area 1 of the plan is required to be zoned SFR-6. This standard single-family zone is located in the northern portion of the planning area. There is more topographic relief in Sub-Area 1 so it is a logical place for standard single-family development which can overcome topographic challenges more easily than many other types of development. This also locates new single-family development adjacent to existing single-family zoning and development to the west. Standard lots in this portion of the City have been demanded by the market in recent years as evidenced by the build-out of the Delta Estates Subdivision. Many of the homes in this area should have views to the south towards Mount Ashland and Wagner Peak.

SFR-4 would be allowed in this area in the future if it is accompanied with a density analysis that shows that actual constructed densities elsewhere in the Chilsonrise Neighborhood Plan Area have exceeded minimum densities to a degree that some SFR-4 can be zoned and still remain in compliance with the density obligations for the planning area.

Sub-Area 2 is planned as a SFR-10 zoning area that allows small-lot single-family as well as duplex, cottage, and townhome style housing development. This area functions as a transition block between the standard single-family in Sub-Area 1 to the medium density multi-family in Sub-Area 3. SFR-6 would also be allowed in this area in the future if it is accompanied with a density analysis that shows that actual constructed densities elsewhere in the Chilsonrise Neighborhood Plan Area have exceeded minimum densities to such a degree that SFR-6 can be applied to some areas and still remain in compliance with the density obligations for the planning area. From a market standpoint, it is expected that there is demand for smaller units that would be attractive to first-time home buyers, rental investors and people looking to downsize.

Sub-Area 4 is also planned to be zoned SFR-10. SFR-10 zoning allows small-lot single-family as well as duplex, cottage, and townhome style housing development. SFR-10 is one of the City's most flexible zoning districts and this flexibility is critical for urban design in this area. Even after a portion of the Agricultural Buffer is relocated outside the UGB to the north, this area is still challenging to develop. The eastern end of Sub-Area 4 is only 160 feet deep. By the time a half street is constructed (really a ¾ street) that leaves an area that would work well for small lots with small dwellings that could still have reasonably sized backyards. The one area that is wider in the northeast corner of Sub-Area 4 is impacted by shallow depth to bedrock. The flexibility of the SFR-10, potentially applying the PUD ordinance as well, would allow for the arrangement of "skinny streets" and houses with small footprints. This would allow for more complex design work based upon detailed geotechnical work that would occur prior to development design so that cuts and fills can be designed around bedrock and minimize the need for large-scale filling and/or extensive bedrock cutting. If the relationship to the Garrett Creek Greenway is fostered during the urban design process, there is an opportunity to create a development area with a small-scale built environment that is complemented by open space amenities to create a desirable market position.

3.4. Urban Medium Density Residential GLUP

Sub-Area 3 is planned as Urban Medium-Density Residential (UM) during the UGB process and no changes the GLUP Map in this area are proposed. The Urban Medium Density residential Plan area is approximately 6.3 acres. The area would be zoned MFR-15 as that is the only zone that corresponds to the UM GLUP Map designation. Relocation of the Agricultural Buffer outside the UGB increases the "planning calculation" buildable acreage by ~.8 acres, from ~4.3 acres to ~5.1 acres. However, streets are allowed in the Agricultural Buffer and most of the relocated Agricultural Buffer area will necessarily be used up by local streets to attain required block lengths and connectivity. Four to five acres is an appropriate size for a cohesive medium density development in a transition area from single-family to the north and west to the higher densities to the south. Medium density developments can be challenging from an economic feasibility standpoint and the market viability tends to vary over time. The size of the area is relatively small so it is expected that favorable market conditions will arise during the planning period to support plan implementation. The proximity to the Garrett Creek Greenway open space should also enhance market acceptance when opportunities for this housing type arise.

3.5. Urban High Density Residential GLUP and Zoning for High Density Residential

Sub-Area 5 was planned as urban High-Density Residential (UH) during the UGB process and no changes to the UH high density GLUP Map are proposed in this area. The Urbanization Plan allows either of the two multi-family residential districts for this area, either the MFR-30 zoning or the MFR-20 zoning The Urban High Density acreage is approximately 32.6 acres (including adjacent right-of-way on Owen Drive); most of the Open Space area is located in the UH designation and this is consistent with assumptions made in the UGB amendment. This area slopes gently to the north toward Garrett Creek. This gentle slope tends to be ideal for efficient building designs and parking lot layouts associated with higher density multi-family uses. A major consideration for higher density uses is proximity to transit. RVTD's Route 26 is just over a third of a mile away. This area is also a reasonable walking distance to Lincoln Elementary School. This high-density area will back up to the Garrett Creek Greenway which will provide a natural amenity. This area is also located nearest to the commercial designated areas which may create opportunities for interaction between commercial uses and higher density residential uses. All these factors combine to create an opportunity for higher-density residential development that should exhibit some market demand.

3.6. Service Commercial GLUP Map Designation

Sub-Area 6 of the plan is Service Commercial and has a single zoning designation associated with it, C-S/P. The Service Commercial area is approximately 4.6 acres. This zoning district supports office commercial uses and some retail uses. It allows multi-family residential as well. The zoning district is relatively flexible and allows for a variety of urban land uses. Market demands for residential or office uses would be expected to occur earlier in the development cycle and market demand for more retail-oriented uses will increase as build-out of Delta Estates Subdivision, Autumn Hills, and Chilsonrise occurs over time.

3.7. Commercial GLUP Map Designation

Sub-Area 7 of the plan is Commercial and is planned to be zoned Community Commercial C-C. The Commercial area of the plan is approximately 4.9 acres. This zoning district supports retail uses and allows for office and commercial uses. It also allows multi-family residential. The zoning district is relatively flexible and allows for a variety of urban land uses. Market demands for residential or office uses would be expected to occur earlier in the development cycle and market demand for more retail-oriented uses will increase as build-out of Delta Estates Subdivision, Autumn Hills, and Chilsonrise occurs over time. This may also be an opportunity for some live-work development patterns that would allow smaller retail and commercial office lots with accessory housing.

3.8. Garrett Creek Open Space

The plan includes an area planned as a greenway centered on Garrett Creek. This area is planned for land uses properly considered as "Open Space" under the Regional Plan. Residential and commercial structural development in the greenway area is not planned as allowed uses. Structural development associated with public, quasi-public, development common buildings, or institutional uses are planned to be allowed. Natural and man-made open space uses are planned to be allowed in this area; use examples would include detention ponds, natural wetlands, wetland mitigation sites, and multi-use trails.

3.9. Hillside Overlay

The Atlas of Maps includes a slopes map that identifies the Hillside Overlay area where future development would be subject to the City's Hillside Development Ordinance.

4. CHILSONRISE NEIGHBORHOOD TRANSPORTATION PLANNING

This section discusses the transportation planning issues for the planning area.

4.1. Cheltenham Way

The City's Transportation System Plan (TSP) depicts the extension of Cheltenham Way to the north across Garrett Creek. The TSP classifies the section of Cheltenham Way between Owen Drive and Coker Butte Road as a Minor Collector. The Urbanization Plan adjusts the alignment to the east somewhat, from the unrefined connectivity location depicted in the TSP, to the most logical and least environmentally impactful location for the stream crossing. The plan expects to apply the City's standard minor collector cross-section for Cheltenham Way except at the stream crossing location where the cross-section would be reduced to eliminate planter strips; other crossing specific changes would be evaluated at the time of development permits for the crossing design. Adjusting the alignment to the east also has the advantage of improving sight distance by moving any future intersection of Cheltenham Way with Coker Butte Road away from the crest of the hill on Coker Butte Road, for whenever that future connection is ultimately created. The precise crossing location and alignment will be refined through the development design process as there is a complicated design balance between centerline radii, design speed, super-elevations and the crossing location.

4.2. Owen Drive

The City's Transportation System Plan (TSP) depicts Owen Drive as a Minor Arterial. Implementation of the Chilsonrise Neighborhood Plan will build-out the remaining portion of Owen Drive not being constructed as part of the Delta Estates Subdivision. Two projects by others outside of the Planning Area are required to complete the Owen Drive Corridor. West of the MD-3a planning area there is a ~380-foot gap in Owen Drive that is planned for construction as a short-term Tier 1 project. Owen Drive is planned to continue east to meet Foothill Road. Once both are completed Owen Drive will connect Highway 62 with Foothill Road.

4.3. McLoughlin Drive

The City's Transportation System Plan (TSP) depicts the extension of McLoughlin Drive to the north across Garrett Creek. The TSP classifies the section of McLoughlin Drive between Owen Drive and Coker Butte Road as a Major Collector. The Urbanization Plan adjusts the alignment to the east somewhat, from the location depicted in the TSP. The TSP simply plots McLoughlin Drive directly north of its intersection with Owen Drive. The alignment depicted in the TSP is problematic from an environmental perspective. The TSP alignment appears to run directly within the Garrett Creek drainage and wetland area. It is expected to be challenging, or even impossible, to get State and Federal removal-fill permits for the alignment shown on the TSP when an alternative alignment a short distance to the east would substantially reduce potential wetland impacts. For this reason, the Urbanization Plan aligns the McLoughlin Drive extension by curving east, north of its intersection with Owen Drive.

4.4. Hondeleau Lane

The City's Transportation System Plan (TSP) depicts the extension of Hondeleau Lane from the west across the Chilsonrise Neighborhood to connect outside the UGB with the future extension of McLoughlin Drive and Cheltenham Way. The TSP classifies the section of Hondeleau Lane between Springbrook Road and McLoughlin Drive as a Minor Collector. The plan expects to apply the City's standard minor collector cross-section for Hondeleau Lane.

4.5. Local Street Discussion

The Chilsonrise Neighborhood Urbanization Plan does not plan local streets. However, there are a number of factors about this urbanization planning area that will dictate future local street locations to a significand degree, including the following:

- There are four existing street stubs on the west property boundary. Future local streets will need to extend these street stubs eastward.
- The "L" shape of the area combined with the Garrett Creek Greenway area limits connectivity locations north of Garrett Creek to connect with the proposed crossing location at the Cheltenham Way extension location.
- The irrigation canal, wetlands and Garret Creek drainage significantly affect north-south local street connectivity.

The planned Cheltenham Way crossing is approximately equidistant from the planned Springbrook Road crossing and the planned Mcloughlin Drive extension crossing, at a distance of about 1,500 feet. As such, when the full transportation network in this area is ultimately constructed, and under the current UGB boundary conditions, the maximum out-of-direction travel is around 750 feet. This is a relatively small out-of-direction travel configuration given the environmental constraints in the area. Two additional crossings would be required to reduce the distance by half both directions. A reduction potential on the order of 325 feet does not balance against the great expense and environmental impacts of additional local street crossings of the Garrett Creek Greenway. Therefore the location of the Neighborhood Plan's single crossing of Cheltenham Way is sufficient to supply adequate north-south street connectivity across the Garrett Creek Greenway.

4.6. McLoughlin Drive and Owen Drive Roundabout Discussion

The coordinated urbanization planning of the Chilsonrise Neighborhood and the Autumn Hills Neighborhood has raised the question of future traffic control measures along Owen Drive. Preliminary investigations reveal that a roundabout location at the future intersection of McLoughlin Drive and Owen Drive may make sense. Roundabouts are efficient from a traffic operations standpoint. Roundabouts are cost-effective to maintain and they can be cost-effective to construct if they are planned well in advance, before structural development occurs within a future roundabout footprint which escalates right-of-way costs dramatically.

Phase 8b of the Delta Estates Subdivision has tentative plat approval and will construct the southwest corner of this intersection. The lot on the southwest corner of the intersection is occupied by a recently constructed cell tower. As such, some right-of-way constriction has already occurred. However, with three corners of the intersection still unoccupied and planter strips on the southwest corner that could be sacrificed to accommodate a new roundabout footprint, future roundabout cost control is still an option.

The urbanization plan recommends further coordination between the two urbanization plans in MD 3 and City traffic engineering on the roundabout question. This transportation planning evaluation should be prioritized so that a roundabout determination is made by the City well in advance of development approvals in the area.

4.7. TSP Projected Transportation Facility Capacity Discussion

The recently adopted TSP projected future traffic volumes to 2038 assuming urban development of the areas added to the UGB in 2017 as well as the GLUP Map amendments completed through the "internal study area" process. TSP Figures 3A and 3B of Appendix H depict the intersection capacity analysis results in and around the Chilsonrise Neighborhood with the planned mitigations and improvements identified and planned by the TSP.

Figure 3B depicts intersections in the immediate vicinity. With planned improvements in the TSP, Figure 3B indicates transportation facilities will be adequate in the area immediately around the Chilsonrise Neighborhood.

Figure 3A shows four intersections south of Delta Waters not meeting applicable mobility standards:

- Poplar Drive/Bullock Road with Highway 62
- Biddle with Hilton/Crater Lake Ramp connector
- N Pacific Highway with West Table Rock Road
- Highway 99/Riverside/Court St with Highway 62/Highway 238

Figure 3A also shows Vilas and Highway 62 (old highway) not meeting applicable mobility standards.

The projected facility operational capacities immediately around the neighborhood is a significant positive. The intersections projected to exceed applicable standards are about two miles from the centroid of the neighborhood. At these intersection locations, the direct traffic impacts from the neighborhood's development is starting to diffuse and impacts at those intersections would occur as more of a regional growth function contributor than a direct impact.

4.8. Transit, Bicycle and Pedestrian Facilities

The Chilsonrise Neighborhood is planned for alternative transportation modes and facilities. Development throughout the neighborhood will have sidewalks and the City's block standards will assure appropriate local street connectivity. A multi-use path or trail is planned along the Garrett Creek Greenway. Owen Drive is planned to have dedicated bike lanes. RVTD Route 26 is approximately a third of a mile from the center of the neighborhood at the planned crossing of Garrett Creek at Cheltenham Way.

5. CHILSONRISE NEIGHBORHOOD GOALS AND POLICIES

Goal CN1: The city will work with property owners and affected agencies to advance implementation the Neighborhood's Land Use Plan and provide flexibility where appropriate.

Policy CN1-1: Apply the zone designations set out by Area in the plan, allow the lower of the two described densities in the plan only where analysis shows that actual delivered densities have exceeded minimums and the committed number of dwelling units in the planning area will not be reduced below the amount required in to satisfy Urbanization Plan Criterion 5.1.

Policy CN1-2: Consider Initiating Development Code Amendments for sub-area specific design or development standards for one or more of the Chilsonrise Neighborhood subareas if the owner of a sub-area requests one or more amendments. Initiation of the amendment request shall not require the City to ultimately the adopt the code amendments.

Policy CN1-3: At the time of a future UGB amendment adding land from MD-3, give appropriate consideration to the MD-3a owners who provided open space in MD-3a in excess of their proportionate regulatory share.

Goal CN2: The City will work with property owners and affected agencies to advance implementation of the Neighborhood's Transportation Planning and provide flexibility where appropriate.

Policy CN2-1: Coordinate with Rogue River Irrigation District to co-locate the proposed multi-use path with the Hopkins Canal Maintenance Road if possible.

Policy CN2-2: Consider updates to the TSP to adjust the higher order street extension alignments of Cheltenham Way and Mcloughlin Drive identified in the Chilsonrise Neighborhood Plan.

Policy CN2-3: Consider updates to the TSP to evaluate intersection treatment options at the intersection of Mcloughlin Drive and Owen Drive to determine if a roundabout is the best option.

6. BACKGROUND AND REFERENCE DOCUMENTS:

The documents described below provide the foundational information for development of Sections 1 through 5 of the Chilsonrise Neighborhood Urbanization Plan. These documents were included with the Urbanization Plan submittal in Planning File No. UP-20-00095. These documents are Comprehensive Plan Reference Documents and are not intended to be included in the main body of the Comprehensive Plan, but may be used to explain or interpret the language in Sections 1 through 5 of the Chilsonrise Neighborhood Urbanization Plan. See also the City Council's adopting ordinance for Planning File No. UP-20-00095.

6.1. Owner Consent Documentation and Application Forms

A Type 4 Application Form and Agent Authorization provided by property owners who own a majority of the land area in MD-3a. Also, included is documentation of the process undertaken by CSA Planning Ltd. to coordinate with other property owners in the planning area. These materials are provided as Reference Document 6.1

6.2. Technical Findings and Conclusions of Law

Findings of fact and conclusions of law are provided as Reference Document 6.2.

6.3. Neighborhood Meeting Documentation

The neighborhood meeting requirement was completed. Documentation on the Neighborhood Meeting is provided as Reference Document 6.3

6.4. Atlas of Maps

Maps to illustrate plans and provide information in support of the Neighborhood Plan.

6.5. Public Facilities and Services Technical Memo

Tech Memo on Public Facilities and Services prepared by CSA Planning Ltd. and provided as Reference Document 6.5.

6.6. Density Obligations Calculations Technical Memo

Tech Memo prepared by CSA Planning Ltd. explaining methodology and analysis of compliance with applicable density obligation criteria and provided as Reference Document 6.6.

6.7. Agricultural Buffer Relocation Legal Documentation

Tech Memo on Public Facilities and Services prepared by CSA Planning Ltd. and provided as Reference Document 6.7.

BEFORE THE CITY COUNCIL

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

IN THE MATTER OF AN URBANIZATION PLAN AND GENERAL LAND USE PLAN DESIGNATION APPROVAL FOR THE MD-3a URBANIZATION AREA LOCATED IN TOWNSHIP 37 SOUTH, RANGE 01 WEST, SECTIONS 08 AND 08BA WITHIN THE MEDFORD'S URBAN GROWTH BOUNDARY AND LOCATED IN UNINCORPORATED JACKSON COUNTY, OREGON	**PROPOSED TECHNICAL FINDINGS OF FACT AND CONCLUSIONS OF LAW** **Chilsonrise Neighborhood Plan Reference Documents 6.2**
Owner/Applicants: Steven Skinner Veritas Properties LLC	
Agent: CSA Planning, Ltd.	

I

SCOPE AND NATURE OF APPLICATION

The majority area property owners of urbanization planning area MD-3a (henceforth Applicants) request the City initiate a legislative amendment to its comprehensive plan and approve the proposed Chilsonrise Neighborhood Urbanization Plan for the MD-3a Urbanization Area in Township 37 South, Range 1 West, Sections 08 and 08BA. The proposed Urbanization Plan is submitted with the findings of fact and conclusions of law offered herein. These findings of fact and conclusions of law explain how the proposed Urbanization Plan and associated General Land Use Plan (henceforth GLUP) Map amendments can be found to comply with the applicable criteria.

The draft plan has been formatted and structured in a manner that will allow it to be placed in the City's Neighborhoods Element of the Comprehensive Plan. This approach is consistent with the guidance provided in the City's adopted criteria.

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II

PLAN AND REFERENCE DOCUMENTS

The City Council concludes the Plan's content and reference documents are evidence upon which findings of fact and conclusions of law may be reached herein. The Chilsonrise Neighborhood Plan is incorporated herein and the Table of Contents is reproduced below for reference:

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III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The following are the relevant code sections and substantive criteria prerequisite to approving an Urbanization Plan application. The criteria are recited verbatim below and addressed specifically in Section V of this document:

MEDFORD LAND DEVELOPMENT CODE

10.220 Major Type IV Amendments

(A) Major Type IV Amendments are those land use changes that have widespread and significant impact beyond the immediate area, such as changes capable of producing large volumes of traffic, changes to the character of the land use itself, or changes that affect large areas or involve many different ownerships. Major Type IV Amendments include:

****

(8) Urbanization Plan

(B) Major Type IV Amendment Approval Criteria.

Refer to the Review and Amendment section of the Comprehensive Plan, except in the case of the following four actions:

****

(4) Urbanization Plan. Refer to Sections 5 and 6 in the Urbanization Planning Chapter in the Neighborhood Element.

(C) Urbanization Plan Application Form.

An application for an Urbanization Plan shall contain the following items:

(1) Written consent of the owner(s) within the planning unit per the Urbanization Planning requirements in the Comprehensive Plan.

(2) Urbanization Plan map(s) drawn to scale that includes the Plan Contents found in Section 5 in the Urbanization Planning Chapter in the Neighborhood Element (20 copies).

(3) One reduced copy of each size plan (8.5" x 11" and 11" x 17").

(4) Electronic files in dwg format or shapefiles.

(5) Vicinity map including other adjacent planning units and their General Land Use Plan designations.

(6) Property lines for the subject planning unit and adjacent properties, particularly where new streets are proposed.

(7) Existing easements of record, irrigation canals, and structures.

(8) Areas designated as unbuildable per the Urban Growth Boundary City Council Report dated August 18, 2016 (Map A-1), and the status of those areas, including agricultural buffers.

(9) Written or graphical representation of compliance with the Plan Contents found in Section 5 of the Urbanization Planning Chapter in the Neighborhood Element.

(10) Written findings showing compliance with the Regional Plan requirements

(11) Contour lines and topography

(12) Property owners' names, addresses, and map and tax lot numbers within 200 feet of the project boundaries, typed on mailing labels.

(13) Documentation that a neighborhood meeting was conducted in accordance with Section 10. 194.

MEDFORD COMPREHENSIVE PLAN

Neighborhood Element

10.4 Urbanization Planning

4. PROCEDURE

4.2 Urbanization Plan Administration: Submittal of an urbanization plan is a Major Comprehensive Plan amendment application.

4.2.1 An urbanization plan is a special area plan that refines the existing GLUP map, therefore it is not subject to the General Land Use Plan map amendment criteria in the Review & Amendments chapter. The applicable criteria are established within sections 5 and 6, below.

4.2.2 A property owner initiated urbanization plan application must contain the written consent of at least 50 percent of the property owners representing at least 50 percent of the total property area for each planning unit. Urbanization plans that demonstrate coordination and consensus with all the property owners within a planning unit may be prioritized for review.

4.2.3 The urbanization plans will be adopted as appendixes to the Neighborhood Element of the Comprehensive Plan.

4.2.4 The submittal requirements are outlined in Chapter 10 Section 10.220(C) of the Municipal Code.

5. PLAN CONTENTS

In order to adopt an urbanization plan, the City Council shall be satisfied that the plan substantially conforms to the performance measures outlined in the Regional Plan Element and the submitted plan adequately demonstrates each of the following:

5.1 RPS Density Requirements: Compliance with the Regional Element minimum gross density performance measures. The urbanization plan shall include specific zoning designations or text that assures development under the minimum densities will meet or exceed the density expected to be achieved for the planning unit(s) in the UGB Amendment residential land supply analysis. Plan techniques that can be employed to achieve this standard include but are not limited to the following:

5.1.1 Specify residential zoning districts for certain areas.

5.2 Transportation Planning: A neighborhood circulation plan map showing:

5.2.1 Locations of higher-order streets. Locations and alignments of higher order streets should be planned in appropriate locations.

The plan will depict how local streets, alleys and paths could be arranged to comply with the City's applicable street connectivity requirements. Typically, a well-connected street grid is desirable both for efficient utilization of urban land and to serve the transportation needs of all modes.

The urbanization plan may seek approval for local street arrangements with less connectivity (fewer intersections, longer block lengths, more dead-ends, greater potential out-of-direction travel) that is otherwise allowed by the code. Such arrangements may be justified on the basis of topographical and other environmental or development constraints, access management requirements, and/or the particular needs of adjacent land uses and those of the surrounding vicinity.

Proposed networks with lower vehicular connectivity may also include mitigation measures including enhanced pedestrian and other active transportation facilities. An example of an active transportation facility may include off-road multi-use paths.

Maps depicting street functional classifications shall utilize a system that is the same as or readily convertible to the City's adopted Transportation System Plan.

5.3 Compliance with the open space allocation for an urban reserve area (see land use distribution table in RPE or Table 9-1 below). Units that contain only Industrial GLUP designations are exempt from this requirement. The following classifications count as open space for purposes of fulfilling the RPE requirements:

5.3.1 Parks, both public and private shall be counted as open space. Schools may be counted as open space. Where land acquisition is not complete or where specific open space dedications were not offered and accepted as part of the UGB process, park and school sites may be identified as opportunity areas on maps and the acreage planned may be described in text form that explains how the planning unit can satisfy the open space requirement. Areas where specific open space dedications were offered and accepted as part of the UGB review process shall be depicted and the acreage counted toward open space percentages.

5.3.2 Agricultural buffers. Proposed agricultural buffers within the UGB shall be counted as open space. Interim agricultural buffers shall not be counted toward open space percentages unless an additional legal or planning mechanism is imposed to render such areas as open space even after a future UGB amendment in the applicable MD area.

5.3.3 Riparian corridors shall be counted.

5.3.4 Areas under an "open space" tax assessment shall be counted.

5.3.5 Locally significant wetlands and any associated regulatory buffer shall be counted.

5.3.6 Slopes greater than 25 percent

5.4 Compliance with the requirements of Regional Plan Element, section 4.1.6, for mixed-use/pedestrian-friendly development and any specific land use performance obligation. Planning units containing only an Industrial GLUP Map designation are exempt from the mixed-use pedestrian friendly development evaluation.

5.5 Preliminary coordination and discussions with public utility providers, including water, sewer, transportation, and irrigation districts.

5.5.1 Coordination may include identifying any existing infrastructure on or adjacent to the site and determining whether it can be maintained or needs to be moved.

5.6 Location or extensions of riparian corridors, wetlands, historic buildings or resources, and habitat protections and the proposed status of these elements.

5.7 Compliance with applicable provisions of the Urban Growth Management Agreement.

5.8 Compliance with the terms of special agreements between the landowners and other public entities that were part of the basis for including an area in the urban growth boundary, as detailed in the Urban Growth Management Agreement.

5.9 Coordination with the Parks and Recreation Department for adherence to the Leisure Service Plan related to open space acquisition and proposed trail and path locations.

5.10 Vicinity map including adjacent planning units and their General Land Use Plan designations.

5.11 Property lines for the subject planning unit and adjacent properties, particularly where new streets are proposed.

5.12 Existing easements of record, irrigation canals, and structures.

5.13 Areas designated as unbuildable per the Urban Growth Boundary City Council Report dated August 18, 2016 (Map A-1), and the status of those areas, including agricultural buffers.

5.14 Contour lines and topography.

5.15 In the interest of maintaining clarity and flexibility for both the City of Medford and for landowners, no urbanization plan may be submitted with or contain the following items, which are only appropriate at the time of development:

5.15.1 Deviations from Municipal Code provisions, including exceptions to Chapter 10. This prohibition does not function to limit specific neighborhood circulation plan requirements hereinabove.

5.15.2 Limitations on development due to facility capacity shortfalls.

5.15.3 Architectural details.

5.15.4 Specifics about building types and building placement.

5.15.5 Access and internal circulation on prospective lots or development sites.

6. GLUP AMENDMENTS

6.1.1 Minor Spatial Adjustments: If GLUP map amendments are proposed within the planning unit but the total acreage for each GLUP Map designation is not significantly changed, the urbanization plan can be the basis for GLUP amendments without the need for complex land supply analysis.

9. OPEN SPACE REQUIREMENTS BY PLANNING UNIT

The open space requirements for each of the designated MD areas is identified in the Regional Plan. The percentages have also been identified for each of the planning units below. It is understood that development constraints will prevent strict adherence to the exact number of acres required based on the percentages in Table 9-1. Therefore, the Open Space proposed by an Urbanization Plan may not vary more than 1 percent from the required percentage.

Table 9-1

Planning Unit Number	Regional Plan Open Space Percentage
MD-3a, MD-3b, MD-3c, MD-3d	16%

* * * * * * * * * * * * * * *

MEDFORD/JACKSON COUNTY URBAN GROWTH BOUNDARY MANAGEMENT AGREEMENT[1]

URBANIZATION POLICIES

The Medford Urbanizable Area includes lands currently within the City and encompasses selected lands surrounding the City that are committed to and/or planned for future City growth, and are likely to require the extension of urban services. A map showing the location of the Urban Growth Boundary has been included within this component and is officially delineated on Jackson County's and Medford's Comprehensive Plan and Zoning Maps.

The policies, revision procedures, and other discussion noted in this section of the Plan were developed as part of a coordinated process involving the City and County governing bodies, planning commission, affected agencies, local citizen advisory groups from both the City and County, and citizens at large.

POLICIES: The following policies will guide the administration of the Urban Growth Boundary for Medford:

1) An Urban Growth Boundary adopted herein or hereinafter amended for the Medford area will establish the limits of urban growth to the year 2010.

   A) City annexation shall occur only within the officially adopted Urban Growth Boundary.

   B) Specific annexation decisions shall be governed by the official annexation policies for the City of Medford. The City will provide an opportunity for the County to respond to pending requests for annexation.

2) The land use plan and zoning designations for unincorporated urbanizable lands shown on the City Comprehensive Plan and all other City development and building safety standards shall apply only after annexation to the City, or by a contract of annexation between the City, County and other involved parties, or after proclamation of an annexation having a delayed effective date pursuant to ORS 222.180(2).

* * * * * * * * * * * * * * *

[1] Adopted by Board of Commissioners Ordinance 93-31, dated 10/27/93

IV

FINDINGS OF FACT

The following facts are established and found to be true with respect to this matter:

1. **Property Description and Ownership**: The MD-3a urbanization area includes 11 parcels totaling approximately 88.75 acres and has a total of 9 owners. The Applicants Steven Skinner and Veritas Properties LLC own 89.5 percent of the total land area in the MD-3a urbanization area.

MD-3a PARCEL OWNERSHIP						
Tax Lot No.	Address	Ownership	Current Use	Proposed GLUP	Current Zone	Acres in UGB
Map 37 1W 08						
300*	Coker Butte Rd	Veritas Properties LLC	Vacant. Removed from agricultural use.	UR	EFU	7.87
400	2082 Coker Butte Rd	Butler Family Trust	Residential	UR	RR-5	0.54
500	2038 Coker Butte Rd	Anneliese & Bruce Nicholson	Residential	UR	RR-5	0.96
600	3529 Coker Butte Rd	Carolyn & Ruth Brown	Residential	UR	RR-5	0.45
700	Hondeleau Ln	Veritas Properties LLC	Vacant. Removed from agricultural use.	UR	EFU	10.16
800**	2010 Hondeleau Ln	Veritas Properties LLC	Vacant. Removed from agricultural use.	UR/UM/UH	EFU	31.19
1000***	2498 Coker Butte Rd	Steven Skinner	Vacant. Removed from agricultural use.	UH/SC/CM	RR-5	30.19
Map 37 1W 08BA						
100	1982 Coker Butte Rd	Patrick & Rebecca Pine	Residential	UR	RR-5	1.00
200	1946 Coker Butte Rd	Linda Harris	Residential	UR	RR-5	0.89
300	1936 Coker Butte Rd	James & Eva Kell	Residential	UR	RR-5	3.07
400	1922 Coker Butte Rd	Stanley & Marlene Brittsan	Residential	UR	RR-5	2.43
					TOTAL UGB ACRES	88.75
				Veritas/ Skinner Percent ownership	89.5%	79.41

Tax Lot 300 acreage includes residual .02 acres from Tax Lot 900.
*** Tax Lot 800 property line adjustment approved. Acreage shown is post adjustment.*
**** Tax Lot 1000 has been submitted for a partition. Acreage shown is the area of the parcel that is inside of the UGB.*

2. **Neighborhood Planning Process and Name Provenance:**
The Chilsonrise Neighborhood Plan has been developed through cooperative planning efforts by the two largest landowners in the planning area, Veritas Properties LLC and Steven Skinner. MD-3a is a Sub-Area of the much larger Urban Reserve MD-3 area that was analyzed, and ultimately planned as an Urban Reserve, through the Regional Problem Solving (RPS) planning process. Approximately half the MD-3 Urban

Reserve area remains outside the Urban Growth Boundary (UGB). In 2017, the City of Medford included the "MD-3a" area along with the "MD-3c" area into its Urban Growth Boundary. The inclusion of this area into Medford's UGB was acknowledged by the State of Oregon in 2018.

Following the 2017 UGB amendment, the City of Medford established criteria for Urbanization Planning. The City adopted an updated Transportation System Plan (TSP) at the end of 2018. The new TSP planned transportation facilities for the areas added to the UGB in 2017 and considered the planned land uses for the areas added to the UGB.

The Chilsonrise Neighborhood Plan is the Urbanization Plan for the MD-3a sub-area. It has been developed to comply with the Urbanization Plan criteria and to implement the TSP. The Plan provides a vision that balances planned land uses and transportation improvements with the physical conditions of the site, existing and planned land uses for the area, and market potential. The neighborhood's name is based on one of the original owners of property in the area, the Chilsons.

3. **Land Uses on Abutting Properties and Surrounding Area**:
Overview of area: The properties along Coker Butte Road are rural residential properties. Much of the area to the south of the residential properties was previously orchard land. Most of these orchards have been removed or abandoned and the land is now fallow and only mowed for fire safety.

East: Lands to the east of the urbanization area are rural agricultural lands in the County. The area between MD-3a and Foothill Road make up the remainder of the MD-3 Urban Reserve that has not yet been brought into the UGB. Veritas Properties LLC owns the property immediately east of the northern portion of MD-3a.

North: Lands to the north of the urbanization area, across Coker Butte Road include a variety of rural agricultural lands and rural residential properties in the County. Lands to the northwest were added to the UGB at the same time as the MD-3a area. Lands immediately north of the western portion of MD-3a are a small area that is rural residential and is part of Urban Reserve MD-2, but are not in the UGB. Lands to the northeast across Coker Butte Road are agricultural lands and are not part of an Urban Reserve.

Lands south of Coker Butte Road and the north of the southeastern portion of MD-3a are all part of the MD-3 Urban Reserve and are owned by Veritas Properties LLC and Steve Skinner. See Atlas Reference Document 6.4.

West: West of the urbanization area are standard lot residential subdivisions within the City of Medford or are underdeveloped or vacant lots that are planned for future Urban Residential development.

South: The property to the south is within the city limits of the City of Medford. It is in the process of being developed as an SFR-6 subdivision. Lands to the Southeast are within Medford's UGB and include the MD-3c "Autumn Hills" Neighborhood.

4. **Airport Overlay**: The property is situated within areas covered by the Horizontal Surface Overlay. The elevation of the Horizontal Surface Overlay floor is 1,485 feet. According to Applicants' 2-foot contour data, the existing ground elevation on the property ranges from approximately 1365 feet at the south eastern corner to its highest point of approximately 1410 feet at the northeastern corner. The highest existing ground surface elevation on the property, at the northern extent does not penetrate the HSO of 1485 feet. *See*, Page 9, Atlas Reference Document 6.4. The maximum height allowed in existing EFU zone is 35 feet, therefore no structures will penetrate the HSO.

5. **Pre-Application Summary:** The Chilsonrise Neighborhood Urbanization Plan was reviewed at a Pre-application conference on December 11, 2019. Comments were received from Medford Planning, Public Works, Building Safety, Fire-Rescue, Parks & Recreation, Medford Water Commission, Jackson County Roads and Rogue Valley Sewer Services. Coordination with utility providers will continue as the process continues. Memos are contained in Reference Document 6.5.

6. **Topography and Hillside Overlay/Slopes Map Analysis:** A slopes map was prepared by CSA Planning Ltd. using ArcGIS Spatial Analyst from 2-foot contour data prepared by on Oregon Licensed Professional Land Surveyor, Jason Martin. The Map is depicted on Atlas Page 5, Reference Document 6.4. The analysis shows that the only places with slopes over 15 percent are in or adjacent to the Open Space area. No areas exceed 35% slopes. Accordingly, none of the residential or commercial development areas are subject to the City's Steep Slopes or Hillside Overlay development regulations and structural development in the Open Space areas on or near the areas over 15% slope may require compliance with the Hillside Overlay requirements.

7. **Urbanization Plan Compliance:**

   a. **RPS Density Requirements**: A Tech Memo prepared by CSA Planning, Ltd. is provided that analyzes the applicable density requirements for the project, as Reference Document 6.6 and the same is herewith incorporated.

   b. **Transportation**: The urbanization area is bordered by two higher order roads, Coker Butte Road, a major collector on the north, and Owen Drive, a minor arterial that is in the process of being extended along the southern border of the urbanization area and will eventually connect to Foothill Road, Atlas Page 4, Reference Document 6.4.

   From the south, Cheltenham Way, a minor collector is planned to be extended north from Owen Drive, curving east to cross the Garrett Creek drainage at its narrowest point, then continuing north to eventually to connect to Coker Butte Road. McLoughlin Drive, a major collector, is to be extended north across Owen Drive, but will also curve eastward shortly after crossing Owen to avoid wetlands and pond areas in the remainder of the MD-3 Urban Reserve. Several existing residential streets on the west side of the planning area will be extended east across the urbanization area, with one of them, Hondeleau Lane becoming a minor collector.

   The Cheltenham Way crossing is the only crossing of Garrett Creek proposed as part of the Urbanization Plan. No local streets are planned to cross Garrett Creek in

the future between Cheltenham and the future extension of McLoughlin Drive to avoid impacting the wetlands and to avoid the intrusion that crossings would make onto the open space area.

With the exception of the north-south connections over Garrett Creek, the major and minor street locations proposed meet the City's connectivity requirements throughout the urbanization area and terminate at the borders of the urbanization area to provide new connections for the future growth of the city.

c. **Open Space Compliance:** The Garrett Creek drainage, with the Hopkins Canal looping through the southwestern corner, presents an opportunity to create an amenity of the open space through the development of a new greenway with a multi-use path or trail. In addition, there may be opportunities for storm detention and targeted wetland mitigation in this area. Portions of the area may be well-suited for storm drainage detention to be integrated with other hydric open space uses for a more natural open space experience.

The MD-3a sub-area is required to provide 16 percent of the total area as open space. 16 percent equals approximately 14.1 acres.

OPEN SPACE CALCULATIONS						
Planning Area	Total MD-3a Acres	Open Space % Required	Minimum Acres	Actual Acres	% of Total Area	Acres in Excess
MD-3a	88.3	16.0%	14.1	16.0	18.1%	1.9

The area proposed for permanent open space equals 16.0 acres, which equals approximately 18.1 percent of the total MD-3a area, exceeding the minimum requirement by 1.9 acres. The plan includes policy language that would provide opportunities for future UGB amendments associated with these ownerships to apply the credit for the additional open space to future UGB amendments.

There are an additional 1.2 acres of open space within the plan that is set aside as an Interim Agricultural buffer, however this land will become available for development when the adjacent acreage is no longer zoned for agricultural use. Therefore, these acres are not included in the permanent open space calculations above.

Some portions of the "Open Space Area" may be suitable for structural development, but such uses would be uses that qualify as "open space uses" such as common area community buildings, houses of worship, BBQ gazebos, etc.

d. **Mixed-use Pedestrian Friendly Development:** The Chilsonrise Neighborhood is planned for alternative transportation modes and facilities. Development throughout the neighborhood will have sidewalks and the City's block standards will assure appropriate local street connectivity. A multi-use path or trail is planned along the Garrett Creek Greenway. Owen Drive is planned to have dedicated bike lanes. The Neighborhood plan includes land use designations that will allow for a mix of single-family residential uses, multi-family residential uses, and commercial

uses within the neighborhood plan area. *See,* Atlas Page 4 in Reference Document 6.4.

e. **Coordination with Public Utility Providers:** Consistent with the City of Medford UGB/ Urbanization policies, the urbanization area will be eligible for extension of services upon annexation. A Pre-Application meeting was held on December 11, 2019 to begin the coordination effort. Coordination has begun with Medford Water Commission, Medford Public Works and Rogue Valley Sewer Services.

f. **Goal 5:** The Chilsonrise Neighborhood Urbanization Plan Area Goal 5 issues are addressed in the below sections.

   i. **Riparian Discussion**: Garrett Creek (aka Midway Creek) runs across the southern portion of the urbanization plan area. Atlas Page 6, Reference Document 6.4, shows that the downstream sections of Garrett Creek are not protected as riparian corridor Goal 5 resources. Thus, it would be illogical to require protection of this upstream section through the planning area. Therefore, while the Plan proposes an open space designation that will only allow open space uses in this area (which may or may not include structural development related to the open space uses), this open space is not a riparian corridor and does not require protection under Goal 5.

   ii. **Wetlands Program to Achieve Goal 5**: In December 2018, the City of Medford adopted a Local Wetlands Inventory (LWI) for this planning area. The wetlands in this planning area were rated moderate for quality. It is identified as being in the "Whetstone Creek-Rogue River" watershed boundary; the area does not actually drain to Whetstone Creek but rather to "Upton Slough". The "distinguishing site characteristics in the "Site Specific ESEE" for the LWI adoption are not factually correct; only the very far northeast portion of MD-3 (not included in the 2017 UGB amendment) drains to Swanson Creek. Thus, no part of the planning area in MD-3a are in the headwaters of Swanson Creek – only the headwaters of Garret Creek/Midway Creek/ Upton Slough.

   The LWI completed the ESEE process for this area (W46, W47, W48, and W49). The ESEE consequences analysis resulted in a decision to allow conflicting uses (identified as residential and commercial development, public facilities and the vegetation removal and grading), but reduce impact to the extent possible. The Chilsonrise Neighborhood Urbanization Plan is consistent with this conclusion. Most of the areas where the wetlands were identified are planned as an open space area and only one crossing of Garret Creek is planned at a location where wetlands impacts should be minimal, both of which will reduce impacts from development.

   While key measures to reduce impacts are included in the Plan, the planning process also included actual on-site wetlands investigations by wetlands experts Schott & Associates, Inc; the LWI methodology did not include detailed on-site assessments. This detailed wetlands investigation revealed that some of the areas identified as wetlands are not, in fact, wetlands. The Urbanization Plan is based upon the areas identified as wetlands in the on-site wetlands analysis.

In the actual regulatory wetlands areas, only small development incursions are planned. As such, actual wetland impacts are expected to be reduced to the extent possible and all required agency permits will be obtained for any wetland impacts that require a removal/fill permit.

g. **Floodplain**: There is no FEMA mapped floodplain in the planning area.

h. **Irrigation Canal**: Rogue River Irrigation District's Hopkins Canal loops through the southwestern corner of the urbanization area, crossing the Garret Creek drainage. No changes are proposed to the canal, and the area is proposed as part of the larger passive open space area. Planned roads are laid out to avoid the canal. Potentially a church or school or other developed open space use could be sited in this area in the future that may require piping of the canal for part or all of the canal; such future piping would be coordinated with the Irrigation District.

i. **UGMA Compliance:** An annexation application has been submitted concurrently with the Urbanization Plan. The proposed amendments and annexation are consistent in all ways with the UGMA with Jackson County.

j. **Special Agreements Compliance:** No special agreements were required at the time of the UGB approval.

k. **Parks and Recreation:** The area proposed as open space in the plan includes the Garrett Creek drainage area. This area is planned as a natural greenway that includes a multi-use path or trail as a park amenity for the public. This is in keeping with the Leisure Services Plan that shows a trail in this area. There are some small portions of the open space area that are relatively flat and are not environmentally constrained; it is anticipated that these areas can be utilized for small-scale developed open space uses like tot-lot playgrounds, BBQ areas, and community recreation buildings. These types of uses are often constructed as community amenities as part of apartment building projects.

8. Proposed GLUP Amendment Narrative:

The land use arrangement proposed in the Chilsonrise Neighborhood Urbanization Plan is generally consistent with the GLUP Map designations that were applied during the UGB amendment process. Two areas have proposed GLUP Map changes. The first GLUP Map change is in the residential area that is north of Garrett Creek and east of the Medium Density Residential (UM). The second GLUP Map change is within the commercial and service commercial designations. A map comparing the changes in detail is provided in the Atlas of Maps, Reference Document 6.4.

Sub-Area 4:

The Chilsonrise Neighborhood Urbanization Plan proposes to remove ~8.2 gross acres from the UH designation and move it to the UR designation with a required zoning of SFR-10. This area is depicted as "Sub-Area 4" on the Neighborhood Plan Map. The UGB amendment process inventoried ~3.2 buildable acres in this area that was a narrow isthmus of buildable land with an Agricultural Buffer to the north and wetlands to the south. This isthmus is too narrow to accommodate any city streets, let alone private development along a street. Further site investigations have revealed that the

one part of this isthmus that is actually wide enough that something could be built has a rock outcrop with no or very shallow depth to bedrock which would make construction of any large multi-family buildings prohibitively expensive.

Veritas and Skinner both own land to the north and so they plan to put the interim agricultural buffer on the farmland outside the UGB. While relocating the agricultural buffer expands the isthmus somewhat, but there is still not adequate room to construct a new City street east-west and have room for large apartment buildings and associated parking between the future street and the Garrett Creek open space area. Moreover, the "widest area" still has geotechnical constraints with shallow depth to bedrock making large buildings economically problematic. The Urbanization Plan development process examined conceptual designs for this area. The conceptual design process did not yield any designs that made reasonable sense from a market feasibility standpoint for this area that would also satisfy the 15 units per acre minimum in the MFR-20 zone. This portion of the site will have the highest development costs due to the stream crossing, depth to bedrock and the ability to develop on only one side of the future street. If planned land uses are not supported by the market, then planned connectivity in the area will not actually be constructed and there is no real benefit to relocating the agricultural buffer at all. In the "real world", without changes to the plan, the "buildable land" in this area will be stranded until a future UGB amendment expands this area to make development economically viable.

SFR-10 density in Sub-Area 4 is more implementable. Market feasible conceptual layouts were developed with a mix of townhomes and cottages in the area being re-designated from UH to UR. In the final analysis, the proposed GLUP amendment in this area is necessary to make this land buildable and to deliver planned connectivity in the area. The actual number of planned housing units in this area (a planning calculation rather than actual measure of likely housing to be delivered) is essentially the same when compared to the assumptions in the UGB amendment process, because the 3.2 acres of "buildable land" at MFR-20 is about 48 units at 15 units per acre. Relocating the Agricultural Buffer results in 6.6 acres that are actually buildable, which equates to 40 dwelling units at the 6 units per acre minimum in the SFR-10, only 8 units less than under the MFR-20 zone.

The Chilsonrise Neighborhood Plan proposes changing the UH area north of Garrett Creek to UR and requiring the SFR-10 zoning, a density at which the development of this area becomes economically feasible. Fortuitously, the residential land supply obligations for the whole planning area are not negatively affected by this change. First, on-site wetlands investigations yielded results that some areas considered "unbuildable" for wetlands are not, actually wetlands and can support residential development. Secondly, MD-3a is located adjacent to minor arterial along almost its entire southern boundary. Density minimums under the City's zoning code include this acreage to the centerline of the right-of-way which increases the regulatory minimum number of dwellings to be supplied. These two factors balance out such that the UH area combined with the redesignated SFR-10 area do not decrease the planning area's residential density and dwelling unit supply obligations. The dwelling unit supply analysis is provided in Reference Document 6.6.

Sub-Areas 6 and 7

The other proposed GLUP Map Amendment is in the Service Commercial (Sub-Area 6) and Commercial(Sub-Area 7) area. This is a minor land use designation adjustment. The total area devoted to commercial is unchanged. The Service Commercial is reduced in area by ~2.21 acres and it is proposed to be relocated to a consolidated block between the Commercial area and the Garrett Creek Greenway. The Commercial has been increased by ~. 2.21 acres and occupies the entire Owen Drive frontage designated for commercial. From a land use perspective, there is significant overlap between many of the uses in each designation. Thus, the actual development that occurs could turn out to be identical. The first reason for the change is that the shape and size of the Commercial area was so small and narrow that not much actual development could fit. The second reason for the change is that the Garrett Creek Greenway could provide an attractive amenity for a small office park development that does not require high visibility (which many office uses do not) and is often built in Service Commercial areas.

9. Public Facilities and Services:

An analysis of Public Facilities and Services is provided in a Technical Memorandum prepared by CSA Planning, Ltd. The Tech Memo is provided as Reference Document 6.5 to the Urbanization Plan and is herewith incorporated as a statement of facts pertaining to public facilities and services for the area.

V

CONCLUSIONS OF LAW

The City Council ("Council")reaches the following conclusions of law with respect to each of the relevant substantive criteria:

Urbanization Plan Criterion 1

10.4 Urbanization Planning

4. PROCEDURE

4.2 Urbanization Plan Administration: Submittal of an urbanization plan is a Major Comprehensive Plan amendment application.

4.2.1 An urbanization plan is a special area plan that refines the existing GLUP map, therefore it is not subject to the General Land Use Plan map amendment criteria in the Review & Amendments chapter. The applicable criteria are established within sections 5 and 6, below.

4.2.2 A property owner initiated urbanization plan application must contain the written consent of at least 50 percent of the property owners representing at least 50 percent of the total property area for each planning unit. Urbanization plans that demonstrate coordination and consensus with all the property owners within a planning unit may be prioritized for review.

Discussion; Conclusions of Law: The City Council herewith incorporates and adopts the conclusions of law below demonstrating compliance with Sections 5 and 6 and the same functions to demonstrate Plan compliance with Section 4.2.1.

In addition, the Council concludes that the two property owners submitting this Urbanization Plan own 89.5 percent of the total property area within the Urbanization Area and therefore exceed the 50 percent requirement under Section 4.2.2. Based upon the foregoing finding, it is hereby concluded that the Plan complies with Criterion 1.

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Urbanization Plan Criterion 5.1

5. PLAN CONTENTS

In order to adopt an urbanization plan, the City Council shall be satisfied that the plan substantially conforms to the performance measures outlined in the Regional Plan Element and the submitted plan adequately demonstrates each of the following:

5.1 RPS Density Requirements: Compliance with the Regional Element minimum gross density performance measures. The urbanization plan shall include specific zoning designations or text that assures development under the minimum densities will meet or exceed the density expected to be achieved for the planning unit(s) in the UGB Amendment residential land supply analysis. Plan techniques that can be employed to achieve this standard include but are not limited to the following:

5.1.1 Specify residential zoning districts for certain areas.

Discussion; Conclusions of Law: The City Council herewith incorporates and adopts the Reference Document 6.6 which is the Density Obligations Tech Memo prepared by CSA Planning, Ltd. and concludes accordingly that the proposed Chilsonrise Neighborhood Plan specifies residential zoning districts for certain areas and that these specified zoning districts have minimum densities. Based upon these minimum densities, the plan area will be required to supply at least 484 dwelling units within the planning area, 40 of which will be supplied within the 7.4 acres of relocated agricultural buffer. The UGB amendment acreage and densities projected the area would supply at least 434 dwelling units.

Deducting the 40 units from the relocated agricultural buffer area for an "apples to apples" geographic comparison, the Chilsonrise Neighborhood Urbanization Plan will supply 443 dwelling units which is 9 more units than the required supply of units. As such, the minimum residential density will exceed the required density from the UGB which will ensure the City as a whole will ultimately comply with the RPS density commitments. Accordingly, the Council concludes the proposed plan complies with criterion 5.1.

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Urbanization Plan Criterion 5.2

5.2 Transportation Planning: A neighborhood circulation plan map showing:

5.2.1 Locations of higher-order streets. Locations and alignments of higher order streets should be planned in appropriate locations.

The plan will depict how local streets, alleys and paths could be arranged to comply with the City's applicable street connectivity requirements. Typically, a well-connected street grid is desirable both for efficient utilization of urban land and to serve the transportation needs of all modes.

The urbanization plan may seek approval for local street arrangements with less connectivity (fewer intersections, longer block lengths, more dead-ends, greater potential out-of-direction travel) that is otherwise allowed by the code. Such arrangements may be justified on the basis of topographical and other environmental or development constraints, access management requirements, and/or the particular needs of adjacent land uses and those of the surrounding vicinity.

Proposed networks with lower vehicular connectivity may also include mitigation measures including enhanced pedestrian and other active transportation facilities. An example of an active transportation facility may include off-road multi-use paths.

Maps depicting street functional classifications shall utilize a system that is the same as or readily convertible to the City's adopted Transportation System Plan.

Discussion; Conclusions of Law: The Neighborhood Circulation Plan Map is shown in Reference Document 6.4, Page 4. The plan shows the extension of all higher-order streets planned in the TSP for the area. The Plan shows McLoughlin Drive curving to the east as it moves north because the "straight line" depicted in the TSP runs essentially parallel and on-top of Garrett Creek and then directly at an irrigation pond. The refined alignment is should be much more cost-effective and an alignment directly on top of Garrett Creek may not even be permittable from a wetlands standpoint when other alternatives are available that would have less impacts.

The Neighborhood Circulation Plan Map does not include specific local street layouts but it is "to-scale" and the spacing of the remaining areas between higher-order streets are sufficient that local streets and alleys can be arranged to comply with the City's Block Length Standards. The Plan does include text that explains that fewer intersections and larger blocks are planned "east-west" to avoid additional unnecessary crossings of Garrett Creek. There are no trip origin/destination pairs that would result in meaningfully shorter trip lengths for bicycle and pedestrian trips if additional crossing were constructed. Thus, the additional environmental impacts and construction/maintenance costs of additional crossings would not be prudent street planning for the area.

Based upon the above, the City Council concludes the Chilsonrise Neighborhood complies with Criterion 5.2 for the following reasons:

- The Council concludes the plan proposes locations of higher-order streets in appropriate locations.
- The Council concludes the spacing of higher-order streets and the arrangement of lands uses is such that the remaining development areas can generally comply with the City's requirements for connectivity and block lengths, with the exception of north-south connectivity across Garrett Creek.
- The Council concludes the single crossing of Garrett Creek at Cheltenham Way is appropriate and the effects on block length and connectivity are justified to avoid the need for additional stream crossing costs and environmental impacts.

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Urbanization Plan Criterion 5.3

5.3 Compliance with the open space allocation for an urban reserve area (see land use distribution table in RPE or Table 9-1 below). Units that contain only Industrial GLUP designations are exempt from this requirement. The following classifications count as open space for purposes of fulfilling the RPE requirements:

5.3.1 Parks, both public and private shall be counted as open space. Schools may be counted as open space. Where land acquisition is not complete or where specific open space dedications were not offered and accepted as part of the UGB process, park and school sites may be identified as opportunity areas on maps and the acreage planned may be described in text form that explains how the planning unit can satisfy the open space requirement. Areas where specific open space dedications were offered and accepted as part of the UGB review process shall be depicted and the acreage counted toward open space percentages.

5.3.2 Agricultural buffers. Proposed agricultural buffers within the UGB shall be counted as open space. Interim agricultural buffers shall not be counted toward open space percentages unless an additional legal or planning mechanism is imposed to render such areas as open space even after a future UGB amendment in the applicable MD area.

5.3.3 Riparian corridors shall be counted.

5.3.4 Areas under an "open space" tax assessment shall be counted.

5.3.5 Locally significant wetlands and any associated regulatory buffer shall be counted.

5.3.6 Slopes greater than 25 percent

Discussion; Conclusions of Law: Based upon the Chilsonrise Neighborhood Plan and the Findings of Fact in Section IV, the Council Concludes that the RPS Open Space percentage requirement for MD-3 is 16% and the proposed permanent open space area for the planning area is 18.1%. Included in the Open Space areas are areas where future developed recreation sites may be constructed (public or private), portions of agricultural buffers, and areas identified through the on-site wetlands assessment prepared by Schott & Associates, Inc. There are no regulatory riparian corridors or slopes greater than 25% in the planning area.

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Urbanization Plan Criterion 5.4

5.4 Compliance with the requirements of Regional Plan Element, section 4.1.6, for mixed-use/pedestrian-friendly development and any specific land use performance obligation. Planning units containing only an Industrial GLUP Map designation are exempt from the mixed-use pedestrian friendly development evaluation.

Discussion; Conclusions of Law: Based upon the Findings of Fact in Section IV and the Chilsonrise Neighborhood Urbanization Plan, the Council concludes the proposed land uses allow a mix of commercial and residential uses that can support future mixed-use development. The Council further concludes that the scale of development in the area is pedestrian-friendly:

- At the furthest northern sections of the neighborhood, elementary school students would have about a 1 mile walk or bike to school with only a single higher-order street to cross. Students in the SE corner of the neighborhood would have about a .4 mile walk or bike to school, with only a single higher-order street to cross.
- Commercial uses in the SE corner of the neighborhood would be within a third of a mile walk or bike from most all of the multi-family in the neighborhood as well as the single-family in the Delta Estates subdivision and future development in the Autumn Hills Neighborhood.
- Multi-family development in the SW corner of the neighborhood is only two-thirds of a mile from the intersection of Owen Drive and old Highway 62, which is a major intersection access point to the large commercial area in the King Center.

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Urbanization Plan Criterion 5.5

5.5 Preliminary coordination and discussions with public utility providers, including water, sewer, transportation, and irrigation districts.

5.5.1 Coordination may include identifying any existing infrastructure on or adjacent to the site and determining whether it can be maintained or needs to be moved.

Discussion; Conclusions of Law: Based upon the Findings of Fact in Section IV and the Chilsonrise Neighborhood Urbanization Plan, the Council concludes that the plan has been coordinated with the applicable public utility providers. Specifically, the Council concludes that Reference Document 6.5 is a Public Facilities and Services Tech Memo that explains the issues concerning public facilities and services issues for the plan area and how these issues have been coordinated and discussed with public utility providers including water, sewer, transportation and irrigation districts.

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Urbanization Plan Criterion 5.6

5.6 Location or extensions of riparian corridors, wetlands, historic buildings or resources, and habitat protections and the proposed status of these elements.

Discussion; Conclusions of Law: Based upon the Findings of Fact in Section IV and the Chilsonrise Neighborhood Urbanization Plan, the Council concludes that there are no regulatory riparian corridors (based on the fact that there are no acknowledged plans to apply riparian protections downstream), no historic buildings or resources, and no habitat protections applicable to the site.

Based upon the Findings in Section IV, the Council concludes the only Goal 5 resource on the property is wetlands and the City's adopted ESEE consequences analysis is to allow conflicting uses but to reduce impacts to the extent possible. Accordingly, the plan

includes an open space designated area where most of the wetlands are shown on the city's LWI map, with minor refinements based upon on-site wetlands investigations and to "square off" boundaries between residential and commercial development and open space areas. The plan further proposes to minimize crossings of the area where wetlands are present and seeks to place the one crossing of Garrett Creek in a location that is expected to minimize wetlands impacts. The Council concludes the Chilsonrise Neighborhood Urbanization Plan balances conflicting uses with wetlands protections in a manner that is consistent with the ESEE analysis adopted through Ordinance 2018-140 for this area.

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Urbanization Plan Criterion 5.7

5.7 Compliance with applicable provisions of the Urban Growth Management Agreement.

Discussion; Conclusions of Law: Based upon the Findings of Fact in Section IV and the Chilsonrise Neighborhood Urbanization Plan, the Council concludes that the proposed Urbanization Plan is consistent in all ways with the Urban Growth Management Agreement (UGMA) and that the concurrent application for annexation is also consistent with the UGMA.

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Urbanization Plan Criterion 5.8

5.8 Compliance with the terms of special agreements between the landowners and other public entities that were part of the basis for including an area in the urban growth boundary, as detailed in the Urban Growth Management Agreement.

Discussion; Conclusions of Law: Based upon the Findings of Fact in Section IV and the Chilsonrise Neighborhood Urbanization Plan, the Council concludes that no special agreements were required as part of the UGB process for the MD-3a area. Therefore, the Council concludes Criterion 5.8 is met through inapplicability.

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Urbanization Plan Criterion 5.9

5.9 Coordination with the Parks and Recreation Department for adherence to the Leisure Service Plan related to open space acquisition and proposed trail and path locations.

Discussion; Conclusions of Law: Based upon the Findings of Fact in Section IV and the Chilsonrise Neighborhood Urbanization Plan, the Council concludes the Plan has been coordinated with the Medford Parks and Recreation Department and the Department's letter from the Pre-Application Conference dated December 11, 2019 details this coordination as does the more recent letter for the Urbanization Plan review itself, dated June 10, 2020. The Parks and Recreation Department letter indicates the proposed open space/greenway area is consistent with the Leisure Services Plan for the area. Therefore, the Council concludes that Criterion 5.9 is met.

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Urbanization Plan Criterion 5.10-5.14

5.10 Vicinity map including adjacent planning units and their General Land Use Plan designations.

5.11 Property lines for the subject planning unit and adjacent properties, particularly where new streets are proposed.

5.12 Existing easements of record, irrigation canals, and structures.

5.13 Areas designated as unbuildable per the Urban Growth Boundary City Council Report dated August 18, 2016 (Map A-1), and the status of those areas, including agricultural buffers.

5.14 Contour lines and topography.

Conclusions of Law: Based upon the Findings of Fact in Section IV and the Chilsonrise Neighborhood Urbanization Plan, the Council concludes that the required maps and above required information are in the record for the proceedings and are sufficient in all ways for review and adoption of the Chilsonrise Neighborhood Urbanization Plan.

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Urbanization Plan Criterion 5.15

5.15 In the interest of maintaining clarity and flexibility for both the City of Medford and for landowners, no urbanization plan may be submitted with or contain the following items, which are only appropriate at the time of development:

5.15.1 Deviations from Municipal Code provisions, including exceptions to Chapter 10. This prohibition does not function to limit specific neighborhood circulation plan requirements hereinabove.

5.15.2 Limitations on development due to facility capacity shortfalls.

5.15.3 Architectural details.

5.15.4 Specifics about building types and building placement.

5.15.5 Access and internal circulation on prospective lots or development sites.

Conclusions of Law: Based upon the Findings of Fact in Section IV and the Chilsonrise Neighborhood Urbanization Plan, the Council concludes as follows:

1. No deviations to the municipal code are requested as part of the plan. However, the Council herewith incorporates and adopts the conclusions of law above under Criterion 5.2 wherein the Council explains why the Urbanization Plan is authorized to limit connectivity requirements "north/south" that would result in additional crossings of Garret Creek.
2. No specific facility capacity analysis has been performed or is required and no development limitations are proposed as part of the urbanization plan.
3. No architectural details are provided or required.
4. No specifics about building types or building placements.
5. No individual lot accesses or internal circulation is depicted for prospective lots or development sites.

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Urbanization Plan Criterion 6.1.1

6. GLUP AMENDMENTS

6.1.1 Minor Spatial Adjustments: If GLUP map amendments are proposed within the planning unit but the total acreage for each GLUP Map designation is not significantly changed, the urbanization plan can be the basis for GLUP amendments without the need for complex land supply analysis.

Discussion; Conclusions of Law: Based upon the Findings of Fact in Section IV and the Chilsonrise Neighborhood Urbanization Plan, the Council concludes the proposed GLUP amendments have been thoroughly analyzed and both are minor amendments that will have an overall benefit on the implementation of the Comprehensive Plan for urbanization of the area. Specifically, the Council concludes as follows with respect to the two areas where GLUP Map amendments are proposed:

Sub-Area 4: The Council concludes the proposed amendment from UH to UR is minor in nature because the "total acreage" for each GLUP being changed, from a UGB amendment implementation standpoint, is concerned with buildable acres and land supplied. The proposed amendments will have small effects on buildable lands in this area (just over 3 acres) making this a minor amendment. The theoretical planned supply of housing is decreased by approximately 8 units. The actual number of delivered housing is expected to be much higher, because the UH designation in this area was problematic from a constructability standpoint. The Council concludes the proposed UH to UR designation will support housing development in the planning area and the reduced multi-family land area is compensated such that the minimum densities applicable in the planning area as a whole will still supply the number or dwelling units assumed in the UGB amendment process.

Sub-Areas 6 and 7 The proposed Commercial and Service Commercial adjustments are minor and have limited affect on land supplies city-wide. Many of the permitted uses overlap and the acreage adjustments are small overall. The proposed arrangement puts more of the retail oriented commercial along Owen Drive which is logical because it will have greater visibility in the near-term, with service commercial to the north along that may provide an office-commercial site opportunity in the future.

The Council concludes that the proposed GLUP amendments are appropriate in all ways and the Chilsonrise Neighborhood Urbanization Plan represents an appropriate refinement of the GLUP map designations applied during the UGB amendment process.

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VI

MAJORITY OWNER STIPULATIONS

The Majority Owners in the Chilsonrise Neighborhood Area herewith offer the following stipulations that they agree can appropriately be made conditions of approval.

Stipulation 1.: Prior to any future zone change approvals, prepare an Interim Ag Buffer Relocation Agreement that has been reviewed and approved by the City Attorney and record the approved agreements prior to any physical urban development on the property.

Stipulation 2.: Obtain any required wetland permit permits from State and Federal agencies for any actions requiring such State and Federal permits.

Stipulation 3.: Coordinate with the Parks and Recreation Department on future use, ownership and maintenance of the multi-use path and open space.

Stipulation 4.: As part of traffic analysis for a zone change, analyze the potential for transportation system operational benefits from a roundabout at the intersection of Owen Drive and McLoughlin Drive.

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VII

ULTIMATE CONCLUSIONS

Based upon the preceding findings of fact and conclusions of law, it is ultimately concluded that the case for MD-3a, Chilsonrise Neighborhood Urbanization Plan under each of the applicable substantive criteria, has been substantiated on the basis of facts and evidence contained in the whole record. Therefore, and on this basis, it is concluded that the Urbanization Plan is in full compliance with the City of Medford's Comprehensive Plan and all relevant laws and regulations of the City and the State of Oregon.

Respectfully submitted on behalf of Majority Owners, Steven Skinner and Veritas Properties LLCs:

CSA Planning, Ltd.

Jay Harland
President

Dated: March 25, 2020
Revised: June 11, 2020

Urbanization Plan Density Calculator

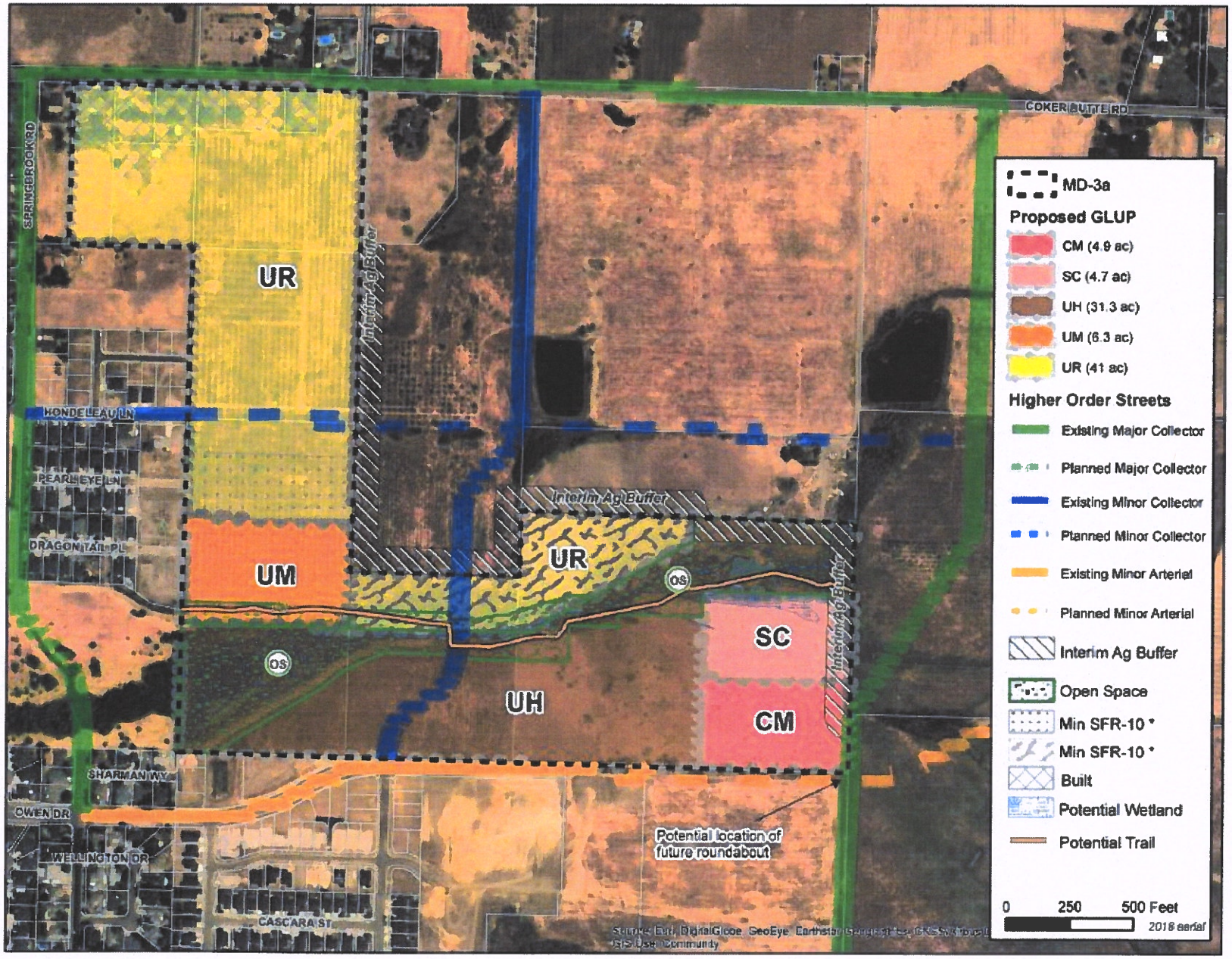
3/13/2020

Chilsonrise Neighborhood Urbanization Plan

MD-3a

SCENARIO RESULTS	Dwelling Units
Supply of Dwelling Units for the Planning Area from the UGB Process from UGB_DUscalcs sheet	434
Minimum Number of Dwelling Units Regulatorily Required by the Urbanization Plan from UrbanizationPlanDUcalcs sheet	443
Density Compliance expressed as Dwelling Unit Difference (Subtract Row 3 from Row 4)	9
Urbanization Plan Density Compliance - Criterion 5.1?	Yes

EXHIBIT D



Chilsonrise Urbanization Plan

Neighborhood Circulation Plan

Atlas Page 4 (Ref. Document 6.4.4)

EXHIBIT E

March 2020

MEDFORD
PUBLIC WORKS

LD DATE: 5/27/2020
Revised Date 6/12/2020
File Number: UP-20-095/ANNX-20-094

PUBLIC WORKS DEPARTMENT STAFF REPORT

Urbanization Plan for MD-3a
Coker Butte Road/Owen Drive (Multiple Tax Lots)

Project: Consideration of a request for 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 Single Family Residential -1 Unit/Acre (SFR-00) holding zone designation. The property will be removed from Medford Rural Fire Protection District #2.

Applicant: Applicant: Steven Skinner and Veritas Properties, LLC, Agent: Jay Harland, CSA Planning, Ltd.

Planner: Seth Adams, Planner III – Long Range Division

A legislative amendment to adopt an Urbanization Plan into the Neighborhood Element of the Comprehensive Plan for approximately 88.73 acres of property located between Owen Drive and Coker Butte Road, and to the east of Springbrook Road (Planning Unit MD-3a)(371W08 TL 300 - 1000 and 371W08BA TL 100 - 400). This application is filed in conjunction with an annexation request (ANNX-20-094).

A. STREETS

Owen Drive is classified as a Minor Arterial street and is maintained by the City of Medford. Owen Drive improvements are partially complete with curb and gutter and without planter strip or sidewalk on the north side (P1880D). Improvements (curb and gutter only) along this proposed developments frontage will be completed with Delta Estates Phase 6 (P19-00010), and Phase 8A & 8B (TBD).

Coker Butte Road is classified as a Major Collector street and is currently maintained by Jackson County. Coker Butte Road is paved without curb and gutter, street lights or sidewalk at this time. In accordance with the City's Urban Reserve Management Agreement,

the City will assume maintenance jurisdiction of Coker Butte Road at the time of annexation and will request that a jurisdictional transfer be completed.

Future McLoughlin Drive is classified as a Major Collector street and will be maintained by the City of Medford.

Future Cheltenham Way (from Owen Drive to Coke Butte Road) is classified as Minor Collector street and will be maintained by the City of Medford.

Future Hondeleau Lane (extending east to future McLoughlin Drive) is classified as Minor Collector street and will be maintained by the City of Medford.

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

There are capacity constraints in the sanitary sewer system that will need to be addressed prior to acceptance of a zone change on any of the properties.

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

Public Works supports the changes to the alignments of Cheltenham Way and McLoughlin Drive that the applicant proposed in this Urbanization Plan and recommends the Transportation System Plan be updated to reflect these proposed changes.

Public Works supports the applicant's offer to a stipulation to analyze a roundabout at the intersection of Owen Drive and McLoughlin Drive and is including the following condition:

> *The first zone change that has the potential of generating more than 250 net average daily trips in the Urbanization Plan area shall include an analysis of the safety and operational benefits of a roundabout at said intersection in the Transportation Impact Analysis.*

The east-west street that is south of Garret Creek and east of Cheltenham Way shall be extended to McLoughlin Drive.

A pedestrian bridge to cross Garret Creek somewhere between Cheltenham Way and McLoughlin Drive shall be considered with future phases of development to mitigate the

lack of street connectivity between the planned UR area north of Garret Creek and the planned path and commercial areas.

A pedestrian accessway connecting the planned UR to the urban reserve area to the north of it shall be considered with future phases of development.

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

JACKSON COUNTY
Roads

Roads
Engineering

Chuck DeJanvier
Construction Engineer

200 Antelope Road
White City, OR 97503
Phone: (541) 774-6255
Fax: (541) 774-6295
DeJanvCA@jacksoncounty.org
www.jacksoncounty.org

May 5, 2020

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

RE: Comprehensive Plan Amendment to adopt an Urbanization Plan into the Neighborhood Element in conjunction with annexation to the City of Medford between
Coker Butte Road – a County maintained road and
Owen Drive – a City maintained road and to the east of
Springbrook Road – a City maintained road and local access road
Planning File: UP-20-095 & ANNX-20-094

Dear Seth:

Thank you for the opportunity to comment on the request for a Comprehensive Plan Amendment to adopt an Urbanization Plan into the Neighborhood Element for approximately 88.73 acres of property located between Owen Drive and Coker Butter Road and east of Springbrook Road 37-1W-08 Tax Lots 300, 700, 800, 900 & 1000 and 38-1W-08-BA Tax Lots 100, 200, 300 & 400

The Urbanization Plan is filed in conjunction with an annexation request of approximately 79.6-acres of property and adjacent right-of-way. The County zoning designation of Exclusive Farm Use (EFU) will be changes to the City Single Family Residential-1 unit/acre (SFR-00) zoning district. The properties will be removed from the Medford Rural Fire Protection District #2. Jackson County Roads have the following comments:

1. As provided in the Urban Reserve Management Agreement (URMA) between City and County, please expand the annexation to include Coker Butte Road right-of-way. Then, following annexation, City is required to request jurisdiction of this portion of Coker Butte Road. 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 requested in Comment #1, without a jurisdictional transfer of Coker Butte Road to the City of Medford, Jackson County will require the following:

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EXHIBIT G

a. Upon development, all existing road approaches from the property to Coker Butte Road will be closed. New approaches to Coker Butte Road will not be permitted.

b. Prepare a traffic impact study to be reviewed and approved by the County. This study shall address the safety impacts at the intersection of Coker Butte Road and Springbrook Road and impacts to Coker Butte Road including stopping sight distance, traffic queuing, storage lengths, need for dedicated turn lanes or a median turn lane, and impacts to the Coker Butte Road and Springbrook Road intersection. The study shall also address impacts to Arrowhead Drive and Crater Lake Avenue or other lessor order public roads if access is provided to these facilities. Mitigation measures for each identified issue should be provided and will be reviewed and approved by Jackson County.

c. As provided in the URMA, storm drain management within the annexed areas (including road right-of-way) become the responsibility of the City upon annexation.

3. Any new or improved roads inside the Urban Growth Boundary or expanded Urban Growth Boundary shall be permitted, inspected and become the sole jurisdiction of the City of Medford.

4. 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.

5. Jackson County Roads would like to review and comment on the hydraulic report including the calculations and drainage plan. Capacity improvements or on site detention, if necessary, shall be installed at the expense of the applicant. Upon completion of the project, the developer's engineer shall certify that construction of the drainage system was constructed per plan and a copy of the certification shall be sent to Jackson County Roads.

6. Coker Butte Road is a County Urban Minor Arterial road and is maintained by the County. The Average Daily Traffic count was 1,736 on July 24, 2018, 300' west of Foothill Road.

7. ADA curb ramps must be located wherever there are curbs or other barriers to entry from a pedestrian walkway or sidewalk, including any intersection where it is legal for a pedestrian to cross the street, whether or not there is any designated crosswalk.

8. The applicant shall submit construction plans to Jackson County Roads, so we may determine if county permits will be required.

9. Please note that while Springbrook Road is not currently within these limits, the northernmost 390 feet of Springbrook Road is a Local Access road, and is privately maintained.

10. 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
Construction Engineer

ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 97502-0005
Tel (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

May 5, 2020

City of Medford Planning Department
200 S. Ivy Street
Medford, Oregon 97501

Re: ANNX-20-094 & UP-20-095, Urbanization Plan, 371W08A - 300, 400, 500 & 600, 371W08B – 100, 200, 300, 400 & 600

ATTN: Seth,

The following tax lots associated with the urbanization plan are currently served by RVSS sewer or will likely be served by RVSS sewer in the future due to existing topography: 371W08A - 300, 400, 500 & 600, 371W08B – 100, 200, 300, 400 & 600. There are RVSS sewer mains located along Springbrook Road and extended through the properties. The downstream sewer system has adequate capacity to serve all tax lots mentioned above. GIS maps are available on our website for reference.

It should be noted that the sewer service boundary between RVSS and the City of Medford is largely undefined in this area. Existing topography may require sewer service to be split between the two jurisdictions upon development of the following tax lots: 371W08A – 300, 371W08B – 300 & 600. Development of all tax lots noted will require sewer main extensions along proposed rights of way and/or private streets as applicable.

Rogue Valley Sewer Services requests that the future development be subject to the following conditions:

1. All sewer design and construction must be performed per RVSS standards.
2. Sewer construction drawings must be submitted to RVSS for review and approval.

Please feel free contact me with any questions.

Sincerely,

Nicholas R. Bakke, P.E.
District Engineer

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EXHIBIT H

TO: Seth Adams - Planning Department

FROM: Haley Cox – Parks Planner

SUBJECT: MD-3a Urbanization Plan

DATE: June 10, 2020

The Parks Department has reviewed the application for urbanization of the MD-3a parcels and has the following comments:

1. According to the Regional Plan Element and as noted in the application, this urbanization area is required to allocate 16% of the total area to open space uses. The applicant has shown roughly 16 acres of open space allocated to the Garrett Creek Greenway and surrounding wetlands. The Leisure Services Plan does indicate a shared-use pathway through this area, which the applicant has proposed within the Garrett Creek Greenway. The City standard for shared-use pathways is 10' wide asphalt. The applicant is encouraged to work with the Parks Department staff on any acquisition, development and/or maintenance agreements pertaining to the open space areas of this site.

2. The Parks Department does not have specific plans to acquire and develop parkland here, however, this area is within a park walkshed gap, and as such the Department remains open to identifying strategic opportunities.

   The Parks Department prefers to acquire park parcels greater than 3 acres, as there are limited recreational opportunities and relatively high levels of maintenance needed to keep smaller open spaces safe and clean. Neighborhood parks that serve residents within ½ mile are ideally 3-15 acres, and community parks serving residents within a 2 mile radius are ideally greater than 15 acres. This site may be more amenable to a "Special Use Area" parkland designation, due to the unique natural features described in the proposal.

3. The Parks Department can advise the applicant on irrigation design and tree species selection for higher-order ROW planter strips. More information can be found on the City's website: Information for Architects, Approved Street Tree List, and City Tree Planting Detail.

EXHIBIT I

BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

FROM: Rodney Grehn P.E., Water Commission Staff Engineer

SUBJECT: UP-20-095 & ANNX-20-094

PARCEL ID: 371W08 TL 300-1000 & 3871W08BA TL 100-400

PROJECT: A legislative amendment to adopt an Urbanization Plan into the Neighborhood Element of the Comprehensive Plan for approximately 88.73 acres of property located between Owen Drive and Coker Butte Road, and to the east of Springbrook Road (Planning Unit MD-3a)(371W08 TL 300 - 1000 and 371W08BA TL 100 - 400). This application is filed in conjunction with an annexation request (ANNX-20-094).

Consideration of a request for 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 Single Family Residential -1 Unit/Acre (SFR-00) holding zone designation. The property will be removed from Medford Rural Fire Protection District #2. Applicant: Steven Skinner and Veritas Properties, LLC, Agent: Jay Harland, CSA Planning, Ltd., Planner: Seth Adams.

DATE: May 27, 2020

I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."

2. The applicant's Civil Engineer shall coordinate with MWC engineering Staff for approved Water Facility Master Plan.

3. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.

4. Installation of "on-site" 4" or 6" water lines (Cul-de-sac), 8-inch water lines (Minor Street), and 12-inch water lines (Major Streets) are required. Applicants' civil engineer shall coordinate with MWC engineering department for on-site water facility layout. Water lines are required to be installed in paved travel lanes. These water lines shall not be installed through landscape islands, parking islands, nor through proposed parking stalls.

Continued to Next Page

EXHIBIT J

Continued from Previous Page

5. "Dead-End" waterlines are not allowed to maintain water quality. All proposed water lines are required to be looped. If a water line cannot be looped, then the installation of a "Fire Hydrant" or "Auto Flusher" will be required on "dead end" water lines

6. The applicants Civil Engineer shall coordinate with Medford Fire Department for "approved" fire hydrant locations.

7. Off-site water line improvements may be required in Coker Butte Road. Depending on Fire Department requirements for available fire flow.

8. Applicants Civil Engineer shall coordinate with Medford Water Commission, along with our Hydraulic Modeling Consultant (Jacobs Engineering Group) to have this proposed development "Modeled" within our existing hydraulic model, This modeling effort will confirm adequate pressure, water quality, and that adequate looping of water lines is also provided.

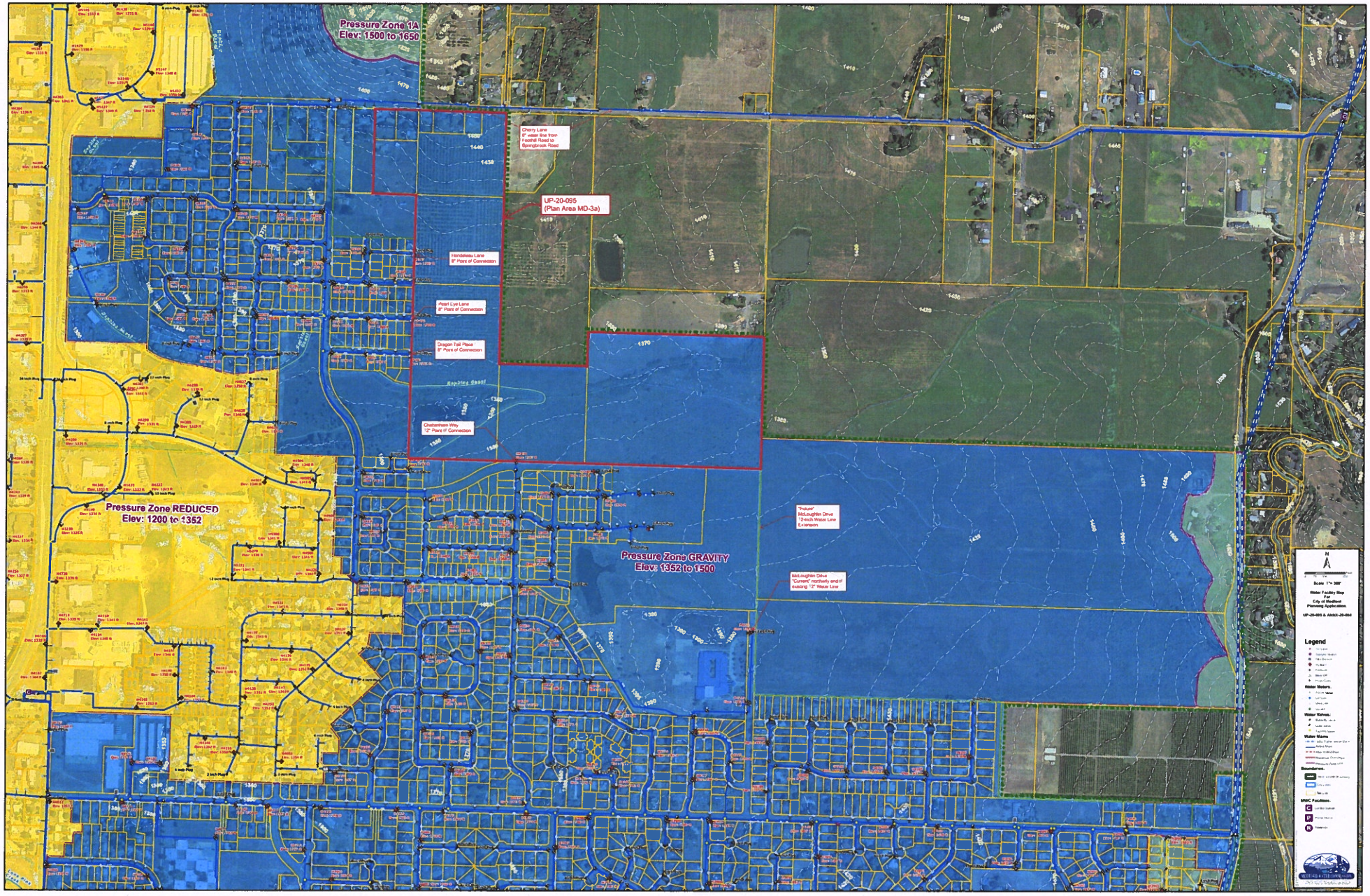
COMMENTS

1. This proposed development is located in Medford Water Commissions "Gravity" Pressure Zone.

2. On-site water facility construction will be "Conditioned" at time of "future" site development review.

3. MWC-metered water service does exist to a portion the to these properties located along Coker Butte Road.

4. Access to MWC water lines is available. There is an existing 6-inch water line in Coker Butte Road,


Pressure Zone 1A
Elev: 1500 to 1650
Cherry Lane
8" water line from
Foothill Road to
Springbrook Road
UP-20-095
(Plan Area MD-3a)
Hondaleau Lane
8" Point of Connection
Pearl Eye Lane
8" Point of Connection
Dragon Tail Place
8" Point of Connection
Chattanhem Way
12" Point of Connection
Pressure Zone REDUCED
Elev: 1200 to 1352
Pressure Zone GRAVITY
Elev: 1352 to 1500
"Future"
McLoughlin Drive
12-inch Water Line
Extension
McLoughlin Drive
"Current" northwhy end of
existing 12" Water Line
Legend

MEDFORD
BUILDING SAFETY

MEMORANDUM

To: Seth Adams, Planning Department

From: Mary Montague, Building Department

CC: Veritas Properties, LLC, Steven Skinner, Applicants; CSA Planning, Jay Harland, Agent

Date: May 27, 2020

Subject: UP-20-095/ANNX-20-94_ Urbanization Plan (MD-3a) Coker Butte Rd. and Springbrook Rd.

BUILDING DEPARTMENT:

Please Note: This is not a plan review. These are general notes based on general information provided. Plans need to be submitted and will be reviewed by a residential plans examiner to determine if there are any other requirements for this occupancy type. Please contact the front counter for fees.

General Comments:

1. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.

2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.

3. Site Excavation permit from the building department required to develop, install utilities prior to final plat.

4. Demo Permit is required for any buildings being demolished.

Comments:

5. Provide a letter to the building official per Section R401.4 indicating if expansive soils are present or not. If expansive soils are present then a site specific soils geotech report is required by a Geotech Engineer prior to foundation inspections. The report must contain information per Section 403.1.10 and on how you will prepare the lot for building and a report confirming the lot was prepared per their recommendations.

EXHIBIT K

Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 5/20/2020
Meeting Date: 5/27/2020

LD File #: UP20095 **Associated File #1:** ANNX2094

Planner: Seth Adams

Applicant: Steven Skinner and Veritas Properties

Site Name: N/A

Project Location: 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.

ProjectDescription: A legislative amendment to adopt an Urbanization Plan into the Neighborhood Element of the Comprehensive Plan for approximately 88.73 acres of property located between Owen Drive and Coker Butte Road, and to the east of Springbrook Road (Planning Unit MD-3a)(371W08 TL 300 - 1000 and 371W08BA TL 100 - 400). This application is filed in conjunction with an annexation request (ANNX-20-094).

Consideration of a request for 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 Single Family Residential -1 Unit/Acre (SFR-00) holding zone designation. The property will be removed from Medford Rural Fire Protection District #2.

Specific Development Requirements for Access & Water Supply

Conditions

Reference	Description
Approved	Approved as submitted with no additional conditions or requirements.

Construction General Information/Requirements

Development shall comply with access and water supply requirements in accordance with the Oregon Fire Code in affect at the time of development submittal. Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (fire hydrants) is required to be installed prior to construction when combustible material arrives at the site.

Specific fire protection systems may be required in accordance with the Oregon Fire Code.
This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only.

Design and installation shall meet the Oregon requirements of the International Fire, Building, Mechanicial Codes and applicable NFPA Standards.

Medford Fire-Rescue, 200 S Ivy St. Rm 180, Medford OR 97501 541-774-2300

www.medfordfirerescue.org

EXHIBIT L

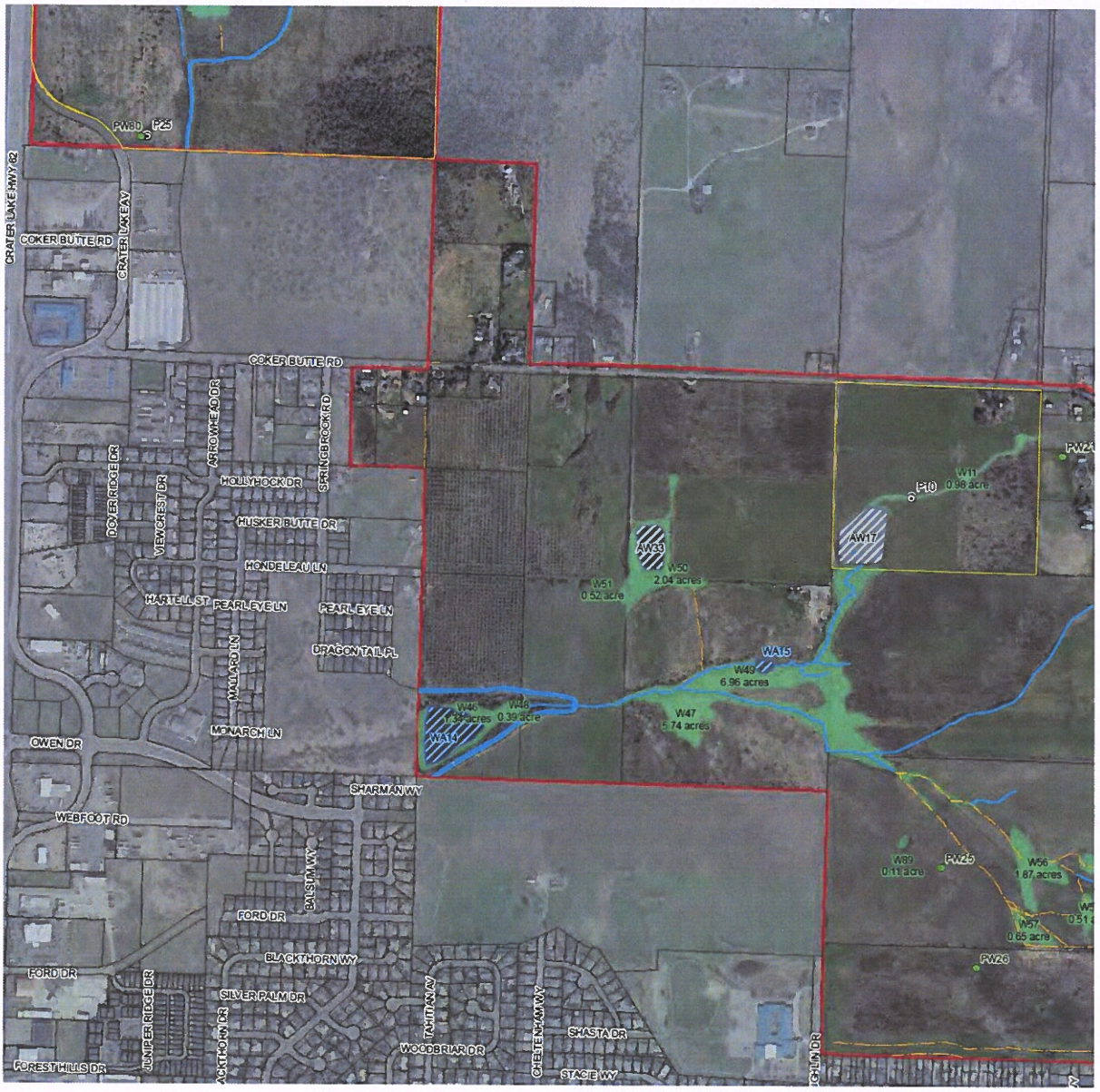

CRATER LAKE HWY 62
COKER BUTTE RD
CRATER LAKE AV
PW80
P25
COKER BUTTE RD
DOVER RIDGE DR
VIEWCREST DR
ARROWHEAD DR
HOLLYHOCK DR
SPRINGBROOK RD
HUSKER BUTTE DR
HONDELEAU LN
HARTELL ST
PEARL EYE LN
PEARL EYE LN
DRAGON TAIL PL
MALLARD LN
MONARCH LN
OWEN DR
SHARMAN WY
WEBFOOT RD
BALSTI WY
FORD DR
BLACKTHORN WY
FORD DR
SILVER PALM DR
JUNIPER RIDGE DR
ACKTHORN DR
TAHITI WAY
WOODBRIAR DR
CHELTENHAM WY
SHASTA DR
STAGE WY
FOREST HILLS DR
AW33
W50
2.04 acres
W51
0.52 acre
AW17
P10
W11
0.98 acre
WA15
W49
6.96 acres
W47
5.74 acres
W46
0.39 acre
W89
0.11 acre
PW25
W56
1.87 acres
W57
0.65 acre
PW26

EXHIBIT M

CSA Planning, Ltd
4497 Brownridge, Suite 101
Medford, OR 97504

Telephone 541.779.0569
Fax 541.779.0114

Jay@CSAplanning.net

Transmittal Memo

To: City of Medford Planning Commission

Attn: Seth Adams, Planner III

Date: June 11, 2020

Subject: Chilsonrise Urbanization Plan Wetlands

Please find the enclosed Cover Letter and Preliminary Wetland Determination Letter Report from Schott & Associates. The City of Medford adopted a map identifying significant wetlands. This map was based upon aerial photo surveys and was not an on-site wetlands investigation.

The property owners engaged Schott and Associates to perform an on-site wetlands determination, so that the urbanization plan could be designed around the wetlands that would be considered jurisdictional by State and Federal agencies. Because there is the need for a street to cross the wetlands (future extension of Cheltenham), the ultimate development will require some wetlands permitting process. The Urbanization Plan has been designed to mostly avoid the wetlands, but it is expected that a few small areas of wetland "straightening" will occur. Wetlands tend to be irregularly shaped, while economic urban development necessitates mostly right-angles. It is expected that relatively small areas of wetland incursion will be mitigated on-site in areas designed for Open Space. This will all need to be approved through the State and Federal wetland permitting processes.

There were also some property management measures recommended by Schott and Associates that will affect the amount of wetlands on the site, but the effect of these will take an additional wet season before they can be assessed and a formal wetland delineation submitted for review with DSL and the Corps.

CSA Planning, Ltd.

Jay Harland
President

EXHIBIT N

SCHOTT & ASSOCIATES
Ecologists & Wetlands Specialists

21018 NE Hwy 99E • P.O. Box 589 • Aurora, OR 97002 • (503) 678-6007 • FAX: (503) 678-6011

June 10, 2020

City of Medford Planning Commission
200 South Ivy Street, Lausmann Annex, Room 240
Medford, Oregon 97501

Re: Carpenter/Skinner Properties Wetland Determination Completed in January 2019

City of Medford Planning Commission:

Schott & Associates was contracted to conduct a wetland determination on two connected parcels of property owned by Dunbar Carpenter and Steve Skinner located to the south of Coker Butte Road, east of Hondeleau Lane, and north of Owen Drive in Medford, Jackson County, Oregon (T37S, R1W, Section 8 tax lots 300, 700, 800, 900 (portion of) and 1000 to document existing wetlands and other waters that may be regulated under the Removal-Fill law by the Oregon Department of State Lands (DSL) and under the Clean Water Act (CWA) by the U.S. Army Corps of Engineers (Corps). Impacts proposed to jurisdictional wetlands or waters require permits from the appropriate regulatory agencies and compensatory mitigation may also be required. The property owner's agent, CSA Planning Ltd., requested S&A provide this cover letter to provide context for the preliminary report and inform the Commission on the process and expected future regulatory requirements for wetlands on the site going forward.

A wetland determination was completed in January 2019 and a preliminary report was prepared. This report was intended for informational and planning purposes only and did not contain the detail or documentation necessary for regulatory authorities to issue an official determination. The owners were not ready to submit a formal wetland delineation report for concurrence of jurisdictional waters. The determination was provided to the client only and was intended to provide site conditions for planning and management purposes.

Based on the information gathered six wetlands totaling 5.58 acres, one channelized creek (Midway Creek), two ditches, and a portion of the Hopkins Canal were identified within the study site. One of the wetlands, Wetland 6, was an excavated pond meeting wetland criteria. Prior to the 2019 fieldwork, a dam along the western extent of the pond/wetland was breached. The feature had been failing and was considered a safety hazard; a general authorization permit (GA) from DSL was issued for the dam to be breached. During the 2019 fieldwork, the pond was observed to be predominantly drained. Because of the dam breach water was no longer ponding; it was anticipated that site conditions will continue to change, and another site visit/delineation would be needed to verify and determine wetland/water boundaries.

Beaver activity was observed within the site, causing areas of ponded water to form within and along the creek. Creek channels had been cleared out prior to the site visit but the above activity was still occurring.

Management actions were recommended at that time for monitoring beaver activity and maintaining the channel of the creek. Beaver dams and blocked creek channels can cause hydrology to spread across the landscape, creating unnecessary flooding as was already occurring onsite. Recommended actions were to maintain the

removal of beaver dams and blocked channels, reducing the flooding on site. These are maintenance activities which do not include removal or fill within regulated waters. No permits are required for these actions.

Prior to any development of the site it is recommended a complete delineation be prepared and submitted to DSL and the Corps for concurrence. Assessed site conditions are the best professional judgment and conclusions of the investigators (S&A) and should be considered preliminary until approved by DSL and the Corps. S&A would recommend revisiting and collecting additional information during the late winter early spring of 2020-2021 to assess hydrology during the growing season and document any changes. After this site visit a formal delineation report would be submitted to the regulatory agencies. Below is a summary of estimated timelines for regulatory activities associated with wetlands and waters.

1. Delineation Report
   A complete delineation must be submitted to the Oregon Department of State Lands (DSL) for concurrence documenting the onsite findings. **S&A estimates 1-2 weeks to complete the report and submit to DSL.**

   DSL has a 120-day policy to review the report for completeness and request additional information. They usually utilize the entire 120 review period; at which time they may ask for additional information or a site visit. This can take from 1 week to several weeks to satisfy. After submitting additional information, the timeline again is quite variable, and concurrence can be issued within 2 weeks or may take more than a month. Concurrence is valid for 5 years.

2. DSL Permit application
   Impacts of greater than 50cy of cumulative cut and/or fill within a jurisdictional water requires a permit from DSL. The intent of the Wetland Removal-Fill Law is to minimize impacts to waters of the state. Therefore, the agencies require avoidance of wetlands if possible. If avoidance is not feasible, then impacts must be minimized as much as practicable, and unavoidable impacts mitigated. Mitigation can be satisfied via purchase of mitigation bank credits, if available, or development of a compensatory wetland mitigation site, subject to a set of performance criteria and 5 or more years of annual monitoring. Impacts to waters/wetlands must be justified via demonstration of a viable purpose and need for the project as well as alternatives analysis. The alternative analysis considers alternative sites and designs against a set of defined criteria and demonstrates how they do not meet project objectives or result in more impacts than the proposed plan. The analysis must show that the proposed development is the most practicable and least environmentally damaging alternative. Depending on the extent of proposed impacts, the level of justification increases.

   A permit application requires approximately 2 weeks for our office to complete once all required design, mapping and justification information from engineers, land use consultants and the applicant have been provided. A mitigation proposal must be included in this application.

   DSL has 30 days to review the application for completeness. If the application is deemed incomplete for some reason, a new complete application will be required, and a new 30-day review period commences. Incompleteness is often based on minor items but is common, especially for projects proposing significant impacts. Once the application is complete it is put out for a **30 public comment period**. After the comment period, we have the opportunity to respond to any comments and **DSL has another 60-day technical review period to complete their review. The entire process is theoretically 120 days.** Either party may request an extension for that decision date. A timeline of 6

months is realistic for DSL; however, it is often in the applicant's interest to extend the permit decision to be more in line with the Corps decision (see below).

3. Corps Permit Application

The Army Corps of Engineers (Corps) regulates all discharge of material into waters of the US (Section 404 of the Clean Water Act) and any work in navigable waters (Section 10 of the Rivers and Harbors Act). The same application submitted to DSL is submitted to the Corps (referred to as a Joint Application or JPA) and completion and submittal to the agencies would be concurrent. Jurisdictional determination (like DSL concurrence) is generally completed concurrently with the permit review and not as a separate process.

The Corps theoretically has a similar timeline to DSL; however, the review process is not codified to the same degree and there are numerous things that tend to cause delays. **There is a review period after which the Corps can request additional information, but there is no specific deadline for this initial review. A 30-day public notice period is also required by the Corps once they determine the application to be complete.** The Corps will determine if the project qualifies for a Nationwide permit. This is a streamlined authorization of projects that produce minimal impact to the aquatic environment (usually less than 0.5-acre).

Consultation regarding other federal laws including the Endangered Species Act (ESA), Section 401 Quality Certification, and cultural resource laws is also required. Consulting agencies include US Fish and Wildlife Service (USFWS), National Marine Fisheries (NMFS), Department of Environmental Quality (DEQ), and appropriate Native American Tribal authorities as well as the State Historic Preservation Office (SHPO; see details below). All consulting agencies must complete review and approval before the Corps can issue a permit. It is very difficult to provide an accurate timeline for the Corps process. **Approval can take 6 months to 2 years.**

Section 401 Water Quality Certification (DEQ)

Oregon DEQ reviews any project requiring a federal permit which results in the discharge of material into waters of the state to certify the project complies with state as well as federal water quality standards. A copy of the JPA is generally submitted to DEQ concurrently with the Corps to expedite the process. However, review by DEQ begins once the application is found to be complete and the project is put on public notice. DEQ's public notice period corresponds with the Corps notice period, however the timelines may not overlap perfectly. Additionally, DEQ may require a public notice period even if the Corps does not. DEQ has up to one year to make a decision. DEQ staff provide comments and may request additional information and/or require design modifications. DEQ also requires a Land Use Compatibility Statement (LUCS) signed by the appropriate City or County planning office and a 1200-C Stormwater Discharge permit for projects resulting in 1 acre or more of ground disturbance. A public review period of 14 days may be required for projects disturbing 5 or more acres. **The DEQ approval timeline can vary from 45 days to 1 year. If the project qualifies for a Corps Nationwide permit, the Water Quality Certification is generally issued within 30 days of the Corps determination.**

Biological Assessment – NMFS, USFWS

If any of the onsite waters are connected downstream to an environmental resource that supports threatened and endangered fish species and/or is Designated Critical Habitat, impacts proposed to the onsite wetlands and streams may trigger Section 7 ESA Consultation with NMFS. The extent and outcome of Section 7 consultation is based largely on whether adverse impacts to listed species or

habitats is likely to occur as a result of the proposed project. A Biological Assessment may be required to provide the agencies the information needed to determine the likelihood and extent of adverse impacts. Other threatened and endangered species and/or habitat may be identified as possibly present onsite but in most cases are unlikely to be present based on available habitat and concern should be easily dismissed.

If no adverse impacts to listed species or habitat are likely, the Corps proceeds with permit review following informal consultation with NMFS. In order to address Standard Local Operating Procedures for Endangered Species (SLOPES) a Stormwater Management Plan must be prepared by a qualified engineer. If impacts are minimal and activities comply with a programmatic Biological Opinion (BiOp), the verdict is typically favorable, and the review should follow the standard Corps process.

If no BiOp exists and impacts are considerable, an individual consultation is required and project approval hinges on NMFS evaluation of the impacts. **This can be a lengthy process and has been known to take up to 2 years**. It is recommended that a pre-application conference be scheduled to address this likelihood, as well as any other questions. **As we have found the Portland NMFS office to take less time than other NMFS offices, we anticipate about a 6-8-month process.**

Cultural Resource Assessment – Corps, Tribes, SHPO
If it appears the site may contain archeological or cultural resources the federal or tribal preservation office may request a cultural resource survey and report prepared by a professional archeologist to meet requirements of the cultural resource laws including the National Historic Preservation Act. This timeline is conditional upon the availability and timeline of the archeologist.

Wetland delineations expire after 5 years. After this time agencies may require a verification or new delineation to be completed. Permits expire from two years (DSL) to five years (Corps) after approval. Extensions are feasible but may require additional verification or fees.

Please contact me if you have any questions.

Respectfully,

Jodi Reed

SCHOTT & ASSOCIATES
Ecologists & Wetlands Specialists

21018 NE Hwy 99E • P.O. Box 589 • Aurora, OR 97002 • (503) 678-6007 • FAX: (503) 678-6011

CARPENTER/SKINNER PROPERTIES
WETLAND DETERMINATION
JANUARY 2019

INTRODUCTION

Schott & Associates was contracted to conduct a wetland determination on two connected parcels of property owned by Dunbar Carpenter and Steve Skinner located to the south of Coker Butte Road, east of Hondeleau Lane, and north of Owen Drive in Medford, Jackson County, Oregon (T37S, R1W, Section 8 tax lots 300, 700, 800, 900 (portion of) and 1000 to document existing wetlands and other waters that may be regulated under the Clean Water Act (CWA) by the U.S. Army Corps of Engineers (Corps) and under the Removal-Fill Law by the Oregon Department of State Lands (DSL). This letter report is a determination for informational purposes and not to be used as a formal wetland delineation report. This letter report will not fulfill federal and state regulatory requirements for project permitting.

The study site encompassed approximately 81.75 acres and was roughly shaped in an 'L' shape. The vertical part of the 'L' located to the west was comprised of tax lots 300, 700, 800 and the southern portion extending east included a portion of tax lot 900. These lots are owned by Carpenter. The topography was predominantly sloped downhill to the south along the western border and was comprised of an abandoned pear orchard. Tax Lot 800 contained a large former pond and wetland feature extending east into tax lot 900. The pond dam was close to failure, and to prevent catastrophic flooding downstream, it was breached in the summer of 2018. The former pond and associated wetland formed a large swale and depression surrounded by an access road/levee associated with the Hopkins Irrigation Canal.

Tax lot 1000 (Skinner Property) composed the eastern portion of the study site. The topography consisted, generally, of a broad swale with slopes converging near the middle of the lot. Two drainage channels extended onsite along the eastern site boundary. The channels merged and continued west, southwest through the bottom of the swale. The drainage channels flowed to the west (onto the Carpenter property). An irrigation pond was located within the eastern portion of the site associated with the drainage.

The site was addressed in two portions, each associated with the property owner.

METHODS

Prior to the site visit, the following existing data and information were reviewed:

- ORMAP online tax maps (http://www.ormap.net/)
- City of Medford Local Wetland Inventory (LWI) produced by Wetlands Consulting in 2002

- City of Medford Urban Reserve Local Wetland Inventory Report produced by SWCA Environmental Consultants in December 2016
- U.S. Department of Agriculture (USDA) NRCS gridded Soil Survey Geographic (gSSURGO) database for Jackson County
- Recent and historical aerial photographs provided by Google Earth

Aerial photographs from Google Earth were reviewed to assess site history and examine if there were any wetland spectral signatures. The site appeared relatively unaltered outside of the removal of pear orchards to the north and south of the eastern extent of the Hopkins Canal on the Carpenter property. The dam associated with the pond on the Carpenter property was breached in the summer of 2018 as part of a general authorization permit (App 61441).

To the east, on the Skinner property, the site was also relatively unaltered. The existing pond was evident in historical aerial photographs, associated with a drainage extending southwest toward the Hopkins Canal. An additional tree line or drainage was located to the south. It appears the vegetation was removed between 2014 and 2016. The property appeared to have been regularly used by livestock.

The soil survey for Jackson County was used to determine if there were hydric soils mapped on the property. Hydric soils are soils which developed in a wet moisture regime. Soils that develop in a wet moisture regime will develop certain characteristics indicative of wetland presence. Four soil series were identified onsite; Carney clay (1 to 5 percent slopes), Carney clay (5 to 20 percent slopes), Coker clay (0 to 3 percent slopes), and Padigan clay (0 to 3 percent slopes). The Carney clay and Coker clay series are not considered hydric soils; however, both may have hydric soil inclusions. Padigan clay is considered a hydric soil.

Finally, the Medford Local Wetland Inventory was examined. The study site was not incorporated in the 2002 LWI for the City of Medford completed by Wetland Consultants. In 2016, SWCA Environmental Consultants completed a City of Medford Urban Reserve LWI Report. A series of wetlands and ponds were identified (wetlands W46-49 and ponds W14-15) within the study site. The wetlands were classified as palustrine emergent, scrub shrub, and aquatic bed wetlands with water regimes including saturated, seasonally flooded and permanently flooded. The features were not field verified. Wetlands were mapped based on vegetation identified in aerial photographs or offsite viewing, aerial signatures, presence of mapped soils, or presence of mapped wetlands based on the National Wetland Inventory.

Schott and Associates visited the site January 16th, 2019 to assess for the presence or absence of onsite wetlands and waters. Field work to collect GPS and sample plot data was completed January 29th and 30th, 2019. Data was collected according to methods described in the *1987 Manual* and the *Regional Supplement to the Corps of Engineers Delineation Manual: Arid West Region (Version 2.0)* to determine boundaries of wetlands subject to state and federal jurisdiction. Onsite streams, ditches and ponds were delineated via the ordinary high-water mark (OHWM) as indicated by top of bank, wrack or scour lines, or change in vegetation, where applicable. Areas with limited access due to thick brush were estimated with an offset GPS point.

A total of 29 sample plots were established within the study site documenting conditions. For each sample plot, data on vegetation, hydrology, and soils were collected, recorded in the field, and later transferred to data forms. Plant indicator status was determined using the 2016 National Wetland Plant List (Lichvar et al. 2016).

The mapped areas were based on soils, vegetation, and hydrology data gathered in the field by Schott & Associates. Sample plots, wetland boundaries, ponds, and drainage boundaries were recorded with a handheld Trimble GPS unit capable of sub-meter accuracy following differential correction with Pathfinder Office desktop software. Data was converted to ESRI shapefile and mapped using ArcMap desktop software by Schott & Associates. Where blackberry and shrubs limited access to wetland boundaries, plot offsets, aerial photography, and contour lines were used to best define the wetland boundary.

RESULTS

Based on vegetation, soils and hydrology, six wetlands totaling 5.58 acres, one channelized creek (0.32 acre), two ditches (0.08 acre) and a portion of Hopkins Irrigation Canal (0.48 acre) were identified within the study site. Wetland, creek, ditch, irrigation canal, and data plot locations are shown on Figures 4a, 4b, and 4c. Hydrology associated with the site flowed from the east to the west. Wetland and water features will be addressed east to west.

Skinner Property (Shown in Detail on Figure 4b)

Midway Creek: The drainage transecting the site from the east to the west is identified as Midway Creek per the 2016 LWI. The creek entered the site along the northeastern study site boundary and merged with a ditch (Ditch 1) just east of the onsite irrigation pond. The creek was mapped based on Ordinary High Water indicators. The majority of the creek had well defined embankments ranging from 2 to 4 feet high. The width of the creek ranged from 1 to 3 feet wide. The eastern reach of the creek (east of the pond) on the Skinner property had recently been cleaned out. Additionally, it appeared that the creek had recently been cleaned out along the western boundary to tax lot 1000.

Wetland 1: Wetland 1 (2.53 acres) was located along the eastern study site boundary and extended west through the middle of tax lot 1000. The wetland complex was associated with Midway Creek, transecting the site from the eastern site boundary and extending west-southwest.

Wetland 1 was located both to the north and south of the creek. To the north of the creek, the wetland was largely associated with the irrigation pond and topographic depression. The pond was distinctly bermed along the northern and southern boundary, however, it appeared the eastern extent of the pond and associated creek channel had historically been plugged causing hydrology to leak north, east, and southwest back into the stream channel. The northern portion of Wetland 1 was largely constrained by topography and the wetland formed as a result of perched seasonal conditions due to heavy clay soils.

South of the irrigation pond and stream channel, the property had recently been disked. Again, it appeared the creek channel had recently been cleaned out. The wetland was topographically

constrained to the south by the hill slope. The northern wetland boundary extended into the creek along the eastern portion to the north. The middle of the wetland was constrained by the pond berm and the western portion was topographically higher in elevation and contained upland habitat. The wetland south of the creek extended in a narrow strip west toward the creek, the feature was a topographic swale. The wetland was mapped as one wetland due to the association with the creek. Wetland boundaries were determined by topography, hydrology indicators and the presence or lack of hydric soil indicators. Vegetation had been disturbed, but appeared to have been dominated by cattail (*Typha talifoli).* It appears that the mapped wetland areas have been subjected to prolonged exposure to hydrology associated with the pond and plugged creek channels along with perched conditions due to heavy clay soils.

Ditch 1: Ditch 1 was located predominantly offsite to the east. The feature appeared to be an irrigation ditch; it was approximately 4 to 6 feet wide and 3-5 feet deep with well defined embankments. At the northern extent of the ditch, the feature forked and extended north, offsite, as well as extending west onto the study side. Ditch 1 merged with Midway Creek and continued west into the pond.

Irrigation Pond: The pond was 0.26 acres in size. The control dam to the pond was located along northwestern corner of the pond. The splash boards were open at the time of field work and the pond was largely drained. Hydrology flowed from the dam west through a culvert under an access road and continued west. The pond embankments were well defined berms along the northern, western, and southern extents of the pond.

Wetland 2: Wetland 2 was a small 0.02 acre wetland located in the bottom of a narrow swale that may have historically been a drainage channel. The wetland was located in the western portion of the swale and determined based on the presence of hydric soils and hydrology. The wetland was sustained by its depressional geomorphology and seasonal perched hydrology. The wetland did not extend west toward the creek or southeast. Historical aerials indicate the feature was forested or dominated by shrubs. The vegetation was cleared between 2014 and 2016. Historically, water flowed in the narrow swale down to the creek.

Wetland 3: Wetland 3 was a small 262 square foot wetland adjacent to the creek. The small shallow, depressional feature historically connected to Wetland 2. Presently, a berm separated Wetland 3 from Midway Creek and these features no longer connect. Hydrology in Wetland 3 was sustained by the depressional geomorpholgy and proximity to the creek.

Wetland 4: This 0.10 acre wetland was located along the western border of tax lot 1000. The wetland was associated with the creek historically silting in and flooding the area. The creek had recently been cleaned out prior to the site visit. The wetland vegetation was dominated by willow and meadow foxtail (*Alopecurus pratensis*). Soils within the wetland met hydric soil criteria and wetland hydrology indicators, including saturated soils, were documented. It appeared the area had recently been ponded due to the silted in creek or beaver activity.

Carpenter Property (Show in Detail on Figure 4c)

Wetland 5: Wetland 5 was a 0.02 acre wetland located along the eastern extent of tax lot 900. The wetland was directly associated with the creek channel. It appeared a beaver dam was present, causing a large portion of the creek to pond and spill north. Vegetation was predominantly tall fescue (*Schedonorus arundincaeus*), which is considered an upland grass in southern Oregon. The wetland boundary was determined by topography, hydric soils, and hydrology.

Ditch 2: Ditch 2 (0.01 acre) was located along the eastern boundary of tax lot 900. This feature was an abandoned irrigation ditch that no longer carried hydrology.

Wetland 6: Wetland 6 was a large 2.91 acre wetland associated with the breached pond. The wetland was located in a large depression, constrained by an access road/levee associated with the Hopkins Canal. In 2018, the dam along the western extent of the pond/wetland that contained the pond was breached. The dam was failing and was considered a safety hazard; a general authorization permit was issued for the dam to be breached. Since the dam was breached, the majority of the pond has drained. A series of channels and areas of ponded water were present during field work.

The pond was predominantly delineated based off hydrology indicators present during the field work. Within the eastern extent of the wetland, the vegetation was thick willow and Himalayan blackberry; this area was difficult to access due to high water levels and thick brush. Several beaver dams were located within the forested wetland, causing the large areas of ponded water.

The entire pond/wetland feature was contained by the embankment associated with the levee/access road to the Hopkins Canal. Midway Creek flowed west from tax lot 1000 onto tax lot 900. The creek merged with the Hopkins Canal. A beaver dam was presence at the confluence. Midway Creek continued west in a well defined channel with near vertical embankments toward Wetland 5, where the creek channel disappeared.

CORRECTIVE MEASURES

Tax Lot 1000 (Skinner): The creek channels had recently been cleared out prior to the 2019 site visit. It is recommended that the area should be monitored for beaver activity. The recently disked areas should be seeded with a grass seed mixture.

Tax lots 800 and 900 (Carpenter): Along the eastern border of tax lot 900 was a beaver dam associated with the creek (near Wetland 5). It was hard to access this area due to thick blackberry bushes. If the beaver dam(s) were removed and the channel to the creek maintained, Wetland 5 would become significantly drier and lose wetland characteristics. An additional beaver dam was located at the confluence of Midway Creek and the Hopkins Canal. Within the forested portion of Wetland 6 (east of Sample Plots 26 and 27), one beaver dam was identified, but it is evident that more may be present within the forested canopy causing hydrology to spread out to the west. Clearing the dams and controlling the beaver activity will help reduce the amount of water backing up, which resulted in the ponding observed within Wetland 6.

Within tax lot 800, the pond had recently been breached. It will likely take some time for the wetland features of this large area to shrink. Channels are forming in the western portion of the area that was previously ponded, as anticipated.

SUMMARY

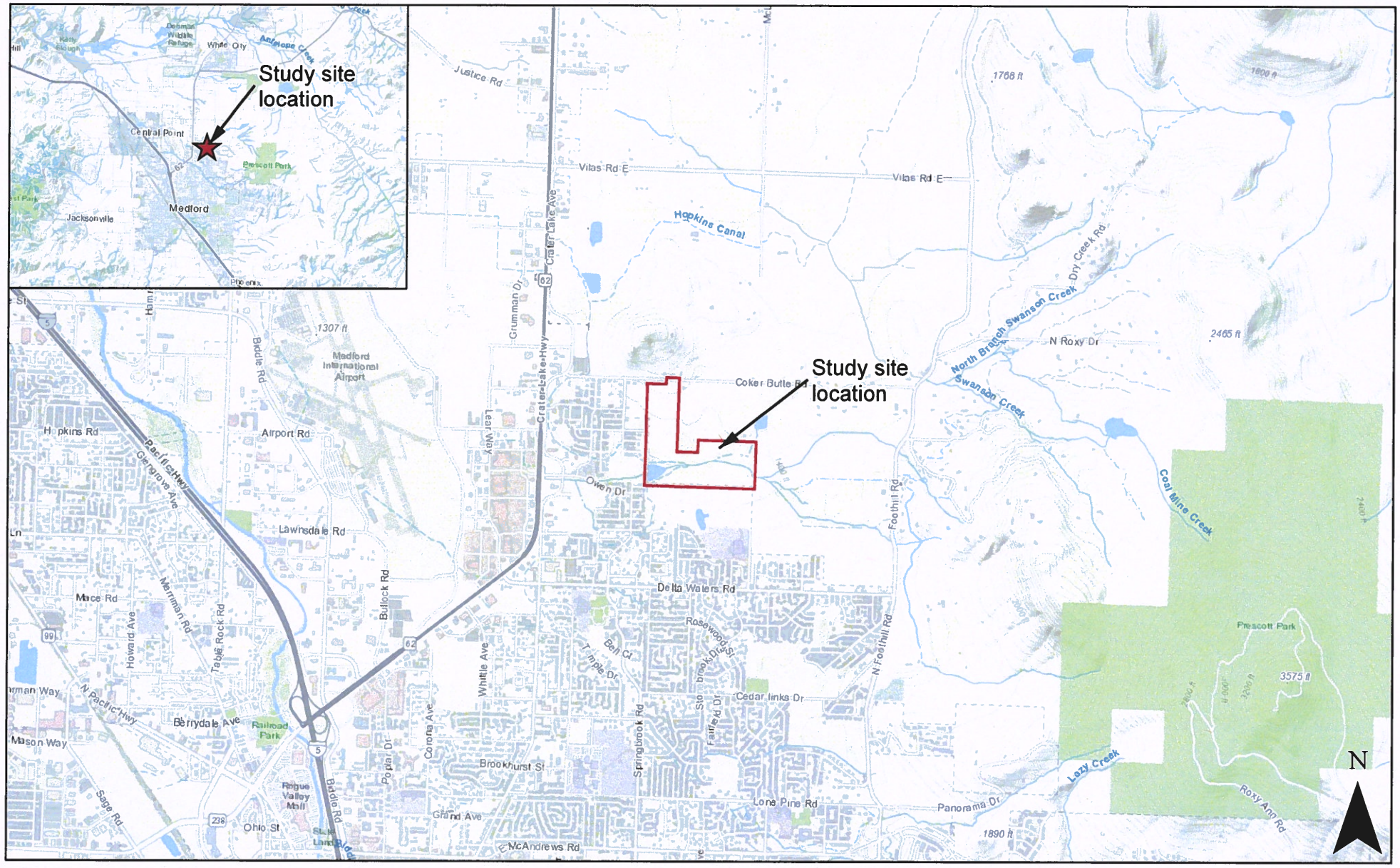
Six wetlands (5.58 acres), one pond (0.26 acres), two ditches (0.08 acres) and a portion of the Hopkins Irrigation Canal (0.48 acres) were identified within the study site. Approximately 0.32 acres of Midway Creek were delineated within the study site boundaries. The site was addressed in two portions based on property owner.

The Skinner property encompassed tax lot 1000. A total of four wetlands (2.66 acres), one pond (0.26 acres), and one ditch (0.08 acres) identified within the site boundaries.

The Carpenter property encompassed tax lots 300, 700, 800 and 900. Tax lots 300 and 700 were sloped pear orchards with no wetlands or waters present. The lower portion of tax lot 800 and tax lot 900 featured two wetlands (2.93 acres), a portion of Midway Creek, and the Hopkins Canal (0.48 acres) located within the site boundaries.

The wetlands are generally associated with topographic swales, and depressions. Midway Creek and a series of wetlands were identified within the study site per the 2016 LWI. The LWI features were mapped based on an off-site determination. Schott & Associates mapped all site conditions based on on-site conditions. This letter report was completed for information purposes only. Should formal wetland delineation be requested for submittal to DSL for a concurrence letter, Schott & Associates can finalize all data and compile a formal report.

Attachments:
Figure 1. Site Location Map
Figure 2. Tax Map
Figure 3. Local Wetland Inventory
Figure 4a. Wetland Determination Map-Carpenter-Skinner Overview
Figure 4b. Skinner Property
Figure 4c. Carpenter Property



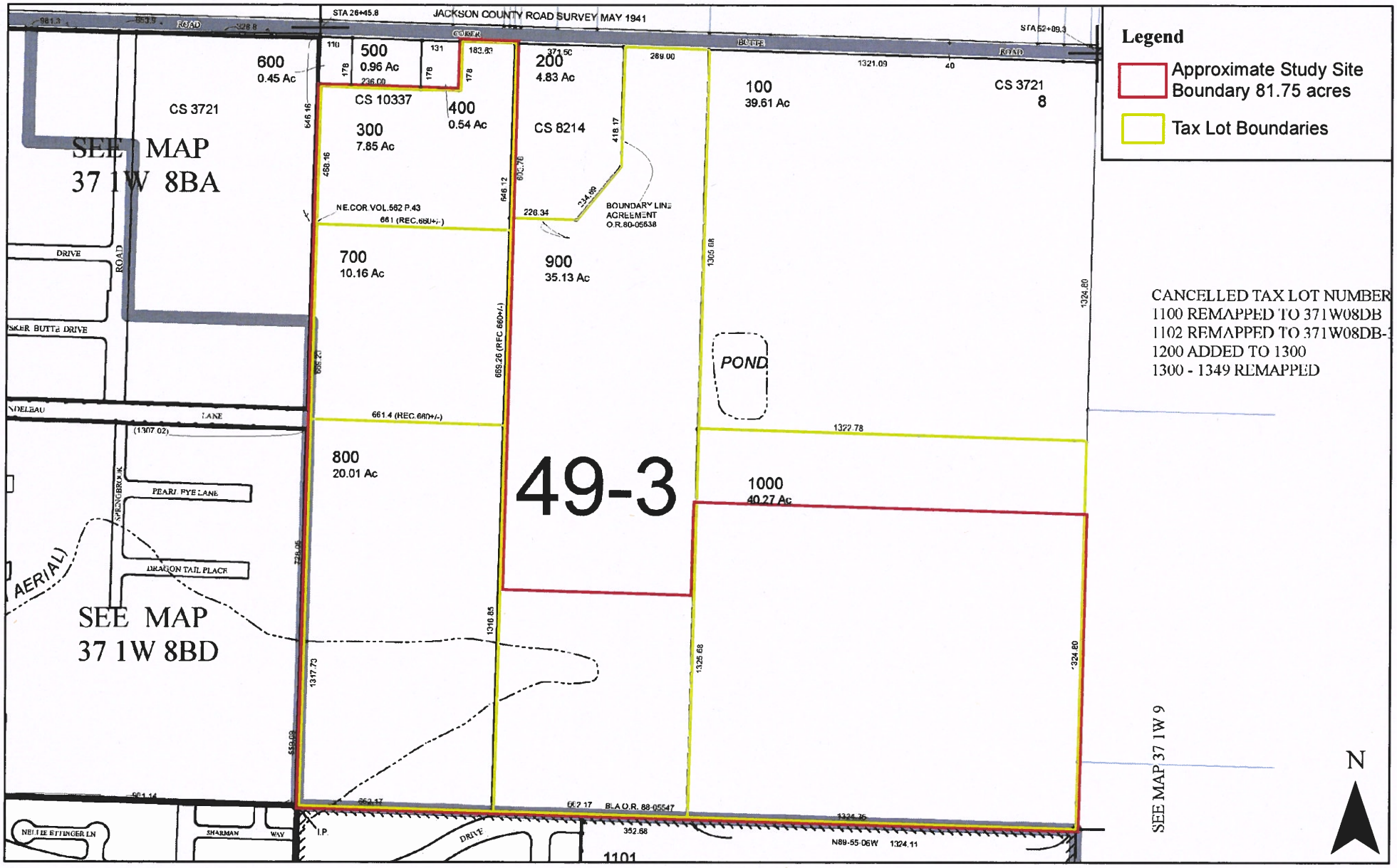
Date: 2/11/2019

Data Source: ESRI, 2019; Jackson County GIS Dept., 2018

Figure 1. Location Map

Carpenter-Skinner Project Site: S&A #2664

SCHOTT & ASSOCIATES, Inc.



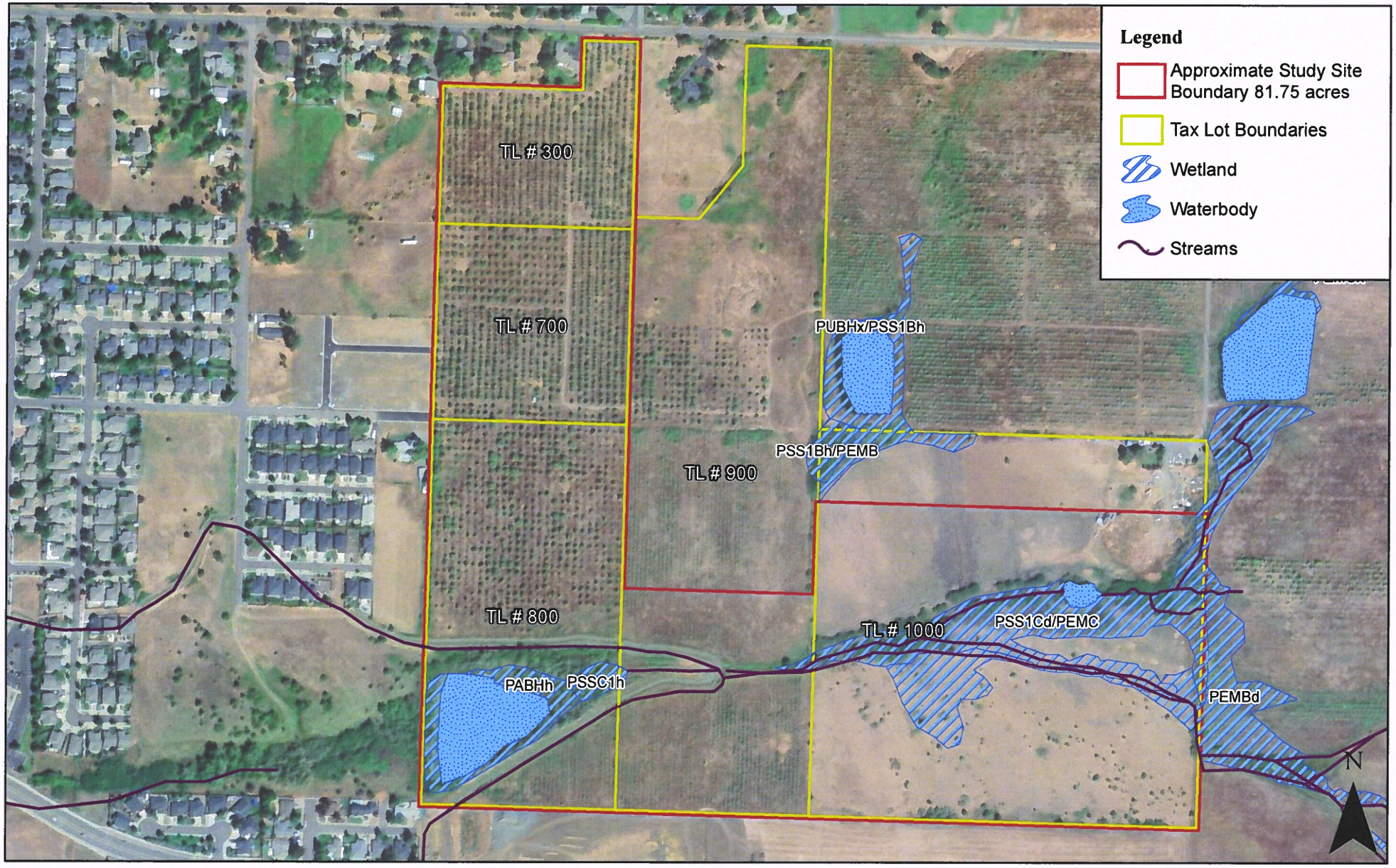
Date: 2/11/2019
1 inch = 450 feet
Data Source: Jackson County GIS Dept., ORMAP (www.ormap.net), 2019

Figure 2. Jackson County Tax Map: 371W08

Carpenter-Skinner Project Site: S&A #2664

SCHOTT & ASSOCIATES, Inc.

0 200 400 800 Feet



Date: 2/11/2019

1 inch = 450 feet

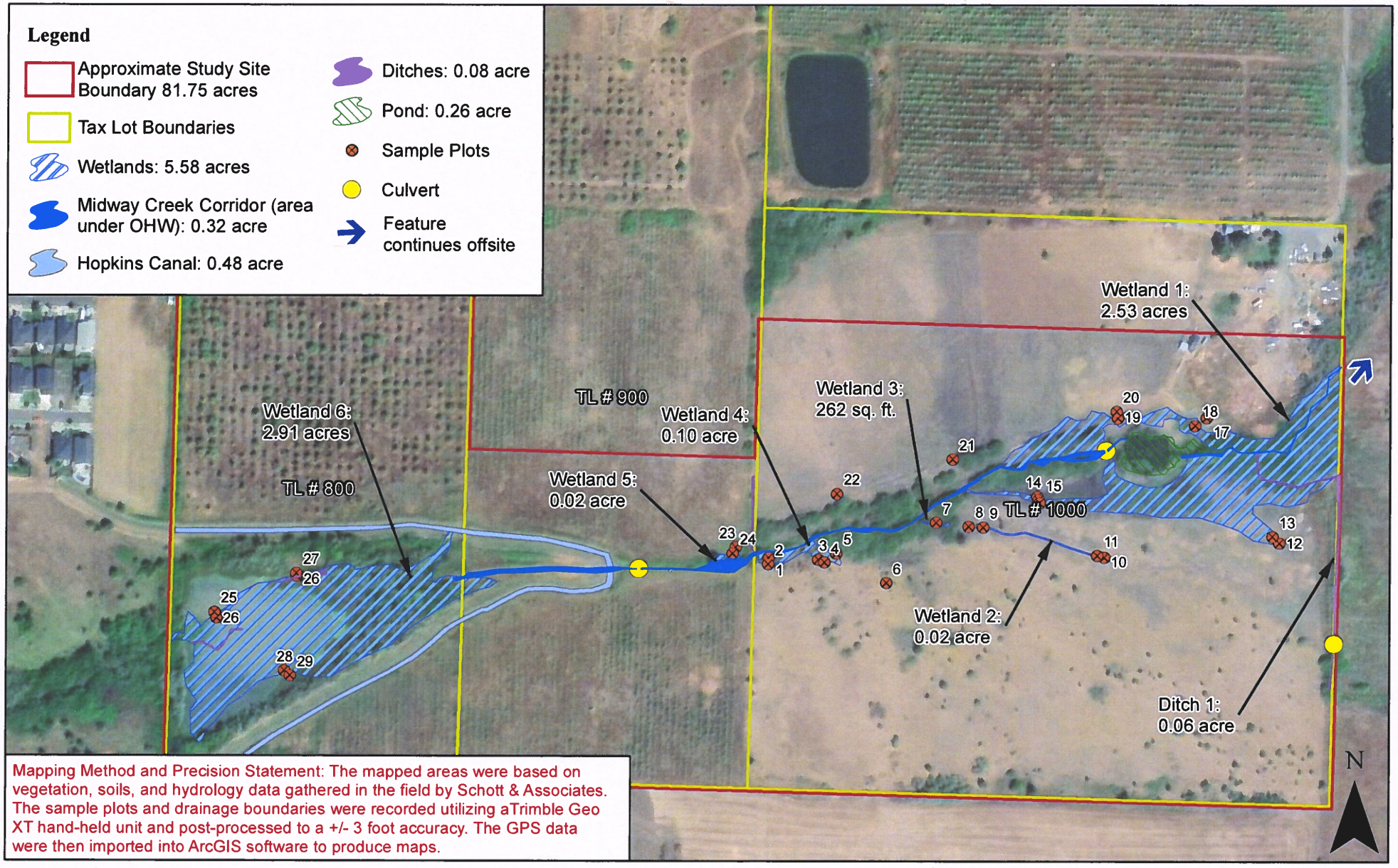
Data Source: ESRI, 2019; Jackson County GIS Dept., 2018; SWCA Environmental Consultants, 2017

Figure 3. Local Wetland Inventory

Carpenter-Skinner Project Site: S&A #2664

SCHOTT & ASSOCIATES, Inc.

0 200 400 800 Feet



Mapping Method and Precision Statement: The mapped areas were based on vegetation, soils, and hydrology data gathered in the field by Schott & Associates. The sample plots and drainage boundaries were recorded utilizing aTrimble Geo XT hand-held unit and post-processed to a +/- 3 foot accuracy. The GPS data were then imported into ArcGIS software to produce maps.

Date: 2/12/2019

1 inch = 300 feet

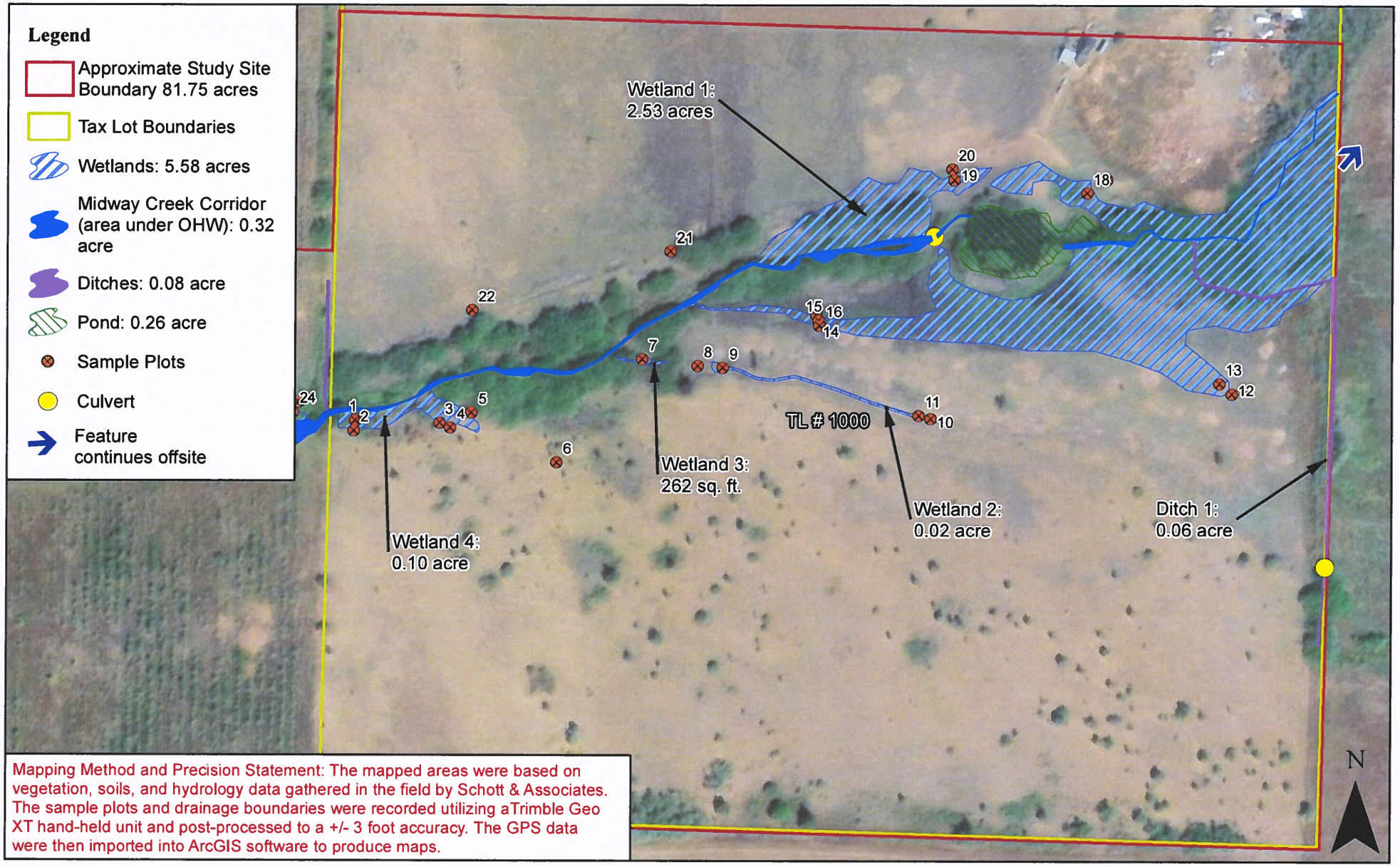
Data Source: ESRI, 2019;
Jackson County GIS Dept., 2018

Figure 4a. Wetland Determination Map - Carpenter-Skinner Overview

Carpenter-Skinner Project Site: S&A #2664

SCHOTT & ASSOCIATES, Inc.

0 50 100 200 Feet



Mapping Method and Precision Statement: The mapped areas were based on vegetation, soils, and hydrology data gathered in the field by Schott & Associates. The sample plots and drainage boundaries were recorded utilizing aTrimble Geo XT hand-held unit and post-processed to a +/- 3 foot accuracy. The GPS data were then imported into ArcGIS software to produce maps.

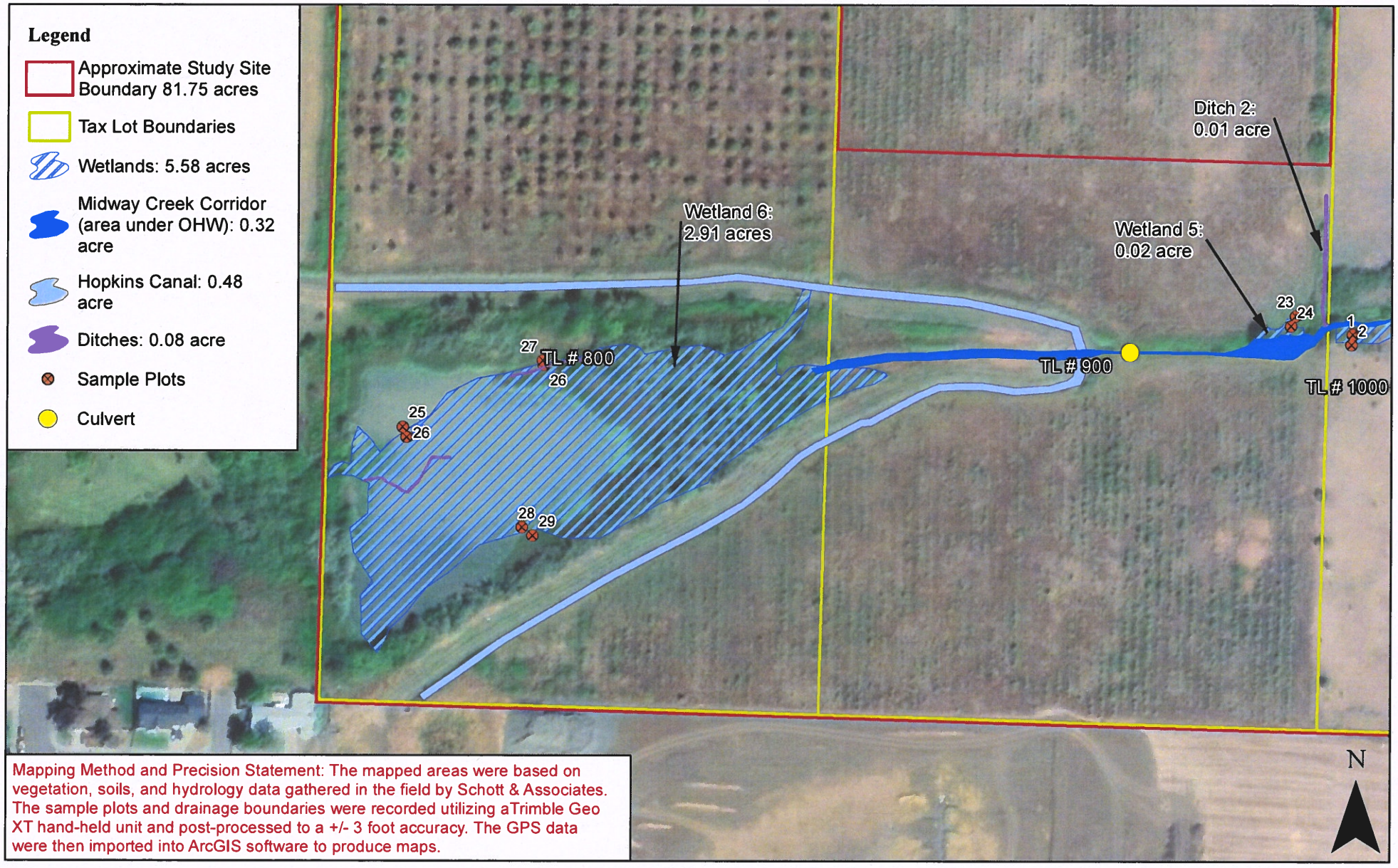
Date: 2/12/2019
1 inch = 175 feet
Data Source: ESRI, 2019;
Jackson County GIS Dept., 2018

Figure 4b. Wetland Determination Map - Skinner Property

Carpenter-Skinner Project Site: S&A #2664

SCHOTT & ASSOCIATES, Inc.

0 50 100 200 Feet



Mapping Method and Precision Statement: The mapped areas were based on vegetation, soils, and hydrology data gathered in the field by Schott & Associates. The sample plots and drainage boundaries were recorded utilizing aTrimble Geo XT hand-held unit and post-processed to a +/- 3 foot accuracy. The GPS data were then imported into ArcGIS software to produce maps.

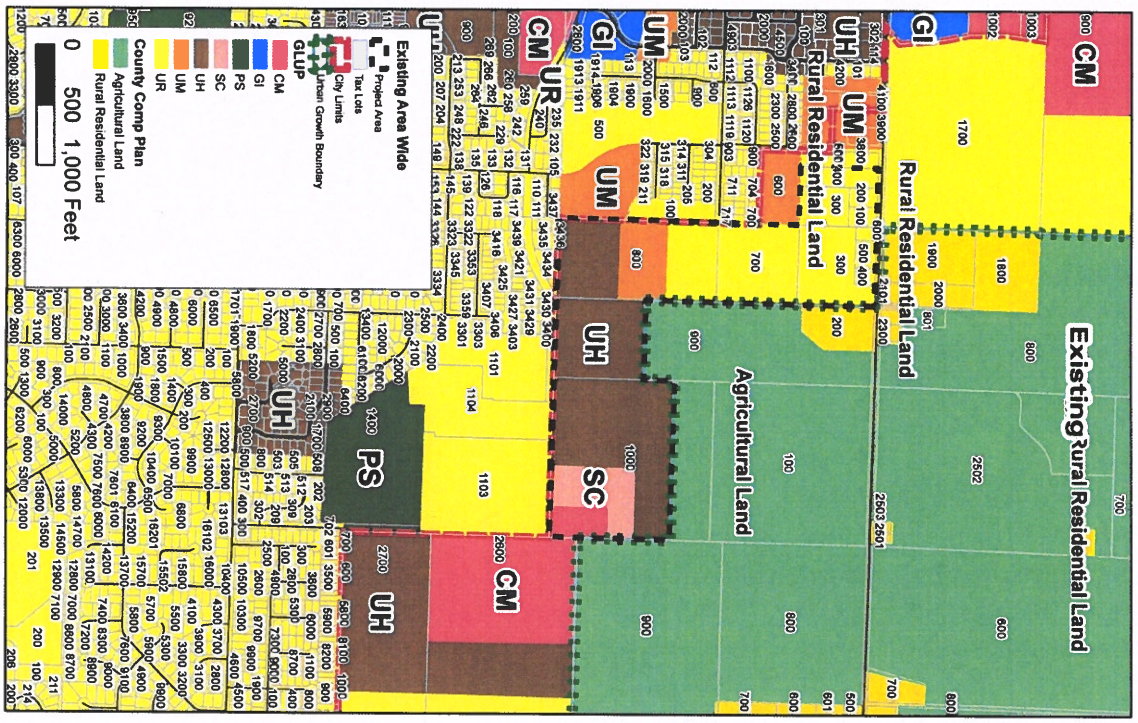
Date: 2/12/2019
1 inch = 175 feet
Data Source: ESRI, 2019;
Jackson County GIS Dept., 2018

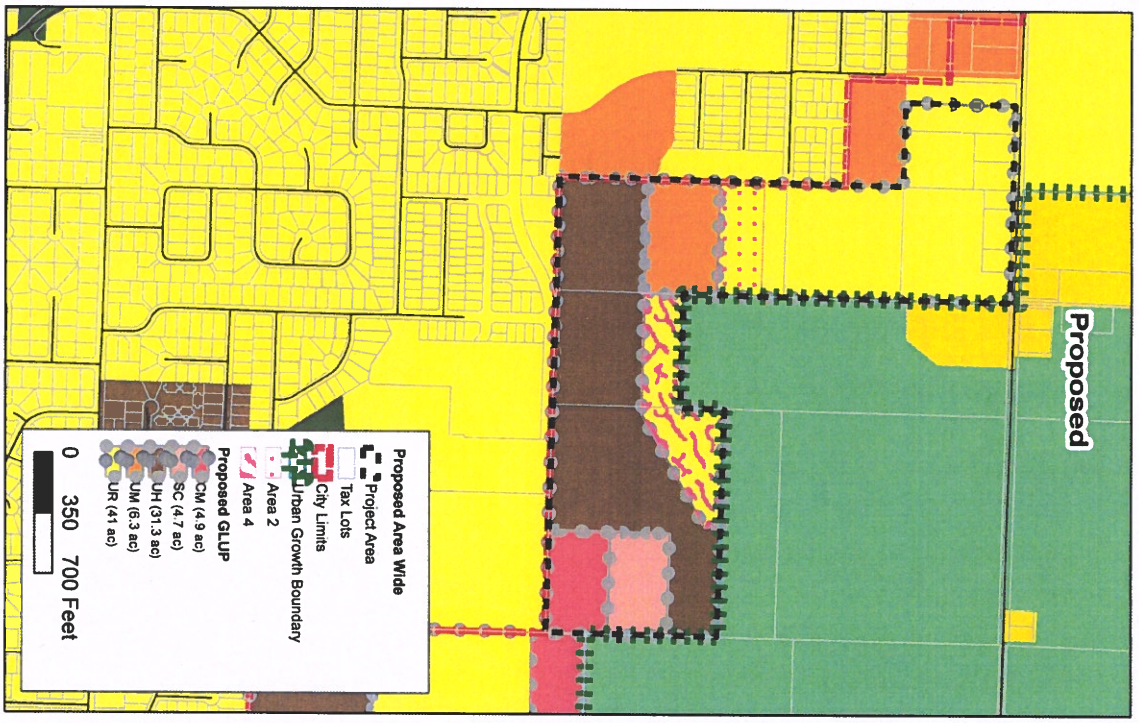
Figure 4c. Wetland Determination Map - Carpenter Property

Carpenter-Skinner Project Site: S&A #2664

SCHOTT & ASSOCIATES, Inc.

0 50 100 200 Feet





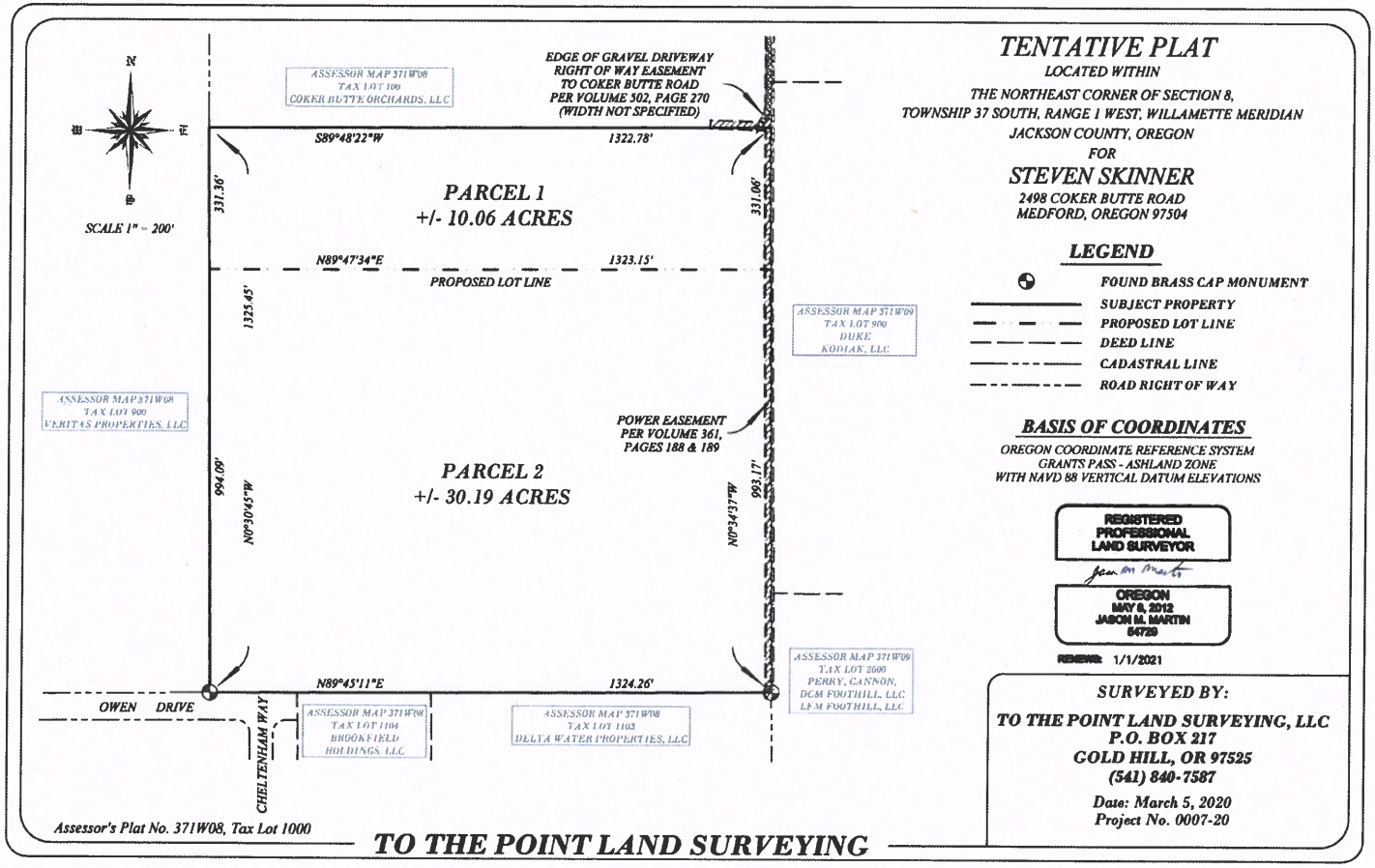
Chilsonrise Urbanization Plan

General Land Use Plan (GLUP)

EXHIBIT

March 2020

Atlas Page 2 (Ref. Document 6.4.2)



TENTATIVE PLAT

LOCATED WITHIN
THE NORTHEAST CORNER OF SECTION 8,
TOWNSHIP 37 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN
JACKSON COUNTY, OREGON
FOR

STEVEN SKINNER

2498 COKER BUTTE ROAD
MEDFORD, OREGON 97504

LEGEND

- FOUND BRASS CAP MONUMENT
- SUBJECT PROPERTY
- PROPOSED LOT LINE
- DEED LINE
- CADASTRAL LINE
- ROAD RIGHT OF WAY

BASIS OF COORDINATES

OREGON COORDINATE REFERENCE SYSTEM
GRANTS PASS - ASHLAND ZONE
WITH NAVD 88 VERTICAL DATUM ELEVATIONS

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MAY 6, 2012
JASON M. MARTIN
54729

RENEWS: 1/1/2021

SURVEYED BY:

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

Date: March 5, 2020
Project No. 0007-20

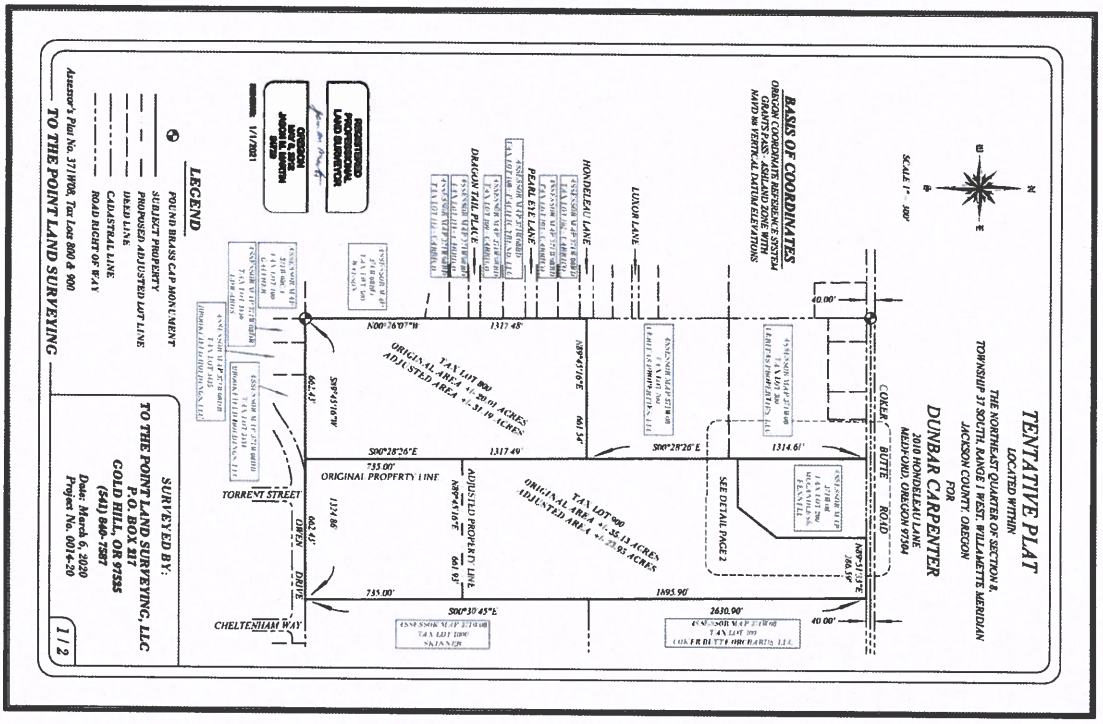
Chilsonrise Urbanization Plan

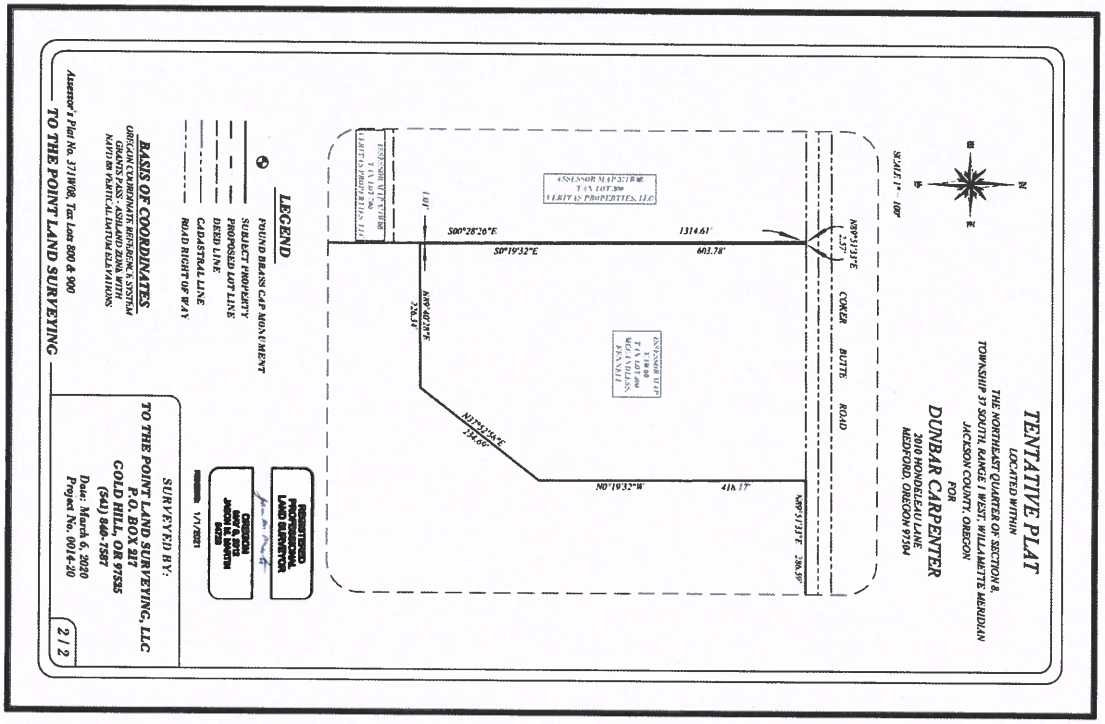
Tentative Plat for Skinner Property

Atlas Page 10 (Ref. Document 6.4.10)

EXHIBIT P

March 2020



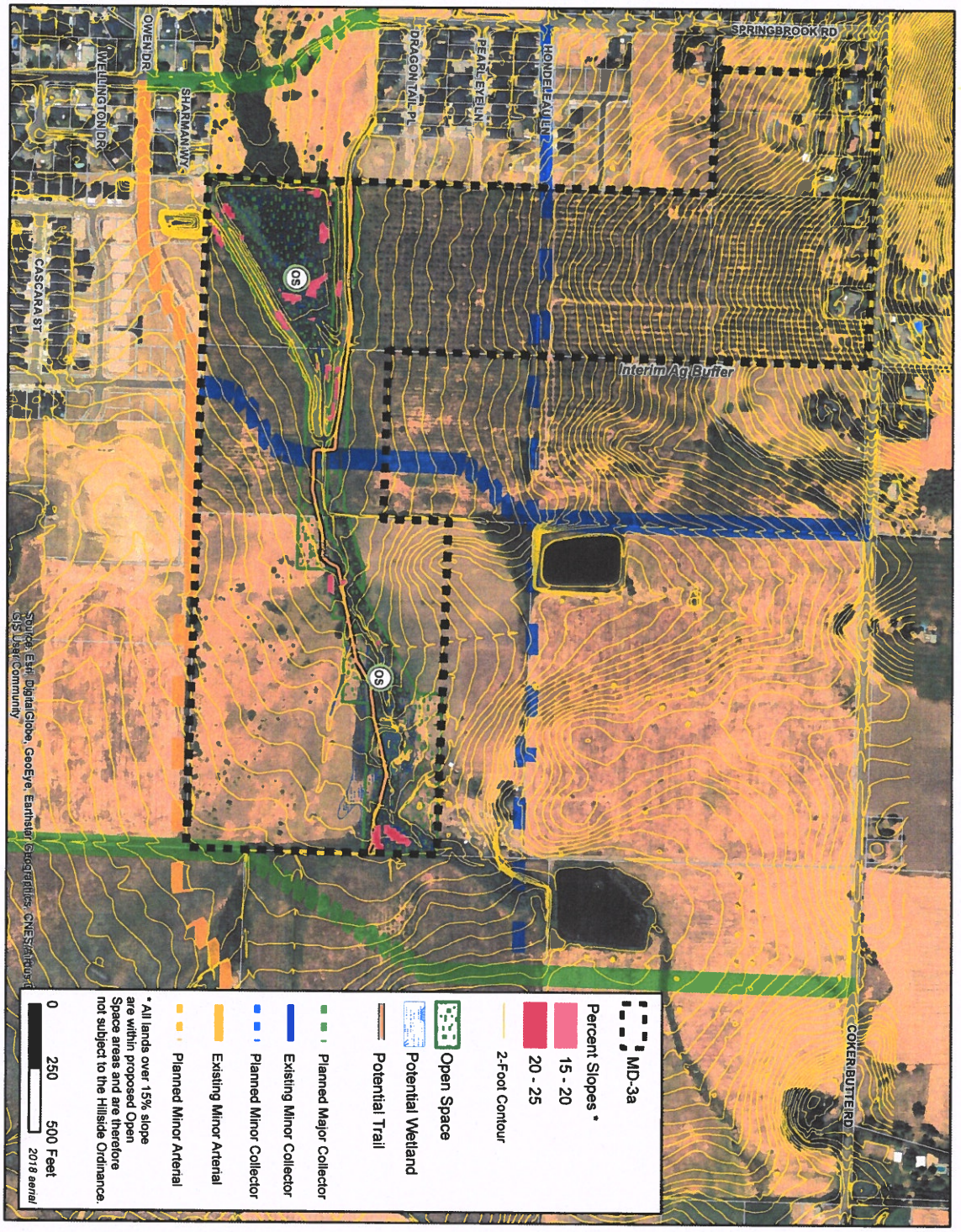


Chilsonrise Urbanization Plan

Tentative Property Line Adjustment for Carpenter Property

March 2020

Atlas Page 11 (Ref. Document 6.4.11)



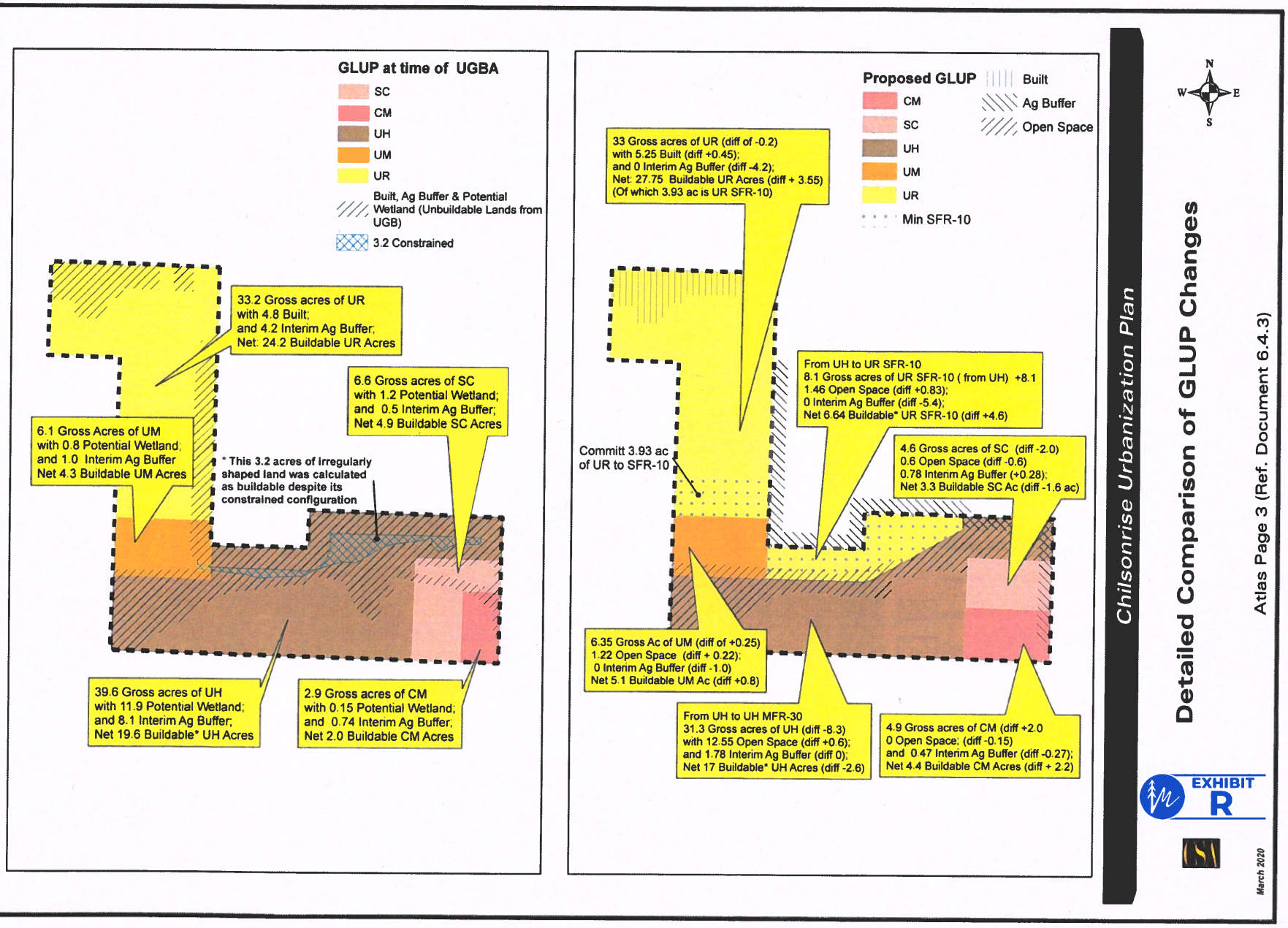
Chilsonrise Urbanization Plan

Topography / Slopes Map

EXHIBIT Q

March 2020

Atlas Page 5 (Ref. Document 6.4.5)



Chilsonrise Urbanization Plan

Detailed Comparison of GLUP Changes

Atlas Page 3 (Ref. Document 6.4.3)

EXHIBIT R

March 2020

FAIR HOUSING COUNCIL OF OREGON

June 21, 2020

City of Medford Planning Commission
200 South Ivy Street,
Medford, Oregon 97501

RE: UP-20-095
A legislative amendment to adopt an Urbanization Plan into the Neighborhood Element of the Comprehensive Plan for approximately 88.73 acres of property located between Owen Drive and Coker Butte Road, and to the east of Springbrook Road (Planning Unit MD-3a) (371W08 300 - 1000; and 371W08BA 100 - 400 4700)

Dear Commissioners:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians.

Both HLA and FHCO are supportive of UP-20-095, the adoption of an Urbanization Plan into the Neighborhood Element for the property located between Owen Drive and Coker Butte Road, and to the east of Springbook Road. Furthermore, the Goal 10 portion of the staff report is excellent and we hope to use it as a model to help other jurisdictions. Good luck with the continuation of this project!

Thank you for your consideration of our comments.

Sincerely,

Louise Dix

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

Cc: Gordon Howard, DLCD

EXHIBIT S

1221 SW Yamhill Street, Portland, Oregon 97205

From: connie marmet
To: Seth A. Adams
Subject: Comments on 50.2 PUD-20-032/LDS-20-100 and 50.7 UP-20-095
Date: Thursday, June 25, 2020 4:31:08 PM

<EXTERNAL EMAIL **Click Responsibly!>**

We are owners of property at 2014 Coker Butte Road and have the following concerns about the Urbanization Plan to add dense and extensive housing between Owen Drive and Coker Butte Road:

1) The transportation plan does not address traffic on Coker Butte Road. Significant traffic already cuts across to Foothill Road on Coker Butte and the impact of the addition of so much housing must be addressed.

2) The staff is to be commended for objecting to the request to delay completing the connection of Springbrook Road to Owens Drive. Failure to do so will only funnel the increased traffic into limited arteries out of the dense housing. Futhermore, the road extension significantly impacts and creek and greenway and development needs to go hand in hand.

3) A request was made to reduce buffer zones as the new housing abuts existing homes. Buffer zones must be maintained to preserve some semblance of surroundings we have enjoyed and upon which our property values derive.

4) It is imperative that the creek and wild areas be maintained and community involvement among existing owners is imperative.

Thank you for your consideration.

EXHIBIT T

PLANNING COMMISSION MINUTES - EXCERPT

MEDFORD OREGON

June 25, 2020
5:30 P.M.
Medford City Hall, Council Chambers
411 West 8th Street, Medford, Oregon

The regular meeting of the Planning Commission was called to order at 5:30 PM in the Medford City Hall, Council Chambers, 411 West 8th Street, Medford, Oregon on the above date with the following members and staff in attendance:

Commissioners Present
Mark McKechnie, Chair
Joe Foley, Vice Chair
David Culbertson
David Jordan
Bill Mansfield
David McFadden
E.J. McManus
Jared Pulver
Jeff Thomas

Staff Present
Matt Brinkley, Planning Director
Kelly Evans, Assistant Planning Director
Carla Paladino, Principal Planner
Eric Mitton, Deputy City Attorney
Alex Georgevitch, City Engineer
Greg Kleinberg, Fire Marshal
Terri Richards, Recording Secretary
Dustin Severs, Planner III
Steffen Roennfeldt, Planner III
Seth Adams, Planner III

10. Roll Call

20. Consent Calendar / Written Communications. None.

30. Approval or Correction of the Minutes from June 11, 2020 hearing
30.1 The minutes for June 11, 2020, were approved as submitted.

40. Oral Requests and Communications from the Public. None.

Eric Mitton, Deputy City Attorney read the Quasi-Judicial statement.

50. Public Hearings.

Old Business
50.1 LDS-20-083 Consideration of tentative plat approval for Angell Village Subdivision, a proposed 4-lot residential subdivision on a single 1.17-acre parcel located at 1225 Corona Avenue in the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district (371W19BA2300); Applicant: Gary Angell; Agent: Scott Sinner Consulting, Inc.; Planner: Dustin Severs.

EXHIBIT U

c. John Pierce, 2117 Dellwood Avenue, Medford, Oregon, 97504. Mr. Pierce approves of the Exception. The orientation of the first parcel faces Dellwood. According to the City's Address Technician the narrow portion of the lot will be addressed to Windsor for that first parcel. Almost all of the houses in the rest of the neighborhood face Dellwood on that two block section.

Vice Chair Foley wanted to understand Mr. Georgevitch's comments in the Public Works report regarding storm drainage. Mr. Georgevitch reported that he comments in the Public Works staff report are if they build a public street. If they build a public street they will have to put in a storm drain. If not building a public street storm drains will not be required.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and direct staff to prepare the final order for approval of LDP-20-120 and E-20-121 per the staff report dated June 18, 2020, including Exhibits A through L.

Moved by: Vice Chair Foley Seconded by: Commissioner McFadden

Commissioner McFadden questioned whether they are approving or denying the Exception. He is in favor of approving it.

Roll Call Vote: Motion passed, 9-0-0.

50.7 UP-20-095 A legislative amendment to adopt an Urbanization Plan into the Neighborhood Element of the Comprehensive Plan for approximately 88.73 acres of property located between Owen Drive and Coker Butte Road, and to the east of Springbrook Road (Planning Unit MD-3a)(371W08 TL 300 - 1000 and 371W08BA TL 100 - 400). Applicants: Steven Skinner and Veritas Properties, LLC; Agent: Jay Harland, CSA Planning, Ltd.; Planner: Seth Adams.

Chair McKechnie inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. None were disclosed.

Chair McKechnie inquired whether anyone in attendance wishes to question the Commission as to conflicts of interest or ex-parte contacts. None were disclosed.

Seth Adams, Planner III reported that the Type IV Legislative Comprehensive Plan Amendment approval criteria can be found in the Medford Land Development Code Sections 10.102–10.122, 10.214, and 10.220. The applicable criteria were addressed in the staff report, included with the property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Adams gave a staff report.

Commissioner Pulver was unclear with the Public Works staff report that states Coker Butte is maintained by the County currently but is classified as a major collector. Does the City not require improvements to that at this time because it is not a City road yet? Mr. Adams responded that when Veritas Properties is annexed into the City the City will take jurisdiction of the couple hundred feet of Coker Butte Road. Sometime in the future that section would have to be brought up to City standards triggered by development by the applicant.

The public hearing was opened.

a. Jay Harland, CSA Planning Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504. Mr. Harland commented on the process of an urbanization plan. The process for this type of application is working well. The City will be well served by the process.

Commissioner Culbertson asked, did Mr. Harland and staff discuss the pond on the subject property about breaching it, moving the irrigation ditch and who is responsible if the old embankment fails? Mr. Harland replied it actually has been breached. It is not a pond anymore. Commissioner Culbertson asked, why is it still classified as wetlands? Mr. Harland reported there is a cover letter in the agenda packet of what to do with the wetlands. It will take approximately two years to shrink the wetlands. Commissioner Culbertson asked, when they receive the delineation where the wetlands actually are and when development plans are re-fined, will they maintain the open space? Mr. Harland responded that the RPS Plan requires a percentage of how it lays out.

Mr. Harland reserved rebuttal time.

The public hearing was closed.

Motion: The Planning Commission, based on the findings and conclusions that all of the applicable criteria are satisfied, forwards a favorable recommendation to the City Council per the staff report dated
June 18, 2020, including Exhibits A through T for approval of UP-20-095, and adopting Exhibit B into the Neighborhood Element of the Comprehensive Plan.

Moved by: Vice Chair Foley Seconded by: Commissioner McFadden

Roll Call Vote: Motion passed, 9-0-0.

The Planning Commission recessed at 8:11 p.m. and reconvened at 8:19 p.m.

101. The meeting was adjourned at approximately 9:31 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Richards
Recording Secretary

Mark McKechnie
Planning Commission Chair

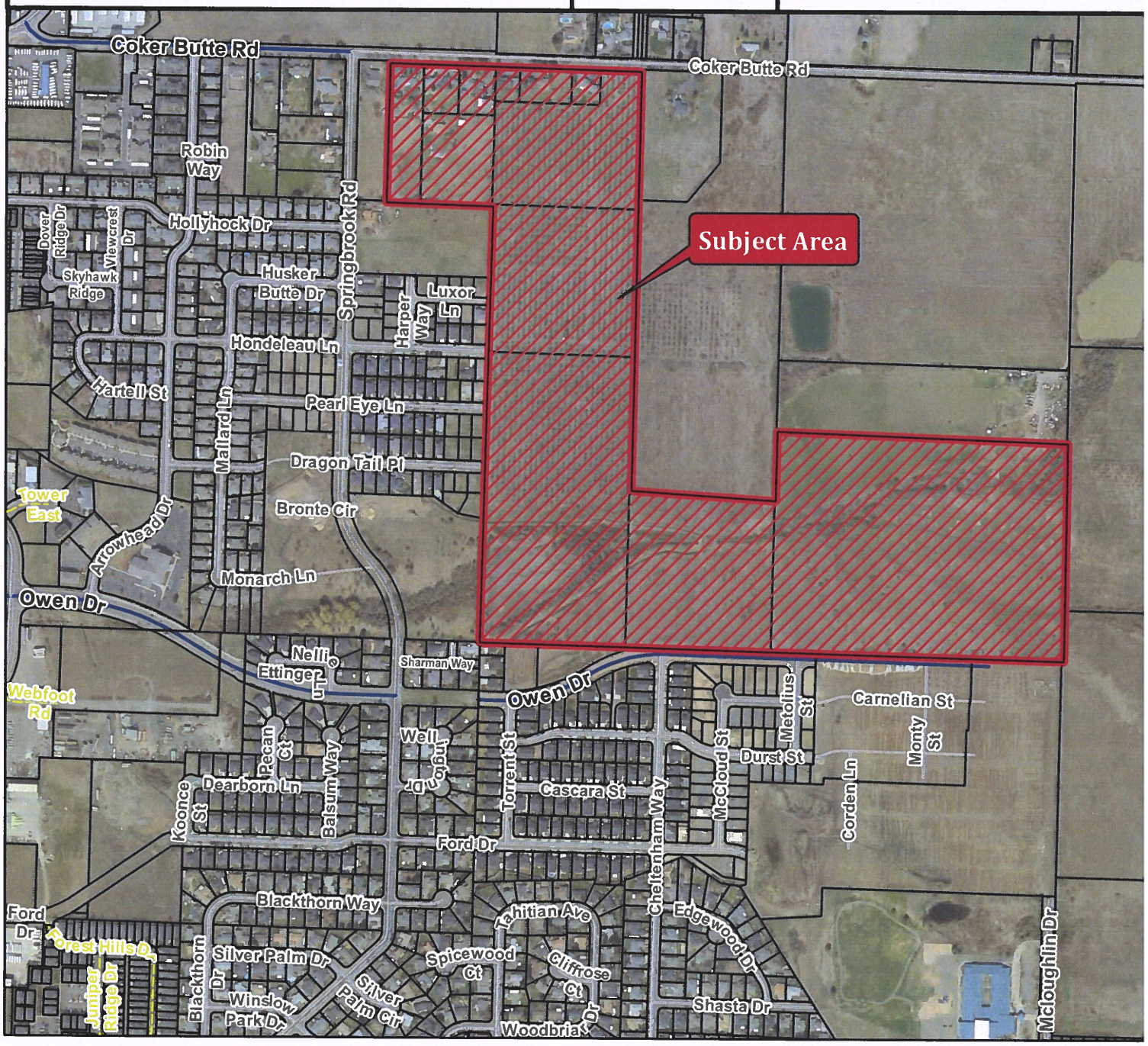
Approved: July 9, 2020

MEDFORD PLANNING

Vicinity Map

File Number:

UP-20-095



Project Name:

Planning Area MD-3a

Steven Skinner & Veritas Properties LLC

Map/Taxlot:

Various Properties

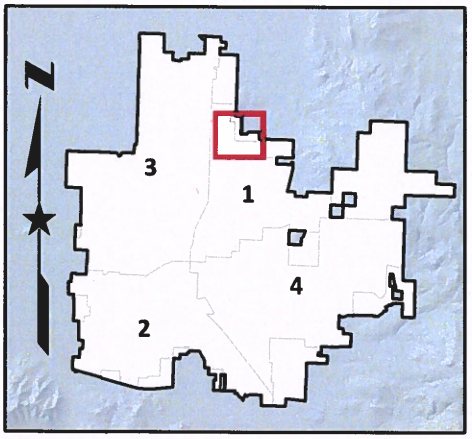
0 500 1,000 Feet

Legend

Subject Area

Tax Lots

4/28/2020



MEDFORD
OREGON
cityofmedford.org

Item No: 80.3

AGENDA ITEM COMMENTARY

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

AGENDA SECTION: Public Hearings
MEETING DATE: August 20, 2020

COUNCIL BILL 2020-112

AN ORDINANCE proclaiming 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 holding zoning designation of SFR-00 (Single-Family Residential - 1 dwelling unit per existing lot), and would remove the property from Medford Rural Fire Protection District #2. (ANNX-20-094) (Land Use, Quasi-Judicial)

SUMMARY AND BACKGROUND

Council is requested to consider the annexation of 79.6 acres of property to the City of Medford. The properties are located approximately 640 feet to the east of Springbrook Road, between Owen Drive and Coker Butte Road, and includes approximately 186 feet of the abutting right-of-way along Coker Butte Road. The proposed annexation would change the County zoning designation of Exclusive Farm Use (EFU) to the City SFR-00 (Single Family Residential -1 dwelling unit per existing lot) holding zone. The property 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 property proposed for annexation was included in the 2016 UGB expansion.

On May 21, 2020, Council Bill 2020-60 was approved establishing a hearing date of August 20, 2020, for consideration of this matter.

ANALYSIS

The subject properties and adjacent right-of-way are located within the City's Urban Growth Boundary and are contiguous to the city limits along the western and southern boundary of the property. The following General Land Use Plan (GLUP) designations are found on the properties: Urban Residential (UR), Urban Medium Density Residential (UM), Urban High Density Residential (UH), Service Commercial (SC), and Commercial (CM). The site is currently zoned County 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.

The application is filed in conjunction with an Urbanization Plan (File No. UP-20-095). The properties are identified as planning unit MD-3a in the Urbanization Planning section of the Neighborhood Element of the Comprehensive Plan. The total acreage of the planning unit is 88.73 acres. Only five of the 12 parcels associated with the urbanization plan are proposed to be annexed totaling 79.6 acres.

The applicant has filed concurrent applications with Jackson County for a property line adjustment between tax lots 800 and 900, and a partition for tax lot 1000. These actions are necessary to align the property boundaries with the urban growth boundary.

Annexation of the full right-of-way along the identified portion of Coker Butte is outlined in the Urban Reserve Management Agreement (URMA) with the County. The agreement stipulates the City will request surrender of this road from the County upon annexation and Medford Public Works-Engineering concurs with this happening. Additionally, upon annexation, the City is responsible for management of the public storm water within the roadway. Following jurisdictional transfer, the City will assume paving and maintenance responsibilities for this portion of the roadway as well.

The road is not yet built to City standards; future improvements along Coker Butte Road will be made as new development occurs. In the event a new road is built into the property, the property frontage for that development along Coker Butte Road must be improved to City standards.

Once the annexation is finalized, the applicant can apply for the next steps in the development of the property including zone change and land division applications.

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 maximum assessed value for the tax lots was $633,516. The taxes on the property for 2020 totaled $7,848.46. An approximate estimate of property tax revenue to the City after annexation is $3,271 (this estimated number is based on the current configuration of the parcels). This will change with development of the land and the adjusted property lines.

TIMING ISSUES

In order to finalize the property line adjustment and partition applications in process with Jackson County, Council is being asked to review the proposal, open the public hearing, keep the record open, and then continue the matter until November 19, 2020. Staff will update the Council on the progress of these actions on November 19th. If the land use actions are finalized at that time, Council will be asked to make a decision on the proposal.

COUNCIL OPTIONS

Review the proposal and continue the matter to the November 19, 2020, Council hearing.

STAFF RECOMMENDATION

Staff recommends approval of the annexation upon completion of the property line adjustment and partition with Jackson County and continuing the hearing until November 19, 2020.

SUGGESTED MOTION

I move to continue the hearing to the November 19, 2020, Council meeting.

EXHIBITS

Ordinance
ANNX-20-094 Council Report, including Exhibits A through E
ANNX-20-094 Vicinity Map

ORDINANCE NO. 2020-112

AN ORDINANCE proclaiming 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 holding zoning designation of SFR-00 (Single-Family Residential - 1 dwelling unit per existing lot), and would remove the property from Medford Rural Fire Protection District #2. (ANNX-20-094)

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;

WHEREAS, City Council by Resolution No. 2020-60, adopted May 21, 2020, dispensed with submitting the question of the proposed annexation to the electors of the city and set 6:00 p.m. on the 20th day of August, 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;

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 August 20, 2020 as provided by law and by the terms of said resolution and the published notice; in order to accommodate finalizing property line adjustment and partition applications in process with Jackson County, the City Council continued the public hearing to December 3, 2020, at which time the City Council closed the public hearing;

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 August 13, 2020, incorporated by this reference and on file in the Planning Department, are true and correct; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. The Findings and Conclusions in the Staff Report dated August 13, 2020 are true and correct and are hereby adopted as the findings of the City Council.

Section 2. The area legally described in Exhibit A and depicted in Exhibit B, both attached hereto and incorporated herein, (the "Property") shall be annexed to the City of Medford, Oregon with the City of Medford holding zone designation of SFR-00 (Single-Family Residential – 1 dwelling unit per existing lot) holding zoning designation.

Section 3. The above-described Property annexed to the City of Medford is hereby withdrawn from Medford Rural Fire Protection District #2.

Section 4. 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 5. 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 December, 2020.

ATTEST: _____ _____

City Recorder Mayor

APPROVED: _____2020. _____

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.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MAY 8, 2012
JASON M. MARTIN
54729

RENEWS: 1-1-2021

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

EXHIBIT A

EXHIBIT "B"

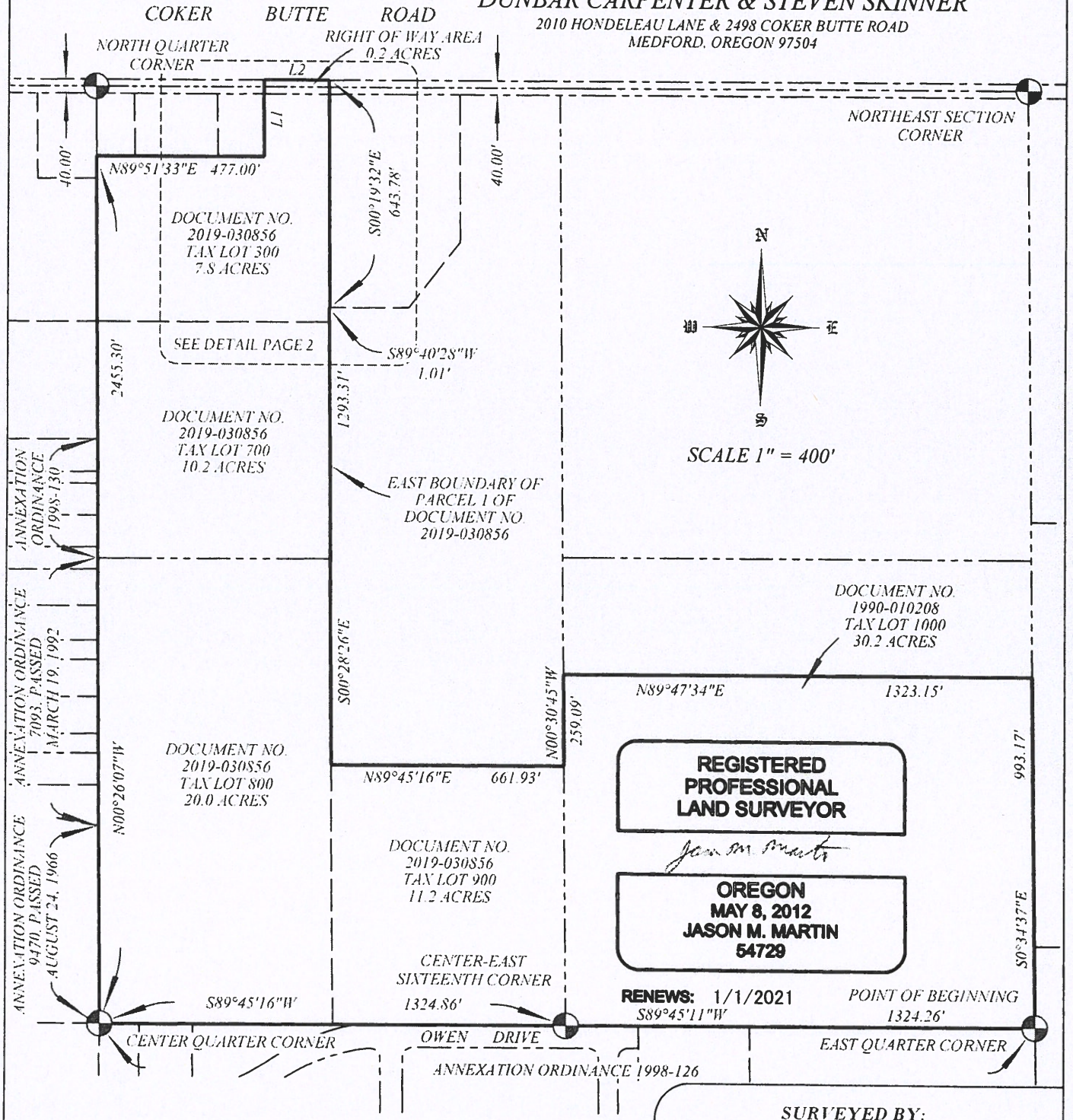
LOCATED WITHIN

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



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

EXHIBIT B

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

1 / 2

TO THE POINT LAND SURVEYING

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
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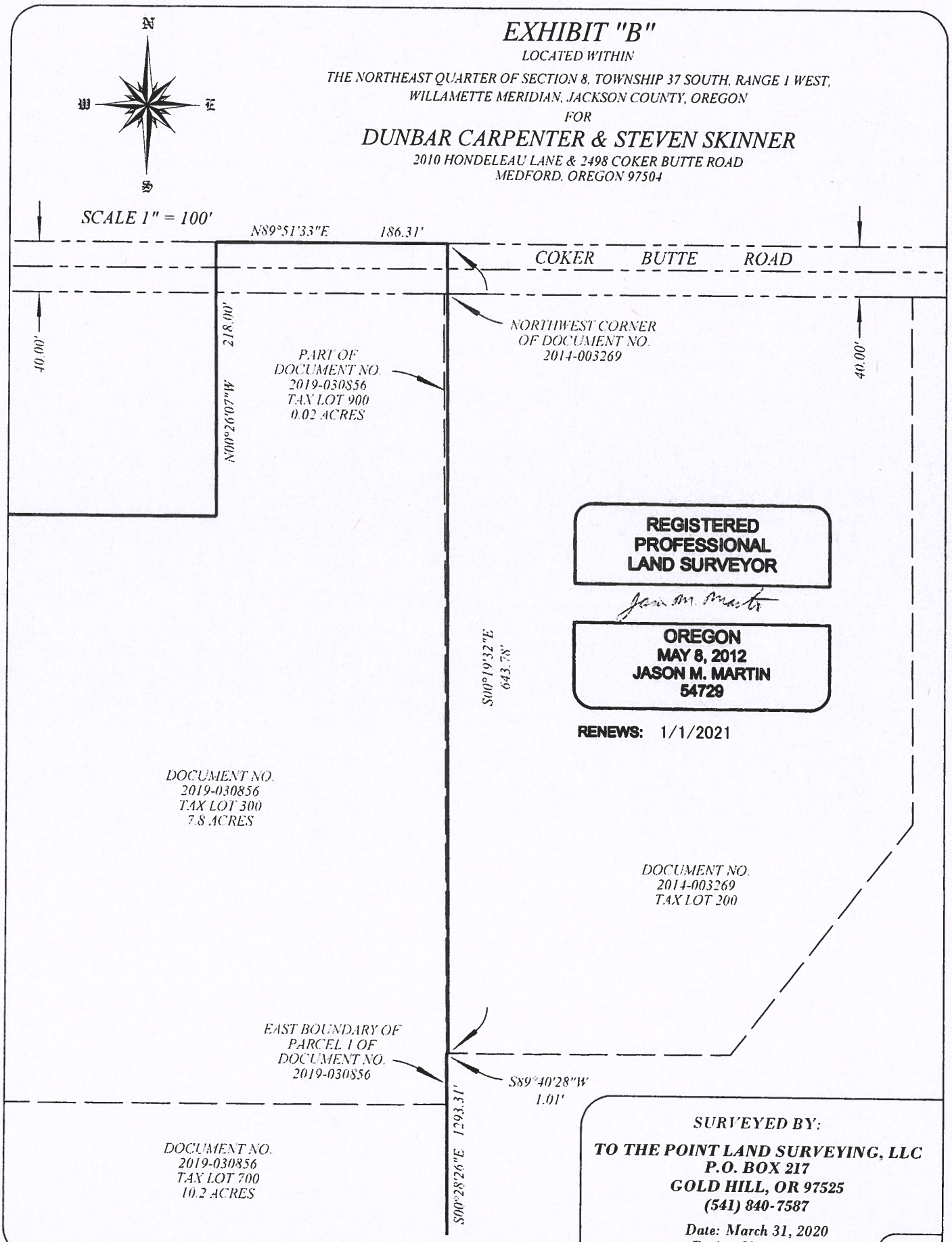

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P.O. BOX 217
GOLD HILL, OR 97525
(541) 840-7587

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

2 / 2

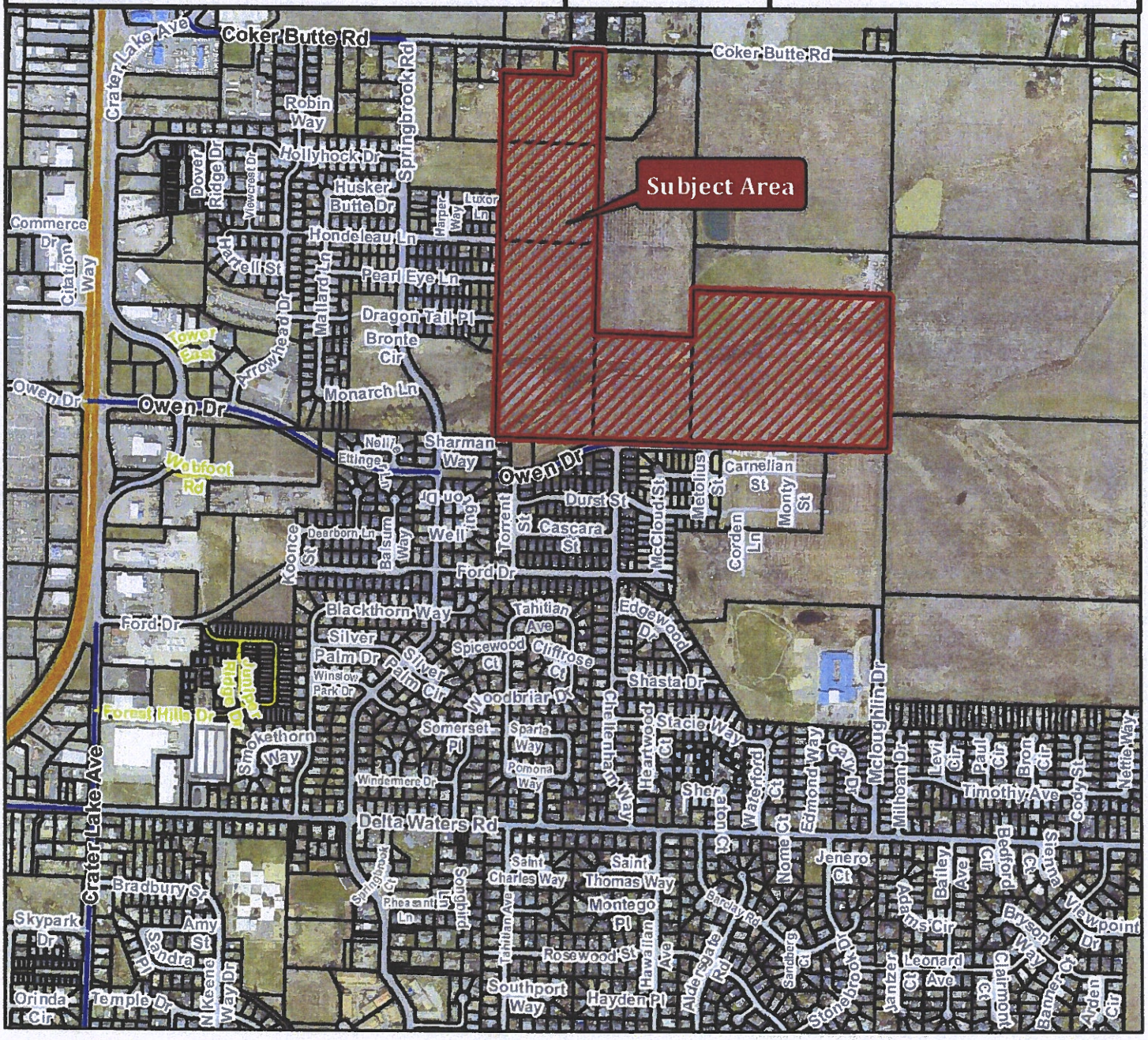
TO THE POINT LAND SURVEYING

MEDFORD PLANNING

Vicinity Map

File Number:

ANNX-20-094



Project Name:

Steven Skinner & Veritas Properties LLC Annexation

Map/Taxlot:

371W08 TL

300, 700, 800, 900 & 1000

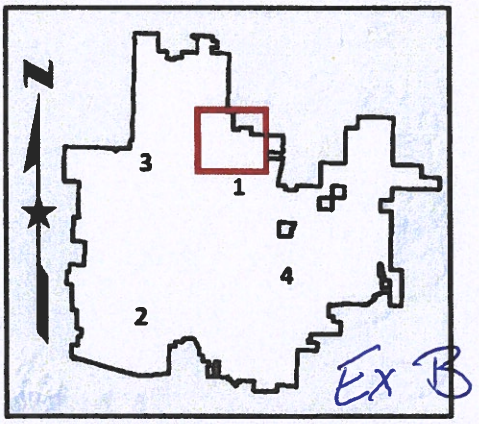
0 750 1,500 Feet

Legend

Subject Area

Tax Lots

4/28/2020



COUNCIL REPORT

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

Project	Parcels in Planning Unit MD-3a
File no.	ANNX-20-094
Applicants	Veritas Properties LLC and Steven Skinner
Agent	Jay Harland, CSA Planning, LTD
To	Mayor and City Council *for August 20, 2020 hearing*
From	Carla Angeli Paladino, Principal Planner
Reviewer	Matt Brinkley, AICP CFM, Planning Director
Date	August 13, 2020

BACKGROUND

Proposal

The proposal is to annex four properties and adjacent right-of-way on Coker Butte Road to the City of Medford totaling approximately 79.6 acres. The properties under consideration are located south of Coker Butte Road, east of Springbrook Road, and north of the Owen Drive extension (**See Exhibits A and B**). The County zoning designation of Exclusive Farm Use (EFU) will be changed to the City's SFR-00 (Single-Family Residential – 1 dwelling unit per lot) holding zone designation. The property will be removed from Medford Rural Fire Protection District #2.

History

On May 21, 2020, Council approved Council Bill 2020-60 establishing a hearing date of August 20, 2020, for consideration of the matter.

Related Projects

UP-20-095 – Urbanization Plan for MD-3a

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 that was acknowledged by the State in 2018. The site is identified as planning unit MD-3a in the Comprehensive Plan. The annexation request is filed in conjunction with an Urbanization Plan (UP-20-095).

The applicant's written findings of fact and conclusions are attached as **Exhibit C**.

The properties are located in northeast Medford and are bordered by Coker Butte Road on the north and Owen Drive on the south. The City limits border the subject properties along the west and south. The General Land Use Plan (GLUP) designations on the properties include Urban Residential, Urban Medium Density Residential, Urban High Density Residential, Service Commercial and Commercial. The existing County zoning designation is Exclusive Farm Use (EFU), and upon annexation will be converted to the City's SFR-00 (Single Family Residential - 1 dwelling unit per existing lot) holding zone. Following approval of the annexation, the property owner will be able to file for a formal zone change application in order to change the holding zone to a more appropriate designation that corresponds with the GLUP designations and the urbanization plan. The proposed residential zoning districts are SFR-6 (Single Family Residential -6 dwelling units per acre), SFR-10 (Single Family Residential -10 dwelling units per acre), MFR-15 (Multi-Family Residential -15 dwelling units per acre), and MFR-20 (Multi-Family Residential – 20 dwelling units per acre).

The property owners have filed for concurrent land use actions with Jackson County. Veritas has applied for a property line adjustment to modify the parcel lines between tax lots 800 and 900. Skinner has filed for a partition with Jackson County to match the adopted Urban Growth Boundary line that divides tax lot 1000. The final plats for these actions will need to be recorded prior to final Council approval of the annexation request. The initial hearing will

be held on August 20, 2020, and then will be continued in order to provide time for finalizing the County actions.

The applicant proposes to utilize the residential GLUP designations to accommodate a minimum of 443 dwelling units to support needed housing in the city. The detailed findings related to housing can be found in the accompanying Urbanization Plan (project UP-20-095).

As outlined in the Urban Growth Management Agreement (UGMA) and Urban Reserve Management Agreement (URMA), the annexation of property from the Urban Growth Boundary will include the full width right-of-way for the identified segment along Coker Butte Road as shown in **Exhibits A and B.** The City will assume maintenance jurisdiction of Coker Butte Road at the time of annexation and will request a jurisdictional transfer be completed. In addition, the properties will be subject to City of Medford monthly utility fees upon annexation **(See Exhibit D)**.

If jurisdiction is not taken over by the City, the County will require the applicant to adhere to other stipulations noted in their comments **(See Exhibit E)** such as the preparation of a traffic impact study to analyze Coker Butte intersections. Storm drain management within the annexed areas including right-of-way will become the City's responsibility. The County is interested in reviewing a hydraulic report from the property owners if County storm drain facilities are to be used.

FINDINGS AND CONCLUSIONS

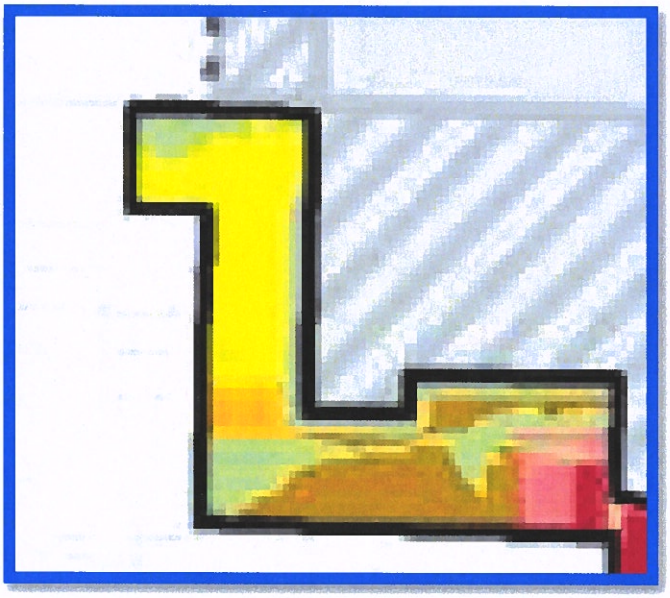
Applicable Criteria

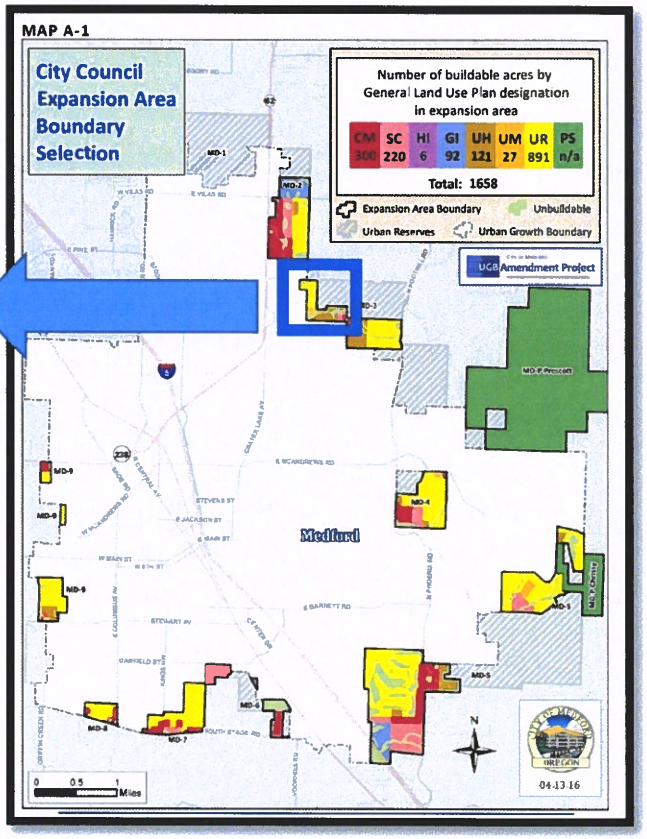
The applicable criteria are found in Medford Municipal Code 10.216(D). The criteria are set in *italics* below; findings and conclusions are in roman type. The City Council must find that the following State and local requirements are met in order to approve an annexation:

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-3a and is located in northeast Medford in between Coker Butte Road and the future extension of Owen Drive.





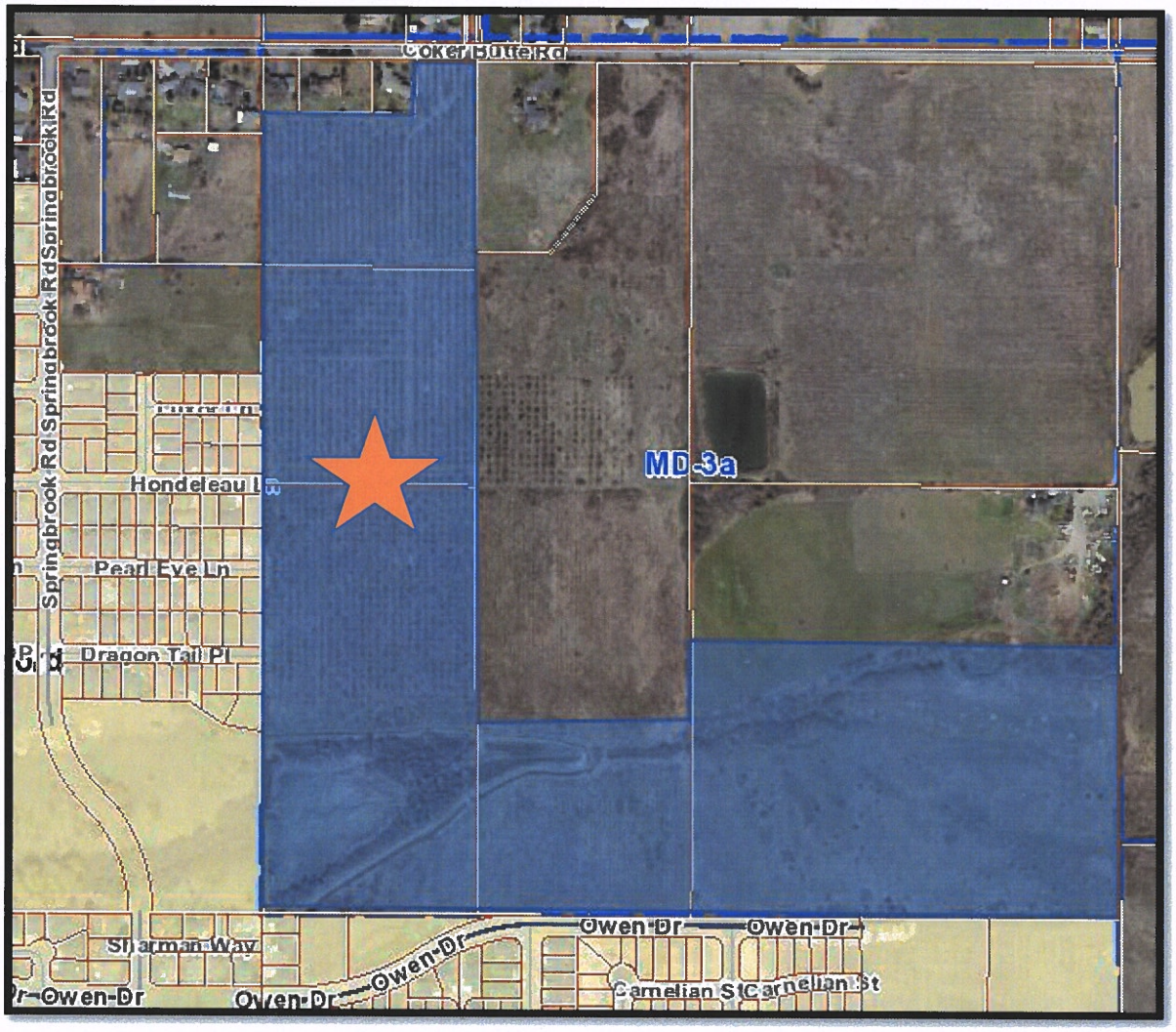
Conclusions

Satisfied. 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 western and southern boundaries of the properties are contiguous to the current city limits represented by the yellow shaded areas on the map below.



Conclusions

Satisfied. The City finds the property is contiguous to the existing city limits along the western and southern boundaries of the site. 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

Veritas Properties LLC owns three of the tax lots (371W08 300, 700, 800/900 (as proposed to be combined)) with Dunbar Carpenter as signatory. Steven Skinner owns tax lot 371W08 1000. The written consent forms to annex the properties have been signed and submitted to the City as part of the application materials. The properties are currently vacant and there are no electors who reside on the properties.

Conclusions

Satisfied. The applicable state statutes have been followed regarding consent to annex. The City Council can decide on the proposal without holding an election on the matter because the property owners have consented to the action. This criterion is satisfied.

4. *For lands added to the Urban Growth Boundary from the Urban Reserve, all of the applicable conditions in Section 2.1.7 of the Urbanization Element of the Comprehensive Plan have been met.*

Findings

The following outlines the provisions in Section 2.1.7 of the Urbanization Element.

Section 2.1.7 of the Urbanization Element

The City Council must find that the following conditions are met in order to approve an annexation of land that was added to the urban area from the Urban Reserve.

1. *A revised Transportation System Plan (TSP), which includes the area to be annexed has been adopted by the City.*

   A Transportation System Plan was adopted by Ordinance No. 2018-126 in December 2018.

2. *A Local Wetlands Inventory (LWI) which includes the area to be annexed, has been adopted by the City.*

   A Local Wetland Inventory related specifically to the expanded Urban Growth Boundary and remaining Urban Reserve land was adopted by Ordinance No. 2018-140 in December 2018.

3. *For the area to be annexed, all Goal 5 resources, including riparian corridors, historic structures/properties, deer and elk habitat, wetlands, and scenic views have been identified and protected in accordance with Goal 5. In particular, the properties north of Chrissy Park and south of Hillcrest Road will comply*

with the mitigation process outlined by Oregon Department of Fish and Wildlife [derived from (UGB) Council Exhibit GGG]

The applicable Goal 5 resources on the MD-3a site have been identified. Wetlands have been identified in the planning unit. No historic structures, deer or elk habitat, scenic views, or riparian corridors have been identified.

4. *An urbanization plan has been submitted, and adopted into the Neighborhood Element, for the area to be annexed which demonstrates compliance with the Regional Plan by showing the following details:*

   a. *Compliance with the minimum residential density required by the Regional Plan Element item 4.1.5. The urbanization plan must demonstrate how the planned residential development will meet the minimum density requirement of 6.6 units per gross acre assuming all areas within the development will build out to the minimum allowed densities. The following are acceptable methods for meeting the density standard:*

      i. Committed areas to higher density zones within a General Land Use Plan (GLUP) designation.

      ii. Requesting residential GLUP map changes – from a lower density designation to a higher-density designation – as part of the master plan approval process.

   b. *Compliance with the requirements of the Regional Plan Element item 4.1.6 for mixed use/pedestrian-friendly development.*

   c. *Compliance with the land use distribution requirements of the Regional Plan Element item 4.1.8(b).*

   d. *Coordination with applicable irrigation districts.*

   The property owners have submitted a concurrent urbanization plan (File No. UP-20-095) that will be considered prior to review of the annexation proposal that is in compliance with the above referenced details. The irrigation districts have been contacted regarding the urbanization plan but no comments have been received to date.

5. *The Centennial golf course shall impose a deed restriction designating the areas which compromise approximately 120 acres of land on the following tax lots: 381W04 100 and 101, 371W33 700, 801, and 900, 371W33 1000, 1100, and 1200, 371W33CA 2000 and 371W33CD 4700*

   This criterion is not applicable to the MD-3a planning unit under review for annexation.

6. *To substantiate the rationales for including properties that were included at least in part for environmental, social, economic, energy (ESEE) reasons even if they received lower facility adequacy scores, or if they were included for other ESEE reasons, the following commitments offered by land owners during testimony will be binding obligations on the properties to substantiate the rationales for inclusion:*

   a. *MD-2 shall include an obligation to reserve land for a school be made to extend for a period of 20 years following approval of the amendment.*

   b. *MD-5 shall provide donation of land for trails per the master plan, with the commitment to construct trails that are built concurrent with private development.*

   c. *MD-5 East shall provide easements for utilities to allow for the development of adjacent lands currently within the urban growth boundary without ability to provide service in accordance with current municipal code.*

   d. *MD-5 East, in the area commonly referred to as the "Hansen Property", shall provide a commitment to improving the existing Cherry Lane adjacent and along the property frontage by direct construction, local improvement district, system development surcharge, or other method as determined as acceptable by the City.*

   e. *MD-5 West shall provide a deed restriction for open space areas.*

   MD-3a did not include any special commitments to be met as part of the urban growth boundary amendment process. The above items are not applicable to the subject properties.

Conclusions

Satisfied. The property owners have submitted an urbanization plan that satisfies the applicable provisions noted above and the City has adopted plans to satisfy the other plan requirements. Upon adoption of application UP-20-095, the Council can find this criterion to be satisfied.

RECOMMENDED ACTION

At a future hearing, adopt the findings as recommended by staff and approve the ordinance for the annexation per the Council report dated August 13, 2020, including Exhibits A through E. Staff requests the hearing be continued to December 3, 2020, in order to allow time for the land use actions occurring at the County to be approved and recorded prior to the Council taking final action on the annexation.

EXHIBITS

A Legal description
B Exhibit Map
C Applicant's Findings of Fact and Conclusions with attachments
D Public Works report, dated June 12, 2020
E Jackson County Roads letter, dated May 5, 2020
Vicinity Map

CITY COUNCIL AGENDA: AUGUST 20, 2020

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;

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CONTAINING: 79.6 acres, more or less.

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OREGON
MAY 8, 2012
JASON M. MARTIN
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RENEWS: 1-1-2021

Prepared by:

Jason M. Martin
Professional Land Surveyor

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

EXHIBIT A

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
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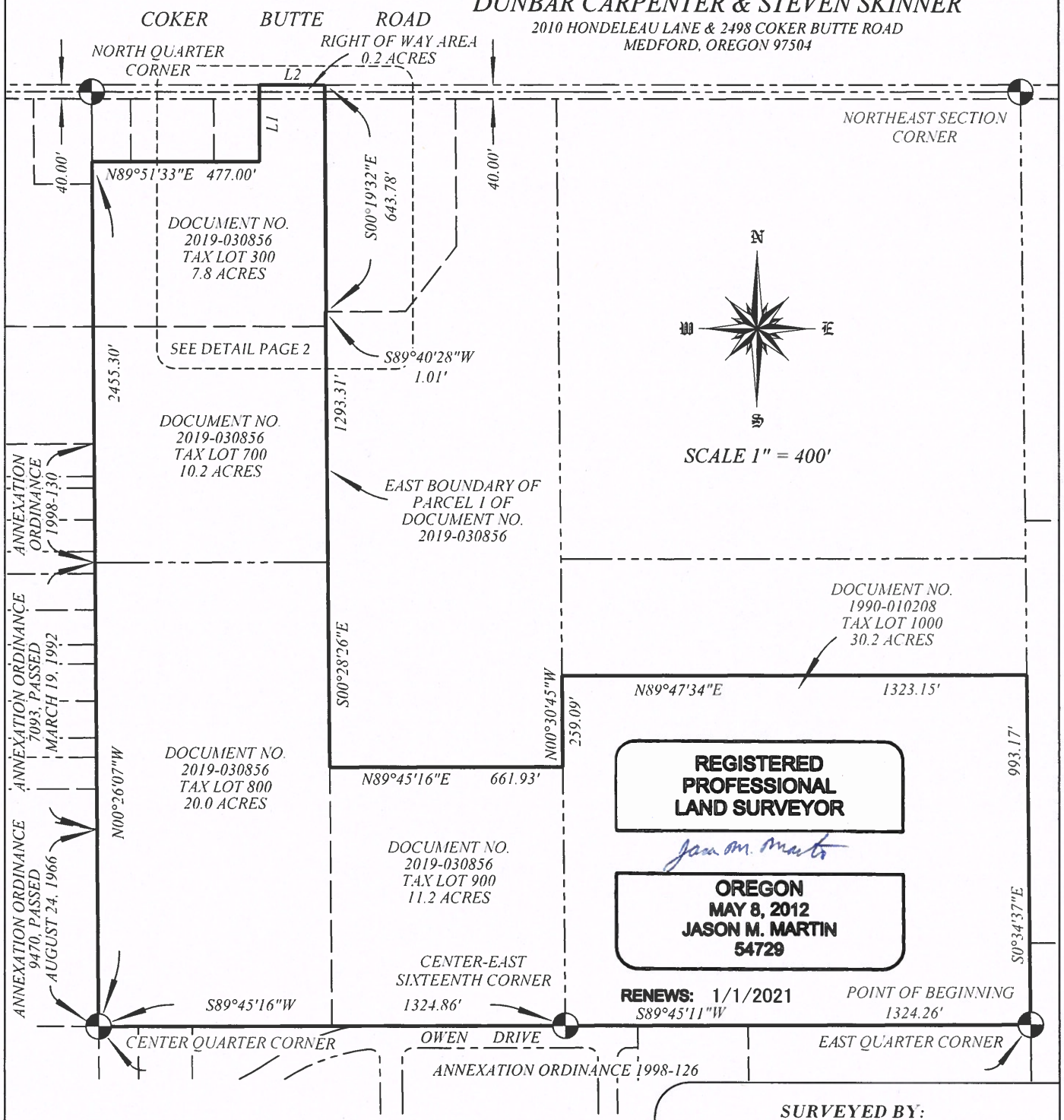


LINE	BEARING	DISTANCE
L1	N00°26'07"W	218.00'
L2	N89°51'33"E	186.31'

EXHIBIT B

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

1 / 2

TO THE POINT LAND SURVEYING

EXHIBIT "B"

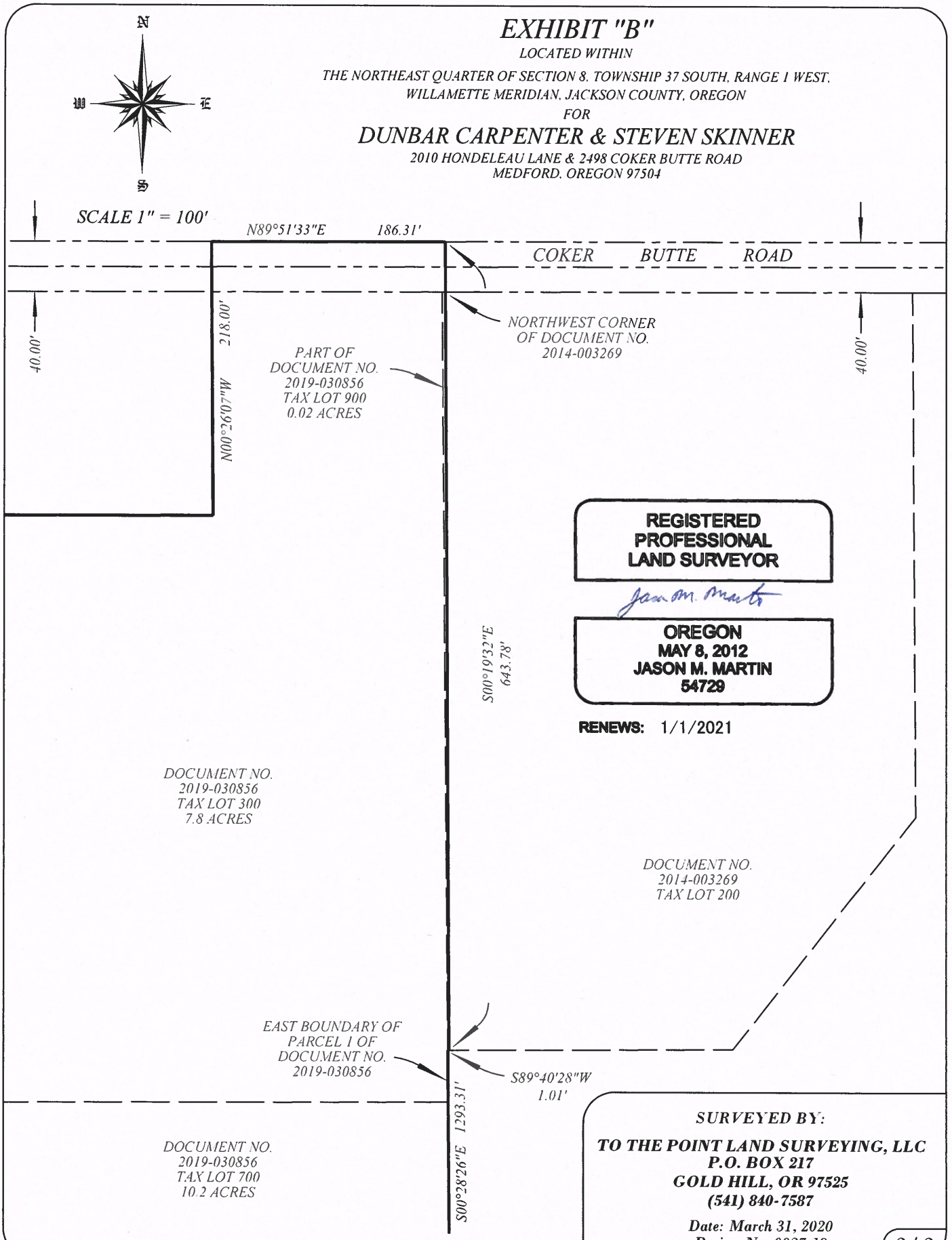
LOCATED WITHIN

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



SURVEYED BY:

TO THE POINT LAND SURVEYING, LLC
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Date: March 31, 2020
Project No. 0027-19

2 / 2

TO THE POINT LAND SURVEYING

RECEIVED
MAR 30 2020
PLANNING DEPT

LIMITED SPECIAL POWER OF ATTORNEY

AUTHORIZATION TO ACT on behalf of the undersigned owner of real property described as Tax Lots 300, 700, 800 and 900 on Jackson County Assessor map 37-1W-08.

LET IT BE KNOWN that CSA Planning, Ltd. (CSA) is the duly authorized representative of Veritas Properties LLC, the owner/applicant of the above described real property, and, by this instrument, do hereby authorize CSA to perform all acts procedurally required to obtain land use and development applications and permits as may be required by and through the City of Medford as legal prerequisites to actual development of the described real property.

THIS LIMITED AND SPECIAL POWER OF ATTORNEY shall be used for only the limited and special purposes above described and shall not be used to buy, sell or convey any part or any interest whatsoever in this or any other land owned by the above property owner.

THIS LIMITED AND SPECIAL POWER OF ATTORNEY has been expressly authorized by the undersigned applicant and shall expire on December 31, 2020, but may be extended by the mutual consent of the parties.

Done and dated this 7th day of November, 2019.

VERITAS PROPERTIES LLC

Authorized Representative

EXHIBIT C

CITY OF MEDFORD
EXHIBIT # C1
File # A-20-094

LIMITED SPECIAL POWER OF ATTORNEY

AUTHORIZATION TO ACT on behalf of the undersigned owner of real property described as Tax Lot 1000 on Jackson County Assessor map 37-1W-08.

LET IT BE KNOWN that CSA Planning, Ltd. (CSA) is the duly authorized representative of Steven W. Skinner, the owner/applicant of the above described real property, and, by this instrument, do hereby authorize CSA to perform all acts procedurally required to obtain land use and development applications and permits as may be required by and through the City of Medford as legal prerequisites to actual development of the described real property.

THIS LIMITED AND SPECIAL POWER OF ATTORNEY shall be used for only the limited and special purposes above described and shall not be used to buy, sell or convey any part or any interest whatsoever in this or any other land owned by the above property owner.

THIS LIMITED AND SPECIAL POWER OF ATTORNEY has been expressly authorized by the undersigned applicant and shall expire on December 31, 2020, but may be extended by the mutual consent of the parties.

Done and dated this 6 day of NOVEMBER, 2019.

Steven W. Skinner

Steven W. Skinner

RECEIVED
APR 22 2020
PLANNING DEPT.

BEFORE THE CITY COUNCIL
FOR THE CITY OF MEDFORD
JACKSON COUNTY, OREGON

IN THE MATTER OF A REQUEST FOR ANNEXATION OF FOUR PARCELS INTO THE CORPORATE LIMITS OF THE CITY OF MEDFORD THAT ARE PART OF THE MD-3a URBANIZATION AREA LOCATED IN TOWNSHIP 37 SOUTH, RANGE 01 WEST, SECTION 08 WITHIN THE MEDFORD'S URBAN GROWTH BOUNDARY AND LOCATED IN UNINCORPORATED JACKSON COUNTY, OREGON	**FINDINGS OF FACT AND CONCLUSIONS OF LAW** ***Applicant's Exhibit 2***
Applicants/ Owners: Veritas Properties LLC Steven Skinner	
Agent: CSA Planning, LTD	

I

NATURE AND SCOPE OF APPLICATION

Applicants, Veritas Properties LLC and Steven Skinner seek to have four parcels annexed to the City of Medford. The property is within the City of Medford's Urban Growth Boundary and abuts Medford's city limits on the subject property's west and south boundaries. The property is part of the MD-3a Urban Planning Area and totals approximately 79.39 acres. The adjacent right-of-way on Coker Butte Road, approximately .17 acres is also to be included in the annexation. The total area to be annexed is approximately 79.5 acres.

Applicant Veritas has concurrently filed a property line adjustment with Jackson County to coincide with the boundary of Tax Lot 800 with the approved UGB line and Applicant Skinner has concurrently filed a partition application with Jackson County to coincide with the UGB boundary that transects Tax Lot 1000. It is anticipated the Applicants will obtain PLA/Partition tentative plat approvals from Jackson County prior to Council ordinances for the Urbanization Plan and Annexation. CSA anticipates that the effective date of the actual annexation in the ordinance will need to be delayed until final plats are recorded for the pending property line adjustment and partition applications.

II

EVIDENCE SUBMITTED WITH APPLICATION

Applicants have submitted the following evidence with their application for annexation and zone change:

Exhibit 1: Completed and Duly Executed Annexation Application Form with CSA Planning, Ltd. Limited Power of Attorney

Exhibit 2: Proposed Findings of Fact and Conclusions of Law (This Document)

Exhibit 3: Vicinity Map

Exhibit 4: Jackson County Assessor's Plat Map 37-1W-08

Exhibit 5: Tentative Plat for Property Line Adjustment between Tax Lots 800 and 900 on Assessor's Plat Map 37-1W-08

Exhibit 6: Tentative Plat for Partition of Tax Lot 1000 on Assessor's Plat Map 37-1W-08

Exhibit 7: Legal description of area to be annexed – Exhibit A

Exhibit 8: Annexation Map- Exhibit B- Pages 1 and 2

Exhibit 9: Current General Land Use Plan Map

Exhibit 10: Current Zoning Map on Aerial Photo

Exhibit 11: Chilsonrise Urbanization Plan

Exhibit 12: Current deeds of record for parcels

Exhibit 13: Jackson County Assessor Information for Assessment Year 2019

Exhibit 14: Confidential Census Form

Exhibit 15: Signed and Notarized- Consent to Annex, Irrevocable Annexation Consent forms, Restrictive Covenant Forms

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III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

ANNEXATION

The regulations under which annexation applications are governed and must be considered, are in Medford Land Development Code (MLDC) 10.216, the Medford Comprehensive Plan, and Oregon Revised Statutes (ORS) 222.111 through 222.183.[1]

The *approval criteria* for annexations are in MLDC 10.216(C), relevant policies in the Medford Comprehensive Plan, and ORS 222.125. The approval criteria are recited verbatim below and in Section V where each is addressed with conclusions of law based upon the findings of fact set forth in Section IV:

[1] Public health hazard annexations are governed by ORS

MEDFORD LAND DEVELOPMENT CODE (MLDC)

10.216 Annexation

A) Annexation is the action taken to incorporate land into a city. Under State law, land may be annexed to a city only if it is within the Urban Growth Boundary, and is contiguous to the city limits.

(B) Application for Annexation. Except for the annexation of unincorporated territory surrounded by the city as provided in Subsection (G) below, applications for annexation shall include all of the requirements listed in Subsection (F) below, and be subject to the provisions of ORS 222.111 to 222.180 (Authority and Procedures for Annexation) or 222.840 to 222.915 (Health Hazard Abatement Law).

(C) Public Hearing for Annexation. A public hearing shall be held prior to the Council's adoption of an ordinance for annexation. The City shall publish notice of the public hearing once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall post notices of the hearing in at least four public places in the city for a like period.

(1) Exception: A public hearing is not required when all of the owners of land in the unincorporated territory consent in writing to the annexation, and file a statement of their consent with the Council per ORS 222.125

(D) 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 with 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.

(4) For lands added to the Urban Growth Boundary from the Urban Reserve, all of the applicable conditions in Section 2.1.7 of the Urbanization Element of the Comprehensive Plan have been met.

(E) Zoning of Annexed Property. At the time of annexation, the City shall apply a City zoning designation comparable to the previous County zoning designation. Where no comparable City zoning designation exists, the SFR-00 (Single-Family Residential – one dwelling unit per existing lot) zone or the I-OO (Limited Industrial Overlay) shall be applied.

MEDFORD COMPREHENSIVE PLAN - URBANIZATION ELEMENT

2.1 ANNEXATION POLICIES

The following are the policies of the City of Medford with respect to annexation:

2.1.1. **General Policy**

The City of Medford has planned to provide areas within the Urban Growth Boundary with public sewer and water service, zoning and development services, police and fire protection, and with all other municipal services required to support urban places. Therefore, the City does hereby encourage such areas to annex and receive the benefits offered by the City, and shall facilitate the process whereby such areas may become a part of the City.

2.1.2. **City Services Outside City Limits**

The City of Medford has acquired and holds its various service facilities for the benefit of residents and taxpayers within the city, and owes them a basic and primary duty to preserve the capacity of the facilities for their benefit, and to refrain from any excess use which would unnecessarily impose upon the residents and taxpayers the financial burden of increases in such capacity. Therefore, the City shall not extend or furnish municipal services to areas beyond the city limits, except in the performance of contracts with other incorporated cities. The City will honor presently existing contracts with special districts, but only to the extent of their present boundaries. However, because fire and emergency medical services are a critical need for all citizens, when, in the opinion of the Fire Chief, other satisfactory means are not available to non-city taxpayers for this service, the City shall continue to allow the Medford Rural Fire District No. 2 to annex beyond their present boundaries.

2.1.3. **City's Participation in the Annexation Proposal**

The City of Medford shall continue to require that residents of the area initiate, and assume the task of promoting, any annexation proposal, except that in areas that have been surrounded by the city limits, the City may initiate and promote the annexation.

2.1.4. **Annexations shall comply with the requirements of the Oregon Revised Statutes, Chapter 222**

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 with the current City limits;
3. The land is accessible via a public street right-of-way; and
4. Unless the land being considered for annexation is unincorporated territory surrounded by the incorporated boundary under ORS 222.750 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.

2.1.5. **Zoning District Change Required**

Upon annexation, the City will assign a city zoning district designation to the annexed area according to the following rules:

1. There is a city district that is comparable to the area's former county designation and corresponds to the General Land Use Plan map
2. If there is no comparable designation, the SFR-00 zone or I-00 overlay district will be applied, which will act as a holding zone until the area receives urban zoning; or
3. The landowner has requested a designation that has the approval of the City. This typically occurs when the owner has made an application for a zone change concurrently with the annexation application.

2.1.6. **Withdrawal from Special Districts**

For any areas hereafter annexed to the City of Medford and withdrawn from the Rogue Valley Sewer Services (RVS), or from any sanitary, rural fire protection, domestic water, or other special service district with existing general obligation indebtedness, the city shall, pursuant to ORS 222.520, assume and agree to pay the bonded indebtedness attributable to such area in the manner provided by ORS 222.520, and will thereby relieve the real property in such areas from further district taxation for such bonded indebtedness.

The following policies guide the administration of the Medford Urban Growth Boundary:

1. An Urban Growth Boundary adopted herein, or hereinafter amended, for the Medford area will establish the limits of urban growth to the year 2029.

   a. Annexation to the City of Medford shall occur only within the adopted urban area.

OREGON REVISED STATUTES: CHAPTER 222 - CITY BOUNDARY CHANGES; MERGERS; CONSOLIDATIONS; WITHDRAWALS

ORS 222.125: Annexation by consent of all owners of land and majority of electors; proclamation of annexation.

The legislative body of a city need not call or hold an election in the City or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the City, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

* * * * * * * * * * * * * * *

IV

FINDINGS OF FACT

The City Council ("Council") finds the following facts to be true with respect to this matter:

1. **Property Location**: The annexation territory (subject property) consists of four privately held parcels described in the Jackson County Assessment records as Township 37 South, Range 1 West, Section 08, Tax Lots 300, 700, 800 and 1000 plus the adjacent public right-of-way on Coker Butte Road. The property is inside Medford's urban growth boundary (UGB) and is contiguous to the corporate limits of the City of Medford along it's northerly and easterly boundaries. *See*, Exhibit 3.

2. **Description, Zoning, Acreage, Assessed Value, and Ownership of Annexation Territory**: The following Table 1 sets forth factual information obtained through the records of the Jackson County Assessor concerning privately held property to be annexed and the same is further supported by Exhibits 11 and 12.[2] Tax Lot 800 has been submitted to Jackson County for a Property Line Adjustment between itself and Tax Lot 900 to align the boundary with the recently relocated Urban Growth Boundary. Tax Lot 1000 has been submitted to Jackson County for a Partition to separate the portion of that parcel that is completely within the Urban Growth Boundary. The table below reflects projected acreage following PLA/Partition tentative plat approvals. *See,* Exhibits 5 and 6.

TABLE 1
Jackson County Assessment Data
Source: Jackson County Department of Assessment and Taxation

Assessor Map No.	Tax Lot	County Zoning	Proposed City GLUP	Acres[2]	Total Assessed Value	Real Market Value	Owner of Record
371W08	300	EFU	UR	.7.85	$5,005	$214,710	Veritas Properties LLC
371W08	700	EFU	UR	10.16	$6,128	$262,900	Veritas Properties LLC
371W08	800	EFU	UR/UM/UH	31.19[3]	$34,578[5]	$355,710[4]	Veritas Properties LLC
371W08	1000[5]	EFU	UR/UH/SC/CM	30.19[6]	$275,960[8]	$565,050[7]	Steven Skinner

[2] Table 1 does not include acreage or information with respect to public rights-of-way included in the annexation territory. Pursuant to ORS 222.170 (4), the Council's action on this annexation petition does not require the consent of the owners of publicly owned property within the annexation territory. ORS 222.170 (4) provides:

> "Real property that is publicly owned, is the right of way for a public utility, telecommunications carrier as defined in ORS 133.721 or railroad or is exempt from ad valorem taxation shall not be considered when determining the number of owners, the area of land or the assessed valuation required to grant consent to annexation under this section unless the owner of such property files a statement consenting to or opposing annexation with the legislative body of the city on or before a day described in subsection (1) of this section."

[3] *Acreage Following Property Line Adjustment with Tax Lot 900*
[4] *Value before Property Line Adjustment*
[5] *Tax Lot number will change following partition*
[6] *Acreage Following Partition*
[7] *Value of entire parcel before Partition*

3. **Medford Comprehensive Plan Map**: All parcels are currently within unincorporated Jackson County and area completely within the City of Medford Urban Growth Boundary (UGB). According to the City of Medford Comprehensive Plan General Land Use Plan (GLUP) map, the annexation territory has four designations UR-Urban Residential, UM-Medium Urban Residential, UH- High Urban Residential, CM- Commercial and CS-Commercial Service. See, Exhibit 4.

4. **Zoning**: All properties in the Annexation Territory are currently zoned County Exclusive Farm Use (EFU). *See,* Exhibit 5. No zone change application is not included with this application, therefore the Applicants accept that SFR-00 will be applied to the entire annexation area until such time as a zone change application is submitted for approval.

5. **Airport Overlay**: The property is situated within areas covered by the Horizontal Surface Overlay. The elevation of the Horizontal Surface Overlay floor is 1,485 feet. According to Applicants 2-foot contour data, the existing ground elevation on the property ranges from approximately 1365 feet at the south eastern corner to its highest point of approximately 1410 feet at the northeastern corner. Upon annexation, the annexation territory will become subject to the Airport Area of Concern Overlay District.

6. **Existing Land Uses**: All tax lots are currently vacant. *See,* Exhibits 9 and 13

7. **Proposed Use**: That Annexation area is part of the MD-3a planning area. It comprises the majority of the Chilsonrise Neighborhood Plan area. The northern and western portion of the property is planned as urban residential. The southwestern three-quarters of the property is planned as medium and high density residential. The southwestern corner is planned as commercial and service commercial. *See,* Exhibit 10.

8. **Land Uses on Abutting Properties and Surrounding Area**:
Overview of area: The properties abutting Coker Butte Road are rural residential and agricultural land. Most of the land to the south of the residential properties on Coker Butte was previously orchard land. Most of these orchards have been removed or abandoned and the land is now fallow and only mowed for fire safety. *See,* Exhibit 9.

   East: Lands to the east of the urbanization area are rural agricultural lands in the County. The area between MD3-a and Foothill Road make up the remainder of the MD-3 Urban Reserve that has not yet been brought into the UGB. Land immediately to the east of the northern portion of MD-3a is also owned by Veritas Properties LLC.

   North: Lands to the north of the urbanization area, across Coker Butte Road include a variety of rural agricultural lands and rural residential properties in the County. Lands to the northwest were added to the UGB at the same time as the MD-3a area. Lands immediately north of the western portion of MD-3a are a small area that is rural residential and is part of Urban Reserve MD-2, but have not been brought into the UGB. Lands to the northeast across Coker Butte Road are agricultural lands and are not part of an Urban Reserve.

   Lands south of Coker Butte Road and the north of the southeastern portion of MD-3a are all part of the MD-3 Urban Reserve. The lands immediately north of the eastern part of the MD-3a properties are owned by Veritas Properties LLC and Steve Skinner.

West: West of the urbanization area are standard lot residential subdivisions within the City of Medford or are underdeveloped or vacant lots planned for Urban Residential development.

South: The property to the south is within the city limits of the City of Medford. It is in the process of being developed as an SFR-6 subdivision. Lands to the Southeast are within Medford's UGB and include the MD-3c "Autumn Hills" Neighborhood.

9. **Public Facilities and Services**: The annexation territory is served by the following public facilities and services:

Water Facilities:

There is a 6-inch waterline in Coker Butte Road and 8-inch stubs at Luxor Lane, Hondeleau Lane, Pearl Eye Lane, and Dragon Tail Place. There is a 8-inch and 12-inch waterline in the Delta Estates subdivision stubbed to Owen Drive. It is expected that the Planning Area can be served with municipal water at the time of future development.

Sanitary Sewer Facilities:

Most of the Chilsonrise Neighborhood Urbanization Plan area is in the Medford Sewer Service Area. The far northwestern portion of the Planning Area is in the RVSS sewer service area. As part of zone change analyses, it may make sense to evaluate the service boundaries to determine the most efficient provider for the northern portion of the planning area.

For the northern portion of the planning area, sewer is stubbed at Luxor Lane, Hondeleau Lane, Pearl Eye Lane, and Dragon Tail Place. Gravity flow to these locations should be relatively straightforward.

The portion of the Planning Area between Garrett Creek and Owen Drive will likely require sewer to run along Garrett Creek and then adjacent to the Hopkins Canal and connect to the 12-inch sewer line running south at the "hammerhead" of Sharman Way.

The area north of Garrett Creek and south of Dragon Tail Place will be a little more challenging. Ultimately, sewer may need to run parallel to Garrett Creek for a distance, then under the canal to eventually connect to the line in Springbrook Road.

Storm Water Facilities:

Stormwater is not expected to be a major challenge for the planning area. The Planning Area has existing storm water facilities adjacent at Owen Drive and also stubbed at Luxor Lane, Hondeleau Lane, Pearl Eye Lane, and Dragon Tail Place. However, the most likely solution will be to drain directly to Garrett Creek (after detention and water quality treatment) as the entire area drains to Garrett Creek currently.

Transportation:

The annexation area is bordered by two major roads, Coker Butte Road, a major collector on the north, and Owen Drive, a minor arterial that is in the process of being extended along the southern border of the urbanization area and will eventually connect to Foothill Road. Hondeleau Lane currently provides access for Tax Lots 700 and 800 and is planned to be extended as a minor collector. Several other local residential streets also abut the western border of the annexation area. South of Owen Drive, two north-south collectors,

Cheltenham Way and McLoughlin Drive, are planned to be extended. Several other local residential streets currently terminate at Owen Drive and may be extended north.

10. **Special Districts**: The subject property is currently serviced through the Medford Rural Fire Protection District 2 (MRFPD2). Commensurate with annexation, the Applicant will be withdrawing the property from that district so that it can be serviced directly by Medford Fire-Rescue.

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V

CONCLUSIONS OF LAW
ANNEXATION

The Council reaches the following conclusions of law and ultimate conclusions with respect to each of the relevant substantive criteria applicable to annexations:

Annexation Criterion 1

MEDFORD LAND DEVELOPMENT CODE (MLDC)

10.216 Annexation

A) Annexation is the action taken to incorporate land into a city. Under State law, land may be annexed to a city only if it is within the Urban Growth Boundary, and is contiguous to the city limits.

(B) Application for Annexation. Except for the annexation of unincorporated territory surrounded by the city as provided in Subsection (G) below, applications for annexation shall include all of the requirements listed in Subsection (F) below, and be subject to the provisions of ORS 222.111 to 222.180 (Authority and Procedures for Annexation) or 222.840 to 222.915 (Health Hazard Abatement Law).

Discussion; Conclusions of Law: The City Council concludes that this annexation is not one where the unincorporated territory is surrounded by the city. The Council instead concludes that this annexation is properly undertaken pursuant to ORS 222.125 the requirements for which is addressed herein below as Criterion 10. The additional requirements of the Medford Land Development Code (MLDC) and Medford Comprehensive Plan are addressed below as Criterion 2 through 9. The Findings of Fact and Conclusions of Law for Criterion 1 through 10 are herewith incorporated and adopted and the Council concludes that this annexation is consistent with Criterion 1.

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Annexation Criterion 2

(D) 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 with 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.

(4) For lands added to the Urban Growth Boundary from the Urban Reserve, all of the applicable conditions in Section 2.1.7 of the Urbanization Element of the Comprehensive Plan have been met.

Discussion; Conclusions of Law: The City Council concludes as follows with respect to the four requirements in Criterion 2:

1. Based upon Exhibit 3, the annexation territory, including the privately held property and public rights-of-way, is entirely within the City of Medford Urban Growth Boundary.
2. Based upon Exhibit 3, the annexation territory is contiguous to the current corporate limits of the City of Medford.

3. Exhibit 14 evidences that there are two owners, representing 100% of ownership, who have given their consent to the annexation and the same is before the Council at the specific request of these owners. The Council further concludes from the evidence that the properties are vacant and there are no electors which reside within the annexation territory. Therefore, consent for the annexation is limited solely to the consent of the owners which is unanimous.
4. An Urbanization Plan for the MD-3a area has been submitted concurrently for approval that meets all of the applicable conditions required by the Urbanization Element.

Based upon the foregoing findings of fact and conclusions of law, the City Council concludes that the application is consistent with the requirements of Criterion 2.

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Annexation Criterion 3

(E) Zoning of Annexed Property. At the time of annexation, the City shall apply a City zoning designation comparable to the previous County zoning designation. Where no comparable City zoning designation exists, the SFR-00 (Single-Family Residential – one dwelling unit per existing lot) zone or the I-OO (Limited Industrial Overlay) shall be applied.

Discussion; Conclusions of Law: Based on the evidence in Section III, the City Council observes that the property has County EFU zoning with underlying City residential and commercial GLUP designations. As Medford has no comparable farm zones that can be applied to these areas as discussed under Section 10.195(D), the Council chooses to rely upon the underlying City GLUP designations. Therefore, City Council concludes that for the areas with underlying residential GLUP designations, a SFR-00 zone is appropriate to apply.

The Council further concludes that there are no commercial holding zones for areas with underlying commercial and service commercial GLUP designations. Therefore, those areas shall also have the SFR-00 zone applied.

Therefore, the City Council concludes through application of the SFR-00 zoning to all of the annexation territory, this Criterion 3 is met.

MEDFORD COMPREHENSIVE PLAN

2.1 ANNEXATION POLICIES

The following are the policies of the City of Medford with respect to annexation:

Annexation Criterion 4

2.1.4. **Annexations shall comply with the requirements of the Oregon Revised Statutes, Chapter 222**

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 with the current City limits;
3. The land is accessible via a public street right-of-way; and
4. Unless the land being considered for annexation is unincorporated territory surrounded by the incorporated boundary under ORS 222.750 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.

Discussion; Conclusions of Law: As above concluded under Criterion 2, the annexation territory lies within the City of Medford Urban Growth Boundary; the parcel is contiguous with the current City limits; it is accessible via Coker Butte Road, Owen Drive and Hondeleau Lane, all public street right-of-ways; and the owners of the subject properties have consented and requested this annexation is be considered under the official annexation policies of the City of Medford, which are addressed herein below and supported by the findings of fact and conclusions of law for the City's annexation policies and the same are herewith incorporated and adopted. Based on the above, the Council concludes that this annexation is consistent with Criterion 4.

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Annexation Criterion 5

2.1.5. **Zoning District Change Required**

Upon annexation, the City will assign a city zoning district designation to the annexed area according to the following rules:

1. There is a city district that is comparable to the area's former county designation and corresponds to the General Land Use Plan map
2. If there is no comparable designation, the SFR-00 zone or I-00 overlay district will be applied, which will act as a holding zone until the area receives urban zoning; or
3. The landowner has requested a designation that has the approval of the City. This typically occurs when the owner has made an application for a zone change concurrently with the annexation application.

Discussion; Conclusions of Law: As above concluded under Criterion 2, the City of Medford does not have a city district that is comparable with the County's EFU zone. Therefore, as there is no comparable zoning designation and most of the land is underlain by City residential GLUP map designations, application of the SFR-00 zone to the annexation territory is appropriate and will satisfy the requirements under Annexation Criterion 5.

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Annexation Criterion 6

OREGON REVISED STATUTES: CHAPTER 222
CITY BOUNDARY CHANGES; MERGERS; CONSOLIDATIONS; WITHDRAWALS

ORS 222.125: Annexation by consent of all owners of land and majority of electors; proclamation of annexation.

The legislative body of a city need not call or hold an election in the City or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. upon receiving written consent to annexation by owners and electors under this section, the legislative body of the City, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

Discussion; Conclusions of Law: Based upon the evidence, the City Council concludes that the property owners have given their written irrevocable consent to this annexation and the annexation is properly before the Council at the specific request of this owners. The Council further concludes that the evidence shows that there are no electors who reside within the annexation territory. Therefore, required consent for the annexation is limited solely to the

consent of the owners, which is unanimous. Therefore, the City Council concludes that this annexation is proper and consistent in all respects with the requirements of ORS 222.125 and thereby meets Criterion 6.

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VI

STIPULATIONS OFFERED BY APPLICANTS

If made a condition attached to the approval of these land use applications, Applicant herewith agrees to stipulate:

1. Accept the application of SFR-00 zoning to the entire annexation territory.
2. Record final plats for the property line adjustment of Tax Lot 800 and the partition of Tax Lot 1000 ensure property lines that align with the UGB boundary and will coincide with the Medford City Limits when the annexation ordinance takes effect.

* * * * * * * * * * * * * * *

VII

ULTIMATE CONCLUSIONS

Based upon the preceding, the City Council ultimately concludes that the case for annexation under the applicable substantive criteria has been established on the basis of facts and evidence contained in the whole record.

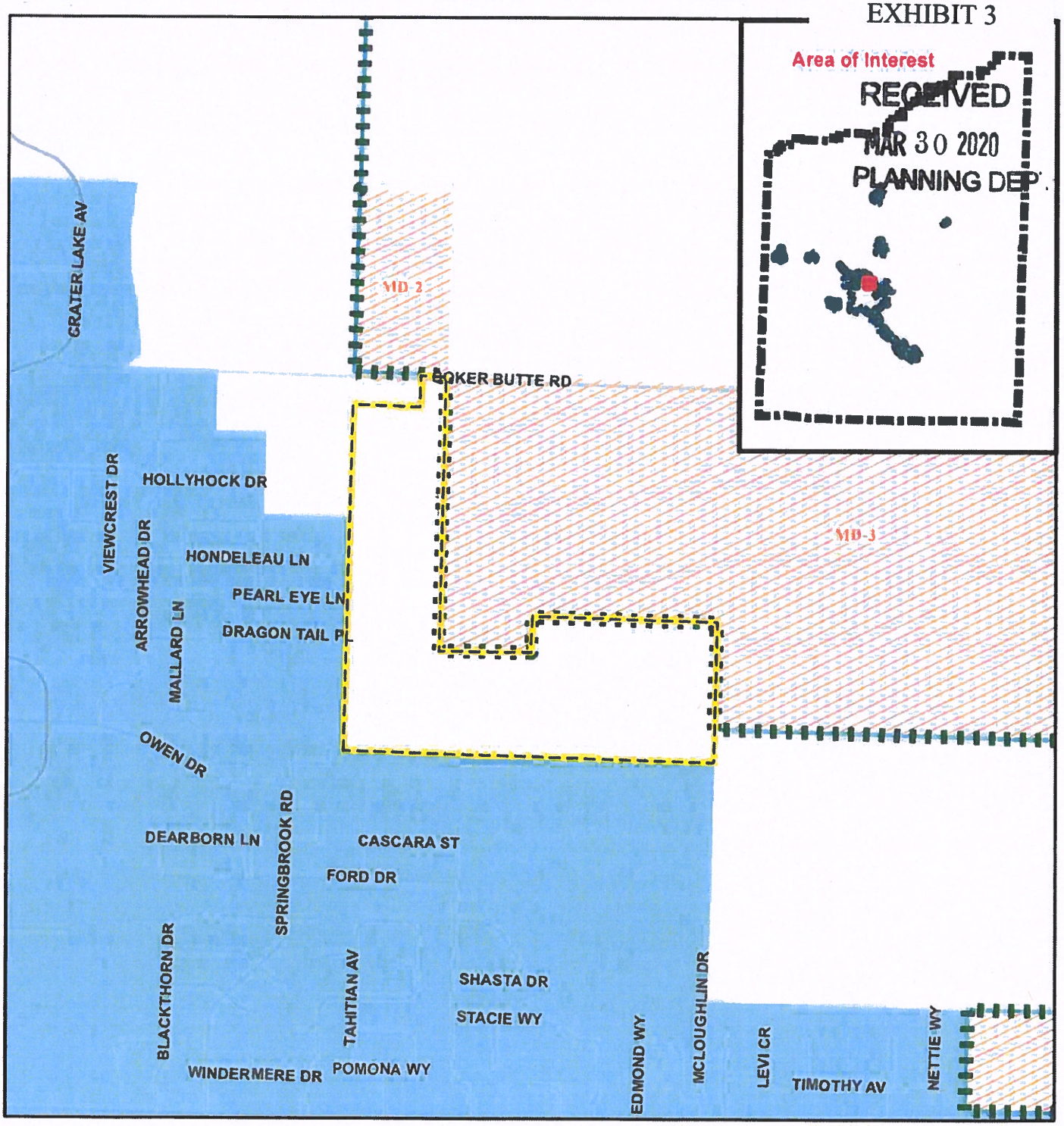
Respectfully submitted on behalf of Veritas Properties LLC and Steven Skinner,

CSA PLANNING, LTD.

Jay Harland
President

Dated: March 27, 2020
Revised April 21, 2020

EXHIBIT 3



Subject Area
UGB
Urban Reserve Area
Medford City Limits

Vicinity Map

Veritas Properties LLC and Steven Skinner Annexation
37-1W-08 tax lots 300, 700, 800 and 1000

N W E S

CSA Planning, Ltd.

1,000 500 0 1,000 Feet

CITY OF MEDFORD
EXHIBIT # C3
FILE # A-20-094

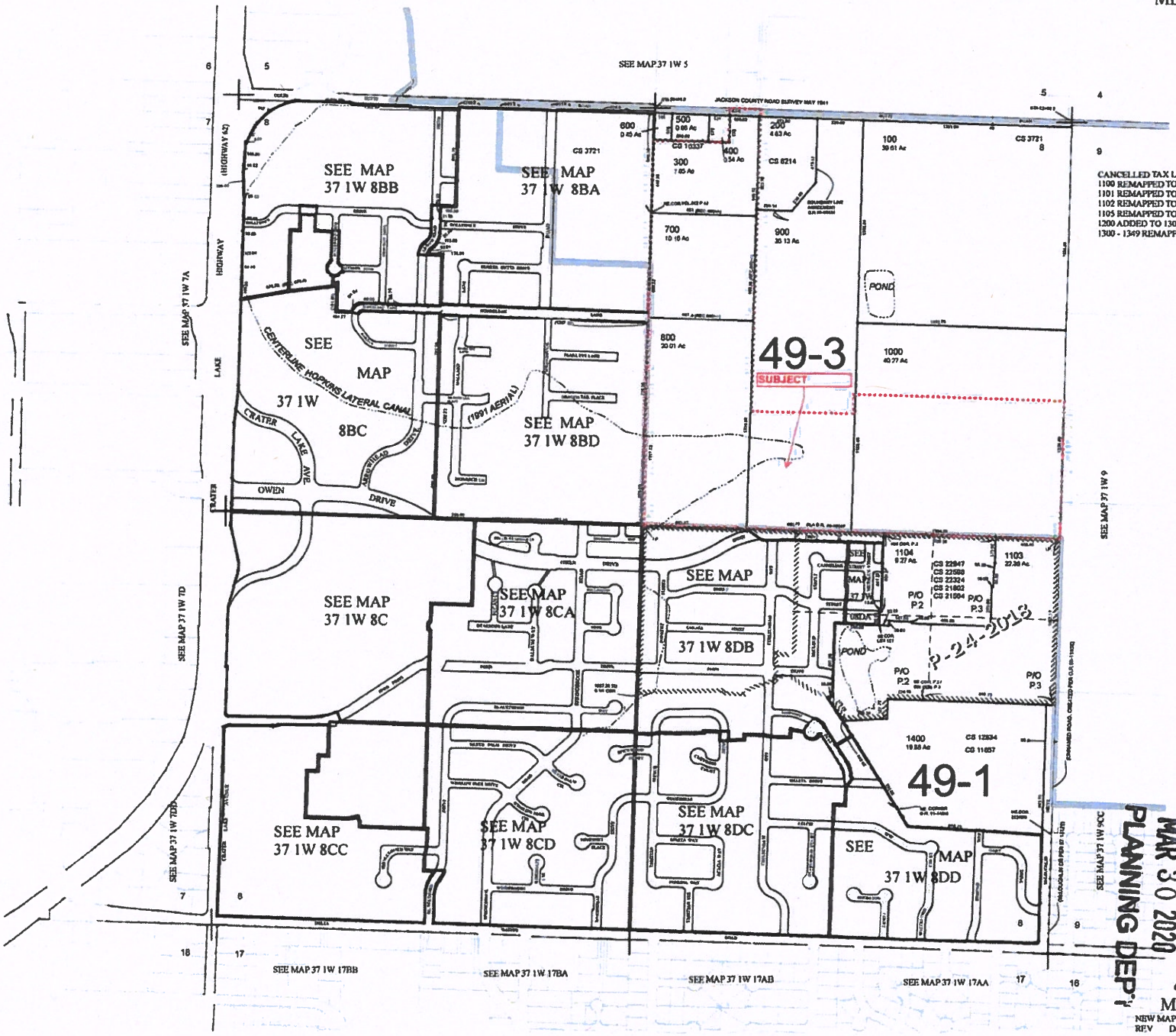
March 2020 Source: City of Medford GIS, Jackson County GIS, CSA Planning, Ltd.

FOR ASSESSMENT AND TAXATION ONLY

SECTION 8 T.37S. R.1W. W.M.
JACKSON COUNTY
1" = 400'

EXHIBIT 4

371W8
& INDEX
MEDFORD



RECEIVED
MAR 30 2020
PLANNING DEPT

371W8
& INDEX
MEDFORD
NEW MAP November 4, 1992
REV December 2, 2019

CITY OF MEDFORD
EXHIBIT # C4
FILE # A-20-094

GIS DATA
12/02/2019 11:30:45 AM bcommerb

10

EXHIBIT 5

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PLANNING DEP'.

TENTATIVE PLAT

LOCATED WITHIN

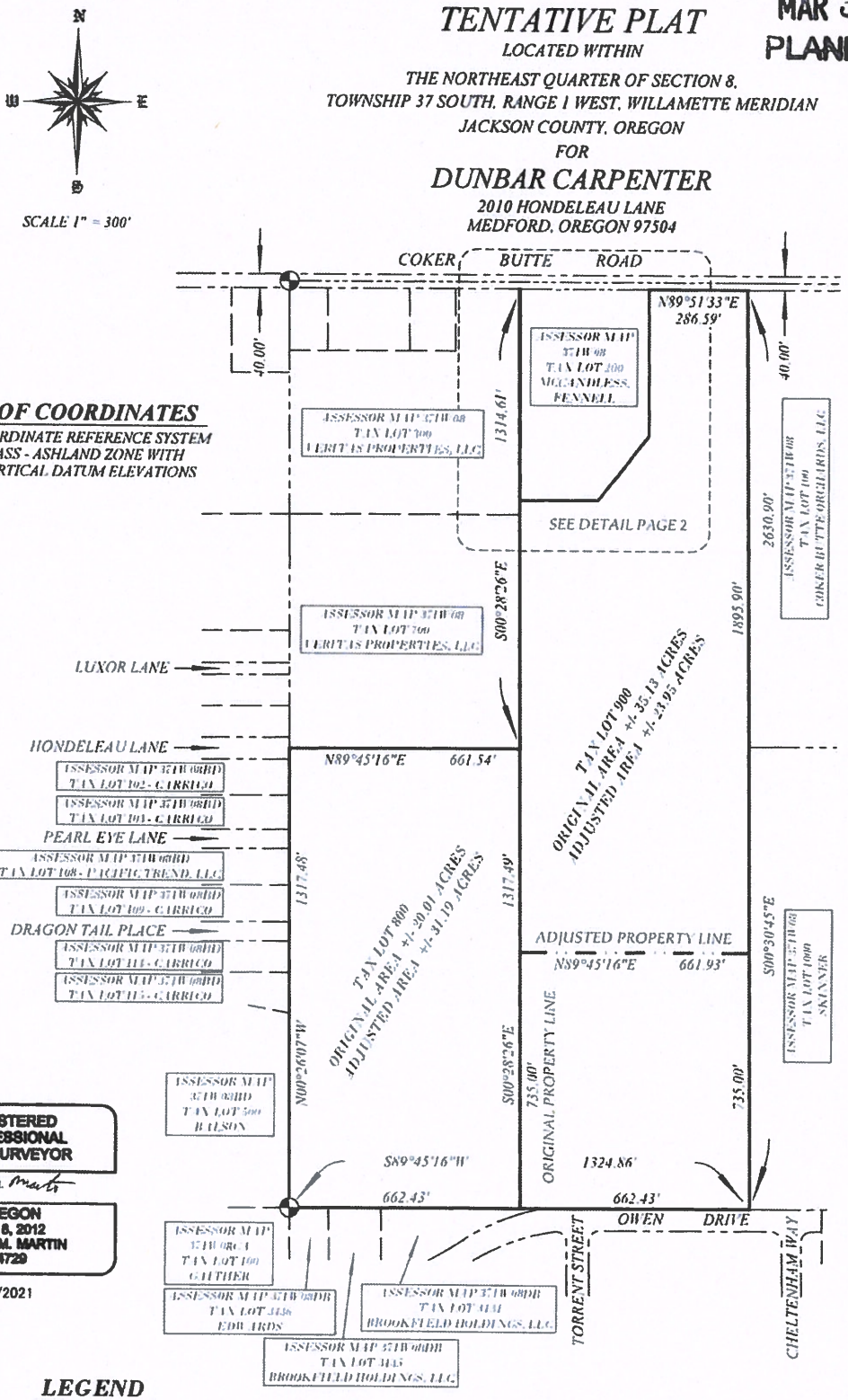
THE NORTHEAST QUARTER OF SECTION 8,
TOWNSHIP 37 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN
JACKSON COUNTY, OREGON

FOR

DUNBAR CARPENTER

2010 HONDELEAU LANE
MEDFORD, OREGON 97504

SCALE 1" = 300'



BASIS OF COORDINATES

OREGON COORDINATE REFERENCE SYSTEM
GRANTS PASS - ASHLAND ZONE WITH
NAVD 88 VERTICAL DATUM ELEVATIONS

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MAY 8, 2012
JASON M. MARTIN
54729

RENEWS: 1/1/2021

LEGEND

- FOUND BRASS CAP MONUMENT
- SUBJECT PROPERTY
- PROPOSED ADJUSTED LOT LINE
- DEED LINE
- CADASTRAL LINE
- ROAD RIGHT OF WAY

Assessor's Plat No. 371W08, Tax Lots 800 & 900

TO THE POINT LAND SURVEYING

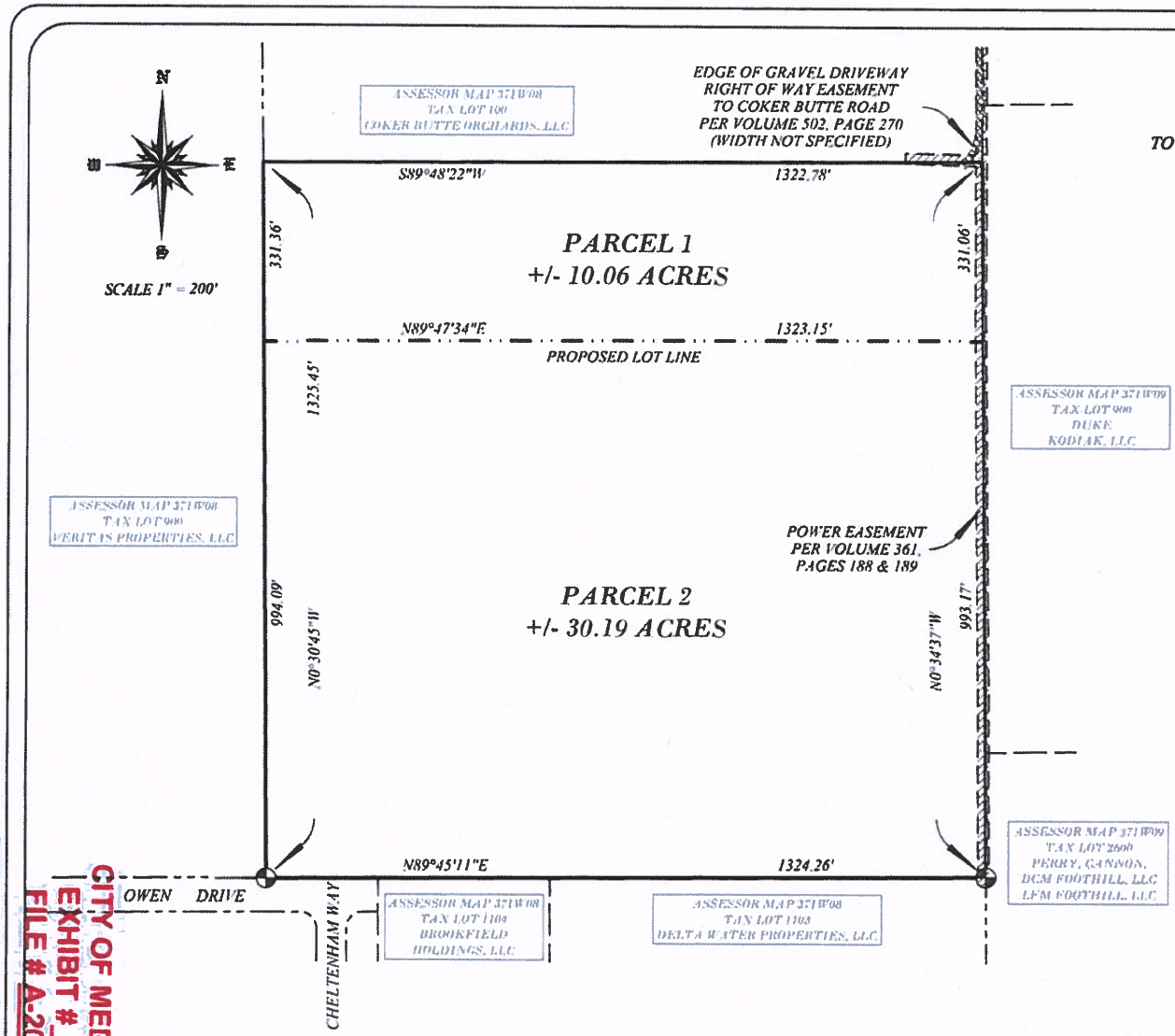
SURVEYED BY:

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

Date: March 6, 2020
Project No. 001-20

CITY OF MEDFORD
EXHIBIT # 95
FILE # A-20-094

EXHIBIT 6



TENTATIVE PLAT

LOCATED WITHIN

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

FOR

STEVEN SKINNER

2498 COKER BUTTE ROAD
MEDFORD, OREGON 97504

LEGEND

- FOUND BRASS CAP MONUMENT
- SUBJECT PROPERTY
- PROPOSED LOT LINE
- DEED LINE
- CADASTRAL LINE
- ROAD RIGHT OF WAY

BASIS OF COORDINATES

OREGON COORDINATE REFERENCE SYSTEM
GRANTS PASS - ASHLAND ZONE
WITH NAVD 88 VERTICAL DATUM ELEVATIONS

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MAY 6, 2012
JASON M. MARTIN
54729

RENEWS: 1/1/2021

SURVEYED BY:

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

Date: March 5, 2020
Project No. 0007-20

Assessor's Plat No. 371W08, Tax Lot 1000

TO THE POINT LAND SURVEYING

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CITY OF MEDFORD
EXHIBIT # 6
FILE # A-20-094

EXHIBIT 7

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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 South 00°19'32" East to and along the West boundary of said Documents, 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.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MAY 8, 2012
JASON M. MARTIN
54729

RENEWS: 1-1-2021

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 20, 2020

CITY OF MEDFORD
EXHIBIT # C7
FILE # A-20-094

13

EXHIBIT 8
pg 1

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PLANNING DEPT

EXHIBIT "B"

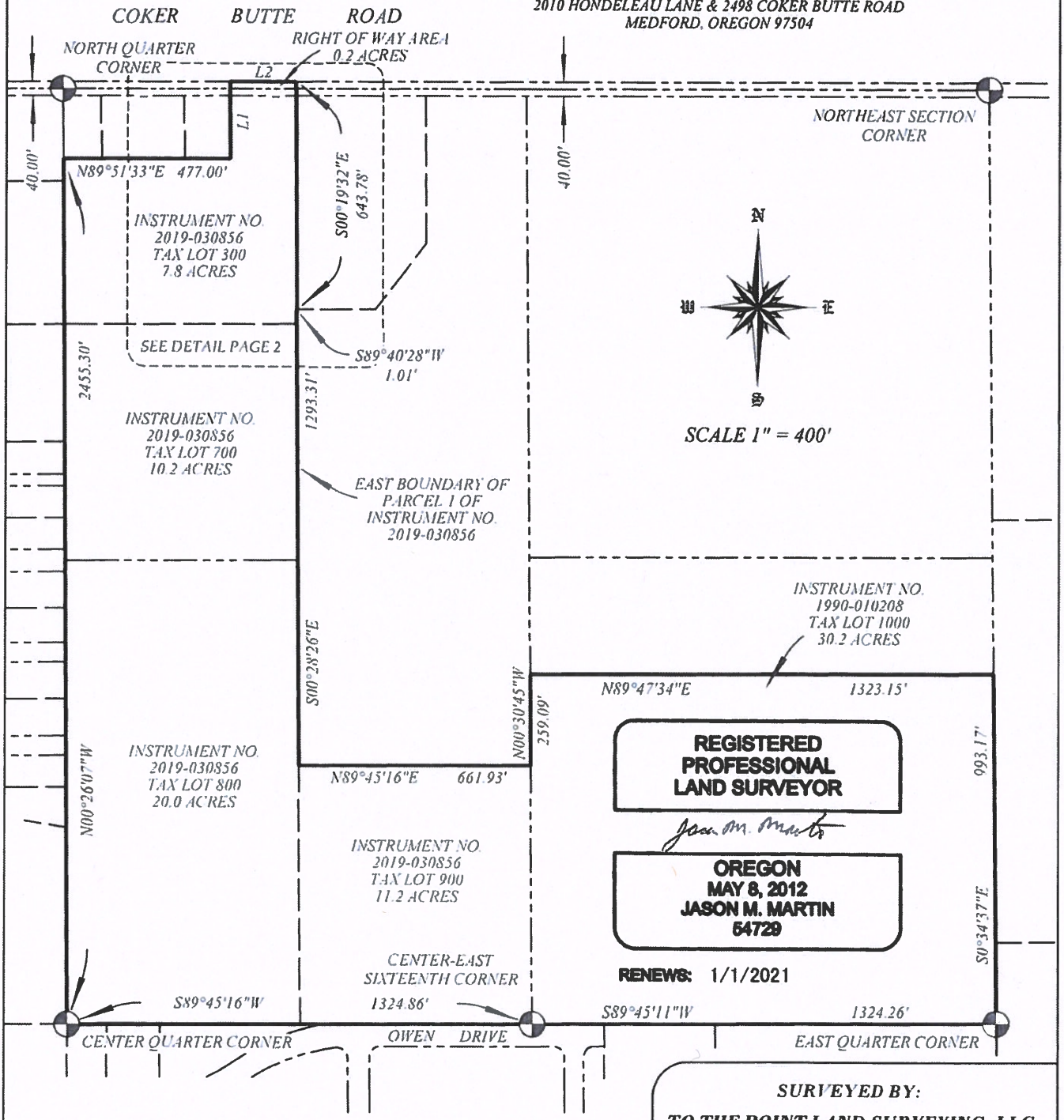
LOCATED WITHIN

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

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 20, 2020
Project No. 002719

CITY OF MEDFORD
EXHIBIT # C8
FILE # A-20-094

1 / 2

TO THE POINT LAND SURVEYING

EXHIBIT "B"

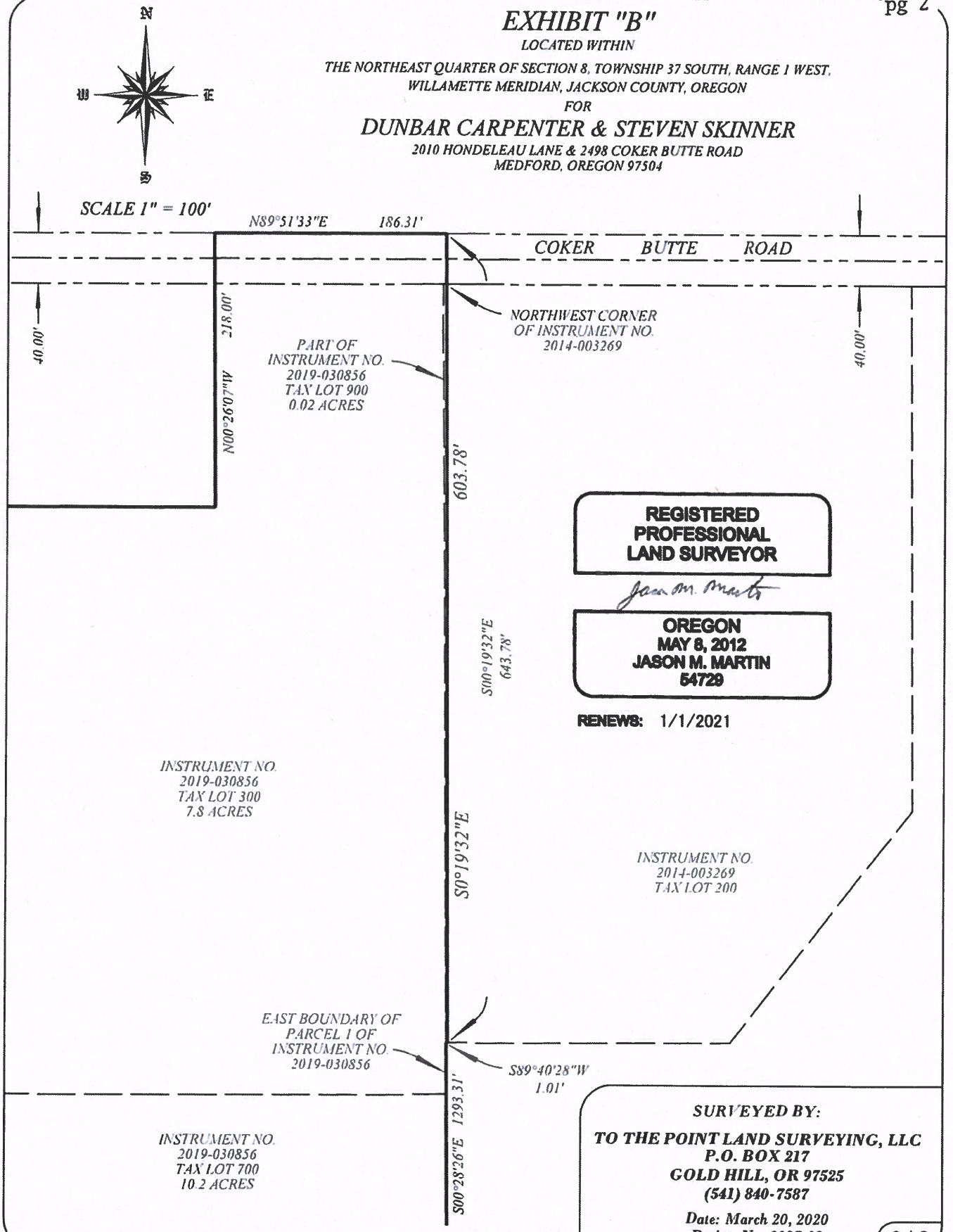
LOCATED WITHIN

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



SURVEYED BY:

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

Date: March 20, 2020
Project No. 0027-19

2 / 2

TO THE POINT LAND SURVEYING

EXHIBIT 9

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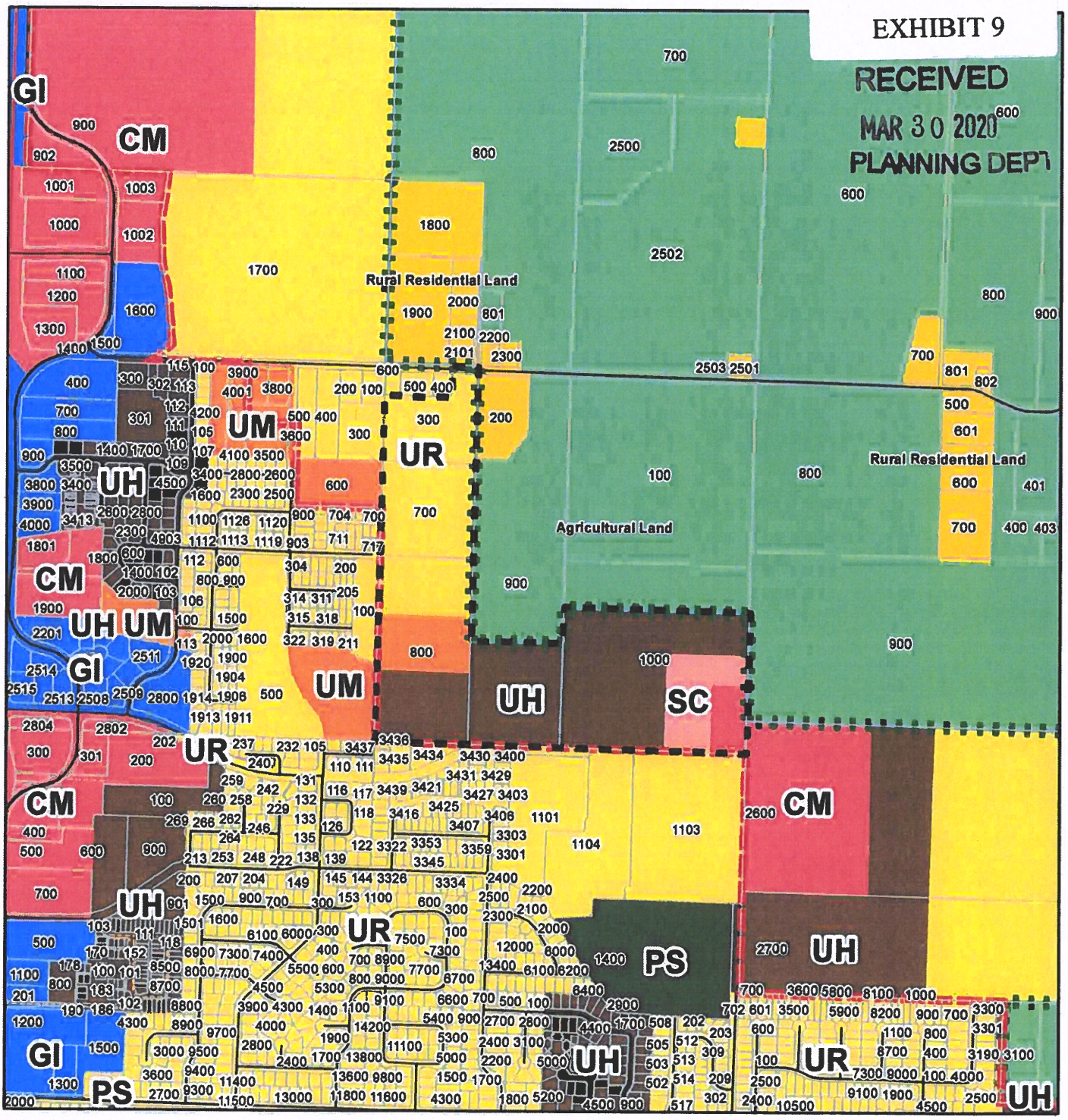
PLANNING DEPT



Subject Area
Tax Lots
City Limits
Urban Growth Boundary

County Comp Plan
Agricultural Land
Rural Residential Land

GLUP
CM
GI
PS
SC
UH
UM
UR

Existing Area Wide General Land Use Plan (GLUP) Map

Veritas Properties LLC and Steven Skinner Annexation
37-1W-08 tax lots 300, 700, 800 and 1000

CSA Planning, Ltd.

1,000 500 0 1,000 Feet

CITY OF MEDFORD
EXHIBIT # 4 C9

March 2020 Source: City of Medford GIS; Jackson County GIS; CSA Planning, Ltd.

EXHIBIT 10

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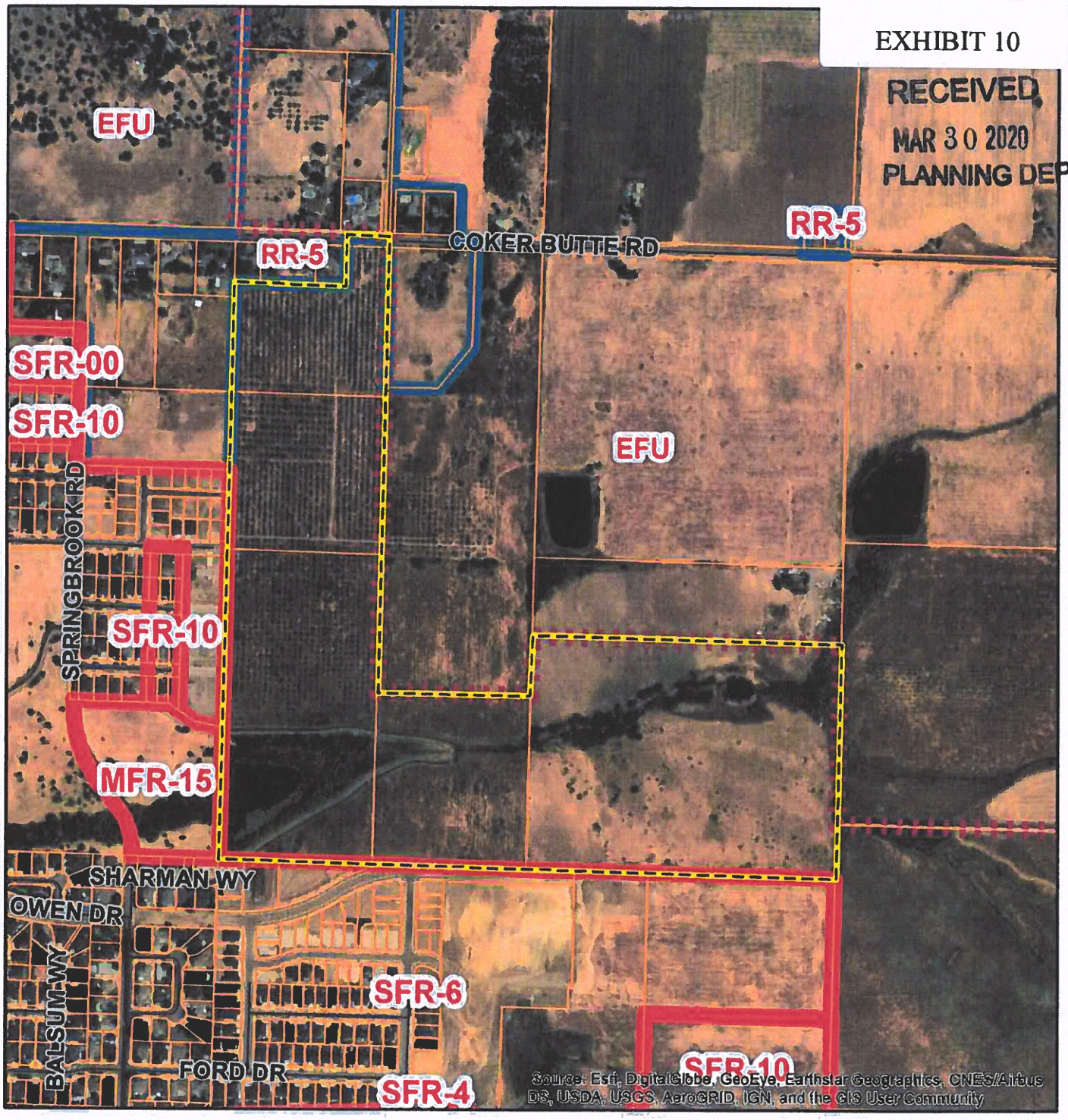
MAR 30 2020
PLANNING DEPT



Subject Area
Tax Lots
Urban Growth Boundary
Medford Zoning
County Zoning

Zoning on Aerial

Veritas Properties LLC and Steven Skinner Annexation
37-1W-08 tax lots 300, 700, 800 and 1000

2018 Aerial

N W E S

CSA Planning, Ltd.

600 300 0 600 Feet

CITY OF MEDFORD
EXHIBIT # [redacted]
FILE # A-20-094 C10

March 2020 Source: City of Medford GIS, Jackson County GIS, CSA Planning, Ltd.

EXHIBIT 11

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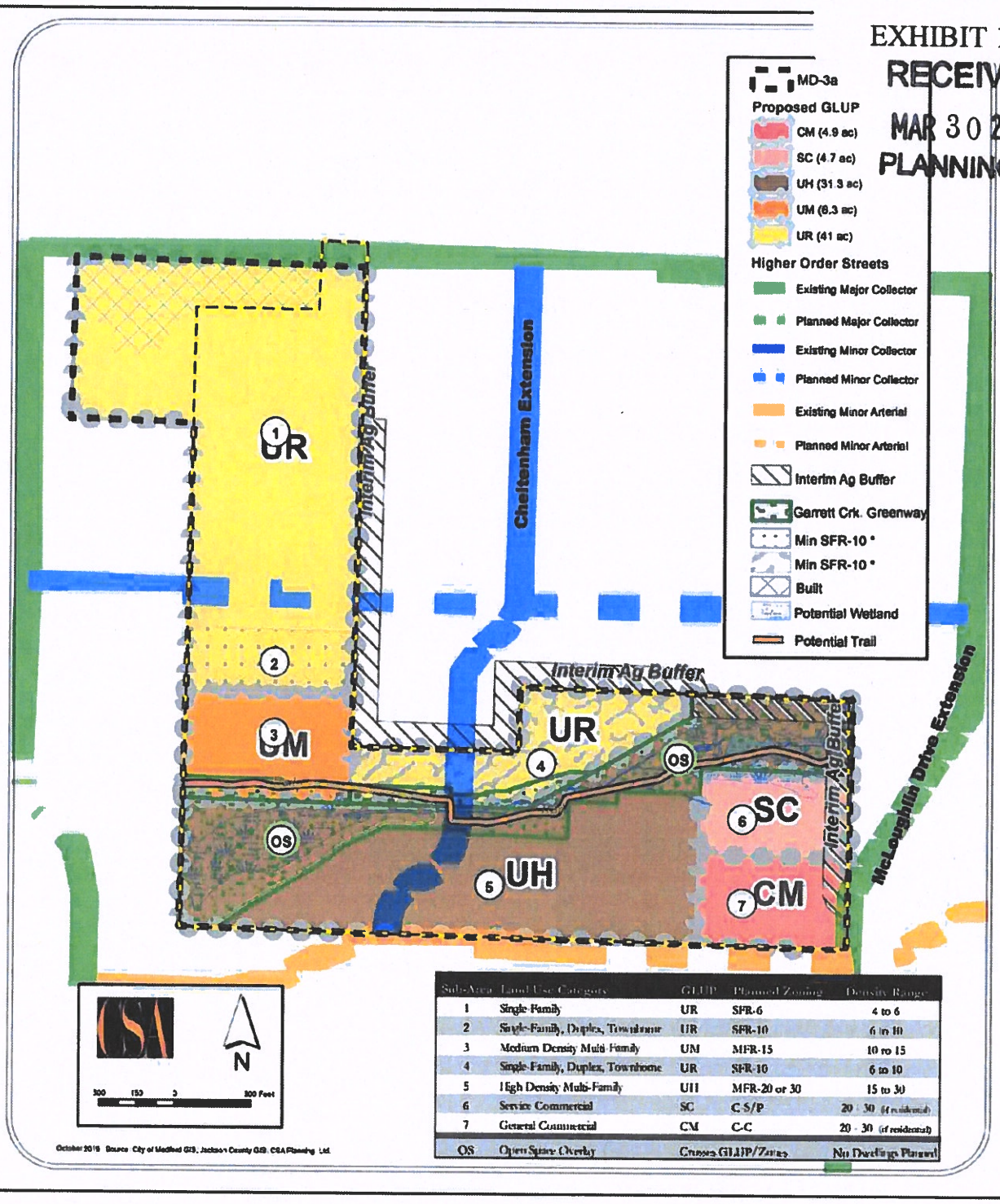
MAR 30 2020
PLANNING DEPT



Sub-Area	Land Use Category	GLUP	Planned Zoning	Density Range
1	Single-Family	UR	SFR-6	4 to 6
2	Single-Family, Duplex, Townhome	UR	SFR-10	6 to 10
3	Medium Density Multi-Family	UM	MFR-15	10 to 15
4	Single-Family, Duplex, Townhome	UR	SFR-10	6 to 10
5	High Density Multi-Family	UH	MFR-20 or 30	15 to 30
6	Service Commercial	SC	C-S/P	20 - 30 (if residential)
7	General Commercial	CM	C-C	20 - 30 (if residential)
OS	Open Space Overlay	Crosses GLUP/Zones		No Dwellings Planned

Subject Area

Chilsonrise Urbanization Plan

Veritas Properties LLC and Steven Skinner Annexation
37-1W-08 tax lots 300, 700, 800 and 1000

CSA Planning, Ltd.

CITY OF MEDFORD
EXHIBIT # C11
FILE # A-20-094

March 2020 Source: City of Medford GIS, Jackson County GIS, CSA Planning, Ltd.

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EXHIBIT 12

1/2 Jackson County Official Records 2019-030856
R-BSD
Cnt=1 SHINGLJS 10/11/2019 08:17:33 AM
$10.00 $10.00 $11.00 $11.00 $60.00 Total:$102.00

0187433620190030856002002 7

I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Christine Walker - County Clerk

RECEIVED
MAR 30 2020
PLANNING DEPT

Until a change is requested, all tax statements shall be sent to:
Dunbar Carpenter, Member
Veritas Properties, LLC
4365 SW Patrick Pl.
Portland, Oregon 97239

After recording return to:
Dunbar Carpenter
4365 SW Patrick Pl.
Portland, Oregon 97239

STATUTORY BARGAIN AND SALE DEED

DUNBAR S. CARPENTER, Grantor, conveys to VERITAS PROPERTIES, LLC, Grantee, the following described real property:

See EXHIBIT "A" attached hereto and incorporated herein by this reference.

The true consideration for this conveyance is this: $10.00 plus other consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSONS RIGHTS, IF ANY, UNDER ORS 195.300 (DEFINITIONS FOR ORS 195.300 TO 195.336), 195.301 (LEGISLATIVE FINDINGS) AND 195.305 (COMPENSATION FOR RESTRICTION OF USE OF REAL PROPERTY DUE TO LAND USE REGULATION) TO 195.336 (COMPENSATION AND CONSERVATION FUND) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 (DEFINITIONS FOR ORS 92.010 TO 92.192) OR 215.010 (DEFINITIONS), TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 (DEFINITIONS FOR ORS 30.930 TO 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (DEFINITIONS FOR ORS 195.300 TO 195.336), 195.301 (LEGISLATIVE FINDINGS) AND 195.305 (COMPENSATION FOR RESTRICTION OF USE OF REAL PROPERTY DUE TO LAND USE REGULATION) TO 195.336 (COMPENSATION AND CONSERVATION FUND) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: October 9, 2019.

DUNBAR S. CARPENTER

STATE OF OREGON)
) ss
County of Multnomah)

This instrument was acknowledged before me on October 9, 2019, by Dunbar S. Carpenter.

OFFICIAL STAMP
SUSAN REIKO FUJIOKA
NOTARY PUBLIC-OREGON
COMMISSION NO. 953060
MY COMMISSION EXPIRES AUGUST 14, 2020

Susan Reiko Fujioka
Notary Public
My commission expires 8-14-2020

CITY OF MEDFORD
EXHIBIT # C12
FILE # A-20-094

EXHIBIT "A"

PARCEL 1 (Garrett):

The West half of the West half of the Northeast quarter of Section 8 in Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon. EXCEPTING THEREFROM the following: Beginning at the Northwest corner of the Northeast quarter of said Section 8; thence East along the North line of said Section a distance of 477.0 feet; thence South 198.0 feet; thence West 477.0 feet; thence North 198.0 feet to the point of beginning.

(Code 49-3, Account #1-42257-4, Map #371W8, Tax Lot #300)
(Code 49-3, Account #1-63601-7, Map #371W8, Tax Lot #700)
(Code 49-3, Account #1-63602-5, Map #371W8, Tax Lot #800)

PARCEL 2 (Chilson):

The East half of the West half of the Northeast quarter of Section 8 in Township 37 South, Range 1 West of the Willamette Meridian, Jackson County, Oregon. EXCEPTING THEREFROM the following described tract: Commencing at the quarter corner common to Sections 5 and 8 in Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence along the North boundary of said Section 8, South 89° 48' 55" East 663.27 feet to the true point of beginning; thence South 20.00 feet to a 5/8" re-bar; thence continue South 603.78 feet to a 5/8" re-bar; thence East 226.34 feet to a 5/8" re-bar; thence North 38° 12' 30" East 234.69 feet to a 5/8" re-bar; thence North 418.17 feet to a 5/8" re-bar; thence continue North 20.00 feet to the North boundary of said Section 8; thence along said Section 8 boundary, North 89°48' 55" West 371.50 feet to the true point of beginning.

(Code 49-3, Account #1-42296-3, Map #371W8, Tax Lot #900)

2

EXHIBIT 12 2/2

FORM No. 733—BARGAIN AND SALE DEED (Individual or Corporate).

90-10208

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That SKINNER PROPERTIES, a partnership consisting of STEVEN W. SKINNER, JOHN A. SKINNER AND MARCIA A. SKINNER, *hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto* STEVEN W. SKINNER, *hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of* JACKSON, *State of Oregon, described as follows, to-wit:*

The Southeast Quarter of the Northeast Quarter of Section 8, in Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon.

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

1:56 APR 27 1990 PM

KATHLEEN S. BECKETT
CLERK and RECORDER

By [signature] Deputy

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is $ -0-

However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the consideration (indicate which). (The sentence between the symbols, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this ____ *day of* ____, *19* ____; *if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.*

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

JOHN A. SKINNER
STEVEN W. SKINNER
MARCIA A. SKINNER

(If the signer of the above is a corporation, use the form of acknowledgment opposite.)

(ORS 194.570)

STATE OF OREGON, County of Jackson } ss.

The foregoing instrument was acknowledged before me this April 25, 1990, by [signature]

Notary Public for Oregon

(SEAL)

My commission expires: 9-28-93

STATE OF OREGON, County of ____ } ss.

The foregoing instrument was acknowledged before me this ____, 19 ____, by ____, president, and by ____, secretary of ____, a ____ corporation, on behalf of the corporation.

Notary Public for Oregon

My commission expires:

(SEAL)

(If executed by a corporation, affix corporate seal)

STATE OF OREGON, }
COUNTY OF Clackamas } SS.

BE IT REMEMBERED, That on this 26th day of April, 1990, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Steven W. Skinner known to me to be the identical individual ____ described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written

Lynn Vimont
LYNN VIMONT
NOTARY PUBLIC OREGON
My Commission Expires 3-23-91

Lynn Vimont
Notary Public for Oregon.

My Commission expires 3-23-91

N-65 11-81

EXHIBIT 13

RECEIVED
MAR 30 2020
PLANNING DEPT

Account Sequence	Map TL Sequence	Assessment Year 2020 ▼	Print Window	Close Window

Assessment Info for Account 1-042257-4 Map 371W08 Taxlot 300
Report For Assessment Purposes Only Created March 16, 2020

Account Info		Tax Year 2019 Info		Land Info	
Account	1-042257-4	Pay Taxes Online		Tax Code	
Map Taxlot	371W08 300			Acreage	7.85
Owner	VERITAS PROPERTIES LLC	Tax Report	Details	Zoning	
Situs Address		Tax Statement	Details	EFU	
COKER BUTTE RD MEDFORD/COUNTY R		Tax History	Details	Land Class	
Mailing Address	VERITAS PROPERTIES LLC 4365 SW PATRICK PL PORTLAND OR, 972391516	Tax Details	Details	JIBI 7.85 Ac	
		Tax Rates	Details	Property Class	551
Appraiser	135			Stat Class	300
				Unit ID	144022-1
				Maintenance Area	6
				Neighborhood	000
				Study Area	13
				Account Status	ACTIVE
				Tax Status	Assessable
				Sub Type	NORMAL

Sales Data (ORCATS)

Last Sale (consideration > 0)	Sale Date	Instrument Number	Sales History
$ 10	Oct 09, 2019	2019-30856	Details

⊞Value Summary Detail (For Assessment Year 2020 - Subject To Change)

⊟Market Value Summary (For Assessment Year 2020 - Subject To Change)

Code Area	Type	Acreage	RMV	MS	MAV	AV
49-03	LAND	7.85	$ 214,310	$ 0	$ 0	$ 0
49-03	IMPR	0.00	$ 400	$ 400	$ 270	$ 270
Value History Details		Total:	$ 214,710	$ 400	$ 270	$ 270

Value Summary Details

⊟Specially Assessed Value Summary (For Assessment Year 2020 - Subject To Change)

Code Area					
Type	Acreage	SAV	MSAV	AV	
49-03	LAND	7.85	$ 15,119	$ 4,735	$ 4,735
		Total:	$ 15,119	$ 4,735	$ 4,735

⊟Total (Market + Specially Assessed) Value Summary (For Assessment Year 2020 - Subject To Change)

Code Area				
RMV	MS	MAV	AV	
49-03	$ 214,710	$ 15,519	$ 5,005	$ 5,005

Improvements

Building #	Code Area	Year Built	Eff Year Built	Stat Class	Description	Type	SqFt	% Complete	
1	49-03	0	1900	300	Residential Other Improvements	Residence	0	0 %	Details

Photos and Scanned Documents

SCANNED ASSESSOR DOCUMENTS	(See new portal)	(See new portal)	Portal

⊞Improvement Comments

Appraisal Maintenance

2008 - INVENTORY REVIEW

⊟Account Comments

12/26/97: AC CHECK PLUS 1.09 AC>>> 6/17/08 NLC # 135 >>>>

⊟Exemptions / Special Assessments / Notations / Potential Liability

Notations

Description	Tax Amount	Year Added	Value Amount
FARM LAND-POTENTIAL LIABILITY			
READ BEFORE DATA ENTRING EXCEPTION		2006	

⊟Location Map

Close Window | Print Window

CITY OF MEDFORD
EXHIBIT # C13
FILE # A-20-094

Account Sequence	Map TL Sequence	Assessment Year 2020 ▼	Print Window	Close Window

Assessment Info for Account 1-063601-7 Map 371W08 Taxlot 700

Report For Assessment Purposes Only Created March 16, 2020

Account Info

Account	1-063601-7
Map Taxlot	371W08 700
Owner	VERITAS PROPERTIES LLC
Situs Address	
HONDELEAU LN MEDFORD/COUNTY R	
Mailing Address	VERITAS PROPERTIES LLC 4365 SW PATRICK PL PORTLAND OR, 972391516
Appraiser	136

Tax Year 2019 Info

Pay Taxes Online

Tax Report	Details
Tax Statement	Details
Tax History	Details
Tax Details	Details
Tax Rates	Details

Land Info

Tax Code	49-03
Acreage	10.16
Zoning	
EFU	
Land Class	
IIIBI 10.16 Ac	
Property Class	550
Stat Class	000
Unit ID	144026-1
Maintenance Area	6
Neighborhood	000
Study Area	13
Account Status	ACTIVE
Tax Status	Assessable
Sub Type	NORMAL

Sales Data (ORCATS)

Last Sale (consideration > 0)	Sale Date	Instrument Number	Sales History
$ 10	Oct 09, 2019	2019-30856	Details

⊟Value Summary Detail (For Assessment Year 2020 - Subject To Change)

ID	Value Source	Code Area	SA	Stat Class	Rural Fire Dist.	Size	Size Type
1	FARM USE ZONED	49-03	1		R	10.16	A
ID	Value Source	RMV	M5	Exception Value	Previous Max AV	Previous Max SAV	Max AV
1	FARM USE ZONED	$ 262,900	$ 19,568	$ 0	$ 0	$ 6,128	$ 6,128

⊟Market Value Summary (For Assessment Year 2020 - Subject To Change)

Code Area	Type	Acreage	RMV	M5	MAV	AV
49-03	LAND	10.16	$ 262,900	$ 0	$ 0	$ 0
Value History Details		Total:	$ 262,900	$ 0	$ 0	$ 0

Value Summary Details

⊟Specially Assessed Value Summary (For Assessment Year 2020 - Subject To Change)

Code Area	Type	Acreage	SAV	MSAV	AV
49-03	LAND	10.16	$ 19,568	$ 6,128	$ 6,128
		Total:	$ 19,568	$ 6,128	$ 6,128

⊟Total (Market + Specially Assessed) Value Summary (For Assessment Year 2020 - Subject To Change)

Code Area	RMV	M5	MAV	AV
49-03	$ 262,900	$ 19,568	$ 6,128	$ 6,128

Photos and Scanned Documents

SCANNED ASSESSOR DOCUMENTS	(See new portal)	(See new portal)	Portal

Appraisal Maintenance

2008 - INVENTORY REVIEW

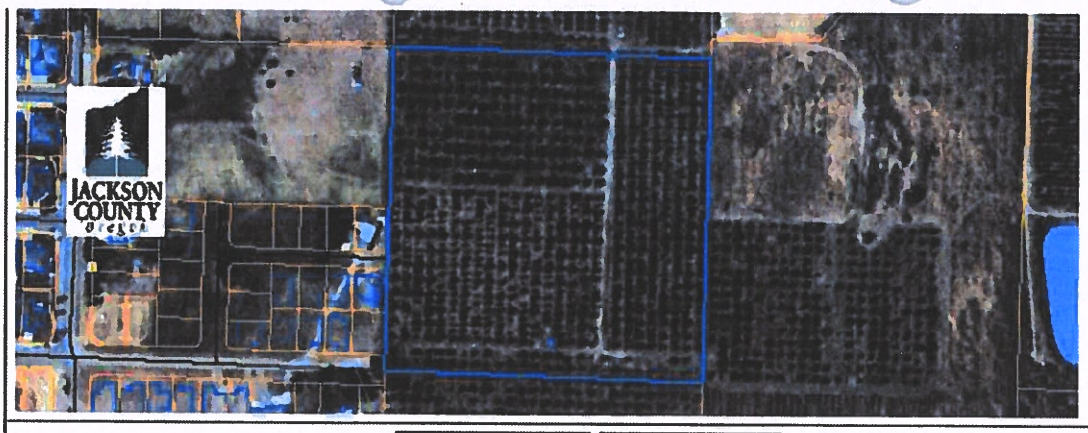
⊞Account Comments

⊟Exemptions / Special Assessments / Notations / Potential Liability

Notations

Description	Tax Amount	Year Added	Value Amount
FARM LAND-POTENTIAL LIABILITY			

⊟Location Map



Close Window Print Window

Account Sequence	Map TL Sequence	Assessment Year 2020 ▼	Print Window	Close Window

Assessment Info for Account 1-063602-5 Map 371W08 Taxlot 800

Report For Assessment Purposes Only Created March 16, 2020

Account Info

Account	1-063602-5
Map Taxlot	371W08 800
Owner	VERITAS PROPERTIES LLC
Situs Address	
2010 HONDELEAU LN MEDFORD/COUNTY R	
Mailing Address	VERITAS PROPERTIES LLC 4365 SW PATRICK PL PORTLAND OR, 972391616
Appraiser	135

Tax Year 2019 Info

Pay Taxes Online

Tax Report	Details
Tax Statement	Details
Tax History	Details
Tax Details	Details
Tax Rates	Details

Land Info

Tax Code	49-03
Acreage	20.01
Zoning	
EFU	
Land Class	
VIB 0.05 Ac	
RT 2.36 Ac	
IIIBI 9.50 Ac	
IIIB 8.10 Ac	
Property Class	550
Stat Class	000
Unit ID	144027-1
Maintenance Area	6
Neighborhood	000
Study Area	13
Account Status	ACTIVE
Tax Status	Assessable
Sub Type	NORMAL

Sales Data (ORCATS)

Last Sale (consideration > 0)	Sale Date	Instrument Number	Sales History
$ 10	Oct 09, 2019	2019-30856	Details

Value Summary Detail (For Assessment Year 2020 - Subject To Change)

ID	Value Source	Code Area	SA	Stat Class	Rural Fire Dist.	Size	Size Type
1	FARM USE ZONED	49-03	1		R	9.50	A
2	FARM USE ZONED	49-03	1		R	8.10	A
3	FARM USE ZONED	49-03	1		R	0.05	A
4	RURAL TRACT	49-03	0		R	2.36	A

ID	Value Source	RMV	M5	Exception Value	Previous Max AV	Previous Max SAV	Max AV
1	FARM USE ZONED	$ 187,630	$ 18,297	$ 0	$ 0	$ 5,730	$ 5,730
2	FARM USE ZONED	$ 129,540	$ 6,868	$ 0	$ 0	$ 4,886	$ 4,886
3	FARM USE ZONED	$ 800	$ 21	$ 0	$ 0	$ 2	$ 2
4	RURAL TRACT	$ 37,740	$ 37,740	$ 0	$ 23,960	$ 0	$ 23,960

Market Value Summary (For Assessment Year 2020 - Subject To Change)

Code Area	Type	Acreage	RMV	M5	MAV	AV
49-03	LAND	2.36	$ 37,740	$ 37,740	$ 23,960	$ 23,960
49-03	LAND	17.65	$ 317,970	$ 0	$ 0	$ 0
Value History Details		Total:	$ 355,710	$ 37,740	$ 23,960	$ 23,960

Value Summary Details

Specially Assessed Value Summary (For Assessment Year 2020 - Subject To Change)

Code Area	Type	Acreage	SAV	MSAV	AV	
49-03	LAND	17.65	$ 25,186	$ 10,618	$ 10,618	
		Total:	$ 25,186	$ 10,618	$ 10,618	

Total (Market + Specially Assessed) Value Summary (For Assessment Year 2020 - Subject To Change)

Code Area	RMV	M5	MAV	AV
49-03	$ 355,710	$ 62,926	$ 34,578	$ 34,578

Photos and Scanned Documents

SCANNED ASSESSOR DOCUMENTS	(See new portal)	(See new portal)	Portal

Appraisal Maintenance

2008 - INVENTORY REVIEW

Account Comments

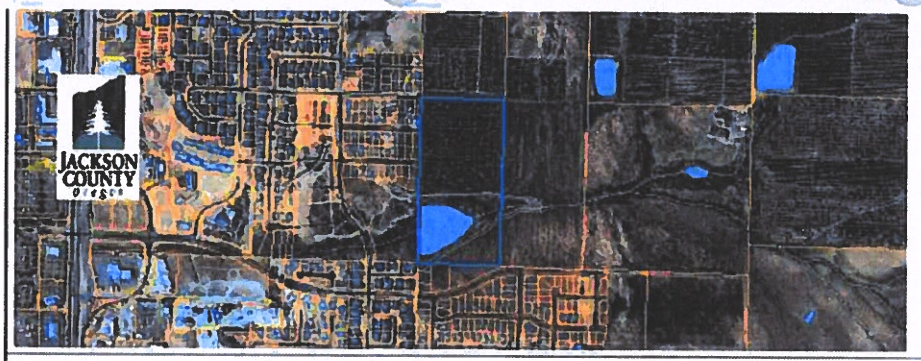
12/26/97: AC CHECK PLUS .01 AC>>> 6/4/08 NAC # 135 >>>06/14/09 REMOVED IRRIGATION ADJUSTMENT ON 2.41 ACRES (RMV CHANGE ONLY) PER FARM REVIEW, DISQUALIFIED 2.36 ACRES FROM SPECIAL ASSESSMENT DUE TO THE FARMLAND CURRENTLY LYING IDLE OR NO LONGER IN A QUALIFYING FARM USE. #74

Exemptions / Special Assessments / Notations / Potential Liability

Notations

Description	Tax Amount	Year Added	Value Amount
FARM LAND-POTENTIAL LIABILITY			
2009-10 TRC 500/600 PCL NOT CPR'D		2009	
POT'L ADD'L TAX LIABILITY ORS 308A.083	965.73	2009	

Location Map



Close Window Print Window

Account Sequence	Map Tl. Sequence	Assessment Year 2020 ▼	Print Window	Close Window

Assessment Info for Account 1-042297-1 Map 371W08 Taxlot 1000
Report For Assessment Purposes Only Created March 16, 2020

Account Info

Account	1-042297-1
Map Taxlot	371W08 1000
Owner	SKINNER STEVEN W
Situs Address	2498 COKER BUTTE RD MEDFORD/COUNTY R
Mailing Address	SKINNER STEVEN W PO BOX 27 CANBY OR, 970130027
Appraiser	135

Tax Year 2019 Info

Pay Taxes Online

Tax Report	Details
Tax Statement	Details
Tax History	Details
Tax Details	Details
Tax Rates	Details

Land Info

Tax Code	49-03
Acreage	40.27
Zoning	EFU
Land Class	UNK 40.27 Ac
Property Class	401
Stat Class	121
Unit ID	144029-1
Maintenance Area	6
Neighborhood	000
Study Area	13
Account Status	ACTIVE
Tax Status	Assessable
Sub Type	NORMAL

Sales Data (AS 400)

Value Summary Detail (For Assessment Year 2020 - Subject To Change)

ID	Value Source	Code Area	SA	Stat Class	Rural Fire Dist.	Size	Size Type
1	HOME SITE	49-03	0		R		
1	MARKET OSD	49-03	0		R		
2	RURAL TRACT	49-03	0		R	40.27	A
1	SING FAMILY RES	49-03	0	121	R		

ID	Value Source	RMV	M5	Exception Value	Previous Max AV	Previous Max SAV	Max AV
1	HOME SITE	$ 112,690	$ 112,690	$ 0	$ 21,490	$ 0	$ 21,490
1	MARKET OSD	$ 34,760	$ 34,760	$ 0	$ 14,310	$ 0	$ 14,310
2	RURAL TRACT	$ 385,760	$ 385,760	$ 0	$ 198,930	$ 0	$ 198,930
1	SING FAMILY RES	$ 31,850	$ 31,850	$ 0	$ 41,230	$ 0	$ 41,230

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APR 22 2020
PLANNING DEPT.

Market Value Summary (For Assessment Year 2020 - Subject To Change)

Code Area	Type	Acreage	RMV	M5	MAV	AV
49-03	LAND	40.27	$ 533,200	$ 533,200	$ 234,730	$ 234,730
49-03	IMPR	0.00	$ 31,850	$ 31,850	$ 41,230	$ 41,230
Value History Details		Total:	$ 565,050	$ 565,050	$ 275,960	$ 275,960

Value Summary Details

Improvements

Building #	Code Area	Year Built	Eff Year Built	Stat Class	Description	Type	SqFt	% Complete	
1	49-03	1952	1952	121	One story	Residence	1137	100 %	Details

Photos and Scanned Documents

Type	Item Number	Image Files	
APEX DRAWINGS	1	1	PDF
ACCOUNT PHOTO	2	1	PDF
SCANNED ASSESSOR DOCUMENTS	(See new portal)	(See new portal)	Portal

Improvement Comments

Appraisal Maintenance

2005 - VALID RESIDENTIAL R.T.
2008 - INVENTORY REVIEW

Account Comments

12/26/97 AC CHECK PLUS .27 AC>>> 06/16/08 NO LAND CHANGES #135>>>

Exemptions / Special Assessments / Notations / Potential Liability

Location Map

Close Window | Print Window

RECEIVED
MAR 30 2020
PLANNING DEPT

CONFIDENTIAL

Census Form

Use one form per housing unit

City of Medford

Address NHN Coker Butte Rd/Hondeleau Lane/Owen Dr.

** NO RESIDENCES OR ELECTORS PRESENT **

Housing Type:

- ❑ Single Unit Structure
- ❑ Multiple Unit Structure
- ❑ Trailer or Mobile Home

Tenure:

- ❑ Owner Occupied
- ❑ Renter Occupied
- ❑ Vacant
- ❑ Seasonal

Residents:

Respondent:

	Last Name	First Name
1)		
2)		
3)		
4)		
5)		
6)		
7)		
8)		
9)		
10)		

POPULATION RESEARCH CENTER
PORTLAND STATE UNIVERSITY
(503)725-3922

CITY OF MEDFORD
EXHIBIT # C14
File # A-20-094

RECEIVED
MAR 30 2020
PLANNING DEPT

ANNEXATION APPLICATION – Type IV

CONSENT TO ANNEX

Consent is hereby given to the annexation by the City of Medford, Oregon of the following described real property:

Map and Tax Lot: 37-1W-08, 300 700 and 800 (following PLA along UGB line)

Address: Coker Butte Road/Hondeleau Lane and 2010 Hondeleau Lane

Legal Description:

In the corporate limits of said city, which is owned by the undersigned

DATED this 25th day of March, 2020.

Veritas Properties, LLC

Dunbar S. Carpenter
Member, Designated Agent

STATE OF OREGON)
) ss
County of Jackson)

On this 25th day of March, 2020, personally appeared

Dunbar S. Carpenter

who, being duly sworn did acknowledge the foregoing instrument to be his/her/their voluntary act and deed.

Notary Public for Oregon
My Commission expires 6/25/2022

Filed with the City of Medford this 30th day of MARCH, 2020.

Planning Director or Designee

Rev 07/01/19

CITY OF MEDFORD
EXHIBIT # C15
File # A-20-094

3

CONSENT TO ANNEX

Consent is hereby given to the annexation by the City of Medford, Oregon of the following described real property:

Map and Tax Lot: 37-1W-08, 1000 (southern portion following Partition along UGB line)

Address: 2498 Coker Butte Road

Legal Description:

In the corporate limits of said city, which is owned by the undersigned

DATED this 20 day of MARCH, 2020.

Steven W Skinner

STATE OF OREGON)
) ss
County of ~~Jackson~~ Clackamas)

On this 20th day of March, 2020, personally appeared Steven Skinner,

who, being duly sworn did acknowledge the foregoing instrument to be his/her/their voluntary act and deed.

OFFICIAL STAMP
RHONDA SUE MANGUM
NOTARY PUBLIC-OREGON
COMMISSION NO 982380

Rhonda Mangum
Notary Public for Oregon
My Commission expires 10.5.23

Filed with the City of Medford this 30th day of MARCH, 2020.

Planning Director or Designee

RECEIVED
MAR 30 2020
PLANNING DEPT

ANNEXATION APPLICATION – Type IV

IRREVOCABLE CONSENT TO ANNEX

The undersigned hereby agree (s) that the consent to annexation of the property described as:

Map and Tax Lot: 37-1W-08, 300 700 and 800 (following PLA along UGB line)

Address: Coker Butte Road/Hondeleau Lane and 2010 Hondeleau Lane

is irrevocable and shall be binding upon our heirs, successors, and assigns forever, being a covenant running with the land. The one-year period prescribed by ORS 222.173 is hereby waived.

DATED this 25th day of March, 20 20.

Veritas Properties LLC

Dunbar S. Carpenter
Member, Designated Agent

STATE OF OREGON)
) ss
County of Jackson)

On this 25th day of March, 20 20, personally appeared

Dunbar S Carpenter

who, being duly sworn did acknowledge the foregoing instrument to be his/her/their voluntary act and deed.

OFFICIAL STAMP
MATTHEW LOUIS MCANDREW
NOTARY PUBLIC – OREGON
COMMISSION NO. 975287
MY COMMISSION EXPIRES JUNE 25, 2022

Notary Public for Oregon
My Commission expires 6/25/2022

Filed with the City of Medford this 30th day of March, 2020.

Planning Director or Designee

CITY OF MEDFORD
EXHIBIT # C15
File # A-20-094

ANNEXATION APPLICATION – Type IV

IRREVOCABLE CONSENT TO ANNEX

The undersigned hereby agree (s) that the consent to annexation of the property described as:

Map and Tax Lot: 37-1W-08, 1000 (southern portion following Partition along UGB line)

Address: 2498 Coker Butte Road

is irrevocable and shall be binding upon our heirs, successors, and assigns forever, being a covenant running with the land. The one-year period prescribed by ORS 222.173 is hereby waived.

DATED this 20 day of March, 2020.

Steven R. Sk

STATE OF OREGON)
) ss
County of ~~Jackson~~ Clackamas)

On this 20 day of March, 2020, personally appeared Steven Skinner,

who, being duly sworn did acknowledge the foregoing instrument to be his/her/their voluntary act and deed.

OFFICIAL STAMP
RHONDA SUE MANGUM
NOTARY PUBLIC-OREGON
COMMISSION NO 992380
MY COMMISSION EXPIRES OCTOBER 3, 2023

Rhonda Mangum
Notary Public for Oregon
My Commission expires 10.3.23

Filed with the City of Medford this 30th day of March, 2020.

Planning Director or Designee

RECEIVED
MAR 30 2020
PLANNING DEPT

ANNEXATION APPLICATION – Type IV

RESTRICTIVE COVENANT REGARDING ANNEXATION AND ZONE CHANGE

The undersigned is/are the record owner/s of the property described as:

Map and Tax Lot: 37-1W-08, 300 700 and 800 (following PLA along UGB line)

Address: Coker Butte Road/Hondeleau Lane and 2010 Hondeleau Lane

which is subject to the attached consent to annexation and separate agreement making the consent irrevocable.

As part of the contract consent to annexation and zone change, and in consideration of the city accepting the application for annexation and zone change, the undersigned hereby waives any rights and claims for compensation as a result of the enactment or enforcement of land use regulations by the City of Medford, arising under 2007 Oregon Ballot Measure 37 and future versions thereof.

This waiver shall bind the undersigned, their agents, heirs, successors and assigns, and shall constitute a covenant running with the land, and may be recorded in the official records of the county in which the subject real property is located.

DATED this 25th day of March, 2020.

Veritas Properties, LLC

Dunbar S. Carpenter
Member, Designated Agent

STATE OF OREGON)
) ss
County of Jackson)

On this 25th day of March, 2020, personally appeared Dunbar S. Carpenter

who, being duly sworn did acknowledge the foregoing instrument to be his/her/their voluntary act and deed.

Notary Public for Oregon
My Commission expires 6/25/2022

Filed with the City of Medford this 30th day of MARCH, 2020.

Planning Director or Designee

Rev 07/01/19

CITY OF MEDFORD
EXHIBIT # C15
File # A-20-094

5

ANNEXATION APPLICATION – Type IV

RESTRICTIVE COVENANT REGARDING ANNEXATION AND ZONE CHANGE

The undersigned is/are the record owner/s of the property described as:

Map and Tax Lot: 37-1W-08, 1000 (southern portion following Partition along UGB line)

Address: 2498 Coker Butte Road

which is subject to the attached consent to annexation and separate agreement making the consent irrevocable.

As part of the contract consent to annexation and zone change, and in consideration of the city accepting the application for annexation and zone change, the undersigned hereby waives any rights and claims for compensation as a result of the enactment or enforcement of land use regulations by the City of Medford, arising under 2007 Oregon Ballot Measure 37 and future versions thereof.

This waiver shall bind the undersigned, their agents, heirs, successors and assigns, and shall constitute a covenant running with the land, and may be recorded in the official records of the county in which the subject real property is located.

DATED this 20 day of March, 2020.

Steven W Skinner

STATE OF OREGON)
Clackamas) ss
County of ~~Jackson~~)

On this 20 day of March, 2020, personally appeared Steven Skinner, who, being duly sworn did acknowledge the foregoing instrument to be his/her/their voluntary act and deed.

OFFICIAL STAMP
RHONDA SUE MANGUM
NOTARY PUBLIC-OREGON
COMMISSION NO 992380
MY COMMISSION EXPIRES OCTOBER 3, 2023

Rhonda Mangum
Notary Public for Oregon
My Commission expires 10.3.2023

Filed with the City of Medford this 30th day of MARCH, 2020.

S. Adams
Planning Director or Designee

MEDFORD
PUBLIC WORKS

LD DATE: 5/27/2020
Revised Date 6/12/2020
File Number: UP-20-095/ANNX-20-094

PUBLIC WORKS DEPARTMENT STAFF REPORT

Urbanization Plan for MD-3a
Coker Butte Road/Owen Drive (Multiple Tax Lots)

Project: Consideration of a request for 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 Single Family Residential -1 Unit/Acre (SFR-00) holding zone designation. The property will be removed from Medford Rural Fire Protection District #2.

Applicant: Applicant: Steven Skinner and Veritas Properties, LLC, Agent: Jay Harland, CSA Planning, Ltd.

Planner: Seth Adams, Planner III – Long Range Division

A legislative amendment to adopt an Urbanization Plan into the Neighborhood Element of the Comprehensive Plan for approximately 88.73 acres of property located between Owen Drive and Coker Butte Road, and to the east of Springbrook Road (Planning Unit MD-3a)(371W08 TL 300 - 1000 and 371W08BA TL 100 - 400). This application is filed in conjunction with an annexation request (ANNX-20-094).

A. STREETS

Owen Drive is classified as a Minor Arterial street and is maintained by the City of Medford. Owen Drive improvements are partially complete with curb and gutter and without planter strip or sidewalk on the north side (P1880D). Improvements (curb and gutter only) along this proposed developments frontage will be completed with Delta Estates Phase 6 (P19-00010), and Phase 8A & 8B (TBD).

Coker Butte Road is classified as a Major Collector street and is currently maintained by Jackson County. Coker Butte Road is paved without curb and gutter, street lights or sidewalk at this time. In accordance with the City's Urban Reserve Management Agreement,

the City will assume maintenance jurisdiction of Coker Butte Road at the time of annexation and will request that a jurisdictional transfer be completed.

Future McLoughlin Drive is classified as a Major Collector street and will be maintained by the City of Medford.

Future Cheltenham Way (from Owen Drive to Coke Butte Road) is classified as Minor Collector street and will be maintained by the City of Medford.

Future Hondeleau Lane (extending east to future McLoughlin Drive) is classified as Minor Collector street and will be maintained by the City of Medford.

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

There are capacity constraints in the sanitary sewer system that will need to be addressed prior to acceptance of a zone change on any of the properties.

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

Public Works supports the changes to the alignments of Cheltenham Way and McLoughlin Drive that the applicant proposed in this Urbanization Plan and recommends the Transportation System Plan be updated to reflect these proposed changes.

Public Works supports the applicant's offer to a stipulation to analyze a roundabout at the intersection of Owen Drive and McLoughlin Drive and is including the following condition:

> *The first zone change that has the potential of generating more than 250 net average daily trips in the Urbanization Plan area shall include an analysis of the safety and operational benefits of a roundabout at said intersection in the Transportation Impact Analysis.*

The east-west street that is south of Garret Creek and east of Cheltenham Way shall be extended to McLoughlin Drive.

A pedestrian bridge to cross Garret Creek somewhere between Cheltenham Way and McLoughlin Drive shall be considered with future phases of development to mitigate the

lack of street connectivity between the planned UR area north of Garret Creek and the planned path and commercial areas.

A pedestrian accessway connecting the planned UR to the urban reserve area to the north of it shall be considered with future phases of development.

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

JACKSON COUNTY
Roads

Roads
Engineering

Chuck DeJanvier
Construction Engineer

200 Antelope Road
White City, OR 97503
Phone: (541) 774-6255
Fax: (541) 774-6295
DeJanvCA@jacksoncounty.org
www.jacksoncounty.org

May 5, 2020

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

RE: Comprehensive Plan Amendment to adopt an Urbanization Plan into the Neighborhood Element in conjunction with annexation to the City of Medford between Coker Butte Road – a County maintained road and Owen Drive – a City maintained road and to the east of Springbrook Road – a City maintained road and local access road
Planning File: UP-20-095 & ANNX-20-094

Dear Seth:

Thank you for the opportunity to comment on the request for a Comprehensive Plan Amendment to adopt an Urbanization Plan into the Neighborhood Element for approximately 88.73 acres of property located between Owen Drive and Coker Butter Road and east of Springbrook Road 37-1W-08 Tax Lots 300, 700, 800, 900 & 1000 and 38-1W-08-BA Tax Lots 100, 200, 300 & 400

The Urbanization Plan is filed in conjunction with an annexation request of approximately 79.6-acres of property and adjacent right-of-way. The County zoning designation of Exclusive Farm Use (EFU) will be changes to the City Single Family Residential-1 unit/acre (SFR-00) zoning district. The properties will be removed from the Medford Rural Fire Protection District #2. Jackson County Roads have the following comments:

1. As provided in the Urban Reserve Management Agreement (URMA) between City and County, please expand the annexation to include Coker Butte Road right-of-way. Then, following annexation, City is required to request jurisdiction of this portion of Coker Butte Road. 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 requested in Comment #1, without a jurisdictional transfer of Coker Butte Road to the City of Medford, Jackson County will require the following:

EXHIBIT E

a. Upon development, all existing road approaches from the property to Coker Butte Road will be closed. New approaches to Coker Butte Road will not be permitted.

b. Prepare a traffic impact study to be reviewed and approved by the County. This study shall address the safety impacts at the intersection of Coker Butte Road and Springbrook Road and impacts to Coker Butte Road including stopping sight distance, traffic queuing, storage lengths, need for dedicated turn lanes or a median turn lane, and impacts to the Coker Butte Road and Springbrook Road intersection. The study shall also address impacts to Arrowhead Drive and Crater Lake Avenue or other lessor order public roads if access is provided to these facilities. Mitigation measures for each identified issue should be provided and will be reviewed and approved by Jackson County.

c. As provided in the URMA, storm drain management within the annexed areas (including road right-of-way) become the responsibility of the City upon annexation.

3. Any new or improved roads inside the Urban Growth Boundary or expanded Urban Growth Boundary shall be permitted, inspected and become the sole jurisdiction of the City of Medford.

4. 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.

5. Jackson County Roads would like to review and comment on the hydraulic report including the calculations and drainage plan. Capacity improvements or on site detention, if necessary, shall be installed at the expense of the applicant. Upon completion of the project, the developer's engineer shall certify that construction of the drainage system was constructed per plan and a copy of the certification shall be sent to Jackson County Roads.

6. Coker Butte Road is a County Urban Minor Arterial road and is maintained by the County. The Average Daily Traffic count was 1,736 on July 24, 2018, 300' west of Foothill Road.

7. ADA curb ramps must be located wherever there are curbs or other barriers to entry from a pedestrian walkway or sidewalk, including any intersection where it is legal for a pedestrian to cross the street, whether or not there is any designated crosswalk.

8. The applicant shall submit construction plans to Jackson County Roads, so we may determine if county permits will be required.

9. Please note that while Springbrook Road is not currently within these limits, the northernmost 390 feet of Springbrook Road is a Local Access road, and is privately maintained.

10. 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,

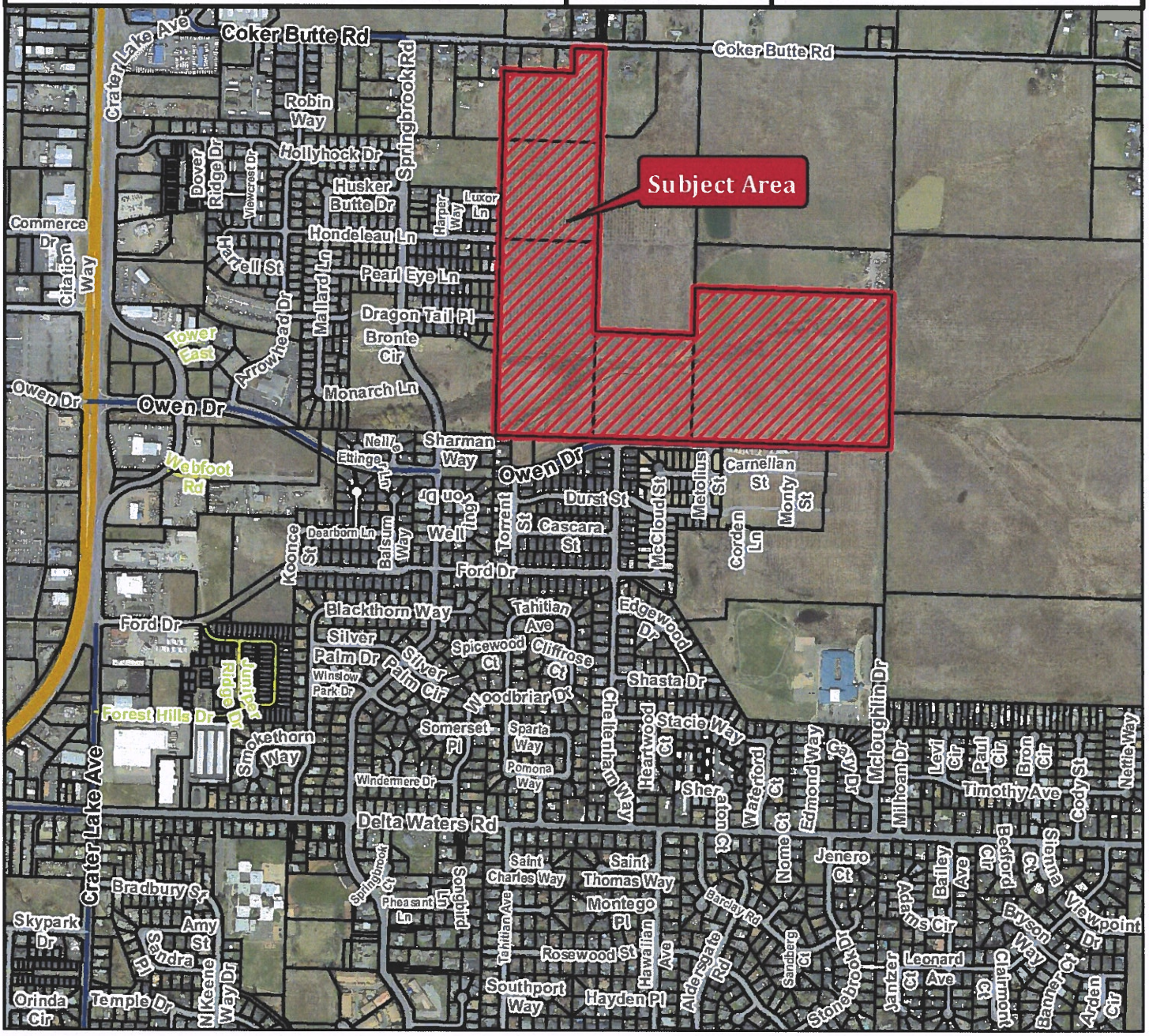
Chuck DeJanvier
Construction Engineer

MEDFORD PLANNING

Vicinity Map

File Number:

ANNX-20-094



Project Name:

Steven Skinner & Veritas Properties LLC Annexation

Map/Taxlot:

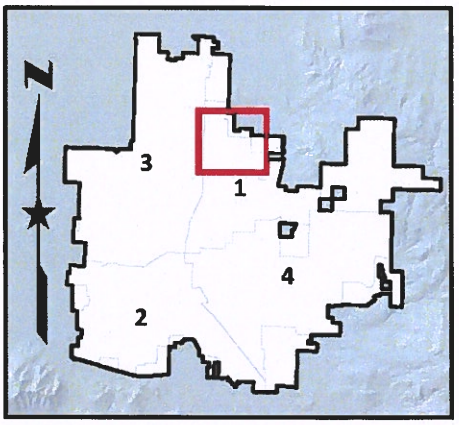
371W08 TL

300, 700, 800, 900 & 1000

0 750 1,500 Feet

Legend

Subject Area

Tax Lots

4/28/2020