# CITY COUNCIL AGENDA

MEDFORD OREGON

**September 17, 2020**
6:00 P.M.
Medford City Hall, Council Chambers
411 W. 8th Street, Medford, Oregon

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**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 Medford Parks and Recreation Foundation Scholarship Presentation**

**20.3 SOREDI Quarterly Report – Colleen Padilla**

**20.4 ODOT Quarterly Report – Gary Leaming**

**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 September 3, 2020 Regular Meeting and the September 10, 2020 Special Meeting**

**50. Consent Calendar**

**50.1 COUNCIL BILL 2020-118**

A RESOLUTION authorizing the issuance, sale, execution and delivery of limited tax revenue refunding bonds in one or more series, in an amount sufficient for the purpose of refunding all or a portion of certain outstanding obligations of the City and paying costs of issuance of such bonds; authorizing a pledge of the full faith and credit of the City; authorizing the execution and delivery of financing, legal and disclosure documents and such other agreements, certificates and documents as may be necessary and appropriate to carry out the refunding transaction; designating authorized representatives and delegating authority; and related matters.

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

**50.2 COUNCIL BILL 2020-119**
A RESOLUTION ratifying the Mayor's Administrative Order dated September 10, 2020 for a Fourth Extension of a Local State of Emergency in the City of Medford as a Result of COVID-19 Pandemic in effect through November 3, 2020.

**50.3 COUNCIL BILL 2020-120**
AN ORDINANCE approving a three-year service agreement contract in the amount of $225,012.33 with Cartegraph for work order tracking software.

**60. Items Removed from Consent Calendar**

**70. Ordinances and Resolutions**

**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 2020-121**
A RESOLUTION adopting the Seventh Supplemental Budget for the 2019-2021 biennium resulting in a $7,976,569 increase in appropriations for the 2019-2021 biennium.

**80.2 COUNCIL BILL 2020-122**
AN ORDINANCE approving an amendment to the Medford Comprehensive Plan, to adopt the Urbanization Plan for planning unit MD-5e into the Neighborhood Element for eight tax lots located east of North Phoenix Road and south of Coal Mine Road. (Tax lots 5000, 5001, 5002, 5100, 5200, 5201 and 5300 of 37-1W-34; and 300 of 38-1W-03). (UP-20-78) (Land Use, Legislative)

**80.3 COUNCIL BILL 2020-123**
AN ORDINANCE proclaiming annexation to the City of Medford of approximately 66.75 acres of property located east of North Phoenix Road and south of Coal Mine Road, and approximately 1500 feet of the abutting half right-of-way along Coal Mine Road. The

proposed annexation would change County zoning designation of Exclusive Farm Use (EFU) to City holding zoning designation of SFR-00 (Single-Family Residential - 1 dwelling unit per existing lot) with the Exclusive Agricultural (E-A) overlay, and would remove the property from Medford Rural Fire Protection District #2. (ANNX-20-079) (Land Use, Quasi-Judicial)

**90. Council Business**

**90.1 Proclamations issued**
**Constitution Week – September 17 - 23**

**90.2 Committee Reports and Communications**

a. Council Officers Update

b. Committee Reports and/or Communications

**100. City Manager and Staff Reports**

**100.1 Bail for Medford Municipal Court Citations**

**110. Adjournment**

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Item No: 50.1

**AGENDA ITEM COMMENTARY**

**DEPARTMENT:** Finance
**PHONE:** (541) 774-2030
**STAFF CONTACT:** Ryan Martin, CFO/Deputy City Manager

**AGENDA SECTION:** Consent Calendar
**MEETING DATE:** September 17, 2020

## COUNCIL BILL 2020-118

A RESOLUTION authorizing the issuance, sale, execution and delivery of limited tax revenue refunding bonds in one or more series, in an amount sufficient for the purpose of refunding all or a portion of certain outstanding obligations of the City and paying costs of issuance of such bonds; authorizing a pledge of the full faith and credit of the City; authorizing the execution and delivery of financing, legal and disclosure documents and such other agreements, certificates and documents as may be necessary and appropriate to carry out the refunding transaction; designating authorized representatives and delegating authority; and related matters.

## SUMMARY AND BACKGROUND

Council is requested to consider a resolution authorizing the issuance, sale, execution and delivery of tax revenue bonds to refund all or a portion of the $38,155,000 City of Medford, Oregon Limited Tax Revenue Bonds. The bonds were used to fund construction of the police station as well as three fire stations; it also refinanced a Parks bond.

## PREVIOUS COUNCIL ACTIONS

At the June 18, 2020 Council meeting, Council approved Resolution 2020-81 authorizing the execution and delivery of limited tax revenue and refunding bonds to finance all or a portion of the sports and events complex as well as refunding all or a portion of the City's Full Faith and Credit Refunding Bond, Series 2017.

## ANALYSIS

Existing market conditions will result in a lower interest rate on the bonds which will provide savings of approximately $200,000 per year.

Important dates of the debt issuance process are:

- September 2, 2020 – Due diligence and rating preparation calls
- September 4, 2020 – Rating presentation to Standard & Poors
- September 16, 2020 – Receive rating from rating agency
- September 17, 2020 – Staff presents resolution to Council for approval
- September 18, 2020 – Present Preliminary Official Statement to i-Deal and Parity
- September 30, 2020 – Bid opening
- October 4, 2020 – Closing; funds wired to City.

## FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Refinancing the bonds is anticipated to result in $200,000 per year in savings.

**TIMING ISSUES**
The approval of this resolution is required before the Preliminary Official Statement can be released, which is currently scheduled for September 18, 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 the issuance, sale, execution and delivery of the bonds, in one or more series, with a true interest cost on the bonds not to exceed 4% per annum for bonds designated as tax-exempt or 4.5% per annum for bonds designated as federally taxable.

**EXHIBITS**
Resolution

RESOLUTION NO. 2020-118

A RESOLUTION authorizing the issuance, sale, execution and delivery of limited tax revenue refunding bonds in one or more series, in an amount sufficient for the purpose of refunding all or a portion of certain outstanding obligations of the City and paying costs of issuance of such bonds; authorizing a pledge of the full faith and credit of the City; authorizing the execution and delivery of financing, legal and disclosure documents and such other agreements, certificates and documents as may be necessary and appropriate to carry out the refunding transaction; designating authorized representatives and delegating authority; and related matters.

WHEREAS, on June 18, 2020, the City Council of the City of Medford (the "City") approved Resolution No. 2020-81, pursuant to which the City authorized the execution and delivery of limited tax revenue and refunding bonds to (i) finance all or a portion of a sports and events complex including surrounding grounds (the "Sports and Events Complex"); (ii) refund all or a portion of the City's Full Faith and Credit Refunding Bond, Series 2017 (the "2017 Refunded Bonds") and (iii) pay certain costs of issuance of the Bonds relating to the financing of the Sports and Events Complex and the refunding of the 2017 Refunded Bonds (the "Sports and Events Complex Bonds");

WHEREAS, either separately or in connection with and as part of the proposed issuance of the Sports and Events Complex Bonds, the City has determined that it is in the best interest of the City to issue refunding bonds to advance refund all or a portion of its $38,155,000 City of Medford, Oregon Limited Tax Revenue Bonds, Series 2013 (the "Refunded Bonds");

WHEREAS, the Refunded Bonds were issued pursuant to Ordinance No. 2013-152, approved by the City Council on October 17, 2013, to finance the costs of the construction of improvements to U.S. Cellular Community Park, the construction of a new police headquarters, the relocation and rebuilding of multiple fire stations and to pay the costs of issuance and delivery of the Refunded Bonds (collectively, the "Refunded Bonds Project"); and

WHEREAS, the City is authorized by the laws of the State of Oregon, including, without limitation, Oregon Revised Statutes ("ORS") Section 287A.365, to issue advance refunding bonds to refund its outstanding bonds, to authorize the issuance of advance refunding by resolution as provided by ORS 287A.365(2) and ORS 287A.360(3), and, pursuant to ORS 287A.365(3) to secure such advance refunding bonds with any of the revenues and covenants that the City could have used to secure the Refunded Bonds under the law in effect when the Refunded Bonds were issued and with revenues and covenants that the City could have used to secure the Refunded Bonds if the laws that are in effect when the advanced refunding bonds are issued were in effect when the Refunded Bonds were issued; and

WHEREAS, the City has determined that under existing market conditions, the refunding of all or a portion of the Refunded Bonds will provide (i) annual total debt service payment reductions, (ii) favorable repayment restructuring of the City's outstanding debt, or (iii) a total true interest rate reduction resulting in debt service savings for the City; and

WHEREAS, the City desires to take advantage of current interest rate savings to refund all or any portion of the Refunded Bonds and to authorize the sale, issuance and delivery of limited tax revenue refunding bonds, in one or more series (the "Bonds"), together with or separate from the

Sports and Events Complex Bonds, in an aggregate principal amount necessary to (i) refund all or a portion of the Refunded Bonds and (ii) pay costs of issuance including, without limitation, the funding of any required reserves and payment of costs in connection with obtaining a Credit Enhancement Device (a "Credit Enhancement Device" as defined in ORS 287A.001) for the Bonds, if beneficial to the City (the "Project"); and

WHEREAS, pursuant to Section 32 of the City Charter, the City Council finds that it is for the best interests of the City that the Bonds have a maturity date of more than 10 years from the date of issuance of the Bonds; and

WHEREAS, the City is authorized by ORS 287A.315 to secure the Bonds with a pledge of the full faith and credit of the City; and

WHEREAS, it is in the best interests of the City to authorize the execution and delivery of one or more bond declarations to establish the terms and conditions of the issuance, sale, execution and delivery of the Bonds (the "Bond Declaration") and the preparation of any disclosure or offering documents (the "Official Statement") and such other offering and sale notices or purchase agreements, escrow deposit agreements, sale documents and any other agreements, certificates or documents to provide for the issuance, sale, execution and delivery of the Bonds to refinance the Refunded Bonds Project (collectively, the "Financing Documents"); and

WHEREAS, the City adopts this Resolution to authorize and provide for (i) the refunding of all or a portion of the Refunded Bonds, subject to market conditions and debt service savings to the City; (ii) the terms under which the City may sell the Bonds, in a combined aggregate principal amount sufficient for the purpose of refunding the Refunded Bonds; (iii) the sale of the Bonds through a competitive sale or negotiated sale process; (iv) the establishment of the terms of issuance, sale, execution and delivery of the Bonds, in one or more series, and at different times, pursuant to the Financing Documents; and (v) authorization of certain officials and employees of the City to take action on the City's behalf in connection with the Bonds authorized by this Resolution and the execution and delivery of the Financing Documents related to the Bonds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Medford as follows:

Section 1. Authorization of the Bonds. The City authorizes the issuance, sale, execution and delivery of the Bonds, in one or more series. The proceeds of the Bonds received by the City pursuant to the terms of the Financing Documents shall be used to pay all or a portion of the costs of the Project. The Bonds may be issued such that interest on any series of the Bonds is designated as tax-exempt or federally taxable by the Authorized Representative (defined below). The true interest cost on the Bonds issued shall not exceed 4.00% per annum for Bonds designated as tax-exempt or 4.50% per annum for Bonds designated as federally taxable. The terms and conditions for the purchase, sale, issuance, execution, delivery and administration of the Bonds shall be established consistent with the authorization of this Resolution.

Section 2. Authorized Representative. The City authorizes and directs the City Manager, Chief Financial Officer, or their respective designees (each, an "Authorized Representative"), each acting individually, to evaluate, negotiate, enter into, execute, deliver and otherwise implement on behalf of the City the terms and conditions for the purchase, sale, issuance,

execution, delivery and administration of the Bonds and the Financing Documents, as may in the judgment of such Authorized Representative be in the best interest of the City and in a manner consistent with and in furtherance of this Resolution.

Section 3. Security. The City pledges its full faith and credit and taxing powers as contemplated by ORS 287A.315 to the payment of the Bonds. The Bonds shall be secured by and payable from the City's general non-restricted revenues and other funds that are lawfully available for that purpose, including, the proceeds of the Bonds, subject to the limitations of sections 11 and 11b, Article XI of the Oregon Constitution, and revenues derived from other taxes, if any, levied by the City in accordance with and subject to limitations and restrictions imposed under applicable law or contract, that are not dedicated, restricted or obligated by law or contract to an inconsistent expenditure or use. The owners of the Bonds will not have a lien or security interest on any projects financed or refinanced with the proceeds of the Bonds.

Section 4. Form of Bonds. The Bonds shall be prepared by Bond Counsel in substantially the form approved by an Authorized Representative. The Bonds shall be subject to authentication, registration, payment, exchange and transfer as provided in the Financing Documents.

Section 5. Tax-Exempt Status and Covenant as to Arbitrage. The City covenants to use the proceeds of the Bonds designated as tax-exempt and the Refunded Bonds Project refinanced with the proceeds of the Bonds designated as tax-exempt, and to otherwise comply with the provisions of the Internal Revenue Code of 1986 (the "Code") so that the interest paid on the Bonds designated as tax-exempt will not be includable in gross income of the owners of such Bonds designated as tax-exempt for federal income tax purposes. The City specifically covenants:

(1) To comply with "arbitrage" provisions of Section 148 of the Code, and to pay any required rebates and penalties; and

(2) To use the Refunded Bonds Project refinanced with the proceeds of the Bonds designated as tax-exempt so that the Bonds designated as tax-exempt are not "private activity bonds" under Section 141 of the Code; and

(3) To comply with all reporting requirements.

The Authorized Representative may enter into covenants on behalf of the City to protect the tax-exempt status of the interest paid on any series of the Bonds designated as tax-exempt.

Section 6. Delegation for Establishment of Terms and Sale of the Bonds. Subject to the provisions of this Resolution and pursuant to ORS Section 287A.300, each Authorized Representative, acting singly, is authorized and directed, on behalf of the City without further approval of the Council to:

(a) Issue and sell the Bonds in one or more series and at the same or different times and establish maturity dates for such series of Bonds;

(b) Establish the principal and interest payment dates, principal amounts, optional and mandatory redemption provisions, if any, interest amounts, premium and/or discount, if any, denominations and all other terms for the Bonds;

(c) Make any designations with respect to the federal tax treatment of the Bonds as may be necessary or appropriate upon the advice of Bond Counsel; enter into any covenants with respect to the tax status of the Bonds; and execute and deliver a tax certificate with respect to the tax status of the Bonds designated as tax-exempt;

(d) At the direction of the Authorized Representative for any series of Bonds, either solicit competitive bids for any series of the Bonds and award the sale to the bidder the Authorized Representative determines offers the most favorable terms to the City, or select one or more underwriters or lenders and negotiate the sale of any series of Bonds to such underwriters or lenders;

(e) If any series of Bonds are sold through a negotiated sale, negotiate terms with the underwriter under which such series of Bonds shall be sold, and execute and deliver a purchase contract in the form approved by the Authorized Representative for such series of Bonds that incorporates those terms;

(f) Make any covenants necessary or desirable to obtain favorable financing terms on the Bonds in a manner consistent with and in furtherance of this Resolution;

(g) Negotiate the terms of, and execute and deliver the Financing Documents;

(h) Select all or any portion of the Refunded Bonds to be refunded and to call for redemption such Refunded Bonds to be redeemed from the proceeds of the Bonds on the earliest date the Refunded Bonds are subject to redemption and cause notice of defeasance and notice of redemption, as applicable, to be given as required by the terms of the Refunded Bonds;

(i) Participate in the preparation of and authorize the distribution of preliminary and final official statements (the "Official Statement") relating to any series of Bonds, and "deem final" the preliminary Official Statement;

(j) Provide for the authentication, registration, payment, exchange and transfer of the Bonds in the Financing Documents;

(k) Obtain credit ratings on the Bonds if determined by the Authorized Representative to be in the best interest of the City and expend Bond proceeds to pay for the ratings;

(l) Approve, execute and deliver any documents, agreements or certificates required to prepay the Refunded Bonds according to the terms of the documents authorizing the Refunded Bonds;

(m) Appoint an escrow deposit agent (the "Escrow Agent") for the Refunded Bonds, if necessary, in connection with any of the Refunded Bonds;

(n) Approve, execute and deliver an escrow deposit agreement with the Escrow Agent (the "Escrow Deposit Agreement") providing for the prepayment and defeasance of all or a portion of the Refunded Bonds and execute and deliver such other agreements, documents or certificates required to fund one or more irrevocable escrow deposit accounts (collectively, the "EDA Accounts") with cash or other securities as permitted or required by the legal documents related to the Refunded Bonds;

(o) Approve the form of the Bonds and take actions necessary to qualify the Bonds for the book-entry system of The Depository Trust Company ("DTC"), and provide for the authentication, registration, payment, exchange and transfer of the Bonds;

(p) Approve, execute and deliver a Continuing Disclosure Certificate pursuant to the Securities and Exchange Commission Rule 15c2-12;

(q) Approve, execute and deliver closing documents and certificates relating to the sale of the Bonds and the execution and delivery of the Bonds and the Financing Documents;

(r) Enter into covenants regarding the use of the proceeds of the Bonds received by the City pursuant to the Financing Documents and the use of the Refunded Bonds Project;

(s) Evaluate any proposals from providers of Credit Enhancement Devices for the Bonds, obtain a Credit Enhancement Device for the Bonds and execute and deliver agreements related to such Credit Enhancement Device and/or including representations, agreements and covenants in the Bonds or the Bond Documents with respect to such Credit Enhancement Device, all of which may provide for a Credit Enhancement Device provider to exercise certain rights of the owners of the Bonds, including providing consents and taking such actions as may be otherwise available to owners of the Bonds; and

(t) Execute and deliver a certificate specifying the actions taken pursuant to this Resolution, and any other certificates, documents or agreements that an Authorized Representative determines are desirable to execute and deliver the Financing Documents, the Official Statement, the Escrow Deposit Agreement and all other documents and agreements related to the Bonds and to sell and deliver the Bonds in accordance with this Resolution.

Section 7. Defeasance. The City may defease the Bonds pursuant to the terms of the Financing Documents.

Section 8. Redemption and Prepayment of the Refunded Bonds. Contingent solely on the issuance of the Bonds and subject to the terms of the documents authorizing the Refunded Bonds, the Authorized Representative is authorized to call for redemption or prepayment, as applicable, of all or any portion of the Refunded Bonds, as applicable, with a portion of the proceeds of the Bonds, together with funds on hand from the City, on the earliest dates they are subject to redemption or prepayment, as applicable. The Authorized Representative is further authorized to execute and deliver all agreements, certificates, documents and notices that are necessary and appropriate in connection with the redemption, prepayment and defeasance of all or any portion of the Refunded Bonds consistent with this Resolution and the applicable legal documents for the Refunded Bonds.

Section 9. Appointment of Bond Counsel and Municipal Advisor. The City hereby appoints Orrick, Herrington & Sutcliffe LLP of Portland, Oregon, as Bond Counsel to the City with respect to the Bonds, and Piper Sandler & Co., as municipal advisor with respect to the Bonds, and agrees to pay their respective fees associated with the issuance of the Bonds.

Section 10. Resolution to Constitute Contract. In consideration of the purchase and acceptance of any or all of the Bonds by the owners, the provisions of this Resolution shall be part of the contract of the City with the owners and shall be deemed to be and shall constitute a contract

between the City and the owners pursuant to ORS 287A.360, or any successor statute. The covenants, pledges and representations contained in this Resolution, or in the closing documents executed in connection with the Bonds, including without limitation the City's covenants and pledges contained in Section 3, Section 5 and Section 6, and the other covenants and agreements to be performed by or on behalf of the City shall be contracts for the equal benefit, protection and security of the owners, all of which shall be of equal rank without preference, priority or distinction of any of such Bonds over any other thereof, except as expressly provided in or pursuant to this Resolution.

Section 11. Effective Date of Resolution. This Resolution shall become effective immediately upon its passage by the Council and approval of the Mayor.

PASSED by the City Council of the City of Medford and signed by me in authentication of its passage this 17th day of September 2020.

ATTEST:_____ _____
City Recorder Mayor

APPROVED _____, 2020 _____
Mayor

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Item No: 50.2

AGENDA ITEM COMMENTARY

**DEPARTMENT:** Legal
**PHONE:** (541) 774-2020
**STAFF CONTACT:** Eric Mitton, Deputy City Attorney

**AGENDA SECTION:** Consent Calendar
**MEETING DATE:** September 17, 2020

## COUNCIL BILL 2020-119

A RESOLUTION ratifying the Mayor's Administrative Order dated September 10, 2020 for a Fourth Extension of a Local State of Emergency in the City of Medford as a Result of COVID-19 Pandemic in effect through November 3, 2020.

## SUMMARY AND BACKGROUND

Council is requested to consider a resolution ratifying an extension of the Declaration of a Local State of Emergency until November 3, 2020.

## PREVIOUS COUNCIL ACTIONS

On March 19, 2020, Council approved Resolution 2020-36, ratifying the Mayor's Declaration of Emergency.

On March 19, 2020, Council approved Resolution 2020-37, temporarily increasing the City Manager's signing authority to $250,000.

On May 7, 2020, Council ratified the first extension of the Emergency Declaration.

On June 4, 2020, Council ratified the second extension of the Emergency Declaration.

On July 16, 2020, Council ratified the third extension of the Emergency Declaration.

## ANALYSIS

The COVID-19 pandemic is continuing and the State of Oregon remains in a declared state of emergency. The City of Medford's Declaration of a Local State of Emergency facilitates more efficient direction of City resources, authorizes temporary measures such as temporary transitional housing and temporary use of parking spaces by private businesses, and may help facilitate reimbursement from state or federal sources.

## FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Extending the Emergency Declaration does not have any direct costs to the City, and might potentially facilitate reimbursement from state or federal sources.

## TIMING ISSUES

The Emergency Declaration is currently scheduled to expire on September 30, 2020.

## COUNCIL OPTIONS

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

## STAFF RECOMMENDATION

Staff recommends approval of the resolution.

## SUGGESTED MOTION

I move to approve the resolution ratifying the extension of the Emergency Declaration through November 3, 2020.

## EXHIBITS

Resolution
Mayor's Fourth Extension of Declaration of a Local State of Emergency for COVID-19

RESOLUTION NO. 2020-119

A RESOLUTION ratifying the Mayor's Administrative Order dated September 10, 2020 for a Fourth Extension of a Local State of Emergency in the City of Medford as a Result of COVID-19 Pandemic in effect through November 3, 2020.

WHEREAS, the Mayor of the City of Medford declared a local state of emergency on March 16, 2020 and that Administrative Order was ratified by the City Council on March 19, 2020 via Resolution 2020-36. The Mayor signed an Administrative Order dated April 30, 2020 Extending a Local State of Emergency in the City of Medford as a Result of COVID-19 Pandemic and that Administrative Order was ratified by the City Council on May 7, 2020 via Resolution No. 2020-53. The Mayor signed an Administrative Order dated May 29, 2020 for a Second Extension of a Local State of Emergency in the City of Medford as a Result of COVID-19 Pandemic and that Administrative Order was ratified by the City Council on June 4, 2020 via Resolution No. 2020-72. On July 9, 2020 the Mayor signed an Administrative Order for a Third Extension of a Local State of Emergency in the City of Medford as a Result of COVID-19 Pandemic and that Order was ratified by the City Council via Resolution No. 2020-93 on July 16, 2020. And on September 10, 2020, the Mayor signed an Administrative Order for a Fourth Extension of a Local State of Emergency in the City of Medford as a Result of COVID-19 Pandemic, to remain in effect until November 3, 2020, an end date which coincides with most recent Order from the Governor, Executive Order 20-38, dated September 1, 2020;

WHEREAS, declarations of emergency by the Mayor, including any extensions of the declaration, must be ratified by City Council pursuant to Medford Municipal Code 12.050; and

WHEREAS, City Council is in full agreement with the Declaration, and all the contents thereof, and desires to ratify and extend the Declaration; now, therefore,

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

Section 1. The Mayor's Administrative Order dated September 10, 2020 for a Fourth Extension of a Local State of Emergency in the City of Medford as a Result of COVID-19 Pandemic, in effect through November 3, 2020 and attached hereto, is hereby ratified.

Section 2. This Resolution shall become effective immediately upon its passage by the Council and approval of the Mayor.

PASSED by the Council and signed by me in authentication of its passage this 17th day of September, 2020.

ATTEST: _____ _____

City Recorder Mayor

MEDFORD
MAYOR

ADMINISTRATIVE ORDER DATED SEPTEMBER 10, 2020
of the
Mayor of the City of Medford, Oregon

**FOURTH EXTENSION OF A LOCAL STATE OF EMERGENCY IN THE CITY OF MEDFORD AS A RESULT OF COVID-19 PANDEMIC**

The Mayor of the City of Medford finds that:

A. The following conditions have resulted in the need for a local state of emergency declaration and an extension of that declaration.

B. COVID-19 (novel coronavirus) was declared a pandemic by the World Health Organization on March 11, 2020.

C. Coronavirus are a group of viruses that can cause respiratory disease, with the potential to cause serious illness or loss of life for individuals with underlying health conditions.

D. COVID-19 requires a significant amount of resources at the local level to keep the public and community informed and as safe as possible.

E. On March 8, 2020, Governor Kate Brown declared a state of emergency due to the COVID-19 outbreak in Oregon (Executive Order No. 20-03), finding that COVID-19 has created a threat to public health and safety, and constitutes a statewide emergency under ORS 401.025(1). Governor Brown also issued guidance on March 12, 2020 regarding group gatherings and social distancing to minimize potential opportunities for COVID-19 to spread (Executive Order No. 20-05), and on March 23, 2020 she ordered citizens to stay at home, to the maximum extent possible; mandated closure of non-essential businesses where close personal contact is difficult to avoid; and required the closure of governmental offices to the public (Executive Order No. 20-12). Since March of 2020, Governor Brown has issued a series of executive orders attempting to stem the spread of COVID-19 and extending the state of emergency declaration. The most recent Order from the Governor, Executive Order 20-38, dated September 1, 2020, extends the state of emergency through November 3, 2020, unless extended or earlier terminated.

F. The unknown duration of the COVID-19 pandemic has caused, and will continue to cause, significant financial impact to the community.

G. I have been in regular contact with local agency leaders and public health experts, including the Jackson County Health Services Director for countywide information and updates. The City has been closely monitoring updated information for the state through the Oregon Health Authority (OHA), and the Centers for Disease Control (CDC) for U.S. updates. The primary focus at the City is to restrict the spread of COVID-19 and to maintain the health of our workforce so the City can continue to provide crucial City services.

H. Pursuant to ORS 401.309(1), the governing body of a city may declare, by ordinance or resolution, that a state of emergency exists within the city.

I. Pursuant to MMC Chapter 12, if the Mayor determines that a state of emergency exists, the City may declare a state of emergency when there exists "any human caused or natural event or circumstances causing or threatening loss of life, injury to person or property, human suffering or financial loss, and includes, but is not limited to, fire, explosion, flood, severe weather, earthquake, spills or releases of oil or hazardous material, contamination, disease, civil disturbance, terrorism, riot, or the interruption of essential public services." MMC 12.060 sets out the actions the City can take, which include appropriate financial and procurement procedures and various actions to address human suffering and financial loss resulting from emergencies. I made an initial declaration of such on March 16, 2020.

J. Pursuant to MMC 12.050(1), the City Council ratified the emergency declaration at its March 19, 2020 regular meeting.

K. On April 30, 2020, I extended the emergency declaration through May 28, 2020 and Council ratified this extension on May 7, 2020. On May 29, 2020, I extended the emergency declaration through July 31, 2020 and Council ratified this second extension on June 4, 2020. On July 9, 2020, I extended the emergency declaration for a third time through September 30, 2020 and Council ratified this extension on July 16, 2020.

L. Although protective measures have effectively reduced the impact and spread of the pandemic to date, the virus remains a real threat to our citizens' health and safety.

M. The State of Oregon remains in a declared state of emergency, and the Governor has implemented a three-phase process for the gradual lifting of restrictions over a period of time in order to more safely transition out of emergency, while protecting the safety of the public and our workers.

N. The City of Medford is engaged in a phased transition; staff implemented a phase-one plan in compliance with the Governor's phased re-opening process and subsequently has progressed to a phase-two plan in compliance with the Governor's phased re-opening process.

O. The ongoing pandemic, a surge in state and local COVID-19 infections and the need for social distancing and other medically-recommended restrictions necessitate a fourth extension of the City's March 16, 2020 emergency declaration.

Now, therefore, based on the above findings, THE MAYOR OF THE CITY OF MEDFORD ORDERS THAT:

1. A Local State of Emergency is declared to continue to exist throughout the City of Medford.

2. This extended Declaration of Local State of Emergency is effective immediately and shall remain in effect until November 3, 2020, but may be further extended so long as COVID-19 continues to pose an ongoing, immediate, and substantial threat to life, safety, health, or property in the City of Medford.

3. The operative provisions of the March 16, 2020 declaration of emergency are adopted by reference as if fully set forth herein.

4. All subsequent resolutions and administrative orders related to the March 16, 2020 declaration of emergency are adopted by reference as if fully set forth herein. These include, without limitation, the following, and any other emergency orders instituted by the City of Medford during the COVID-19 pandemic.
   a. Resolution No. 2020-37, under which City Council approved increasing the signing authority of City Manager to $250,000, with contracts larger than $250,000 reviewable by the Finance Committee.
   b. City Manager Administrative Order dated March 30, 2020 authoring temporary transitional housing at 711 Central Avenue until the state of emergency ends.
   c. City Manager Executive Order 2020-01 dated June 12, 2020, authorizing use of on-street parking spaces as expanded outdoor business space.
   d. City Manager Executive Order 2020-02 dated July 16, 2020 authorizing limited, temporary suspension of enforcement of off-street parking requirements.

Dated this 10th day of September, 2020.

Mayor, City of Medford

Ratified by City Council action on this _____ day of September, 2020.

ATTEST: _____
City Recorder, City of Medford

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Item No: 50.3

AGENDA ITEM COMMENTARY

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

**AGENDA SECTION:** Consent Calendar
**MEETING DATE:** September 17, 2020

**COUNCIL BILL 2020-120**
AN ORDINANCE approving a three-year service agreement contract in the amount of $225,012.33 with Cartegraph for work order tracking software.

**SUMMARY AND BACKGROUND**
Council is requested to consider approval of a three-year service agreement with Cartegraph for work order tracking software.

All previous Cartegraph agreements were annual and the amounts were within the City Manager's purchasing authority. This three-year agreement exceeds the City Manager's purchasing authority.

The Public Works Department Operations Division started using Cartegraph work order tracking software in 2007. This is a Geographical Information System (GIS)-based software that enables employees in the field to record work performed and review all data, i.e., year of installation, materials, pictures, videos, maintenance history, etc. In the past, the software license has been renewed annually.

Over the past four years, the cost of the one-year Cartegraph service agreements has increased a minimum of 5% each year.

**PREVIOUS COUNCIL ACTIONS**
On June 6, 2019, Council Bill 2019-45 was approved adopting the 2019-2021 Biennium Budget for the City of Medford and making appropriations thereunder.

**ANALYSIS**
Cartegraph software is used to track maintenance, repairs, replacements, upgrades, and new installations to new or existing assets in a GIS format accessible by field crews and office staff. Examples of infrastructure attributes tracked include: 1) sewer line patching, cleaning, video inspection, and cured in place pipe; 2) sign retroreflectivity and sign maintenance; 3) storm line cleaning, video inspection, patching, and new development inspections; 4) asphalt paving, manhole adjustments, curb and gutter repair, and Americans with Disabilities Act (ADA) ramp repairs; 5) street light poles repaired/replaced, luminaires repaired/replaced, signal heads maintained, and loops and signal cameras maintained.

If this agreement is approved, the City will pay a total of $225,012.33 over three years. It is anticipated that the three-year agreement will save the City approximately $9,000 over the term of the agreement.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**
Expenditure of $225,012.33 over three years. The expense for the first year is included in the Public Works Department Operations Division Materials & Services line item on page 9-22 of the Adopted Biennial Budget 2019-2021. The expense for the remaining years will be included in the next biennial budget proposal.

**TIMING ISSUES**
The current agreement expires on September 15, 2020.

**COUNCIL OPTIONS**
Approve the ordinance as presented.
Modify the ordinance as presented.
Deny the ordinance and provide direction to staff.

**STAFF RECOMMENDATION**
Staff recommends approval of the ordinance.

**SUGGESTED MOTION**
I move to approve the ordinance for a three-year service agreement with Cartegraph.

**EXHIBITS**
Ordinance
The Cartegraph agreement is on file in the City Recorder's Office

ORDINANCE NO. 2020-120

AN ORDINANCE approving a three-year service agreement contract in the amount of $225,012.33 with Cartegraph for work order tracking software.

WHEREAS, the Public Works Department Operations Division started using Cartegraph work order tracking software in 2007;

WHEREAS, the software is a GIS-based software enabling employees in the field to record work performed and to track information regarding maintenance, repairs, replacements, upgrades, and installations to new or existing Public Works assets, including data about the year of installation, materials, pictures, videos, maintenance history, and other details; and

WHEREAS, the City anticipates saving approximately $9,000 over the term of the three-year agreement; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

The Council hereby approves a three-year service agreement contract, on file in the City Recorder's office, in the amount of $225,012.33 with Cartegraph for work order tracking software.

PASSED by the Council and signed by me in authentication of its passage this 17th day of September, 2020.

ATTEST:_____ _____
City Recorder Mayor

APPROVED _____, 2020 _____
Mayor

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Item No: 80.1

**AGENDA ITEM COMMENTARY**

**DEPARTMENT:** Finance
**PHONE:** (541) 774-2030
**STAFF CONTACT:** Ryan Martin, CFO/Deputy City Manager

**AGENDA SECTION:** Public Hearings
**MEETING DATE:** September 17, 2020

**COUNCIL BILL 2020-121**
A RESOLUTION adopting the Seventh Supplemental Budget for the 2019-2021 biennium resulting in a $7,976,569 increase in appropriations for the 2019-2021 biennium.

**SUMMARY AND BACKGROUND**
Council is requested to consider a seventh supplemental budget for the 2019-21 biennium which will affect five departments and six funds. The total impact is a $7,976,569 increase in appropriations for the 2019-21 biennium. ORS 294.471 provides for a Supplemental Budget process.

This supplemental budget is being presented in a public hearing due to the Federal Forfeitures, State Forfeitures, Street Improvement and Community Promotion Funds increasing appropriations by more than 10%. When this occurs, a public hearing is required.

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

**ANALYSIS**

**Fire**

Supplemental Budget
The Fire Department is requesting a supplemental budget to recognize and appropriate unanticipated revenue from three items:

- Receipts of $119,455 from the Oregon State Fire Marshall as reimbursement for the October 2019 California PCA 47126 Wildfire deployment. The department responded with five personnel, one engine and one staff vehicle to the Kincade, CA conflagration from October 27, 2019 through November 2, 2019. Funds will be used to offset overtime costs and purchase firefighting equipment.
- Receipts of $7,935 from the State Fire Marshal for a hazardous materials fuel tank rollover response on Antioch Rd., White City on August 5, 2019. The City was reimbursed for call back personnel, vehicles, equipment, and communication expenses. Funds will be used to purchase firefighting equipment.
- Country Financial, in an effort to support their local public safety, donated $1,500 to the Fire Department to purchase personal protective equipment.

Financial Impact to Budget:
$128,890 increase to General Fund Grants (Fund 100)
$100,000 increase to General Fund Personnel Services (Fund 100)
$ 28,890 increase to General Fund Materials & Services (Fund 100)

## Planning

### Supplemental Budget

The Planning Department is requesting a supplemental budget to recognize and appropriate unanticipated revenue from three items:

- On June 5, 2020, the planning Department received a Planning Assistance grant award from the Oregon Department of Land Conservation and Development for the 2019-2021 biennium. A consultant will be hired to assist with updating the City's Housing Needs Analysis and creating a Housing Production Strategy prototype. The grant consists of $40,000 toward the Housing Needs Analysis and $45,000 for the housing Production Strategy. The consultant will be paid directly by the State of Oregon.
- City Council approved recognition of $116,693.68 in Neighborhood Stabilization Program (NSP) income into the Community Development Block Grant (CDBG) fund instead of the General Fund, through the adoption of the CDBG Action Plan on May 7, 2020. The US Department of Housing and Urban Development (HUD) in a letter dated June 9, 2020 approved recognizing NSP income in the CDBG fund, as well as the Oregon Housing and Community Services in an email dated June 29, 2020. These funds will now be administered under HUD's CDBG regulations.
- The City received additional CDBG funds in the amount of $432,691through the CARES Act to respond to, prevent, and prepare for COVID-19. Per HUD guidance, the City expedited the distribution process by submitting a CARES Act Amendment to the 2019/20 Action Plan, which was adopted by Council on June 18, 2020 under Resolution 2020-83. The City has received a signed funding approval/agreement from HUD and awaits final release of funds. The full requested change will be allocated to 2019/20 public service programs.

Financial Impact to Budget:

$ 85,000.00 increase to General Fund Grants (Fund 100)
$ 85,000.00 increase to General Fund Materials & Services (Fund 100)
$549,384.68 increase to CDBG Revenue (Fund 731)
$549,384.68 increase to CDGB projects (Fund 73)

## Police

### Supplemental Budget

The Police Department is requesting a supplemental budget to recognize and appropriate unanticipated revenue from four items:

- State Forfeiture Revenue in the amount of $96,000 for several items approved by the MADGE Board at their July 28, 2020 meeting. Items include:
  - Rental of marijuana disposal equipment, such as tractors, backhoes and excavators to prepare seized illegal marijuana plants for eventual destruction at the local landfill ($25,000).

  - Purchase a fully outfitted vehicle to replace the oldest IMET detective vehicle in the fleet that is out of warranty and has many repair issues ($45,000).
  - Purchase of four vented chemical storage cabinets for marijuana drying ($12,000).
  - Purchase of a Light Lab Cannabis Analyzer that can test the THC level in cannabis to immediately differential between marijuana and hemp. Currently, a private lab is used to conduct this service, which is expensive and can take several days or weeks to receive results ($14,000).
- Federal Forfeiture Revenue in the amount of $447,500 for several items approved by the MADGE Board at their July 28, 2020 meeting. Items include:
  - Southern Oregon High Tech Crimes Task Force (SOHTCTF) server ($120,000) and software renewals ($15,000).
  - Vehicles, including replacement of the SOHTCTF manager's vehicle ($50,000) that is near the end of its useful life and is being returned to the FBI, and replacement of four CSO trucks to replace aging vehicles ($125,000).
  - MPD sponsored interview/interrogation training for law enforcement agencies in Jackson County. This training includes cognitive evidence-based interviewing techniques to change the culture of the interview and is court defensible ($10,000).
  - Replacement of four sniper SWAT rifles that are outdated and do not meet current national standards and trends ($25,500).
  - Purchase of a skid-steer high capacity tractor/trailer for use by the narcotic enforcement teams for illegal marijuana removal, as well as by the Livability Team for brush-clearing along the Greenway ($102,000).
- Edward Byrne Memorial Justice Grant in the amount of $170,003 to fund COVID emergency response. It includes the purchase of COVID-19 tests for jail inmates and staff ($102,400) as well as laptop computers for teleworking staff members to effectively accomplish their duties and responsibilities regardless of work location ($67,603).
- Oregon Criminal Justice Commission Coronavirus Emergency Funding Grant in the amount of $20,000. Funds will be used to purchase laptops for teleworking employees ($13,800) and personal protective equipment ($6,200).

Financial Impact to Budget:
$190,003 increase to General Fund Revenue (Fund 100)
$447,500 increase to Federal Forfeiture Revenue (Fund 201)
$ 96,000 increase to State Forfeiture Revenue (Fund 202)
$190,003 increase to General Fund Job Ledger (Fund 100)
$ 25,000 increase to Federal Forfeiture Job Ledger (Fund 201)
$422,500 increase to Federal Forfeiture Fund Capital Outlay (Fund 201)
$ 37,000 increase to Federal Forfeiture Job Ledger (Fund 201)
$ 59,000 increase to Federal Forfeiture Fund Capital Outlay (Fund 201)

**Mayor and Council**

**Supplemental Budget**

The Mayor and Council Department is requesting a supplemental budget to recognize and appropriate unanticipated revenue from the County in the amount of $29,791.09 for the transitional housing campground. The funds will be used by Rogue Retreat for campground operating expenses.

Financial Impact to Budget:
$29,791.09 increase to General Fund Intergovernmental Revenue (Fund 100)
$29,791.09 increase to General Fund Materials & Services (Fund 100)

**Public Works**

**Supplemental Budget**

The Public Works Department is requesting a supplemental budget to recognize and appropriate $6,450,000 in revenue from a jurisdictional exchange from the County to the City for the Crater Lake Ave/Hwy 62 Bypass to pay for maintenance over the next 20 years. The majority of the funding is being placed in contingency ($5,210,000). Expenditures this year include $1,000,000 for the Commerce Turn-Around project and $240,000 for crack sealing and signing/striping Highway 62 from Delta Waters to the Urban Growth Boundary (approximately Dillon Way).

Financial Impact to Budget:
$6,210,000 increase to Street Improvement Revenue (Fund 550)
$ 240,000 increase to Street Utility Revenue (Fund 500)
$1,000,000 increase to Street Improvement Materials and Services (Fund 550)
$5,200,000 increase to Street Improvement Contingency (Fund 550)
$ 240,000 increase to Street Utility Materials and Services (Fund 500)

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

The proposed resolution will increase appropriations. Impacts for each fund is as follows:

| Fund | Existing Appropriations | New Appropriations |
|---|---|---|
| 100 | $0 | $433,684 |
| 201 | $0 | $447,500 |
| 202 | $0 | $96,000 |
| 500 | $0 | $240,000 |
| 550 | $0 | $6,210,000 |
| 731 | $0 | $549,385 |

**TIMING ISSUES**

None.

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

**STAFF RECOMMENDATION**
Staff recommends approval of the resolution.

**SUGGESTED MOTION**
I move to approve the resolution (as outlined in the attached exhibit).

**EXHIBITS**
Resolution
Supplemental Budget Request

RESOLUTION NO. 2020-121

A RESOLUTION adopting the Seventh Supplemental Budget for the 2019-2021 biennium resulting in a $7,976,569 increase in appropriations for the 2019-2021 biennium.

WHEREAS, on June 6, 2019, City Council approved Resolution 2019-45 adopting the 2019-2021 Biennium Budget;

WHEREAS, City Council has previously approved supplemental budgets on August 1, 2019, (Resolution 2019-78); September 19, 2019 (Resolution 2019-105); December 19, 2019 (Resolution 2019-132); March 19, 2020 (Resolution 2020-33); May 21, 2020 (Resolution 2020-64); and on June 18, 2020 (Resolution 2020-84); and

WHEREAS, a supplemental budget is required to change appropriations in certain circumstances under ORS 294.471; now, therefore,

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

Section 1. The City Council hereby adopts the Seventh Supplemental Budget for the 2019-2021 biennium.

Section 2. The City Council hereby makes the new appropriations and transfers of appropriations for the 2019-2021 biennium in the amounts and for the purposes shown on the Supplemental Budget Adjustment form, which is attached hereto as Exhibit A and incorporated herein by reference.

Section 3. This Resolution shall become effective immediately upon its passage by the Council and approval of the Mayor.

PASSED by the Council and signed by me in authentication of its passage this 17th day of September, 2020.

ATTEST: _____ _____

City Recorder Mayor

**CITY OF MEDFORD**

## SUPPLEMENTAL BUDGET REQUEST PER ORS 294.471

Requesting Department: Finance

Biennium: **BN2019-21**

Date of Proposed Council Action:

Date: **September 17, 2020**

Explanation of Requested Transfer: See AIC

| Account Number | Description | Project Number | Debit | Credit |
|---|---|---|---|---|
| 1000000-4310201 | State Grants | | | 119,455.00 |
| 1000000-4310207 | State Misc. Grant | | | 7,935.00 |
| 1000000-4310301 | Private Agency Grant | | | 1,500.00 |
| 1002220-6101002 | Overtime-Fire | | 100,000.00 | |
| 1002220-6302430 | Operating Tools & Mat'l | | 27,390.00 | |
| 1002220-6302431 | Safety Equipment | | 1,500.00 | |
| | | | | |
| 1000000-4310201 | State Grants | | | 85,000.00 |
| 1001810-6302214 | Job Ledger | DLCIGA19123 | 85,000.00 | |
| 7310000-4310108 | CDBG Program Income | | | 116,693.68 |
| 7316110-6302214 | Job Ledger | GAD1007731 | 116,693.68 | |
| 7310000-4310101 | Federal CDBG Grant | | | 432,691.00 |
| 7316110-6302214 | Job Ledger | GAD1004731 | 432,691.00 | |
| | | | | |
| 2020000-4310109 | State Forfeiture | PFM0067202 | | 96,000.00 |
| 2022122-6302214 | Job Ledger | Various | 37,000.00 | |
| 2022122-6404100 | Capital Outlay | | 59,000.00 | |
| 2010000-4310109 | Federal Forfeiture | | | 447,500.00 |
| 2012122-6302214 | Job Ledger | Various | 25,000.00 | |
| 2012122-6404100 | Capital Outlay | PFM0072201 | 422,500.00 | |
| 1000000-4310105 | Fed LLEBG/JAG/Byrne | | | 170,003.00 |





EXHIBIT A

| Account Number | Description | Project Number | Debit | Credit |
|---|---|---|---|---|
| 1002110-6302214 | Job Ledger | PJB0020100 | 170,003.00 | |
| 1000000-4310201 | State Grants | | | 20,000.00 |
| 1002110-6302214 | Job Ledger | PCJ1920100 | 20,000.00 | |
| | | | | |
| 1000000-4411001 | Intergovernmental Revenue | | | 29,791.09 |
| 1001110-6302101 | Contracted Services | | 29,791.09 | |
| | | | | |
| 5500000-4411001 | Intergovernmental Revenue | | | 6,210,000.00 |
| 5000000-4411001 | Intergovernmental Revenue | | | 240,000.00 |
| 5503310-6302101 | Contract Services | | 1,000,000.00 | |
| 5003120-6302551 | Pavement Maintenance | | 200,000.00 | |
| 5003121-6302430 | Operating Tools & Mat'ls | | 40,000.00 | |
| 5501590-6909099 | Continency | | 5,210,000.00 | |
| | | | | |
| **TOTALS** | | | **7,976,568.77** | **7,976,568.77** |



Approved by

**Chief Financial Officer** **City Manager**

| Fund | Existing appropriations | New Appropriations | | Total Appropriation Including Contingency |
|---|---|---|---|---|
| 100 | | 433,684 | | 151,038,680 |
| 201 | | 447,500 | | 807,300 |
| 202 | | 96,000 | | 498,000 |
| 500 | | 240,000 | | 19,998,150.00 |
| 550 | | 6,210,000 | | 4,081,600.00 |
| 731 | | 549,385 | | 1,793,490.00 |
| | | | Cross Check | |
| | - | 7,976,569 | 7,976,569 | |
| | | | 7,976,569 | |



EXHIBIT A

MEDFORD
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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:** September 17, 2020

**COUNCIL BILL 2020-122**
AN ORDINANCE approving an amendment to the Medford Comprehensive Plan, to adopt the Urbanization Plan for planning unit MD-5e into the Neighborhood Element for eight tax lots located east of North Phoenix Road and south of Coal Mine Road. (Tax lots 5000, 5001, 5002, 5100, 5200, 5201 and 5300 of 37-1W-34; and 300 of 38-1W-03). (UP-20-78) (Land Use, Legislative)

**SUMMARY AND BACKGROUND**
Council is requested to consider a Comprehensive Plan Amendment to adopt an Urbanization Plan for planning unit MD-5e into the Neighborhood Element for eight tax lots located south of Coal Mine Road and east of North Phoenix Road (Tax Lots 371W34 5000, 5001, 5002, 5100, 5200, 5201, 5300 & 381W03 300).

The Planning Commission voted 7-0 in favor of the Urbanization Plan at their August 13, 2020, hearing. (File No. UP-20-078)

**PREVIOUS COUNCIL ACTIONS**
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.

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

**ANALYSIS**
Urbanization plans are high level master plans 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 subject planning unit is approximately 74.6 acres in size. The properties were adopted into the Urban Growth Boundary in 2016 and have two General Land Use Plan (GLUP) designations including Urban High Density Residential and Commercial. The applicant proposes to change approximately 4.05 acres of land from the Commercial designation to the Urban High Density Residential designation. There is one single family home located on one of the subject lots. The majority of the land is vacant and has been used for agricultural purposes.

The proposal provides for the future extensions of streets from two northerly subdivisions including Packhorse Street, Quarter Lane, and Stanford Avenue. The applicant also proposes three future unnamed east-west streets to extend between North Phoenix Road and Stanford Avenue.

The Urbanization Plan proposes construction of 420 dwelling units within the Urban High Density Residential General Land Use Plan designation. This complies with Performance Indicator 4.1.5 of the Regional Plan Element which requires a minimum residential density of 6.6 dwelling units per acre across the entire MD-5 Urban Reserve.

The plan submitted proposes open space which complies with the 19 percent land use allocation required by the Regional Plan Element. The 14.1 acres of open space could provide a location for a future park. However, there are no plans for a park at this time and approval of the Urbanization Plan does not obligate the City to accept or develop open space as public parks and recreation facilities in the future.

The application was filed in conjunction with an annexation request (ANNX-20-079).

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**
None.

**TIMING ISSUES**
None.

**COUNCIL OPTIONS**
Approve the ordinance as presented.
Modify the ordinance as presented.
Decline to approve the ordinance as presented and provide direction to staff.

**STAFF RECOMMENDATION**
Staff recommends approval of the urbanization plan.

**SUGGESTED MOTION**
I move to adopt the ordinance incorporating the urbanization plan for planning unit MD-5e into the Neighborhood Element of the Comprehensive Plan.

**EXHIBITS**
Ordinance
UP-20-078 Council Report, including Exhibits A through R
UP-20-078 Vicinity Map

ORDINANCE NO. 2020-122

AN ORDINANCE approving an amendment to the Medford Comprehensive Plan, to adopt the Urbanization Plan for planning unit MD-5e into the Neighborhood Element for eight tax lots located east of North Phoenix Road and south of Coal Mine Road. (Tax lots 5000, 5001, 5002, 5100, 5200, 5201 and 5300 of 37-1W-34; and 300 of 38-1W-03). (UP-20-78)

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-5e into the Neighborhood Element for eight tax lots located east of North Phoenix Road and south of Coal Mine Road. (Tax lots 5000, 5001, 5002, 5100, 5200, 5201 and 5300 of 37-1W-34; and 300 of 38-1W-03); the application was accompanied by annexation request file number ANNX-20-079;

WHEREAS, the subject properties identified as planning unit MD-5e are located in southeast Medford and contain approximately 74.6 acres. The properties were included in the amended UGB adopted in 2016 and were designated with two General Land Use Plan (GLUP) designations: Urban High Density Residential (UH) and Commercial (CM). The existing uses include a residence along Coal Mine Road and agriculture;

WHEREAS, at an August 13, 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 September 17, 2020; and

WHEREAS, the City Council has determined that the proposed Urbanization Plan for Planning Unit MD-5e satisfies the applicable criteria as demonstrated by the Findings and Conclusions included in the Council Report dated September 10, 2020 on file in the Planning Department; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. The Findings and Conclusions regarding the applicable criteria as set forth in the Council Report dated September 10, 2020 are hereby approved and adopted.

Section 2. The City Council hereby approves the application requesting amendment of the Medford Comprehensive Plan to adopt an Urbanization Plan for planning unit MD-5e into the

Neighborhood Element for eight tax lots located east of North Phoenix Road and south of Coal Mine Road, as specifically described and identified in Exhibit Q to the September 10, 2020 Council Report. Exhibit Q, on file in the Planning Department, is incorporated herein by this reference.

PASSED by the Council and signed by me in authentication of its passage this 17th day of September, 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.

## Contents


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10.2 Southeast Circulation Plan ..... 18

10.3 Bear Creek Master Plan ..... 41

10.4 Urbanization Planning ..... 42

10.5 Liberty Park Neighborhood Plan ..... 53

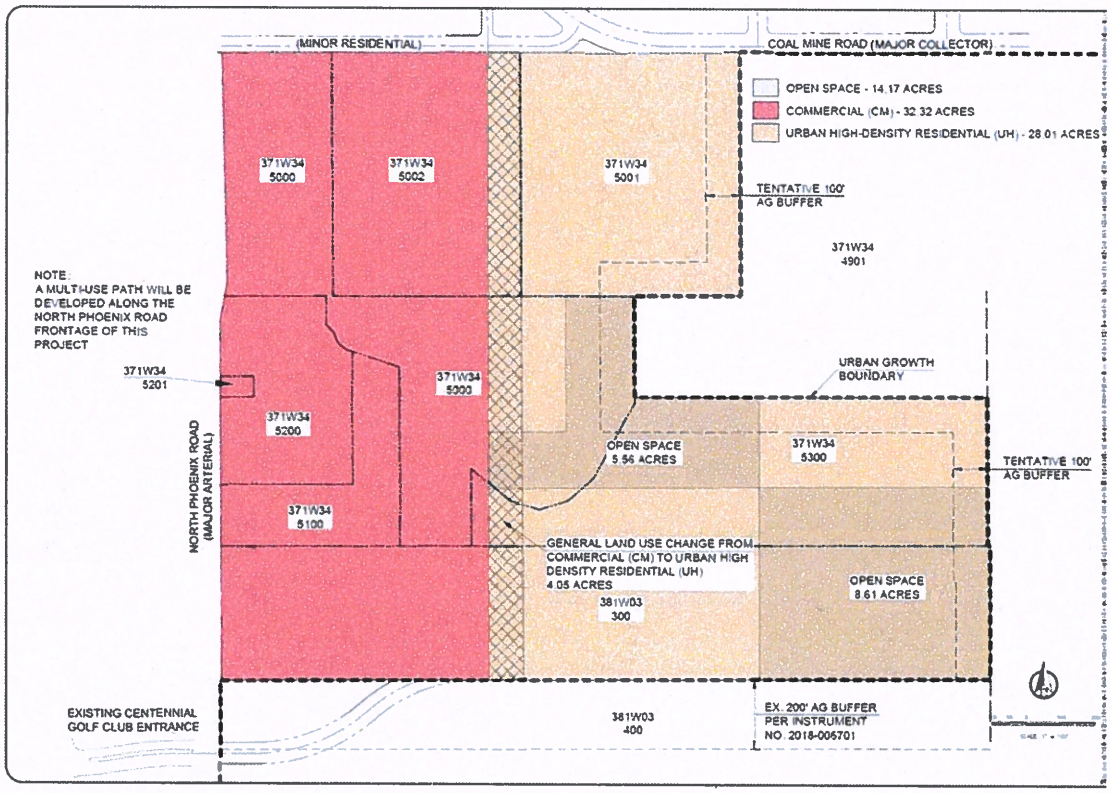
10.6 Adopted Urbanization Plans

1. Planning Unit MD-7c (NW corner of South Stage Road and Kings Highway)
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 of Owen Drive, and East of Springbrook Road) UNDER REVIEW
4. Planning Unit MD-5e (South of Coal Mine Road, East of North Phoenix Road) UNDER REVIEW


EXHIBIT Q

## URBANIZATION PLAN FOR MD-5e

Adopted by Medford City Council on September 17, 2020; Ordinance no. 2020-XX




Project Details – MD-5e

The planning unit is approximately 74.6 acres in size and is located south of Coal Mine Road and east of North Phoenix Road. The property has the following General Land Use Plan designations: Urban High Density Residential and Commercial. The applicant proposes 14.1 acres of open space, which meets the minimum amount of open space required for the planning unit.

The applicant proposes a minimum of 420 dwelling units to be constructed within the residential General Land Use Plan designation in the planning unit. Street extensions include Quarter Lane, Packhorse Street, and Stanford Avenue.

MEDFORD
PLANNING

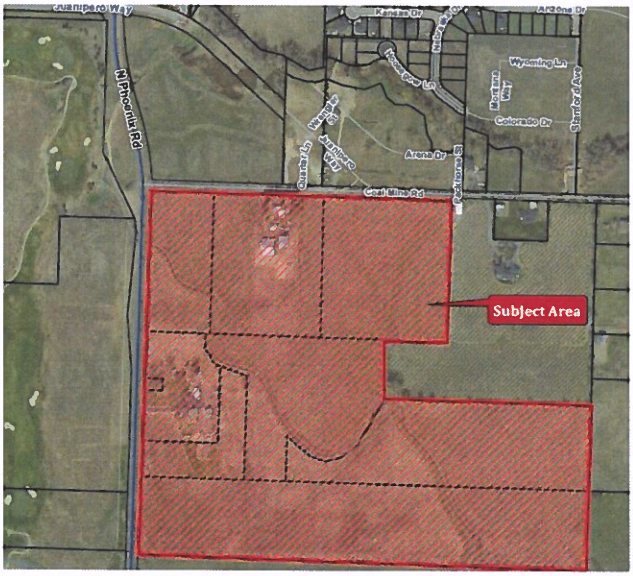
# COUNCIL REPORT for a Type-IV legislative decision: Comprehensive Plan Amendment – Urbanization Plan

| | |
|---|---|
| **Project** | Urbanization Plan for Planning Unit MD-5e |
| **Applicant** | Rania Sawabini, Sawabini Rania Trustee, Bottala Enterprises, LLC, C & L Western, Inc., and Shannon Bewley |
| **Agent** | Clark Stevens, Richard Stevens & Associates |
| **File no.** | UP-20-078 |
| **To** | Mayor and City Council *for 09/17/2020 hearing* |
| **From** | Planning Commission via Sarah Sousa, Planner III |
| **Reviewer** | Carla Angeli Paladino, Principal Planner |
| **Date** | September 10, 2020 |

## BACKGROUND

### Proposal

A legislative amendment to adopt an Urbanization Plan into the Neighborhood Element of the Comprehensive Plan for approximately 74.6 acres of property located east of North Phoenix Road and south of Coal Mine Road, a portion of Planning Unit MD-5e (371W34 5000, 5001, 5002, 5100, 5200, 5201, & 5300; and 381W03 300).




The Urbanization Plan is filed in conjunction with an annexation request for five tax lots within the Urbanization Plan area, plus half of the adjacent right-of-way along Coal Mine Road (totaling approximately 66.75 acres). (ANNX-20-079).

**Urbanization Plan Details**

| Proposed Residential Density | Open Space | Street Extensions |
|---|---|---|
| 420 dwelling units | Required: 19.0% (14.1 acres)<br><br>Proposed: 19% (14.1 acres) | Extension of Coal Mine Road to Juanipero and conversion of Coal Mine Road west to North Phoenix Road as minor residential<br><br>No higher order streets within the properties |

**Subject Site Characteristics**

Zoning: Exclusive Farm Use

GLUP: Urban High Density Residential and Commercial

Uses: One single family home, agriculture and vacant land

Acreage: 74.6 acres

**Surrounding Site Characteristics**

North Zone: Single Family Residential – 4 dwelling units per acre / Southeast
Uses: Vacant Land

South Zone: Exclusive Farm Use
Uses: Vacant Land

East Zone: Exclusive Farm Use
Uses: Vacant Land, Single Family Homes

West Zone: Exclusive Farm Use
Uses: Golf Course

## 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 urbanizable land. Following the adoption of the UGB, the City established the Urbanization Planning process in order to provide a regulatory framework to ensure that the goals of the Regional Plan Element and other requirements are met as land converts from rural to urban uses. The land included in the UGB was divided into distinct planning units and coded with a specific numbering and lettering system (e.g. MD-5e). 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 (TSP).

A pre-application conference with planning staff and other internal and external review agencies is required prior to submitting a formal application. A pre-application conference was held with the applicants to discuss the subject properties on December 4, 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 13, 2020.

This portion of Planning Unit MD-5e was approved with two General Land Use Plan (GLUP) designations: Urban High Density Residential (UH) and Commercial (CM). The planning unit consists of eight tax lots that are located south of Coal Mine Road and east of North Phoenix Road. The proposal was initiated by Rania Sawabini, Bottala Enterprises LLC, C & L Western, Inc., Shannon Bewley, and Sawabini Rania Trustee. Consent forms have been submitted by the owners of all eight of the parcels, representing the ownership of 100 percent of the planning unit.

Two of the property owners that initiated the Urbanization Plan have also requested concurrent annexation of 66.75 acres within the plan area, along with half of the adjacent right-of-way along Coal Mine Road. The City Council set the annexation hearing date for September 17, 2020, through Resolution No. 2020-96. The review and decision on the Urbanization Plan and Annexation are scheduled to occur at the same meeting.

## Public Comments

A letter from the Fair Housing Council of Oregon in support of the proposal was received on August 11, 2020 (Exhibit R).

**Planning Commission Hearing and Recommendation**

The Planning Commission voted 7-0 to recommend that City Council adopt the urbanization plan at its August 13, 2020 hearing. No public testimony was given at the hearing.

**Related Projects**

PA-19-076 Pre-application for urbanization plan

ANNX-20-079 Annexation request for five parcels and adjacent right-of-way

**Authority**

This 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 Section 10.102-10.122, 10.214, and 10.220.

**ANALYSIS**

Planning Unit MD-5e 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 southeast Medford, just south of the Southeast Overlay boundary. The area is bordered by North Phoenix Road to the west, a Regional Arterial street, and Coal Mine Road to the north, a Minor Residential street. Both abutting streets have been maintained by Jackson County. In accordance with the City's Urban Reserve Management Agreement, the City will assume maintenance of both at the time of annexation, and a jurisdictional transfer will be executed. This portion of North Phoenix Road has recently been annexed to the City as part of the MD-5f, the Centennial Golf Course property. Upon completion of this annexation, the south half of Coal Mine Road will be annexed and a jurisdictional transfer will be executed.

Planning Unit MD-5e has two General Land Use Plan designations, Urban High Density Residential and Commercial. The applicants propose to change approximately 4.05 acres of land from the Commercial designation to the Urban High Density Residential designation. The proposed General Land Use Plan map amendment results in a small reduction in Commercial land and can be considered a Minor Spatial Adjustment.

This proposal meets the plan requirements and criteria for incorporation into the Neighborhood Element of the Comprehensive Plan as discussed in the Applicant's Findings and the Findings described below.

## FINDINGS AND CONCLUSIONS

Applicable Criteria

For the applicable criteria, the Medford Municipal Code Section 10.220(B)(4) references 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 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 B.**

### 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 420 dwelling units within the overall planning area. The total will be supplied within the approximately 28.01 acres of Urban High Density Residential designated area. Although no future zoning was specified in the submittal, the submitted Findings calculate density at 15 units per acre, consistent with the minimum density for MFR-20 zoning.

| **Provided Residential Density** |
| --- |
| 15 dwelling units per acre x 28.01 acres **= 420 dwelling units** |

Conclusions

**Satisfied.** The planning unit includes the Urban High Density Residential General Land Use Plan designation. To ensure the minimum number of units is met per that designation, the applicant proposes 15 dwelling units per gross acre, consistent with the Multi-Family Residential – 20 units per gross acre zoning designation.

The City has an adopted Housing Element (2010) that describes the housing needs of the City through 2029. The future multi-family zoning for the Urban High Density General Land Use area within the planning unit allows a mix of housing types including duplexes, townhomes, and apartments, which are all needed housing types.

The Regional Plan (2012) requires a minimum residential density of 6.6 dwelling units per gross acre that exceeds that outlined in the Housing Element. 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 part to assess compliance with the Regional Plan targets and to track housing production within each planning unit as land is entitled and developed. This process helps ensure land within the Urban Growth Boundary is being used efficiently to provide needed housing of all types. 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.*

Findings

The City's Transportation System Plan does not show the extension of any higher order streets within this Planning Unit. The submitted circulation plan shows the extensions of Standard Residential and Commercial streets **(Exhibit D)**. Three streets are shown to be extended south across Coal Mine Road from Horse Arena Subdivision and Stonegate Estates. They include Packhorse Street, Quarter Lane and Stanford Avenue. There are also three unnamed, east-west oriented streets shown from North Phoenix Road to the extension of Stanford Avenue.

The Public Works Report states that the block length between the southern property and the next Standard Residential street to the north appears to exceed the maximum block length for commercial areas **(Exhibit H)**. However, if that area is rezoned to Regional Commercial, it may meet the block length standard. At the time of future development, another east-west street may be required.

The Public Works Report also addressed the two options shown on the circulation plan related to the proposed east-west oriented street at the southerly border of the Planning Unit. Option A shows a Standard Residential street connecting from Stanford Avenue and extending westerly. This option extends downward into a southern property outside of the Urban Growth Boundary to align with an existing

driveway at the Centennial Golf Course across North Phoenix Road. Option B includes a street to North Phoenix Road, but within the subject planning unit and without the alignment with the existing driveway across North Phoenix Road. The Public Works Report states that Option A is not feasible as it would require an exception from State planning goals. However, the applicant may seek to file this exception with Jackson County. Staff supports keeping both options on the adopted circulation plan in case the applicant gets the necessary approvals.

The Public Works report also notes that the section of Coal Mine Road that currently adjoins the Planning Unit will be realigned to the north and will no longer connect directly with North Phoenix Road. This will occur when the property to the north develops.

Conclusions

**Satisfied.** There are no higher order streets planned within this planning unit. The future extension of Stanford Avenue will run along a portion of the planning unit's eastern boundary. Local streets from the subdivision to the north, including Quarter Lane and Packhorse Street, can extend south through the Planning Unit and connect with future east-west oriented streets. The spacing between the streets is arranged in a grid pattern that is in accordance with City block length standards (as long as Regional Commercial zoning is applied to the commercial area). Otherwise, another east-west street may be required of future development. 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 within each of the planning units. For the planning units within MD-5, 19 percent of the land is to be designated open space. Based on 74.6 acres in MD-5e, a 19 percent allocation would provide 14.1 acres of open space within the planning unit. The area proposed as open space as shown on the urbanization plan is dispersed throughout the Planning Unit to comply with the 19 percent requirement **(Exhibit A).**

The proposed open space includes portions of areas that contain wetlands as well as some areas where recreational amenities (private or public) could potentially be developed. There are no permanent agricultural buffers, 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.

The first submittal by the applicant only provided 4.44 acres of open space. It included a .44 acre pet cemetery as well as a 4 acre future park. As the pet cemetery does not have a specific restriction on future development or any documentation providing it would be open space in perpetuity, staff concluded it could not be counted toward open space.

During the UGB expansion process, the applicant understood the open space requirement would be MD wide, not per individual planning unit. In order to keep the open space requirement fair, the City has required each sub-unit to provide the required amount of open space individually. Despite this difference in interpretation, the applicant submitted a revised Urbanization Plan which demonstrates compliance of the 19 percent open space within the Planning Unit.

The Applicant's Findings also address open space within Planning Unit MD-5f, the Centennial Golf Course property across North Phoenix Road to the west. Planning Unit MD-5f provided 120 acres of open space amounting to 29 percent of open space for that unit. The Applicant's Findings would like the City to acknowledge a 24 percent open space total between the two Planning Units. However, this is not how the City interprets the open space calculation. Each of the units have individually shown how

the 19 percent of open space can be accommodated within each unit. The City does not acknowledge the percentage of open space allotment together. However, since there is a surplus of open space in Planning Unit MD-5f, if a process can be established that provides for an equitable way of allocating excess open space to other Planning Units, complete with proper deed restrictions and agreements, the City may support this potential option with an amendment to the Urbanization Plan in the future.

Conclusions

**Satisfied.** The property owners are subject to a 19 percent open space requirement that equates to 14.1 acres. The proposed plan designates 14.1 acres as open space within the planning unit, thereby meeting the requirement. 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, respectively. 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. The subject planning unit includes residential and commercial land uses 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 designations aligns with that adopted through the Urban Growth Boundary process, with commercial proposed along the higher order street of North Phoenix Road. Multi-family residential is located in the eastern section of the planning unit and is abutting the commercial area to the west. Mixed-use buildings as well as multifamily housing is allowed within the commercial area. Two large areas of open space provide an opportunity for a future park.

The Applicant's Findings point to two Planning Units to the west across North Phoenix Road (MD-5f and MD-5g), which include low and high density residential along with commercial development and an employment center. The combination of the units in near proximity should encourage the development of transit routes.

The urbanization plan submitted includes a gridded street pattern with sidewalks on all streets. As a Regional Arterial Road, North Phoenix Road will be developed with a multi-use path that will traverse the length of the Planning Unit's frontage. The proposed street network and multi-use path will provide multi-modal access to internal and external developments.

Conclusions

**Satisfied.** MD-5e has the appropriate combination of residential and commercial land uses and connectivity 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

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.

The subject plans were routed to utility providers prior to a Land Development Committee meeting on July 22, 2020. Written comments were received from Medford Public Works Department **(Exhibit H)**, Jackson County Roads **(Exhibit I)**, Rogue Valley Sewer Services **(Exhibit J)**, Medford Parks and Recreation **(Exhibit K)**, and Medford Water Commission **(Exhibit L)**. Medford Building Department **(Exhibit M)**, Medford Fire Department **(Exhibit N)**, and Talent Irrigation District **(Exhibit O)**, also provided standard comments with 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 plans.

According to the Public Works Department report, the City will assume maintenance jurisdiction of North Phoenix Road at the time of annexation and will request a jurisdictional transfer. However, this should be accomplished as part of the annexation of Planning Unit MD-5f, which was annexed to the City on July 16, 2020 by Ordinance #2020-99. The City will take over maintenance of Coal Mine Road at the time of the annexation of the subject Planning Unit and will initiate a jurisdictional transfer. All other future streets proposed in the plan will be maintained by the City of Medford. As mentioned earlier in this report, the block length requirement may be met depending on future commercial zoning. If not, another future east-west street may be required as part of future development. In addition, future intersection treatments for local streets will be studied at the time of zone change.

Jackson County Roads provided comments related to the annexation and urbanization plan. Conditions were included to address the unlikely event wherein a jurisdictional transfer of North Phoenix Road and Coal Mine Road is not completed. 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 would need to be completed in accordance with Jackson County Road standards.

The subject area is within the Rogue Valley Sewer Services area. The memo from Rogue Valley Sewer Service states that while the area is within its boundary, there are no sewer facilities near the subject area. Two connection options are not readily available: 1) from the Upper Bear Creek Inceptor located west of Interstate 5 and Bear Creek or the other 2) from the line just north of Home Depot in Phoenix. A portion of the area along Coal Mine Road that is acceptable for standard gravity sewer may connect to the City of Medford system via a service boundary revision.

Medford Parks and Recreation Department commented that although there are no specific plans to acquire and develop a park within the subject area, there is a park walkshed gap and the Parks and Recreation Department is open to identifying strategic opportunities. The Leisure Services Plan indicates a shared-use pathway

along North Phoenix Road, which is shown on the Urbanization Plan. The Parks and Recreation Department memo encourages the implementation of the right-of-way cross section for North Phoenix Road, which would include an off-street bike and pedestrian facility. This would satisfy the shared-use path requirement without the need for a separate facility.

Medford Water Commission provided comments as well. Access to Medford Water Commission water lines are available in North Phoenix Road south of Juanipero Way as well as a stub in Coal Mine Road at Stanford Avenue. On-site water facility construction will be conditioned formally at the time of future development of the site.

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 wetlands within the southern section of MD-5e (**Exhibit P**). The Applicant's Findings discuss the potential relocation of a Medford Irrigation District canal as there are wetlands that may be associated with the leaking of irrigation water from the canal. The Applicant's Findings also state a wetland delineation will be conducted prior to development to comply with all regulations. Some of the wetlands may be protected and enhanced for stormwater detention as part of future development.

Conclusions

**Satisfied.** The plan includes identified wetlands. A future delineation will be conducted prior to future development to comply with State regulations. 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 south and east sides of the planning unit. The plan includes interim agricultural buffers along the full lengths of the eastern abutting properties that are zoned EFU. The southern agricultural buffer is shown entirely on the property to the south, outside of the UGB.

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 as outlined in the Comprehensive Plan includes a special agreement for this planning unit. There is a requirement that MD-5 properties provide a donation of land for trails per the approved master plan. The Leisure Services Plan shows a shared-use path along the North Phoenix Road. The Parks and Recreation Department memo encourages the implementation of the right-of-way cross section for North Phoenix Road, which would include an off-street bike and pedestrian facility. This would satisfy the shared-use path requirement without the need for a separate facility.

Conclusions

**Satisfied.** The submitted Urbanization Plan shows a pathway that will be constructed on North Phoenix Road adjacent to this planning unit in compliance with the special agreement within the annexation policies of the Comprehensive Plan. This criterion is satisfied.

***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 along North Phoenix Road, which is shown on the Urbanization Plan. The Parks and Recreation Department memo encourages the implementation of the right-of-way cross section for North Phoenix Road, which would include an off-street bike and pedestrian facility. This would satisfy the shared-use path requirement without the need for a separate facility.

The Urbanization Plan also shows land designated as open space. The Parks and Recreation Department may be interested in coordinating with the property owners in developing a portion of the 14 acres of open space as a future public park.

Conclusions

**Satisfied.** The plan shows a multi-use path along the North Phoenix roadway in accordance with the Leisure Service Plan. The Parks and Recreation Department encourages the implementation of the Regional Arterial cross section along this frontage, which would fulfill this requirement. The Parks and Recreation Department may entertain the development of a public park somewhere within the open space of the planning unit. 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 Planning Unit MD-5f to the west (**Exhibit F**).

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 circulation plan depicts the property lines of the lands within and adjacent to the planning unit. The plan allows for the extension of future streets to serve land outside of the planning unit.

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

A map of existing easements, irrigation canals, and structures was submitted with the application **(Exhibit G)**. A Medford Irrigation District canal runs from the top westerly portion of the planning unit to the southeastern section. Structures associated with a pet cemetery exist on one of the westerly tax lots (371W345200). A single family home exists of a tax lot to the north (371W345002). The remainder of the land is vacant land, much of which has been used for agricultural purposes. The applicant also submitted a list of easements that encumber the properties.

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.*

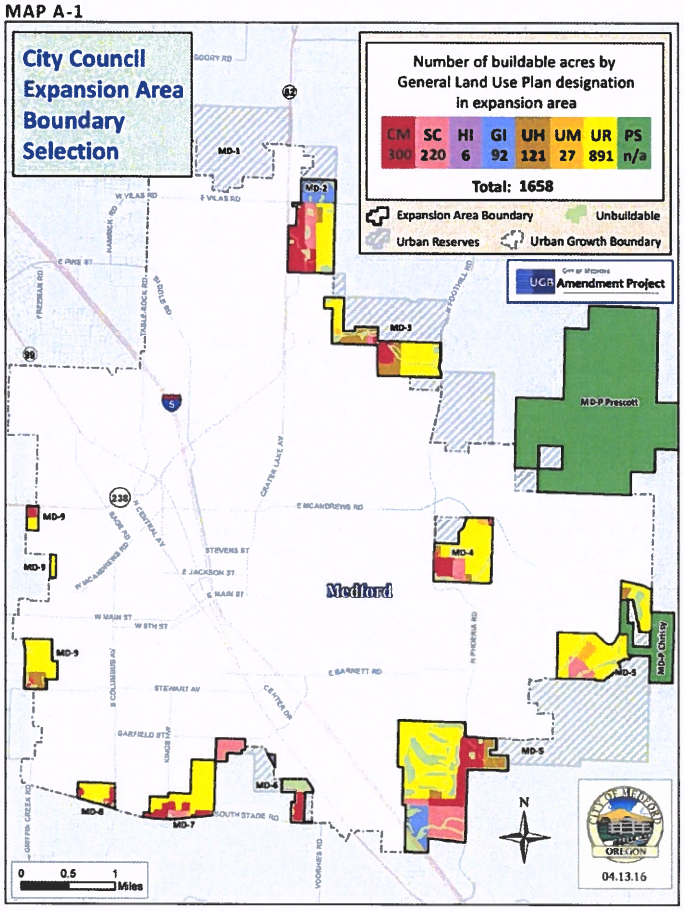
Findings

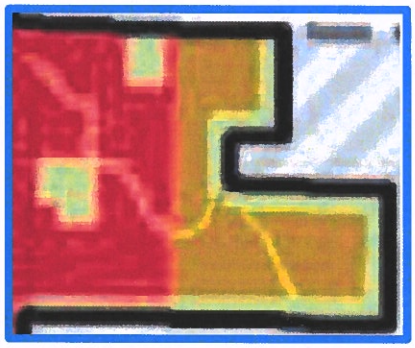
The figure below is Map A-1 which is part of the Urban Growth Boundary Amendment project report adopted by City Council on August 18, 2016. The subject planning unit is enlarged and outlined in blue. The map outlines the unbuildable areas with a green color.

The areas identified as unbuildable for this planning unit include agricultural buffers, wetlands, existing development, and the irrigation canal. As described in the Applicant's Findings, most of the agricultural buffers are interim as they will be

developed once additional portions of MD-5e are brought into the UGB. The agricultural buffer along the south of the subject area will be placed on the adjacent property to the south out of the planning unit. If it is determined that any of the wetlands are significant, they will be protected in place but other wetlands may be mitigated elsewhere **(Exhibit P)**. If the Medford Irrigation District canal can be relocated west into an underground pipe along the North Phoenix Road right-of-way, that area will no longer be unbuildable.

MAP A-1



Conclusions

**Satisfied.** There are no areas identified as unbuildable on the Urbanization Plan. The agricultural buffers are either temporary or to be located outside of the planning unit. A wetland delineation will be conducted prior to development, which will determine whether or not those areas will become unbuildable. The irrigation canal may be relocated in the future so this too may change the amount of unbuildable area for the planning unit. Existing structures may be removed as part of future development as well. The amount of open space is shown on the Urbanization Plan but may shift in the future. This criterion is satisfied.

***Criterion 5.14*** *Contour lines and topography.*

Findings

The applicants have submitted a topographical and slope map (**Exhibit E**) that was prepared by a licensed engineer. 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 are 35 percent slopes or greater. 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 submittal does contain any of the aforementioned information.

Conclusions

**Satisfied.** The proposed urbanization plan does not contain any of the above listed information that is inappropriate at this level of planning. 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

Planning Unit MD-5e has two General Land Use Plan designations, Urban High Density Residential and Commercial. The applicants propose to change approximately 4.05 acres of land from the Commercial designation to the Urban High Density Residential designation. The purpose of the change relates to a Standard Residential street (Quarter Lane) that would spilt a 95 foot wide section of the Commercial designation between tax lots 5001 and 5002 and extend through tax lots 5000 and 300 to the south. The area proposed for change continues the length of the planning unit from north to south and is identified on the Urbanization Plan in a hatched section. This small strip of commercial on the eastern side of the future Quarter Lane would not be sufficient for a commercial development.

Changing the General Land Use Plan in this area to High Density Residential will allow for the development of more residential units. Within the corresponding Multi-Family

Residential – 20 dwelling units per acre zoning district, an additional 60-81 units would be permitted.

The proposed General Land Use Plan map amendments result in a small reduction in Commercial land and should be considered a Minor Spatial Adjustment. 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 and Commercial boundaries.

Conclusions

**Satisfied.** The applicant proposes to modify the location of the General Land Use Plan designations between the Commercial and Urban High Density Residential classifications. The approval of the Urbanization Plan provides for this adjustment without the need for a separate General Land Use Plan Amendment process. The changes represent a Minor Spatial Adjustment that the City Council can approve with this application. This criterion is satisfied.

## RECOMMENDED ACTION

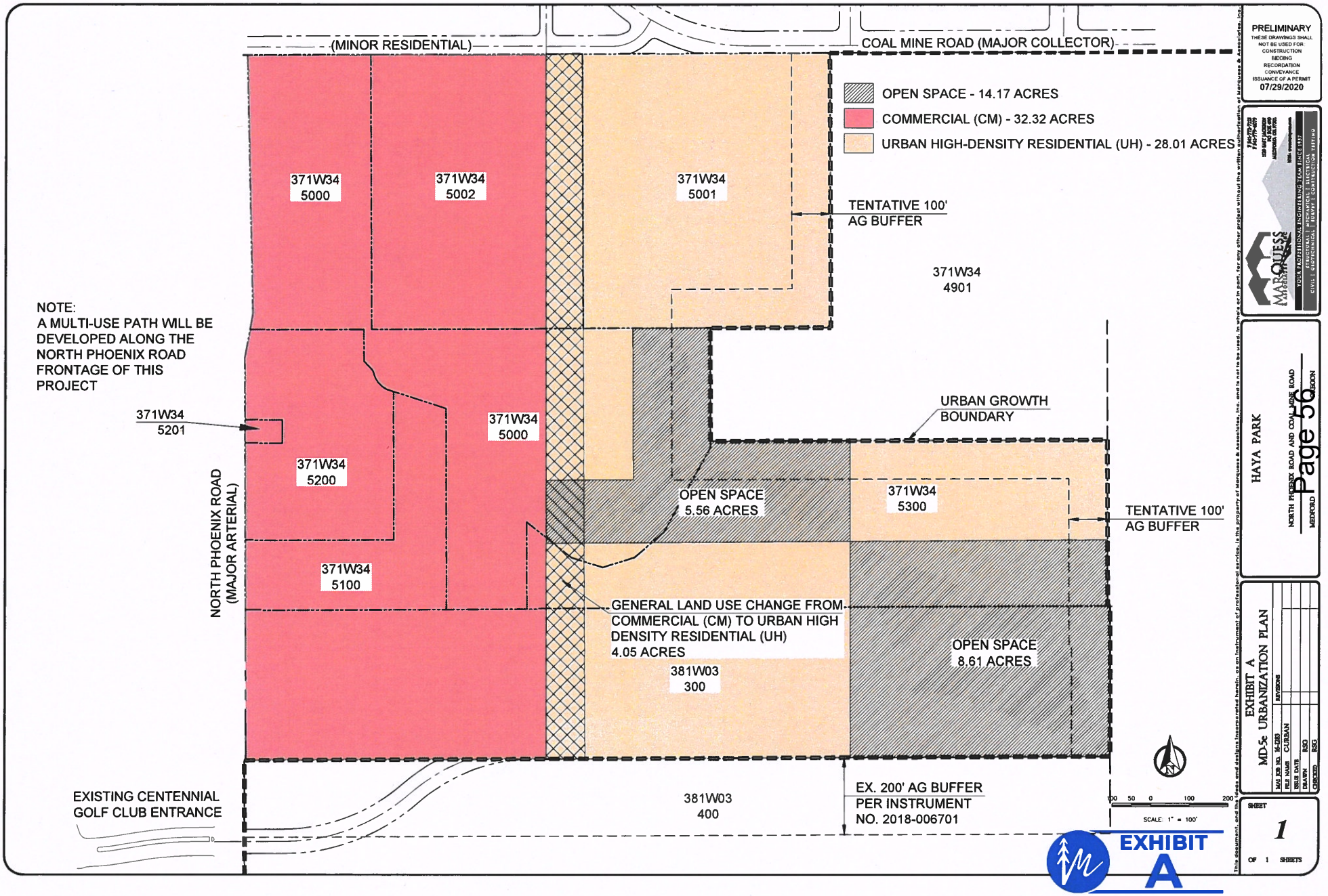
It is recommended that City Council adopt the Urbanization Plan for MD-5e as identified in Exhibit Q into the Neighborhood Element of the Comprehensive Plan based upon the findings and conclusions in the Council Report dated September 10, 2020, including Exhibits A through R.

## EXHIBITS

A Urbanization Plan Map received July 30, 2020
B Applicant's Findings of Fact and Conclusions of Law received July 30, 2020
C Summary Residential Density Calculator Spreadsheet received August 5, 2020
D Circulation Plan Map received July 30, 2020
E Contour Map received March 18, 2020
F Map of Existing General Land Use Plan designations received March 18, 2020
G Map of Existing Easements, Irrigation Canals, and Structures received March 18, 2020
H Public Works Comments received July 24, 2020
I Jackson County Roads Comments received July 16, 2020
J Rogue Valley Sewer Services Comments received July 23, 2020
K Parks and Recreation Department Comments received July 22, 2020
L Medford Water Commission Comments received July 31, 2020
M Medford Building Safety Department Comments received July 22, 2020

N Medford Fire-Rescue Comments received July 9, 2020
O Talent Irrigation District Comments received July 13, 2020
P Wetland Inventory Maps
Q Neighborhood Element Amendment
R Fair Housing Council of Oregon Comments received August 11, 2020
Vicinity Map

**CITY COUNCIL AGENDA: SEPTEMBER 17, 2020**


(MINOR RESIDENTIAL)
COAL MINE ROAD (MAJOR COLLECTOR)
OPEN SPACE - 14.17 ACRES
COMMERCIAL (CM) - 32.32 ACRES
URBAN HIGH-DENSITY RESIDENTIAL (UH) - 28.01 ACRES
371W34 5000
371W34 5002
371W34 5001
TENTATIVE 100' AG BUFFER
371W34 4901
NOTE:
A MULTI-USE PATH WILL BE DEVELOPED ALONG THE NORTH PHOENIX ROAD FRONTAGE OF THIS PROJECT
371W34 5201
371W34 5000
371W34 5200
URBAN GROWTH BOUNDARY
NORTH PHOENIX ROAD (MAJOR ARTERIAL)
OPEN SPACE 5.56 ACRES
371W34 5300
TENTATIVE 100' AG BUFFER
371W34 5100
GENERAL LAND USE CHANGE FROM COMMERCIAL (CM) TO URBAN HIGH DENSITY RESIDENTIAL (UH) 4.05 ACRES
OPEN SPACE 8.61 ACRES
381W03 300
EXISTING CENTENNIAL GOLF CLUB ENTRANCE
381W03 400
EX. 200' AG BUFFER PER INSTRUMENT NO. 2018-006701
SCALE: 1" = 100'
EXHIBIT A
PRELIMINARY
THESE DRAWINGS SHALL NOT BE USED FOR: CONSTRUCTION BIDDING RECORDATION CONVEYANCE ISSUANCE OF A PERMIT
07/29/2020
HAYA PARK
NORTH PHOENIX ROAD AND COAL MINE ROAD
MEDFORD OREGON
EXHIBIT A
MD-5e URBANIZATION PLAN
MAI JOB NO. 16-0285
FILE NAME C:\URBAN
ISSUE DATE
DRAWN BSG
CHECKED BSG
SHEET 1
OF 1 SHEETS
EXHIBIT A

**BEFORE THE PLANNING COMMISSION AND CITY COUNCIL FOR THE CITY OF MEDFORD, JACKSON COUNTY, OREGON:**

| | |
|---|---|
| **IN THE MATTER OF AN APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT – URBANIZATION PLAN – FOR THE PORTIONS OF MD-5E LOCATED WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF MEDFORD; RANIA SAWABINI, BOTTALA ENTERPRISES AND SHANNON BEWLEY, APPLICANTS; RICHARD STEVENS & ASSOCIATES, INC., AGENTS** | **FINDINGS OF FACT** |

## I. RECITALS PERTAINING TO THE PROPERTY:

**APPLICANTS:**

Rania Sawabini
203 Rebecca Drive
San Dimas, CA 91773

Sawabini Rania Trustee
142 Bonita Ave, 12
San Dimas, CA 91773

Bottala Enterprises, LLC
215 Rebecca Drive
San Dimas, CA 91773

C&L Western, Inc.
3619 Ross Lane
Central Point, OR 97502

Shannon Bewley
3619 Ross Lane
Central Point, OR 97502

**ENGINEER:**

Robert Gunter
Marquess & Associates, Inc.
1120 East Jackson Street
Medford, Oregon 97501

**AGENTS:**

Richard Stevens & Associates, Inc.
P.O. Box 4368
Medford, OR 97501
(541) 773-2646

EXHIBIT B

**PURPOSE OF APPLICATION:**

The Applicants propose a Comprehensive Plan amendment to adopt an Urbanization Plan for the portions of planning unit MD-5e located within the Urban Growth Boundary (UGB) of the City of Medford. The MD-5e planning unit is located east of North Phoenix Road and south of Coal Mine Road. The proposed Urbanization Plan for MD-5e includes eight tax lots totaling 74.6 acres, which are all owned by the Applicants to this application. The subject properties are described as: T.37S-R.1W-SEC 34, Tax Lots 5000, 5001, 5002, 5100, 5200, 5201 & 5300 and T.38S-R.1W-SEC 03, Tax Lot 300.

## II. PROCEDURE:

Medford Land Development Code (MLDC) Section10.220 governs Major Type IV Amendments. Per MLDC Section 10.220(A)(8) Urbanization plans are a Major Type IV Amendment. Per Section 10.220(C), 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*

**Discussion:** The Applicants own all of the properties within the planning unit and have consented to the proposed Urbanization Plan. Urbanization Plan maps have been submitted as required (Exhibit A). A vicinity map including other adjacent planning units, with their GLUP designations and adjacent property lines has been submitted (Exhibit B). An exhibit showing existing easements of record, irrigation canals and structures has been submitted (Exhibit C). Areas shown as unbuildable on the City Council Report dated August 18, 2016 (Map A-1) are discussed in these findings. The submitted plan, exhibits and these findings demonstrate compliance with the Plan Contents found in Section 5 of the Urbanization Planning Chapter in the Neighborhood Element and compliance with the Regional Plan requirements. An exhibit showing contour lines and topography has been submitted (Exhibit D). Required mailing labels have been prepared and submitted. Appropriate documentation that a neighborhood meeting was conducted in accordance with Section 10.194 has also been submitted.

**FINDING:**

**The City of Medford finds that this application includes the required plans, findings and exhibits for an Urbanization Plan application.**

## III. APPLICABLE CRITERIA:

Per MLDC Section 10.220(B)(4) for Urbanization Plan Approval Criteria refer to Sections 5 and 6 in the Urbanization Planning Chapter in the Neighborhood Element of the Comprehensive Plan. The application form provided by the City for Urbanization Plan approval also requires findings in compliance with Regional Plan Element Section 4.1.8 of the Comprehensive Plan.

## IV. FINDINGS IN COMPLIANCE WITH SECTIONS 5 & 6 OF THE URBANIZATION PLANNING CHAPTER IN THE NEIGHBORHOOD ELEMENT AND SECTION 4.1.8 OF THE REGIONAL PLAN ELEMENT, OF THE COMPREHENSIVE PLAN:

***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. City of Medford Comprehensive Plan Chapter 10. NEIGHBORHOODS Urbanization plans p. 10–53*

*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.*

**Discussion:** All of the subject properties have been designated for Commercial (CM) and Urban High-Density Residential (UH) development through the conceptual planning process and urban growth boundary expansion process. The applicants do not propose any changes to the GLUP map designations. As such, the minimum residential density that can be developed on the portions of the properties with a residential (UH) GLUP map designation is 15 dwelling units (DU) per gross acre. There are approximately 28.01 acres designated as UH on the proposed Urbanization Plan. It must be demonstrated that all residential development will meet or exceed the required minimum density of 6.6 DU/acre. Development of the 28.01 residential acres at 6.6 DU/acre would result in a total of 185 DU. The minimum density possible in the UH designation, 15 DU/acre, will result in a minimum of 420 DU. The portions of the property with the CM designation could also be developed with residential development at a minimum density of 20 DU/gross acre. Given the GLUP map designations for the properties, it is demonstrated that all residential development shown on the proposed Urbanization Plan will exceed the minimum required density of 6.6 DU/gross acre without the need for additional zoning restrictions or the need to commit specific portions of the development to a specific density.

Neighborhood Element Section 4.3 requires an application for Urbanization Plan to identify whether the plan includes no spatial changes, minor spatial adjustments, moderate spatial adjustments or complex spatial adjustments. The proposed Urbanization Plan includes only minor spatial adjustments as the plan has been developed to match the GLUP map for the area. The existing GLUP map shows the property being designated CM along North Phoenix Road and designated UH on the eastern portions of the property. The split between the two land use types is shown near the common property line between tax lots 5002 and 5001. The proposed Urbanization Plan also shows the property being divided between the CM and UH land use categories near this common property line, however, the split on the proposed Urbanization Plan is occurring along the centerline of a new north/south street, paralleling North Phoenix Road. This proposed street location has been designed to align with Quarter Lane at its intersection with Coal Mine Road on the north side of the planning unit.

This new standard residential street traverses the subject properties and connects to a planned new street which will run along the south boundary of the planning unit. As Quarter Lane had not been shown on a tentative plat, dedicated, or built at the time the City developed the land use designations for this planning unit, the location of Quarter Lane and the alignment of a street through this planning area were not considered in determining a precise location for the split between the commercial and residential designations. The proposed conceptual plan balances the need for proper street alignments with the planned land use designations without significantly altering the ratio between CM and UH land use designations. This minor adjustment consists of approximately 4.05 acres, or an adjustment of approximately 95-feet. The proposed Urbanization Plan shows a total of 32.32 acres of CM land and 28.01 acres of UH land with 14.17 acres of open space/parks.

**FINDING:**

**The City of Medford finds that it has been demonstrated that the assigned GLUP map designations for this planning unit assures that residential development will exceed 6.6 DU/gross acre, thus satisfying the Regional Element minimum gross density performance measure.**

*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:** The City of Medford Transportation System Plan (TSP) does not show the extension of any collector or arterial streets into the subject planning unit. Stanford Avenue north of Coal Mine Road is designated as a Major Collector Street; Coal Mine Road on the north side of the planning unit is designated a Major Collector Street; and North Phoenix Road on the west side of the planning unit is designated a Regional Arterial Street. The Local Circulation Plan (Exhibit E) submitted shows Stanford Avenue being extended into the planning unit as a standard residential street. The plan also shows standard commercial and residential streets connecting east-west through the site from North Phoenix Road to the extension of Stanford Avenue along with standard commercial and residential streets connecting north-south through the site. The pattern of gridded streets has been laid out to limit access points onto North Phoenix Road while also providing for vehicle, bicycle and pedestrian connectivity throughout the planning unit in compliance with applicable block length and perimeter standards.

The Local Circulation Plan also shows two possible alignments for the southernmost street connecting to North Phoenix Road. Option A shows this street aligning with the existing Centennial Golf Club driveway which will eventually redevelop into a public street serving planning unit MD-5f. This proposed alignment would benefit the transportation system by providing for a four-way intersection rather than 2 off-set intersections, but this alignment will require additional consideration as it would require extending the street outside of the UGB, Urban Reserves, and City limits. Option B shows the alignment of this street staying within the UGB and the subject planning unit. This alternative alignment will be easier to permit but it will result in a less than optimal street alignment. Neither of these possible orientations are intended to be selected through the adoption of the proposed Urbanization Plan, but rather, they are shown in the attached exhibits for long-range planning purposes so that the proper alignment can be discussed as the properties in and around the subject planning unit are developed.

Likewise, all other local streets shown on the Local Circulation Plan are intended to demonstrate how site circulation and block length standards can be addressed. The exact location and orientation of streets through these properties will be determined at the land development stage (subdivision/partition) and will be based on site engineering and development code requirements.

**FINDING:**

**The City of Medford finds that the submitted materials includes a neighborhood circulation plan which demonstrates that there are no higher-order streets located within the planning unit, consistent with the**

**Medford TSP; planned local streets with associated sidewalks will provide connectivity within and through the site; and consideration for reduced connectivity in a local street arrangement based on environmental and development constraints is not needed and therefore mitigation measures for lower vehicular connectivity are not required with this application.**

*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 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:** MD-5 as a whole is committed to providing 19% open space per the Regional Element. During the UGB expansion process it was communicated to property owners that the open space percentages, like the residential and employment land figures provided in Section 3.3 of the Regional Element, would be addressed on an MD-wide (a larger urban reserve area) basis and that individual sub-areas (now known as planning units) would not be required to meet the open space, employment, or residential land type commitments individually as these were intended to be addressed across the larger urban reserve area.

In the case of open space, property owners were told that if they could demonstrate that open space was assured across a group (any number more than 1) of sub-areas (planning units), they could demonstrate compliance with the open space requirement without having to demonstrate that each of the planning units would provide 19% open space independently. After the adoption of the expanded UGB, the City amended the Neighborhood Element of the Comprehensive Plan to add a section related to Urbanization Plans. In that section, Table 9-1 indicates that the planning units in MD-5 must provide 19% open space. This table does not indicate that each of these planning units must meet the 19% threshold on its own. As such, it appears that all portions of the Comprehensive Plan allow for the interpretation that has been provided throughout the adoption of the urban reserves and expansion of the UGB, that open space requirements could be distributed outside of individual planning unit boundaries.

Planning unit MD-5f, located across North Phoenix Road, is required to provide a minimum of 120 acres of open space, which amounts to 29% open space for that planning unit. MD-5f is 417.18 acres in area and MD-5e is approximately 74.5 acres. A total of 93.44 acres of open space is required to meet the 19% open space requirement considering these two planning units. The 120 acres of open space already provided by MD-5f amounts to 24% open space across these two planning units. In this way, it is demonstrated that the 19% open space requirement is met in this portion of MD-5 and it is met for each of these planning units..

This planning unit, MD-5e, borders EFU zoned properties to the east and south and agricultural buffers will be required around the external border of all of these properties with the exception of the frontages along North Phoenix Road and Coal Mine Road. However, these agricultural buffers do not count towards the open space percentage as most of them are interim agricultural buffers which can be developed when the UGB is expanded in the future. The agricultural buffer along the south property border will be placed on the adjacent property to the south, T-38 R-1W SEC-03, Tax Lot 400 (Tax Lot 400), consistent with MLDC Section 10.802 (G) (1). Likewise, there are several wetlands located within this portion of planning unit MD-5e. Locally significant wetlands will be protected in place but other wetlands may be mitigated elsewhere to provide for the urbanization of the site. Mitigation wetlands associated with the development of these properties will also be located on Tax Lot 400 to the south and therefore these wetland areas will not count as open space in this planning unit.

The submitted Urbanization Plan identifies two areas for future public parks that are designated as open space areas. In addition, there is a pet cemetery area that is approximately ½ acre in size that will be held in private ownership as open space. As shown on the Urbanization Plan map, the future parks will be located at street intersections of the planning area.

As the properties that comprise planning unit MD-5e develop, the locations for additional open space areas will be identified. These will include open space with playground areas associated with multiple-family developments, wetlands that are protected in place, and storm water management areas. It has been demonstrated that the open space requirement has been met across this portion of MD-5.

**FINDING:**

**The City of Medford finds that the applicants have demonstrated that the required 19% has been identified on the subject tract and that the 120 acres of open space provided for the Centennial golf course will amount to 24% open space for planning units MD-5e and MD-5f. In addition, the 0.5-acre pet cemetery will be held in private ownership as an open space feature, along with additional open space areas associated within the multiple family housing that will be identified through the development of the properties.**

*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:** Regional Plan Element, Section 4.1.6 requires that the City achieve 2020 benchmark targets for the number of dwelling units (Alternative Measure no. 5) and employment (Alternative Measure no. 6) in mixed-use/pedestrian friendly areas as established in the 2009 Regional Transportation Plan (RTP) for lands within urban reserve areas and for lands within the UGB but outside of the City Limit. According to the 2009 RTP:

> *The objective of these measures is to demonstrate progress towards creating mixed-use, pedestrian-friendly developments in the metropolitan planning organization (MPO). Progress towards meeting the benchmarks and targets for these measures would be determined by monitoring development after the appropriate land use and development regulations have been adopted.*

The Measure 5 target for 2020 is that at least 49% of new dwelling units will be developed within new and existing activity centers and the Measure 6 target for 2020 is that at least 44% of new employment will be developed within new and existing activity centers.

The properties in this planning unit have been designated for Commercial (CM) and High-Density Residential (UH) development. These land use designations provide ample opportunity to develop the properties with a mix of commercial and residential

components. The property designations ensure that this mix will exist horizontally, with commercial development to the west nearer North Phoenix Road and residential development to the east. Commercial zoning in the City also allows for the development of vertical mixed use on the portions of this planning unit with the CM designation. The Urbanization Plan for this planning unit shows that high density residential development will be located within close proximity to commercial development. Exhibit E also shows that a network of gridded streets will be developed through this planning unit to meet maximum block length and perimeter standards. The streets will be developed to City of Medford standards, including sidewalks on both sides of the streets.

The plan identifies the location of a future public park adjacent to the eastern and southern boundaries of this planning unit. The Leisure Services Plan identifies a future park location, identified as P-2 on the Proposed Parkland Acquisition Target Areas map (Map 12), located in the southeast corner of the urban area near Coal Mine Road. The Parks and Recreation Department has expressed interest in the possibility of developing either a neighborhood park (3-10 acres) or a community park (15+ acres) consistent with what is shown in the Leisure Services Plan. The submitted Urbanization Plan map shows that public parks are planned at several street intersections and adjacent to the EFU lands to the south and east for expansive views. The park's location will encourage pedestrian travel from both nearby commercial and residential development into the park rather than the reliance on automobile travel to access public park space. These conditions demonstrate that the Urbanization Plan is in compliance with the requirements of the Regional Plan Element for mixed-use/pedestrian-friendly development.

In addition, the land use designations on the planning units adjacent to the subject property also provide for opportunities to develop a larger-scale activity center in the vicinity of North Phoenix Road and South Stage Road. MD-5f to the west is designated for low and high-density residential development along with commercial development and MD-5g to the southwest is designated as an employment center. These planned land uses should encourage the development of transit routes into the area to serve the residential, commercial and employment uses that will be developed.

The availability of transit will help to connect these planning units to other parts of the city and the MPO as a whole without strong reliance on personal automobiles. To facilitate transit use, and to further limit the vehicle miles traveled, each of these planning units should provide for bicycle and pedestrian connectivity to major transportation facilities that could be used for future transit routes. For MD-5e, it is important that pedestrians and bicyclists can safely travel through all parts of the development to get to North Phoenix Road. The Urbanization Plan includes the development of a network of gridded streets which will be developed through the planning unit to meet maximum block length and perimeter standards. The streets will be developed to City of Medford standards, including sidewalks on both sides of the

streets. The proposed Urbanization Plan, without showing development plans, has demonstrated that the designated land uses have been appropriately located to provide for mixed-use development. The provisions of the MLDC will ensure that bicycle and pedestrian facilities are constructed as the property develops.

**FINDING:**

**The proposed Urbanization Plan for MD-5e has demonstrated that the development of this property will help the City in meeting the 2020 targets of the RTP for new residential and employment development within activity centers by providing a mix of commercial and residential uses, by providing a well-connected grid of local streets, and by providing for the development of a new activity center. The plan, along with assigned land use designations on adjacent planning units, provide for the opportunity to develop a large-scale activity center in the area of North Phoenix Road and South Stage Road.**

*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:** The Applicants' development team has been communicating with applicable utility providers throughout the development of the Urbanization Plan and associated master plan for the property. A portion of the MID Medford Canal is located within the planning unit. The Applicants have been coordinating with the Medford Irrigation District to relocate the canal into a pipe underground adjacent to and along the North Phoenix Road right-of-way on the west side of the planning unit. The pipe would then extend easterly from the south boundary of the planning unit to reconnect with the existing canal south of the planning unit. The location of available utility infrastructure along with available capacity with existing and future utility infrastructure have been key considerations during the development of the phasing associated with the development plan for the subject property.

**FINDING:**

**The City of Medford finds that the Applicants have had, and continue to have, discussions with public utility providers, including water, sewer, transportation, and the Medford and Talent Irrigation Districts regarding coordinating the proposed development with existing infrastructure adjacent to the site and future infrastructure needs.**

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

**Discussion:** There are no riparian corridors or historic buildings located within this planning unit. A portion of the MID Medford Canal is located within the planning unit. The Applicants have been coordinating with the Medford Irrigation District to relocate the canal into a pipe along the North Phoenix Road right-of-way on the west side of the planning unit. Based on the Medford LWI, there are suspected wetlands present on this planning unit near the existing canal that appear to be associated with the leaking of irrigation water from the canal. A wetland delineation will be conducted to determine the locations, size and extent of wetlands on the property prior to development and any/all development will comply with applicable local, state and federal regulations regarding wetland protection and development. Some wetlands may be protected, enhanced and utilized for stormwater detention areas through the development of the property and others may be mitigated off site onto Tax Lot 400 to the south of this planning unit.

**FINDING:**

**The City of Medford finds that the location and extent of water bodies, wetlands and possible wetlands for this planning unit are shown on the updated LWI for the City of Medford. A wetland delineation will be conducted to determine the location and extent of wetlands on the property prior to development and any/all development will comply with applicable local, state and federal regulations regarding wetland development. Some wetlands may be protected, enhanced and utilized for stormwater detention areas through the development of the property and others may be mitigated onto Tax Lot 400 to the south of this planning unit. There are no riparian corridors or historic structures within this planning unit.**

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

**Discussion:** Per policy number 2 of the Urban Growth Management Agreement (UGMA):

> *"The City Council will request surrender of the following roads within the UGB expansion area upon annexation of the road. City shall not annex property fronting any of these roads without also annexing the full road width."*

On that list is:

> *"MD-5 North Phoenix Road, Coal Mine Road to 2780 feet north of Grove Way (southern boundary of MD-5)."*

A concurrent application for annexation is submitted with this request for Urbanization Plan approval. Although MLDC Section 10.216 (F) (4) requires annexation applications to include a "legal metes and bounds or lot and block description of the annexation area including to the centerline of the adjacent right-of-way", the annexation application submitted includes the remaining Coal Mine Road right-of-way adjacent to the subject planning unit, in accordance with this portion of the UGMA. The entire existing North Phoenix Road right of way is being included into the City Limits with another pending annexation application.

Policy 12 of the UGMA requires the City to consider compatibility of uses within the UGB with uses outside of the UGB and policy 13 requires uses within the UGB to provide buffering between adjacent EFU lands. This planning unit borders EFU zoned properties to the east and south and agricultural buffers will be required around the external border of all of these properties with the exception of the frontages along North Phoenix Road and Coal Mine Road. Most of these agricultural buffers are interim buffers which can be developed when the UGB is expanded in the future. The required agricultural buffer along the southern property border for Tax Lot 300 will be placed on the adjacent property to the south (Tax Lot 400) consistent with MLDC Section 10.802 (G) (1).

**FINDING:**

> **The annexation application submitted concurrently with this request for Urbanization Plan approval includes the remaining width of the Coal Mine Road right-of-way adjacent to the subject planning unit consistent with UGMA policy 2. The City of Medford has adopted agricultural buffering standards to implement policies 12 and 13 of the UGMA which will apply to much of the external boundaries of this planning unit.**

*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:** The "special agreements between the landowners and other public entities that were part of the basis for including an area in the urban growth boundary" are located in the Annexation Policies of the Urbanization Element rather than the Urban Growth Management Agreement, which is also located in the Urbanization Element. These agreements are listed under Section 2.1.7(6) of the Annexation

Policies. Only one of these policies appears to apply to this subject planning unit. There is a requirement for MD-5 properties to provide donation of land for trails per the approved master plan, with the commitment to construct trails that are built concurrently with private development. Map 11 of the Leisure Services Plan shows the location of a new multi-use path to be constructed along the extension of South Stage Road and then north along North Phoenix Road to connect to the existing and proposed Larson Creek Trail network at Coal Mine Road. North Phoenix Road is a Regional Arterial street. One cross-section option (MLDC Section 10.428(A)(1) or (2)) for this kind of street includes a multi-use path on both sides of the street. The submitted Urbanization Plan for MD-5e shows a multi-use path on the east side of the street, adjacent to this planning unit. This alignment is based on the understanding that the City will elect to construct North Phoenix Road with the cross-section having multi-use paths on each side of the street, consistent with the Regional Arterial street standards.

**FINDING:**

**The City of Medford finds that the submitted Urbanization Plan recognizes that a multi-use path will be constructed on North Phoenix Road adjacent to this planning unit, thereby demonstrating compliance with the "special agreements" to provide right-of-way for and to construct trails per the approved trails plan.**

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

**Discussion:** The Urbanization Plan for MD-5f shows the placement of a multi-use path along the extension of South Stage Road and North Phoenix Road adjacent to the site, consistent with Map 11 of the Leisure Services Plan. North Phoenix Road is a Regional Arterial street. One cross-section option (MLDC Section 10.428(A)(1) or (2)) for this kind of street includes a multi-use path on both sides of the street.

The submitted Urbanization Plan for MD-5e shows a multi-use path on the east side of North Phoenix Road, adjacent to this planning unit. This alignment is based on the understanding that the City will elect to construct North Phoenix Road with the cross-section having multi-use paths on each side of the street.

The Leisure Services Plan also shows a future park location, identified as P-2 on the Proposed Parkland Acquisition Target Areas map (Map 12), located in the southeast corner of the urban area near Coal Mine Road. The Applicants' development team has been in contact with the Parks and Recreation Department to coordinate the

development of this property as it relates to park facilities. The Parks and Recreation Department has expressed interest in the possibility of developing either a neighborhood park (3-10 acres) or a community park (15+ acres) consistent with what is shown in the Leisure Services Plan. While the final size and location of this future park has yet to be determined, the submitted Urbanization Plan map shows that a public park is planned for at internal street intersections of the planning unit. The plan shows the parks being approximately 5.56 acres and 8.61 acres in size; however, the size of the parks may change as future development plans are refined.

**FINDING:**

**The City of Medford finds that the submitted Urbanization Plan for MD-5e complies with the Leisure Services Plan by showing planned trail improvements along North Phoenix Road. If the City elects to construct North Phoenix Road with multi-use paths on both sides of the street, then a multi-use path should be constructed adjacent to this planning unit. The submitted Urbanization Plan also shows the placement of an approximately 14.17-acres for public parks within planning unit MD-5e, consistent with Map 12 of the Leisure Services Plan.**

*5.10 Vicinity map including adjacent planning units and their General Land Use Plan designations. City of Medford Comprehensive Plan Chapter 10.*

**FINDING:**

**The application includes a vicinity map (Exhibit B) which shows the adjacent planning units and their GLUP designations.**

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

**FINDING:**

**The application includes a vicinity map (Exhibit B) which shows the property lines for the subject planning unit and adjacent properties.**

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

**FINDING:**

**The application includes a map (Exhibit C) which shows 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.*

**Discussion:** For this planning unit, the areas identified as unbuildable on Map A-1 of the August 18, 2016 Urban Growth boundary City Council Report are the areas required to be agricultural buffers, wetland areas, an existing canal and areas containing existing development. As discussed above under Section 5.3, most of the agricultural buffers on this planning unit are considered interim as they can be developed once additional portions of MD-5e are brought into the UGB. This being the case, although these buffers must be provided at the time of development, they are not considered open space or unbuildable. The agricultural buffer along the south property border will be placed on the adjacent property to the south (Tax Lot 400) consistent with MLDC Section 10.802(G)(1) and will therefore not cause any portion of this planning unit to be unbuildable. Likewise, as discussed under Section 5.3 above, there are several suspected wetlands located within this portion of planning unit MD-5e. If any locally significant wetlands are found, they will be protected in place but other wetlands may be mitigated elsewhere to provide for the efficient urbanization of the site. Mitigation of wetlands associated with the development of these properties will be located on Tax Lot 400 to the south and therefore these wetland areas will not count as unbuildable or open space in this planning unit.

A portion of the MID Medford Canal is located within the planning unit. The Applicants have been coordinating with the Medford Irrigation District to relocate the canal into an underground pipe adjacent to and along the North Phoenix Road right-of-way on the west side of the planning unit. The underground pipe would then extend easterly to reconnect with the existing canal south of the planning unit. Once the canal is relocated, the area under and along the existing canal will no longer be undevelopable.

The portions of the property shown as unbuildable due to existing development were identified as such because whether they remain developed in their current state as they were in 2016, or if they are redeveloped, they are not anticipated to provide any additional development potential. These areas are still required to receive a GLUP map designation and the submitted Urbanization Plan includes all of the developed portions of the property within the GLUP categories assigned to the planning unit. The Urbanization Plan does not identify any areas as unbuildable aside from the approximately ½-acre existing pet cemetery designated as private open space. This portion of the property will remain perpetually as private open space.

As the property develops, the locations for additional unbuildable/open space areas will be identified. These will include open space/playground areas associated with multiple-family developments, wetlands that are protected in place, and storm water management areas. However, it is inappropriate to restrict areas on the Urbanization Plan to open space use or as unbuildable without knowing where exactly they will be located.

**FINDING:**

**The submitted Urbanization Plan shows the agricultural buffers and wetland areas that were shown as unbuildable on Map A-1 are not shown as unbuildable on the Urbanization Plan because some are interim in nature and some wetlands will be mitigated onto TL 400 to the south; therefore, making more of the subject planning unit developable and maximizing the efficiency of urbanizable land. The Urbanization Plan properly assigns GLUP map designations to areas shown as unbuildable due to the fact that they were developed.**

*5.14 Contour lines and topography.*

**FINDING:**

**The application includes a map (Exhibit D) which shows 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.*

**Discussion:** The submitted Urbanization Plan and associated mapping does not

include any of information listed as prohibited by this section.

**FINDING:**

**The City of Medford finds that the submitted Urbanization Plan does not include any deviations from Municipal Code Provisions; it does not include any limitations on development due to capacity shortfall; it does not include any architectural details; it does not include any specifics about building types and building placement; and it does not include any information regarding access or internal circulation on prospective lots or development sites.**

**CONCLUSION:**

**The City of Medford concludes that the submitted Urbanization Plan application includes all required application materials per MLDC Section 10.220(C). The Urbanization Plan demonstrates compliance with Section 5 of the Urbanization Planning Chapter in the Neighborhood Element of the Comprehensive Plan by:**

**1) Demonstrating compliance with the GLUP map designations assigned to the property through the UGB expansion process; compliance with the RPS density requirements; compliance with the TSP higher-order street locations; compliance with neighborhood circulation plan requirements; compliance with open space requirements; compliance with requirements for mixed-use/pedestrian-oriented development; compliance with the UGMA; and compliance with special agreements for inclusion in the UGB.**

**2) The application materials demonstrate preliminary coordination with public utility providers and the Parks and Recreation Department; and the application includes information about the locations of riparian corridors, wetlands, historic structures and areas designated as unbuildable per Map A-1 of the August 18, 2016 City Council report.**

**3) The application includes maps showing GLUP map designation and property lines on adjacent planning units; existing easements of record, irrigation canals and structures; and contour lines and topography.**

**4) The Urbanization Plan does not include any of the project or design details prohibited by Section 5.15.**

## 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.*

*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 City of Medford Comprehensive Plan Chapter*

**Discussion:** As discussed in the findings for Section 5.1 above, the proposed Urbanization Plan includes only minor spatial adjustments. The amounts of each of the GLUP map categories shown on the proposed plan are very close to the amounts that were assigned to the planning unit through the UGB amendment process. The GLUP designations have been moved slightly, approximately 95-feet, to align with the new north-south public street on the subject tract separating the CM from the UH designations. This alignment was chosen to match the location of the existing Quarter Lane to the north, recently platted as a new public residential street.

**FINDING:**

**The City of Medford finds that the proposed GLUP map amendment includes only minor spatial adjustments, this Urbanization Plan can be the basis of the GLUP amendments without the need for a complex land supply analysis per Section 6.1.1.**

**CONCLUSION:**

**The submitted Urbanization Plan complies with the provisions of Section 6 of the Urbanization Planning Chapter in the Neighborhood**

**Element of the Comprehensive Plan which allows the Urbanization Plan to be the basis of the proposed GLUP map amendments, which are classified as minor spatial adjustments.**

**Regional Plan Element Section 4.1.8. Conceptual Land Use Plans**

*A proposal for a UGB Amendment into a designated UR shall include a Conceptual Land Use Plan prepared by the City in collaboration with the Rogue Valley Metropolitan Planning Organization, applicable irrigation districts, Jackson County, and other affected agencies for the area proposed to be added to the UGB as follows:*

a. *Target Residential Density. The Conceptual Land Use Plan shall provide sufficient information to demonstrate how the residential densities of Section 4.1.5 above will be met at full build-out of the area added through the UGB amendment.*

b. *Land Use Distribution. The Conceptual Land Use Plan shall indicate how the proposal is consistent with the general distribution of land uses in the Regional Plan, especially where a specific set of land uses were part of the rationale for designating land which was determined by the Resource Lands Review Committee to be commercial agricultural land as part of an urban reserve, which applies to the following URs: CP-1B, CP-1C, CP-4D, CP-6A, CP-2B, MD-4, MD-6, MD7mid, MD-7n, PH-2, TA-2, TA-4.*

c. *Transportation Infrastructure. The Conceptual Land Use Plan shall include the transportation infrastructure required in Section 4.1.7 above.*

d. *Mixed Use/Pedestrian Friendly Areas. The Conceptual Land Use Plan shall provide sufficient information to demonstrate how the commitments of Section 4.1.6 above will be met at full build-out of the area added through the UGB amendment.*

**Discussion:** This section of the Comprehensive Plan applies to the UGB amendment process. Prior to amendments to the UGB, the City of Medford is required to prepare conceptual land use plans for any/all urban reserve areas being considered for inclusion into the UGB. As the application form provided by the City for Urbanization Plan approval requires findings in compliance with this section of the Comprehensive Plan, these findings must relate to how the proposed Urbanization Plan, like the conceptual plan prepared by the City at the time of UGB expansion, meets the standards produced through the Regional Problem Solving (RPS) process. These standards have been discussed in detail in the required findings under Section 5 of the Urbanization Planning Chapter of the Neighborhood Element and will be summarized here to demonstrate compliance with Section 4.1.8 of the Regional Plan Element.

a. *Target Residential Density. The Conceptual Land Use Plan shall provide sufficient information to demonstrate how the residential densities of Section 4.1.5 above will be met at full build-out of the area added through the UGB amendment.*

As discussed under Section 5.1 above, the minimum residential density prescribed for the residential portion of this planning unit is 15 DU/acre for the MFR-20 zoning district. Given the existing GLUP map designations for the properties are prescribed as UH only for residential purposes, it is demonstrated that all residential development shown on the proposed Urbanization Plan will exceed the minimum required density of 6.6 DU/gross acre without the need for additional zoning restrictions or the need to commit specific portions of the development to a specific density.

b. *Land Use Distribution. The Conceptual Land Use Plan shall indicate how the proposal is consistent with the general distribution of land uses in the Regional Plan, especially where a specific set of land uses were part of the rationale for designating land which was determined by the Resource Lands Review Committee to be commercial agricultural land as part of an urban reserve, which applies to the following URs: CP-1B, CP-1C, CP-4D, CP-6A, CP-2B, MD-4, MD-6, MD7mid, MD-7n, PH-2, TA-2, TA-4.*

This standard is meant to be addressed on an MD-wide basis and was properly addressed at the time of UGB expansion. That being the case, by demonstrating the submitted Urbanization Plan is consistent with the conceptual plan produced by the City as it relates to the allocation of employment, residential and open space lands, this plan can be found to be in compliance with the land distribution requirements of this section. As discussed within Section 5.1 above, the existing GLUP map shows the property being designated CM along North Phoenix Road and designated UH on the eastern portions of the subject properties. The split between the two land use types is shown near the common property line between tax lots 5002 and 5001. The proposed Urbanization Plan also shows the property being divided between the CM and UH land use categories near this common property line, however, the dividing line on the proposed Urbanization Plan is occurring along the centerline of a new north/south street, aligned with the planned intersection with Quarter Lane, and paralleling North Phoenix Road.

This new street has been located and designed to align with Quarter Lane at its intersection with Coal Mine Road on the north side of the planning area. The new street traverses the subject site and connects to a planned new street which will run along the south boundary of the subject properties. As Quarter Lane had not been shown on a tentative plat, dedicated, or built at the time the City developed the land use designations for this planning unit, the location of Quarter Lane and the alignment of a street through this planning area were not considered in determining a precise location for the split between commercial and residential designations. The proposed

Urbanization Plan balances the need for proper street alignments with the planned land use designations without significantly altering the ratio between CM and UH land use designations.

The Urbanization Plan, along with the discussions provided under Section 5.3 above, demonstrate that the required 19% open space can be provided for, future adjustments may also occur.

The submitted Urbanization Plan is consistent with the general distribution of land uses shown on the conceptual plan produced by the City for this portion of MD-5.

c. *Transportation Infrastructure. The Conceptual Land Use Plan shall include the transportation infrastructure required in Section 4.1.7 above.*

Section 4.1.7 requires conceptual plans to identify a general network of regionally significant arterial streets, transit corridors, bike and pedestrian paths, and associated projects to provide mobility throughout the region. This standard was meant to be addressed on both an MD-wide and a City-wide basis prior to expanding the UGB. This work was used to create the "Street Functional Classification Plan" (Map A-2 of the UGBA City Council Report dated August 18, 2016) which was used to inform applicable portions of the TSP and the Leisure Services Plan. The discussion and findings provided under Section 5.2 above regarding to location of higher-order streets and off-road multi-use paths demonstrate that there are no significant transportation corridors identified or located within this planning unit.

d. *Mixed Use/Pedestrian Friendly Areas. The Conceptual Land Use Plan shall provide sufficient information to demonstrate how the commitments of Section 4.1.6 above will be met at full build-out of the area added through the UGB amendment.*

Both the conceptual plan and the submitted Urbanization Plan are required to demonstrate that mixed-use/pedestrian-friendly development will be provided for. As both of these plans are high-level plans, showing only land-use designations and major transportation corridors, neither can demonstrate the totality of planned mixed-use/pedestrian-friendly development. In order to demonstrate compliance with this criterion, the conceptual plan, and now this Urbanization Plan, have demonstrated that the pattern of land use designations along with the planned transportation corridors will help to provide for a mix of uses and provide for pedestrian friendly development both with the mix of uses and with the availability of pedestrian infrastructure, pedestrian connectivity, and provisions for the development of transit routes into the planning unit. Compliance with this section is discussed in more detail in the discussion and findings provided within Section 5.4 above.

**FINDING:**

**The City of Medford finds that previous findings in compliance with Regional Plan Element Section 4.1.8 were made at the time of UGB expansion. Findings in compliance with Section 4.1.8 at this time are used to demonstrate that the submitted Urbanization Plan matches the conceptual plan regarding required minimum residential density, percentages of major land use types (employment, residential and open space), major transportation corridors, and mixed-use/pedestrian-oriented development. The discussion provided above along with the more detailed discussion and findings made under Section 5 of the Urbanization Planning Chapter of the Neighborhood Element above, demonstrate that the submitted Urbanization Plan meets the standards required for conceptual plans per Regional Plan Element Section 4.1.8.**

**CONCLUSION:**

**The City of Medford concludes that the submitted Urbanization Plan addresses the required minimum residential density, percentages of major land use types (employment, residential and open space), major transportation corridors, and mixed-use/pedestrian-oriented development as required by Regional Plan Element Section 4.1.8.**

## IV. SUMMARY:

In order to approve an application for an Urbanization Plan, the City of Medford must find that the application meets the applicable criteria for plan contents and GLUP map amendments found in Sections 5 & 6 of the Urbanization Planning Chapter in the Neighborhood Element of the Comprehensive Plan. The application form provided by the City of Medford for Urbanization Plan approval also requires findings in compliance with Regional Plan Element Section 4.1.8 of the Comprehensive Plan. A review of the application materials, including the above Findings of Fact and all maps and exhibits, demonstrate that the submitted Urbanization Plan for MD-5e is in compliance with these applicable sections of the Comprehensive Plan.

With this in mind, the Applicants respectfully request that the City of Medford approve the requested Comprehensive Plan amendment and adopt the submitted Urbanization Plan for planning unit MD-5e into the Neighborhood Element of the Comprehensive Plan.

Respectfully Submitted,

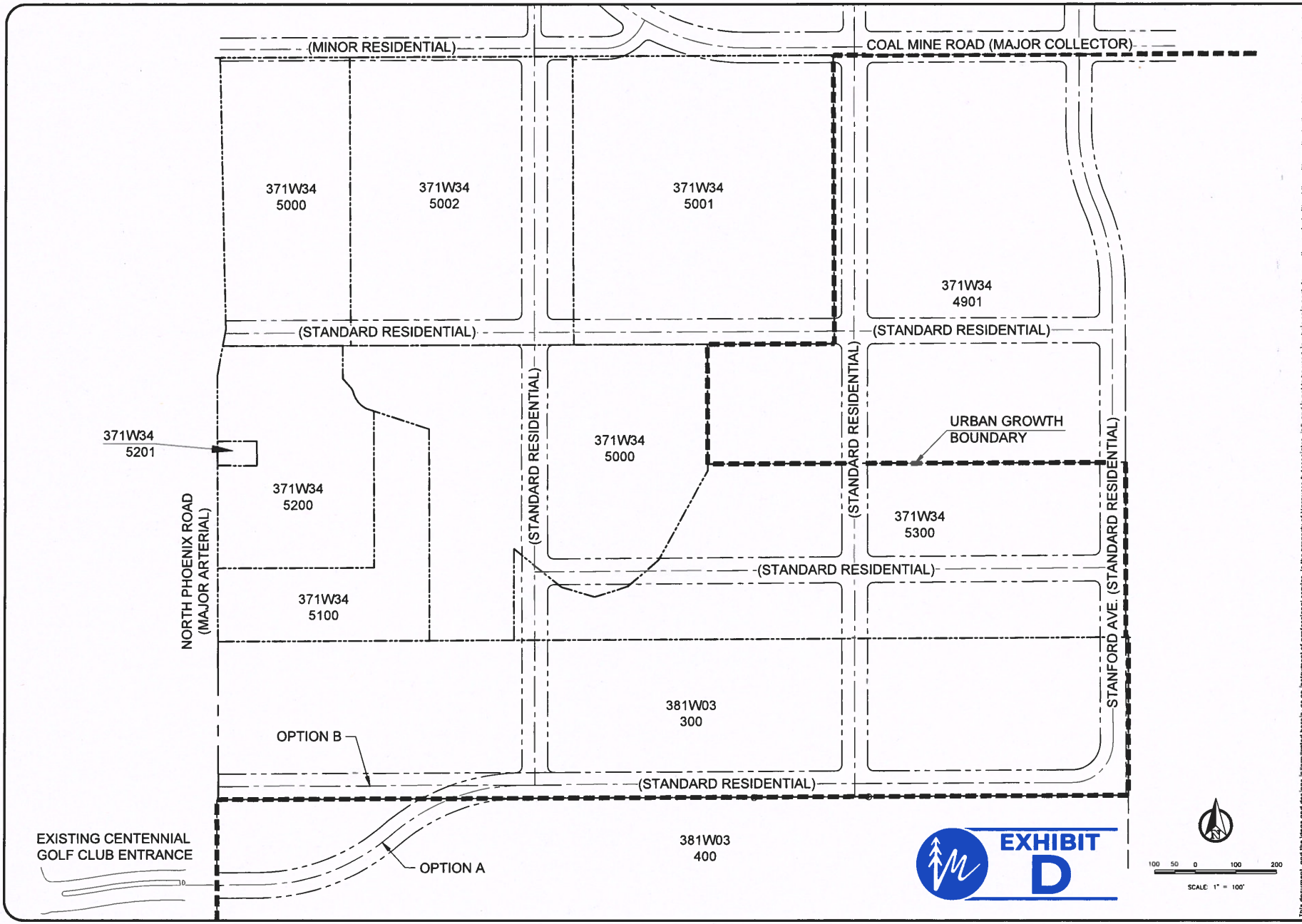
Richard Stevens & Associates, Inc.

**PLANNING UNIT DESCRIPTION**

| Existing General Land Use Plan (GLUP) Designations | # of Acres/GLUP | Open Space % & Acreage Requirement for MD-5e & MD-5f | Open Space % & Acreage Provided for MD-5e & MD-5f | Acreage Totals | % of Total GLUP Provided | Target Residential Density Units/Acre | Provided Residential Density Units/Acre | Anticipated Zoning Designations |
|---|---|---|---|---|---|---|---|---|
| Urban High Density Residential | 36.5 | | | 28.01 | 38% | 6.6 DU/acre x 28.01 acres = 185 DU | 15 DU/acre x 28.01 acres = 420 DU | MFR-20 |
| Commercial | 39.1 | | | 32.32 | 43% | N/A | N/A | C-H |
| | | 19% or 93.44 acres | 27% or 134.17 acres | 14.17 | 19% | | | |
| **TOTALS** | 74.6 | | | 74.5 | 100% | 185 DU | 420 DU | |



EXHIBIT C

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HAYA PARK
NORTH PHOENIX ROAD AND COAL MINE ROAD
MEDFORD, OREGON

EXHIBIT E
LOCAL CIRCULATION PLAN

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| FILE NAME | C:\STREET |
| ISSUE DATE | |
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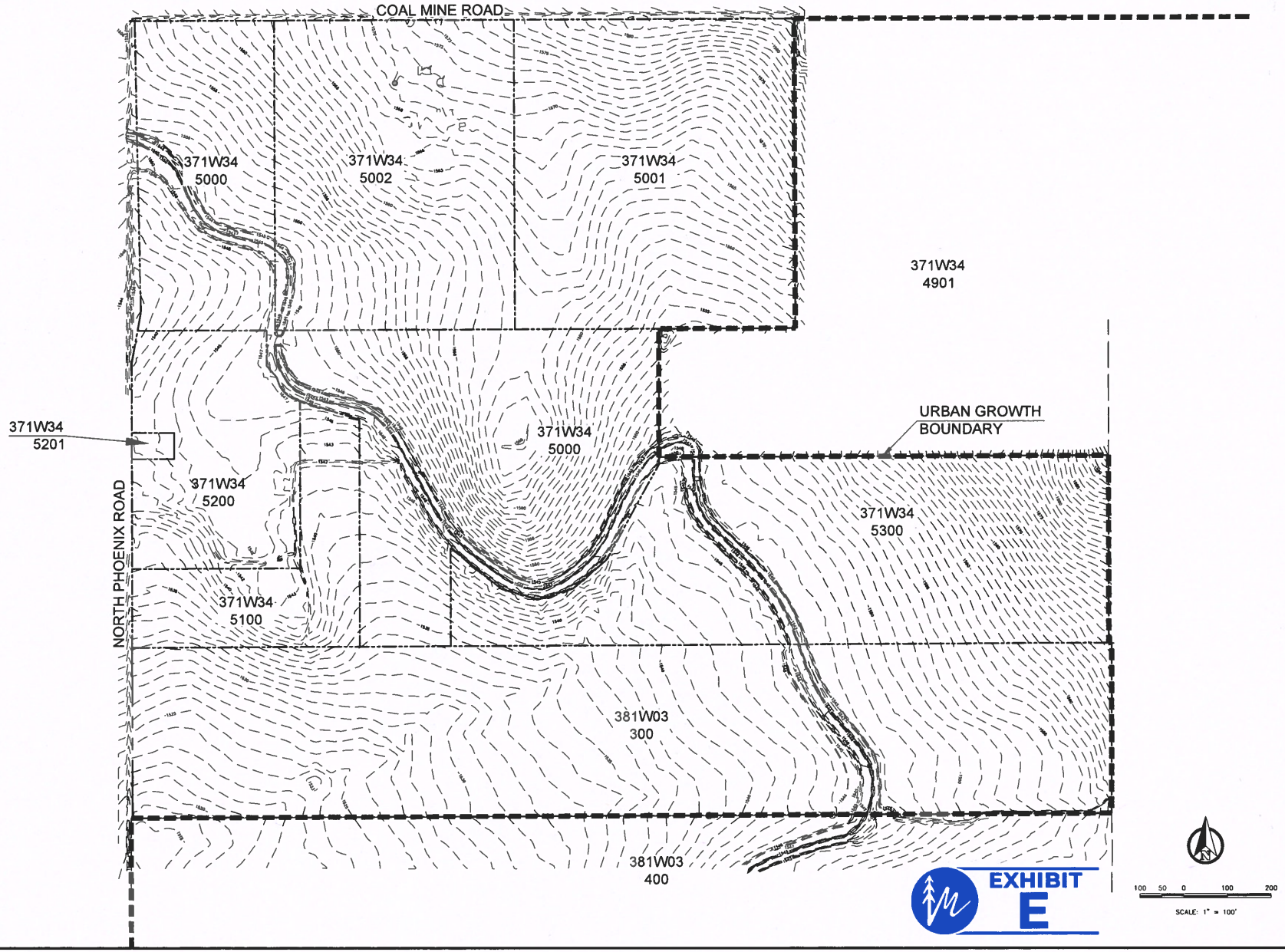


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Page 83

EXHIBIT D
CONTOUR MAP

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| FILE NAME | C-STREET |
| ISSUE DATE | |
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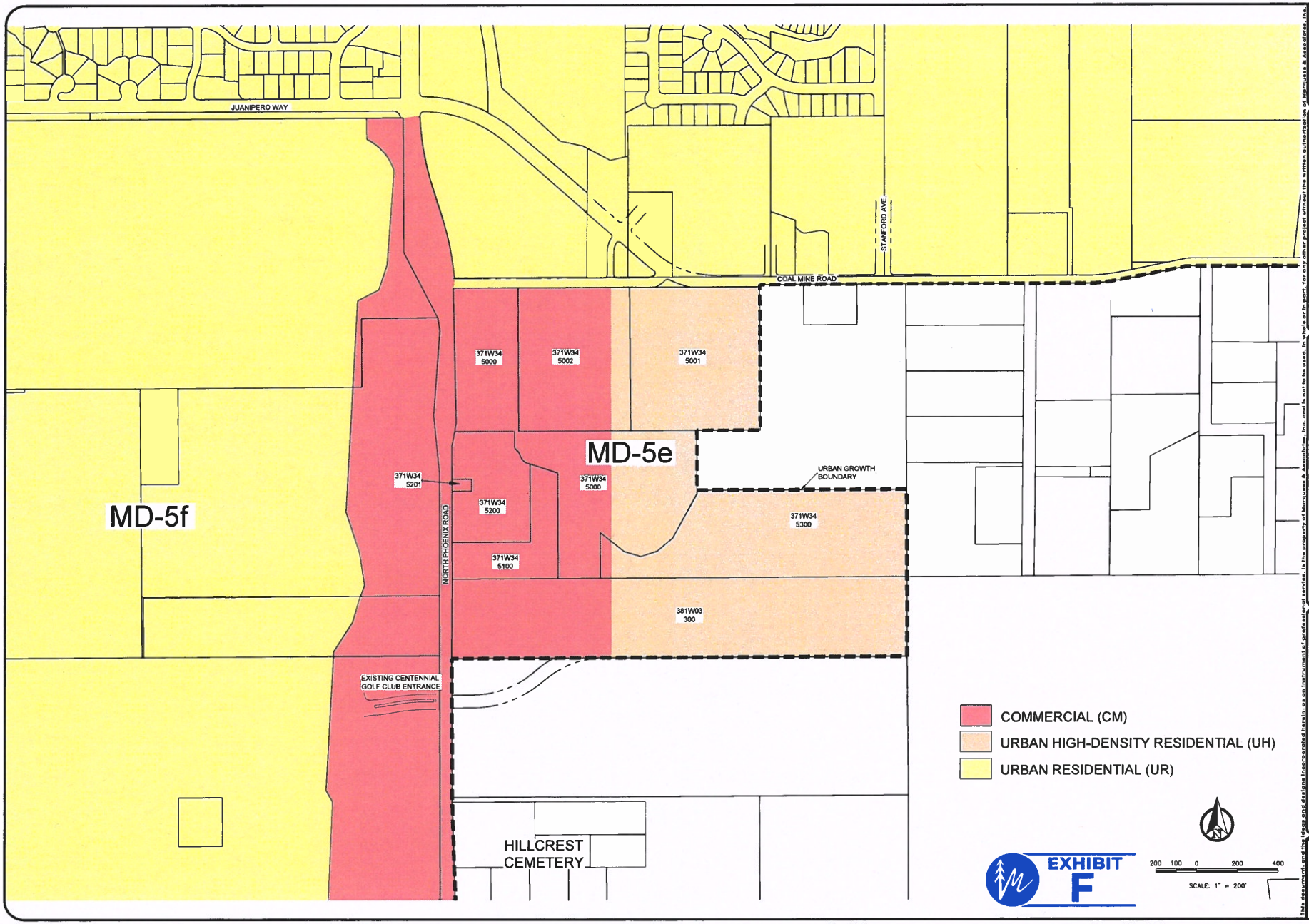


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EXHIBIT B
VICINITY MAP

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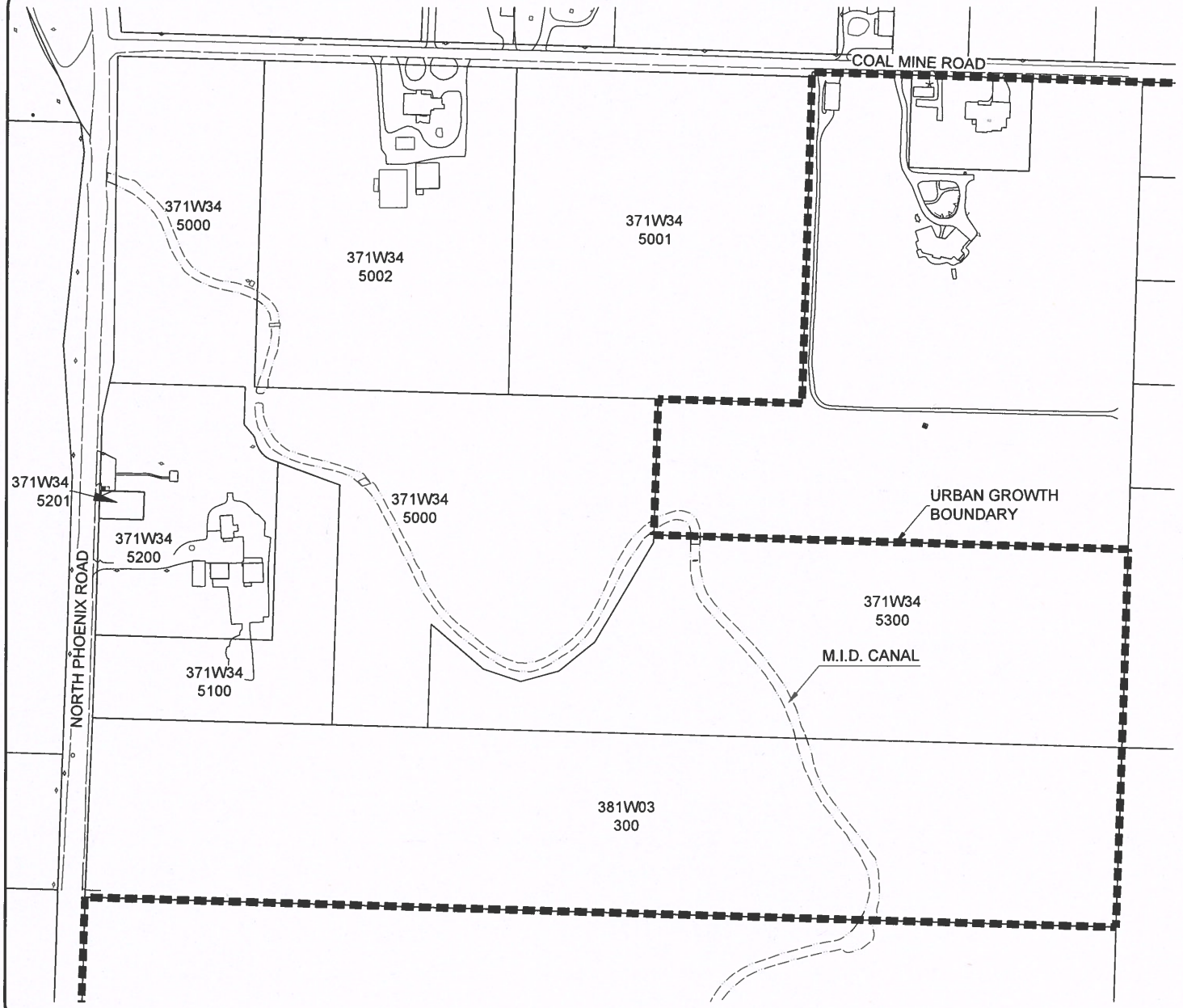



TITLE REPORT INFORMATION
PUBLIC RECORD REPORT FOR NEW SUBDIVISION OR LAND PARTITION
PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY. ORDER
NUMBER 7169-3338836, EFFECTIVE DATE : OCTOBER 14, 2019 AT 8:00 AM

ENCUMBRANCES (NUMBERED PER TITLE REPORT NOTED ABOVE)

15 EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: RECORDING INFORMATION: VOLUME 130, PAGE 20
IN FAVOR OF: MEDFORD IRRIGATION DISTRICT FOR: CANAL
AFFECTS: SUBJECT PROPERTY. GENERAL IN NATURE, NOT PLOTTED.

16 EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: RECORDING INFORMATION: VOLUME 130, PAGE 30
IN FAVOR OF: MEDFORD IRRIGATION DISTRICT FOR: IRRIGATION CANAL
AFFECTS: SUBJECT PROPERTY. GENERAL IN NATURE, NOT PLOTTED.

17 EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: RECORDING INFORMATION: VOLUME 180, PAGE 393
IN FAVOR OF: NONE SHOWN
FOR: A ROAD
AFFECTS: SUBJECT PROPERTY. GENERAL IN NATURE, NOT PLOTTED.

18 WAIVER FOREVER OF ANY AND ALL CLAIM ARISING FROM LEAKAGE FROM MEDFORD IRRIGATION DISTRICT CANAL, INCLUDING THE TERMS AND PROVISIONS THEREOF, AS SET FORTH IN VOLUME 180, PAGE 393, JACKSON COUNTY, OREGON, DEED RECORDS.
AFFECTS: SUBJECT PROPERTY. GENERAL IN NATURE, NOT PLOTTED.

19 RIGHT OF WAY, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: GRANTED TO: MEDFORD IRRIGATION DISTRICT
FOR: IRRIGATION CANAL, AND RIGHTS IN CONNECTION THEREWITH: RECORDING INFORMATION: VOLUME 130, PAGE 118
AFFECTS: SUBJECT PROPERTY. GENERAL IN NATURE, NOT PLOTTED.

20 EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: RECORDING INFORMATION: VOLUME 332, PAGE 315
IN FAVOR OF: CALIFORNIA OREGON POWER COMPANY
FOR: TRANSMISSION AND DISTRIBUTION OF ELECTRICITY
AFFECTS: SUBJECT PROPERTY. GENERAL IN NATURE, NOT PLOTTED.

21 EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: RECORDING INFORMATION: VOLUME 526, PAGE 236
IN FAVOR OF: PACIFIC POWER & LIGHT COMPANY
FOR: TRANSMISSION AND DISTRIBUTION OF ELECTRICITY
AFFECTS: SUBJECT PROPERTY. GENERAL IN NATURE, NOT PLOTTED.

22 RESTRICTIVE COVENANT, INCLUDING TERMS AND PROVISIONS THEREOF:
RECORDED: NOVEMBER 05, 1980 AS DOCUMENT NO. 80-22679
AFFECTS: NEIGHBORING PROPERTY. NOT PLOTTABLE.

23 EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: RECORDING INFORMATION: DOCUMENT NO. 66-09448
IN FAVOR OF: PACIFIC POWER & LIGHT COMPANY
FOR: TRANSMISSION AND DISTRIBUTION OF ELECTRICITY
AFFECTS: SUBJECT PROPERTY. GENERAL IN NATURE, NOT PLOTTED.

27 AGRICULTURAL BUFFER EASEMENT & RESTRICTIVE COVENANT AND TERMINATION OF 2012 GRANT OF EASEMENT, INCLUDING TERMS AND PROVISIONS THEREOF:
RECORDED: MARCH 01, 2018 AS DOCUMENT NO. 2018-006701.
NOT PLOTTED.

29 RESTRICTIVE COVENANTS, INCLUDING THE TERMS AND PROVISIONS THEREOF, AS IMPOSED BY JACKSON COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT, THROUGH THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE, AND RECORDED JUNE 27, 2018 AS DOCUMENT NO. 2018-018309, OFFICIAL RECORDS OF JACKSON COUNTY, OREGON. AFFECTS: SUBJECT PROPERTY. NOT PLOTTABLE.

30 RESTRICTIVE COVENANTS, INCLUDING THE TERMS AND PROVISIONS THEREOF, AS IMPOSED BY JACKSON COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT, THROUGH THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE, AND RECORDED JUNE 27, 2018 AS DOCUMENT NO. 2018-018310, OFFICIAL RECORDS OF JACKSON COUNTY, OREGON. AFFECTS: SUBJECT PROPERTY. NOT PLOTTABLE.

31 RESTRICTIVE COVENANTS, INCLUDING THE TERMS AND PROVISIONS THEREOF, AS IMPOSED BY JACKSON COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT, THROUGH THE JACKSON COUNTY LAND DEVELOPMENT ORDINANCE, AND RECORDED JUNE 27, 2018 AS DOCUMENT NO. 2018-018311, OFFICIAL RECORDS OF JACKSON COUNTY, OREGON. AFFECTS: SUBJECT PROPERTY. NOT PLOTTABLE.

EXHIBIT
G

100 50 0 100 200
SCALE: 1" = 100'

PRELIMINARY
THESE DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION BIDDING RECORDATION CONVEYANCE ISSUANCE OF A PERMIT
01/10/2020

MARQUESS & ASSOCIATES
YOUR PROFESSIONAL ENGINEERING TEAM SINCE 1977
CIVIL | GEOTECHNICAL | STRUCTURAL | MECHANICAL | ELECTRICAL | SURVEY | CONSTRUCTION TESTING
120 WEST DAKOTA MEDFORD, OR 97501 541-772-7368 FAX 541-772-4917

HAYA PARK
NORTH PHOENIX ROAD AND COAL MINE ROAD
MEDFORD OREGON

Page 85

EXHIBIT C - EXISTING EASEMENTS, IRRIG. CANALS, AND STRUCTURES

| | |
|---|---|
| MAP PER REC. | 36-2E9 |
| FILE NAME | C:\URBAN |
| ISSUE DATE | |
| DRAWN | BSG |
| CHECKED | BSG |

REVISIONS

SHEET 1 OF 1 SHEETS

This document, and the ideas and designs incorporated herein, as an instrument of professional service, is the property of Marquess & Associates, Inc., and is not to be used, in whole or in part, for any other project without the written authorization of Marquess & Associates, Inc.

S:\19 1383_cad\Submission Plans\C (1&E).dwg, 1/10/2020 1:15:39 PM, 1:1

MEDFORD
PUBLIC WORKS

LD DATE: 7/22/2020
Revised Date: 8/3/2020
File Number: UP-20-078

# PUBLIC WORKS DEPARTMENT STAFF REPORT

## Urbanization Plan for MD-5e
## North Phoenix Road/Coal Mine Road (Multiple Tax Lots)

**Project:** A legislative amendment to adopt an Urbanization Plan into the Neighborhood Element of the Comprehensive Plan for approximately 74.6 acres of property located east of North Phoenix Road and South of Cole Mine Road, a portion of Planning Unit MD-5e (371W34 TL 5000, 5001, 5002, 5100, 5200, 5201, & 5300 and 381W03 TL 300).

**Applicant:** Applicant: Rania Sawabini and Bottala Enterprises; Agent: Clark Stevens

**Planner:** Sarah Sousa, Planner IV

An Urbanization Plan is approved by the City Council and is adopted as part of the Neighborhood Element of the Comprehensive Plan. It is a high level master plan that ensures compliance with the Regional Plan and meets the applicable standards in the Comprehensive Plan.

---

### A. STREETS

**North Phoenix Road** is classified as a Regional Arterial street and is maintained by Jackson County. North Phoenix Road is paved without curb and gutter, street lights or sidewalk. In accordance with the City's Urban Reserve Management Agreement, the City will assume maintenance jurisdiction of North Phoenix Road at the time of annexation and will request that a jurisdictional transfer be completed.

**Coal Mine Road** (from Juanipero Way heading east to the edge of this proposed development) is classified as a Major Collector street and is currently maintained by Jackson County. Coal Mine Road is paved without curb and gutter, street lights or sidewalk at this time. Improvements (with the exception of curb and gutter, planter strip and sidewalk on the south side) are set to be completed along this proposed developments frontage with Horse Arena Phase 2 (P1897D). In accordance with the City's Urban Reserve Management Agreement, the City will assume maintenance jurisdiction of Coal Mine Road at the time of annexation and will request that a jurisdictional transfer be completed.

**Coal Mine Road** (from North Phoenix Road to intersection with the future alignment of Juanipero Way) is classified as a Minor Residential street and is currently maintained by Jackson County. In accordance with the City's Urban Reserve Management Agreement, the City will assume maintenance jurisdiction of Coal Mine Road at the time of annexation and will request that a jurisdictional transfer be completed.

**Future Street – Southerly Boundary** (from North Phoenix Road east to intersection with future extension of Stanford Avenue) shall be classified as a Standard Residential street and will be maintained by the City of Medford.

**Future Packhorse Street** (from Coal Mine Road heading south to future intersection with the future southerly boundary street) shall be classified as Minor or Standard Residential Street and will be maintained by the City of Medford.

**Future Quarter Lane** (from Coal Mine Road heading south to future intersection with the future southerly boundary street) shall be classified as a Commercial street and will be maintained by the City of Medford.

**Future Stanford Avenue** (from Coal Mine Road south to intersection with future southerly boundary street) shall be classified as a Standard Residential street and will be maintained by the City of Medford.

Future Commercial and/or Minor/Standard Residential east-west connection streets shall be public and will be maintained by the City of Medford.

## B. SANITARY SEWERS

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

## C. STORM DRAINAGE

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

## D. TRANSPORTATION SYSTEM

The block length of Quarter Lane between the southern property boundary and the next standard residential street to the north appears to exceed the maximum block length for commercial areas. If this area is zoned Regional Commercial it may meet the code, but if it is zoned any other type of commercial an additional east-west street will be required. The applicant has not requested a local street arrangement with less connectivity than is

otherwise allowed by code. Future development plans will need to comply with MLDC 10.426.

Intersection treatments for the local streets at North Phoenix Road shall be studied at the time of zone change.

In accordance with MLDC Section 10.442, the alignment of Stanford Avenue and the Standard Residential Street along the south portion of TL5001 shall be compliant with code standards for street construction along the boundary of a development. In addition, the intersection of Stanford Avenue and the southernmost Standard Residential Street shall intersect with a 100-foot centerline radius (MLDC 10.448) or a knuckle, as these streets will not feasibly be able to extend beyond the Urban Growth Boundary (UGB) into areas currently not part the Urban Reserve.

Public Works does not believe "Option A" shown on the local circulation plan map is feasible, as it would require an exception from state planning goals. The street shown as "Option B" will need to meet minimum intersection spacing requirements of MLDC 10.426 and may have access restrictions such as a right-in / right-out only. Access restrictions shall be studied at the time of a zone change.

The minor residential section of Coal Mine Road is planned to be realigned so that there will no longer be an intersection with North Phoenix Road in accordance with the Southeast Medford Circulation Plan. This will need to happen when the property north of Coal Mine Road (map lot 37 1W 34 2087) is developed.

## 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

July 10, 2020

Attention: Sarah Sousa
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 for the portions of the planning unit MD-5e located within the Urban Growth Boundary (UGB) of the City of Medford off
Coal Mine Road and North Phoenix Road – both County maintained roads
Planning File: UP-20-078 & ANNX-20-079

Dear Sarah:

Thank you for the opportunity to comment on the request for Comprehensive Plan Amendment to adopt an Urbanization Plan for the portions of the planning unit MD-5e located within the Urban Growth Boundary (UGB) of the City of Medford. The MD-5e planning unit is located east of North Phoenix Road and south of Coal Mine Road. The proposed Urbanization Plan includes multiple tax lots totaling 74.6 acres. The properties are described as: 37-1W-34 Tax Lots 5000, 5001, 5002, 5200, 5201 & 5300 and 38-1W-03 TL 300. 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 Coal Mine Road and North Phoenix Road right-of-way. Then, following annexation, City is required to request jurisdiction of this portion of Coal Mine Road and North Phoenix 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 Coal Mine Road and North Phoenix Road to the City of Medford, Jackson County will require the following:

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

EXHIBIT I

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 Coal Mine Road and North Phoenix Road and impacts to North Phoenix Road including stopping sight distance, traffic queuing, storage lengths, need for dedicated turn lanes or a median turn lane, and impacts to the North Phoenix Road and Coal Mine Road intersection. The study shall also address impacts to Juanipero Way and Campbell Road 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. North Phoenix Road is a County Minor Arterial road and is maintained by the County. The Average Daily Traffic count was 10,529 on September 5, 2018, 225' south of Coal Mine 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. 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


July 23, 2020

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

**Re: ANNX-20-079 & UP-20-078, Coal Mine Road Urbanization Plan, 371W34 TLs 5000, 5001, 5002, 5201, & 5300; 381W03 TL 300**
**Ref: PA-19-076 & PA-19-070**

ATTN: Carla,

The identified properties are within the RVSS sewer service boundary. However, RVSS sewer facilities are not located near the subject property. There are two obvious connection options, each comes with various obstacles. One option is to connect directly to the RVSS Upper Bear Creek Interceptor located west of Interstate 5 and Bear Creek. The other option is to extend sewer north from the existing 18 inch main which crosses Interstate 5 just north of Home Depot. GIS maps are available on our website for reference. The City of Medford sewer system is located north and west of the area along Juanipero Way and La Loma Drive respectively. However, the City of Medford system is largely unsuitable for standard gravity sewer service to the area. The portion of the area along Coal Mine Road that is acceptable for standard gravity sewer may connect to the City of Medford system via a service boundary revision. The conditions of the Medford system connection will be determined by RVSS and the City of Medford.

The Centennial Golf Course properties to the west have also expressed interest in developing and extending sewer across Interstate 5 to serve the area. It's suggested that the interested property owners coordinate in this endeavor.

Rogue Valley Sewer Services requests that the urbanization plan be subject to the following conditions:

1. The developer must include a conceptual plan of the proposed sewer connection and extension to the property.

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

2. All sewer facilities must be sized for a full 'build-out' condition accounting for contributing up stream sewer shed areas. Sewer system sizing must be performed per RVSS standards.
3. Master plan conceptual drawings of the proposed sewer system for the area will be submitted to RVSS upon request.
4. All sewer design and construction must be performed per RVSS standards.

K:\DATA\AGENCIES\MEDFORD\PLANNG\ANNEXATION\2020\ANNX-20-079 & UP-20-078 COAL MINE ROAD URBANIZATION PLAN.DOC

EXHIBIT J

5. 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

TO: Carla Paladino - Planning Department

FROM: Haley Cox – Parks Planner

SUBJECT: MD-5e Urbanization Plan

DATE: December 4, 2019

---

The Parks Department has reviewed the application for urbanization of the MD-5e 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 19% of the total area to Open Space uses. The applicant has shown ½ acre of open space allocated to an existing pet cemetery, which would remain privately owned and maintained. There is also a 4-acre parcel proposed for a public park at the south end of the urbanization area. 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.

2. The Leisure Services Plan does indicate a shared-use pathway along North Phoenix Road, and the applicant has indicated this on their plan. The City standard for shared-use pathways is 10' wide asphalt in a dedicated greenway corridor, or within the street ROW. Since this is a higher-order street, the applicant is encouraged to consider implementing a ROW cross section that includes separated, off-street bike and pedestrian facilities, which would satisfy the shared-use pathway requirement.

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

EXHIBIT K

BOARD OF WATER COMMISSIONERS

# Staff Memo

**TO:** Planning Department, City of Medford

**FROM:** Rodney Grehn P.E., Water Commission Staff Engineer
Brian Runyen, P.E.(TX), Water Commission Staff Engineer

**SUBJECT:** UP-20-078

**PARCEL ID:** 371W34 TL 5000, 5001, 5002, 5100, 5200, 5201, & 5300 and 381W03 TL 300

**PROJECT:** Coal Mine Road at N. Phoenix Road Annexation

A legislative amendment to adopt an Urbanization Plan into the Neighborhood Element of the Comprehensive Plan for approximately 74.6 acres of property located east of North Phoenix Road and South of Cole Mine Road, a portion of Planning Unit MD-5e (371W34 TL 5000, 5001, 5002, 5100, 5200, 5201, & 5300 and 381W03 TL 300). Applicant: Rania Sawabini and Bottala Enterprises; Agent: Clark Stevens; Planner: Sara Sousa.

**DATE:** July 22, 2020

I have reviewed the above plan authorization application as requested. Comments are as follows:

**COMMENTS**

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

2. Access to MWC water lines is available – 16" stub in N Phoenix Rd south of Juanipero Wy, and 12" stub in Coal Mine Rd at Stanford Ave.

3. On-site water facility construction will be "Conditioned" at time of "future" site development review. Expect additional comments and conditions once plans are available for review.

4. Future installation of a 12" water line will be required in Coal Mine Rd from N Phoenix Rd to approximately 535' east of the eastern property boundary.

5. Future installation of a 16" water line will be required in N Phoenix Rd in the south bound travel lane from Juanipero Way to the southern property boundary. Coordinate with developer of proposed project (reference UP-19-004) on the west side of N Phoenix Rd as this same requirement exists for that project.

6. 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."

*Continued to Next Page*

*Continued from Previous Page*

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

8. 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.

9. "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

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

11. Applicant's 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.

MEDFORD
BUILDING SAFETY

**MEMORANDUM**

**To:** Sarah Sousa, Planning Department

**From:** Chad Wiltrout, Building Department (541) 774-2363

**CC:** Applicants: Rania Sawabini, Bottala Enterprises LLC; Agent: Clark Stevens

**Date:** July 22, 2020

**Subject:** UP-20-078_Coal Mine Road at North Phoenix Road Annexation and Urbanization Plan_3690 Coal Mine Rd

---

***Please Note:***

***This is not a plan review. Unless noted specifically as Conditions of Approval, general comments are provided below based on the general information provided; these comments are based on the 2019 Oregon Structural Specialty Code (OSSC) unless noted otherwise. Plans need to be submitted and will be reviewed by a commercial plans examiner, and there may be additional comments.***

***Fees are based on valuation. Please contact Building Department front counter for estimated fees at (541) 774-2350 or building@cityofmedford.org.***

***For questions related to the Conditions or Comments, please contact me, Chad Wiltrout, directly at (541) 774-2363 or chad.wiltrout@cityofmedford.org.***

***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 Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" for information.

EXHIBIT M

3. A site excavation and grading permit will be required if more than 50 cubic yards is disturbed.

4. A separate demolition permit will be required for demolition of any structures not shown on the plot plan.

***Comments:***

5. Building has no comments at this time on the urbanization or annexation.

# Medford Fire-Rescue Land Development Report

## Review/Project Information

**Reviewed By:** Kleinberg, Greg

**Review Date:** 7/9/2020
**Meeting Date:** 7/22/2020

**LD File #:** ANNX20079 **Associated File #1:** UP20078

**Planner:** Clark Stevens

**Applicant:** Rania Sawabini and Bottala Enterprises

**Site Name:** Coal Mine Road at N. Phoenix Road Urbanization Plan

**Project Location:** South of Cole Mine Road and east of North Phoenix Road and including the half-width of approximately 1500 feet of the abutting Coal Mine Road right-of-way

**ProjectDescription:** Consideration of a request for annexation to the City of Medford of approximately 66.75 acres located south of Cole Mine Road and east of North Phoenix Road and including the half-width of approximately 1500 feet of the abutting Coal Mine Road right-of-way. The proposed annexation would change the Jackson County zoning designation of Exclusive Farm Use (EFU) to City holding zone designation of Single Family Residential -1 Unit/Acre (SFR-00) with the Exclusive Agriculture (E-A) Overlay and would remove the property 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 N

# TALENT IRRIGATION DISTRICT
# LAND USE AGENCY RESPONSE FORM

104 W. Valley View Rd.
P.O. Box 467
Talent, OR 97540

Phone: 541-535-1529
Fax: 541-535-4108
Email: tid@talentid.org

**NAME OF ENTITY REQUESTING RESPONSE:** City of Medford
**ENTITY REFERENCE NUMBER:** UP-20-078 & ANNX-20-079
**MEETING REVIEW DATE:** July 22, 2020
**MAP DESCRIPTION:** 37-1W-34-5300, 38-1W-03-300
**PROPERTY ADDRESS:** N. Phoenix Rd, Coal Mine Rd.

☐ **NO COMMENT ON LAND USE ISSUE (IF NOT MARKED, CONTINUE BELOW)**

| NO COMMENT | IF CHECKED COMMENTS ARE APPLICABLE | |
|---|---|---|
| ☐ | | **A. WATER RIGHT ISSUES** |
| | ☒ | 1. Water rights need to be sold to someone or transferred back to Talent Irrigation District from any newly created impervious surfaces within water right locations. Number of irrigated acres: TL 5300 – 9.1, TL 300 – 5.3 Comments: TID water rights are for irrigation purposes only. No other uses are allowed including use for a processing facility. |
| | | **OR/AND** |
| | ☒ | 2. Must have District approval for water rights to remain in place on subject property. Number of irrigated acres: TL 5300 – 9.1, TL 300 – 5.3 Comments: If the existing water rights are to be sold or relocated to another area, the applicant must go through the transfer process with the District, Bureau of Reclamation and Water Resources Department. Water rights must be removed from any impervious surfaces. |
| ☐ | | **B. EASEMENTS** |
| | | **DISTRICT EASEMENTS** |
| | ☐ | 1. Easement needs to remain clear. No permanent structures or deep rooted plants will be allowed within the easement limits. Comments: |
| | ☐ | 2. If facility is to be relocated or modified, specifications must meet the District's standards and be agreeable to the District. A new written and recorded easement must be conveyed to the District. Comments: |
| | ☐ | 3. If a written and recorded easement does not exist for an existing facility, then one must be provided in favor of the District. Comments: _____ |

**PRIVATE EASEMENTS**

☒ 1. Property may have private facilities (ditch or pipeline) that the District does not manage. Arrangements may need to be made to provide continued service through the subject property for downstream water users.
Comments:

**PRIVATE EASEMENT PROVISIONS FOR MINOR PARTITIONS AND/OR LOT LINE ADJUSTMENTS**

☒ 1. If the property currently has water rights and it is being partitioned or a lot line adjustment is being made, easements must be written and recorded which allow access for all of the pieces of property with water rights to continue to have access to the water.
Comments: _____

**WATER METER REQUIREMENT ON TRANSFERRED WATER RIGHTS**

☐ 1. If the water right on this property is a transferred water right that currently has a water meter requirement, then each of the properties split off of the original parcel all need to have water meters installed prior to the use of irrigation water on the newly formed parcels.
Comments: _____

☒ **C. <u>FACILITIES</u>** (including but not limited to pipelines, ditches, canals, control checks or boxes)

☐ 1. Upgrades to District facilities may be required to support any land use changes or developments, such as pipe installations or encasing existing pipe under roads or concrete.
Comments:

☐ **D. <u>DRAINAGE / STORM WATER</u>**

☒ The District relies on the Bureau of Reclamation's Storm Water Policy. No urban storm water or point source flows will be allowed into the District's facilities without going through the Bureau of Reclamation process. (Developments in historically agricultural areas need to be aware of agricultural run-off water and take appropriate action to protect the development from upslope water.)
Comments:

## GENERAL COMMENTS:

1. No interruptions to irrigation water deliveries will be allowed.
2. T.I.D. is a Federal Project and some facilities and/or easement issues may need Bureau of Reclamation approval.
3. The developer/sub-divider will take all appropriate actions to ensure the reliability and protection of the original function of the District's facilities.

**As required by 2017 ORS 92.090(6) which states as follows: "Subject to any standards and procedures adopted pursuant to ORS 92.044 (Adoption of standards and procedures governing approval of plats and plans), no plat of a subdivision or partition located within the boundaries of an irrigation district, drainage district, water control district, water improvement district or district improvement company shall be approved by a city or county unless the city or county has received and accepted a certification from the district or company that the subdivision or partition is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision or partition to the fees and other charges of the district or company."**

**Talent Irrigation District's fee associated with this planning action is checked below.**

☐ **Letter of No Concern: $25.00**
☒ **Letter With Concern: $110.00**
**(Fees subject to change)**

Jim Pendleton, Manager
Talent Irrigation District

Date Signed: July 13, 2020

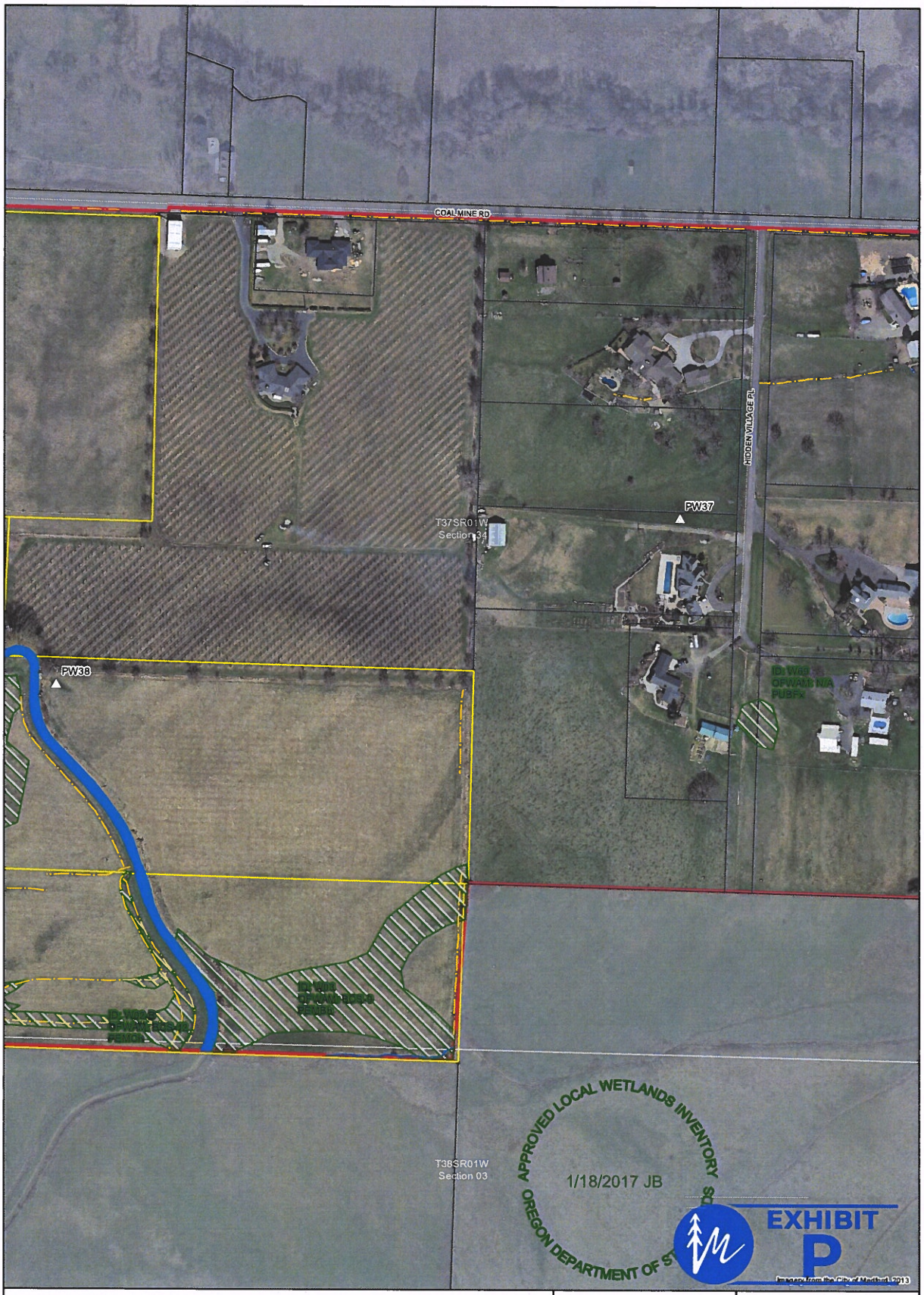



**Figure F-68 – LWI Map**

**SWCA LWI Data**

- SWCA Sample Plot
- Probable Wetland ("PW", <0.5 acre)
- Wetland ("W")
- Waterbody ("WA")
- Stream
- Ditch
- Pond/Water ("AW")
- Study Area
- Tax Lot, Accessed
- Tax Lot, Not Accessed
- Street
- Section

0 100 200 Feet
0 40 80 Meters

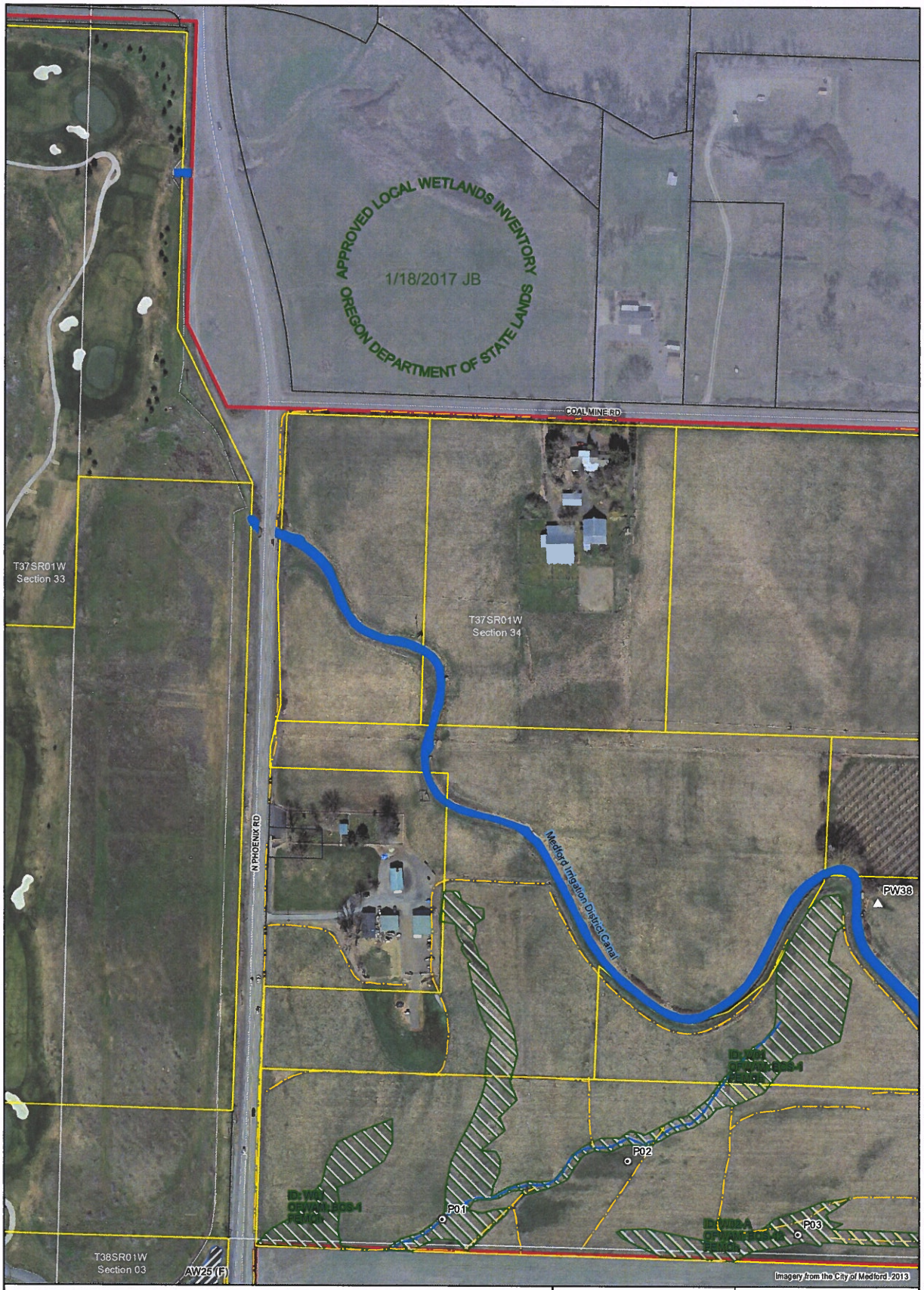
1 inch = 200 feet

City of Medford Urban Reserve
Local Wetlands Inventory
Jackson County, OR
July 2016

Information shown on this map is for planning purposes, represents the conditions that exist at the map date, and is subject to change. The location and extent of wetlands and other waters is approximate. There may be unmapped wetlands and other waters present that are subject to regulation. A current Oregon Department of State Lands-approved wetland delineation is required for state removal-fill permits. You are advised to contact the Department of State Lands and the U.S. Army Corps of Engineers with any regulatory questions.

SWCA
ENVIRONMENTAL CONSULTANTS
1220 SW Morrison, Suite 700
Portland, OR 97205-2235
www.swca.com
503.224.0333

Project: 31802




## Figure F-69 – LWI Map

**SWCA LWI Data**

- SWCA Sample Plot
- Probable Wetland ("PW", <0.5 acre)
- Wetland ("W")
- Waterbody ("WA")
- Stream
- Ditch
- Pond/Water ("AW")

- Study Area
- Tax Lot, Accessed
- Tax Lot, Not Accessed
- Street
- Section

Artificial Waters Purpose Key:
F- Landscaping feature

0 100 200 Feet
0 40 80 Meters

1 inch = 200 feet

City of Medford Urban Reserve
Local Wetlands Inventory
Jackson County, OR
July 2016

Information shown on this map is for planning purposes, represents the conditions that exist at the map date, and is subject to change. The location and extent of wetlands and other waters is approximate. There may be unmapped wetlands and other waters present that are subject to regulation. A current Oregon Department of State Lands-approved wetland delineation is required for state removal-fill permits. You are advised to contact the Department of State Lands and the U.S. Army Corps of Engineers with any regulatory questions.

SWCA
ENVIRONMENTAL CONSULTANTS
1220 SW Morrison Suite 700
Portland, OR 97205-2235
www.swca.com
503.224.0333
Project: 31802

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.

## Contents


Introduction ..... 1

10.1 Southeast Plan ..... 3

10.2 Southeast Circulation Plan ..... 18

10.3 Bear Creek Master Plan ..... 41

10.4 Urbanization Planning ..... 42

10.5 Liberty Park Neighborhood Plan ..... 53

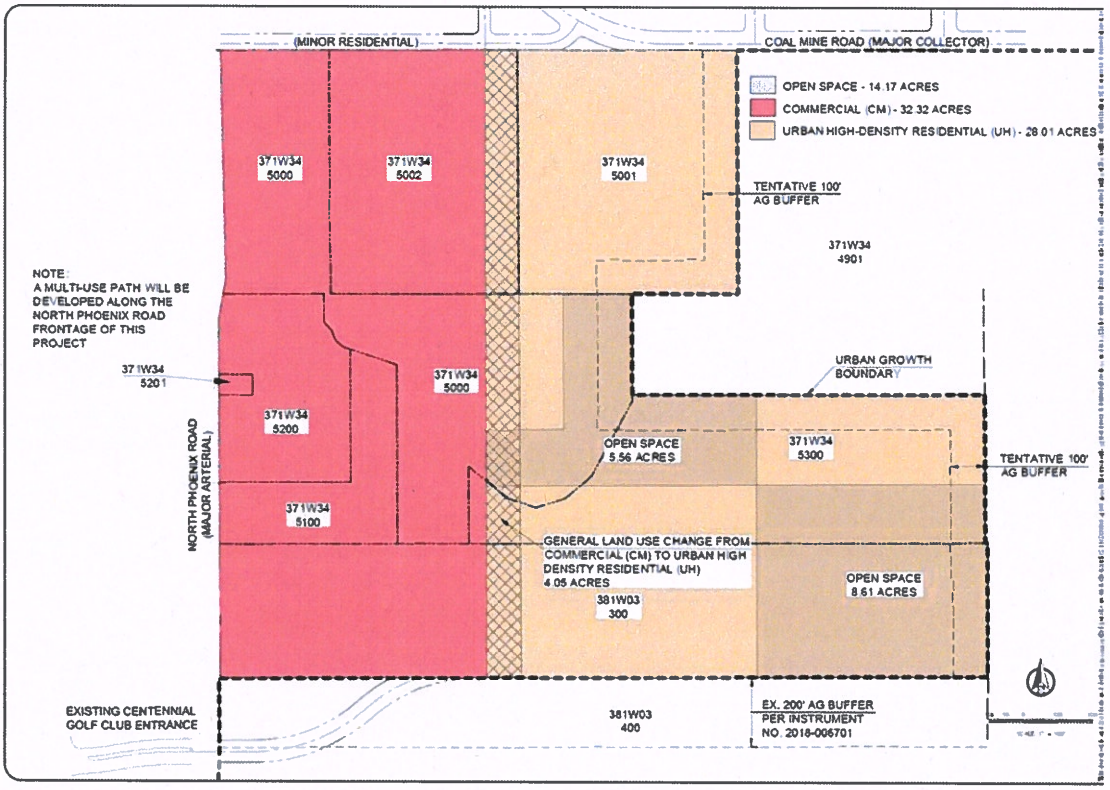
10.6 Adopted Urbanization Plans

1. Planning Unit MD-7c (NW corner of South Stage Road and Kings Highway)
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 of Owen Drive, and East of Springbrook Road) UNDER REVIEW
4. Planning Unit MD-5e (South of Coal Mine Road, East of North Phoenix Road) UNDER REVIEW


EXHIBIT Q

## URBANIZATION PLAN FOR MD-5e

Adopted by Medford City Council on September 17, 2020; Ordinance no. 2020-XX




Project Details – MD-5e

The planning unit is approximately 74.6 acres in size and is located south of Coal Mine Road and east of North Phoenix Road. The property has the following General Land Use Plan designations: Urban High Density Residential and Commercial. The applicant proposes 14.1 acres of open space, which meets the minimum amount of open space required for the planning unit.

The applicant proposes a minimum of 420 dwelling units to be constructed within the residential General Land Use Plan designation in the planning unit. Street extensions include Quarter Lane, Packhorse Street, and Stanford Avenue.

FAIR HOUSING COUNCIL OF OREGON

August 11, 2020

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

**RE: UP-20-078**
A legislative amendment to adopt an urbanization plan into the Neighborhood Element of the Comprehensive Plan for approximately 74.6 acres of property located east of North Phoenix Road and South of Coal Mine Road, a portion of Planning Unit MD-5e (371W34 TL 5000, 5001, 5002, 5100, 5200, 5201, & 5300 and 381W03 TL 300). This application is filed in conjunction with an annexation request.

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-20-078, the adoption of an Urbanization Plan into the Neighborhood Element for approximately 74.6 acres. 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

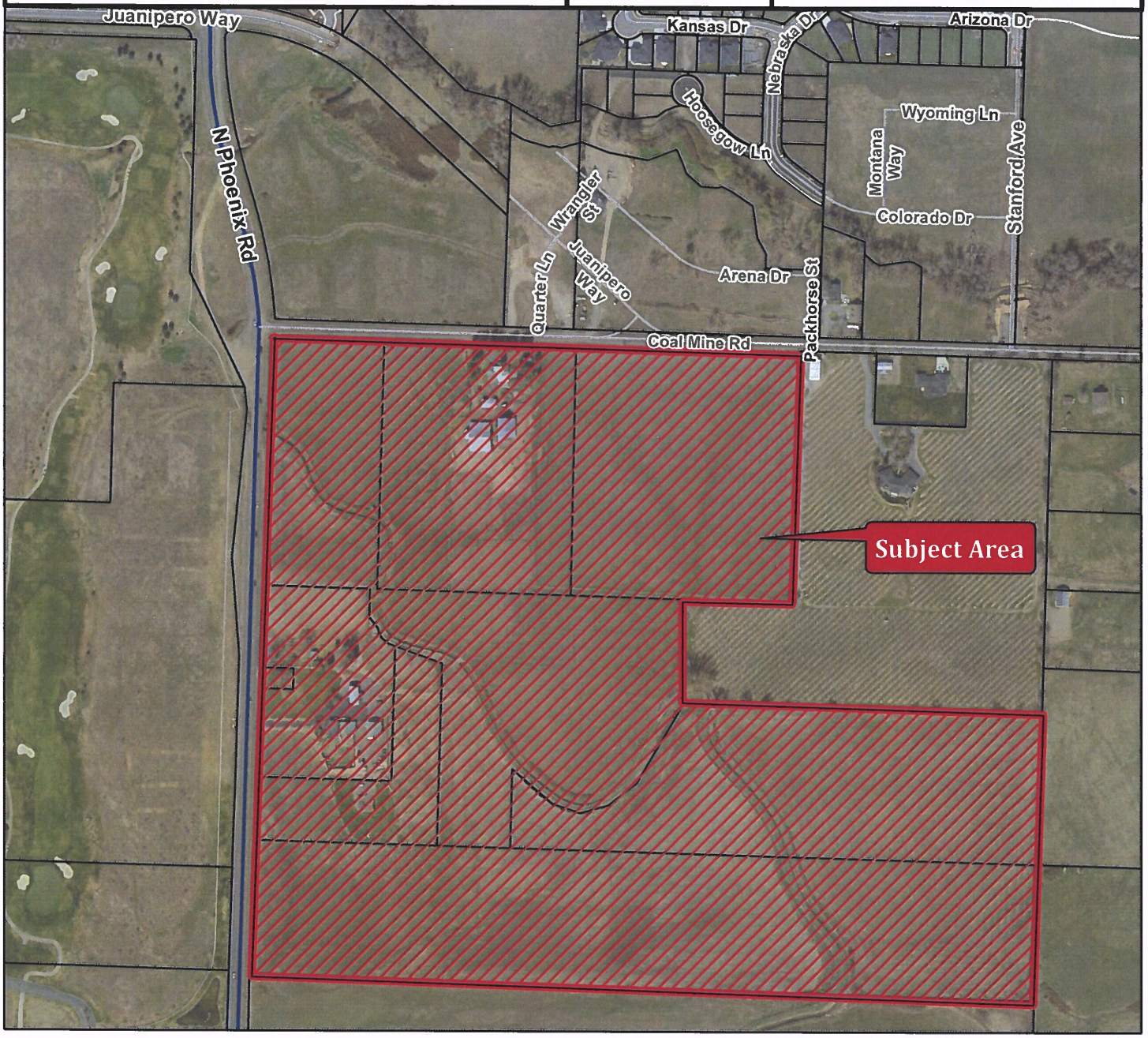
EXHIBIT R

1221 SW Yamhill Street, Portland, Oregon 97205

MEDFORD
PLANNING

# Vicinity Map

**File Number:**
**UP-20-078**




Project Name:

## Coal Mine Road at N Phoenix Road Urbanization Plan

Map/Taxlot:

**371W34 TL 5000, 5001, 5002, 5100, 5200, 5201, 5300 & 381W03 TL 300**

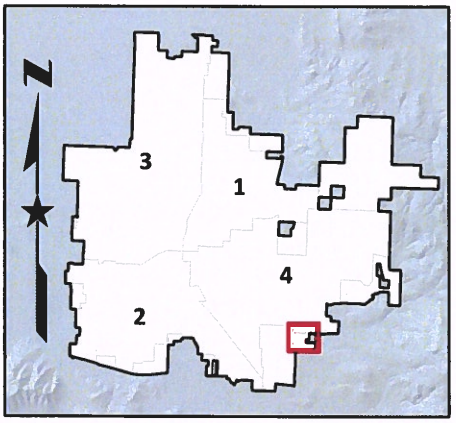
0 320 640 Feet

**Legend**

Subject Area

Tax Lots

*6/18/2020*



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:** September 17, 2020

**COUNCIL BILL 2020-123**
AN ORDINANCE proclaiming annexation to the City of Medford of approximately 66.75 acres of property located east of North Phoenix Road and south of Coal Mine Road, and approximately 1500 feet of the abutting half right-of-way along Coal Mine Road. The proposed annexation would change County zoning designation of Exclusive Farm Use (EFU) to City holding zoning designation of SFR-00 (Single-Family Residential - 1 dwelling unit per existing lot) with the Exclusive Agricultural (E-A) overlay, and would remove the property from Medford Rural Fire Protection District #2. (ANNX-20-079) (Land Use, Quasi-Judicial)

**SUMMARY AND BACKGROUND**
Council is requested to consider the annexation of 66.75 acres of property and right-of-way to the City of Medford. The properties are located south of Coal Mine Road and east of North Phoenix Road, and include approximately 1,500 linear feet of half of the abutting right-of-way along Coal Mine Road. The proposed annexation would change the County zoning designation of Exclusive Farm Use (EFU) to the City Single Family Residential -1 Unit/Lot (SFR-00) holding zone with the Exclusive Agricultural (E-A) Overlay. The properties will be removed from Medford Rural Fire Protection District #2. (File No. ANNX-20-079)

**PREVIOUS COUNCIL ACTIONS**
On July 16, 2020, Council Bill 2020-95 was approved establishing a hearing date of September 17, 2020, for consideration of this matter.

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

**ANALYSIS**
The subject properties are located within the City's Urban Growth Boundary and are contiguous with the city limits along the northern boundaries of the properties across Coal Mine Road and western boundary across North Phoenix Road. The properties have General Land Use Plan designations of Urban High Density Residential (UH) and Commercial (CM). The SFR-00 zoning district is the appropriate transition zone for the properties. Since an agricultural operation will continue to exist on the properties, the Exclusive Agricultural Overlay will be applied.

The application is filed in conjunction with an Urbanization Plan (UP-20-078). The subject properties are part of the MD-5e planning unit, which is identified in the Urbanization Planning section of the Neighborhood Element of the Comprehensive Plan. Eight properties totaling approximately 74.6 acres of the MD-5e planning unit are within the Urban Growth Boundary; however, only five are requesting annexation along with adjacent right-of-way for a total of 66.75 acres.

Annexation of the full right-of-way along North Phoenix Road and Coal Mine Road is outlined in the Urban Growth Management Agreement with Jackson County. Upon annexation of the subject area, City Council will request that the County surrender the half width of approximately 1,500 feet, the length of Coal Mine Road that abuts the north end of the property. North Phoenix Road is included already with the annexation of the Centennial Golf Course properties to the west of the subject area (ANNX-19-003).
Once the annexation is finalized, the applicants can pursue the next steps in the development of the properties including zone changes 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 upon annexation occurring. The 2020 combined maximum assessed value for all of the tax lots was $355,073. The taxes on the properties for 2020 totaled $4,220. An approximate estimate of property tax revenue to the City after annexation is $1,833. Future development will greatly increase the assessed value of these lands and result in new property tax and user fee revenue.

**TIMING ISSUES**
None.

**COUNCIL OPTIONS**
Approve the ordinance as presented.
Modify the ordinance presented.
Decline to approve the ordinance as presented and provide direction to staff.

**STAFF RECOMMENDATION**
Staff recommends approval of the annexation.

**SUGGESTED MOTION**
I move to adopt the ordinance authorizing the annexation of five properties and half of the adjacent right-of-way of Coal Mine Road totaling 66.75 acres south of Coal Mine Road and east of North Phoenix Road.

**EXHIBITS**
Ordinance
ANNX-20-079 Council Report, including Exhibits A through F
ANNX-20-079 Vicinity Map

ORDINANCE NO. 2020-123

AN ORDINANCE proclaiming annexation to the City of Medford of approximately 66.75 acres of property located east of North Phoenix Road and south of Coal Mine Road, and approximately 1500 feet of the abutting half right-of-way along Coal Mine Road. The proposed annexation would change County zoning designation of Exclusive Farm Use (EFU) to City holding zoning designation of SFR-00 (Single-Family Residential - 1 dwelling unit per existing lot) with the Exclusive Agricultural (E-A) overlay, and would remove the property from Medford Rural Fire Protection District #2. (ANNX-20-079)

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. 2020-95 adopted July 16, 2020, dispensed with submitting the question of the proposed annexation to the electors of the city and set 6:00 p.m. on the 17th day of September, 2020, in the Council Chambers of the Medford City Hall 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 September 17, 2020 as provided by law and by the terms of said resolution and the published notice;

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 Council Report dated September 10, 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 Council Report dated September 10, 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) with the Exclusive Agricultural overlay.

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 of such filing.

PASSED by the Council and signed by me in authentication of its passage this 17th day of September, 2020.

ATTEST: _____ _____
City Recorder Mayor

APPROVED: _____2020. _____
Mayor

# EXHIBIT "A"

LEGAL DESCRIPTION
ANNEXATION BOUNDARY
ASSESSORS MAP NO. 371W34,
TAX LOTS 5000, 5001, 5002, 5300 AND A PORTION OF COAL MINE ROAD
ASSESSORS MAP NO. 381W03, TAX LOT 300

The following described parcel is a portion of the property originally acquired in a deed recorded in Document Numbers 2009-047822, 2017-021017 and 2018-029096 of the Official Records of Jackson County, Oregon, situated in the South half of Section 34, Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon and being more fully described as follows;

COMMENCING at the Southeast corner of Donation Land Claim (D.L.C.) Number 57, in Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon, monumented with a 2-1/2-inch Brass Cap; thence North 89°48'38" West (Record North 89°49'00" West), along the South line of said D.L.C., also being the Centerline of Coal Mine Road, 1824.16 feet to a point on the Southerly boundary line of the area annexed to the City of Medford by Ordinance Number 86, Passed May 7, 1998, said point also being North 00°00'22" East from the Northeast corner of that tract of land described within recorded Document Number 2009-047822 of the Official Records of Jackson County, Oregon, for the TRUE POINT OF BEGINNING; thence South 00°00'22" West (Record South), 738.23 feet to the Southeast corner said Document; thence North 89°48'38" West (Record North 89°40'00" West), 311.82 feet (Record 311.00 feet) to the most Northerly, Northeast corner of Document Number 2018-029096 of said Official Records, marked with a 5/8-inch rebar; thence South 00°06'31" West (Record South 00°06'21" West), along the boundary of said Document, 293.96 feet to a 5/8-inch rebar; thence South 89°48'38" East (Record East), 1027 feet, more or less, to the most Easterly Northeast corner of said Document; thence Southerly, 429 feet, more or less to the Southeast corner of said Document, said point also being on the North line of that tract described in Document Number 2017-021017 of said Official Records; thence South 89°53'10" East, 3.66 feet, more or less, to the Northeast corner of said Document, marked with a 5/8-inch rebar; thence South 00°16'30" West, 389.1 feet to the Southeast corner of said Document, marked with a 5/8-inch rebar; thence North 89°53'10" West, 2238.8 feet, more or less, to the Southwest corner of said Document, said point being on the East Right of Way line of North Phoenix Road; thence North 00°06'13" East along said Right of Way, 389.1 feet to the Northwest corner of said Document; thence South 89°53'10" East along the North boundary of said Document, 519.42 feet to the most Southerly Southwest corner of that tract described in Document Number 2018-029096, marked with a 5/8-inch rebar; thence North 00°06'41" East, 519.61 feet to a 5/8-inch rebar; thence North 71°34'33" West, 161.29 feet to a 5/8-inch rebar and point of curvature; thence 54.03 feet along the arc of a 61.70 foot radius curve to the right, having a delta angle of 50°10'19" (Chord bearing North 38°44'51" West, 52.32 feet), to a 5/8-inch rebar and point of reverse curvature; thence 12.25 feet along the arc of a 25.00 foot radius curve to the left, having a delta angle of 28°04'21" (Chord bearing North 27°41'53" West, 12.13 feet), to a 5/8-inch rebar and point of tangency; thence North 41°44'03 West, 29.65 feet to a 5/8-inch rebar; thence North 00°00'22" East, 81.72 feet to a 5/8-inch rebar; thence North 89°48'38" West (Record North 89°49'00" West), 294.41 feet to a 5/8-inch rebar on the East Right of Way line of North Phoenix Road, determined on Document Numbers 94-002879 and 94-009038; thence North 10°34'22" East, along said Right of Way, 42.26 feet to a 5/8-inch rebar; thence, continuing along said right of way, North 00°58'42" West, 696.80 feet to a point on the South boundary line of the area annexed to the City of Medford by Ordinance Number 86, Passed May 7, 1998, also being the Centerline of Coal Mine Road; thence South 89°48'38" East (Record South 89°49'00" East) along said South boundary line and said Centerline, 1505.66 feet to the POINT OF BEGINNING.

CONTAINING: 67.7 acres, more or less.

Prepared by:

Jason M. Martin
Professional Land Surveyor

To The Point Land Surveying, LLC
P.O. Box 217
Gold Hill, OR 97525
(541) 840-7587
Date: May 20, 2020

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MAY 8, 2012
JASON M. MARTIN
54729

RENEWS: 1-1-2021

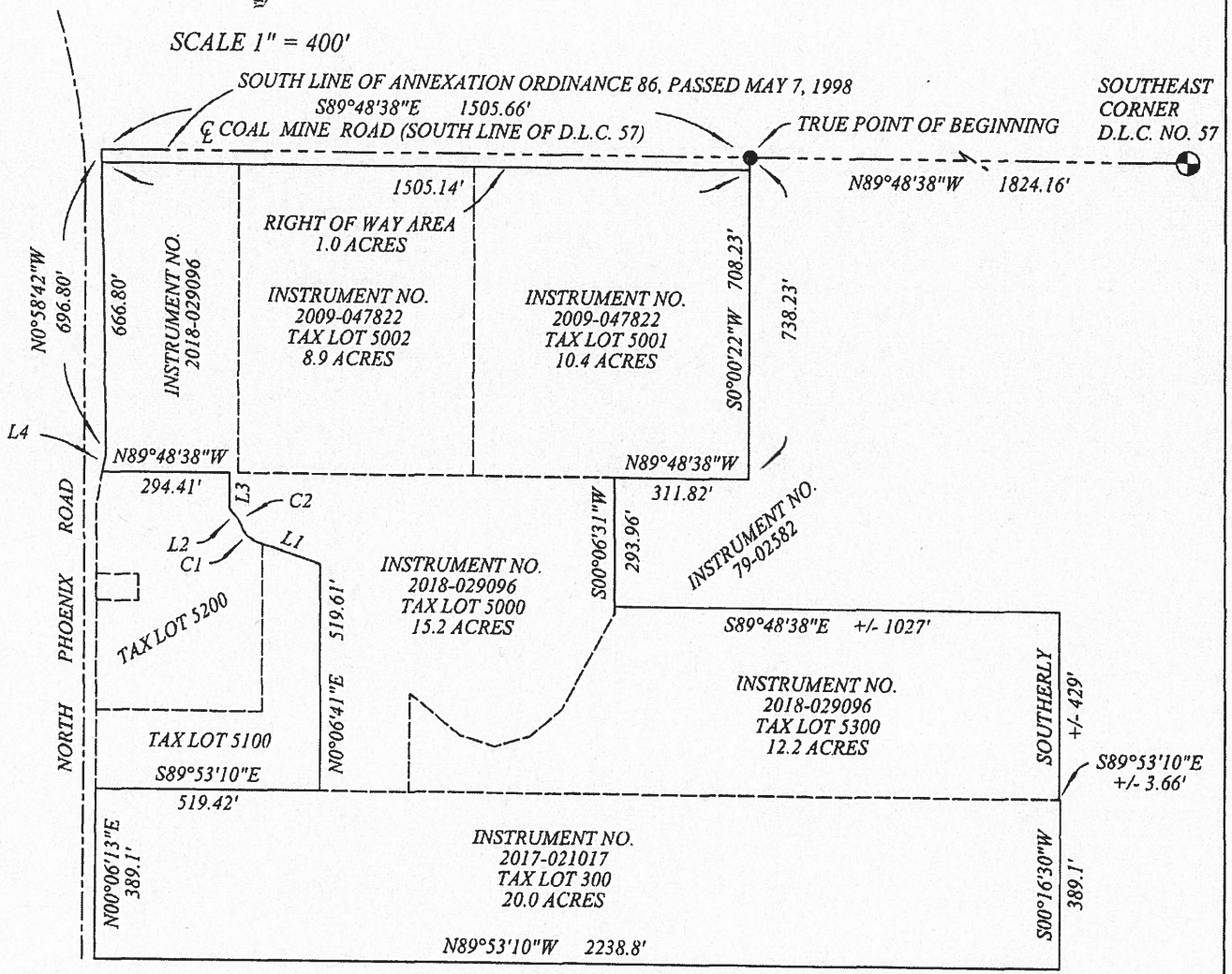


EXHIBIT A

# EXHIBIT "B"

LOCATED WITHIN
SOUTH HALF OF SECTION 34,
TOWNSHIP 37 SOUTH, RANGE 1 WEST,
WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON
FOR
CITY OF MEDFORD

SCALE 1" = 400'




| CURVE | Δ | RADIUS | ARC LENGTH | CHORD BEARING | LONG CHORD |
|---|---|---|---|---|---|
| C1 | 50°10'19" | 61.70' | 54.03' | N38°44'51"W | 52.32' |
| C2 | 28°04'21" | 25.00' | 12.25' | N27°41'53"W | 12.13' |

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | N71°34'33"W | 161.29' |
| L2 | N41°44'03"W | 29.65' |
| L3 | N00°00'22"E | 81.72' |
| L4 | N10°34'22"E | 42.26' |

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
MAY 8, 2012
JASON M. MARTIN
54729

RENEWS: 1/1/2021

EXHIBIT B

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

Date: May 20, 2020
Project No. 0006-20

TO THE POINT LAND SURVEYING

MEDFORD
OREGON

# COUNCIL REPORT for a Type IV Quasi-Judicial decision: **Annexation**

| | |
|---|---|
| **Project** | Annexation of parcels in Planning Unit MD-5e |
| **Applicant** | Rania Sawabini & Bottala Enterprises, LLC |
| **Agent** | Clark Stevens, Richard Stevens & Associates |
| **File no.** | ANNX-20-079 |
| **To** | Mayor and City Council |
| **From** | Sarah Sousa, Planner III |
| **Reviewer** | Carla Angeli Paladino, Principal Planner |
| **Date** | September 10, 2020 |

*for 09/17/2020 hearing*

## BACKGROUND

### Proposal

The proposal is to annex five properties and half of the adjacent right-of-way of Coal Mine Road to the City of Medford, totaling approximately 66.75 acres. The properties under consideration are located south of Coal Mine Road and east of North Phoenix Road. 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 with the City's E-A (Exclusive Agriculture) overlay. The property will be removed from Medford Rural Fire Protection District #2.

### History

On July 16, 2020, Council approved Council Bill 2020-95 establishing a hearing date of September 17, 2020, for consideration of the matter.

### Related Projects

UP-20-078 – Urbanization Plan for MD-5e

**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-5e in the Comprehensive Plan. The annexation request is filed in conjunction with an Urbanization Plan (UP-20-078).

The applicant's written findings of fact and conclusions are attached as **Exhibit C**.

The properties are located in southeast Medford and are bordered by North Phoenix Road on the west and Coal Mine Road on the north. The City limits border the subject properties along the west and north. The General Land Use Plan (GLUP) designations on the properties include Urban High Density Residential 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 with the City's E-A (Exclusive Agriculture) overlay. Following approval of the annexation, the property owners 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.

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 half width right-of-way for the identified segment along Coal Mine Road as shown in **Exhibits A and B.** The City will assume maintenance jurisdiction of Coal Mine 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 **(Exhibit D)**.

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

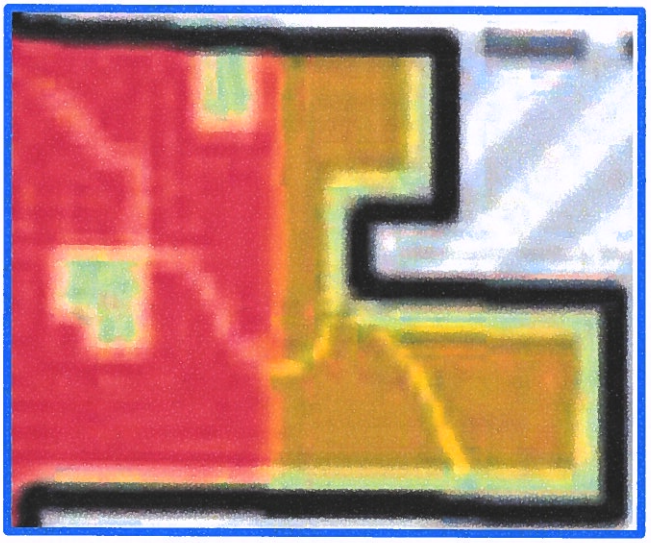
### Applicable Criteria

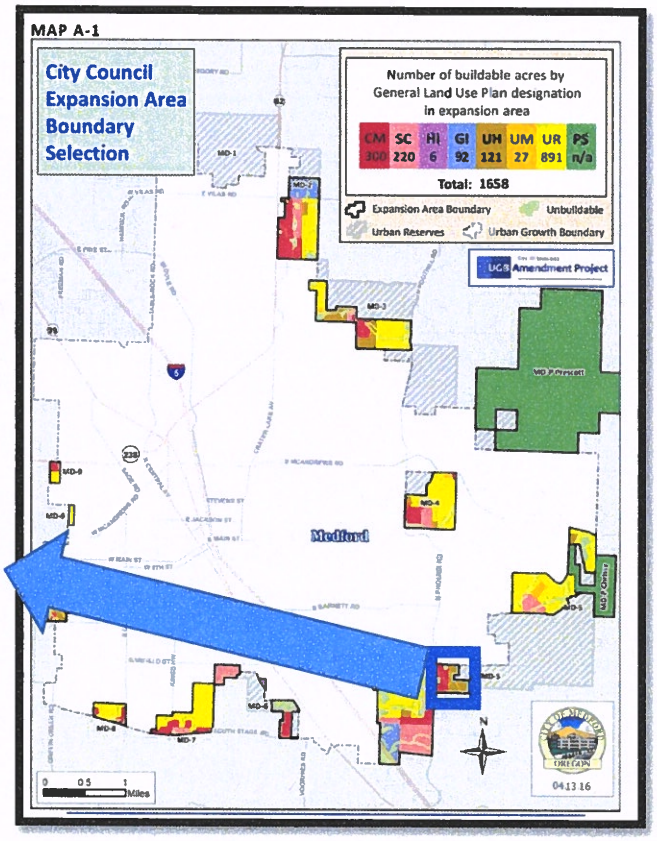
The applicable criteria are found in Medford Municipal Code 10.216(D). The criteria are set in *italics* below; findings and conclusions are in roman type. The City Council must find that the following State and local requirements are met in order to approve an annexation:

*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-5e and is located in southeast Medford south of Coal Mine Road and east of North Phoenix Road.





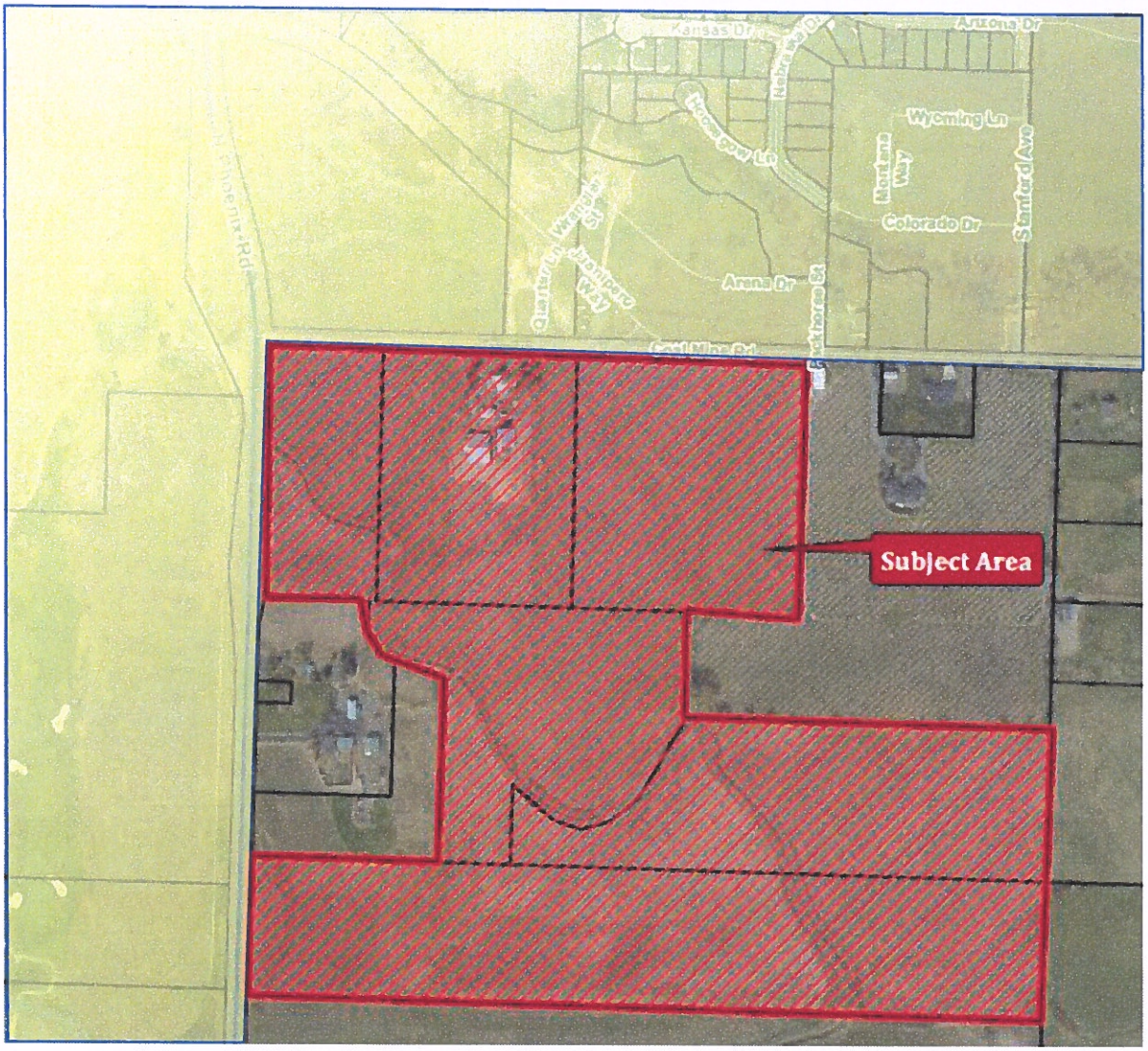

**Conclusions**

**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 northern 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 northern 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**

Bottala Enterprises LLC owns tax lots (371W34 5001 & 381W03 300) with John Bottala as signatory. Haya Enterprises owns tax lot 371W34 5002 with Rania Sawabini as signatory. Two tax lots are owned by both Bottala Enterprises LLC and Haya Enterprises (371W34 5000 & 5300). The written consent forms to annex the properties have been signed and submitted to the City as part of the application materials. There is one single family home on tax lot 5002. There are no electors residing on the property as the residence is currently vacant.

**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-5e 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-20-078) 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. Talent Irrigation District provided standard comments with no specific conditions until development occurs on the subject properties.

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-5e 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-5e is required to provide land for trails as per "b" above. This was intended for the area further east of the subject area. However, the associated urbanization plan for this planning unit shows a pathway along the North Phoenix Road frontage, intended to be built with future improvements to North Phoenix Road as part of the adopted cross-section for arterial streets. The remainder of 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-20-078, the Council can find this criterion to be satisfied.

## RECOMMENDED ACTION

Adopt the findings as recommended by staff and approve the ordinance for the annexation per the Council report dated September 10, 2020, including Exhibits A through F.

## EXHIBITS

A Legal description
B Exhibit Map
C Applicant's Findings of Fact and Conclusions
D Public Works report dated July 22, 2020

E Rogue Valley Sewer Services letter dated July 23, 2020
F Jackson County Roads letter dated July 10, 2020
Vicinity Map

**CITY COUNCIL AGENDA: SEPTEMBER 17, 2020**

# EXHIBIT "A"

LEGAL DESCRIPTION
ANNEXATION BOUNDARY
ASSESSORS MAP NO. 371W34,
TAX LOTS 5000, 5001, 5002, 5300 AND A PORTION OF COAL MINE ROAD
ASSESSORS MAP NO. 381W03, TAX LOT 300

The following described parcel is a portion of the property originally acquired in a deed recorded in Document Numbers 2009-047822, 2017-021017 and 2018-029096 of the Official Records of Jackson County, Oregon, situated in the South half of Section 34, Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon and being more fully described as follows;

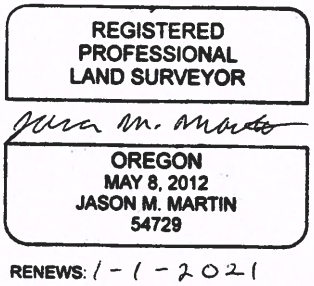
COMMENCING at the Southeast corner of Donation Land Claim (D.L.C.) Number 57, in Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon, monumented with a 2-1/2-inch Brass Cap; thence North 89°48'38" West (Record North 89°49'00" West), along the South line of said D.L.C., also being the Centerline of Coal Mine Road, 1824.16 feet to a point on the Southerly boundary line of the area annexed to the City of Medford by Ordinance Number 86, Passed May 7, 1998, said point also being North 00°00'22" East from the Northeast corner of that tract of land described within recorded Document Number 2009-047822 of the Official Records of Jackson County, Oregon, for the TRUE POINT OF BEGINNING; thence South 00°00'22" West (Record South), 738.23 feet to the Southeast corner said Document; thence North 89°48'38" West (Record North 89°40'00" West), 311.82 feet (Record 311.00 feet) to the most Northerly, Northeast corner of Document Number 2018-029096 of said Official Records, marked with a 5/8-inch rebar; thence South 00°06'31" West (Record South 00°06'21" West), along the boundary of said Document, 293.96 feet to a 5/8-inch rebar; thence South 89°48'38" East (Record East), 1027 feet, more or less, to the most Easterly Northeast corner of said Document; thence Southerly, 429 feet, more or less to the Southeast corner of said Document, said point also being on the North line of that tract described in Document Number 2017-021017 of said Official Records; thence South 89°53'10" East, 3.66 feet, more or less, to the Northeast corner of said Document, marked with a 5/8-inch rebar; thence South 00°16'30" West, 389.1 feet to the Southeast corner of said Document, marked with a 5/8-inch rebar; thence North 89°53'10" West, 2238.8 feet, more or less, to the Southwest corner of said Document, said point being on the East Right of Way line of North Phoenix Road; thence North 00°06'13" East along said Right of Way, 389.1 feet to the Northwest corner of said Document; thence South 89°53'10" East along the North boundary of said Document, 519.42 feet to the most Southerly Southwest corner of that tract described in Document Number 2018-029096, marked with a 5/8-inch rebar; thence North 00°06'41" East, 519.61 feet to a 5/8-inch rebar; thence North 71°34'33" West, 161.29 feet to a 5/8-inch rebar and point of curvature; thence 54.03 feet along the arc of a 61.70 foot radius curve to the right, having a delta angle of 50°10'19" (Chord bearing North 38°44'51" West, 52.32 feet), to a 5/8-inch rebar and point of reverse curvature; thence 12.25 feet along the arc of a 25.00 foot radius curve to the left, having a delta angle of 28°04'21" (Chord bearing North 27°41'53" West, 12.13 feet), to a 5/8-inch rebar and point of tangency; thence North 41°44'03 West, 29.65 feet to a 5/8-inch rebar; thence North 00°00'22" East, 81.72 feet to a 5/8-inch rebar; thence North 89°48'38" West (Record North 89°49'00" West), 294.41 feet to a 5/8-inch rebar on the East Right of Way line of North Phoenix Road, determined on Document Numbers 94-002879 and 94-009038; thence North 10°34'22" East, along said Right of Way, 42.26 feet to a 5/8-inch rebar; thence, continuing along said right of way, North 00°58'42" West, 696.80 feet to a point on the South boundary line of the area annexed to the City of Medford by Ordinance Number 86, Passed May 7, 1998, also being the Centerline of Coal Mine Road; thence South 89°48'38" East (Record South 89°49'00" East) along said South boundary line and said Centerline, 1505.66 feet to the POINT OF BEGINNING.

CONTAINING: 67.7 acres, more or less.

Prepared by:

Jason M. Martin
Professional Land Surveyor

To The Point Land Surveying, LLC
P.O. Box 217
Gold Hill, OR 97525
(541) 840-7587
Date: May 20, 2020




RENEWS: 1-1-2021

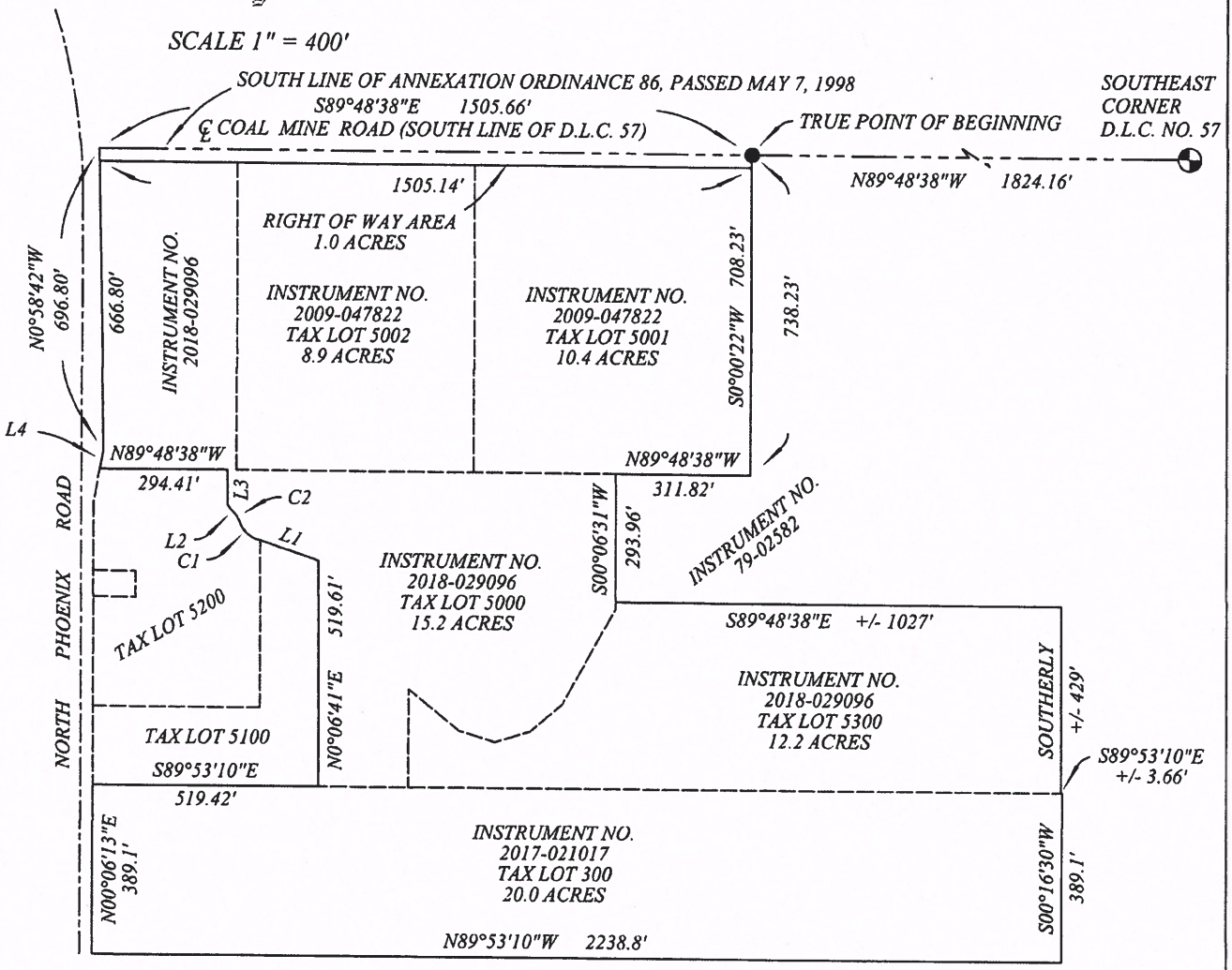


EXHIBIT A

# EXHIBIT "B"

LOCATED WITHIN
SOUTH HALF OF SECTION 34,
TOWNSHIP 37 SOUTH, RANGE 1 WEST,
WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON
FOR
CITY OF MEDFORD

SCALE 1" = 400'




| CURVE | Δ | RADIUS | ARC LENGTH | CHORD BEARING | LONG CHORD |
|---|---|---|---|---|---|
| C1 | 50°10'19" | 61.70' | 54.03' | N38°44'51"W | 52.32' |
| C2 | 28°04'21" | 25.00' | 12.25' | N27°41'53"W | 12.13' |

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | N71°34'33"W | 161.29' |
| L2 | N41°44'03"W | 29.65' |
| L3 | N00°00'22"E | 81.72' |
| L4 | N10°34'22"E | 42.26' |

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
MAY 8, 2012
JASON M. MARTIN
54729

RENEWS: 1/1/2021

EXHIBIT B


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


Date: May 20, 2020
Project No. 0006-20

TO THE POINT LAND SURVEYING

RECEIVED
MAR 18 2020
PLANNING DEPT.

**BEFORE THE PLANNING COMMISSION AND CITY COUNCIL FOR THE CITY OF MEDFORD, JACKSON COUNTY, OREGON:**

| | |
|---|---|
| **IN THE MATTER OF AN APPLICATION FOR ANNEXATION OF 5 PROPERTIES TOTALING 66.75 ACRES, DESCRIBED AS T.37S-R.1W-SEC 34, TAX LOTS 5000, 5001, 5002 & 5300 AND T.38S- R.1W-SEC 03, TAX LOT 300, LOCATED SOUTH OF COAL MINE ROAD AND EAST OF NORTH PHOENIX ROAD; RANIA SAWABINI AND BOTTALA ENTERPRISES, APPLICANTS; RICHARD STEVENS &ASSOCIATES, INC., AGENTS** | **FINDINGS OF FACT AND CONCLUSIONS** |

## I. RECITALS PERTAINING TO THE PROPERTY:

**APPLICANTS:**

Rania Sawabini
203 Rebecca Drive
San Dimas, CA 91773

Sawabini Rania Trustee
142 Bonita Ave, 12
San Dimas, CA 91773

Bottala Enterprises, LLC
215 Rebecca Drive
San Dimas, CA 91773

**ENGINEER:**

Robert Gunter
Marquess & Associates, Inc.
1120 East Jackson Street
Medford, Oregon 97501

**AGENTS:**

Richard Stevens & Associates, Inc.
P.O. Box 4368
Medford, OR 97501
(541) 773-2646

**PURPOSE OF APPLICATION:**

The application is for the annexation of 5 contiguous properties totaling approximately 66.75 acres. The properties are currently zone Exclusive Farm Use (EFU) in Jackson County and the properties have the following General Land Use Plan (GLUP) map designations: Approximately 42.74 acres of Urban High-Density Residential (UH) and approximately 24.01 acres of Commercial (CM). The final size and orientation of each of the land use designations will be determined through a concurrent application for Urbanization Plan approval. The properties are located within the Urban Growth Boundary (UGB) of the City of Medford south of Coal Mine Road and east of North Phoenix Road. The properties included are described as: T.37S-R.1W-SEC 34, Tax Lots 5000, 5001, 5002 & 5300 and T.38S-R.1W-SEC 03, Tax Lot 300, along with the remaining Coal Mine Road right-of-way abutting the current city limits.



CITY OF MEDFORD
EXHIBIT #
FILE # ANNX-20-079

EXHIBIT C

4

## II. PROCEDURE:

Medford Land Development Code (MLDC) Section10.216 governs applications for annexation. Per MLDC Section 10.216(F) an application for annexation shall contain the following information:

(1) Vicinity Map drawn at a scale of 1" = 1,000' identifying the proposed area of annexation and existing city limits.
(2) Assessor's Maps of the proposed annexation area. The assessor's maps shall have identified those parcels for which consents to annex have been acquired and adjacent right-of-way to be annexed.
(3) Consent to annex forms completed and signed by all consenting property owners within the proposed annexation area.
(4) Legal metes and bounds or lot and block description of the annexation area including to the centerline of the adjacent right-of-way in electronic form per the instructions of the City of Medford Planning Department.
(5) Specific information on each parcel within the proposed annexation area:
    (a) Current assessed valuation shown on County Assessor's tax rolls.
    (b) Acreage of both public and private property to be annexed.
    (c) Map and tax lot number.
(6) Addresses of all dwelling units and businesses located within the annexation area and names of all residents and whether they are registered voters.
(7) The following information shall be supplied by the applicant:
    (a) Existing land uses within annexation area.
    (b) Existing zoning within the annexation area.
    (c) Existing improvements:
        -water system
        - streets
        - sanitary sewer
        - storm drainage
    (d) Special Districts within the area:
        - water district
        - irrigation district
        - fire district
        - school district
        - Rogue Valley Sewer Services
        - other
    (e) A completed Census Information Sheet for all parcels being considered for annexation.
    (f) Written findings indicating compliance with all of the annexation criteria 1 through 3 contained in Section 10.216(C) Annexation Approval Criteria.
(8) Property owners' (and agents') names, addresses and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.

## III. APPLICABLE CRITERIA:

Per MLDC Section 10.216(B), applications for annexation shall, in addition to requirements contained in the application form, be subject to the provisions of ORS 222.111 to 222.180 or 222.840 to 222.915. The criteria for annexation, listed below, are contained in MLDC Section10.216(C).

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

Per the standards regarding zoning of annexed property, contained in MLDC Section 10.216(D), 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-00 (Limited Industrial Overlay) shall be applied.

## IV. FINDINGS IN COMPLIANCE WITH APPLICABLE STATE LAW PER SECTION 10.216 (B), THE CRITERIA FOR ANNEXATION IN SECTION 10.216 (C), ZONING OF ANNEXED PROPERTY PER 10.216 (D) AND THE APPLICATION REQUIREMENTS OF SECTION 10.216 (F):

### A. OREGON REVISED STATUTES:

Discussion:

ORS 222.111 provides that a proposal for annexation may be initiated by owners of real property in any territory to be annexed. ORS 222.120 provides for a public hearing and annexation of property consistent with consents to annex as outlined in ORS 222.170, i.e., the "triple majority" concept.

However, ORS 222.125 provides that

> *"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 (emphasis added) 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, 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."*

The subject properties are abutting lands to the north that have been annexed into the City of Medford. The subject properties are also located within the Urban Growth Boundary for the City of Medford.

The applicants/owners of the subject properties have signed the consents to annex, which are attached to this application.

**Conclusion:**

**The City of Medford concludes that based upon the fact that the properties are within the Urban Growth Boundary, and are contiguous with lands that have been annexed, the site qualifies to be annexed. The applicants have signed and submitted the consents to annex consistent with the Statutes. It is demonstrated that the properties are eligible for annexation, and that the applicants have complied with the applicable state statutes governing annexation.**

**FINDING:**

**This application is consistent with the provisions of State Law since the property owners have consented to annexation in writing, consistent with ORS 222.125, and has stipulated to that annexation.**

## B. THE MEDFORD LAND DEVELOPMENT CODE:

### Section 10.216 (C), MLDC:

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

10.216(1): The properties are within the Urban Growth Boundary for the City of Medford, based on the Medford General Land Use Plan map. The properties have been determined to be available for urbanization by inclusion in the Medford UGB. The use of the properties for urban purposes can be best served by inclusion in the City of Medford.

10.216(2): The subject properties are contiguous to the Medford City Limit boundary along the northern boundary.

10.216(3): Attached to these findings, the applicants have signed the consents for annexation as prepared by the City. There is one dwelling present on subject properties; however, as of this writing there is no persons residing on the subject properties and there are no electors required to consent. There is a 100% consent by the owners to this annexation request.

**Conclusion:**

**Based upon a review of the criteria contained in the MLDC, the City of Medford concludes that this site is suitable, available, and appropriate for annexation to the City of Medford. The properties are within the UGB as demonstrated on the General Land Use Plan Map, are contiguous to properties annexed by the city, and can be served by existing levels of public facilities, while making future extensions of those facilities more readily available. The property owners have consented in writing for this annexation request.**

**FINDING:**

**The properties to be annexed are within the City's Urban Growth Boundary. The properties are contiguous with the current City limits and the applicants have consented in writing to be included into the City of Medford. Annexation provides incentives to both the property owners and the City to develop the site to urban standards.**

**Section 10.216 (D), MLDC:**

*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-00 (Limited Industrial Overlay) shall be applied.*

Discussion:

The properties to be annexed are currently zoned EFU in Jackson County. As there is no comparable zone in the City of Medford, the land will be zoned SFR-00 upon annexation. The entirety of these properties will not likely be developed for a number of years and therefore the applicants request that the Exclusive Agriculture (E-A)

overlay be applied to these properties consistent with Section 10.360. The properties are currently in agricultural use and the owners would like to continue the agricultural use after annexation. The properties will develop incrementally and the E-A overlay will be removed at the time of zone change and prior to development.

**FINDING:**

**The properties will be zoned SFR-00 upon annexation as there is no comparable zoning in the City of Medford for the Jackson County EFU zone. The applicants request that the E-A overlay be applied to these properties upon annexation so that the properties can continue in agricultural use.**

**Section 10.216 (F), MLDC:**

This section requires annexation applications to submit the following information for review.

*(1) Vicinity Map drawn at a scale of 1" = 1,000' identifying the proposed area of annexation and existing city limits.*

Attached to the application a vicinity map has been provided.

*(2) Assessor's maps of the proposed annexation area.*

Attached to the application, Assessor's maps, showing all properties involved, have been provided.

*(3) Consent to annex forms completed and signed by all consenting property owners within the proposed annexation area.*

Attached to the application, the consents to annex has been prepared.

*(4) Legal metes and bounds or lot and bock description of the annexation area...*

Attached to the application, the legal description of the annexation tract has been submitted, recorded Deeds and the surveyors legal description establishing the annexation boundary.

*(5) Specific information on each parcel within the proposed annexation area.*

See the attached Assessor's information for the subject properties.

*(6) Addresses of all dwelling units and businesses located within the annexation area and names of all residents and whether they are registered voters.*

There is one single family dwelling located on Tax Lot 5002 which is addressed as 3700 Coal Mine Road. Currently, there are no residents within this dwelling to solicit a Census and Consent. The attached Assessor's information identifies and confirms the address for the dwelling present on this subject property.

*(7) The following information shall be supplied by the applicant:*

*(a) Existing land uses;*

There is one single family dwelling, with associated accessory structures, located on Tax Lot 5002 which is addressed as 3700 Coal Mine Road. The remainder of the properties are currently undeveloped and all of the subject properties have been used historically for agricultural purposes.

*(b) Existing zoning within the annexation area.*

The subject properties are currently zoned EFU with Jackson County.

(c) *Existing improvements*

*Water system:*

Water service, provided by the Medford Water Commission, is being extended into Coal Mine Road on the north end of the subject properties through the development of the Horse Arena subdivision. Water service can be extended from the north into the subject properties as development occurs.

*Streets:*

The site is bordered by Coal Mine Road to the north and North Phoenix Road to the west. North Phoenix Road is designated as a regional arterial street and Coal Mine Road is designated as a major collector street by the City of Medford.

*Sanitary sewer:*

Sanitary sewer facilities are present along the north side of the properties. However, these facilities are part of the City of Medford system and the subject properties are located within the Rogue Valley Sewer Service (RVSS) district. Utilization of the Medford sanitary sewer system will require a change in service district boundaries.

*Storm drainage:*

There are existing urban storm drainage facilities present near the north property boundary. The development of these properties will require the coordination with the City of Medford for the extension of storm drainage facilities into and through the properties. The subject site is located within the Bear Creek/Larson Creek Drainage Basin.

(d) Special Districts:

The following special districts serve the subject properties:

1. Phoenix/Talent School District - The school district will remain in place after the annexation of the properties and continue to provide school services. The school district will not require removal as a result of the annexation and, therefore, there is no fiscal impact to the City.

2. Fire District #2- The fire district will require removal from the properties as a result of the annexation. The fire services will, thereafter, be provided by the City of Medford. Fire District #2 does not have any bond debt, and as a result, the City will incur no cost as a result of removing Fire District #2 from the site.

3. Rogue Valley Sewer Service- RVSS will remain in place after the annexation of the properties and continue to provide sanitary sewer service. A portion of the site may change service district to the City of Medford after annexation, if agreed upon. There is no fiscal impact to the City.

4. Medford Irrigation District- There are existing irrigation rights on the properties and irrigation water provided by MID (west of the canal) has been used historically for agricultural irrigation. As the properties develop to urban standards, portions of the properties may be required to remove irrigation rights and this will be coordinated with MID.

5. Talent Irrigation District- There are existing irrigation rights on the properties and irrigation water provided by TID (east of the canal) has been used historically for agricultural irrigation. As the properties develop, the developed portions of the properties may be required to remove irrigation rights and this will be coordinated with TID.

The annexation will require withdrawal from Fire District #2. No other special districts are affected with this annexation request.

(e) A completed Census Information Sheet for all parcels being considered for annexation.

Not applicable. There are no residents currently on the property.

(f) Written findings indicating compliance with all of the annexation criteria 1 through 3 contained in Section 10.216(C) Annexation Approval Criteria.

Findings indicating compliance with all of the annexation criteria 1 through 3 contained in Section 10.216(C) Annexation Approval Criteria are provided above.

(8) Property owners' (and agents') names, addresses and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.

Attached to the application, the required mailing labels have been provided.

**FINDING:**

**The submitted application includes all application materials required per MLDC Section 10.216 (F).**

## IV. SUMMARY AND CONCLUSIONS:

Based upon the information submitted within this application and the annexation conclusions and findings of fact, the City of Medford can conclude that:

1. This application is consistent with the applicable provisions of ORS 222.111, 222.115 and 222.125 pertaining to annexations.

2. This application is consistent with the applicable provisions of the Medford Land Development Code as it pertains to annexations, in that it provides additional land for urban uses, and is adjacent to incorporated city areas. The annexation request is consistent with the annexation standards and criteria in Sections 10.216 (C), (D) & (F) of the MLDC.

3. The applicants have requested that the E-A overlay be applied to these properties to allow for the continuation of agricultural uses until the properties are planned for urban development by the establishment of standard (non-holding zone) zoning.

With the above information provided with the exhibits attached, the property owners/applicants respectfully request that the subject properties be annexed into the City of Medford, Oregon and that the E-A overlay be applied to these properties.

Respectfully Submitted,

RICHARD STEVENS & ASSOCIATES, INC.

MEDFORD
PUBLIC WORKS

LD DATE: 7/22/2020
File Number: ANNX-20-079

# PUBLIC WORKS DEPARTMENT STAFF REPORT

## Annexation for MD-5e
## North Phoenix Road/Coal Mine Road (Multiple Tax Lots)

**Project:** Consideration of a request for annexation to the City of Medford of approximately 66.75 acres located south of Cole Mine Road and east of North Phoenix Road and including the half-width of approximately 1500 feet of the abutting Coal Mine Road right-of-way. The proposed annexation would change the Jackson County zoning designation of Exclusive Farm Use (EFU) to City holding zone designation of Single Family Residential -1 Unit/Acre (SFR-00) with the Exclusive Agriculture (E-A) Overlay and would remove the property from Medford Rural Fire Protection District #2.

**Applicant:** Applicant: Rania Sawabini and Bottala Enterprises; Agent: Clark Stevens; Planner: Sara Sousa.

**Planner:** Sarah Sousa, Planner IV

---

### A. SANITARY SEWERS

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

### B. 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.

### C. TRANSPORTATION SYSTEM

No conditions at this time.

### D. SYSTEM DEVELOPMENT CHARGES

**Future development/buildings within this parcel will be subject to System**

EXHIBIT D

**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.

## E. 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

# 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


July 23, 2020

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

**Re: ANNX-20-079 & UP-20-078, Coal Mine Road Urbanization Plan, 371W34 TLs 5000, 5001, 5002, 5201, & 5300; 381W03 TL 300**
**Ref: PA-19-076 & PA-19-070**

ATTN: Carla,

The identified properties are within the RVSS sewer service boundary. However, RVSS sewer facilities are not located near the subject property. There are two obvious connection options, each comes with various obstacles. One option is to connect directly to the RVSS Upper Bear Creek Interceptor located west of Interstate 5 and Bear Creek. The other option is to extend sewer north from the existing 18 inch main which crosses Interstate 5 just north of Home Depot. GIS maps are available on our website for reference. The City of Medford sewer system is located north and west of the area along Juanipero Way and La Loma Drive respectively. However, the City of Medford system is largely unsuitable for standard gravity sewer service to the area. The portion of the area along Coal Mine Road that is acceptable for standard gravity sewer may connect to the City of Medford system via a service boundary revision. The conditions of the Medford system connection will be determined by RVSS and the City of Medford.

The Centennial Golf Course properties to the west have also expressed interest in developing and extending sewer across Interstate 5 to serve the area. It's suggested that the interested property owners coordinate in this endeavor.

Rogue Valley Sewer Services requests that the urbanization plan be subject to the following conditions:

1. The developer must include a conceptual plan of the proposed sewer connection and extension to the property.

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

2. All sewer facilities must be sized for a full 'build-out' condition accounting for contributing up stream sewer shed areas. Sewer system sizing must be performed per RVSS standards.
3. Master plan conceptual drawings of the proposed sewer system for the area will be submitted to RVSS upon request.
4. All sewer design and construction must be performed per RVSS standards.

K:\DATA\AGENCIES\MEDFORD\PLANNG\ANNEXATION\2020\ANNX-20-079 & UP-20-078 COAL MINE ROAD URBANIZATION PLAN.DOC

EXHIBIT E

5. 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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JACKSON COUNTY
Roads

**Roads**
**Engineering**

**Chuck DeJanvier**
*Construction Engineer*

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July 10, 2020

Attention: Sarah Sousa
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 for the portions of the planning unit MD-5e located within the Urban Growth Boundary (UGB) of the City of Medford off
Coal Mine Road and North Phoenix Road – both County maintained roads
Planning File: UP-20-078 & ANNX-20-079

Dear Sarah:

Thank you for the opportunity to comment on the request for Comprehensive Plan Amendment to adopt an Urbanization Plan for the portions of the planning unit MD-5e located within the Urban Growth Boundary (UGB) of the City of Medford. The MD-5e planning unit is located east of North Phoenix Road and south of Coal Mine Road. The proposed Urbanization Plan includes multiple tax lots totaling 74.6 acres. The properties are described as: 37-1W-34 Tax Lots 5000, 5001, 5002, 5200, 5201 & 5300 and 38-1W-03 TL 300. 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 Coal Mine Road and North Phoenix Road right-of-way. Then, following annexation, City is required to request jurisdiction of this portion of Coal Mine Road and North Phoenix 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 Coal Mine Road and North Phoenix Road to the City of Medford, Jackson County will require the following:

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

EXHIBIT F

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 Coal Mine Road and North Phoenix Road and impacts to North Phoenix Road including stopping sight distance, traffic queuing, storage lengths, need for dedicated turn lanes or a median turn lane, and impacts to the North Phoenix Road and Coal Mine Road intersection. The study shall also address impacts to Juanipero Way and Campbell Road 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. North Phoenix Road is a County Minor Arterial road and is maintained by the County. The Average Daily Traffic count was 10,529 on September 5, 2018, 225' south of Coal Mine 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. 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.

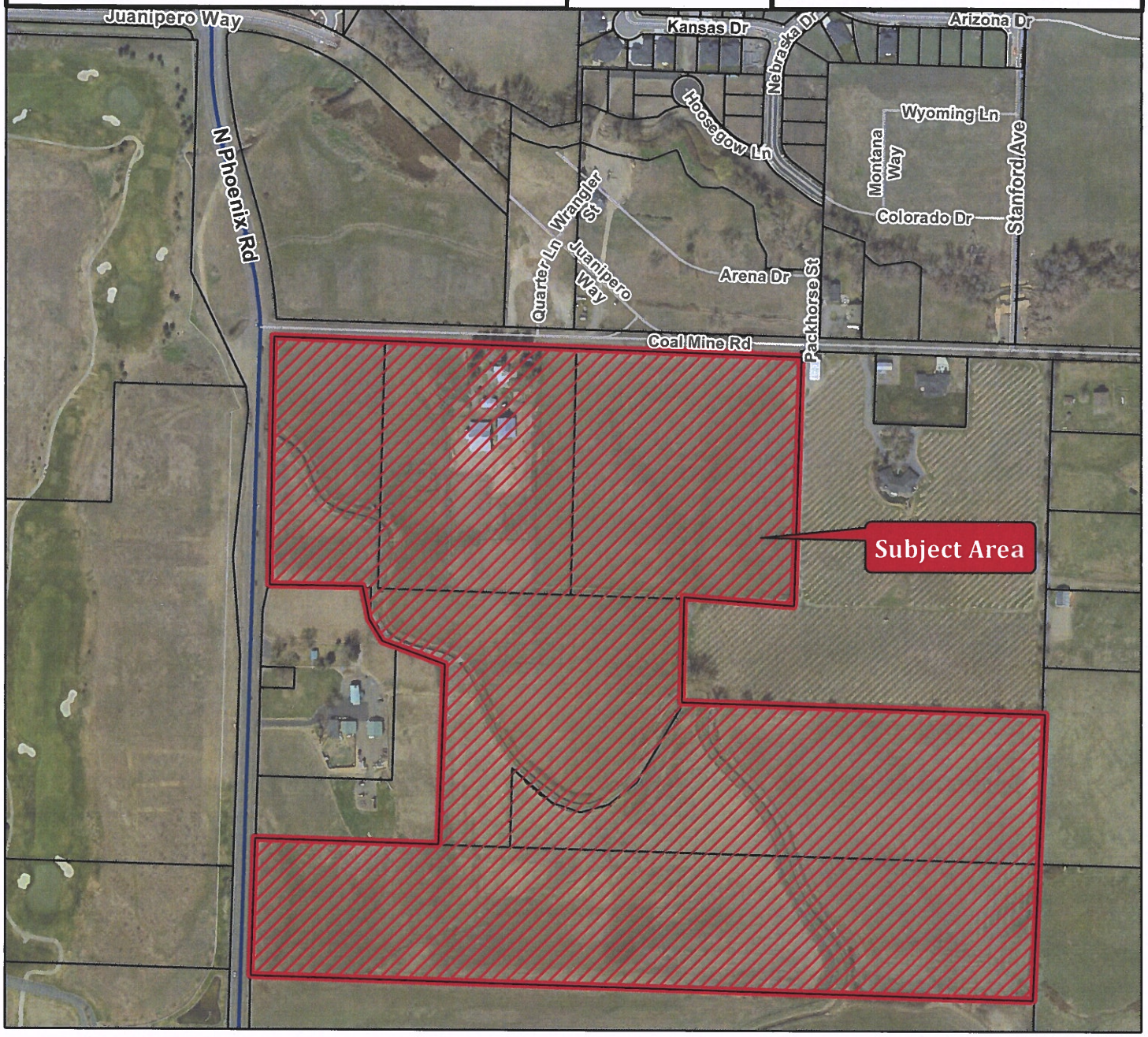
Sincerely,

Chuck DeJanvier
Construction Engineer

MEDFORD
PLANNING

# Vicinity Map

File Number:
**ANNX-20-079**




Project Name:

## Coal Mine Road at N Phoenix Road Annexation

Map/Taxlot:

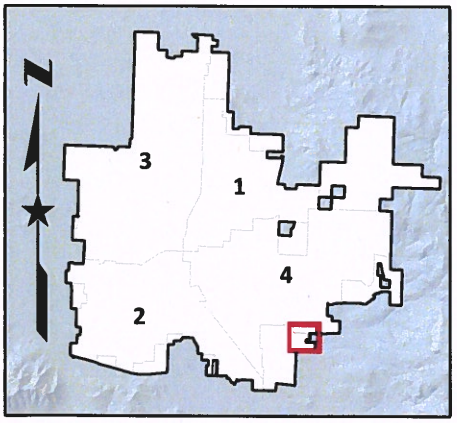
**371W34 TL 5000, 5001, 5002, 5300**
**381W03 TL 300**

0 320 640 Feet

**Legend**

- Subject Area
- Tax Lots

*6/18/2020*



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Item No: 100.1

**AGENDA ITEM COMMENTARY**

**DEPARTMENT:** Legal
**PHONE:** (541) 774-2020
**STAFF CONTACT:** Katie Zerkel, Senior Assistant City Attorney

**AGENDA SECTION:** City Manager Reports
**MEETING DATE:** September 17, 2020

**AGENDA ITEM 100.1**

Bail for Medford Municipal Court Citations

MEDFORD
CITY ATTORNEY'S OFFICE

MEMORANDUM

**To:** Brian Sjothun and Rick Whitlock
**From:** Katie Zerkel, Senior Assistant City Attorney
**Date:** September 9, 2020
**Subject:** Bail for Medford Municipal Court Citation

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**Executive Summary:**

**Issue**: Council Directed staff to work with Judge Haberlach to look into bail amounts entered on criminal citations issued to defendants.

**Process**: Met with MPD and Judge Haberlach to discuss bail amounts and alternatives in Medford Municipal Court.

**Decision**: Judge Haberlach believed the bail amounts were fair. In order to limit confusion and provide the most accurate information, he wants to remove the bail amounts from criminal citations and instead have "MUST APPEAR" written on the citation.

**Action Steps:**

- Provide instructions to MPD that "MUST APPEAR" should be written on MMC Criminal Citations in lieu of a bail amount;
- MPD and Municipal Court implement utilizing the Oregon Uniform Citation and Complaint, as opposed to the City form currently being used.

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First, research was conducted on bail amounts for misdemeanor crimes historically in Medford Municipal Court and currently at the Jackson County Circuit Court.

> Medford Municipal Court: $1,000 for Resident of Jackson County; $2,000 for Oregon resident outside of Jackson County; $3,000 for Resident outside of the State of Oregon or no permanent residence. These amounts have been in place essentially since 1981. These are set by order of the presiding Judge.
>
> Jackson County Circuit Court Bail/Security schedule: $5,000 Class A misdemeanors (assault, menacing, criminal mischief, etc.) $2,500 for Class B/C misdemeanors (harassment, trespassing, disorderly conduct, etc.)

Then, Medford Municipal Code and Oregon Revised Statutes were reviewed regarding requirements for criminal citations and bail amounts.

The relevant MMC codes regarding citations are 2.855-2.870. MMC 2.855 (1) says "a form conforming to the requirements of this section may be used to enforce any provision of city ordinance". The ensuing ordinances require bail to be written on the citation. The legal department interprets that provision to require bail amounts if the contemplated form of citation is used. If another type of citation is used, bail amounts are not required by Medford Municipal Code to be written on the citation.

Relevant Oregon Revised Statues for requirements of criminal citations and complaints are 133.055-.076. There are no state statutory requirements for bail to be included on a served criminal citation and complaint. ORS 133.066(5) allows for the Oregon Supreme Court to adopt uniform citations to meet these state requirements. The Supreme Court has created an "Oregon Uniform Citation and Complaint" that meets all statutory requirements. This form is currently used for traffic crimes by MPD and Jackson County Sheriff's office uses it for traffic and criminal citations, as well as other municipal courts in the state.

Before meeting with the Judge, there was a discussion with Lt. Trevor Arnold regarding MPD procedure and statutory and code requirements regarding bail for MMC. We discussed several options to address Council's concerns and how they might interplay with Municipal Court and MPD. The procedure to note is when a defendant is lodged on a Municipal Court charge, the Jail gathers ordered bail amounts from the "Jail Booking Application." This form is filled out by the officer at the time of lodging according to the MMC bail schedule. The Jail does not see the printed citation as it is stored in prisoner property. The defendant does not see the citation or the bail amount, until after they are released from jail. We also discussed use of the Medford Municipal Court citation and complaint versus the Oregon Uniform Citation and Complaint.

After the discussion, Lt. Arnold and I met with Judge Haberlach to discuss bail and the issues brought up by Council.

At the meeting we discussed the researched information and several options as follows:

- Lower bail amounts in Medford Municipal Court.
- Base bail amounts on type of crime, versus currently based on residency.
- Change the wording of the City citation form to reflect "bail" rather than "Presumptive Fine," as presumptive fine is not accurate for crimes.
- Remove bail from the printed citation as it is not necessary for Jail processing and is confusing to those who are not lodged and receive a citation with a bail amount.
- Replace a presumptive fine or bail amount with "Must Appear" on the printed citation, since those charged with a crime are required to appear before the Judge and have no financial obligation until they appear and the Judge imposes a fine.

After the options were presented and discussed the Judge decided as follows:

The Judge did not want to do away with bail or lower bail amounts. He felt that the requirements were in line with local courts and reasonable for their intended purpose, which is to secure the defendant's appearance in court. Having a bail schedule encourages people to post bail and then they have a financial incentive to return to Court to resolve their case. He felt it was important to note that his order specifies that only 10% of the applicable bail amount is necessary for a defendant to post bond and be released. Therefore, it would cost $100, $200 or $300 to bail out of jail, if a defendant was lodged. He felt this was not acknowledged in discussions and wanted to make sure that Council is aware of this part of his order. Additionally, he mentioned that due to jail overcrowding and the relative low nature of MMC crimes, defendants are often not lodged for long enough for a defendant to arrange for bail anyway.

Secondly, the Judge addressed that he frequently gets letters from defendants concerned about how to pay the $1,000-$3,000 fine listed on their ticket. He finds this is misleading as there is no fine in a criminal case until the Judge orders one during sentencing. He also stated it is misleading as the majority of Municipal Court crimes are cite and release, as opposed to being lodged in jail, so designating a bail amount on a citation they are handed creates undue confusion.

We discussed that regardless of the bail amount, the maximum fine for most crimes in MMC is $1,000 and there are no presumptive fines for criminal charges. The actual fine is either determined via a negotiated plea offer or a sentence from the Judge. Of the options presented and discussed, instead of writing the bail amount on the ticket, the Judge wanted the phrase "MUST APPEAR" as that is the most accurate requirement of those who receive a citation for a criminal offense. He asked if changes are made to the citation form that it be very explicit and attempt to include the phrase "Must Appear or a Warrant will be issued for your arrest". A version of this phrase is on the current citation, but the Judge would like it to be more prominent.

We discussed a possible option of utilizing the Oregon Uniform Citation and Complaint form instead of the current form and the Judge had no concerns with this change, particularly as he is already familiar with them for traffic offenses.

**Conclusion:** Based on the foregoing research and discussions, staff's recommendation to carry out this request for municipal crimes is that MPD officers write "Must Appear" on the line that is currently printed "Presumptive Fine". In order for this change to be compliant with Municipal code, MPD will begin utilizing the Oregon Uniform Citation and Complaint form. MPD is looking forward to making this change as it will create efficiencies in other areas. The Municipal Court is agreeable to the switch as well. The implementation of these changes is currently underway.