



Medford City Council Meeting

Agenda

August 18, 2016

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

**Medford City Hall, Council Chambers
411 West 8th Street, Medford, Oregon**

10. Roll Call

Employee Recognition

20. Approval or Correction of the Minutes of the August 4, 2016 Regular Meeting

30. Oral Requests and Communications from the Audience

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

30.1 Quarterly Economic Development update from SOREDI by Colleen Padilla

40. Consent Calendar

40.1 COUNCIL BILL 2016-93 A resolution affirming the Public Works Director's administrative decision pertaining to parking restrictions on Layla Drive.

40.2 COUNCIL BILL 2016-94 An ordinance authorizing cash payments to Hayden Homes for Storm Drain System Development Charge credits in the amount of \$61,402.99 for construction of oversized storm drain piping completed as a condition of approval for Delta Estates Phase I.

40.3 COUNCIL BILL 2016-95 A resolution authorizing the transfer of \$300,000 from the Regional Sewage Treatment Fund Contingency Account to the Public Works Department to complete repairs to a raw sewage influent pipe at the Regional Water Reclamation Facility.

40.4 COUNCIL BILL 2016-96 An ordinance amending the contract with Knife River Materials for the purchase of asphalt concrete in an amount of \$263,280.

40.5 COUNCIL BILL 2016-98 An ordinance authorizing execution of a Public Pedestrian Easement to the City of Medford for the construction of the Medford Police Station and secured garage.

50. Items Removed from Consent Calendar

60. Ordinances and Resolutions

60.1 COUNCIL BILL 2016-99 An ordinance adopting the urban growth boundary amendment.

60.2 COUNCIL BILL 2016-56 An ordinance repealing sections 9.350 and 9.400, amending section 9.660, and adding sections 9.900 through 9.914 to adopt the International Property Maintenance Code.

- 60.3 COUNCIL BILL 2016-100 An ordinance amending Section 8.751 of the Medford Code pertaining to Rental Car Tax.
- 60.4 COUNCIL BILL 2016-101 A resolution by the City of Medford affirming compliance with the Americans with Disabilities Act of 1990.
- 60.5 COUNCIL BILL 2016-102 A resolution adopting the Medford Parks and Recreation Department Americans with Disabilities Act Transition Plan.

70. Council Business

- 70.1 Rogue Retreat

80. City Manager and Other Staff Reports

- 80.1 Further reports from City Manager
- 80.2 GFOA Certificate of Achievement for Excellence in Financial Reporting

90. Propositions and Remarks from the Mayor and Councilmembers

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

100. Adjournment to the Evening Session

EVENING SESSION
7:00 P.M.

Roll Call

110. Oral Requests and Communications from the Audience

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

120. Public Hearings

Comments are limited to a total of 30 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. Appellants and/or their representatives are limited to a total of 30 minutes and if the applicant is not the appellant they will also be allowed a total of 30 minutes. All others will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. PLEASE SIGN IN.

120.1 Public hearing to consider an appeal of the Public Works Director regarding a sidewalk at 1222 La Loma Drive.

120.2 Public hearing to consider an appeal of the Site Plan and Architectural Commission approval of the construction of a 3,750 square foot addition to an existing metal industrial building and denial of the associated exception request to eliminate public right-of-way

dedications and standard street improvements. (AC-15-115 and E-16-042) Land Use, Appeal

130. Ordinances and Resolutions

140. Council Business

150. Further Reports from the City Manager and Staff

160. Propositions and Remarks from the Mayor and Councilmembers

160.1 Further Council committee reports

160.2 Further remarks from Mayor and Councilmembers

170. Adjournment



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.1

www.ci.medford.or.us

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

AGENDA SECTION: Consent Calendar
MEETING DATE: August 18, 2016

COUNCIL BILL 2016-93

A resolution affirming the Public Works Director's administrative decision pertaining to parking restrictions on Layla Drive.

SUMMARY AND BACKGROUND

On January 14, 2016, a Citizen Traffic Request Form was received requesting no parking on the east side of Layla Drive. The reason cited was concern for emergency response vehicle accessibility. The request was reviewed during the Traffic Coordinating Committee (TCC) meeting on March 23, 2016.

The TCC recommended that the proposed parking restrictions on Layla Drive and Cox Lane be revised to make reasonable accommodations for residents that provided feedback. Public Works revised the Fire Lane No Parking Zone and sent letters and maps of the Public Works decision on April 8, 2016. On April 18, 2016, the Public Works decision was appealed citing a lack of adequate restriction. On May 19, 2016, City Council remanded the decision to the Public Works Director.

On June 22, 2016, the TCC reviewed the first two maps as well as a third proposal from the City of Medford Fire-Rescue Department. The TCC recommended installation of Fire Lane/No Parking signs in accordance with the Fire Department's recommendation. On July 5, 2016 the Public Works decision based on the TCC recommendation was appealed citing opposition to the parking restrictions.

PREVIOUS COUNCIL ACTIONS

On May 19, 2016, City Council considered an appeal of the decision to install a No Parking Zone on Layla Drive. On June 2, 2016, City Council approved a resolution to remand the matter of designating No Parking Zones on Layla Drive to the Public Works Director. On August 4, 2016 City Council considered the appeal of the June 28, 2016, decision and denied the appeal.

ANALYSIS

Layla Drive is a 28 foot wide minor residential street with curb and gutter, sidewalks along most of its length, street lighting and parking on both sides. Cox Lane is a 24 foot wide, fifty foot long street providing access to two lots. Applegate Lane is a 220 foot long segment of 28 foot wide minor residential street with curb and gutter, sidewalks, street lighting and parking on both sides.

The Medford Fire Department aims to maintain at least 20 feet of unobstructed clearance on minor residential streets for fire apparatus. Layla Drive does not provide 20 feet when cars are parked on both sides of the street. When cars are parked along both sides of the street, the space between them is approximately 14 feet.

Public Works determined that parking restrictions are warranted to ensure adequate emergency vehicle access and attempted to meet the needs of the citizens requesting a no parking zone while considering factors such as safety, visibility, impact on objecting residents, and compliance.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 40.1

www.ci.medford.or.us

COUNCIL OPTIONS

Approve or deny the resolution.

STAFF RECOMMENDATION

Approve the resolution denying the appeal.

SUGGESTED MOTION

I move to approve the resolution denying the appeal of the administrative decision regarding parking restrictions on Layla Drive.

EXHIBITS

Resolution

RESOLUTION NO. 2016-93

A RESOLUTION affirming the Public Works Director's administrative decision pertaining to parking restrictions on Layla Drive.

WHEREAS, the Public Works Director's decision on April 8, 2016 pertaining to a no parking zone on Layla Drive was appealed to the City Council by Kim, Kevin, and Janice Stowe; and

WHEREAS, the City Council reviewed the applicable criteria and heard arguments from the parties on May 19, 2016 and voted to remand the matter back to the Public Works Director; and

WHEREAS, on June 22, 2016 the Public Works Director's decision to adopt the recommendation of the Fire Department was appealed by Juan and Violeta Vega on July 5, 2016 citing opposition to the parking restrictions; and

WHEREAS, the City Council reviewed the applicable criteria and heard arguments from the parties on August 4, 2016 and voted to deny the appeal; now, therefore,

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

Section 1. The City Council finds there is substantial evidence in the record affirming the Public Works Director's decision pertaining to parking restrictions on Layla Drive.

Section 2. The appeal is hereby denied.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.2

www.ci.medford.or.us

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

AGENDA SECTION: Consent Calendar
MEETING DATE: August 18, 2016

COUNCIL BILL 2016-94

An ordinance authorizing cash payments to Hayden Homes for Storm Drain System Development Charge credits in the amount of \$61,402.99 for construction of oversize storm drain piping completed as a condition of approval for Delta Estates Phase I.

SUMMARY AND BACKGROUND

This ordinance authorizes payment to Hayden Homes for Storm Drain System Development Charge (SDC) credits resulting from construction of oversize storm drain piping as a condition of approval for Delta Estates Phase 1.

PREVIOUS COUNCIL ACTIONS

None.

ANALYSIS

The Storm Drain SDC fund will provide a cash credit to a developer who is subject to the SDC fee in an amount equal to 25% of the calculated cost of drainage facilities 24" in diameter or larger, and which were required to be built as part of the development. Credits may be paid directly upon acceptance of the facilities and authorization by the City Council (Medford Municipal Code (MMC) Section 3.891).

The subject facilities have been accepted by the Public Works Department.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The Developer of Delta Estates Phase 1 completed construction of 526 linear feet of 24" pipe, 20 linear feet of 30" pipe, and 1,738 linear feet of 36" pipe to convey storm drainage. Twenty-five percent of the calculated cost results in a total credit of \$61,402.99. SDC credit payments which exceed \$50,000 must be approved by the City Council prior to disbursement per MMC Section 3.891(a).

Payment shall be made from project code CS0976 – Storm Drain SDC Credit Payments.

TIMING ISSUES

A single payment of \$61,402.99 shall be made to the Developer upon approval of this ordinance.

COUNCIL OPTIONS

Approve, modify or deny the ordinance.

STAFF RECOMMENDATION

Approve the ordinance for payment to Hayden Homes for Storm Drain SDC credits resulting from construction of eligible storm drain piping in Delta Estates Phase 1.

SUGGESTED MOTION

I move to approve the ordinance authorizing payment of Storm Drain SDC credits to Hayden Homes in the total amount of \$61,402.99.

EXHIBITS

Ordinance
Maps
SDC Credit Calculations

ORDINANCE NO. 2016-94

AN ORDINANCE authorizing cash payments to Hayden Homes for Storm Drain System Development Charge credits in the amount of \$61,402.99 for construction of oversize storm drain piping completed as a condition of approval for Delta Estates Phase I.

WHEREAS, the Storm Drain System Development program credits developers that construct 24 inch or larger drainage facilities which are required as part of the development; and

WHEREAS, if the amount of the credit exceeds the Storm Drain System Development Charge for the development, the developer may be paid in cash for the excess credits; and

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

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That cash payment to Hayden Homes of Storm Drain System Development Charge credits, in the amount of \$61,402.99, for oversize storm drain piping completed as a condition of approval for Delta Estates Phase I is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor

**Storm Drain SDC Credit
Computation Sheet**

DELTA ESTATES PH.1

1. Storm Drain SDC Credit Payments (HTE Proj Code: CS 0976)

| Diameter | Length (ft) | | Calc Cost | | | |
|---------------------------------|-------------|---|-----------------|---|--------|--------------------|
| <u>24"</u> | <u>526</u> | x | <u>\$74.03</u> | x | 0.25 = | \$9,734.95 |
| <u>30"</u> | <u>20</u> | x | <u>\$95.92</u> | x | 0.25 = | \$479.60 |
| <u>36"</u> | <u>1738</u> | x | <u>\$117.81</u> | x | 0.25 = | \$51,188.45 |
| Sub Total Storm Drain Credits.. | | | | | | \$61,402.99 |

PAYMENT DUE DEVELOPER **\$61,402.99**

Developer Name: Hayden Homes Phone 541-923-6607
Mailing Address: 2464 SW Glacier Pl., Ste. 110, Redmond, OR 07756
Computation Performed By: BJ Date 7/21/2016



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.3

www.ci.medford.or.us

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

AGENDA SECTION: Consent Calendar
MEETING DATE: August 18, 2016

COUNCIL BILL 2016-95

A resolution authorizing the transfer of \$300,000 from the Regional Sewage Treatment Fund Contingency Account to the Public Works Department to complete repairs to a raw sewage influent pipe at the Regional Water Reclamation Facility.

SUMMARY AND BACKGROUND

The 48-inch raw sewage influent pipe at the Regional Water Reclamation Facility (RWRF) has failed and needs to be repaired prior to winter. The flow meter in this pipe is a National Pollutant Discharge Elimination System (NPDES) permit-required device that monitors the raw sewage flows coming into the treatment plant. The failed pipe is the primary influent pipe for the treatment plant because it is the most accurate measurement of flow in low flow conditions. Currently the parallel 60 inch pipe and flow meter, which are designed for high flows, are being used.

PREVIOUS COUNCIL ACTIONS

None.

ANALYSIS

Corrosion and erosion from exposure to the raw plant influent damaged the pipe and various components. Continued use of the damaged pipe will result in failure.

This is an emergency situation to complete repairs and ensure long-term reliability before heavy winter rains increase flows beyond the back-up 60-inch pipe's capacity.

A transfer from contingency in the amount of \$300,000 is necessary.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Transfers from Contingency do not change the budget total.

TIMING ISSUES

Work needs to be complete before winter rains increase flows beyond the back-up pipe's capacity.

COUNCIL OPTIONS

Approve, modify, or deny the budget transfer.

STAFF RECOMMENDATION

Approve the budget transfer.

SUGGESTED MOTION

I move to approve the transfer of \$300,000 from the Regional Sewage Treatment Fund contingency.

EXHIBITS

Resolution

RESOLUTION NO. 2016-95

A RESOLUTION authorizing the transfer of \$300,000 from the Regional Sewage Treatment Fund Contingency Account to the Public Works Department to complete repairs to a raw sewage influent pipe at the Regional Water Reclamation Facility.

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

The transfer of \$300,000 from the Regional Sewage Treatment Fund Contingency Account to the Public Works Department to complete repairs to a raw sewage influent pipe at the Regional Water Reclamation Facility, as shown on Exhibit A attached and incorporated herein by reference, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor

CITY OF MEDFORD Appropriation Modifications

Requesting Department: Finance

Biennium **FY15/16 - FY16/17**

Date of Proposed Council Action: 08/18/16

Date **August 3, 2016**

Explanation of Requested Transfer: See AIC

id

| Account Number | Description | Project Number | Debit | Credit |
|--------------------|-------------|----------------|----------------|----------------|
| 090-4503-673.51-00 | CIP | WP1601 | 300,000 | |
| 090-1609-614.99-00 | Contingency | | | 300,000 |
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| TOTALS | | | 300,000 | 300,000 |

Requested by *AJ Cell*
Department Head

Approved by *Alker*
City Manager Pro Tem





CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.4

www.ci.medford.or.us

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

AGENDA SECTION: Consent Calendar
MEETING DATE: August 18, 2016

COUNCIL BILL 2016-96

An ordinance amending the contract with Knife River Materials for the purchase of asphalt concrete in an amount of \$263,280.

SUMMARY AND BACKGROUND

The Public Works Operations Division performs in-house asphalt paving, overlay, and patching on City streets. The ordinance being considered will increase the maximum quantity of the existing material purchase contract for asphalt. Due to variable cross-sections of older streets, the total asphalt needed for the City overlay program was underestimated.

PREVIOUS COUNCIL ACTIONS

On June 18, 2015, Council approved a contract in the amount of \$1,097,000 with Knife River Materials for asphalt.

ANALYSIS

The products were competitively bid by three local suppliers and Knife River Materials was the lowest responsible bidder.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Asphalt for overlay is budgeted in the Materials and Services portion of the Street Maintenance Fund.

TIMING ISSUES

This materials contract will provide bulk asphalt concrete for the remainder of the current budget period.

COUNCIL OPTIONS

Approve, modify or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance

SUGGESTED MOTION

I move to approve the ordinance amending the asphalt concrete supply contract to Knife River Materials for an additional \$263,280.00.

EXHIBITS

Ordinance

Contract available in the City Recorder's Office

ORDINANCE NO. 2016-96

AN ORDINANCE amending the contract with Knife River Materials for the purchase of asphalt concrete in an amount of \$263,280.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That an amendment to the existing contract with Knife River Materials for the purchase of asphalt concrete in an amount of \$263,280, which agreement is on file in the City Recorder's office, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2016

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2016.

Mayor



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 40.5

www.ci.medford.or.us

DEPARTMENT: Police
PHONE: 541-774-2273
STAFF CONTACT: Randy Sparacino, Police Chief

AGENDA SECTION: Consent Calendar
MEETING DATE: August 18, 2016

COUNCIL BILL 2016-98

An ordinance authorizing execution of a Public Pedestrian Easement to the City of Medford for the construction of the Medford Police Station and secured garage.

SUMMARY AND BACKGROUND

With the construction of the new Medford Police Station and secured garage, it was determined that the City, as owner of the new facility, needed to grant a Public Pedestrian Easement to the City of Medford along West 10th Street on the south side of the new facility. The area was surveyed and the pedestrian easement along West 10th Street was established.

PREVIOUS COUNCIL ACTIONS

None

ANALYSIS

There is an easement in place for the old sidewalk. The sidewalk is being pushed back onto the private property owned by the City. This easement will incorporate the additional area and is a requirement of obtaining building occupancy.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None

TIMING ISSUES

The projected date for "substantial completion" of the project is September 16, 2016. It is important that this easement be approved and recorded with Jackson County prior to this date.

COUNCIL OPTIONS

Approve, modify or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance granting the Public Pedestrian Easement for the new Medford Police Station to the City of Medford.

EXHIBITS

Ordinance
Public Pedestrian Easement on file in the City Recorder's Office

ORDINANCE NO. 2016-98

AN ORDINANCE dedicating a public pedestrian easement to the City of Medford as a requirement of obtaining building occupancy for the Medford Police Station and secured garage.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That dedication of a public pedestrian easement to the City of Medford as a requirement of obtaining building occupancy for the Medford Police Station and secured garage, which is on file in the City Recorder's office, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2016.

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.1

www.ci.medford.or.us

DEPARTMENT: Planning **AGENDA SECTION:** Ordinances and Resolutions
PHONE: 541-774-2380 **MEETING DATE:** August 18, 2016
STAFF CONTACT: James E. Huber, AICP, Planning Director

COUNCIL BILL 2016-99

An ordinance adopting the urban growth boundary amendment (UGBA).

SUMMARY AND BACKGROUND

On August 6, 2015 the Council began the public hearing on the proposal to expand the City's urban growth boundary. After a few meetings the Council closed oral testimony and kept the record open for new submittals. Council held a study session on October 22 to review recalculated "unbuildable lands" scenarios. At the December 17 meeting Council directed staff to return with options that restored residential acres that the Planning Commission recommended removing. On March 17 the Council chose the "grand bargain" option submitted by CSA Planning and directed staff to return with modified findings to support an ordinance adopting the amended urban growth boundary (CP-14-114).

PREVIOUS COUNCIL ACTIONS

Council held numerous hearings and study sessions on this item since August 2015. The latest were study sessions on April 28 and July 28, at which the Council reviewed the modified amendments and findings.

ANALYSIS

The Council has reached a decision on boundary expansion. The consideration before the Council now is if it is satisfied with the findings. Legal counsel advises that the findings are acceptable.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

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

TIMING ISSUES

After the Council decision the UGBA will go to Jackson County and then to Land Conservation and Development Commission for approvals.

COUNCIL OPTIONS

Approve or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends that the Council accept the findings and conclusions and to approve the ordinance.

SUGGESTED MOTION

I move to approve the ordinance to adopt the urban growth boundary amendment.

EXHIBITS

Ordinance on file in the City Recorder's Office
Council Report (containing amendments and findings), dated August 18, 2016. Presentation available in the Planning Department.



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

CITY COUNCIL REPORT

for a Class-A legislative decision: Comprehensive Plan, Urban Growth Boundary Amendment

Project **UGBA Phase 2: ESA Boundary Amendment**

File no. CP-14-114

By Medford City Council

Date August 18, 2016

BACKGROUND

Proposal

Amend the Urban Growth Boundary (UGB) for the purpose of providing a twenty-year land supply based on the City's projected need for residential and employment land. The proposed changes include: expanding the Urban Growth Boundary, assigning General Land Use Plan (GLUP) map designations to the areas added to the UGB; amending the Medford Street Functional Classification Plan of the Transportation Element of the Comprehensive Plan to include the expansion areas; and amending some portions of the Urbanization and GLUP Elements of the Comprehensive Plan to accommodate the UGB amendment.

This City Council Report and its exhibits constitute the substantive basis for the ordinance adopting the urban growth boundary amendment.

History

The City of Medford, as all cities in Oregon, continues to have a goal of providing land to accommodate its 20-year land need for housing and employment, as required under Oregon Revised Statute (ORS) 197.296. The City of Medford's current UGB was adopted in 1990 and was expected to last through 2010. As demonstrated in the City's Comprehensive Plan the City does not currently have a 20-year land supply. ORS 197.296 (6) recommends addressing the need by expanding the urban growth boundary, by increasing the developable capacity of the urban area, or by a combination of the two. Urban Growth Boundary Amendment (UGBA) Phase 1, the "Internal Study Area" (ISA) amendment, changed the General Land Use Plan (GLUP) designation of land in the existing urban area. This was done to increase the development capacity in the existing UGB in order to accommodate some of the City's projected need for residential and employment land. The outcome of UGBA Phase 1 was the Selected Amendment Locations (SALs). The

next phase, UGBA Phase 2 (External Study Area (ESA) Boundary Amendment), seeks to extend the City's UGB to make more land available for urban development.

The process of amending Medford's UGB began in the late 1990s with the start of the Regional Problem Solving (RPS) process. RPS was a joint effort between six municipalities, Jackson County, and the State of Oregon, to determine future land need for the region and to determine the most appropriate locations for future growth. From RPS the City adopted the Regional Plan Element of the Comprehensive Plan in 2012. The Regional Plan specifies where Medford's future growth will occur by identifying the urban reserve. The urban reserve is meant to provide sufficient land for a doubling of the city's population.

In order to determine the land need for the next twenty years, the City relies on the Buildable Lands Inventory (adopted in February 2008), the Population Element (adopted November 2007), the Economic Element (adopted December 2008), and the Housing Element (adopted December 2010) of the Comprehensive Plan. The Buildable Lands Inventory determined the amount of land available within the existing UGB. This total supply of land was adjusted to account for the effect of UGBA Phase 1. The Population Element was taken along with the Housing and Economic Elements to determine the total land demand for the 20-year period. The demand was then subtracted from the supply to determine the total land deficit by individual land type over the 20-year period. The UGB must be expanded by this total deficit amount in order to meet the land need for the 20-year period.

The entire urban reserve area was considered initially as part of the boundary expansion process. The Planning Department used a coarse filter, considering proximity and parcelization, to narrow the focus for further analysis from the available 50-year supply. The properties that passed through the coarse filter became known as the External Study Areas (ESAs). Data were collected for serviceability for transportation, water and sewer for the ESAs. The scores from each of the five factors (proximity, parcelization, transportation, water, and sewer) were used to guide the Planning Department's recommendation concerning the location of the UGB amendment. The Planning Department selected areas from the ESAs to fill the land need by type and in total for the 20-year period.

During the public hearings process before the Planning Commission a number of challenges to the City's adopted land need figures were raised. Based on these challenges, the Planning Commission decided it was prudent to remove approximately 153 acres from the City's land need. The Commission directed staff to present alternatives for where staff's recommendation could be altered to reflect the new land need. Staff prepared three alternative recommendations for consideration.

The Planning Commission also used the public hearings process to more fully develop findings for Goal 14 locational factor 3, which requires the City to consider the compara-

tive environmental, social, economic, and energy (ESEE) consequences of different boundary location alternatives. Based on these findings, and the revised land need figures, the Commission chose to alter staff's recommendation by removing the land recommended in staff's "Alternative 1" and most of the land recommended in staff's "Alternative 2". The Commission also chose to add approximately 180 gross acres south of Cherry Lane, north of Barnett Road, and east of the current UGB, to the recommendation.

The Council received testimony that convinced it to reverse the Planning Commission's recommendation. After reviewing four restoration options at a February 25, 2016 study session and at its regular meeting on March 17, the Council selected the option presented by CSA Planning.

In addition to expanding the urban growth boundary and assigning GLUP map designations to the areas added to the UGB, the City proposes to amend the Street Functional Classification Plan of the Transportation Element of the Comprehensive Plan to include the expansion areas and portions of the Urbanization and GLUP Elements of the Comprehensive Plan to accommodate the UGB amendment. The recommended changes are shown in Exhibit A.

MAP AMENDMENT SUMMARY

| | | Number of Acres |
|---|----|-----------------|
| Total Expansion Proposal | | 4,046 |
| Developed or Unbuildable Land | | 511 |
| Prescott Park and Chrissy Park | | 1,877 |
| Land for Future Development (Residential + Employment) | | 1,658 |
| Residential Land Amount | | 1,039 |
| Low-Density Residential | UR | 891 |
| Medium-Density Residential | UM | 27 |
| High-Density Residential | UH | 121 |
| Employment Land Amount | | 618 |
| Service Commercial | SC | 220 |
| Commercial | CM | 300 |
| General Industrial | GI | 92 |
| Heavy Industrial | HI | 6 |

Related projects

Project UGBA Phase 1: ISA GLUP Amendment
File no. CP-13-032

This project was phase 1 of the UGB amendment process. UGBA Phase 1 changed the GLUP designations of over 500 acres of land within the existing UGB in order to meet a greater amount of the City's identified land need within the existing boundary.

Authority

This action is a Class "A" 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, sections 10.102, 10.110, 10.111, 10.122, 10.164, and 10.180.

Review Criteria

Medford Municipal Code §10.184 (1) refers to the Urbanization Element of the Comprehensive Plan for urban growth boundary amendments. This urban growth boundary amendment consists of two parts: the map amendments and the text amendments. Since both portions are parts of the combined urban growth boundary amendment, the findings (Exhibit B) apply to both the map changes (boundary adjustment/GLUP map/Street Functional Classification Map) and the text amendments (Comprehensive Plan text).

ACTION

The Medford City Council adopts the urban growth boundary amendment contained in the attached exhibits, which include both the Comprehensive Plan map and text amendments and the findings and conclusions that support the Council decision.

EXHIBITS

- A **Proposed urban growth boundary (UGB) amendment**, comprising a map of the proposed boundary amendment and GLUP designations, a map of proposed changes to the Street System Functional Classification Plan, and proposed text changes to portions of the Urbanization and GLUP Elements, including the Urban Growth Management Agreement (UGMA) between Jackson County and the City
- B **Findings and conclusions**
- C **Map: Urban Growth Boundary Amendment (24 in. x 36 in.)**

CITY COUNCIL AGENDA: AUGUST 18, 2016

Exhibit A Amendments

Contents

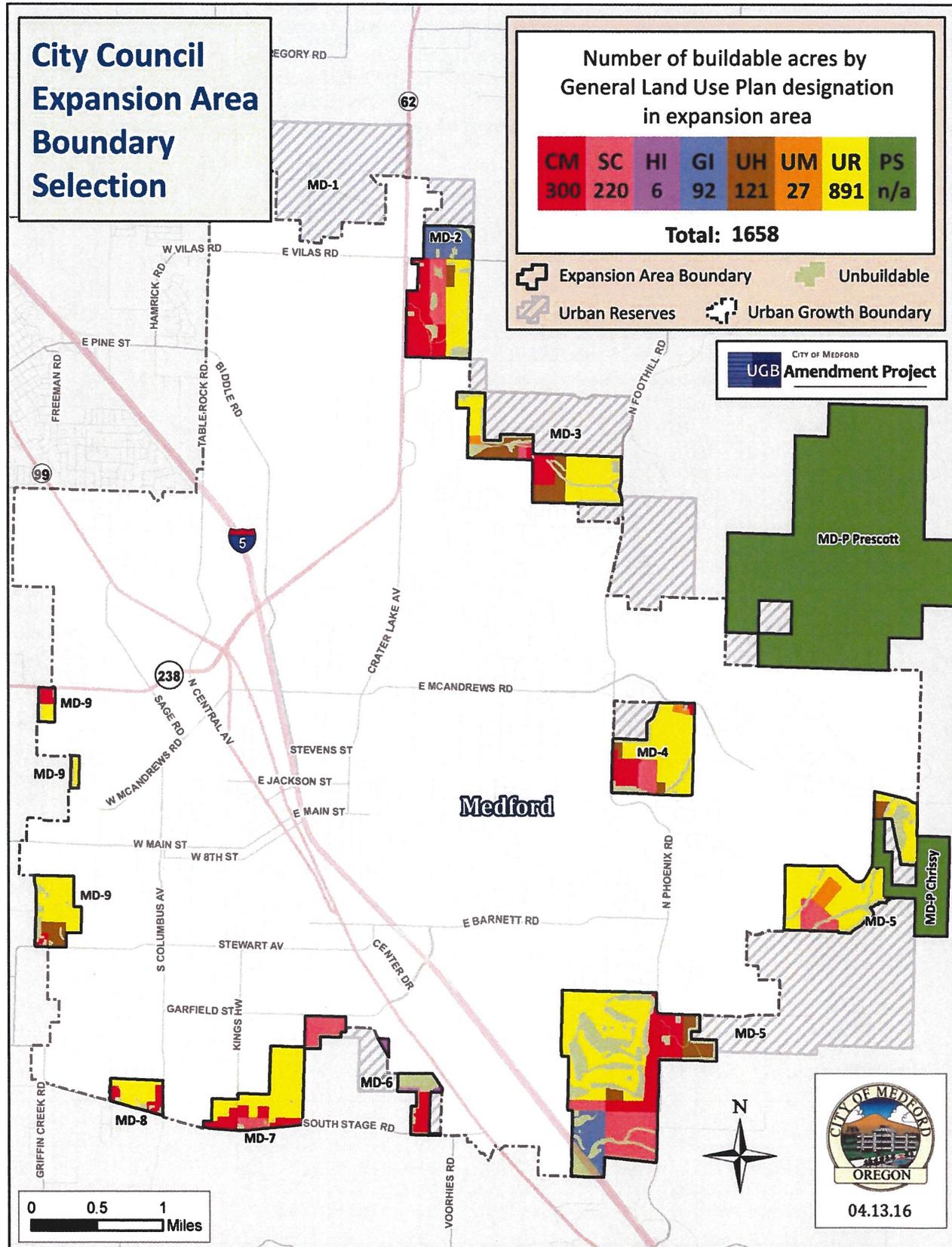
Map A-1: Urban Growth Boundary expansion

Map A-2: Street System, Functional Classification Plan

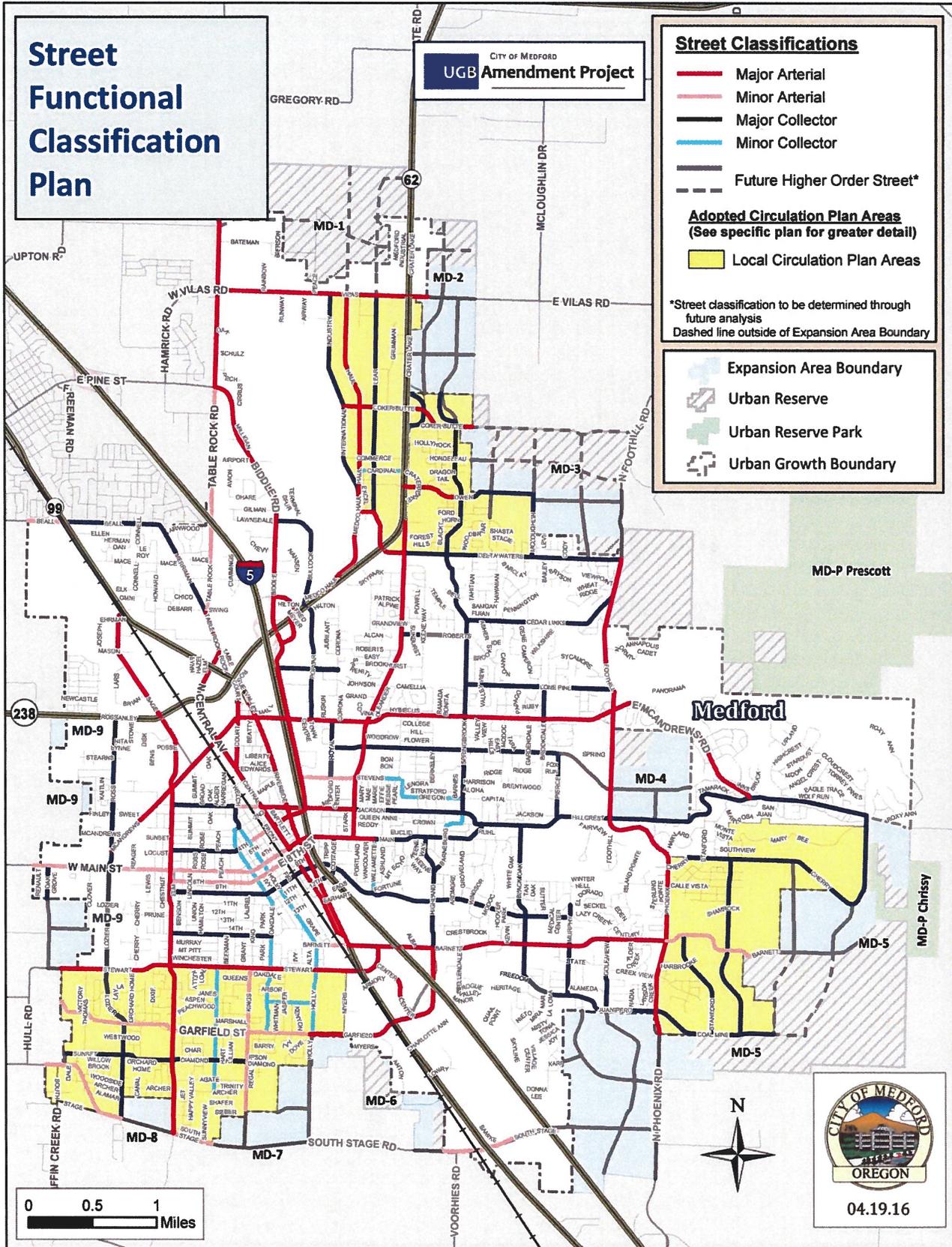
Text: Urbanization Element of the Comprehensive Plan

Text: General Land Use Plan

MAP A-1



MAP A-2



PROPOSED TEXT CHANGES

The following text sections will be changed through the proposed UGB amendment. Proposed additions shown in underlined blue and proposed deletions shown ~~struck through red~~.

URBANIZATION ELEMENT

* * *

1. URBAN GROWTH BOUNDARY

The Medford Urban Growth Boundary (UGB) includes land within the city and selected land surrounding the city that is committed to/planned for future city growth, the development of which is likely to require the extension of urban services. Land around the city within the UGB is called the unincorporated ~~urbanizable~~ urban area in this element. The Medford UGB was last amended in ~~1990~~2016 through a cooperative process between the City of Medford and Jackson County. It is officially delineated on the Jackson County and City of Medford Comprehensive Plan and zoning maps.

The Medford UGB was established to comply with the statutory requirement for urban growth boundaries around urbanized areas to identify and separate ~~urbanizable land~~urban area from rural land. Land within the boundary is referred to as the "urban area" in accordance with OAR 660-024-0010.

* * *

2. ANNEXATION

The transfer of ~~urbanizable land~~urban area under county jurisdiction to city jurisdiction is called annexation. Chapter 222 of the Oregon Revised Statutes governs annexation in Oregon. According to state law, land may be annexed to a city only if it is within the urban growth boundary, and is contiguous to the city limits. Generally, a majority of the registered voters and/or property owners within the area to be annexed must agree to the annexation, except in cases where the area is surrounded by land already under city jurisdiction.

* * *

2.1 Annexation Policies

The following are the policies of the City of Medford with respect to annexation:

* * *

2.1.7. Annexation of Property Added to the Urban Growth Boundary from the Urban Reserve

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.
2. A Local Wetlands Inventory (LWI), which includes the area to be annexed, has been adopted by the City.
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 Council Exhibit GGG]
 - a. A mitigation site shall be proposed by the private property owner and presented to ODFW for evaluation. The site proposed shall be approximately 60 acres. The identified site shall be located within the existing Big Game Winter Range Habitat in either the Lake Creek or Grizzly habitat units. Upon request of the property owner, ODFW will provide guidance to help identify potential mitigation site characteristics desired by the Department.
 - b. ODFW will complete the evaluation within 45 days of receipt of a letter requesting a mitigation site evaluation. ODFW will conduct a site visit of the proposed mitigation site. ODFW will provide a letter to the property owner that determines the suitability of the proposed site to meet the mitigation requirements in this condition. The letter shall also detail the habitat restoration efforts that will be required for the site.
 - c. If the property owner accepts the habitat restoration recommendations in 2 above then the restoration shall be completed and the site placed under permanent conservation easement (or other acceptable legal mechanism). Any conservation easement would need to be held by a third party with experience in managing these kinds of agreements, such as the Nature Conservancy or Southern Oregon Land Conservancy.
 - d. If the property owner does not accept the habitat restoration recommendations, the property owner may propose an alternative site or may propose alternative restoration measures in an attempt to reach agreement on a habitat restoration plan.

- e. Upon completion of the agreed upon restoration for an approved mitigation site and evidence of the recorded conservation easement (or other adequate legal mechanism), ODFW will conduct another site visit. If mitigation is adequate, ODFW will provide the property owner a letter verifying the mitigation has been completed. ODFW will provide a copy of the letter to the Jackson County Development Services Department and the City of Medford Planning Department.
- 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 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. Committing areas to higher density zones within a General Land Use Plan (GLUP) designation. For example, an area within the UR GLUP designation could be designated as SFR-10 (Single Family Residential – 10 units per acre) which would insure a minimum density of 6 units per acre; and/or
 - ii. Requesting residential GLUP map changes—from a lower density designation to a higher-density designation—as part of the master plan approval process. This will allow for additional areas for medium-density and high-density development within the areas added to the UGB. Although this process may cause slight deviation from the Housing Element it is necessary to ensure success in meeting the Regional Plan obligations.
 - b. Compliance with the requirements of Regional Plan Element item 4.1.6. for mixed-use/pedestrian-friendly development.
 - c. Compliance with the land use distribution requirements of Regional Plan Element item 4.1.8.(b).
 - d. Coordination with applicable irrigation district(s).
- 5. The Centennial golf course must receive an open space assessment from Jackson County for approximately 120 acres of land prior to the annexation of any of the 417 acres that make up the following tax lots:

| | |
|---------------------|---------------------|
| <u>38-1W-04-100</u> | <u>37-1W-33-700</u> |
| <u>38-1W-04-101</u> | <u>37-1W-33-801</u> |

37-1W-33-900 37-1W-33-1200
37-1W-33-1000 37-1W-33CA-2000
37-1W-33-1100 37-1W-33CD-4700

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 final approval of the amendment.

b. MD-5 shall provide donation of land for trails per the approved 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.

* * *

APPENDIX 1—URBAN GROWTH MANAGEMENT AGREEMENT

This agreement was mutually adopted ~~in 1993~~ by Jackson County (~~Ord. no. 93-31~~) and the City Medford (~~Ord. no. 7183 (1992); minor text correction via Ord. no. 7502 (1993)~~).

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

1. An Urban Growth Boundary adopted herein, or hereinafter amended, for the Medford area will establish the limits of urban growth to the year ~~2010~~2029.
 - a. Annexation to the City of Medford shall occur only within the ~~officially~~ adopted ~~UGB~~urban area.

- b. Specific annexation decisions shall be governed by the official annexation policies of the City of Medford. The city shall provide an opportunity for Jackson County to respond to pending requests for annexation.

2. In accordance with the "Agreement Between the City of Medford, Oregon, and Jackson County, Oregon, for the Joint Management of the Medford Urban Reserve" (URMA) and as a requirement for the approval of the urban growth boundary amendment, the parties agree that the City Council will request County surrender of jurisdiction of several County Roads as listed below upon annexation. The City Council will make the request for County surrender of jurisdiction in accordance with ORS 373.270(6)(a) before the County will approve the urban growth boundary amendment. Following annexation by the City (which in many cases will be years later), County will surrender jurisdiction in accordance with ORS 373.270(6)(b).

The City Council will request surrender of the following nexus roads, as defined in the URMA, upon annexation of any portion of the identified urban reserve subarea:

MD-2 East Vilas Road, from Crater Lake Highway to 570 feet east of Crater Lake Highway.

MD-3 North Foothill Road, from East McAndrews Road to 405 feet north of Delta Waters Road.

MD-4 North Foothill Road, from Hillcrest Road to East McAndrews Road.

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.

MD-2 East Vilas Road, from 570 feet east of Crater Lake Highway to 2,540 feet east of Crater Lake Highway.

MD-3 North Foothill Road, from 405 feet to 2,875 feet north of Delta Waters Road.

MD-5 North Phoenix Road, from Coal Mine Road to 2,780 feet north of Grove Way (southern boundary of MD-5).

MD-6 South Stage Road, from 1,830 feet to 3,015 feet west of Highway 99.

MD-7 South Stage Road, from 2,735 feet east of Kings Highway to 1,335 feet west of Kings Highway.

MD-7 Kings Highway, from 1,470 feet south of Agate Street to South Stage Road.

MD-8 South Stage Road, from Dark Hollow Road to Orchard Home Drive.

MD-8 Orchard Home Drive, from 140 feet north of Alamar Street to South Stage Road.

MD-9 Oak Grove Road, from 1,320 feet south of West Main Street to Stewart Avenue.

MD-9 Stewart Avenue, from 562 feet west of Woodlake Avenue to Oak Grove Road.

The City Council shall request surrender of jurisdiction of the roads identified above regardless of the design standard used to construct the roads and regardless of when and how the roads became County Roads. Transfers shall occur without compensation and the City shall not impose other conditions that might otherwise be allowed under ORS 373.270(6). County shall ensure the pavement condition of a transferred road is in 'good or better' condition at the time of the transfer as determined by County's Pavement Management Grading System.

When new County Roads are constructed within City's UGB or UR, County shall adhere to City's structural road section specifications. When existing County Roads within City's UGB or UR are widened, County shall adhere to City's structural road section specifications for the widened portion of the County Road. The structural section of the existing road width shall be as specified by the County Engineer.

If County proposes to construct new County roads within the City UGB, County will not begin construction until City Council has requested surrender of jurisdiction of the new roads upon annexation.

32. The City of Medford General Land Use Plan (GLUP) Map supersedes the County Comprehensive Plan map within the urban area. and City of Medford zoning designations for unincorporated ~~urbanizable land~~ urban area, and all other city development and building safety standards, shall apply only after annexation to the city; or through a contract of annexation between the city, Jackson County, and other involved parties; or after proclamation of an annexation having a delayed effective date pursuant to ORS 222.180 (2).

~~a. Urban development shall be encouraged to occur on undeveloped and underdeveloped land within city limits prior to the annexation and conversion of other land within the UGB.~~

34. Except in cases where a contract for annexation has been executed, or after proclamation of an annexation having a delayed effective date pursuant to ORS 222.180 (2), Jackson County shall retain jurisdiction over land use decisions with-

in the unincorporated ~~urbanizable~~urban area, and such decisions shall conform to these adopted policies:

a. Prior to annexation, no land divisions shall be approved by the county which create lots of less than ~~forty (40)~~ acres in size.

b. Prior to annexation, no property may be rezoned. This restriction advances the purposes and policies of the Regional Plan to make more efficient use of urbanizable land.

b. Recognizing that unincorporated areas within the UGB could ultimately become part of Medford, the city's recommendations will be given due consideration. It is the intent of the county to administer mutually adopted city/county policies in the unincorporated ~~urbanizable~~urban area until the area is annexed to the city.

c. The city will be requested to respond to pending applications for all land use actions in the unincorporated ~~urbanizable~~urban area. If no response is received within 14 days, the county may assume that the city has no objections to the request.

d. The county will be requested to respond to pending applications for all land use actions within the incorporated area that may affect land under county jurisdiction. If no response is received within 14 days, the city may assume that the county has no objections to the request.

e. If the city and county have mutually approved, and the city has adopted, conversion plan regulations for the orderly conversion of property from county to city jurisdiction, the county will require that applications for subdivisions, partitions, or other land divisions within the UGB be consistent with the city's Comprehensive Plan. Once developed, the mutually agreed upon conversion plan shall be the paramount document, until incorporation occurs. A conversion plan is any plan that is an urbanization plan, a special area plan, a circulation plan, or similar plan.

45. Any land use actions within the unincorporated ~~urbanizable~~urban area shall conform to urban standards and public improvement requirements as contained in the city and county land development codes, except that in the case of a conflict between the two, ~~the more restrictive~~ City standards shall apply.

56. Within the unincorporated ~~urbanizable~~urban area, execution and recording of an "irrevocable consent to annex" to the City, pursuant to ORS 222.115, shall be required for:

a. Single-family residential permits

- b. ~~Sanitary sewer and water~~ Water hook-up permits[‡]
 - c. All land use actions subject to county Site Plan Review
67. The city, county and affected agencies shall coordinate the expansion and development of all urban facilities and services within the urbanizable area.
- a. Urban facilities and services shall be planned in a manner which limits duplication to provide greater efficiency and economy of operation.
 - b. A proposed single urban facility or service extension within the unincorporated urbanizable area must be coordinated with the planned future development of all other urban facilities and services appropriate to that area prior to approval, and shall be provided at levels necessary for expected uses as designated on the Medford *Comprehensive Plan*.
 - c. The city shall be responsible for adopting and maintaining a public facilities plan for the city and unincorporated urbanizable area pursuant to OAR 660-11.
 - d. When development occurs within an unincorporated urbanizable area subject to a contract for annexation, or after proclamation of an annexation having a delayed effective date pursuant to ORS 222.180 (2), any or all city services may be extended to these areas. All associated fees and charges which are applicable within the city shall be applicable to these areas, and shall be paid to the city pursuant to city regulations.
78. Provision of sewer and water services may only occur beyond the UGB after approval by the provider agency and Jackson County, and when a danger to public health as defined by ORS 431.705 (5) exists. The services thus authorized shall serve only the area in which the danger exists, and shall provide a level of service consistent with the Jackson County *Comprehensive Plan* designation.
89. All county road construction and reconstruction resulting from new development, redevelopment, or land divisions in the urbanizable area shall be built to urban standards, except that the term reconstruction does not include normal road maintenance by the county.
910. Long-range transportation and air quality planning for the urbanizable area shall be a joint city/county process coordinated with all affected agencies.

[‡] ~~This policy, with reference to sewer hook-ups provided by Bear Creek Valley Sanitary Authority (BCVSA), has been disallowed by the Oregon Court of Appeals.~~

- ~~1011.~~ Land within the urbanizable area which currently supports a farm use, as defined by ORS 215.203, shall be encouraged, through zoning and appropriate tax incentives, to remain in that use for as long as is economically feasible for the property owner.
- a. Economically feasible, as used in this policy, is interpreted to mean feasible from the standpoint of the property owner. Implementation of this policy will be done on a voluntary basis. Exclusive Farm Use (EFU) zoning may be applied to qualifying land by the county, with the understanding that such land is considered available over a period of time for urban uses.
 - b. This policy applies only to areas in the UGB identified by the city or county Comprehensive Plans as agricultural land, and shall not be used as a standard to review other land use applications within the urbanizable area.
 - c. This policy is not intended to preclude the use of EFU land for essential public facilities and services to serve the urban and urbanizable areas.
- ~~1112.~~ Proposed land use changes immediately inside the UGB shall be considered in light of their impact on, and compatibility with, existing agricultural and other rural uses outside the UGB. To the extent that it is consistent with state land use law, proposed land use changes outside the UGB shall be considered in light of their impact on, and compatibility with, existing urban uses within the UGB.
- ~~1213.~~ The city and county acknowledge the importance of permanently protecting agricultural land outside the UGB zoned EFU, and acknowledge that both jurisdictions maintain, and will continue to maintain, policies regarding the buffering of said lands, a position reinforced by the Regional Plan, which developed new buffering standards for cities to employ. ~~Urban development will be allowed to occur on land adjacent to land zoned EFU when the controlling jurisdiction determines that such development will be compatible with the adjacent farm use. Buffering shall occur on the urbanizable land adjacent to the UGB. The amount and type of buffering required will be considered in light of the urban growth and development policies of the city, and circumstances particular to the agricultural land. The controlling jurisdiction will request and give standing to the non-controlling jurisdiction for recommendations concerning buffering of urban development proposals adjacent to lands zoned EFU. Buffering options may include:~~
- a. ~~Physical separation through special setbacks for new urban structures adjacent to the UGB;~~

- ~~b. Acquisition by public agencies;~~
- ~~c. Lower densities at the periphery of the UGB than those allowed elsewhere in the city;~~
- ~~d. Strategic location of roads, golf courses, or other visible public or semi-public open spaces;~~
- ~~e. Use of vegetative screens, earthen berms, and fences of sufficient height and substance to help reduce the trespass of people, animals, and vehicles;~~
- ~~f. Orientation of structures and fencing relative to usable exterior space, such as patios, rear yards, and courts, so that the potential impacts from spray drift, dust, odors, and noise intrusion are minimized;~~
- ~~g. Design and construction of all habitable buildings, including window and door locations, so that the potential impacts of spray drift, dust, odors, and noise intrusion are minimized;~~

~~In addition, a deed declaration recognizing common, customary, and accepted farming practices shall be required for all development occurring within 300 feet of EFU-zoned land.~~

~~1314.~~ All UGB amendments shall include adjacent street and other transportation rights-of-way.

~~14.~~ An Area of Mutual Planning Concern may be delineated on the county Comprehensive Plan and Zoning maps along with the UGB. This is an area within which Medford and Jackson County have mutual concern over the land use planning decisions that may occur. The area may be significant in terms of its agricultural, scenic, or open space characteristics, or may be designated as an urban reserve to facilitate long range, inter-jurisdictional planning for future urbanization. The area may also provide an important buffer between Medford and other urban areas. The Area of Mutual Planning Concern is not subject to annexation, and is an area in which the county will coordinate all land use planning and activity with Medford.

GENERAL LAND USE PLAN (GLUP) ELEMENT

* * *

GLUP MAP DESIGNATIONS

The GLUP Map has ~~13~~¹² different land use designations that are applied to all land within the Urban Growth Boundary (UGB). The GLUP map also identifies the Urban Reserve by the nine subareas, which will not have GLUP designations applied to them until they are included in the UGB. These designations are defined as listed below. Permitted land uses, as well as the development standards associated with each zoning district noted, are listed in Chapter 10, Article III of the Municipal Code ~~Land Development Code~~. The City's SFR-00 (Single-Family Residential – one dwelling unit per existing lot) zone is permitted in all GLUP Map designations because it is considered a holding zone for parcels that are being converted from County to City zoning. These parcels are not eligible for development to urban density or intensity until facility adequacy has been determined through the zone change process. It is the City's intent to have these parcels converted to zoning that is consistent with the following GLUP Map designations as soon as a property owner can show that urban facilities are adequate or will be made adequate to serve the uses permitted by the proposed urban zoning.

13. Urban Growth Boundary The City of Medford and Jackson County have established an Urban Growth Boundary (UGB), which delineates Medford's urban ~~and urbanizable~~ areas. Following the ~~1990~~²⁰¹⁶ UGB amendment ~~there was a total of the urban area is 17,889~~ nearly 22,000 acres (27.95^{34.27} square miles) within the UGB including that land within the City in extent. The UGB is site specific. Since the GLUP Map does not indicate lot lines, the ~~UGB boundary~~ is also specified on the City of Medford Zoning Map, a map having lot lines, so that the location of specific parcels inside or outside of the ~~UGB boundary~~ can be determined.
14. Urban Reserve The Urban Reserve was created through the Regional Problem Solving (RPS) process and adopted into the Comprehensive Plan in the Regional Plan Element in 2012. The method of establishing an urban reserve is defined in state law (see ORS 195.137–145). The urban reserve is the first priority supply of land when the City considers expanding its UGB. The urban reserve is meant to provide a 50-year land supply for the City.

Exhibit B

Findings

Authority: This action is a Class “A” 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, sections 10.102, 10.110, 10.111, 10.122, 10.164, and 10.180.

Review Criteria: Medford Municipal Code (MMC) §10.184(1) refers to the Urbanization Element of the Comprehensive Plan for Urban Growth Boundary Amendments. This Urban Growth Boundary Amendment consists of two parts: the map amendments and the text amendments. Since both portions are parts of the combined Urban Growth Boundary Amendment the following findings will apply to both the map changes (boundary adjustment/GLUP map/Street Functional Classification Map) and the text amendments (Comprehensive Plan text). This Exhibit and its appendixes together constitute the findings and conclusions of the City Council.

OVERALL FINDINGS

The Council finds that, in order to meet the City’s 20-year land needs for housing, employment, and other urban uses, the City’s Urban Growth Boundary (UGB) should be expanded by 1,669 acres in the locations depicted in Exhibit A, Map A-1, and in Exhibit C. In reaching this conclusion, the Council finds that the City has correctly applied state law in determining its existing land supply and projected land need for the 20-year planning period. Further, the Council finds that the City has correctly evaluated alternative boundary locations and has properly prioritized lands for inclusion in the UGB. The Council adopts the following findings and conclusions explaining how the City’s review process and UGB expansion area comply with applicable local and state approval criteria.

APPROVAL CRITERIA COMPLIANCE

Approval criteria for Urban Growth Boundary Amendments found in Section 1.2.3 of the Urbanization Element of the Comprehensive Plan

1.2.3 Approval Criteria

The City will base its decision for both major and minor amendments on:

- a. *The standards and criteria in Goal 14¹, OAR 660, Division 24, and other applicable State Goals, Statutes, and Rules.*
- b. *Compliance with Medford Comprehensive Plan policies and development code procedures.*
- c. *Compliance with Jackson County's development ordinance standards for urban growth boundary amendment. Many of the findings made to satisfy subparagraph (a), preceding, will also satisfy this criterion.*
- d. *Consistency with pertinent terms and requirements of the current Urban Growth Management Agreement between the City and Jackson County.*

* * * * *

Urban Growth Boundary amendment approval criteria from Urbanization Element, Section 1.2.3

Criterion a. The standards and criteria in Goal 14, OAR 660, Division 24, and other applicable State Goals, Statutes, and Rules.

Goal 14 – Land Need

Establishment and change of urban growth boundaries shall be based on the following:

1. *Demonstrated need to accommodate long-range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and*
2. *Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).*

In determining need, a local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.

Prior to expanding an urban growth boundary, local governments shall demonstrate that land needs cannot reasonably be accommodated on land already inside the urban growth boundary.

Findings

The process of determining Medford's land need for the next 20 years started with the adoption of the Population Element in 2007. This study looked at the forecasted popula-

¹ Goal 14 identifies two components for amending a UGB: Land Need and Boundary Location. It also provides details on what should be considered for each of the two components. Goal 14 is divided into its two parts in the Findings below with the specific language from the goal provided in italics.

tion growth in Medford through 2040. Although a new process requires cities to utilize population forecasts prepared by Portland State University, the City commenced its UGB analysis before this process became effective.

The next step was the Buildable Lands Inventory (BLI), adopted in 2008, consistent with OAR 660-024-0050 and ORS 197.186 and 197.296. This study identified the number of acres, in total and by type, available for development within the City's current UGB. The BLI showed that there are approximately 2,592 gross residential acres² and approximately 1,078 gross employment acres³ available for development within Medford's UGB. See Appendix A for additional findings regarding land supply.

Also adopted in 2008 was the Economic Element, which considered the projected population growth, along with economic trends, to determine the overall need for employment land over the 20-year planning period. The study concluded that an additional 708 gross acres were needed to meet the demand for employment land. However, as shown in Appendix B, this does not properly account for the excess supply of industrial land available within the existing UGB. When properly calculated (see Appendix B) the need for employment land increases to 765 gross acres.

Next came the Housing Element, adopted in 2010, which considered the projected population growth, along with housing trends, to determine the overall need for residential land over the 20-year planning period. The study concluded that an additional 996 gross acres⁴ were needed to meet the demand for housing and public and semi-public uses.

The Housing Element also projected future needs for public and semi-public uses. OAR 660-024-0040 (10) allows for a "safe harbor" net-to-gross factor of 25% for streets and roads, parks and school facilities. Rather than use the safe harbor amount the Housing Element calculates the net-to-gross factor for streets based on observations of the existing residential areas in the city. According to page 57 of the Housing Element "...the forecast shows land need in net acres. Net acres is the amount of land needed for housing, not including public infrastructure (e.g. roads). Gross acres is the estimated amount of land needed for housing inclusive of public infrastructure. The net-to-gross factor allows for conversion between net acres to gross acres. The net-to-gross factor is highest (23%) for single-family detached dwellings, decreasing to 10% for multi-unit projects." Parks and schools were not considered in the net-to-gross factor, but rather, were included in the Other Residential Land Needs portion of the Housing Element, which concluded that 153 acres of park land and 20 acres of school land were needed in the UGB expansion area (see *Table 1.1*). The Other Residential Land Needs section of the Housing Element examines existing conditions for public and semi-public land to forecast future need for this land type.

² From Housing Element *Table 30*

³ From Economic Element *Figure 28*

⁴ From Housing Element *Table 41*

According to the Housing Element:

Lands needed for public operations and facilities include lands for city facilities, schools, substations, and other public facilities. Land needs were estimated using acres per 1,000 persons for all lands of these types. Lands needed for parks and open space estimates use a parkland standard of 4.3 acres per 1,000 persons based on the level of service standard established in the Medford Leisure Services Plan Update (2006). This update includes land needed for neighborhood and community parks, which usually locate in residential plan designations. It does not include land needed for natural open space and greenways, which may also be located in residential plan designations (Housing Element, page 62).

Table 1.1. Public and Semi-public Land Need (Housing Element Table 40)

| Type of Use | Existing Acres | Acres per 1000 Persons | Assumed Need (ac/1000 Persons) | Estimated Need per 1000 Persons 2009–2034 | Planned un-built supply in existing UGB |
|---------------------------|----------------|------------------------|--------------------------------|---|---|
| City | 113 | 1.5 | 1.5 | 64 | |
| City Parks | 527 | 6.8 | 4.3 | 153 | 19 |
| County | 36 | 0.5 | 0.5 | 17 | |
| State | 47 | 0.6 | 0.6 | 22 | |
| Federal | 26 | 0.3 | 0.3 | 12 | |
| Other public agency | 43 | 0.6 | 0.6 | 20 | |
| Schools | 265 | 3.4 | 0.6 | 20 | 26 |
| Church | 159 | 2.1 | 2.1 | 73 | |
| Fraternal | 96 | 1.2 | 1.2 | 44 | |
| Private Parks/Recreation | | | | | -43.7 |
| Total | 1,313 | 17.0 | 11.6 | 425 | 1.3 |
| Net Needed for UGB | | | | | 426 |

A letter submitted into the record by Greg Holmes of 1000 Friends of Oregon, dated March 3, 2015 (Appendix C), challenges some of the City’s land need assumptions. Of the various charges of land excess in the letter, the City finds that unbuildable lands and the land need for rights-of-way, parks, and schools were correctly calculated for the reasons explained below and in Appendix B, “Land Need”. 1000 Friends of Oregon also contended that the City erroneously double-counted 18 acres of private park land need and 135 acres of land for government uses, causing the City to overstate its projected land needs over the planning period by 153 acres. At the time staff and the Planning Commission agreed with the argument; the Commission’s recommendation to Council was reduced by 153 acres.’

In contrast, Hillcrest Corporation argues in a letter dated December 1, 2015, that the City previously identified the need for the 153 acres when it amended its Housing Ele-

ment. Hillcrest contends that the Council is bound by the determination of need in its Housing Element because it was adopted as a post-acknowledgement plan amendment in 2010 and is thus deemed acknowledged. In a February 10, 2016, letter, the Department of Land Conservation and Development argues that DLCD never accepted the Housing Element because it was incomplete and premature because it did not address the requirements of ORS 197.296(6), citing to *DLCD v. City of McMinnville*, 41 Or LUBA 2010 (2001).

The Council finds that the question is not whether the Council is bound by the Housing Element, but whether the Council is entitled to rely on the Housing Element and, as a policy matter, whether it should rely on the Housing Element.

The Council finds that it may rely on the Housing Element as adopted. As Hillcrest points out, LUBA rejected DLCD's argument in *McMinnville* that it should dismiss the case for lack of jurisdiction because the City of McMinnville's housing needs analysis indicated that the UGB needed to expand by more than 50 acres and therefore LCDC, not LUBA, has jurisdiction over such amendments under ORS 197.626. LUBA concluded that the City of McMinnville's enactment of its housing needs analysis did not trigger LCDC's jurisdiction because it did not expand the UGB and that it was a final land use decision subject to the Board's review. But LUBA remanded that decision based upon its determination that it did not comply with the requirement in 197.296(3) and (4) (now (6)). LUBA held that these provisions required the City to simultaneously proceed with measures to address the needs identified by the analysis. Had DLCD filed a timely appeal of the City of Medford's 2010 enactment of its housing needs analysis to LUBA based upon failure to comply with ORS 197.296(6), it might have been able to obtain a remand pursuant to the holding in the *McMinnville* case. It did not do so, and so the Housing Element is deemed to be acknowledged by operation of state law under ORS 197.625(1)(a) and the City Council is entitled to rely on it.

The Council notes that adoption of the Housing Element in advance of taking action to address the identified needs does not otherwise violate the Statewide Land Use Planning Goals or rules. LUBA addressed this issue in *GMK Developments, LLC v. City of Madras*, 57 Or LUBA 81 (2008). In conjunction with its designation of urban reserves, the City of Madras adopted the Madras Urbanization Report (MUR), which evaluated and determined its housing needs over twenty-and fifty-year time frames. The petitioners challenged that enactment, arguing the City's failure to simultaneously take action to amend its urban growth boundary to address the identified needs violated Goal 10 (Housing), Goal 14 (Urbanization), and ORS 197.307(3)(a). Petitioners cited the *McMinnville* case in support of their argument. LUBA rejected this argument, concluding that its decision in *McMinnville* turned solely on its reading of the requirements of ORS 197.296(3) and (4) (now (6)), which did not apply to the City of Madras because of its smaller population. LUBA held that the goals and statutes did not otherwise require Madras to take immediate action to address its identified needs and affirmed the City's enactment of the MUR. LUBA's decision was affirmed by the Court of Appeals in *GMK Developments v. City of Madras*, 225 Or App 1, 199 P3d 882 (2008).

The time for DLCD (or 1000 Friends) to challenge the enactment of or assumptions contained in the Housing Element was therefore in 2010. The Housing Element is now part of the City's Comprehensive Plan and the Council is entitled to rely on it. In addition, because the City is currently acting to address the needs identified in the Housing Element, any challenge that could have been made in 2010 that enactment of the Housing Element violated ORS 197.296(6) is now moot.

The question for the Council becomes whether, even if the City is legally entitled to rely on the Housing Element as adopted, the Council should revisit the projections in light of the arguments that were convincing to staff and the Planning Commission that the Housing Element miscalculated private park land and government land needs in the amount of 153 acres. On the balance, the Council concludes that it should not revisit or modify these assumptions.

First, the integrity of the process weighs in favor of relying on the Housing Element as enacted. As noted elsewhere in these findings, the Housing Element went through a significant public process prior to enactment, and both 1000 Friends of Oregon and DLCD actively participated in that process, including providing detailed comments on the proposed Housing Element. Since enactment, the Housing Element has formed the basis for all of the City's subsequent UGB amendment analysis. In fact, the Council's findings in support of adoption of the Housing Element expressly contemplated that the Housing Element analysis and projections would do so, by providing "a sufficient basis of facts to estimate the lands needed, pursuant to Statewide Planning Goal 2, upon which action must be taken under ORS 197.296" (Housing Element Findings, pp. 38-39). The population and need projections necessarily reflect a snapshot in time, and as the testimony illustrates, are subject to second guessing based upon new information. Five years from now, that information will change yet again. The Council finds that, rather than second-guess the adopted Housing Element only a few years after its adoption and before the projections within that document have matured, it is more prudent to wait and reconsider the Housing Element at the end of the planning period. For these reasons, the Council finds that it is important to respect the process and provide certainty by relying on the City's adopted Housing Element.

Second, the alleged excess 153 acres is a very small portion of the total identified land need of 1,669 acres. Given the uncertainties inherent in a twenty-year need projection noted above, the Council finds that inclusion of the 153 acres does not violate the statute even if its inclusion in the Housing Element could have been subject to challenge in 2010 (a point on which the Council makes no finding).

Third, the Council might agree that a more conservative approach would be warranted if the total acreage need was being utilized to justify inclusion of lower priority lands, particularly lower priority farm and forest lands. That is not the case here: All of the lands identified for inclusion in the UGB are in designated urban reserves. The City has previously made the policy decision that these lands will be urbanized and such lands are first priority for inclusion in the UGB under ORS 197.298. The City has extensively analyzed

all of the lands identified for inclusion and has proposed detailed findings explaining why the lands selected are appropriate under the Goal 14 factors, and make sense for urbanization over the next twenty years.

Fourth, the Council finds that 1000 Friends' objection concerns only one component of the Housing Element and fails to consider the element as a whole, which was based upon reasonable assumptions regarding projected land need. For example, the Housing Element assumed higher average net density for all housing types in the planning period compared to the previous planning period.

Additionally, the Council finds that the proposed expansion area map at Exhibit A, Map A-1, and in Exhibit C, correctly identifies 511 acres of "unbuildable" lands. As support for this conclusion, the Council relies upon City staff's Supplemental Findings memo no. 3 dated October 1, 2015, which identified the legal basis to classify the following lands as "unbuildable": slopes of 25 percent or greater, riparian corridors, developed land, wetlands, lands with an open space assessment, and land devoted to agricultural buffers; and calculated the total amount of such lands in the UGB expansion area. The Council also relies upon the Geographic Information System layers available on the City's mapping.

For these reasons, the Council concludes that the land need for housing and employment uses is set forth in Tables 1.3 and 1.4, below.

In addition to the standard urban reserve areas the Regional Plan Element identifies two large regional park areas, MD-P Prescott and MD-P Chrissy, which contain Prescott Park and Chrissy Park, respectively. These areas are City-owned wildland parks totaling 1,877 acres. Inclusion as urban reserve was intended to serve as a mechanism to eventually incorporate this City property into the City boundary to allow the City to have jurisdiction of the parks. The two MD-P areas were not considered areas for future urban growth because of their classification as parkland. There is no residential, commercial, or industrial development planned for the MD-P acres. They present a tremendous recreational and open space asset to the City and the region, in addition to creating a buffer between the city and rural lands to the north and east. However, due to their location along the eastern periphery of the city and very steep topography, these lands satisfy little of the localized open space needs throughout the city and do not meet land needs for traditional urban parkland.

Through the studies adopted into the respective elements of the Comprehensive Plan, the City of Medford demonstrated a deficit in the supply of land within its existing UGB, for all types of uses, over the next 20 years. ORS 197.296 (6) recommends addressing the need by expanding the urban growth boundary, by increasing the developable capacity of the urban area, or by a combination of the two. UGBA Phase 1 (ISA GLUP Amendment) sought to change the General Land Use Plan designation of land in the existing urban area for the purpose of increasing its development capacity in order to accommodate some of the City's projected need for residential and employment land. See

Appendix D for more information regarding UGBA Phase 1's effect on land supply. UGBA Phase 1 resulted in more efficient use within the UGB in the following ways:

- It took surplus industrial land (land in excess of the need for the next 20 years) and converted it to commercial land. This resulted in the accommodation of a larger portion of the employment need within the existing UGB;
- The conversion of industrial to commercial also helped to increase the likelihood of both commercial and industrial development over the next 20 years by placing these uses in more appropriate locations. There is strong development pressure for commercial uses on the industrial land nearer the center of the city, near major transportation routes. This pressure makes the land less likely to develop with industrial use. The swapping of land types places commercial designations on tracts of land nearer the center of the city while allowing the City to designate more land near the outside of the urban area, and still near major transportation routes, for industrial development;
- The City was able to shift some of the residential density called for in the Housing Element, and required by the Regional Plan, to the inside of the urban area. By shifting density inward the City is providing for a more efficient use of land and of public infrastructure;
- While UGBA Phase 1 resulted in a 58-acre conversion of land from residential to employment GLUP designations, the total residential land need only increased by 36 acres;
- The conversion of some residential land to employment land decreased the overall land need due to the fact that some of this land was not identified as meeting any portion of the future residential land need because it was classified as developed for residential. Because this land is expected to redevelop with commercial uses it is now being counted toward meeting a portion of the employment land need; and
- The shifting of density inward allows for a more efficient use of land within the city now, rather than relying on redevelopment to higher densities in the future. This also helps to provide opportunities for increased densities in the UGB expansion area because a larger percentage of the forecasted population over the next 20 years can be accommodated within the existing boundary. This could result in a slower expansion into the newly added areas, which would allow for policy changes in the future should the market shift toward higher density development. The density shift also helps to meet the obligations of the Regional Transportation Plan.

UGBA Phase 1 resulted in a decreased land need for the City. Before these intensification measures, a total of 1,761 gross acres were needed outside of the existing UGB. After UGBA Phase 1, a total of 1,669 gross acres are needed, a reduction of 92 acres.

In 2012 the City, together with five other cities in the valley, adopted a Regional Plan for accommodating a doubling of the region's population. Regional Plan Element 4.1.5 requires a minimum density of 6.6 units per gross acre for all newly annexed areas for the

years 2010 through 2035. The aggregate average density of the residential land need, determined by the Housing Element (see Appendix B, *Table 3.2*), was 6.9 units per gross acre (see *Table 1.2*. below). Some of this density was then shifted into the existing UGB through UGBA Phase 1. This density shift resulted in an increased need for UR (Urban Low-Density Residential) and a decreased need for UM (Urban Medium-Density Residential) and UH (Urban High-Density Residential) in the expanded UGB. While this density shift helped to accomplish a number of positive benefits it also makes meeting the minimum density requirement of the Regional Plan more difficult. With the revised ratios of residential land types in the UGB expansion area the average densities for each of the residential land types alone will not result in a density of 6.6 units per acre or above.

Table 1.2. Average Density from Housing Element (See Appendix B)

| | Acres | Density | Total DU | |
|----------------|--------------|----------------|-----------------|--------------------------------|
| UR | 465 | 4.8 | 2,233 | |
| UM | 39 | 12.8 | 498 | |
| UH | 66 | 18.1 | 1,185 | |
| Total | 570 | | 3,916 | |
| Density | | | | 6.9 dwelling units/acre |

The Housing Element (2010) provides an accurate representation of the City’s housing need over the next 20 years. The Regional Plan (2012) imposes a density standard that is in excess of the density supported by the Housing Element now that the efficiency measures of UGBA Phase 1 are completed. In addition, the Regional Plan requires a density of 7.6 units per gross acre for all newly added areas for the years 2036 to 2050. In order to reconcile the two the City will require an urbanization plan to be submitted, showing compliance with the Regional Plan obligations for density and land use distribution, prior to annexation for any of the land added through this UGB amendment process. Acceptable methods for meeting the density standards will include:

- Committing areas to higher-density zones within a General Land Use Plan (GLUP) designation. For example, an area within the UR GLUP designation could be designated as SFR-10 (Single-Family Residential – 10 units per acre) which would ensure a minimum density of 6 units per acre. By establishing “pre-zoning” within the established GLUP designations the residential density for the area can be moved higher than the minimum, or even average, density that the GLUP could accomplish; and/or
- Requesting GLUP map changes as part of the urbanization plan approval process. This will allow for additional areas for medium-density and high-density development within the areas added to the UGB. This technique will allow for more flexibility in meeting the density obligations of the Regional Plan without imposing a housing mix that is not consistent with the Housing Element. This will allow for flexibility in housing types as the market shifts toward higher-density housing while also setting the stage for the future density standard of 7.6 units per gross

acre required by the Regional Plan. This approach will also help to address the affordable housing need identified in the Housing Element. By adding additional high-density housing throughout the UGB (in the existing UGB through the SALs and in the newly added areas by allowing for GLUP changes to higher density), the City is providing for more high-density housing, which is needed to provide more affordable housing within Medford, a need identified in the Housing Element but not subsequently addressed.

These required urbanization plans are expected to build on the conceptual plans required by the Regional Plan that also formed the basis of the GLUP designations for the areas added to the UGB.

Conclusions

The basis for the land need began with the 2007 population forecast, which provided the growth figures the housing and employment needs analyses relied on. A new forecast was released recently, but the City is permitted to rely upon its 2007 forecast and, because so much time, work, and money has been spent to reach this stage, it has chosen to do so in this matter.

UGBA Phase 1 (the SALs) converted surplus industrial land to commercial land which allowed for more of Medford's need for employment land to be accommodated within its existing UGB. The conversion also resulted in the increased likelihood of a larger amount of Medford's employment land need being met within the existing UGB by more appropriately locating both commercial and industrial land. While these adopted efficiency measures helped to address a portion of the City's employment land need, an additional 637 gross acres of employment land outside of the existing UGB are needed. The employment land portion of the proposed UGB expansion, shown in Table 1.3 below, will allow the City to meet its identified need for employment land.

Table 1.3. Employment Land Need in Gross Acres

| Plan Designation | Need | Plan Description |
|-------------------------|-------------|---|
| SC | 222 | Service Commercial: office, services, medical |
| GI & HI | 97 | General & Heavy Industrial: manufacturing |
| <u>CM</u> | <u>318</u> | Commercial: retail, services |
| Total Employment | 637 | |

The Housing Element provides for an adequate land supply at a realistic housing mix for the planning horizon. In addition to land for housing, the Element accounts for land needed for streets and other utilities, and for public and semi-public uses, which usually occur on residentially zoned properties. The residential density requirements of the Regional Plan were added to the Comprehensive Plan after the adoption of the Housing Element and the two do not agree. By requiring urbanization plans for all of the areas being added to the UGB prior to annexation, the City can reconcile the Housing Element with the Regional Plan and can insure that the residential density standards are being

met. The required urbanization plans must demonstrate compliance with the minimum density standards and with the land use distributions required by the Regional Plan.

Goal 10 requires that “plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.” By allowing for some residential areas to be up-GLUPed (from a low-density residential GLUP to a higher-density residential GLUP) the City is providing for more flexibility of housing types in the UGB expansion areas while also helping to increase the supply of higher-density housing, which is needed to meet the demand for low-income housing in the City.

The “Other Residential Land Needs” of the Housing Element identified a need for 153 gross acres of additional parkland for neighborhood and community parks outside of the existing UGB. The Regional Plan Element also includes two large wildland park areas that are owned by the City. These areas, Chrissy and Prescott parks, are intended to provide for both recreational and open space opportunities for the City and for the region. While both help to meet the recreational needs for the City these are two different land types (neighborhood and community park vs. regional/wildland park and open space) that provide two discreet types of uses for the City.

After adopting the efficiency measures from UGBA Phase 1 the City needs 1,032 gross acres of land outside of the existing UGB to meet its needs for residential and public and semi-public land. The public and semi-public land was allocated to the three residential land types based on the percentage of dwelling units needed for each type and will be removed in the same way to adjust for the revised land need. The residential land portion of the proposed UGB expansion, shown in table 1.4 below, will allow the City to meet its identified need for these land types.

Table 1.4. Residential Land Need in Gross Acres

| Plan Designation | Need | Plan Description |
|-------------------------|-------------|--|
| UR | 885 | Low-density Residential, 4–10 units/acre |
| UM | 27 | Medium-density Residential, 10–15 units/acre |
| <u>UH</u> | <u>120</u> | High-density Residential, 15–30 units/acre |
| Total Residential | 1,032 | |

* * * * *

Goal 14 – Boundary Location

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

1. Efficient accommodation of identified land needs;

Findings

Per ORS 197.298, once a City has demonstrated a need to expand its UGB, the first priority of land for inclusion is land designated as urban reserve. No other type of lower-priority land should be considered for inclusion unless the land need exceeds the supply of land within the urban reserve. In this case, Medford’s urban reserve provides for a roughly 50-year supply of land. The land the City has available to select from is all first-priority land. All of this land has been identified for future urbanization and the work of determining suitability was done in the creation of the urban reserve, consistent with ORS 195.137–145.

The City has an identified land need of 1,669 acres and an urban reserve of 4,488 acres (excluding the two wildland park areas) from which to choose. While the 4,488 acres includes both buildable and non-buildable acres, the total far exceeds the 1,669 buildable acres needed for the 20-year planning period. In order to determine where the City could most efficiently meet its land needs for the next 20 years a “coarse filter” was used. The coarse filter, which considered proximity and parcel size as indicators of efficiency for development, helped to refine the area of consideration prior to completing a capacity analysis (to determine the number of buildable acres) and comparing urban reserve areas on a more detailed level.

One of the best indicators for suitability for the first 20-year supply is proximity. Basic principles of urban planning dictate that growth will occur from the center out in order to avoid “leap-frog” development which leads to inefficient use of land and difficult and costly extensions of infrastructure. The results of the proximity analysis are shown on *Map 5.1* in Appendix E.

The next criterion used in the coarse filter portion of the analysis is parcelization. Staff mapped parcel size in order to determine the amount of parcelization in each of the urban reserve areas. The results of the parcel size analysis are shown on *Map 5.2* in Appendix E. The City is obligated to provide a 20-year supply of land for residential and economic development but is not allowed to offer anything more than a 20-year supply. Because of this obligation, and this constraint, it is imperative that the City select land that is available for development over the next 20 years. The development of larger tracts of land tends to have a higher return on investment than the development/redevelopment of smaller tracts of land. In addition, the land use structure in Oregon has created a premium on rural residential acreage near the city limits. Because “rural” living close to town is both desirable to many, and is getting harder to come by, people who own these properties have little incentive to develop the properties to ur-

ban density standards. Once urban development extends to, and encroaches upon, these smaller parcels, the land becomes more developable both because it makes greater economic sense (utilities more readily available, and higher land value/larger demand) and because the property loses its rural feel.

The results of the coarse filter are shown on *Map 6.1* in Appendix F. A brief discussion of why certain portions of the urban reserve were eliminated through the coarse filter process is provided below.

The middle portion of MD-1 and the southeast corner of MD-5 were eliminated from further consideration because they scored poorly on both proximity and parcelization. The remainder of MD-1, the north portion of MD-2, the northeast corner of MD-3, MD-3 east of Foothill Rd, and all of MD-6, MD-7, MD-8, and MD-9 had marginal composite scores for proximity and parcelization. With the exception of a portion of MD-6, the urban reserve areas on the west side of interstate 5 (MD-6, MD-7, MD-8, & MD-9) were retained for further consideration in order to maintain a balance of ESAs around the existing UGB. The balanced distribution around the existing UGB was considered important for a number of factors, including:

- Distribution around the UGB worked as an additional filter in the selection of parcels near existing development. Since urban development extends to, or near, the existing UGB in most places, selecting a group of parcels spread out around the UGB to the fullest extent possible places these parcels closer to existing urban development. Selecting parcels all within large groups (all of MD-5 for example) would have the effect of including parcels that are further away from existing development.
- The selection of land distributed around the entire UGB adds diversity to the supply of land. This adds choice in development type, price point, and so on.
- Distributing parcels around the existing UGB helps to spread the burden of providing services to new development. Placing all new development in a smaller number of areas would have the effect of overburdening the systems for water, sewer, transportation, etc. By providing for a larger geographic distribution for future development the City can allow for the increased demand on the existing systems to be distributed throughout the systems.

The east portion of MD-1 was retained for further consideration because of its proximity to the existing Highway 62 route and the future Highway 62 route. The west portion of MD-1, the northeast corner of MD-2, the northeast corner of MD-3, and MD-3 east of Foothill Rd were eliminated from consideration because they all have marginal composite scores for proximity and parcelization and they do not serve to improve the transportation system by providing connections for highways or higher-order streets.

Conclusions

The City only considered first-priority land (land within the urban reserve) for inclusion per ORS 197.298. Since there is more than enough land within the urban reserve to

meet the land need over the next 20 years, no lower-priority land was considered for inclusion. The City needed to select land to meet the need for the next 20 years from the available 50-year supply within the urban reserve. The purpose of the coarse filter was to select land that could most efficiently accommodate the City's identified land need. Proximity and parcelization were used as indicators of efficiency for development. Proximity helps to indicate current and short-term pressure for development as well as efficiency for the extension of services. Parcelization is also an indicator of both availability for development and the ability to develop an area in an efficient, coordinated way.

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

Findings

The External Study Areas (ESAs) were made up of the properties that passed through the coarse filter. Lands that did not pass through the coarse filter were not further evaluated because the limitations of proximity and parcel size were sufficient to reach a general conclusion that such lands cannot be served in a manner as orderly or economic as lands that passed through the coarse filter. Once the ESAs were identified a capacity analysis was conducted (*Map 6.2*, Appendix F) similar to the Buildable Lands Inventory following the procedures of OAR 660-024-0050 and ORS 197.186 and 197.296 in determining buildable lands. Additional data were then collected for the ESAs regarding the serviceability for water, sewer, and transportation. This was done to measure the ability to provide public facilities and services in an orderly and economic fashion. Maps of the additional scoring results can be found in Appendix G and the scoring memos provided by the service providers are attached as Appendix H.

In the case of transportation there are major system improvements needed regardless of where the boundary is expanded. Some areas had a greater negative effect on the system than others based on existing infrastructure, network connections, and traffic patterns. Further explanation of how the transportation scoring memo from Kittelson and Associates was applied to the transportation scoring map (*Map 7.1*, Appendix G) was originally provided in the record as Exhibit D of the April 6, 2015 Planning Commission study session agenda. This memo has been included as Appendix I.

The scoring for water serviceability came from staff at the Medford Water Commission. The scoring memo they provided was very thorough and detailed and made for easy conversion to Planning staff's scoring map (*Map 7.2*, Appendix G). There were two requests to change the water scoring map received by Planning after the map was made public at the October 2014 open house. The Medford Water Commission reviewed the requests and ultimately decided that the scores that were provided originally were consistent with the scoring methodology used for all of the ESAs and that those scores appropriately represented the comparative ease/difficulty of providing service based on current conditions. Their response to those requests is included with the scoring memos in Appendix H.

The scoring of sewer serviceability was a little different because there are two service providers within the Urban Reserve. The comments received initially from the two providers were very different, which made comparative scoring difficult. Planning staff took those comments and attempted to rank all of the ESAs (both City and RVS service areas) based on those comments alone. Once Planning staff had a map done a meeting was held with the representatives from the City and RVS who provided the initial comments.

Planning staff and the representatives from both sewer service providers discussed the draft scoring map and found that Planning's scoring was off in many areas. In general RVS viewed all areas within the ESAs as either easy or relatively easy to serve. Even the need for additional pump stations was viewed as a minor part of the standard operations of the district. Conversely, the City of Medford sewer system is in need of major system upgrades that for the most part are not currently funded. Any additional demand on the system, regardless of where it is placed within the ESAs, will require additional investment to improve downstream capacity. Some areas were worse than others and so they were ranked from poor to moderate based on input from the City sewer representative. Both sewer representatives were satisfied with the new map (*Map 7.3, Appendix G*) before the meeting was over. The information obtained from the two services providers is the most accurate, up-to-date information available for our analysis. The ability for the two providers to discuss their system operations and needs in the same room provided the comparative analysis across both systems in all portions of the ESAs.

Policy differences between the two service providers were used in the analysis and helped to determine scores for the whole area. The willingness to use pump stations to provide service to an area is a good example in policy differences: RVS is much more willing to use pump stations in its system than the City of Medford is.

The results of the scoring for all five factors—proximity, parcelization, water, sewer, and transportation—were used to guide the decision on where to expand the City's UGB. In addition to the scoring of the properties for the five factors, the City also had to consider the obligations of the Regional Plan Element. The Regional Plan requires the City to collaborate with the Rogue Valley Metropolitan Planning Organization, applicable irrigation districts, Jackson County, and other affected agencies to produce a conceptual land use plan for the area proposed to be added to the UGB. The conceptual land use plan must be used to demonstrate how the City is meeting targets for density, land use distribution, transportation infrastructure, and mixed-use/pedestrian-friendly areas. The City's conceptual plans for the urban reserve are provided as Appendix J. The scored properties were not ranked on a parcel-by-parcel basis, but rather, areas were selected based on their scores for the five factors and based on the area's ability to meet Regional Plan obligations. The mix of land uses in the area was an important consideration regarding the orderly and economic provision of public facilities and services.

The Council makes the following findings about specific lands:

The portions of MD-2 included in the staff recommendation were not removed in any of the alternatives because MD-2 provides for the kinds of regional commercial development that can serve, and be supported by, users outside of the immediate area. This is due in large part to MD-2's location along Highway 62. In reaching this conclusion, the Council denies Hillcrest's contentions that it is not feasible to make orderly and economic provision of public facilities and services to the lands in MD-2. Specifically, the Council finds that MD-2 scored well in all categories of the City's service delivery analysis, with the exception of transportation. However, as explained in the testimony from Southern Oregon Transportation Engineering, LLC dated August 19, 2015, transportation facilities and services can be provided to MD-2 in an orderly and economic manner.

The future South Valley Employment Center (identified in the Regional Problem Solving process) is contained within the portions of MD-5 originally recommended for inclusion. This area is needed for future economic development in the city and in the region. The South Valley Employment Center is a great fit for a large portion of the identified employment land need. The inclusion of the lower-density residential property to the north of the South Valley Employment Center provides connections between the employment area and existing urban development to the north. The lower-density residential area contains the approximately 120-acre Centennial Golf Club. The golf course is provisionally countable as unbuildable and does not count against the City's supply of developable residential land. The portions of MD-5 east of North Phoenix Road and south of Coal Mine Road help to provide for a portion of the employment land need while also providing for high and medium-density residential development adjacent to a future elementary school. Areas MD-7, MD-8, and MD-9 are well suited to provide the kinds of mixed-use/walkable neighborhoods required by the Regional Plan and to help provide needed affordable housing. The relatively close proximity of these areas to the city core, the fact that much of this area is relatively flat, and the existing network of gridded streets increase the likelihood of well integrated mixed-use/walkable neighborhoods developing in these locations. The Housing Element identified a large need for affordable housing but it did not identify a solution for meeting the need. These portions of the urban reserve can help to meet the need for affordable housing by providing land with relatively low development costs. These areas are fairly flat, they are well connected to existing development, and they score well on serviceability for water, sewer, and transportation compared to other areas.

Originally staff had recommended the inclusion of all of MD-4 and another large section of MD-3 based on the identified land need from the Comprehensive Plan. After the 1000 Friends letter (Appendix C) prompted staff and the Planning Commission to remove 175 acres from the map, staff devised three alternatives for the Commission to choose. The Commission ultimately combined two of the options that removed the western half of MD-3 and the northern two thirds of MD-4 plus added land in western MD-5. The Council decision reverses some of those recommendations, such as adding land at the eastern end of MD-5 because they are essential to achieving goals deemed a priority for the City; specifically, critical bike path connections from eastside park land that will connect to the regional greenway.

This portion of MD-5, generally located south of Cherry Lane, north of Barnett Road, and east of the existing UGB, was not included in staff's recommendation because it did not score as well on the orderly and economic provision of public facilities and services as some of the other portions of the urban reserve. As will be discussed in detail below, the Council determined that the comparative environmental, social, economic, and energy (ESEE) consequences between this particular portion of MD-5 and the applicable portions of MD-4 and MD-3 were strongly enough in favor of MD-5 to offset its lower relative score for public facilities and services.

Conclusions

By using the scores of the five factors, and considering an area's ability to meet the City's projected need by GLUP designation, and the Regional Plan obligations, rather than comparing properties on a parcel-by-parcel basis, the City proposes to expand its UGB in a way that will provide for the orderly and economic provision of public facilities and services.

In choosing to include a portion of MD-5 that did not score as well as some other portions of the urban reserve for the orderly and economic provision of public facilities and services—because the comparative environmental, social, economic, and energy (ESEE) consequences for that portion of MD-5 offset its lower relative score for public facilities and services—the Planning Commission and City Council recognized the need to balance all of the boundary locational factors in determining the final location of the UGB. Whether it is providing areas for aging in place to accommodate the anticipated doubling of the City's elderly population, or resolving existing enclave issues, each area to be included in the boundary expansion has particular value for the City of Medford.

3. Comparative environmental, social, economic, and energy (ESEE) consequences;

Findings—Environmental

One of the components of the coarse filter was proximity. Selecting parcels closer to the existing UGB not only helps to maximize the efficiency of public infrastructure, it helps the environment by reducing motor vehicle trips⁵. A more compact urban area with mixed-use neighborhoods⁶ helps to promote the development and use of transit⁷. Density and distance both play key roles in developing and maintaining public transit options⁸. A more compact urban area with mixed-use neighborhoods also provides greater opportunities to invest in facilities for pedestrians and bicyclists, while at the same time making walking and biking more viable transportation options. The more compact urban

⁵ For reference on pollution from automobiles see «http://www.ucsusa.org/clean_vehicles/why-clean-cars/air-pollution-and-health/cars-trucks-air-pollution.html#.Vld3NNpOWUk»

⁶ The Regional Plan requires the development of mixed-use/pedestrian-friendly areas.

⁷ For reference on the benefits of mixed-use development see «<http://www.mrsc.org/subjects/planning/mixeduse.aspx>»

⁸ For reference on the benefits of transit see «<http://www.usnews.com/news/articles/2011/02/11/public-transportation-key-to-transforming-communities>»

area with mixed-use neighborhoods helps to reduce the amount of pollution caused by motor vehicle traffic by reducing the number of motor vehicle miles traveled; both by providing alternative modes of transportation and by reducing the distance traveled between home, work, shopping, recreation, and so forth.

The selecting of parcels close in to the existing UGB also allows for the continued rural use of the properties nearer the edge of the urban reserve. Unused properties in the outer fringe of the urban reserve also help to benefit the City and the environment by acting as a buffer between urban uses and rural uses and/or natural areas. In contrast, selecting properties nearer the outside edge of the urban reserve would have the effect of disrupting the use of those properties and of the properties closer to the existing UGB. By reducing the impact on the urban reserve areas not being proposed for inclusion, the City is limiting the amount of displacement of rural uses in the urban reserve, thus minimizing the impact on lands outside of it.

The City has regulations in place to guide the development and/or protection of environmentally sensitive areas such as steep slopes and riparian corridors. These rules will be extended to areas added to the UGB once annexed to the City. The City must also adopt a revised Local Wetland Inventory (LWI) for the areas added to the UGB through this proposal. The LWI will identify wetlands and determine which have local significance. A wetland protection ordinance will then be adopted to protect locally significant wetlands from development. This work will be completed once the final boundary of the UGB is determined. The LWI and wetland protection regulations must both be adopted prior to the annexation of any of the areas added to the UGB through this amendment. The Oregon Department of Fish and Wildlife outlined a mitigation process (see Exhibit A, Amendments, p. 5) for the far east portion of MD-5 that is intersected by deer and elk habitat. By making the mitigation plan a pre-annexation requirement, the City will be protecting habitat that falls within its urban reserve.

Conclusions—Environmental

Environmental impacts were a key consideration during the adoption of the urban reserve. Now that the urban reserve is in place and the City must select its future UGB from the urban reserve areas, the biggest environmental consideration is proximity. All of the urban reserve area will be added to the UGB and made available for urbanization eventually, but relative environmental impacts must be considered when determining which properties to include in the UGB at this time. The urbanization of any of this area will have some effect on the environment but the magnitude of the effect has been minimized by selecting parcels near the existing UGB. The environmental protection provisions in the City Code will be extended to the areas added to the UGB when annexed. Both the LWI and wetland protection regulations for these newly added areas must be adopted prior to the annexation of any of the areas.

Findings—Energy

The Regional Plan requires the development of mixed-use/pedestrian-friendly areas. This type of development encourages the use of travel modes other than driving, leading to a reduction in vehicle miles travelled. One of the components of the coarse filter was proximity. Selecting parcels closer to the existing UGB not only helps to maximize the efficiency of public infrastructure, it has the effect of reducing energy use by reducing motor vehicle trips. A more compact urban area, with mixed-use neighborhoods, helps to promote the development and use of transit. Density and distance both play key roles in developing and maintaining public transit options. A more compact urban area with mixed-use neighborhoods also provides greater opportunities to invest in facilities for pedestrians and bicyclists, while at the same time making walking and biking more viable transportation options. The more compact urban area with mixed-use neighborhoods help to reduce energy consumption by reducing the number of motor vehicle miles traveled, both by providing alternative modes of transportation and by reducing the distance traveled between home, work, shopping, recreation, and so forth.

The process of selecting where to expand the UGB included a consideration regarding where anticipated higher-order streets could be connected to other planned and existing higher-order streets based on areas added to the UGB. This process helped to identify where the inclusion of areas currently in the urban reserve could help to provide key urban services to properties currently within the UGB. Some areas, such as portions of MD-2, MD-3, and MD-5, provide the ability to connect higher-order streets and to create a grid pattern of streets that will help to spread traffic within the existing UGB in those areas. This distribution of traffic will help to relieve congestion on existing traffic infrastructure. Therefore these areas have a positive energy consequence through their inclusion in the UGB because of their ability to reduce congestion within the existing UGB.

The inclusion of a portion of MD-5 south of Cherry Lane and East McAndrews Road, north of Barnett Road, and east of the current UGB was done in part to help facilitate the extension of the Larson Creek multi-use trail from North Phoenix Road, through current and future development, and into Chrissy and Prescott Parks. This property was also included, in part, because it plays a role in connecting portions of the existing UGB to sewer service and because it plays a role in connecting Barnett Road to Cherry Lane (see Annexation Policies in Exhibit A and the commitment in Appendix M).

The availability of a dedicated multi-use path in the southeast portion of the urban area will help to reduce local trips in that area. Since the path will also tie into a larger network of trails, including the Larson Creek trail from North Phoenix Road to Bear Creek, and the Bear Creek Greenway trail, it will also allow for regional traffic via bicycle for those interested in traveling a greater distance by bike.

While all portions of the UGB and existing city limit can be served with sewer without the addition of lands to the UGB, the inclusion of this portion of MD-5 will allow for the best routing of sewer service in the area. This best route will have the benefit of elimi-

nating the need for lift stations and will provide the lowest life-cycle cost for the sewer system in the area. The elimination of a lift station reduces the energy use in operating the sewer system and using the lowest-cost, longest-lasting alternative in extending the sewer facilities will also help to conserve energy.

This portion of MD-5 also plays a vital role in connecting Barnett Road to Cherry Lane. This connection will provide a more direct route from residential areas along Hillcrest Road and employment centers along Barnett Road. This same connection will also provide a more direct route from those residential areas to freeway access, northbound at the Garfield/Highland interchange and southbound at the Fern Valley interchange. This street connection helps to reduce the number of miles traveled by providing a more direct route. It also reduces energy consumption by reducing congestion and by providing additional route choices.

Conclusions—Energy

When considering where to expand the UGB, mixed-use development and proximity have the greatest impact on the use and/or conservation of energy. The fact that the needed houses and jobs would be efficiently contained in the current urban area and in areas close to the existing UGB would have generally positive energy consequences due to the increased possibility of non-motorized travel modes between trip generators and decreasing overall “vehicle miles travelled” (VMT). Reid Ewing, a transportation planning researcher and professor at the University of Utah, “looked at all the available evidence and concluded that sprawling communities that require car trips to meet most daily needs exhibit 20–40% higher VMT than more compact, mixed-used, and walkable neighborhoods.”⁹ And as noted in an online edition of *The Atlantic* magazine¹⁰:

We [the US] continue to lead advanced economies in per-capita carbon emissions, 28 percent of which come from transportation. But even if the crunchy granola argument isn't good enough to make you see the benefits of public transit, consider that trains, trams, buses, and the like reduces traffic congestion, which is good for the life satisfaction of everybody behind the wheel, since science shows long commutes make us unhappy.¹¹

The inclusion of a portion of MD-5 south of Cherry Lane, north of Barnett Road, and east of the current UGB will help facilitate the extension of the Larson Creek multi-use trail from North Phoenix Road, through current and future development, and into Chrissy and Prescott Parks; connect portions of the existing UGB to sewer service along the

⁹ Excerpt from website «<http://streetswiki.wikispaces.com/Vehicle+Miles+Traveled>» (retrieved 2013-11-20), summarizing information from Ewing's book titled *Growing Cooler: The Evidence on Urban Development and Climate Change*. Chicago: Urban Land Institute, 2007.

¹⁰ Excerpted from «<http://www.theatlantic.com/business/archive/2013/11/the-case-against-cars-in-1-utterly-entrancing-gif/281615/>» (retrieved 2013-11-20)

¹¹ For reference to commuting studies see «<http://www.economist.com/blogs/gulliver/2011/06/perils-commuting>»

lowest life-cycle cost route; and provide a route to connect Barnett Road to Cherry Lane. All of which will have positive impacts on energy use.

Findings—Economic

The City of Medford, as all cities in Oregon, continues to have a goal of providing land to accommodate its 20-year land need for housing and employment, as required under Oregon Revised Statute (ORS) 197.296. The City of Medford's current UGB was adopted in 1990 and was expected to last through 2010. As demonstrated throughout this document, the City does not currently have a 20-year land supply and needs to meet the projected demand for employment and residential land over the 20-year planning period. ORS 197.296(6) recommends addressing the need by expanding the urban growth boundary, by increasing the developable capacity of the urban area, or by a combination of the two. UGBA Phase 1 sought to increase the development capacity of land within the existing UGB in order to accommodate some of the City's projected need for residential and employment land. This phase, UGBA Phase 2 (External Study Area (ESA) Boundary Amendment), seeks to amend the City's UGB and make more land available for urban development.

UGBA Phase 1 had a number of positive effects on the developable capacity within the existing UGB. One of which, the conversion of industrial land to commercial land, helped to increase the likelihood of both commercial and industrial development over the next 20 years by placing these uses in more appropriate locations. There is strong development pressure on the industrial land in the city core, near major transportation routes, to be used for commercial uses. This pressure makes the land less likely to develop with industrial use. The swapping of land types places commercial designations on appropriate tracts of land within the city core while allowing the City to designate more land near the outside of the urban area, but still near major transportation routes, for industrial development. In choosing where to expand its UGB, the City of Medford considered the suitability of employment land for each of the employment types. For example, large tracts of General Industrial, Service Commercial, and Commercial land were selected between North Phoenix Road and Interstate 5, near the future overpass and connection with South Stage Road to the west. This area is planned for a future employment center for the City and for the region. In other cases smaller tracts of employment land were designated in residential areas in order to promote the development of mixed-use neighborhoods.

In addition to appropriately locating land types, the proposed UGB expansion will also have the effect of increasing the availability of all types of urban land. The increased supply of land should have the effect of spurring economic development and improving the local economy by reducing the cost of land. However, this will only be the case if the urbanizable land is held by a large enough number of owners to promote competition

and protect against monopoly and price-fixing¹². Parcel size was one of the components of the coarse filter. It was used as an indicator of parcelization which was used to compare the relative availability of the land within the urban reserve for development. While it is important for the City to select land that is available for development, the selection of only large parcels of land would have the effect of concentrating the supply of land among a relatively small number of owners. By selecting some of the smaller parcels, primarily on the west side of Interstate 5, the City is effectively distributing the supply of developable land to a greater number of property owners.

The City also selected parcels distributed around the existing UGB for inclusion in the UGB expansion area. This was done in part to help provide variety in the locations and types of land available for development and to help distribute the impact of additional development throughout infrastructure systems. Most of the areas in the expansion selection are either adjacent to existing utilities or adjacent to areas that are developing quickly, meaning nearly all the expansion areas will be ready to develop in short order.

The inclusion of a portion of MD-5 south of Cherry Lane, north of Barnett Road, and east of the current UGB was done in part because it plays a role in connecting portions of the existing UGB to sewer service (see Appendix M and Annexation Policies in Exhibit A). While all portions of the UGB and existing city limit can be served with sewer without the addition of lands to the UGB, the inclusion of this portion of MD-5 will allow for the best routing of sewer service in the area. This best route will have the benefit of eliminating the need for lift stations and will provide the lowest life-cycle cost for the sewer system in the area. Both have positive economic impacts.

Other land dedication commitments will help the school system and government services. The partners in MD-2 have made commitments to donating a school site and parkland; partners in MD-7 have committed to donating a fire station site (see Appendix M and Annexation Policies in Exhibit A).

Conclusions—Economic

UGBA Phase 1 had the effect of more appropriately locating employment land. Through careful consideration of the available land within the urban reserve, and the land need by employment type, the City has selected land to efficiently meet the employment need over the 20-year period.

The increased availability of all types of urbanizable land should have a positive effect on the local economy by decreasing the cost of developable land. This can only occur if the land is held by a large enough number of owners to promote competition. By selecting a mix of both large and small parcels the City will provide an adequate supply of developable land while helping to distribute the supply to a greater number of property

¹² For reference on the effects of monopoly on the supply and demand curve see «<http://www.cliffsnotes.com/more-subjects/economics/monopoly/demand-in-a-monopolistic-market>»

owners. Close adjacency to existing development or developing areas will give most of the areas a similar ability to develop, further increasing the opportunity for competition.

Findings—Social

The wide-ranging factors that influence the social effect of the proposal will be discussed individually. There is some overlap between the social factors and the environmental, energy, and economic factors because many of the things that influence those scores—proximity, mixed-use development, and availability of developable land—also influence the social effect of the proposal.

Traffic: One of the components of the coarse filter was proximity. Selecting parcels closer to the existing UGB not only helps to maximize the efficiency of public infrastructure, it has the social benefit of reducing motor vehicle trips. A more compact urban area, with mixed-use neighborhoods, helps to promote both the development and use of transit. Density and distance both play key roles in developing and maintaining public transit options. A more compact urban area also provides greater opportunities to invest in facilities for pedestrians and bicyclists, while at the same time making walking and biking more viable transportation options. The more compact urban area helps to reduce the amount of motor vehicle traffic by reducing the number of motor vehicle miles traveled; both by providing alternative modes of transportation and by reducing the distance traveled between home, work, shopping, recreation, etc.

The inclusion of a portion of MD-5 south of Cherry Lane and East McAndrews Road, north of Barnett Road, and east of the current UGB was done in part to help facilitate the extension of the Larson Creek multi-use trail from North Phoenix Road, through current and future development, and into Chrissy and Prescott Parks. This property was also included, in part, because it plays a role in connecting Barnett Road to Cherry Lane.

The availability of a dedicated multi-use path in the southeast portion of the urban area will help to reduce local trips in that area. Since the path will also tie into a larger network of trails, including the Larson Creek trail from North Phoenix Road to Bear Creek, and the Bear Creek Greenway trail, it will also allow for regional traffic via bicycle for those interested in traveling a greater distance by bike. Although paths can be developed outside urban growth boundaries, there is a public cost benefit in having urban-level development help pay for it.

This portion of MD-5 also plays a role in connecting Barnett Road to Cherry Lane. This connection will provide a more direct route from residential areas along Hillcrest Road and employment centers along Barnett Road. This same connection will also provide a more direct route from those residential areas to freeway access, northbound at the south Medford interchange and southbound at the Fern Valley interchange. This street connection helps to reduce traffic congestion by providing a more direct route for some travelers and by providing additional

route choices. In addition, inclusion eliminates the single frontage on Cherry Lane, which needs improvement to fulfill its build-out as a higher-order street.

Land Availability: In addition to appropriately locating land types the proposed UGB expansion will also have the effect of increasing the availability of all types of urban land. The increased supply of land should have the effect of spurring economic development and improving the local economy by reducing the cost of land. However, this will only be the case if the urbanizable land is held by a large enough number of owners to promote competition and protect against monopoly and price-fixing. Parcel size was one of the components of the coarse filter. It was used as an indicator of parcelization which was used to compare the relative availability of the land within the urban reserve for development. While it is important for the City to select land that is available for development the selection of only large parcels of land would have the effect of concentrating the supply among a relatively small number of owners. By selecting some of the smaller parcels, primarily west of Interstate 5, the City is effectively distributing the supply of developable land to a greater number of property owners. The final selection represents an agreeable boundary that balances a number of competing interests in an equitable manner.

Relative Cost of Development: The findings for the “Orderly and economic provision of public facilities and services,” above are pertinent here as well. Since the cost of development is oftentimes passed on to the consumer through increased costs, and to the general population through increased service rates and increased taxes, selecting properties with the lowest relative cost of development has a positive social effect.

The External Study Areas (ESAs) were made up of the properties that passed through the coarse filter. Since the “efficient accommodation of identified land needs” is set as the first priority, any area that did not meet the measure for efficiency (the coarse filter) was eliminated from further consideration prior to further study on the ESAs. Once the ESAs were identified a capacity analysis was conducted. Additional data were then collected for the ESAs regarding the serviceability for water, sewer, and transportation. This was done to measure the ability to provide public facilities and services in an orderly and economical fashion.

The results of the scoring for all five factors—proximity, parcelization, water, sewer, and transportation—were used to guide the decision on where to expand the City’s UGB. In addition to the scoring of the properties for the five factors the City also had to consider the obligations of the Regional Plan Element, adopted in 2012. The Regional Plan requires the City to collaborate with the Rogue Valley Metropolitan Planning Organization, applicable irrigation districts, Jackson County, and other affected agencies to produce a conceptual land use plan for the area proposed to be added to the UGB. The conceptual land use plan must be used

to demonstrate how the City is meeting targets for density, land use distribution, transportation infrastructure, and mixed-use/pedestrian-friendly areas. The scored properties were not ranked on a parcel-by-parcel basis, but rather, areas were selected based on their scores for the five factors and based on the area's ability to meet Regional Plan obligations. The mix of land uses in the area was an important consideration regarding the orderly and economic provision of public facilities and services.

The City also selected parcels distributed around the existing UGB for inclusion in the UGB expansion area. This was done in part to help provide variety in the locations and types of land available for development and to help distribute the impact of additional development throughout infrastructure systems.

Planned Neighborhoods: Rather than provide for individual land types on segregated portions of the urban reserve, most of the areas selected provide for an integrated mix of uses. By selecting areas that are conceptually planned for a variety of uses the City is not only meeting the Regional Plan requirement for mixed-use/pedestrian-friendly neighborhoods, but is also setting the stage for a type of neighborhood development that helps to improve public health and community cohesiveness.¹³

The inclusion of a portion of MD-5 south of Cherry Lane and East McAndrews Road, north of Barnett Road, and east of the current UGB was done in part to help facilitate the continued development of the Southeast Plan. The Southeast Plan has been in stages of development since the 1990s. The plan is for a large mixed-use development east of North Phoenix Road, generally centered on Barnett Road. The inclusion of this particular portion of MD-5 helps to facilitate parts of the Southeast Plan, including a planned school, a planned park, and a planned trail connection. The trail was a significant feature during testimony by area residents and land owners. This property will also help to provide additional residential development in the area of the Southeast Plan, which will help to support planned commercial development in the area. It also introduces some high-density residential into the southeast, an area with very little density diversity at present.

Compatibility: By requiring urbanization plans for each area prior to annexation the City will have the opportunity to consider the compatibility of the development with existing uses and other planned uses in the vicinity. The urbanization plans will also insure that the residential density and other requirements of the Regional Plan are met.

¹³ For reference on the benefits of mixed-use development see
«<http://www.wri.org/blog/2014/07/people-oriented-cities-mixed-use-development-creates-social-and-economic-benefits>»

Conclusions—Social

The social consequences of the selected boundary location are positive relative to other boundary location alternatives. The selected location helps to minimize the effect that increased development will have on transportation by helping to promote the reduction of vehicle miles traveled. The expansion proposal has a positive effect on land availability by increasing the supply of all urbanizable land types and by selecting land that is both available for development and held by a large enough number of property owners to promote competition in the market. The boundary location was selected in large part due to its relative cost of development compared to the alternatives. The expansion areas and the land-use distributions help to promote mixed-use/pedestrian-friendly neighborhoods, which have a number of social benefits. The trail connection in MD-5 East is significant enough that the Council includes it as a substantiating factor for inclusion of the area and seeks to reify it by making it a requirement of development. The City required a written commitment from the property owners to provide a trail (see Appendix M). Compatibility between development on these newly added areas and existing uses will be considered during the urbanization plan process, prior to annexation.

Conclusions—overall

On balance the environmental, social, economic, and energy (ESEE) consequences of the selected boundary are positive compared to other alternatives. The biggest factors in having a favorable ESEE are proximity to the existing UGB and a large enough distribution of ownership to promote competition in the market for urbanizable land. The City has selected land from its urban reserve that is both close to the existing UGB (and existing development) and comprised of a large enough number of parcels to help promote competition in the market for urbanizable land.

4. Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

Findings

A major emphasis of—and a driving force behind—the Greater Bear Creek Valley Regional Problem Solving Process (RPS), which resulted in the adoption of the Regional Plan Element, was the protection of farm and forest land from urbanization and incompatible urban development. That process resulted in the establishment of an urban reserve for the City of Medford. The urban reserve, by its definition, establishes the location of future urban development, having taken into account existing and planned farm and forest uses. In establishing the urban reserve, the City of Medford agreed to the agricultural buffer standards of the Regional Plan. Regional Plan Element, 4.1.10 requires the use of agricultural buffers to separate urban uses from agricultural uses. The City adopted code that applies to land added to the UGB from the Urban Reserve. (City Code Section 10.802, Urban–Agricultural Conflict in Urban Reserve, August 16, 2012).

Selecting parcels close in to the existing UGB allows for the continued rural use of the properties nearer the outer edge of the urban reserve. The lower-intensity use of prop-

erties in the outer fringe can act as a buffer between urban uses and farm and forest uses outside of the UGB.

Conclusions

By selecting parcels near the existing UGB for inclusion into the UGB, the City is leaving properties on the outer edge of the Urban Reserve to act as a buffer between urban uses and agricultural and forest activities occurring on land outside of the UGB. Furthermore, Municipal Code Section 10.802 requires conflict mitigation (including buffers) between urban uses and agricultural uses.

Now that the urban reserve has been established for the City of Medford, and the required agricultural buffer codes are in place, all land within the urban reserve is both available for, and appropriate for, future urban development. This fact is apparent in ORS 197.298 which identifies land that is designated urban reserve as being first-priority land when expanding an urban growth boundary.

Boundary Location Summary Findings and Conclusions

The City of Medford has used each of the four boundary locational factors in determining the future boundary location. Each of these factors had to be weighed and balanced against each of the others and the proposed boundary amendment as a whole scored well on each of these factors. An alternatives analysis was not completed on a parcel-by-parcel basis but rather the reasons for how and why areas were selected (or eliminated) through each of the steps/processes (coarse filter, serviceability, ESEE) has been provided. This process of selecting certain areas over others through each of the steps is the City's alternatives analysis. An alternatives analysis was not completed on a parcel-by-parcel basis for the following reasons: 1) the lots (parcels) involved are of vastly different size, 2) the number of possible alternatives to compare is prohibitively large, 3) the properties have been planned for a number of different uses, and 4) there is value in analyzing the recommendation as a whole using the boundary location factors.

Individual lots could not be objectively compared, one against another, because lots vary greatly in size. How can a five-acre lot be objectively weighed against a 100-acre lot? The only way to fairly compare the two would be to either break the larger lot into smaller pieces or to combine a number of smaller lots into a larger aggregate. Not only would this exercise require the planners to choose where to split lots and/or which lots to combine, it would also alter a part of the what defines each of these lots, their size and parcelization characteristics. Because of these challenges, when comparing boundary location alternatives, rather than compare different lots, areas (all of MD-8, portions of MD-5, etc.) were compared. This not only helped to balance the size of the areas compared, it also helped in comparing characteristics that could not be compared on a parcel-by-parcel basis. These characteristics included the mix of conceptual plan uses, the coordination of transportation infrastructure, and parcelization.

The use of larger sections of the urban reserve to compare against each other also helped to reduce the number of alternatives to compare. Still, a detailed comparison of

each of these subareas against each of the others, for each of the boundary locational factors, was prohibitive in its magnitude. This kind of system would have required the City to devise a weighted ranking system for each of the criteria. These ranked scores for each of the areas would then be totaled and areas would be selected based on scores, with the highest score being selected first and then moving down the list until the land need was met. But how do you compare a property planned for industrial use against one planned for residential? The planned use of the property has some value in determining which properties to select, but how do you determine the comparative value for property use designation? This kind of rigid system would likely miss nuances about how different areas interact with each other in a system. For example, this kind of ranking would not have considered the necessary mix of land types needed.

This kind of reductionist approach would limit the City's ability to consider the boundary location decision as a whole. After all, this is a single, cohesive proposal determining where future urban development will occur around the city by selecting lands from a larger set made up entirely of "first-priority land". The only way to insure that the proposal is balanced is to look at it in its entirety and compare it against the boundary locational factors as one piece.

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Urban Growth Boundary amendment approval criteria from Urbanization Element, Section 1.2.3

Criterion a. continued: The standards and criteria in Goal 14, OAR 660, Division 24, and other applicable State Goals, Statutes, and Rules.

OAR 660

Oregon Administrative Rule (OAR) Chapter 660 contains rules adopted by the Land Conservation and Development Commission (LCDC) and governs actions by LCDC and DLCD as well as local governments that are implementing statutes within the purview of these agencies. . There are several sections of OAR 660 which apply to the adoption of individual Comprehensive Plan Elements. Each Comprehensive Plan Element being relied upon to support this UGB amendment (e.g., the Economic Element) was found to be consistent with all applicable portions of OAR 660 at the time of their adoption. Rather than repeat those findings here those findings are included in the record, and findings, for this proposed UGB amendment, through reference.

The proposed amendments' compliance with applicable portions of OAR 660 has been discussed, in large part, in the preceding text. Any applicable portions of OAR 660, not already discussed, will be discussed below.

Division 24

OAR 660, Division 24 deals with urban growth boundaries. On January 1, 2016, amendments to OAR 660, Division 24 became effective. The new rules included a provision stating that a local government that had initiated a UGB amendment before January 1, 2016, may choose not to apply the amended Division 024 rules to its pending UGB amendment (OAR 660-024-0000(4)). The City initiated its amendments before January 1, 2016, and has completed its analysis to date consistent with the rules in effect before the cut-off date. Applying the new rules at this point in the process could be disruptive and inefficient; therefore, the Council chooses not to apply the new Division 24 rules to these amendments.

Most of the applicable portions of Division 24 have already been covered in the Goal 14 findings above. These include: Population Forecasts; Land Need; Land Inventory and Response to Deficiency; and Boundary Location Alternatives Analysis. The following portions of OAR 660-024-0020 (Adoption or Amendment of a UGB) also apply and will be discussed as indicated:

- (1) All statewide goals and related administrative rules are applicable when establishing or amending a UGB, except as follows:
 - (b) Goals 3 and 4 are not applicable [this is covered under Goals 3 and 4 below];
 - (c) Goal 5 and related rules under OAR chapter 660, division 23, apply only in areas added to the UGB, except as required under OAR 660-023-0070 and 660-023-0250 [this is covered under Goal 5 below];
 - (d) The Transportation Planning Rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary [this is covered under Goal 12 below];

* * * * *

Urban Growth Boundary amendment approval criteria from Urbanization Element, Section 1.2.3

Criterion a. continued: **The standards and criteria in Goal 14, OAR 660, Division 24, and other applicable State Goals, Statutes, and Rules.**

Other applicable State Goals, Statutes, and Rules

Goal 1—Citizen Involvement

Findings

Goal 1 requires the City to have a citizen involvement program that sets the procedures by which affected citizens will be involved in the land use decision process. Goal 1 requires provision of the opportunity to review proposed amendments prior to a public hearing, and recommendations must be retained and receive a response from policy-makers. The rationale used to reach land use decisions must be available in the written record. The City of Medford has an established citizen-involvement program consistent with Goal 1 that includes review of proposed Comprehensive Plan amendments by the Planning Commission and City Council. Affected agencies and departments are also invited to review and comment on such proposals, and hearing notices are published in the local newspaper, and posted on the site. This process has been adhered to in this proposed amendment.

The Planning Department conducted an open house (October 28, 2014) to receive comments about the scoring methods used for inclusion in the expansion from property owners within the urban reserve. For the public hearing process staff sent hearing notification to all property owners within the urban reserve. Staff prepared press releases and provided information on the City's website. Finally, this proposal was considered by the Planning Commission and the City Council during televised public hearings.

The testimony and evidence provided to the community during the hearings was voluminous (see Appendix K; more than 120 letters were submitted during the Council meetings alone), but ultimately the expansion option chosen has come with the most support and concessions of the affected property owners and as such best complies with this Goal. Council gives credit to all who worked or volunteered their time on this process as Council believes that it meets all the overarching principles guiding land use in Oregon and specifically provides for a healthy environment, sustains a healthy economy, ensures a desirable quality of life, and has equitably allocated the benefits and burdens of land use planning.

Conclusions

By following a supplemented notification and comment procedure, the City provided better-than-adequate opportunities for citizen input.

Goal 2—Land Use Planning

Findings

Goal 2 requires the City to establish a land use planning process and policy framework to assure an adequate factual base for its land use decisions. Goal 2 also requires the City to coordinate its review and decision with appropriate government agencies.

The City has a land use planning process and policy framework in the form of a Comprehensive Plan and development regulations in Chapter 10 of the Municipal Code. These are the bases for decisions and actions. Accordingly, and for the additional reasons set forth under the “Goal 14—Land Need” heading in these findings, the City is entitled to rely upon these adopted Plan elements, including the Housing Element, in this matter.

Additionally, the City provided notice and an opportunity to comment on the UGB amendment to affected government agencies, including Jackson County, ODOT, and DLCDC. These findings address the comments from these agencies.

Conclusions

There is an adequate factual basis for the proposed changes and the adopted process has been followed for this UGB amendment. Further, the City has met the coordination requirements of Goal 2.

Goal 3— Not applicable per OAR 660-024-0020(1)(b).

Goal 4— Not applicable per OAR 660-024-0020(1)(b).

Goal 5—Natural Resources, Scenic & Historic Areas, and Open Spaces

Findings

The City has regulations in place to guide the development and/or protection of environmentally sensitive areas such as steep slopes and riparian corridors. These rules will be extended to areas added to the UGB once annexed to the City. The City must also adopt a revised Local Wetland Inventory (LWI) for the areas added to the UGB through this proposal. The LWI will identify wetlands and determine which have local significance. A wetland protection ordinance will then be adopted to protect locally significant wetlands from development. This work will be completed once the final boundary of the UGB is determined. The LWI and wetland protection regulations must both be adopted prior to the annexation of any of the areas added to the UGB through this amendment. The City’s historic inventory must also be amended to include the areas added through this amendment.

Some of the easternmost portions of the urban reserve are within a deer and elk habitat area. The Oregon Department of Fish and Wildlife (ODFW) would prefer that this area remain in its natural condition and if development does occur within this area it must have special standards used to protect the habitat or mitigation measures must be de-

veloped in coordination with ODFW to protect/enhance habitat. With the exception of Prescott and Chrissy parks, which allow for very limited development, none of the adopted proposal extends the UGB into the deer and elk habitat area.

According to OAR 660-024-0020 (Adoption or Amendment of a UGB) “Goal 5 and related rules under OAR chapter 660, division 23, apply only in areas added to the UGB, except as required under OAR 660-023-0070 and 660-023-0250.” This means that Goal 5 compliance is only under review for the areas added to the boundary. Goal 5 compliance has already been demonstrated for the existing boundary. ORS 197.250 [Compliance with Goals Required] requires that “...all comprehensive plans and land use regulations adopted by local government to carry out those comprehensive plans... shall be in compliance with the goals within one year after the date those goals are approved by the Land Conservation and Development Commission.” The City shall demonstrate full compliance with Goal 5 soon after the adoption of the revised UGB through the extension of existing development codes to areas added to the UGB, through the adoption of a wetland protection ordinance for locally significant wetlands within the newly added areas, and through the inclusion of these newly added areas in the City’s historic inventory. A wetlands inventory has already been completed; as of the date of these findings the City is working on adoption of the inventory and protection regulations.

Conclusions

The City will demonstrate compliance with all portions of Goal 5 within one year of the adoption of the proposed amendment and prior to annexation per OAR 660-024-0024 and per the revised Urban Growth Management Agreement.

Goal 6—Air, Water, and Land Resources Quality

Findings

One of the components of the coarse filter was proximity. Selecting parcels closer to the existing UGB not only helps to maximize the efficiency of public infrastructure, it helps the environment by reducing motor vehicle trips. A more compact urban area with mixed-use neighborhoods helps to promote the development and use of transit. Density and distance both play key roles in developing and maintaining public transit options. A more compact urban area also provides greater opportunities to invest in facilities for pedestrians and bicyclists, while at the same time making walking and biking more viable transportation options. The more compact urban area helps to reduce the amount of pollution caused by motor vehicle traffic by reducing the number of motor vehicle miles traveled; both by providing alternative modes of transportation and by reducing the distance traveled between home, work, shopping, recreation, and so forth.

Selecting parcels close in to the existing UGB also allows for the continued rural use of the properties nearer the outer edge of the urban reserve. Unused properties in the outer fringe of the urban reserve also benefits the City and the environment by acting as a buffer between urban uses and rural uses and/or natural areas. In contrast, selecting properties nearer the outside edge of the urban reserve would have the effect of dis-

rupting the use of those properties and of the properties closer to the existing UGB. By reducing the impact on the urban reserve areas not being proposed for inclusion the City is limiting the amount of displacement of rural uses in the urban reserve, thus minimizing the impact on lands outside of the urban reserve.

Many of the Goal 5 findings, above, also apply to the findings here under Goal 6.

Conclusions

Environmental impacts, including air, water, and land resources quality, were key considerations during the adoption of the urban reserve. Now that the urban reserve is in place, and the City must select its future UGB from the urban reserve areas, the biggest environmental consideration is proximity. All of the urban reserve area will be added to the UGB and made available for urbanization eventually, but relative environmental impacts must be considered when determining which properties to include in the UGB at this time. The urbanization of any of this area will have some effect on the environment but the magnitude of the effect has been minimized by selecting parcels near the existing UGB. The environmental protection provisions in the Municipal Code will be extended to the areas added to the UGB when annexed. Both the LWI and wetland protection ordinance for these newly added areas must be adopted prior to the annexation of any of the areas.

Goal 7—Areas Subject to Natural Hazards

Findings

Slopes: The City of Medford has existing hillside regulations, Municipal Code Sections 10.929–10.933, that regulate the development of property with slopes in excess of 15 percent. These procedural requirements are meant to decrease soil erosion and protect public safety. This code section will apply to any and all areas with slopes exceeding 15% added to the UGB through this amendment once annexed to the City. Areas exceeding 25% slope were classified as unbuildable in the capacity analysis.

Fire: The risk of wildfire in and around Medford often rises to extreme levels during the summer months. The City of Medford has Fire, Building, and Development codes in place to help to mitigate the risk of wildfire in the city. One such provision is Municipal Code Section 7.022, which prohibits the use of fireworks within the hazardous wildfire areas as defined by Jackson County. Inclusion of land in MD-5 will allow the improvement and extension of streets, such as Cherry Lane and East Barnett Road, and development of new streets to increase the density of evacuation routes in the eastside.

Flood: Because the City participates in the National Flood Insurance Program, and is a CRS community, the Municipal Code allows development within flood plains provided that buildings meet certain construction standards designed to minimize damage from floods. City policies and codes do not have locational standards with respect to flood plains, but there is a recommendation in the Environmental Element that states “Development and redevelopment should be highly scrutinized when located in floodplains.”

Conclusions

When considering where to expand its UGB the City is limited to the areas within the urban reserve. All Statewide Planning Goals, including Goal 7, were considered as part of the selection of the urban reserve. The City has development standards in place to mitigate the risk of natural hazards from flood, fire, and steep slopes. These standards will be extended to applicable areas when annexed to the City.

Goal 8—Recreation Needs

Findings

The Other Residential Land Needs section of the Housing Element examines existing conditions for public and semi-public land to forecast future need for this land type.

According to the Housing Element:

Lands needed for public operations and facilities include lands for city facilities, schools, substations, and other public facilities. Land needs were estimated using acres per 1,000 persons for all lands of these types. Lands needed for parks and open space estimates use a parkland standard of 4.3 acres per 1,000 persons based on the level of service standard established in the Medford Leisure Services Plan Update (2006). This update includes land needed for neighborhood and community parks, which usually locate in residential plan designations. It does not include land needed for natural open space and greenways, which may also be located in residential plan designations.

The resulting land need for community and neighborhood parks is shown in *Table 1.5*.

Table 1.5. City Park Need (adapted from Housing Element Table 40)

| Type of Use | Existing Acres | Existing Acres per 1000 Persons | Assumed Need (ac/1000 Persons) | Estimated Need per 1000 Persons, 2009–2029 |
|-------------|----------------|---------------------------------|--------------------------------|--|
| City Parks | 527 | 6.8 | 4.3 | 153 |

In addition to the standard urban reserve areas the Regional Plan Element identifies two large regional park areas, Prescott Park and Chrissy Park. These areas are City-owned wildland parks totaling 1,877 acres. Inclusion as urban reserve was intended to serve as a mechanism to eventually incorporate this City property into the City boundary. The two MD-P areas were not considered areas for future urban growth because of their classification as parkland. There is no residential, commercial, or industrial development planned for the MD-P acres. They present a tremendous recreational and open space asset to the City and the region, in addition to creating a buffer between the city and rural lands to the north and east. However, due to their location along the eastern periphery of the city and steep topography, these lands satisfy little of the localized open space needs throughout the city and do not meet land needs for traditional urban parkland.

Another regional recreation use already in existence is Centennial Golf Club. If the Man-or-owned land surrounding it is brought in, then its inclusion is unavoidable. Its function as a regional asset will be unaffected by inclusion. The golf course has been counted as unbuildable by staff so far because the property owners intend to obtain an open space assessment for the land (ORS 197.186; see also commitment in Appendix M). Although the land has been classified as unbuildable in order to remain consistent with ORS 197.186 it might more appropriately be viewed as developed. The open space assessment helps to insure that the land will remain a golf course and as a golf course the land is already developed and meeting that regional need. The land will have no more ability to meet an identified land need for the City as a golf course within the boundary than it does outside of the boundary.

Conclusions

The Other Residential Land Needs of the Housing Element identified a need for 153 gross acres of additional parkland for neighborhood and community parks, outside of the existing UGB. The Regional Plan Element also includes two large wildland park areas that are owned by the City. These areas, Chrissy and Prescott parks, are intended to provide both a recreational and open space resource for the City and for the region. While both help to meet the recreational needs for the City these are two different land types (neighborhood and community park vs. regional/wildland park and open space) that provide two discreet types of uses for the City. The proposed UGB expansion will include an adequate supply of land determined to be needed by the Leisure Services Plan to accommodate a 20-year population.

Goal 9—Economic Development

Findings

Goal 9 factors were thoroughly addressed in the adoption and acknowledgement of the Economic Element of the Comprehensive Plan. Because the Economic Element has been deemed consistent with Goal 9, and it is being relied upon to determine the City's employment land need, detailed findings under Goal 9 are not necessary for this proposed boundary amendment. However, some discussion regarding Goal 9 compliance is provided below as a reference to the information from the Economic Element that was used in this amendment process. Much of this text is repeated from other sections of this document where it is more appropriately considered.

The process of determining Medford's land need for the next 20 years started with the adoption of the Population Element in 2007. This study looked at the forecasted population growth in Medford through 2040. The next step was the Buildable Lands Inventory (BLI), adopted in 2008, consistent with OAR 660-024-0050 and ORS 197.186 and 197.296. This study identified the number of acres, in total, and by type, available for development within the City's current UGB. The BLI showed that there are approximately 1,078 employment acres available for development within Medford's UGB. The next step was the Economic Element, adopted in 2008, which considered the projected

population growth, along with economic trends, to determine the overall need for employment land over the 20-year planning period. The study concluded that an additional 708 gross acres were needed to meet the demand for employment land. However, as shown in the Appendix B, this does not properly account for the excess supply of industrial land available within the existing boundary. When properly calculated (see Appendix B) the need for employment land increases to 765 gross acres.

Through these studies the City of Medford demonstrated a deficit in the supply of employment land within its existing UGB over the next 20 years. ORS 197.296 subsection (6) recommends addressing the need by expanding the urban growth boundary, by increasing the developable capacity of the urban area, or by a combination of the two. Urban Growth Boundary Amendment (UGBA) Phase 1 (ISA GLUP Amendment) sought to change the General Land Use Plan map designation of land in the existing urban area for the purpose of increasing its development capacity in order to accommodate some of the City's projected need for residential and employment land. UGBA Phase 1 resulted in more efficient use within the UGB in the following ways:

- It took surplus industrial land (land in excess of the need for the next 20 years) and converted it to commercial land. This resulted in the accommodation of a larger portion of the employment need within the existing UGB.
- The conversion of industrial to commercial also helped to increase the likelihood of both commercial and industrial development over the next 20 years by placing these uses in more appropriate locations. There is heavy development pressure for commercial uses on the industrial land in the city core near major transportation routes. This pressure makes the land less likely to develop with industrial use. The swapping of land types places commercial designations on tracts of land within the city core while allowing the City to designate more land near the outside of the urban area for industrial development.
- While 58 acres of land were converted from residential to employment GLUP designations the total residential land need only increased by 36 acres. This is due to the fact that some of this land was not identified as meeting any portion of the future residential land need but it is now being counted toward meeting the employment land need. This land was identified as developed for residential but is expected to redevelop as commercial.

UGBA Phase 1 resulted in a decrease in the amount of land needed outside the current UGB. Before these efficiency measures, a total of 765 acres were needed outside of the existing UGB for employment purposes. After UGBA Phase 1, that number was reduced to 637 acres.

Conclusions

UGBA Phase 1 converted surplus industrial land to commercial land which allowed for more of Medford's need for employment land to be accommodated within its existing UGB. The conversion also resulted in the increased likelihood of a larger amount of Medford's employment land need being met within the existing UGB by more appropri-

ately locating both commercial and industrial land. UGBA Phase 1 also reduced the overall land need for the City by converting some residential land that was not identified as meeting any portion of the future residential land need to employment land that is now counted toward meeting the employment land need. While 58 acres of land was converted from residential to employment GLUP map designations the total residential land need only increased by 36 acres. These adopted efficiency measures helped to address a portion of the City's employment land need, but an additional 637 gross acres of employment land outside of the existing UGB are needed. The proposed UGB expansion will allow the City to meet its identified need for employment land.

Goal 10—Housing

Findings

Goal 10 factors were thoroughly addressed in the adoption of the Housing Element of the Comprehensive Plan. Because the Housing Element has been deemed consistent with Goal 10, and it is being relied upon to determine the City's employment land need, detailed findings under Goal 10 are not necessary for this proposed boundary amendment. However, some discussion regarding Goal 10 compliance is provided below as a reference to the information from the Housing Element that was used in this amendment process. Much of this text is repeated from other sections of this document where it is more appropriately considered.

In 2012 the City, together with 5 other cities in the valley, adopted a Regional Plan for accommodating a doubling of the region's population. Regional Plan Element 4.1.5 requires a minimum density of 6.6 units per gross acre for all newly annexed areas for the years 2010 through 2035. The aggregate average density of the residential land need, determined by the Housing Element, was 6.9 units per gross acre (see *Table 1.2 under Land Need*). Some of this density was then shifted into the existing UGB through UGBA Phase 1. This density shift resulted in an increased need for low-density residential and a decreased need for medium-density and high-density residential outside of the existing boundary. While this density shift helped to accomplish a number of positive benefits it also makes meeting the minimum density requirement of the Regional Plan more difficult. With the revised ratios of residential land types in the UGB expansion area, the average densities for each of the residential land types alone will not result in a density of 6.6 units per gross acre or above.

The Housing Element (2010) provides an accurate representation of the City's housing need over the next 20 years. The Regional Plan imposes a density standard that is in excess of the density supported by the Housing Element now that the intensification measures from UGBA Phase 1 are completed. The Regional Plan also requires a density of 7.6 units per gross acre for all newly added areas for the years 2036 to 2050. In order to meet the density obligations of the Regional Plan the City will require an urbanization plan to be submitted, showing compliance with the Regional Plan obligations for density and land use distribution, prior to annexation of any of the land added through this UGB

amendment process. Acceptable methods for meeting the density standards will include:

- Committing areas to higher density zones within a General Land Use Plan (GLUP) designation. For example, an area within the UR GLUP designation could be designated as SFR-10 (Single Family Residential – 10 units per acre) which would insure a minimum density of 6 units per acre. By establishing “pre-zoning” within the established GLUP designations the residential density for the area can be moved higher than the minimum, or even average, density that the GLUP would accomplish.
- Requesting GLUP map changes as part of the urbanization plan approval process. This will allow for additional areas for medium-density and high-density development within the areas added to the UGB. This technique would allow for more flexibility in meeting the density obligations of the Regional Plan without imposing a housing mix that is not consistent with the Housing Element. This would allow for flexibility in housing types as the market shifts toward higher-density housing while also setting the stage for the future density standard of 7.6 units per acre required by the Regional Plan. This approach will also help to address the affordable housing need identified in the Housing Element. By adding additional high-density housing throughout the UGB (in the existing UGB through Phase 1 and in the newly added areas by allowing for GLUP changes to higher-density), the City is enabling more high-density housing, which is needed to provide more affordable housing within Medford.

Goal 10 requires that “plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.” By allowing some residential areas to request higher density GLUP map designations the City is providing for more flexibility of housing types in the UGB expansion areas.

In addition to forecasting future residential land needs, the Housing Element also determined the amount of land needed for future public and semi-public uses. OAR 660-024-0040 (10) allows for a “safe harbor” net-to-gross factor of 25% for streets and roads, parks and school facilities. A letter was submitted into the record by Greg Holmes of 1000 Friends of Oregon, dated March 3, 2015, that challenges some of the City’s residential land need assumptions. Rather than use the safe harbor amount the Housing Element calculates the net-to-gross factor for streets based on observation of the existing residential areas in the city. According to the last paragraph on page 57 of the Housing Element “... the forecast shows land need in net acres. Net acres is the amount of land needed for housing, not including public infrastructure (e.g. roads). Gross acres is the estimated amount of land needed for housing inclusive of public infrastructure. The net-to-gross factor allows for conversion between net acres to gross acres. The net-to-gross factor is highest (23%) for single-family detached dwellings, decreasing to 10% for multi-unit projects.” Parks and schools were not considered in the net-to-gross factor,

but rather, were included in the Public and Semi-public Land Needs portion of the Housing Element, which concluded that 153 acres of park land and 20 acres of school land was needed in the UGB expansion area.

The Other Residential Land Needs section of the Housing Element examines existing conditions for public and semi-public land to forecast future need for this land type.

According to the Housing Element:

Lands needed for public operations and facilities include lands for city facilities, schools, substations, and other public facilities. Land needs were estimated using acres per 1,000 persons for all lands of these types. Lands needed for parks and open space estimates use a parkland standard of 4.3 acres per 1,000 persons based on the level of service standard established in the Medford Leisure Services Plan Update (2006). This update includes land needed for neighborhood and community parks, which usually locate in residential plan designations. It does not include land needed for natural open space and greenways, which may also be located in residential plan designations.

See *Table 1.1*.

Conclusions

The Housing Element provides for an adequate land supply at a realistic housing mix for the planning horizon. In addition to land for housing, the Housing Element also accounts for land needed to provide for streets and other utilities, and for public and semi-public uses, which usually occur on residentially zoned properties. The residential density requirements of the Regional Plan were added to the Comprehensive Plan after the adoption of the Housing Element. By requiring urbanization plans for all of the areas being added to the UGB prior to annexation, the City can insure that the residential density standards are being met. The required urbanization plans must demonstrate compliance with the minimum density standards and with the land use distributions required by the Regional Plan Element. By allowing some residential areas to change their GLUP map designation to higher densities the City is providing more flexibility of housing types in the UGB expansion areas.

Goal 11—Public Facilities and Services

Findings

The External Study Areas (ESAs) were made up of the properties that passed through the coarse filter (Appendix E). Additional data were collected for the ESAs regarding the serviceability for water, sewer, and transportation. This was done to measure the ability to provide public facilities and services in an orderly and economic fashion. The scoring memos provided by the service providers are attached as Appendix H.

For more thorough findings addressing Goal 11 please see those under Goal 14 locational factor, *“Orderly and economic provision of public facilities and services.”* As the same findings apply, they will not be repeated here.

Conclusions

By using the scores of the five factors, and considering an area’s ability to meet Regional plan obligations rather than comparing properties on a parcel-by-parcel basis, the City is able to expand its UGB in a way that will provide for the orderly and economic provision of public facilities and services.

Goal 12—Transportation

Findings

Land added to the UGB through this amendment will remain under the jurisdiction of Jackson County (Urban Growth Management Agreement will apply) and will retain its current County zoning until it is annexed to the City. Prior to the annexation of any of the land added to the UGB through this amendment, a revised Transportation System Plan (TSP), which includes the areas added through this amendment, must be adopted. The revised TSP will address transportation needs throughout the entire revised UGB. Areas within the UGB but outside the City Limit must go through the annexation and the zone change process before they are assigned a standard city zone and made available for urban-level development. The City, as a criterion for zone change, requires a demonstration of facilities adequacy for transportation prior to approving any zone change that would allow for urban development. OAR 660-024-0020(d) states:

The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary.

Since all land added through this amendment will retain the zoning that was assigned prior to inclusion in the boundary, the transportation planning rule does not apply to this amendment. Transportation system needs and transportation system adequacy will be addressed both prior to annexation and through the zone change process.

Work is underway to complete a revised TSP for the city which will include a rewrite of the existing TSP.

Conclusions

The City will require that a revised Transportation System Plan (TSP), which includes the areas added to the UGB through this amendment, be adopted prior to the annexation of any of the newly added land. The revised TSP will address transportation needs throughout the entire revised UGB.

Goal 13—Energy Conservation

Findings—Energy

The Regional Plan requires the development of mixed-use/pedestrian-friendly areas. This type of development encourages the use of travel modes other than driving, leading to a reduction in vehicle miles travelled. One of the components of the coarse filter was proximity. Selecting parcels closer to the existing UGB not only helps to maximize the efficiency of public infrastructure, it has the effect of reducing energy use by reducing motor vehicle trips. A more compact urban area, with mixed-use neighborhoods, helps to promote the development and use of transit. Density and distance both play key roles in developing and maintaining public transit options. A more compact urban area also provides greater opportunities to invest in facilities for pedestrians and bicyclists, while at the same time making walking and biking more viable transportation options. The more compact urban area helps to reduce energy consumption by reducing the number of motor vehicle miles traveled; both by providing alternative modes of transportation and by reducing the distance traveled between home, work, shopping, recreation, and so forth.

Conclusions—Energy

When considering where to expand the UGB, mixed-use development and proximity have the greatest impact on the use and/or conservation of energy. The fact that the needed houses and jobs would be efficiently contained in the current urban area and in areas close to the existing UGB would have generally positive energy consequences due to the increased possibility of non-motorized travel modes between trip generators and decreasing overall vehicle miles travelled.

Goal 14—Urbanization

Findings

Refer to findings under Land Need and Boundary Location under Goal 14, above.

Conclusions

The proposed UGB expansion area meets the requirements of all Goal 14 factors.

Goals 15–19 do not apply to Medford.

* * * * *

Urban Growth Boundary amendment approval criteria from Urbanization Element Section 1.2.3

Criterion a. continued: The standards and criteria in Goal 14, OAR 660, Division 24, and other applicable State Goals, Statutes, and Rules.

Other applicable Statutes, and Rules

Each Comprehensive Plan element being relied upon to support this UGB amendment was found to be consistent with all applicable Statutes, and Rules at the time of its adoption. Those findings are included in the record and findings for this proposed UGB amendment, by reference.

The Statewide Planning Goals, as they apply to the proposed amendment, have been discussed in detail above. The State Statutes and Rules that apply directly to the proposed UGB amendment concern either determining land need or determining boundary location, both of which have been discussed in detail above (see “Land Need” and “Boundary Location” sections).

* * * * *

Urban Growth Boundary amendment approval criteria from Urbanization Element Section 1.2.3

Criterion b. Compliance with Medford Comprehensive Plan policies and development code procedures.

City of Medford Comprehensive Plan Conclusions, Goals, Policies, and Implementation Strategies:

Findings

The following Comprehensive Plan Goals, Policies, and Implementation Strategies support the inclusion of Prescott Park and Chrissy Park in the City’s UGB:

Physical Characteristics

Policy 2-A: The City of Medford shall acknowledge Prescott Park (Roxy Ann Peak) as the City’s premier open space and viewshed, and recognize its value as Medford’s most significant scenic view, currently and historically.

Implementation 2-A(1): Investigate inclusion of Prescott Park in Medford’s Urban Growth Boundary and City limits in order to enhance public safety and the feeling of ownership by city residents, protect its natural resources, preserve and enhance convenient public access, protect the public from fire hazards, and help in establishing a network of open space corridors with recreational trails.

Implementation 2-A(2): Identify lands surrounding Prescott Park that are critical to ensuring long term protection and meeting open space/viewshed goals and policies, for acquisition or other types of public management. Seek funding sources.

Implementation 2-A(3): Consider methods to address the interface between Prescott Park and adjacent development to assure compatibility, such as a buffering program, enhanced review of City and County development applications within a specified area surrounding Prescott Park, and joint policies or an "Area of Mutual Planning Concern" with Jackson County.

Policy 2-B: The City of Medford shall strive to preserve and protect the visual amenities offered by the foothills.

Parks, Recreation, and Leisure Services

Policy 2-C: The City of Medford shall give special consideration to Prescott Park in order to protect this dynamic natural and recreational resource and most significant scenic view for the enjoyment of present and future generations.

Implementation 2-C (3): Pursue inclusion of Prescott Park in the Medford Urban Growth Boundary for eventual inclusion within the City of Medford.

Implementation 2-C (4): Increase access and public enjoyment of Prescott Park by developing appropriate facilities to enhance appreciation of natural resources, the outdoors, and Medford's unique environment. Until included within the Medford Urban Growth Boundary, improvements within Prescott Park must comply with Jackson County land use regulations, as well as state rules and statutes, which may limit the extent of improvements on land outside of UGBs.

Solid Waste Management

Policy 1-E: The City of Medford shall assure that appropriate measures are taken to secure compatibility between the development and use of the Dry Creek Landfill and Prescott Park.

The following Comprehensive Plan Goals, Policies, and Implementation Strategies support a compact urban area with mixed-use neighborhoods:

Natural Resources—Air Quality

Implementation 3-A(3): Implement strategies from sources such as the Medford Transportation System Plan, the State Implementation Plans (SIPs) and the Oregon Transportation Planning Rule (TPR) that reduce emissions or improve air quality, such as increasing the use of alternative modes of transportation and use of alternative motor vehicle fuels, such as compressed natural gas and electricity, and propose amendments to the Medford Land Development Code for consideration by the City Council where necessary to assure compliance with such plans or rules.

Policy 3-B: The City of Medford shall continue to require a well-connected circulation system and promote other techniques that foster alternative modes of transportation, such as pedestrian oriented mixed-use development and a linked bicycle transportation system.

Health Services

Policy 1-A: The City of Medford shall strive to provide transportation, utilities, and other public facilities and services needed to support health care facilities within the Urban Growth Boundary, consistent with the health care facilities' growth requirements.

Natural resources

Policy 9-A: The City of Medford shall target public investments to reinforce a compact urban form.

Policy 9-B: The City of Medford shall strive to protect significant resource lands, including agricultural land, from urban expansion.

Natural Resources—Energy

Policy 10-A: The City of Medford shall plan and approve growth and development with consideration to energy efficient patterns of development, utilizing existing capital infrastructure whenever possible, and incorporating compact and urban centered growth concepts.

Implementation 10-A(1): Ensure that the extension of urban services is consistent with policies contained in the "Public Facilities Element" of the Medford Comprehensive Plan regarding energy efficiency.

The following Comprehensive Plan Goals, Policies, and Implementation Strategies support the use of adopted Population, Economic, Housing, and Buildable Lands Elements to determine land need:

Population Element

Policy 1: The City of Medford shall cooperate with other government agencies and the private sector to provide land and urban services sufficient to accommodate projected population growth in the UGB.

Policy 2: The City of Medford shall use the population forecast adopted in the Population Element of the Medford Comprehensive Plan as the basis for developing land use planning policy (Official population projection: 112,624 for the year 2027, and 133,397 for the year 2040.)

Economic Element

Employment Land Demand and Supply

1. This analysis indicates that additional land in the UGB is required to satisfy the City's land needs over the planning horizon.
2. The City of Medford has selected the High Employment Growth Scenario under which the City is projected to need 1,644 net buildable acres over the 20-year planning horizon and 2,055 gross buildable acres, consisting of needed acres in the following categories:
 - a. 504 net buildable acres of Office Commercial
 - b. 589 net buildable acres of Industrial
 - c. 609 net buildable acres of Retail Commercial

- d. 38 net buildable acres of Overnight Lodging
- e. 315 net buildable acres of Specialized Uses

The City has a supply of 900 acres of vacant employment land and an additional 178 net acres is expected to be available in the existing UGB to meet new demand through re-development. Based upon the adopted High Growth Scenario, the City of Medford has a deficit of 566 net buildable acres which equals 708 gross acres of employment land.

Economic Opportunities

Policy 1-5: The City of Medford shall assure that adequate commercial and industrial lands are available to accommodate the types and amount of economic development needed to support the anticipated growth in employment in the City of Medford and the region.

Implementation 1-5(b): Reduce projected deficits in employment lands by changing GLUP Map designations within the existing Urban Growth Boundary.

Implementation 1-5(c): Assist in the identification of sites for businesses that have unique site requirements.

Implementation 1-5(d): Ensure that demand projections for medium and large Commercial, Industrial and Office sites are captured in aggregate land demand projections during GLUP map amendments and/or UGB expansions.

Policy 1-7: The City of Medford will rely upon its High Employment Growth Scenario in the City's Economic Element twenty-year Employment Projections, Land Demand Projections, and Site Demand Projections when planning its employment land base.

Housing Element

6. Medford will need 1,890 net residential acres, or 2,383 gross residential acres, to accommodate new housing between 2009 and 2029. Not all of this can be accommodated within the current urban growth boundary. Therefore, Medford has a deficit of 996 gross acres in the following designations:

Implementation 1-A: When considering changes to the Medford Comprehensive Plan or Land Development Code, base such changes on the Housing Element adopted on December 2, 2010, particularly:

Housing Need Projection in Table 31

Forecast of Needed Housing Units in Table 37

Buildable Land Needed for New Dwelling Units in Table 39

Residential Land Deficit by Plan Designation in Table 41

Implementation 5-A: Maintain an inventory of areas suitable for preservation as open space.

Compliance with applicable Goals and Policies of the Regional Plan Element are discussed below:

Regional Plan Element – Implementation Measure

7. **Conceptual Transportation Plans.** Conceptual Transportation Plans shall be prepared early enough in the planning and development cycle that the identified regionally significant transportation corridors within each of the URs can be protected as cost-effectively as possible by available strategies and funding. A Conceptual Transportation Plan for an urban reserve or appropriate portion of an urban reserve shall be prepared by the City in collaboration with the Rogue Valley Metropolitan Planning Organization, applicable irrigation districts, Jackson County, and other affected agencies, and shall be adopted by Jackson County and the respective city prior to or in conjunction with a UGB amendment within that UR.
 - a. **Transportation Infrastructure.** The Conceptual Transportation Plan shall identify a general network of regionally significant arterials under local jurisdiction, transit corridors, bike and pedestrian paths, and associated projects to provide mobility throughout the Region (including intracity and intercity, if applicable).

The City has prepared a conceptual transportation plan for all of the urban reserve areas around the city. The plan identifies regionally significant transportation corridors and was developed in collaboration with the Rogue Valley Metropolitan Planning Organization, applicable irrigation districts, Jackson County, and other affected agencies. The Medford Street Functional Classification Plan Map will be amended to include the higher-order streets within the UGB expansion area.

Regional Plan Element – Implementation Measure

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, MD-7mid, 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.

The City has prepared conceptual land use plans for all areas within the urban reserve in collaboration with the Rogue Valley Metropolitan Planning Organization, applicable irrigation districts, Jackson County, and other affected agencies. The plans show land use distributions, transportation infrastructure, and mixed-use/pedestrian-friendly areas. In addition to these conceptual plans, the City will require all areas to have urbanization plans prior to annexation and the City will require applicants to demonstrate that those plans have been coordinated with applicable irrigation districts. The required urbanization plan shall show compliance with the target residential density, more detailed land use distributions, more detailed information regarding transportation infrastructure, and fully demonstrate compliance with the requirement for mixed-use/pedestrian-friendly areas.

Regional Plan Element – Implementation Measure

9. Conditions. The following conditions apply to specific Urban Reserve areas:

- a. MD-6. Prior to incorporation into the Urban Growth Boundary, a property line adjustment or land division shall be completed for Tax Lots 38-1W-05-2600 and 38-1W-06-100 so that the tax lot lines coincide with the proposed Urban Growth Boundary.

Lots 38-1W-05-2600 and 38-1W-06-100 are not included in the UGB expansion area.

Regional Plan Element – Implementation Measure

13. Urban Growth Boundary Amendment. Pursuant to ORS 197.298 and Oregon Administrative Rule 660-021-0060, URs designated in the Regional Plan are the first priority lands used for a UGB amendment by participating cities.

- a. Land outside of a city's UR shall not be added to a UGB unless the general use intended for that land cannot be accommodated on any of the city's UR land or UGB land.

Only land within the City's urban reserve is being considered for inclusion in the UGB.

Regional Plan Element – Implementation Measure

17. Parkland. For the purposes of UGB amendments, the amount and type of park land included shall be consistent with the requirements of OAR 660-024-0040 or the park land need shown in the acknowledged plans.

OAR 660-024-0040 (10) allows for a safe harbor net-to-gross factor of 25% for streets and roads, parks, and school facilities. Rather than use the safe harbor amount the Housing Element calculates the net-to-gross factor for streets based on observation of the existing residential areas in the city. According to the Housing Element "... the forecast shows land need in net acres. Net acres is the amount of land needed for housing, not including public infrastructure (e.g. roads). Gross acres is the estimated amount of land needed for housing inclusive of public infrastructure. The net-to-gross factor allows for conversion between net acres to gross acres. The net-to-gross factor is highest (23%) for single-family detached dwellings, decreasing to 10% for multi-unit projects." Parks and schools were not considered in the net-to-gross factor, but rather, were included in the 'Other Residential Land Needs' portion of the Housing Element, which concluded

that 153 acres of park land and 20 acres of school land were needed in the UGB expansion area.

The 'Other Residential Land Needs' section of the Housing Element examines existing conditions for public and semi-public land to forecast future need for this land type.

According to the Housing Element:

Lands needed for public operations and facilities include lands for city facilities, schools, substations, and other public facilities. Land needs were estimated using acres per 1,000 persons for all lands of these types. Lands needed for parks and open space estimates use a parkland standard of 4.3 acres per 1,000 persons based on the level of service standard established in the Medford Leisure Services Plan Update (2006). This update includes land needed for neighborhood and community parks, which usually locate in residential plan designations. It does not include land needed for natural open space and greenways, which may also be located in residential plan designations.

See Table 1.1.

A letter was submitted into the record by Greg Holmes of 1000 Friends of Oregon, dated March 3, 2015, that challenges some of the City's land need assumptions. Of the various charges of land excess in the 1000 Friends letter, the City finds that unbuildable lands and the land need for rights-of-way, parks, and schools were correctly calculated for the reasons explained in Appendix B, "Land Need".

In addition to the standard urban reserve areas the Regional Plan Element identifies two large regional park areas, MD-P Prescott and MD-P Chrissy, which contain Prescott Park and Chrissy Park, respectively. These areas are City-owned wildland parks totaling 1,877 acres. Inclusion as urban reserve was intended to serve as a mechanism to eventually incorporate this City property into the City boundary. The two MD-P areas were not considered areas for future urban growth because of their classification as parkland. There is no residential, commercial, or industrial development planned for the MD-P acres. They present a tremendous recreational and open space asset to the City and the region, in addition to creating a buffer between the city and rural lands to the north and east. However, due to their location along the eastern periphery of the city and very steep topography, these lands satisfy little of the localized open space needs throughout the city and do not meet land needs for traditional urban parkland.

Regional Plan Element – Implementation Measure

18. Slopes. Future urban growth boundary amendments will be required to utilize the definition of buildable land as those lands with a slope of less than 25 percent, or as consistent with OAR 660-008-0005(2) and other local and state requirements.

The capacity analysis that was completed for the ESAs only classified sloped land as unbuildable for those areas where the slopes exceeded 25 percent.

Regional Plan Element – Implementation Measure

20. Future Coordination with the RVCOG. The participating jurisdictions shall collaborate with the Rogue Valley Council of Governments on future regional planning that assists the participating jurisdictions in complying with the Regional Plan performance indicators. This includes cooperation in a region-wide conceptual planning process if funding is secured.

The City of Medford has continued to collaborate with the Rogue Valley Council of Governments and other participating jurisdictions since the adoption of the Regional Plan. The City will coordinate the adoption of urbanization plans for each of the areas added to the UGB through this amendment. The City will also continue to collaborate with the Rogue Valley Council of Governments on future regional planning that assists the participating jurisdictions in complying with the Regional Plan performance indicators.

Conclusions for Criterion b.

There are several Comprehensive Plan Conclusions, Goals, and Policies that support the inclusion of Prescott and Chrissy Park into the UGB. The proposed boundary location will bring both of these City-owned areas into the UGB. There are also several Comprehensive Plan Conclusions, Goals, and Policies that support a compact urban area with mixed-use neighborhoods. The efficiency measure of UGBA Phase 1 helped with both of these goals. The proposed boundary location was selected in large part because of its proximity to the existing UGB and to existing development. Areas that presented better opportunities for mixed-use development were given priority over lands that would provide for a lesser mix of uses.

The Comprehensive Plan Conclusions, Goals, and Policies support the use of adopted Population, Economic, Housing, and Buildable Lands Elements in determining land need. These adopted elements were used without modification to determine the land need for the City. In other cases the information from the elements had to be interpreted and applied in order to determine the number of acres needed in each of the GLUP categories. At other times conflicts between these adopted elements and the Regional Plan had to be reasoned through and the resulting boundary amendment is the result of balancing the existing elements to the degree possible.

The City will require areas added through this amendment to have urbanization plans prior to annexation. The required urbanization plan must show compliance with the target residential density, more detailed land use distributions, more detailed information regarding transportation infrastructure, and fully demonstrate compliance with the requirement for mixed use/pedestrian friendly areas. The remaining Regional Plan requirements have been addressed through the proposed amendment at this time.

The proposed UGB amendment and boundary location are consistent with the policies of the Comprehensive Plan.

* * * * *

Urban Growth Boundary amendment approval criteria from Urbanization Element, Section 1.2.3

Criterion c. Compliance with Jackson County’s development ordinance standards for urban growth boundary amendment. Many of the findings made to satisfy subparagraph (a), preceding, will also satisfy this criterion.

Per the Jackson County Land Development Ordinance (LDO) a Type 4 Permit application will be submitted to Jackson County for the proposed urban growth boundary amendment. The proposed amendment will follow the application process of LDO Section 3.7.3(E) for UGB Amendment, which requires a legislative hearing and County Planning Commission recommendation to the Board of Commissioners.

Jackson County LDO Section 3.7.3(E) — Standards for Amending an Adopted Urban Growth Boundary, Urban Reserve Area, Urban Fringe, or Buffer Area

In addition to the requirements contained in joint Urban Growth Boundary agreements and Urban Reserve agreements, all proposed boundary and area amendments must comply with applicable State Law, Statewide Planning Goals, the County Comprehensive Plan and any Regional Problem Solving documents adopted by the County.

Findings

Findings of compliance with applicable State Law, Statewide Planning Goals, and Regional Problem Solving Documents were made under criteria a. and b. above.

Urban Growth Boundary agreements:

Urbanization Element of the City of Medford Comprehensive Plan

Appendix 1. Urban Growth Management Agreement

Compliance with the requirements contained in the joint Urban Growth Boundary agreements and Urban Reserve agreements and with the County Comprehensive Plan will be discussed below. Not all sections of the agreements apply to the proposed boundary amendment. Only applicable portions will be repeated and discussed.

3.e. If the city and county have mutually approved, and the city has adopted, conversion plan regulations for the orderly conversion of property from county to city jurisdiction, the county will require that applications for subdivisions, partitions, or other land divisions within the UGB be consistent with the city’s Comprehensive Plan. Once developed, the mutually agreed upon conversion plan shall be the paramount document, until incorporation occurs.

[and]

6. The city, county and affected agencies shall coordinate the expansion and development of all urban facilities and services within the urbanizable area.

Findings

The City has prepared conceptual land use and transportation plans for all areas within the urban reserve in collaboration with the Rogue Valley Metropolitan Planning Organization, applicable irrigation districts, Jackson County, and other affected agencies. The plans show land use distributions, transportation infrastructure, and mixed-use/pedestrian-friendly areas. The plans will be adopted by the City of Medford and by Jackson County in conjunction with this UGB amendment.

In addition to these conceptual plans, the City will require all areas to have urbanization plans prior to annexation. The required urbanization plan shall show compliance with the target residential density, more detailed land use distributions, more detailed information regarding transportation infrastructure, and fully demonstrate compliance with the requirement for mixed-use/pedestrian-friendly areas.

The required urbanization plans will be adopted into the Neighborhood Element of the Comprehensive Plan and will provide a greater level of specificity than the GLUP map regarding future land use in the areas added to the UGB.

9. Long-range transportation and air quality planning for the urbanizable area shall be a joint city/county process coordinated with all affected agencies.

The City is in the process of updating its Transportation System Plan (TSP). The revised TSP will include all portions of the UGB, including areas added through this amendment. The TSP will be produced in coordination with Jackson County and must be adopted prior to the annexation of any of the areas added to the UGB through this amendment. The Medford Street Functional Classification Plan Map will be amended to include the higher-order streets within the UGB expansion area.

11. Proposed land use changes immediately inside the UGB shall be considered in light of their impact on, and compatibility with, existing agricultural and other rural uses outside the UGB. To the extent that it is consistent with state land use law, proposed land use changes outside the UGB shall be considered in light of their impact on, and compatibility with, existing urban uses within the UGB.

12. The city and county acknowledge the importance of permanently protecting agricultural land outside the UGB zoned EFU, and acknowledge that both jurisdictions maintain, and will continue to maintain, policies regarding the buffering of said lands. Urban development will be allowed to occur on land adjacent to land zoned EFU when the controlling jurisdiction determines that such development will be compatible with the adjacent farm use. Buffering shall occur on the urbanizable land adjacent to the UGB. The amount and type of buffering required will be considered in light of the urban growth and development policies of the city, and circumstances particular to the agricultural land. The controlling jurisdiction will request and give standing to the non-controlling jurisdiction for recommen-

dations concerning buffering of urban development proposals adjacent to lands zoned EFU.

Findings

The selecting of parcels close in to the existing UGB allows for the continued rural use of the properties nearer the edge of the urban reserve. The lower-intensity use of properties in the outer fringe of the urban reserve can act as a buffer between urban uses and farm and forest uses outside of the UGB.

The performance indicator of Regional Plan Element 4.1.10 requires the use of agricultural buffers to separate urban uses from agricultural uses. The City adopted City Code Section 10.802, Urban–Agricultural Conflict in Urban Reserve on August 16, 2012. This section applies to land in the urban growth boundary that is added from the urban reserve shown in the Regional Plan.

13. All UGB amendments shall include adjacent street and other transportation rights-of-way.

Findings

The City proposes to include adjacent street and other transportation rights-of-way in its UGB amendment. The City previously committed to this in the URMA and is following through with that commitment.

Urban Reserve agreements:

Regional Plan Element of the City of Medford Comprehensive Plan

Appendix C. Urban Reserve Management Agreement

5.E(i) County Roads. ...When City's UGB is expanded into the UR (Urban Reserve), County will require (e.g., through a condition of approval of UGB amendment) that City assume jurisdiction over the county roads within the proposed UGB at the time of annexation into the City regardless of the design standard used to construct the road(s) and regardless of when and how the road(s) became county roads...

...When a proposed UGB amendment will result in a significant impact to a county road(s) already within the City's limits, or existing UGB, such that the proposed amendment depends on said county road(s) for proper traffic circulation, then a nexus is found to exist between the proposed UGB expansion and said county road(s). Where such a nexus exists, the county may require, as a condition of approval, the transfer of all, or portions of, said county road(s) within the existing UGB or City's limits at the time of annexation, regardless of the design standards to which the road is constructed.

Findings

The City previously committed to this in the URMA, and is adopting similar language into the Urban Growth Management Agreement (UGMA) as a part of this amendment. The County has helped to identify areas where the proposed UGB amendment will result in a significant impact to a county road(s) already within the City's limits or existing UGB. The transfer of all, or portions, of such county road(s) is being adopted as a condition of annexation for these properties.

5.H Service Expansion Plans. As the future provider of water, sewer, parks and recreation, road maintenance and improvement, and stormwater management services in the UR, City shall prepare and update service expansion plans and these plans shall be consistent with the UGBMA between City and County. These plans provide a basis for the extension of services within the UGB and shall be referred to County for comment.

Findings

All City plans for parks, transportation, stormwater, and other services are now being amended to include the areas added to the UGB. All such plans will be coordinated with the County and shall be consistent with the Urban Growth Management Agreement.

County Comprehensive Plan

Findings

Areas added to the UGB through this amendment will remain under the jurisdiction of the County until they are annexed to the City. The UGMA will apply to these areas along with the County's Comprehensive Plan and applicable portions of the County's Land Development Ordinance. Once an area is annexed to the City the City's Comprehensive Plan and Land Development Code will apply. There are several portions of the County's LDO, which deal with special areas of consideration (listed below), that will apply to some of the areas added to the UGB through this amendment. These protections are consistent with the Statewide Goals, and the City has similar protections in place.

Section 7.1.1(B) ASC 82-2. Bear Creek Greenway

Section 7.1.1(C) ASC 90-1. Deer and Elk Habitat

Section 7.1.1(F) ASC 90-4. Historic Resources

Section 7.1.1(G) ASC 90-6. Archaeological Sites

Section 7.1.1(K) ASC 90-10. Ecologically or Scientifically Significant Natural Areas

Section 7.4.3. Urban Fringe

Section 7.4.3(F). Setbacks from Resource Lands and Reduction Requests

Section 8.6. Stream Corridors

Conclusions for Criterion c.

Jackson County's development ordinance requires a finding that UGB amendments are consistent with the requirements contained in joint Urban Growth Boundary agree-

ments and Urban Reserve agreements, and that all proposed boundary and area amendments comply with applicable State Law, Statewide Planning Goals, the County Comprehensive Plan and any Regional Plan documents adopted by the County. Compliance with applicable State Law, Statewide Planning Goals, and Regional Plan documents has been discussed in the findings for criteria a. and b. above.

The proposed UGB amendment has also been shown to be consistent with the Urban Growth Management Agreement, the Urban Reserve Management Agreement, and the County's Comprehensive Plan. By showing compliance with these and applicable State Law, the City has demonstrated compliance with Jackson County's development ordinance standards for urban growth boundary amendment.

* * * * *

Urban Growth Boundary amendment approval criteria from Urbanization Element Section 1.2.3

Criterion d. Consistency with pertinent terms and requirements of the current Urban Growth Management Agreement between the City and Jackson County.

Findings

Consistency with pertinent terms and requirements of the current Urban Growth Management Agreement between the City and Jackson County is discussed under Urban Growth Boundary agreements and Urban Reserve agreements in the findings for criterion c. above.

Conclusions

See conclusions for criterion c. above.

* * * * *

SUMMARY CONCLUSIONS

1. In order to accommodate its 20-year land need for housing, employment, and other urban uses, the City should expand its UGB by 1,669 acres in the locations identified on the Exhibit C large-scale map and also on the small map on page 6 of Exhibit A.
2. The land need identified by the City is based upon reasonable assumptions, analysis, and conclusions about the City's projected growth in residents, jobs, and other urban uses, including roads, schools, parks, open space, and public facilities.

3. The City considered alternative boundary locations and determined that the selected expansion area does not include any lower priority lands and will efficiently accommodate the City's identified land needs; allow for the orderly and economic provision of public facilities and services; result in comparatively favorable environmental, social, economic, and energy consequences; and will be compatible with nearby agricultural and forest activities. The Council required commitments to perform from several land owners in inclusion areas in order to substantiate some of the ESEE findings. Those commitments are documented as prerequisites to annexation in the updated Annexation Policies (Exhibit A) and the written commitments are collected in Appendix M.
4. The amendment is based on all of the City's Comprehensive Plan Elements, including the Housing Element, which are post-acknowledgment plan amendments that have been adopted according to our state land use laws and regulations. As the adopted elements, they form the basis by which the City can make its decisions.
5. Reliance on adopted plans thwarts the increase in regional sprawl that has occurred over the past decade. Considering this amendment as an extension of the Regional Problem Solving process, the City of Medford has been involved in expansion of its urban area for over fifteen years. With a full commitment to that process, the City has invested considerably in not only time, but money and goodwill to following the best practices of land planning. In that time, other cities have grown disproportionately to Medford due to the City's lack of available housing stock and options. While Medford suffers from increased congestion from others in the region, following the City's adopted plans will accommodate the need for housing at higher density levels than in the past, provide a balance of housing types to accommodate a wider range of price accessibility, and regionally support the reduction in vehicle miles travelled and greenhouse gas emissions.
6. All lands considered for inclusion are within the urban reserves, and as such, classified as first priority for inclusion in a UGB. Also, all were fairly considered under Goal 14 evaluation factors, but it is acknowledged that the relative value of each of the included lands cannot be evaluated in purely objective or financial terms. Some areas, such as MD-7 and 8 have easy access to utilities and transportation, but also provide a distribution of land to be included throughout the city. Others, such as MD-5 East are essential to achieving goals deemed a priority for the City; specifically critical bike path connections from eastside park land that will connect to the regional greenway. Whether it is providing areas for aging in place to accommodate the anticipated doubling of the elderly population, or resolving existing enclave issues, each area to be included in this option has particular value for the City of Medford.

7. Finally, while the testimony and evidence provided to the community has been voluminous, the chosen expansion option has come with the most support and concessions of the affected property owners and as such best complies with Statewide Planning Goal 1 – Citizen Involvement. Credit should be given to all who worked or volunteered their time on this process as the Council believes that it meets all the overarching principles guiding land use in Oregon and specifically provides for a healthy environment, sustains a healthy economy, ensures a desirable quality of life, and has equitably allocated the benefits and burdens of land use planning.

APPENDIXES

- A Available Land
- B Land Need
- C 1000 Friends of Oregon letter, dated 3/3/2015
- D UGBA Phase 1 effect on land supply
- E Coarse filter maps
- F External Study Area (ESA) and Capacity in ESA maps
- G Additional scoring maps
- H Infrastructure scoring memos
- I Transportation memo
- J Conceptual Plan
- K List of written testimony received during Council hearings
- L Excerpted Minutes from City Council meetings
- M Written Commitments

APPENDIX A. AVAILABLE LAND

The purpose of the Buildable Lands Inventory (BLI), completed by the City in 2008, was to inventory the number and location of acres available for development within the existing UGB by individual land type.

RESIDENTIAL

The Buildable Lands Inventory concluded that residential land was available within the existing UGB in the following amounts: Urban [Low-Density] Residential (UR) = 2,385 acres, Urban Medium-Density Residential (UM) = 49 acres, and Urban High-Density Residential (UH) = 158 acres.

Table 2.1. Residential Land Supply (adapted from Housing Element Table 30)

| Plan Designation | Supply (acres) | Plan Description |
|--------------------------|----------------|---|
| UR | 2,385 | Low-density Residential, 4–10 units/acre |
| Vacant | 1,703 | |
| Partially Vacant | 419 | |
| Redevelopable | 263 | |
| UM | 49 | Medium-density Residential, 10–15 units/acre |
| Vacant | 35 | |
| Partially Vacant | 6 | |
| Redevelopable | 8 | |
| UH | 158 | High-density Residential, 15–30 units/acre |
| Vacant | 132 | |
| Partially Vacant | 14 | |
| Redevelopable | 13 | |
| Total Residential | 2,592 | |

The supply of residential land was changed through UGBA Phase 1. In many cases low-density residential land was converted to either medium-density or high-density. In other instances residential land was converted to employment land. The end result was a more efficient use of land within the existing UGB which resulted in a need of 92 fewer acres outside of the existing UGB. The resulting residential land supply after UGBA Phase 1 is shown below in *Table 2.2*.

Table 2.2. Residential Land Supply after UGBA Phase 1

| Plan Designation | Supply (acres) | Plan Description |
|------------------|----------------|---|
| UR | 2,215 | Low-density Residential, 4–10 units/acre |
| Vacant | 1,669 | |
| Partially Vacant | 371 | |
| Redevelopable | 174 | |

| | | |
|--------------------------|--------------|---|
| UM | 121 | Medium-density Residential, 10–15 units/acre |
| Vacant | 43 | |
| Partially Vacant | 30 | |
| Redevelopable | 48 | |
| UH | 215 | High-density Residential, 15–30 units/acre |
| Vacant | 138 | |
| Partially Vacant | 28 | |
| Redevelopable | 49 | |
| Total Residential | 2,550 | |

EMPLOYMENT

The Buildable Lands Inventory concluded that employment land was available within the existing UGB in the following amounts: Service Commercial (SC) = 172 acres, Industrial (GI & HI) = 641 acres, and Commercial (CM) = 265 acres.

Table 2.3. Employment Land Supply (adapted from Economic Element Figure 28)

| Plan Designation | Supply | Plan Description |
|-------------------------|---------------|---|
| SC | 172 | Service Commercial: office, services, medical |
| GI & HI | 641 | General & Heavy Industrial: manufacturing |
| <u>CM</u> | <u>265</u> | Commercial: retail, services |
| Total Employment | 1,078 | |

The supply of employment land was changed through UGBA Phase 1. In several cases industrial land was converted to commercial and in other instances residential land was converted to commercial. The end result was a more efficient use of land within the existing UGB which resulted in a need of 92 fewer acres outside of the existing UGB. The resulting employment land supply after UGBA Phase 1 is shown below in *Table 2.4*.

Table 2.4. Employment Land Supply after UGBA Phase 1

| Plan Designation | Supply | Plan Description |
|-------------------------|---------------|---|
| SC | 174 | Service Commercial: office, services, medical |
| GI & HI | 519 | General & Heavy Industrial: manufacturing |
| <u>CM</u> | <u>443</u> | Commercial: retail, services |
| Total Employment | 1,136 | |

APPENDIX B. LAND NEED

RESIDENTIAL

The City adopted the Housing Element of the Comprehensive Plan in December 2010. The Housing Element built on the conclusions of the Population Element (Nov 2007) and the Buildable Lands Inventory (Feb 2008). Over the 20-year period from 2009 to 2029 a total of 15,050 new dwelling units are needed in Medford. The available supply of residential land within the UGB is expected to accommodate 11,424 of those dwelling units leaving a need for 3,626 dwelling units to be provided for outside of the existing UGB. Of the dwelling units needed outside of the existing UGB, 2,233 are needed in UR, 498 are needed in UM, and 894 are needed in UH. To accommodate the needed dwelling units outside of the existing UGB 553 gross acres are needed using the following needed (gross) density factors: 4.8 dwelling units per acre for UR, 12.8 dwelling units per acre for UM, and 18.1 dwelling units per acre for UH. *Table 3.1* summarizes the residential land need.

Table 3.1. Residential Land Need (adapted from Housing Element Table 39)

| GLUP Designation | Dwelling Units Needed ¹⁴ | Dwelling Unit Capacity | Dwelling Unit Deficit | Expected Density (gross) | Needed Buildable Acres (gross) |
|------------------|-------------------------------------|------------------------|-----------------------|--------------------------|--------------------------------|
| UR | 10,036 | 7,803 | 2,233 | 4.8 | 465 |
| UM | 993 | 495 | 498 | 12.8 | 39 |
| UH | 3,329 | 2,435 | 894 | 18.1 | 49 |
| Total | | | | | 553 |

Group Quarters, such as dorms, jails, social service facilities, and nursing homes, are typically built in high-density and commercial zones. The Housing Element estimates that of the increased population over the 20-year period, two percent, or 712 people, will be housed in group quarters. Since these facilities are typically built in high-density and commercial zones the UH density of 18.1 dwelling units per acre was used, along with the average household size, to calculate a need of 16 acres of land for group quarters. This land was then allocated to the UH land demand bringing the total need for UH up to 66 acres and the total residential land need up to 570 acres.

¹⁴ In the Housing Element a portion of the dwelling unit need and the dwelling unit supply was shown to exist on commercial acreage. The portion of the residential need existing on commercial land was not used to calculate density or the number of acres needed to meet the housing demand, because the residential component on commercial land was assumed to exist in addition to a commercial use on that property.

Table 3.2. Acres for Group Quarters (adapted from Housing Element page 27 and Table 41)

| | Group Quarters | Needed Acres |
|--------------|---------------------------|-------------------------|
| UR | 0 | 465 |
| UM | 0 | 39 |
| UH | 16 | 66 |
| Total | | 570 |

The Housing Element also included a calculation for needed public and semi-public land. These uses include parks, schools, churches, and fraternal lodges. The study concluded that there are roughly 17 acres of public and semi-public land for every 1,000 people in the existing UGB. The study assumed a need of 11.6 acres of public and semi-public land for every 1,000 people added to the population of Medford. Given the projected population increase of 35,591 people a total of 426 acres is needed for public and semi-public uses over the 20-year planning period. This land was allocated to the three residential land types based on the percentage of dwelling units needed for each type. The inclusion of the public and semi-public land need is summarized in *Table 3.3*.

Table 3.3. Public and Semi-Public Lands (adapted from Housing Element Tables 40 & 41)

| | Public and Semi-Public | Total Acres Needed |
|--------------|-----------------------------------|-------------------------------|
| UR | 298 | 763 |
| UM | 29 | 68 |
| UH | 99 | 164 |
| Total | 426 | 996 |

When the supply of residential land was changed through UGBA Phase 1 (see *Tables 2.1* and *2.2*) the amount of land needed in each of the residential GLUP designations was also changed. With more of the high-density and medium-density need being met within the existing UGB, fewer acres of each of those land types need to be added. Conversely, since some of the low-density residential land supply has been displaced from within the existing UGB, a greater amount must now be added through the UGB amendment process. While UGBA Phase 1 resulted in a 58-acre conversion of land from residential to employment GLUP designations the total residential land need only increased by 36 acres. This is due to the fact that some of this land was not identified as meeting any portion of the future residential land need (because it was classified as developed) but it is now being counted toward meeting the employment land need (because it is expected to redevelop as commercial). *Table 3.4* shows the amount of residential land needed both before and after UGBA Phase 1.

Table 3.4. Residential Land Need before and after UGBA Phase 1

| GLUP | Needed Acres Before | Needed Acres After |
|--------------|---------------------|--------------------|
| | Phase 1 | Phase 1 |
| UR | 763 | 885 |
| UM | 68 | 27 |
| UH | 164 | 120 |
| Total | 996 | 1,032 |

EMPLOYMENT

The City adopted the Economic Element of the Comprehensive Plan in December 2008. The Economic Element built on the conclusions of the Population Element (adopted November 2007) and the Buildable Lands Element (adopted in February 2008). Over the 20-year period from 2008 to 2028 a total of 1,645 acres of employment land is needed in Medford. The Economic Element did not use the General Land Use Plan (GLUP) designations used by the City to classify employment land by type, but rather specifies the need for Office Commercial, Industrial, and Retail Commercial land. The Retail Commercial need can only be met in the Commercial (CM) GLUP designation because retail is only permitted within zoning districts allowed in CM. The Industrial need will be met in the General Industrial (GI) and the Heavy Industrial (HI) GLUP designations. The Office Commercial need will be met in both the CM and Service Commercial (SC) GLUP designations, which both allow for offices within their respective zoning types. Because the SC GLUP is intended to provide primarily for employment/office uses, such as business offices and medical offices, both the medium-size and large-size office site need is assigned to the SC GLUP designation. The small-size office site need is expected to be met by fill-in development, mixed with other commercial uses. This type of development is most appropriately accommodated within the zoning types permitted in the CM GLUP designation and is assigned to CM for land need.

In addition to the standard employment land categories the Economic Element identified a need for 284 "Other" acres, comprising 31 acres for overnight lodging and 253 acres for specialized uses. Since the "Other" acres need to be put into a city land use designation, and since the Economic Element did not do so, it is necessary to distribute those acres. Since about 9/10 of the "Other" category is described as "campus-type development," and since that type of development would only be a permitted use in the Industrial and the Service Commercial designations, a two-way partition (126 acres each) into those is appropriate. The other 31 net acres in the "Other" category are for overnight lodging; which are typically permitted in the CM designation.

Table 3.5. Conversion of Economic Element Designation to GLUP Designation (adapted from Economic Element Figure 28)

| Use Type | Demand in Net Acres | Allocate Overnight and Specialized | Total Demand in Net Acres | GLUP Need in Net Acres |
|-------------------|---------------------|------------------------------------|---------------------------|------------------------|
| Office Commercial | 404 | 126 | 530 | SC = 352 |
| Industrial | 471 | 126 | 597 | GI & HI = 597 |
| Retail Commercial | 488 | 31 | 519 | CM = 697 |
| City Residents | 248 | | | |
| Region/Tourists | 240 | | | |
| Overnight Lodging | 31 | | | |
| Specialized Uses | 253 | | | |
| Total | 1,645 | | 1,645 | 1,645 |

When we compare the supply of employment land, 1,078 acres (see *Table 2.3*), against the total demand, 1,645 acres (see *Table 3.5*), we see a deficit of 567 acres over the 20-year period. The Economic Element adds 25% to net acres to convert to gross acres, as recommended in DLCD Goal 9 guidebook, to account for streets and other infrastructure needs. The total employment land need is 709 acres when converted to gross acres.

However, this comparison of the overall supply of employment land against the overall demand does not provide an accurate representation of the employment land need for the City. When we compare the land need against the supply of land by employment GLUP type, we see that there is a 44-acre surplus of industrial land within the existing UGB over the 20-year period (*Table 3.6*). Since this surplus (if left in the industrial GLUP designations) does not help to meet the commercial land need, the actual need for employment land is 612 net acres, which converts to 765 gross acres. This is the true employment land need for the 20-year period.

Table 3.6. Employment Land Need in Net Acres

| GLUP | Supply | Demand | Deficit (surplus) | Deficit for Land Need |
|--------------|--------|--------|-------------------|-----------------------|
| SC | 172 | 352 | 180 | 180 |
| GI & HI | 641 | 597 | (44) | 0 |
| CM | 265 | 697 | 432 | 432 |
| Total | | | | 612 |

Table 3.6 shows that there is a surplus supply of industrial land within the existing UGB over the 20-year period. In accordance with ORS 197.296 subsection (6) the City undertook UGBA Phase 1 to increase the developable capacity of the urban area. This was done primarily by converting surplus industrial land to commercial land. It was also done by converting some residential land that was not identified as meeting any of the future residential land need to employment land that is now meeting some of the identified employment land need. Unlike with the residential land need, which increased by 36

acres based on the 58-acre change from residential to employment, the employment land need decreased by 58 acres based on those conversions.

As shown in *Table 3.7*, UGBA Phase 1 resulted in the addition of approximately two acres of SC land, bringing the total supply to 174 acres, and decreasing the deficit to 177 acres. UGBA Phase 1 added approximately 178 acres to the CM land, bringing the total supply to 443 acres, and decreasing the deficit to 254 acres. UGBA Phase 1 converted approximately 122 acres of GI & HI land, bringing the supply of land down to 519 acres, and changing the 44-acre surplus of land to a 77-acre deficit. By increasing the developable capacity of employment lands within the existing UGB, as recommended by ORS 197.296 (6), the City reduced its overall need for employment land from 765 gross acres to 637 gross acres, a difference of 128 gross acres.

Table 3.7. Employment Land Need after UGBA Phase 1 (net acres)

| GLUP | Supply Before Phase 1 | Supply After Phase 1 | Demand | Deficit |
|--------------|--------------------------|-------------------------|--------|------------|
| SC | 172 | 174 | 352 | 177 |
| GI & HI | 641 | 519 | 597 | 78 |
| CM | 265 | 443 | 697 | 254 |
| Total | | | | 509 |

The number of net acres needed is then converted to gross acres in order to account for roads and other infrastructure resulting in a total employment land need of 637 gross acres.

Table 3.8. Net-to-Gross Conversion of Employment Land Need after UGBA Phase 1

| GLUP | Deficit in Net Acres | Deficit in Gross Acres |
|--------------|-------------------------|---------------------------|
| SC | 177 | 222 |
| GI & HI | 78 | 97 |
| CM | 254 | 318 |
| Total | | 637 |

RESPONSES TO 1000 FRIENDS LETTER

The 3/3/2015 letter from 1000 Friends of Oregon (Appendix C) contended that the City committed a number of errors in its land need calculations, including that the City double-counted 18 acres of private park land need and 135 acres of land for government uses, causing the City to overstate its projected land needs over the planning period by 153 acres. The Council concludes that the City has not double-counted these lands, for the reasons explained earlier in the findings. The Council denies 1000 Friends' remaining land need contentions for the reasons explained below.

OVERLAP—PARKS AND “UNBUILDABLE”

Explanation

1000 Friends of Oregon contends that the City overstated its land needs by adding buildable land to the proposal to meet the need for parkland that would actually be met on unbuildable lands.

Analysis

The Council denies 1000 Friends’ contention for four reasons.

First, the Council finds that the need for parks identified in the Housing Element is land for “neighborhood and community parks” and not land for “natural open space and greenways.” See Housing Element at 62-63. As a result, the Council finds that the identified need is for more active parkland, which in most cases, cannot be accommodated on the types of lands that qualify as unbuildable (e.g., wetlands, steep slopes, developed).

Second, the assertion that a portion of the City’s identified park need should be shown as being met on acreage that has been classified as unbuildable assumes that unbuildable lands will be available for park facilities development. The City does not own any of the land that has been identified as unbuildable in the capacity analysis for the urban reserve. In order for this land to meet any portion of the identified park need the City would have to purchase or otherwise acquire the land.

Third, although the City of Newberg’s UGBA was remanded in part because the city did not show an overlap between unbuildable land and identified park needs, the Council finds that the Newberg case is distinguishable. *Friends of Yamhill County v. City of Newberg*, 62 Or LUBA 211 (2010). In that case, the City of Newberg classified at least a portion of the land within the floodplain as unbuildable. The court determined that some of the park needs, including sports fields, could be expected to be met within the floodplain. Because of this, Newberg should have counted a portion of its park land need as being met within the unbuildable lands, specifically within the floodplain. For the Medford UGBA, however, staff did not classify any floodplain as “undevelopable.”

Floodplains have certain development standards that must be adhered to when developed, but because these areas are developable when those standards are met, they have not been counted as unbuildable in the capacity analysis for the urban reserve. Since all of the floodplain, unless it is within a riparian corridor or an identified wetland, is counted as buildable, the circumstances of the Newberg case do not apply to Medford’s proposal.

Even if the City chose to say that a portion of the park need would be met on the unbuildable acreage being included in the UGB, there is no way to determine how large this overlap should be. Will all trail development occur within riparian corridors, steep slopes, and wetlands? Any acreage value one assigned would only be a guess and there-

fore could easily be challenged as being either too large or too small. It probably cannot be more than one or two dozen acres.

Fourth, the methodology used for the capacity analysis for the urban reserve was consistent with the methodology used for the buildable lands inventory and consistent with OAR 660-024-0050 and ORS 197.186 and 197.296. The capacity analysis did not count anything as unbuildable that was not supported by state statute but may have undercounted the unbuildable acreage by not counting any portion of the floodplain as unbuildable. For these reasons, staff believes the separation of the unbuildable acres and the identified park need is appropriate and will help to insure that an adequate supply of developable land will be available for needed park and recreation development for the 20-year period.

EXCESS OF "OTHER LAND NEEDS"

Explanation

The 1000 Friends letter also points out that cities may use a regulatory "safe harbor" net-to-gross factor of 25 percent for housing (net x 1.25). The purpose of this factor is to add acres to the net need for rights-of-way, parks, and schools¹⁵. The letter says that the Housing Element used a net-to-gross factor greater than 100 percent (net x 2.00). It concludes that the Element does not justify using a figure so much in excess of the safe harbor.

A response letter from Michael Savage, CSA Planning, dated March 26, 2015, states that Medford, as a city with a population greater than 25,000, cannot use the safe harbor method. However, staff can find nothing in the OAR that prohibited the City from using the safe harbor if it had chosen to do so.

Analysis

The safe harbor was not used by the consultants who performed the housing needs analysis. Instead, for rights-of-way they analyzed existing development to determine typical net-to-gross factors for various densities¹⁶, and applied those proportionally. For parks and schools the consultants determined the existing supply ratios (in acres per thousand people), and adjusted those ratios downward for the next 20 years to accommodate an expected 35,591 new inhabitants¹⁷.

The resulting additional land need is in the following table. The middle column shows the acres needed by type to serve residential development. The rightmost column shows the percentage over net need for each type and in total.

¹⁵ OAR 660-024-0040 (10).

¹⁶ See Table 37 in Housing Element

¹⁷ See p. 10 in Housing Element

| Type | Acres | Percent over Net Land Need |
|---------------|------------|----------------------------|
| Rights-of-way | 98 | 22% |
| Parks | 153 | 34% |
| Schools | 20 | 4% |
| Total | 271 | 60% |

However, the amounts are adjusted downward by adding in additional supply: 19 acres for parks and 26 acres for schools.

| Type | Acres | Percent over Net Land Need |
|---------------|------------|----------------------------|
| Rights-of-way | 98 | 22% |
| Parks | 134 | 30% |
| Schools | — | 0% |
| Total | 232 | 51% |

Note the difference between the 1000 Friends argument and the figures above. The letter compares 524 acres¹⁸ to 455 acres. It errs in summing all those acres because it is not comparing the same categories.

The regulatory safe harbor comprises only three land use categories: rights-of-way, parks, and schools. In a comparison of just those three types the Housing Element’s calculation results in a net-to-gross factor that is double the Administrative Rule amount (51% versus 25%). The figure is undeniably much larger than the safe harbor amount, but nonetheless it is based on an analysis of what has been built in existing residential areas, and it makes the correct move of reducing the provision ratios for parks and schools¹⁹.

The amount of land used by streets, schools, and parks can vary widely from community to community, but in staff’s experience the percentage taken up by streets alone is usually around 20 percent, so the OAR safe harbor appears parsimonious. The City’s figure was derived rationally and is a reasonable estimate of need.

FURTHER CHALLENGES TO CALCULATION OF “UNBUILDABLE”

Although DLCD contended that the City overstated the amount of unbuildable lands in the expansion area, the Council denies this contention for the reasons explained in the

¹⁸ 524 acres = “public & semi-public” + rights-of-way (426+98).

¹⁹ Housing Element, table 40. Parks were reduced from 6.8 to 4.3 per thousand. Schools were reduced from 3.4 to 0.6 per thousand. The rationales for the reductions are explained on p. 63 of the Housing Element.

Supplemental Findings memo no. 3 and for the reasons set forth in the letter from Perkins Coie LLP dated September 17, 2015.

Although 1000 Friends of Oregon contended that the agricultural buffer areas should not be classified as unbuildable, the Council denies this contention for four reasons. First, the agricultural buffers are not “buildable.” A “Net Buildable Acre” is “43,560 square feet of residentially designated buildable land after excluding future rights-of-way for streets and roads” (OAR 660-024-0010(6)). Further, “buildable land” is land considered “suitable, available, and necessary” for residential uses as required by ORS 197.295(1) and OAR 660-008-0005(2) (which is incorporated by reference in OAR 660-024-0010(1)). The Council finds that the agricultural buffers are not “suitable, available and necessary” for residential development because they must remain undeveloped in accordance with Medford Municipal Code §§10.801–802 in order to minimize the impacts of urban development on agricultural production activities. Further, the Council finds that the City will designate the buffer areas as “open space;” therefore, they will not be “residentially designated” as required by the definition of “Net Buildable Acre.”

In addition, if the agricultural buffers must be accommodated on “buildable lands,” it will leave the City with an inadequate supply of “buildable lands” because the City did not factor the need for agricultural buffers into its buildable land needs analysis. As support for this conclusion, the Council relies upon City staff’s Supplemental Findings memo no. 3 dated October 1, 2015.

Finally, although it is potentially permissible to develop roads or trails in the agricultural buffers, the circumstances when these uses are permitted in these locations is limited. For example, a road may only bisect a buffer if the alignment is unavoidable (MMC 10.802.N(3)). Further, trails and linear parks are themselves urban receptors, meaning they will require additional buffers from agricultural lands too (MMC 10.802.B (6)). Therefore, the Council finds that, as a general rule, it is not reasonable to consider the agricultural buffers as “buildable.” Further, the Council finds that the few circumstances when these buffers could accommodate a road or trail are reflected in the reduced buffer acreage resulting from applying the modified methodology.

For these reasons, the Council finds that the modified agricultural buffer acreage is correctly classified as unbuildable, and the overall expansion is correctly adjusted by a like amount upward to compensate.

APPENDIX C. 1000 FRIENDS OF OREGON LETTER



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March 3, 2015

Joe Slaughter, Planning Department
and the Medford Planning Commission
City of Medford, Lausmann Annex
200 South Ivy Street
Medford, OR 97501

RECEIVED
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PLANNING DEPT.

Subject: File No. CPA-14-114, UGBA Phase 2, ESA Boundary Amendment

Dear Mr. Slaughter, and members of the Planning Commission:

Thank you for the opportunity to provide these comments regarding a proposed amendment to Medford's Urban Growth Boundary (UGB). 1000 Friends of Oregon is a nonprofit, charitable organization dedicated to working with Oregonians to enhance our quality of life by building livable urban and rural communities, protecting family farms and forests, and conserving natural and scenic areas. We have many members and supporters in Jackson County and the city of Medford.

This testimony is divided into two sections. The first includes some general observations regarding the ESA process and the staff proposal as we understand it today. That is followed by specific recommendations based on our review of the material on the city's website, the 2008 Economic Element, the 2010 Housing Element, and relevant portions of the Regional Plan Element of the Medford Comprehensive Plan. These comments are necessarily general and preliminary in nature. We anticipate more comments will be forthcoming once the staff report and supporting documentation become available for public review.

General Comments Regarding the ESA Concept and Boundary Amendment Proposal

As the Southern Oregon Advocate for 1000 Friends of Oregon since 2002, I have been intimately involved in the planning efforts in Jackson County and Medford for over a decade. I participated extensively in the RPS process, eventually supporting Medford's adoption of that plan, and also supported the city's adoption of the UGBA Phase I GLUP map amendments.

I have been following Phase 2—including monitoring the technical analysis, reviewing publicly available documents, and meeting with staff and a number of property owners and their representatives. The following general comments are made with that background as context. They are divided by subject into comments regarding what the proposal looks like and how big the proposal is.

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Overall the Staff Proposal appears to be technically sound

1000 Friends of Oregon monitors UGB expansion proposals across the state. With the exception of the amount of land (as described below), information that is currently publicly available suggests that the staff's technical analysis in this case has resulted in a fundamentally sound proposal from which to begin the public hearings process.

As noted in the Housing Element of 2010,¹ Medford has already adopted a number of policies that result in increasing the efficiency with which the city uses land. Those policies, combined with the GLUP designation changes that occurred during Phase I of this project, form a solid basis from which to evaluate the future needs of the city.

The technical analysis that was performed in the fall of 2014 provided good information for ranking the relative merits of urban reserve areas and allowed objective comparison between them.² The resulting pattern of areas to include in the current expansion proposal appears to have correctly removed a number of areas from consideration this round due to lack of proximity to existing UGB areas and the expense of providing water, sewer and transportation infrastructure that would be needed to serve those areas.

The proposal being forwarded to the Planning Commission can provide a number of benefits to the community, including:

- Spreading the development around geographically also spreads the impacts that concentrated growth could have if it were concentrated in a few areas or regions of the city.
- Spreading the types and locations of land available increases the options for the city and helps meet diverse needs. More types of land increase the likelihood that needs identified in supporting documents, such as the need to provide more affordable housing noted in the Housing Element,³ can be met. Spreading the ownership of land increases the variety of building that can be expected, and decreases the chances that a small number of property owners can control land prices or the pace of development.
- Including more areas that are spread around the city and for the most part directly adjacent to existing built areas decreases the amount of land that is farther away from existing services, thus decreasing the cost to developers and the city of extending utilities and services into new development.
- Over the long term, keeping development closer to the existing utilities and services that already reach the edges of the existing UGB will prove to be the fiscally

¹ Medford Comprehensive Plan, Housing Element, pages 3-8.

² Information regarding this analysis and the resultant rankings is available at <http://www.ci.medford.or.us/Page.asp?NavID=2140>

³ The Housing Element identified a current shortage of 4,450 housing units affordable for existing households in Medford at page 44. In order to comply with Statewide Planning Goal 10 and Medford's own Comprehensive Plan, Medford's UGB proposal must include measures for addressing the current and future affordable housing needs. The GLUP redesignation in Phase I of this process could meet part of that need. The dispersed pattern for expansion in the staff's proposal could be argued to help meet that need as well.

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conservative approach to new development, as the city will be on the hook for operations and maintenance of facilities that the current tax base cannot support. This, combined with Medford's changes to GLUP designations within the existing UGB during Phase I, will likely save the city millions of dollars in the future.⁴

Overall, the technical analysis supporting the shape and location of lands suggested for inclusion in the UGB expansion appears sound and has produced a good proposal for starting the public hearings process.

However, the amount of land within the proposal will need to be scaled back in order to comply with applicable requirements.

There is reason to question the stated amount of land needed

The purpose of an urban growth boundary assessment is to ensure that a city has enough developable land to accommodate 20-years of projected population growth.⁵ The city assesses the capacity of undeveloped or redevelopable land within its boundaries and has the option to either 1) change the proposed uses of those lands to increase efficiency, 2) add more land, or 3) take a combined approach, to make sure its projected needs can be met.

Medford is choosing option 3. After making adjustments to increase the efficiency of the planned uses of lands already in the UGB, the city has calculated additional needs.

Medford also has urban reserves, which when combined with the undeveloped or redevelopable land within its current UGB are meant to represent a 50-year supply of land. According to the Regional Plan Element of the Medford Comprehensive Plan, Medford's current UGB contains about 2,592 acres of available land designated for residential use and another 1,054 acres of available land for employment use, for a total of about 3,646 acres of land available to help meet future needs.⁶ In addition, during RPS the city added about 4,194 acres of land for residential and employment needs to their urban reserve areas.⁷

Thus, Medford has within its current UGB and its urban reserve areas about 7,840 acres of available land to meet its 50 year projected need.⁸ A full 20-year UGB might reasonably be expected to contain about 40 percent of that total number of acres. (20/50 years = 40%)

⁴ See Attachment A, excerpt from "More Extensive is More Expensive, for case studies suggesting the magnitude of this savings. For the full report, see www.friends.org/infrastructure.

⁵ In addition to being good policy for accommodating future population increases, ORS 197.296 requires that cities maintain a 20 year supply of developable land within its UGB. State law also mandates that the UGB contain no more than a 20 year supply.

⁶ Medford Comprehensive Plan, Regional Element, Figure 3.1-1.

⁷ Medford Comprehensive Plan, Regional Element, Figure 3.1-1.

⁸ The urban reserves also contained 1,877 acres of land within Chrissey and Prescott Parks, which are proposed to be included in the current UGB expansion. We have no objection to that land being included in the UGB, and it is not included in the calculations here or elsewhere in this testimony unless specifically stated otherwise.

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A simple check shows that the current proposal includes substantially more than that. As noted above, the current UGB includes about 3,646 acres of available land. ALL of that must be included in these calculations. According to the city's website, the current proposal includes about 1,669 acres of urban reserve for inclusion in the UGB.⁹ This totals 5,315 total acres, or about 68 percent of the total available land in the existing UGB and urban reserves. This is far more than any reasonable margin of error, and absent explanation suggests that there is more land in the current proposal than can reasonably be justified. If the total amount of land cannot be justified, some will have to be removed from the proposal.

It turns out, as will be discussed below, that there are some errors in the documents that provided the base assumptions that the staff calculations are based on that have resulted in an overstatement of the number of acres needed in the expansion areas. These errors should be remedied early in the public process so that expectations regarding how much land can reasonably be included in the proposal remain realistic.

Comments Arising From Review of the Staff Proposal

A UGB evaluation (and, if necessary, expansion) is supported by a number of required elements. The entire enterprise is based on a population forecast. (Medford's forecast for this project was adopted locally in 2007). The city then must inventory the lands available within its existing UGB. (The Buildable Lands Inventory was adopted locally in 2008.) The city then conducts a needs assessment for land to accommodate projected employment (Economic Element, adopted locally in 2008) and housing needs (Housing Element, adopted locally in 2010). These documents contain the data and assumptions that go into determining the amount of land to be included in a UGB expansion.

Normally all of these elements are a part of the UGB expansion proposal that is sent to the state for approval, or "acknowledgment." The UGB expansion proposal must be consistent with those foundation documents.

In this case, Medford sought acknowledgement of some of these documents prior to completing the entire process. When the Housing Element was submitted, DLCD rejected it as incomplete.¹⁰ That document, at a minimum, will be subject to review by the state when this process is completed locally. That process makes sense: sometimes the ramifications of assumptions in these foundation documents are not clear until it can be seen how they will impact the later UGB expansion proposal—whether that result is due to faulty internal assumptions or conflicts with other foundation documents. In this case, there are problems both within the Housing Element and between that document and the Economic Element that

⁹ <http://www.ci.medford.or.us/Page.asp?NavID=2140>

¹⁰ See Attachment B, letter from Richard Whitman, Director, to Jim Huber, Planning Director, January 5, 2011.

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result in double-counting of land need, and thus an overstatement of the number of acres to be included in the proposal.¹¹ Those problems, and their ramifications, are discussed below.

It should be noted that these comments are based on documents that are currently available for public review. It is anticipated that other issues may become apparent when the staff report and supporting documentation become available for public review (which we understand will happen when the packet containing this letter is sent to the Planning Commission for their hearing). We will continue to monitor information as it becomes available and will comment as appropriate.

For the time being we offer the following observations and suggestions.

Unbuildable land was improperly excluded from consideration in parks and open spaces, resulting in overstated land needs

The land needed to meet future housing and employment needs must be land that can be built on—i.e., it cannot be on excessively steep slopes, in floodways, or in certain riparian corridors. It is reasonable to add additional acres to a proposal to meet these needs when unbuildable land is intermingled with the land being considered for inclusion.

However, parks and open-space areas routinely include unbuildable land. The Bear Creek Greenway is a local example.

In the current proposal, 402 acres of land within urban reserve areas were identified as “already developed or unbuildable” and removed from consideration prior to calculating all land needs. The result was that 402 acres of additional buildable land were added to meet the stated needs. That is appropriate in the case of land that will be used for residential or employment uses.¹² However, there is unbuildable land in the proposal that is already identified to be used for parks and open space, so that portion of the 402 acres should not be offset by adding more buildable land. Examples of this appear to include ponds and riparian corridors that are identified to be part of parks or greenways.

UGB proposals have been remanded by LUBA for double-counting the amount of parkland needed due to the assumption that parkland must be buildable.¹³

To the extent that buildable land was added to the proposal to meet park needs that will clearly be met on unbuildable lands, that excessive buildable land should be removed from the proposal.

¹¹ DLCD has made it clear to the city on numerous occasions that all of the foundation documents are subject to review when the city sends the entire UGB package to the state for acknowledgement. A local argument has been developed that, once acknowledged, those documents are not subject to review again. We disagree. Regardless, the Housing Element has clearly NOT been acknowledged, and is subject to question in this process.

¹² It is also reasonable for land that is truly developed and not expected to redevelop during the 20 year period.

¹³ For example, see *Friends of Yamhill County vs City of Newberg*, LUBA No. 2010-034, p. 5, where Newberg’s UGB proposal was remanded in part because of this assumption and the resulting over-estimate of land included in the city’s proposal.

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Additional needs were miscalculated in the Housing Element, resulting in overstated land needs

Future land needs for the city include space for churches, schools, parks and streets. In Medford schools, parks, churches and some limited other uses are generally built on land zoned for residential purposes. Thus it is reasonable to add land to the residential land needs to meet those needs.

OAR 660-024-0040(10) allows cities to assume that these needs (including streets, but excluding churches) will require an amount of land equal to an additional 25 percent of the land needed for future residential needs. As a safe harbor cities can add that land to their land needs without explanation. Cities can assume a different amount, but that amount must then be justified.

Table 39 of Medford's Housing Element shows a need for 455 net acres for housing and an additional 98 acres (or 21 percent) for streets and roads.¹⁴

The Housing Element then goes on to assert an additional need of 426 acres for parks, schools, churches, and other uses including fraternal organizations and government. Thus, including the 98 acres for streets and roads already included in the housing needs, the Housing Element asserts an additional need of more than 100 percent of the amount of land needed for residential purposes to meet "other land needs" in the residential zone.

The Housing Element does not address why this excess over the safe-harbor assumption is reasonable. It appears to be calculated and justified based solely on replicating the current ratio of all of these uses against the population. (17.0 acres per 1,000 people.)¹⁵

There are a number of problems with these calculations, including the following:

The need for parkland mistakenly includes land to offset the development of an existing golf course

Golf courses in Medford are generally on land zoned for residential use. As such, the land is counted in Medford's inventory of residential land, and is available for conversion to residential purposes at any time.¹⁶ The recent history with Cedar Links illustrates this possibility.

The asserted need for parkland must be consistent with another city plan: The Parks (or in the case of Medford the "Leisure Services") Plan. This consistency includes both the amount of land and the types of facilities that the city has identified. Golf courses are not included in the Leisure Services plan as an identified need that is presumed for the city.

¹⁴ Stated as 455 "net" acres and 533 "gross" acres. In this case gross acres includes the land needed for housing and the streets to connect it all.

¹⁵ Medford Comprehensive Plan, Housing Element, p. 63.

¹⁶ It is our understanding that the one exception to this is the Country Club, which has an open-space assessment and is thus considered "unbuildable" land.

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The development of residential land that happens to be currently used as a golf course (as opposed to being farmed, or sitting vacant) cannot be offset by a claimed need for more of the same (or, in this case, additional privately owned and operated recreation space included counted in the parks and open-space land needs). It is residential land that is being developed for that purpose.

The Housing Element wrongly asserts a need to add land to the residential land needs to offset this development.¹⁷ The part of the 426 acres of asserted need for "Other Residential Land Needs" that is attributable to the development of Cedar Links should be removed from the proposal.¹⁸

Some of the employment needs have been double-counted, resulting in overstated land needs

The Housing Element also asserts that 135 of the 426 acres are for city, county, state, federal, and "other public agency" lands. These facilities are generally not sited on land zoned for residential uses. (Think City Hall, County and state offices, courts, post offices, etc.)

These are also places of employment, and the land needs for them would presumably be captured in the needs identified in the Economic Element along with land needs for other employment categories.

In fact, in this case they are captured in the Economic Element as growth in the "Public Administration" sector.¹⁹ Additional land needs are reflected in the land need calculations for new office space.

Thus, land needs for these workers are double counted in the proposed plan: once in the Economic Element, and once in the Housing Element.

There are many reasons why the calculations in the Housing Element should be discarded in favor of those in the Economic Element, not least of which are the facts that

- It is extremely unlikely that there will be a need for an additional city hall, courthouse, federal building, etc., so calculating needs for government facilities based on current uses over-states the future need;
- The land need should be based on projected increase in employees working in this sector, which are calculated in the economic element; and

¹⁷ See p. 63.

¹⁸ The Housing Element appears to offset this loss somewhat with the presumed development of another private park (Howard Sports Park). To the extent that this private park is not included in the assumptions in the Leisure Services Plan its effect on land need calculations should also be eliminated from the proposal.

¹⁹ Medford Comprehensive Plan, Economic Element, Figure 14 and following.

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March 3, 2015
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- These uses will be placed on land zoned for employment, and should be calculated and included with the rest of the employment land needs.

The current proposal should be reduced by 135 acres to eliminate double-counting of these employment land needs.

Stated land needs in this category may still be excessive

Removing the effect of privately owned recreation facilities and government facilities leaves about 247 acres in the "Other Residential Land Needs" category. That, combined with the 98 acres already included for streets, still exceeds the safe harbor of 25 percent by a significant amount. It is not possible with the information available now to determine whether this can be justified or not. It should be noted that 44 of those acres are for "fraternal organizations." It is not clear to what extent those facilities are located on residential land, may or may not be captured in employment calculations, or will need the same amount of land per 1000 people in the future as they have in the past. Further work is needed to address this issue.

Additional land may have been included in the "unbuildable" category improperly

It is our understanding that the 402 acres of "built or unbuildable" land mentioned above may include approximately 120 acres of land that currently consists of the fairways at Centennial Golf Club. If that is the case then one of two options can be exercised:

- The acres that Centennial does not plan to develop may be eligible to come into the UGB as "unbuildable land" provided they have the "open space assessment" placed on them (as we understand the Country Club land does).
- If the land does not come into the UGB with the "open space assessment," it comes in as buildable land and is counted against the land that is being included to meet future housing needs (as is the case with other golf courses in the region with the exception of the Country Club). If that is the case, an equivalent number of acres will have to be removed from the proposal's asserted residential land needs, as they will become excessive.

At this time we do not have a preference as to which approach is followed.

Conclusions and Recommendations

As noted above, based on information that is currently available for public review, we find that the shape of the staff proposal is based on a generally sound technical analysis that has resulted in a fundamentally sound proposal from which to begin the public hearings process.

What problems we have identified to date are related to the amount of land in the proposal. With the one exception of the assumption that all parkland must be buildable land, the cause of

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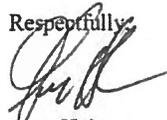
this issue appears to be errors in or conflicts between the foundation documents (elements of the Comprehensive Plan) that must be relied on in a UGB evaluation.

At this point we recommend that the Planning Commission fix those errors and remove their effects on the proposal before sending a recommendation to the City Council.

We also recommend that if the Planning Commission is going to consider adding any areas that are not in the current proposal you carefully consider the net impacts that those additions (along with the required subtractions to keep the proposal from exceeding what can be justified) will have on the future of the city.

Please place these comments in the record and notify me at the Grants Pass address above of any decisions or future hearings or meetings on this subject.

Respectfully,



Greg Holmes
Southern Oregon Planning Advocate
1000 Friends of Oregon

CC: Josh LeBombard, DLCD

MORE EXTENSIVE IS MORE EXPENSIVE



How Sprawl Infrastructure Bankrupts Oregon Communities, and What We Can Do About It

Oregon's physical infrastructure is an investment in the future of its residents and communities.

Unfortunately, many Oregon communities are making the wrong bets. They're falling behind on maintenance, taking on debt, and raising taxes to pay for it all.

Why is this happening? A big part of the answer is the shape of communities. Some development patterns create much higher public costs than others. Land-extensive sprawl costs a lot more for infrastructure than more efficient development, especially when total lifecycle costs are included.

But there is an alternative. Quality growth directs development into existing communities and creates walkable neighborhoods with mixed land uses and transportation options. At the same time, it saves communities millions. In these difficult fiscal times, quality growth is the best fiscal bet for Oregon's future.

Unfortunately, current Oregon law does not require cities to consider the full lifecycle costs of infrastructure when making growth decisions. It's time to change this. **By considering the full costs of infrastructure, we can hold leaders accountable and help communities step back from sprawl's fiscal edge.**

It's time to make a choice to transform how we make choices. Read more within.

About this document

This document is a summary of key findings from our 2013 report, "More Extensive Is More Expensive," an analysis of sprawl-induced infrastructure costs and recommendations for what Oregon can do to address this growing problem.

Download the full version of this report at
www.friends.org/infrastructure



Photo: Jennifer Phillips, Local Land Partners



Photo: DNTT Creative Commons



Photo: David H. Creative Commons

By the numbers:
Sprawl, Infrastructure, and Oregon's Burden

\$10,000,000,000
Total of unfunded infrastructure maintenance through 2035 in the Portland Metro area, even without new growth. A total of \$27-41 billion will need to be spent before 2035 for projected future population and employment growth.

\$6000+
for every resident of the three-county region

24%
Proportion of Oregon bridges that are deficient, along with 1,000+ schools and \$5.2 billion of repairs needed for Oregon water infrastructure—over \$1,300 per Oregon resident.

69%
Proportion of Oregon cities that expect property taxes to fall short of the cost of providing essential services. Cities need \$187,000,000 in new revenue to meet current maintenance/construction needs.

19
Minimum number of local ballot measures that have asked Oregon voters to raise taxes on themselves to fund infrastructure maintenance or construction from 2010 through summer 2012. Of these, 11 passed.

“Structurally, [Oregon] cities are unable to meet current and future demands for the services that are necessary to support service levels, road and public facility maintenance and population growth. Cities are being slowly strangled.”

—League of Oregon Cities executive director Mike MacCauley, in a press release announcing an ECONorthwest study into Oregon infrastructure budgets

1000 FRIENDS OF OREGON

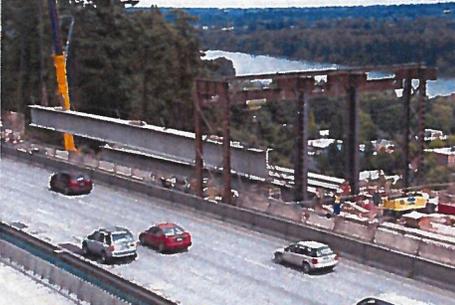


Photo: EODF Creative Commons

Photo: Bill Brown, Creative Commons

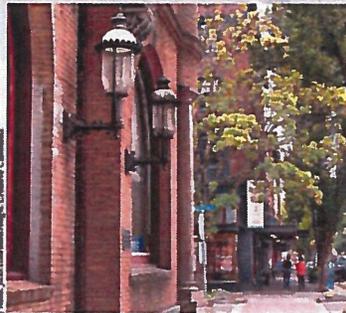
Background Photo: Rudy Sidbery, Creative Commons

By the numbers:

The Quality Growth Difference

\$10,100,000,000

Total estimated savings for reducing sprawl and making more efficient use of urban land to accommodate 20-40 years of growth in the Austin region, according to a landmark "Envision Central Texas" report.



10:1

The ratio of per-acre property tax revenues for a retail store in a walkable area vs. a big box shopping center.



3,42

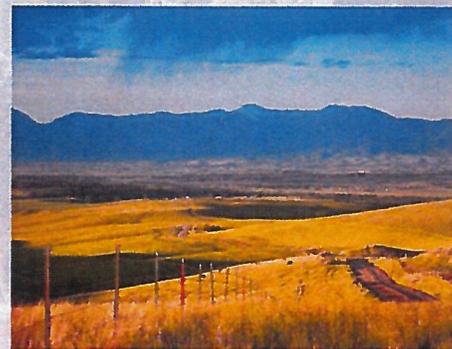
The number of years, respectively, for a 3.4 acre multifamily development in downtown Sarasota, Fla., and a traditional 30-acre subdivision, to produce enough tax revenue to cover the public's infrastructure investments.

72%

Road construction and maintenance savings in rural Gallatin County, Mont., through better land conservation versus rural sprawl. Gallatin County (below) has about the same population as Jackson County, Ore.

"Prudent land use policies that direct development into existing communities not only protect what is most special about the place... they also save taxpayer money, an especially crucial benefit given today's stretched budgets."

—The Sonoran Institute on the results of its scenario study for Gallatin County, Montana



MORE EXTENSIVE IS MORE EXPENSIVE
Download the full report at friends.org/infrastructure

Background Photo: Flickr.com/eric_j_in_la, Creative Commons

Back from the edge:

Oregon's Strategy for Fiscal Accountability

Oregonians have a choice. We can step back from the ledge of ravenous, sprawl-induced infrastructure spending. We can develop a strategy for filling our current holes (literal and financial) without digging any deeper.

How? We propose that Oregon communities employ a tool known as Fiscal Impact Analysis to assess the full lifetime infrastructure costs incurred by different styles of development.

When we look at the long-term costs of roads, sewers, water lines, and so on, the evidence is clear. More extensive infrastructure is more expensive infrastructure. Quality growth—focusing on existing communities, more efficiently using existing infrastructure, employing transportation options—is the cost-conservative choice.

We can begin today. Each time an Oregon city considers whether to expand its urban growth boundary to accommodate new population and employment growth, it should incorporate Fiscal Impact Analysis to understand the true obligations its growth decisions will create for future residents.

Citizens deserve to know the full costs of growth choices. And they expect their leaders to justify the costs of growth against other priorities like maintaining existing roads and sewers, rebuilding existing bridges, and modernizing existing schools.

The choice is clear. **If we can't afford the path we're on, it's time to come out of the woods.**

What you can do

- **Learn more.** Read the full version of this report at www.friends.org/infrastructure.
- **Share.** Pass this summary and/or the full report to others with an interest in the fiscal health of our communities—which, in reality, is all of us.
- **Advocate.** Send this report to your elected leaders, local officials, and other decision makers who make decisions that will impact your pocketbook. Ask them to consider the full costs of their growth decisions. Invite them to pursue a better choice.
- **Report.** Tell us about the infrastructure challenges facing your community. What are your concerns? What do you want to see changed? What has the sprawl burden done to your community? Send comments to craig@friends.org or write to us at the address below.



Download the full version of this report at www.friends.org/infrastructure.

1000 Friends of Oregon
133 SW 2nd Ave. #201 | Portland, OR 97204
(503) 497-1000 | www.friends.org
Support 1000 Friends: friends.org/support

Background Photo: Flickr user 19469, Creative Commons



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540
Phone: (503) 373-0050
Fax: (503) 378-5518
www.oregon.gov/LCD



January 5, 2011

Jim Huber, Community Development Director
City of Medford
Lausmann Annex
200 South Ivy Street
Medford, OR 97501

RE: Incomplete Submittal of Plan Amendment (Medford file no. CP-08-055; DLCD file no. Medford PAPA 008-09)

Dear Mr. Huber:

On December 13, 2010, this department received a notice of adoption from Medford regarding an update of the Housing Element of the city's comprehensive plan. It appears the city has expended considerable effort and adopted a product that will help the city make prudent planning decisions. There are some procedural issues with the submittal that we wish to bring to your attention, however.

ORS 197.626 and OAR 660-025-0175 provide that urban growth boundary (UGB) amendments of over 50 acres for cities with a population of over 2,500 are reviewed by the Land Conservation and Development Commission (LCDC) in the manner of a periodic review task submittal. We are aware that the plan amendment adopted by the city does not itself amend the city's UGB. However, as explained below, we believe under current LCDC rules the city's action to update its Housing Element will be subject to review by LCDC when the city amends the UGB.

As you are aware, ORS 197.296, "factors to establish sufficiency of buildable lands within urban growth boundary; analysis and determination of residential housing patterns," applies to Medford's submittal. The city's submittal is subject to ORS 197.296 and statewide Goal 10, Housing, and Goal 14, Urbanization, and the administrative rules implementing those goals (see OAR 660-008-0005(4)(c)¹ with regards to the applicability of Goal 14).

These statute, goal and rule provisions interact in a manner that requires a city to address an identified need for additional residential land. That is, when the city identifies a need for

¹ (4) "Housing Needs Projection" refers to a local determination, justified in the plan, of the mix of housing types and densities that will be:

- (a) Commensurate with the financial capabilities of present and future area residents of all income levels during the planning period;
- (b) Consistent with any adopted regional housing standards, state statutes and Land Conservation and Development Commission administrative rules; and
- (c) Consistent with Goal 14 requirements.

Jim Huber, City of Medford

January 5, 2011

additional land to accommodate growth over the next 20 years (996 total gross acres),² a sufficient quantity of land suitable to satisfy the need must be provided, either inside the current UGB or through a boundary amendment, or a combination of the two (ORS 197.296(6)). The determinations of need for housing and for residential land must be made together, as Medford has done, but OAR 660-008-0005(4), together with Goal 14, requires completion of the next step – addressing the need – as well.

Consideration of the city's housing needs, residential land need, and UGB capacity is one process. Since the adopted findings report a need for more than 50 acres to be added to the UGB, OAR 660-025-0175 is applicable and the submittal will be reviewed in the manner of periodic review when it is complete. Furthermore, OAR 660-025-0040(1) states that LCDC has exclusive jurisdiction in periodic review matters.

OAR 660-025-0130(2) states: "After receipt of a work task, the department must determine whether the submittal is complete." As explained above, the city's submittal is treated as a periodic review task, and the department has determined the submittal is incomplete because it does not accommodate the identified need for residential land. Furthermore, since this action is part of a UGB amendment, county concurrence with the amendment is required by Goal 14 (OAR 660-015-0000(14))³ and OAR 660-024-0020(2)⁴ which includes adoption of all supporting documents, i.e. Medford's Housing Element; since Jackson County has not co-adopted this amendment, the submittal is incomplete.

Finally, the notice of adoption of a decision to be reviewed in the manner of periodic review must be provided as specified in OAR 660-025-0140. Since the city has not provided this notice, the department must return the submittal on these grounds, as well.

If you have any questions please feel free to contact me at (503) 373-0050 ext. 280, or Ed Moore, your regional representative, at (971) 239-9453 or ed.w.moore@state.or.us.

Yours truly,



Richard Whitman
Director

cc: Kelly Madding, Jackson County Development Services Director (email)
DLCD Staff (email)

² City of Medford Comprehensive Plan Housing Element, Draft of September 10, 2010, page vii.

³ An urban growth boundary and amendments to the boundary shall be adopted by all cities within the boundary and by the county or counties within which the boundary is located.

⁴ The UGB and amendments to the UGB must be shown on the city and county plan and zone maps at a scale sufficient to determine which particular lots or parcels are included in the UGB. Where a UGB does not follow lot or parcel lines, the map must provide sufficient information to determine the precise UGB location.

APPENDIX D.

UGBA PHASE 1 EFFECT ON LAND SUPPLY

Urban Growth Boundary Amendment (UGBA) Phase 1 (ISA GLUP Amendment) sought to change the General Land Use Plan (GLUP) designation of land in the existing urban area for the purpose of increasing its development capacity in order to accommodate some of the City's projected need for residential and employment land. The outcome of UGBA Phase 1 was the Selected Amendment Locations (SALs). This changed the land supply and need totals.

The Housing Element categorizes available residential land into three categories: Vacant, Partially Vacant, and Redevelopable. A capacity analysis was completed for the properties included in UGBA Phase 1 and the number of developable acres was determined for each of those properties. For residential land types these acres were also classified as Redevelopable, Partially Redevelopable, or Vacant based on the analysis from the Housing Element. Table 4.1 provides a tabulation of the gains and losses in each of the three categories, for each of the three residential GLUP types, from UGBA Phase 1. The available land supply from the Housing Element was changed based on these numbers in order to account for UGBA Phase 1's effect on the residential land supply.

Table 4.2 shows the effect of UGBA Phase 1 on all GLUP designations. The supply of employment GLUP types from the Economic Element were changed based on these numbers.

Appendix D: UGBA Phase 1 Effect on Land Supply

Table 4.1. UGBA Phase 1 Effect on Residential Land Supply by Availability Type in Acres (adapted from Ordinance no. 2014-154, Exhibit A, SAL Capacity Analysis)

Rdv = Redevelopable, Vac = Vacant, and PDR = Partially Redevelopable

| | UR Rdv Gain | UR Vac Gain | UR PDR Gain |
|--------------|--------------------|--------------------|--------------------|
| | 215a-ur | 0.1 | |
| Total | 0.1 | | |

| | UH Rdv Gain | UH Vac Gain | UH PDR Gain |
|--------------|--------------------|--------------------|--------------------|
| | 215c-uh | 3.8 | 510b-uh 6.2 |
| | 510b-uh | 0.2 | 510b-uh 0.4 |
| | 510b-uh | 0.2 | 640b-uh 0.6 |
| | 540b-uh | 19.4 | 640b-uh 1.8 |
| | 540b-uh | 0.3 | 640b-uh 0.3 |
| | 630a-uh | 1.2 | 670b-uh 2.9 |
| | 640b-uh | 0.3 | |
| | 640b-uh | 0.3 | |
| | 640b-uh | 0.4 | |
| | 640b-uh | 0.5 | |
| | 640b-uh | 4.2 | |
| | 670b-uh | 0.2 | |
| | 718a-uh | 5.3 | |
| Total | 36.3 | 12.2 | 14.7 |

| | UM Rdv Gain | UM Vac Gain | UM PDR Gain |
|--------------|--------------------|--------------------|--------------------|
| | 540b-um | 10.1 | 213a-um 2.6 |
| | 540b-um | 10.8 | 213b-um 4.1 |
| | 540b-um | 0.2 | 630b-um 1.1 |
| | 630b-um | 1.4 | 630b-um 0.6 |
| | 630b-um | 0.6 | |
| | 630b-um | 0.3 | |
| | 630b-um | 1.0 | |
| | 630b-um | 1.0 | |
| | 630b-um | 1.3 | |
| | 630b-um | 0.3 | |
| | 630b-um | 0.4 | |
| | 630b-um | 0.3 | |
| | 670a-um | 1.1 | |
| | 930a-um | 4.8 | |
| | 930c-um | 6.6 | |
| Total | 40.2 | 8.4 | 23.4 |

Appendix D: UGBA Phase 1 Effect on Land Supply

| | UH Rdv Loss | UH Vac Loss | UH PDR Loss |
|--------------|--------------------|--------------------|--------------------|
| | 740a-cm 0.4 | 320a-cm 3.8 | |
| | | 960a-sc 0.7 | |
| | | 960a-sc 1.6 | |
| Total | 0.4 | 6.1 | |

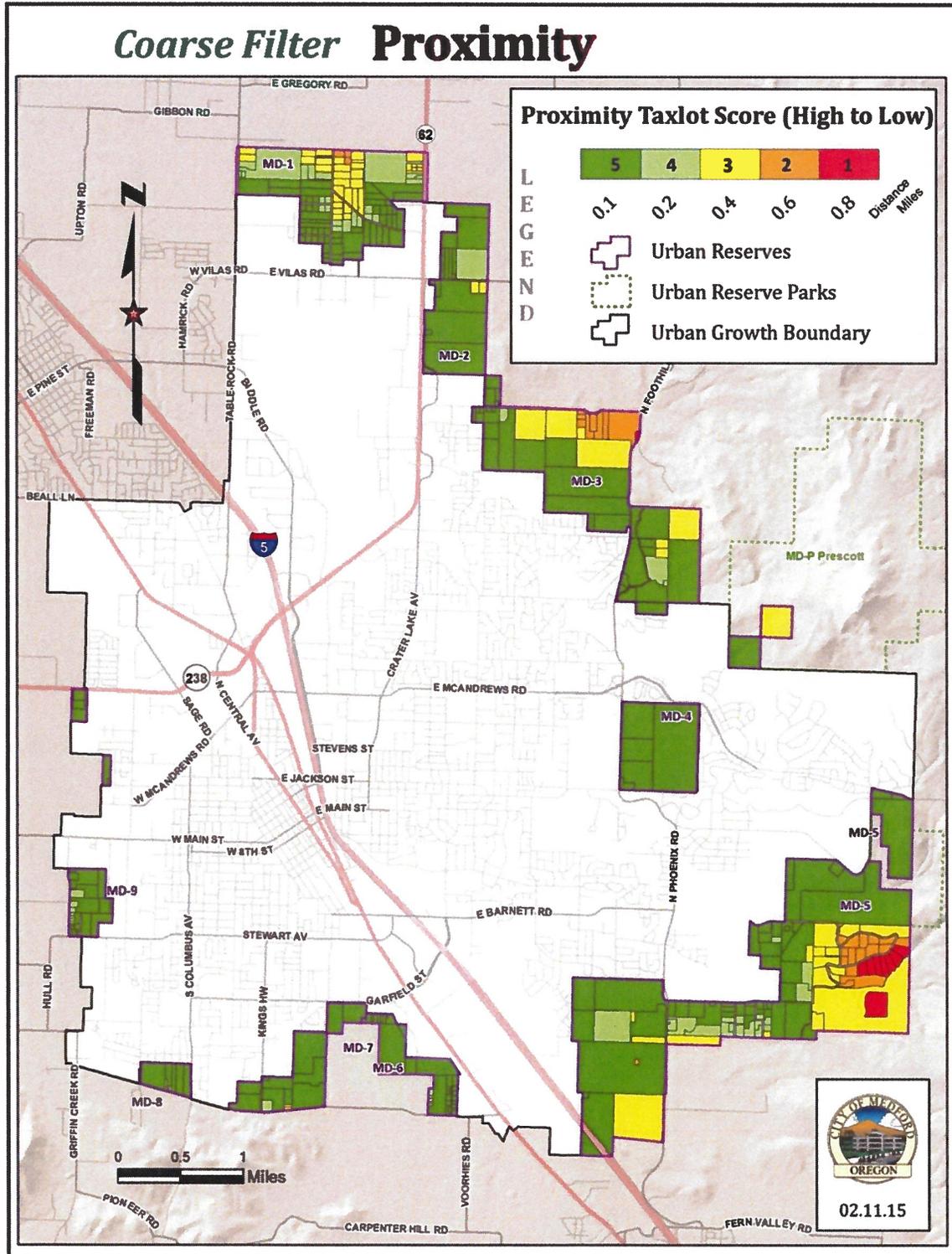
| | UR Rdv Loss | UR Vac Loss | UR PDR Loss |
|--------------|--------------------|--------------------|--------------------|
| 510b-uh | 0.2 | 213a-um 2.6 | 212a-um 1.0 |
| 510b-uh | 0.2 | 213b-um 4.1 | 212a-um 1.5 |
| 540b-um | 10.1 | 510b-uh 6.2 | 212b-um 4.5 |
| 540b-um | 10.8 | 510b-uh 0.4 | 540d-um 1.5 |
| 540b-um | 0.2 | 630b-um 1.1 | 630a-uh 0.1 |
| 540b-uh | 19.4 | 630b-um 0.6 | 630a-uh 2.0 |
| 540b-uh | 0.3 | 640b-uh 0.6 | 630a-uh 0.8 |
| 630b-um | 0.3 | 640b-uh 1.8 | 630a-uh 1.4 |
| 630a-uh | 1.2 | 640b-uh 0.3 | 630b-um 1.1 |
| 630b-um | 1.4 | 670b-uh 2.9 | 630b-um 1.6 |
| 630b-um | 0.6 | 510a-cm 11.1 | 630b-um 0.9 |
| 630b-um | 0.3 | 718b-cm 1.8 | 630b-um 0.8 |
| 630b-um | 1.0 | 718b-cm 0.5 | 630b-um 1.2 |
| 630b-um | 1.0 | | 630b-um 1.0 |
| 630b-um | 1.3 | | 630b-um 1.0 |
| 630b-um | 0.3 | | 640a-um 2.2 |
| 630b-um | 0.4 | | 640a-um 4.8 |
| 630b-um | 0.3 | | 640b-uh 4.8 |
| 640b-uh | 0.3 | | 640b-uh 0.7 |
| 640b-uh | 0.3 | | 640b-uh 1.7 |
| 640b-uh | 0.4 | | 640b-uh 0.9 |
| 640b-uh | 0.5 | | 670b-uh 1.2 |
| 640b-uh | 4.2 | | 670b-uh 1.1 |
| 670a-um | 1.1 | | 217a-cm 2.7 |
| 670b-uh | 0.2 | | 217b-cm 1.5 |
| 718a-uh | 5.3 | | 640c-cm 1.7 |
| 930a-um | 4.8 | | 640c-cm 1.1 |
| 930c-um | 6.6 | | 718b-cm 2.3 |
| 680a-cm | 1.2 | | |
| 680a-cm | 0.3 | | |
| 930b-cm | 9.1 | | |
| 930d-cm | 4.3 | | |
| 930d-cm | 1.3 | | |
| Total | 89.2 | 34.0 | 47.1 |

Table 4.2. UGBA Phase 1 Effect on Land Need by GLUP Designation in Acres (adapted from Ordinance no. 2014-154, Exhibit A, SAL Capacity Analysis)

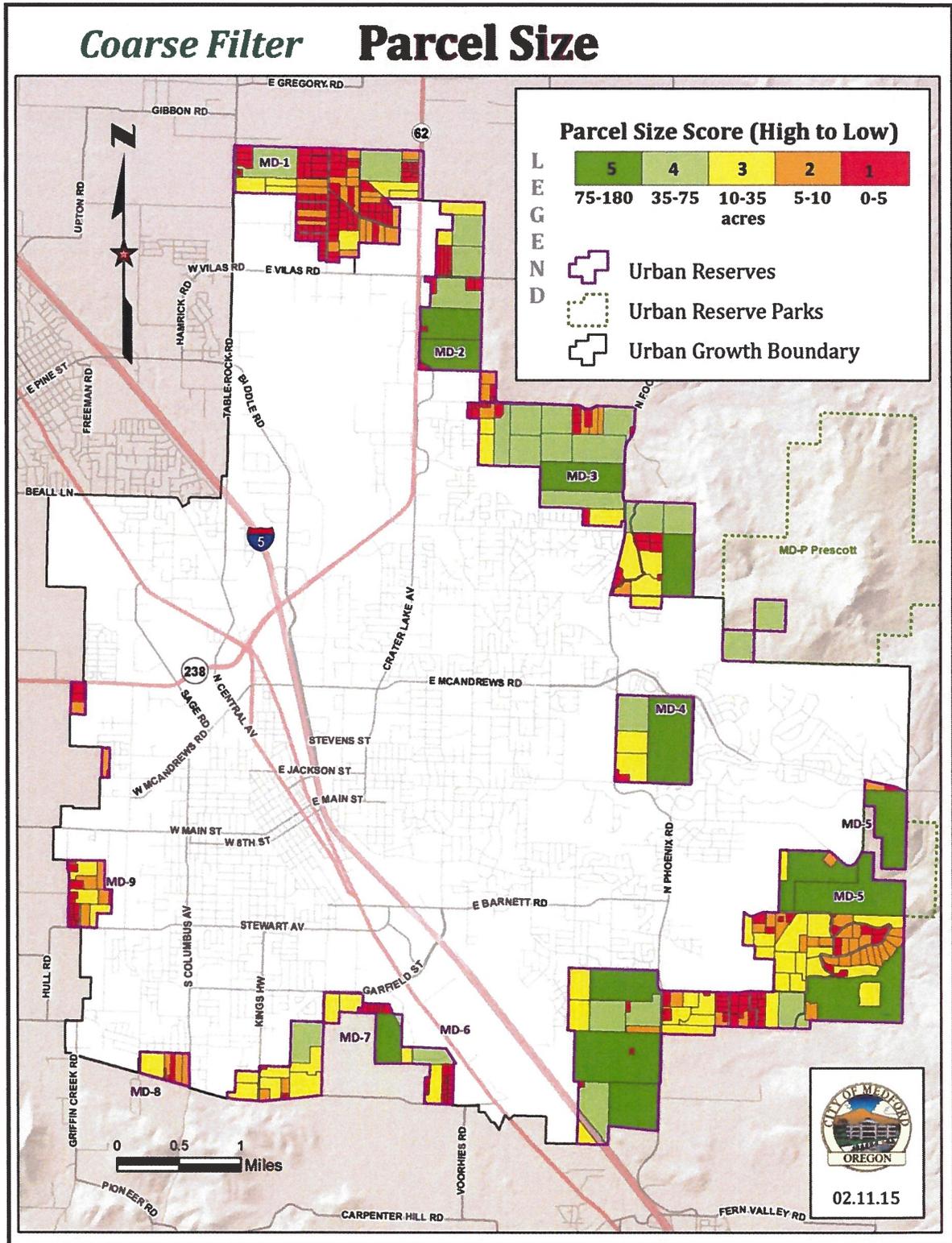
| GLUP | Addition (acres) to Supply by GLUP per Individual SAL | | | | | | Subtraction (acres) to Supply by GLUP per Individual SAL | | | | |
|-------------------------|---|--------------|--------------|-------------|-------------|--------------|--|--------------|-------------|--|--|
| | CM | UM | UH | UR | SC | UR | GI | HI | UH | | |
| 140a-cm | 77.6 | 212a-um 5.2 | 215c-uh 3.8 | 215a-ur 0.1 | 960a-sc 2.4 | 212a-um 5.2 | 214a-cm 6.3 | 140a-cm 77.6 | 320a-cm 3.8 | | |
| 214a-cm | 6.3 | 212b-um 4.5 | 250a-uh 3.1 | | | 212b-um 4.5 | 215a-ur 0.1 | 750a-cm 0 | 740a-cm 0.4 | | |
| 215b-cm | 22.3 | 213a-um 6.7 | 510b-uh 7.1 | | | 213a-um 6.7 | 215b-cm 22.3 | 760a-cm 0 | 960a-sc 2.4 | | |
| 216a-cm | 4.2 | 540b-um 21.1 | 540c-uh 19.7 | | | 217a-cm 4.2 | 215c-uh 3.8 | | | | |
| 217a-cm | 12 | 540d-um 1.5 | 630a-uh 5.6 | | | 250a-uh 3.1 | 216a-cm 4.2 | | | | |
| 320a-cm | 3.8 | 630b-um 16.5 | 640b-uh 18.3 | | | 510a-cm 27.1 | 217a-cm 7.8 | | | | |
| 510a-cm | 27.1 | 640a-um 7.7 | 670b-uh 6.0 | | | 510b-uh 7.1 | | | | | |
| 540a-cm | 0.2 | 670a-um 1.1 | 718a-uh 5.3 | | | 540a-cm 0.2 | | | | | |
| 640c-cm | 3.0 | 730a-um 0 | | | | 540b-um 21.1 | | | | | |
| 680a-cm | 1.5 | 930a-um 4.8 | | | | 540c-uh 19.7 | | | | | |
| 718b-cm | 4.6 | 930c-um 6.6 | | | | 540d-um 1.5 | | | | | |
| 740a-cm | 0.4 | | | | | 630a-uh 5.6 | | | | | |
| 750a-cm | 0 | | | | | 630b-um 16.5 | | | | | |
| 760a-cm | 0 | | | | | 640a-um 7.7 | | | | | |
| 930b-cm | 9.1 | | | | | 640b-uh 18.3 | | | | | |
| 930d-cm | 4.3 | | | | | 630c-cm 3.0 | | | | | |
| 940a-cm | 1.3 | | | | | 670a-um 1.1 | | | | | |
| 970a-cm | 0 | | | | | 670b-uh 6.0 | | | | | |
| | | | | | | 680a-cm 1.5 | | | | | |
| | | | | | | 718a-uh 5.3 | | | | | |
| | | | | | | 718b-cm 4.6 | | | | | |
| | | | | | | 730a-um 0 | | | | | |
| | | | | | | 930b-cm 9.1 | | | | | |
| | | | | | | 930c-um 6.6 | | | | | |
| | | | | | | 930d-cm 4.3 | | | | | |
| | | | | | | 940a-cm 1.3 | | | | | |
| | | | | | | 970a-cm 0 | | | | | |
| | | | | | | 930a-um 4.8 | | | | | |
| Total Gain (Loss) | 177.7 | 75.7 | 68.9 | 0.1 | 2.4 | (196.1) | (44.5) | (77.6) | (6.6) | | |
| GLUP | CM | UM | UH | SC | GI | HI | UR | | | | |
| Net Gain (Loss) by GLUP | 177.7 | 75.7 | 62.3 | 2.4 | (44.5) | (77.6) | (196) | | | | |

APPENDIX E. COARSE FILTER MAPS

Map 5.1. Proximity

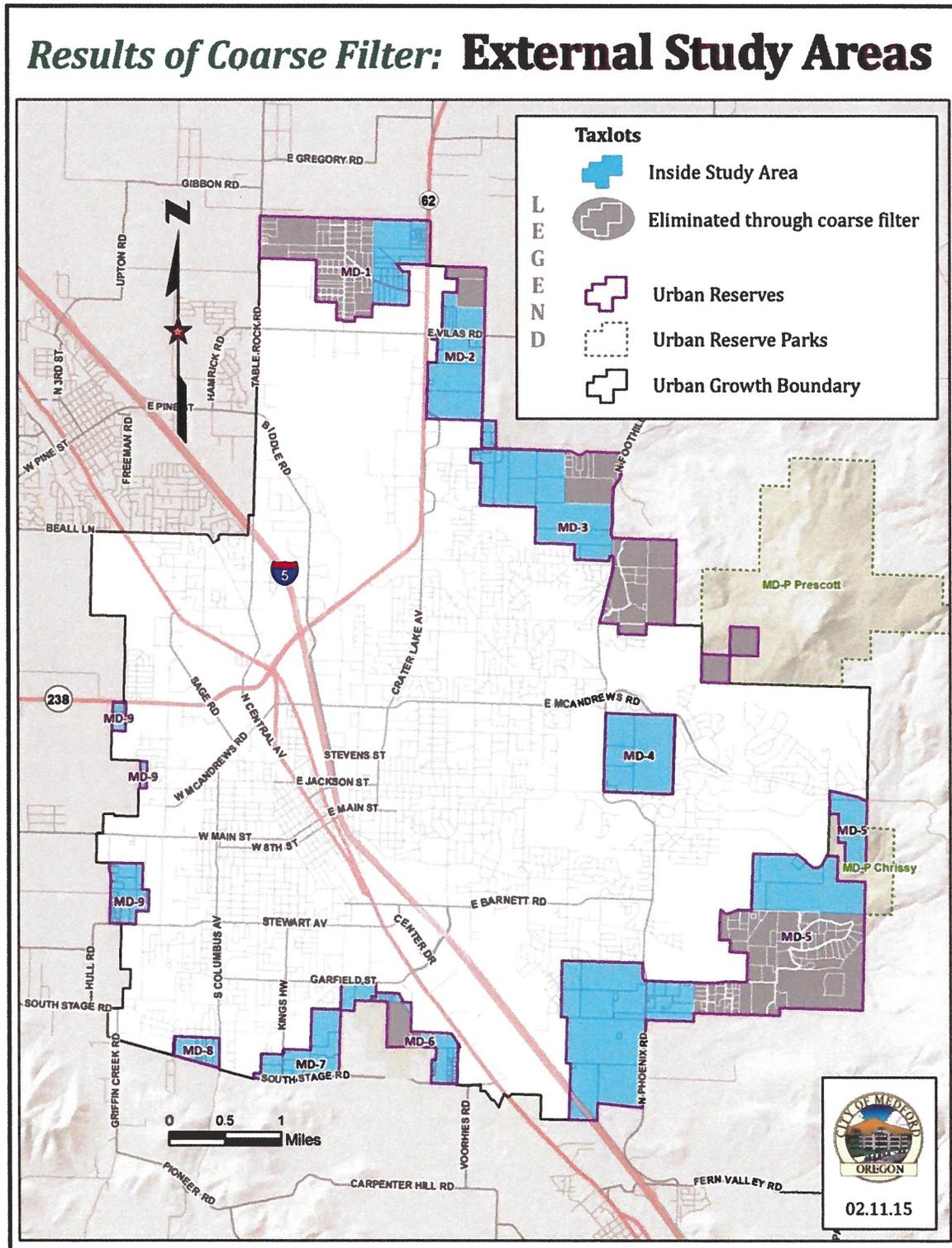


Map 5.2. Parcel Size

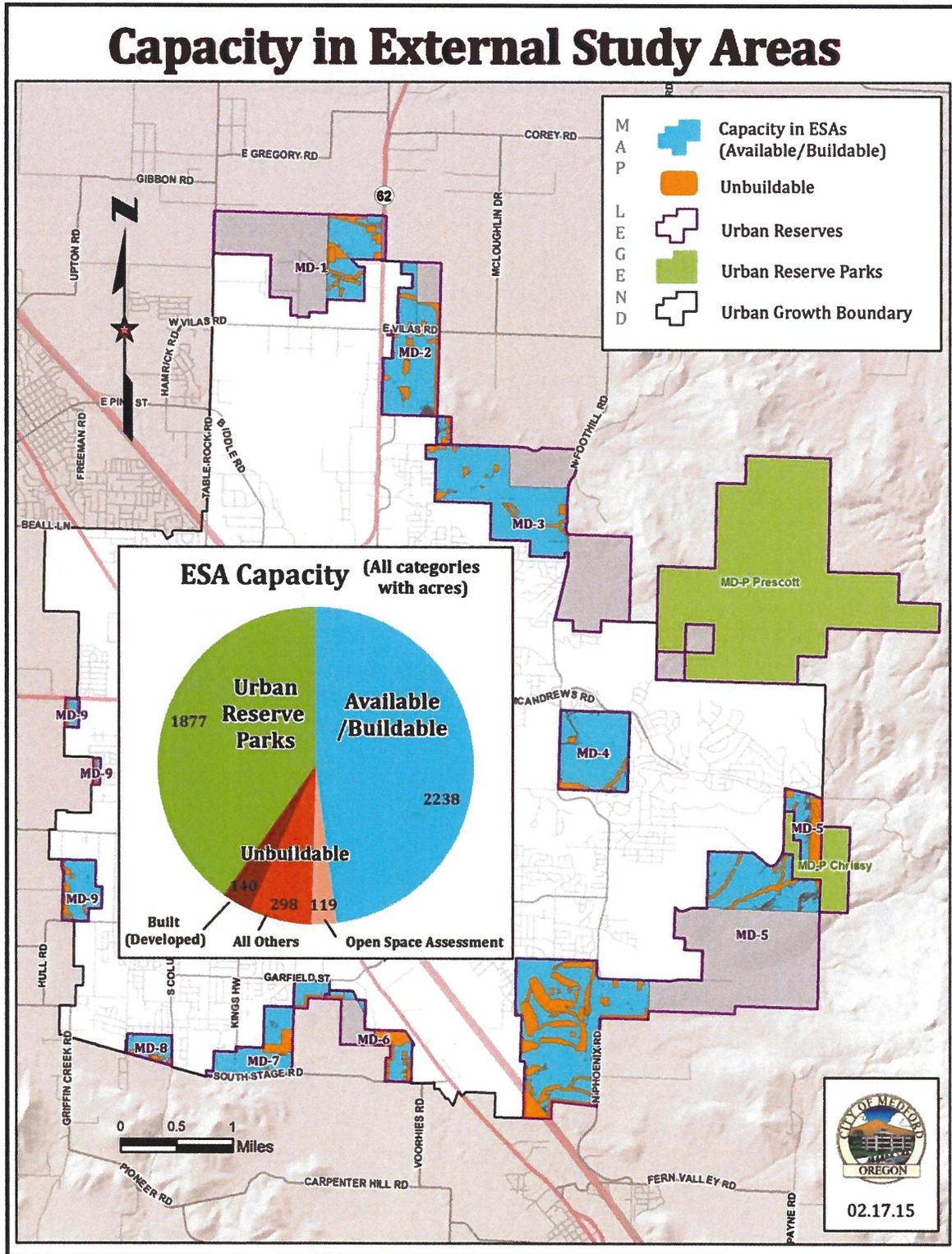


APPENDIX F. EXTERNAL STUDY AREA (ESA) AND CAPACITY IN ESA MAPS

Map 6.1. External Study Areas (ESAs)

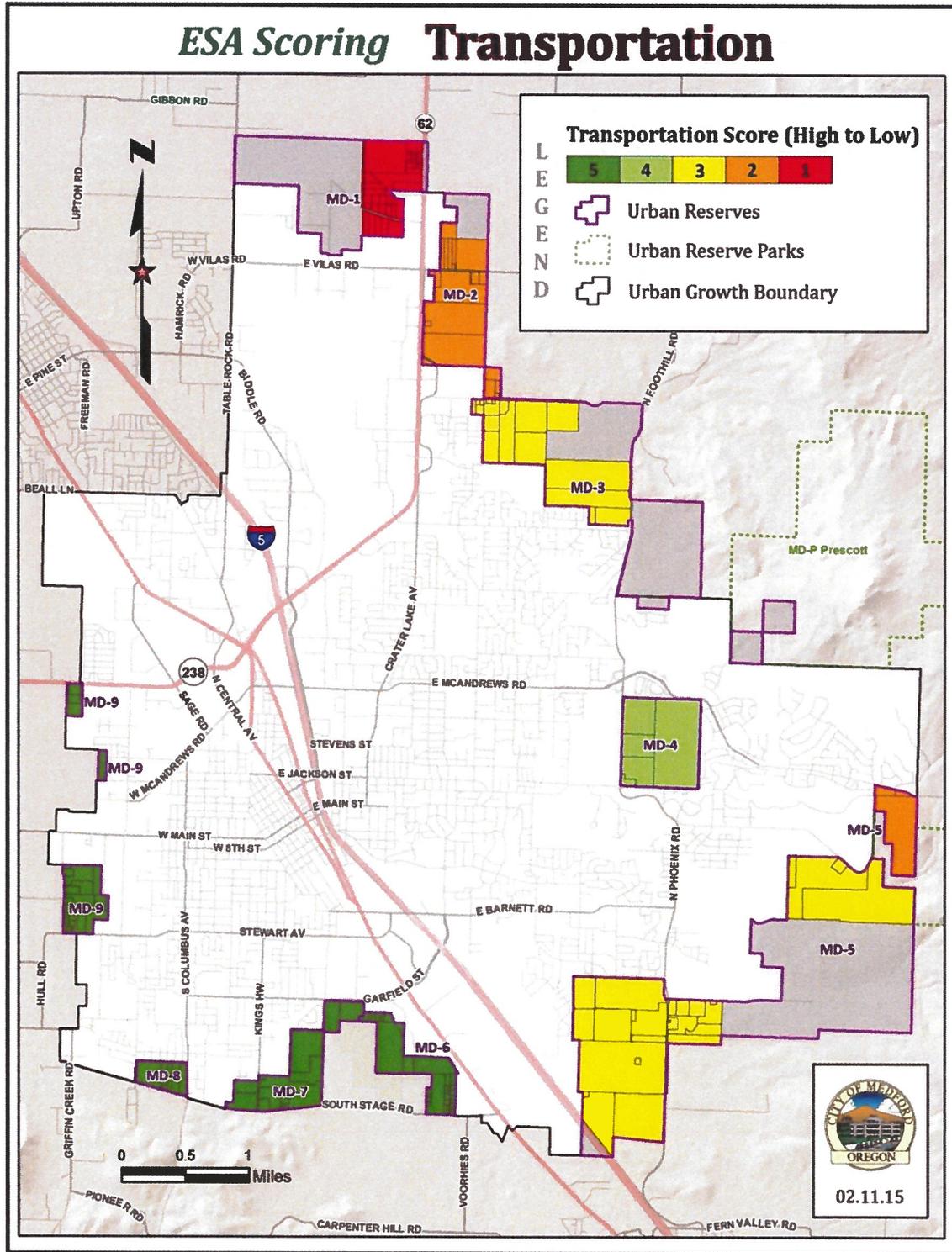


Map 6.2. Capacity Analysis Results for ESAs

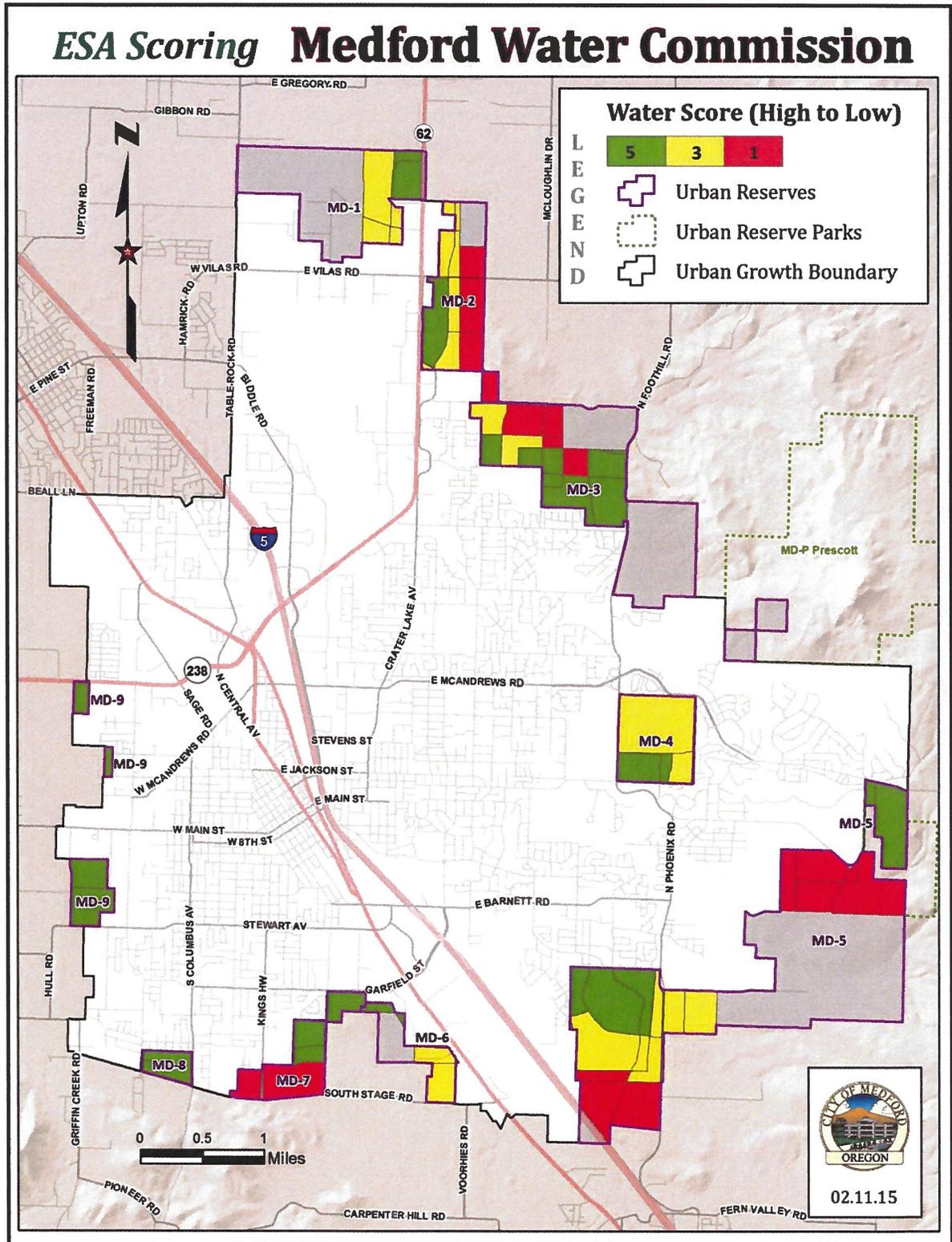


APPENDIX G. ADDITIONAL SCORING MAPS

Map 7.1. Transportation



Map 7.2. Water



APPENDIX H. INFRASTRUCTURE SCORING MEMOS

[Cover Sheet]



City of Medford Transportation System Plan
and Urban Growth Boundary Amendment



DRAFT Technical Memorandum #8: UGB Expansion Alternatives: Qualitative Comparison of Scenarios

Date: June 26, 2013 Project #: 10771
To: Alex Georgevitch, City of Medford
From: Joe Bessman, Julia Kuhn, and Matt Kittelson
Project: City of Medford TSP/UGB Amendment
Subject: Interim Year 2028 Updated Planning Horizon Analysis

This memo compares the City of Medford Urban Growth Boundary (UGB) expansion options (also referred to as External Study Areas, or ESA's) and their impact on the transportation network. Details on the development of these options are summarized in Technical Memorandum #7.

QUALITATIVE EVALUATION CRITERIA

Five qualitative review criteria were used to compare the UGB scenarios, including:

- Generalized infrastructure needed to support each scenario – does the scenario require new arterial/collector streets, or widening of existing roads?
- Generalized effect on congestion on existing roadways within the UGB – does the scenario contribute to already congested corridors in Medford?
- Safety impacts – Are there known safety issues that could be affected by the scenario, or could new safety issues be potentially created?
- Connectivity Issues – Do the existing roadways provide ample connectivity to serve the area, or would other connections be needed?
- Infrastructure costs – relative to the other options, what would it cost to provide the needed transportation facilities?

UGB EXPANSION OPTIONS

City staff developed four UGB expansion scenarios for review (as discussed in Technical Memorandum #7). All four scenarios include the same number of future jobs and households, with variation between scenarios in consideration of buildable lands, zoning, and in the baseline scenario consideration of accommodating all growth external to the existing UGB. Exhibits 1 through 4 illustrate the location of the four scenarios; additional details of each are described below.

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Technical Memorandum 8: UGB Expansion Alternatives: Qualitative Comparison of Scenarios

June 2013

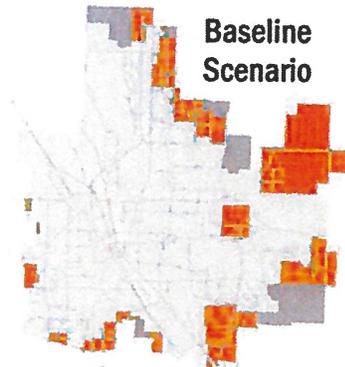


Exhibit 1. Baseline scenario assumes all Medford growth occurs outside of the current UGB with no internal upzoning.

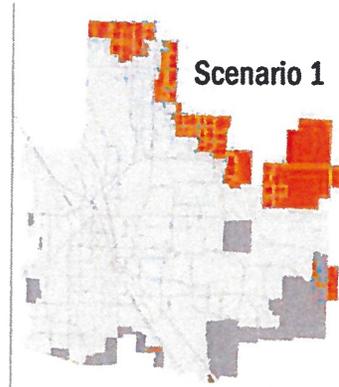


Exhibit 2. Includes internal upzoning and expansion of the UGB to the northeast.

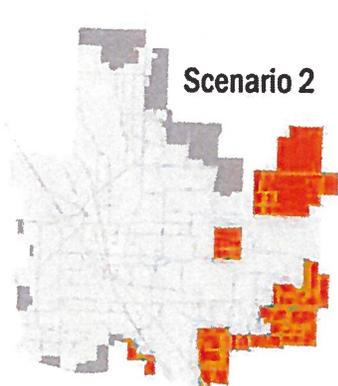


Exhibit 3. Includes internal upzoning and expansion of the UGB to the southeast and in limited portions of the southwest.

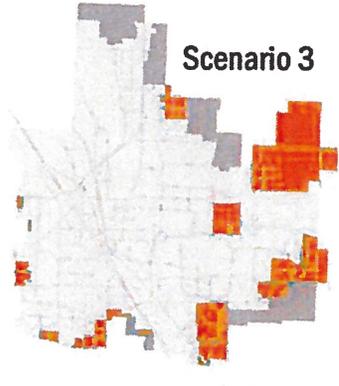


Exhibit 4. Includes internal upzoning and expansion of the UGB to the east and limited portions in the southwest.

Appendix H: Infrastructure Scoring Memos

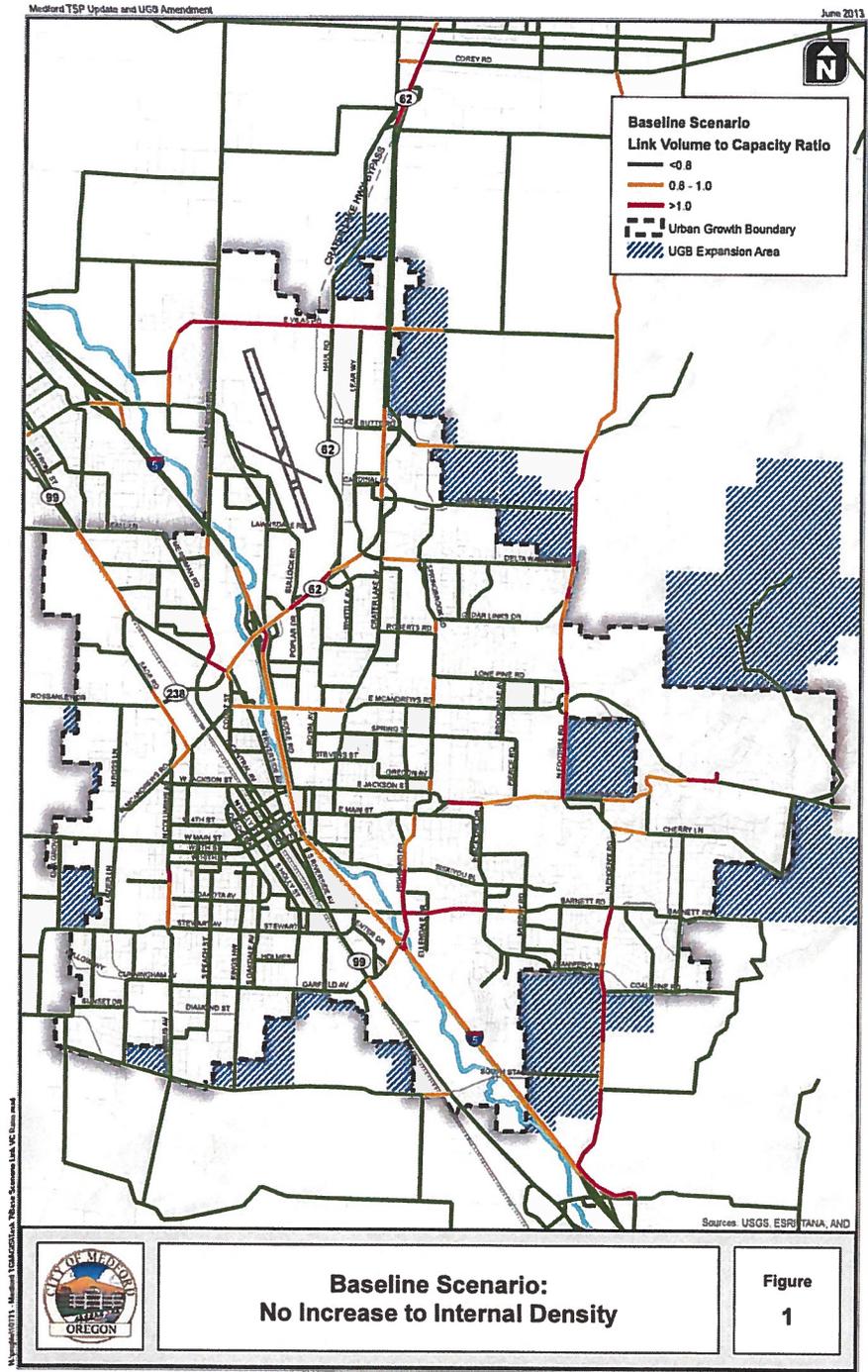
Technical Memorandum 8: UGB Expansion Alternatives: Qualitative Comparison of Scenarios

June 2013

Baseline Scenario

A summary of the key attributes of the Baseline Scenario is provided below. In general, growth is spread throughout several UGB expansion areas primarily on the northern and eastern sides of the city. In addition, this scenario does not rely on increased densities within the existing UGB. This is the most land intensive scenario being evaluated. For relative comparison purposes, Figure 1 illustrates the projected roadway segment congestion with this scenario.

| | |
|---|--|
| Scenario Description | Supports 2038 growth without upzoning internal UGB lands; requires the most land (4,719 acres) to accommodate projected growth. |
| Amount of Growth | 4,719 total acres of UGB Expansion (most land) <ul style="list-style-type: none"> • 1,908 acres of residential land • 896 acres commercial land • 29 acres industrial land • 1,886 acres open space |
| Infrastructure Needed to Support Development | With growth outside the UGB occurring in various areas rather than a more concentrated geographic location, a number of new collector and arterial roadways would be needed to connect the various locations into the city's existing street system. In particular, a well-connected collector system that supports access to/from Foothill Road, Vilas Road, Coker Butte Road, and Phoenix Road will be needed. These areas tend to have topographical issues that will need to be considered in the development of an effective street system for multimodal travel needs. Given the levels of congestion on the existing arterials, consideration also needs to be given to providing reasonable access to Highway 62 and I-5 from the expansion areas. |
| General Effect on Congestion | This scenario relies on access to a number of existing arterials that experience congestion today, such as: <ul style="list-style-type: none"> • OR 62 – Crater Lake Highway • Vilas Road • Phoenix – Foothill Road • Hillcrest Road • I-5 • Barnett Road |
| General Effect on Safety | Today, sections of Foothill-Phoenix and Hillcrest Road are narrow and windy with limited facilities for pedestrian and bicycle travel near the UGB. Improvements to these facilities would be needed to provide for multimodal travel. In addition, added travel would occur along the Crater Lake Highway and at existing I-5 interchanges, which have documented safety issues today. |
| General Effect on Connectivity | New connections would largely be needed in various areas to support the arterial system on the east side of the City. Today, very few streets exist in the UGB areas to support additional growth, primarily due to topography issues. |
| Generalized Costs | Relative Cost: \$\$\$ (Highest of all Scenarios due to geographic scope of needed infrastructure) |



Appendix H: Infrastructure Scoring Memos

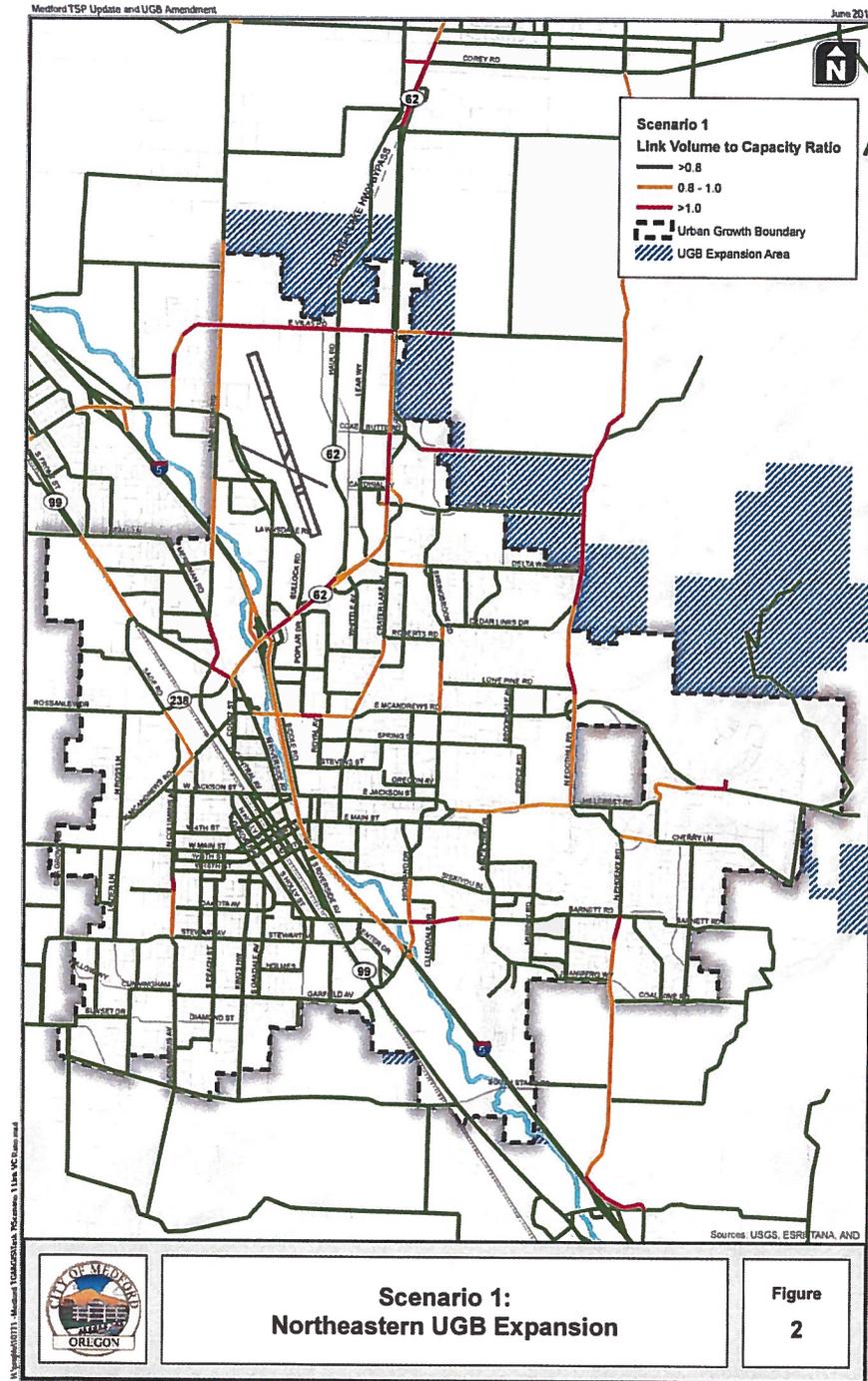
Technical Memorandum 8: UGB Expansion Alternatives: Qualitative Comparison of Scenarios

June 2013

Scenario 1: Northeastern UGB Expansion

A summary of the key attributes of Scenario #1 is provided below. In general, growth is concentrated to the east of the Crater Lake Highway and north of Hillcrest Road. In addition, this scenario relies on increased densities within the existing UGB. This is the least land intensive scenario being evaluated, requiring 20 percent fewer acres of expansion than the Baseline Scenario. Figure 2 illustrates the potential roadway segment congestion associated with this scenario.

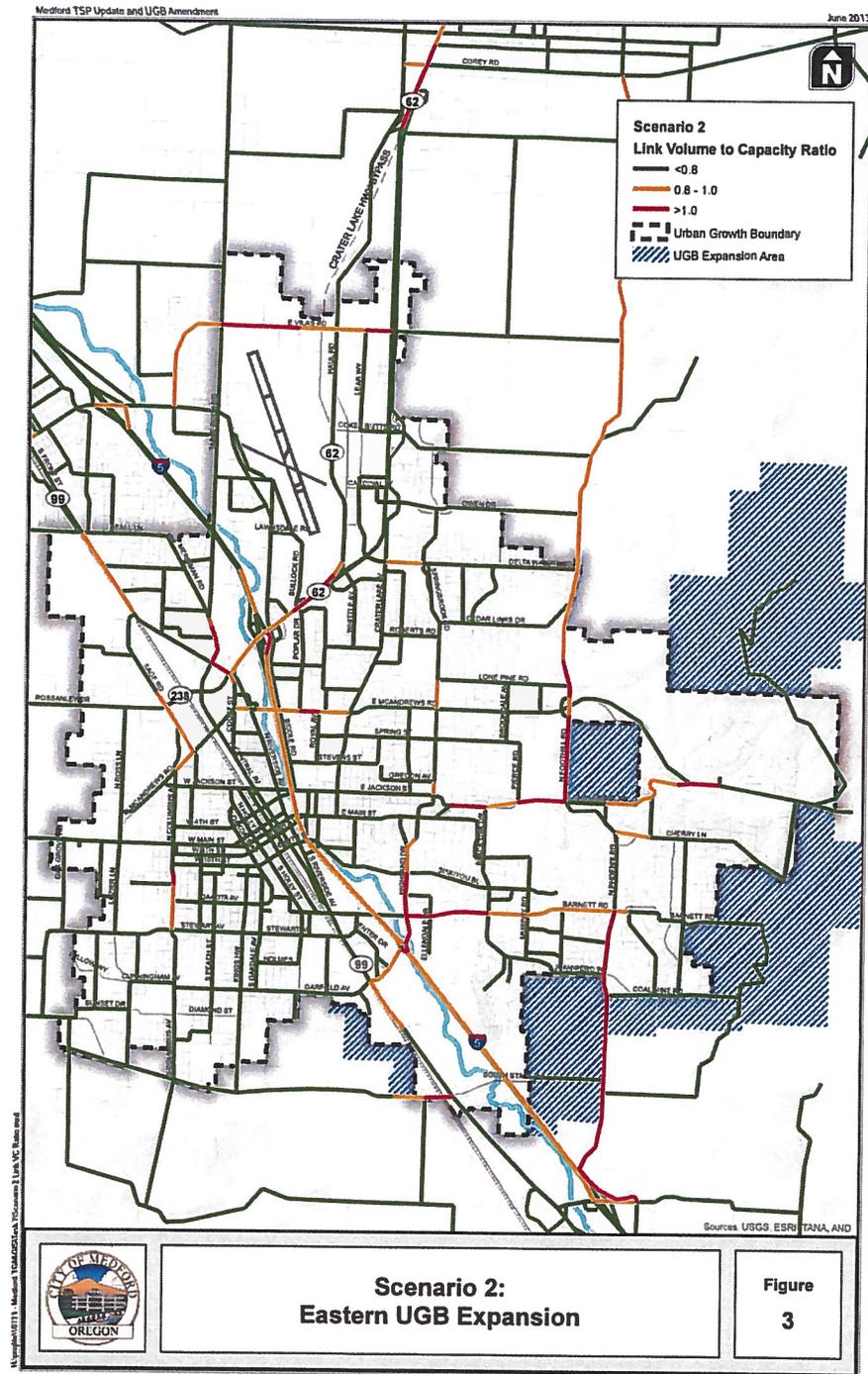
| | |
|---|--|
| Scenario Description | Expansion of the UGB to the north and northeast; requires the least total land of all scenarios. |
| Amount of Growth | 3,814 total acres of UGB Expansion (Least land-intensive) <ul style="list-style-type: none"> • 1,081 acres of residential land • 423 acres of commercial land • 424 acres industrial land • 1,886 acres open space |
| Infrastructure Needed to Support Development | High reliance on the Crater Lake Highway and Foothill Road would necessitate improvements to these facilities. A new north-south arterial may also be needed. Further, an extensive local collector street system to support the Foothill Road, Crater Lake Highway, Coker Butte Road and Delta Waters Road corridors will be needed to serve expansion in this area. |
| General Effect on Congestion | This scenario will place additional pressures on the congested arterial system in the northeast area of the city, such as the Crater Lake Highway, Vilas Road, Foothill Road, Coker Butte Road, as well as the intersection of key roadways with the Crater Lake Highway. The ability to expand these facilities or add new roadways in built areas will be very challenging due to existing land use and topographic constraints. |
| General Effect on Safety | Today, sections of Foothill Road are narrow and windy with limited facilities for pedestrian and bicycle travel near the UGB. Improvements would be needed to provide for multimodal travel. In addition, additional demand will be placed on Crater lake Highway and the collectors and arterials that intersect it; this highway and its intersections have documented safety issues today. |
| General Effect on Connectivity | The arterial and collector system in northeast Medford is very limited today. A well connected grid network of streets will be needed to support growth in this area. In addition, new north-south routes would be needed to provide a parallel system of roadways to the Crater Lake Highway. Options to provide this connectivity will be limited by the airport, Bear Creek, and the existing topography. |
| Generalized Costs of Infrastructure | Providing a well-connected grid system in the northeastern area of the City would be costly due to topographic and land use constraints. Relative Cost: \$\$ (likely higher than Scenarios 2 and 3 but lower than the Baseline) |



Scenario 2: Eastern UGB Expansion

A summary of the key attributes of Scenario #2 is provided below. This scenario focuses growth in areas southeast of the UGB as well as northeast of Hillcrest Road/Foothill Road. Like Scenario 1, this scenario relies on increased densities within the existing UGB and requires 15 percent fewer expansion acres than the Baseline Scenario. Figure 3 illustrates the projected levels of congestion associated with this scenario.

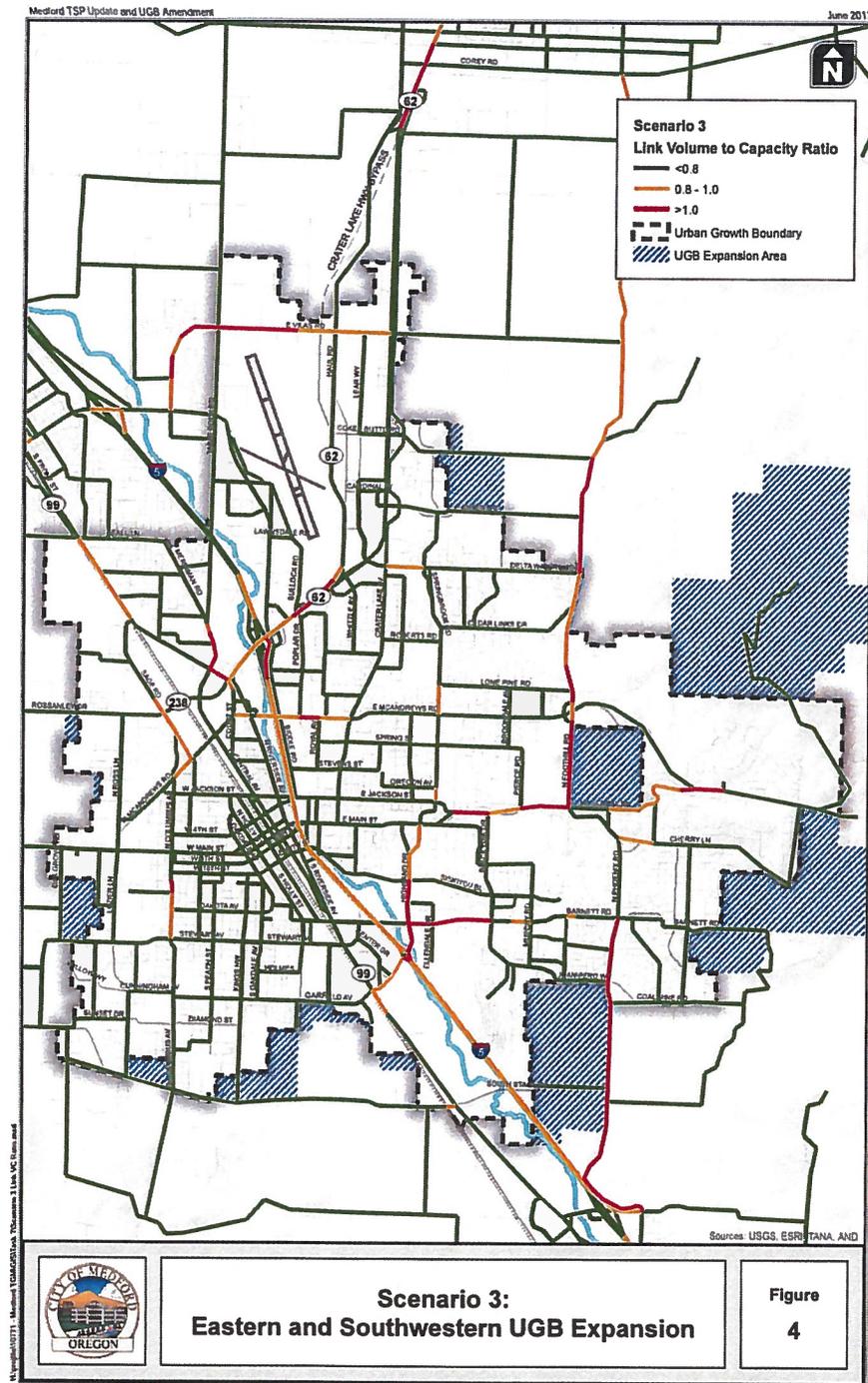
| | |
|---|---|
| Description | Expansion of the UGB largely to the southeast and east. |
| Amount of Growth | 4,035 total acres of UGB expansion (15 percent lower than the Baseline Scenario) <ul style="list-style-type: none"> • 1,664 acres residential land • 395 acres commercial land • 89 acres industrial land • 1,886 acres open space |
| Infrastructure Needed to Support Development | This scenario places higher demands on the Phoenix Road, Foothill Road, Hillcrest Road and Barnett Road corridors than other scenarios considered. The Foothill-Phoenix Road corridor would likely require widening. In addition, a well-connected roadway system that supports South Stage, Foothill, Hillcrest and Barnett is needed. |
| General Effect on Congestion | Congestion on the State system is generally reduced compared to other scenarios. Higher levels of congestion are expected on the arterials in the southeast part of the city. The ability to make improvements to these arterials is somewhat limited by the existing built environment. However, in general, the increased demands occur on facilities with more capacity for future development than the Baseline and Scenario 1. |
| General Effect on Safety | The areas within the city with documented safety issues are less impacted by this scenario than some of the other scenarios being considered. Multimodal improvements to the Foothill Road-Phoenix Road corridor will be needed; as discussed previously, sections of this corridor are narrow and windy with limited facilities for pedestrian and bicycle travel near the UGB. |
| General Effect on Connectivity | A well connected grid network of streets will be needed to support growth in this area that provides connections to the Foothill Road-Phoenix Road, Barnett Road, South Stage, and Hillcrest Road corridors. In addition, a new north-south route to support Foothill Road-Phoenix Road corridor may be helpful. |
| Generalized Costs of Infrastructure | The transportation infrastructure needed to support growth in a more concentrated area of the city with more capacity than other areas results in lower infrastructure costs in general. Relative Cost: \$ (Lowest, Similar to Scenario 3) |



Scenario 3: Eastern and Southwestern UGB Expansion

The key aspects of Scenario #3 are summarized below. This scenario concentrates growth in areas similar to Scenario 2, although with fewer lands expected in the southeast. Like Scenarios 1 and 2, this scenario relies on increased densities in the existing UGB and requires 20 percent fewer lands than the Baseline scenario. Figure 4 illustrates the projected levels of congested associated with this scenario.

| | |
|---|---|
| Description | Expansion of the UGB to the east and portions of the southwest UGB. |
| Amount of Growth | 3,846 Total Acres of UGB Expansion (20 percent less than Baseline) <ul style="list-style-type: none"> • 1,520 acres of residential land • 411 acres of commercial land • 29 acres industrial land • 1,886 acres open space |
| Infrastructure Needed to Support Development | This scenario places higher demands on Foothill Road, Hillcrest Road, and Phoenix Road (although to a lesser extent than Scenario #2). Like Scenario #2, these existing roadways may need improvement to serve multimodal needs. Further a well-connected grid network that supports these existing facilities would be needed. |
| General Effect on Congestion | This scenario has similar impacts as Scenario 2 although lower impacts are provided to the Barnett Road corridor. |
| General Effect on Safety | Like Scenario 2, the areas impacted are not those with extensive documented safety issues. In addition, multimodal improvements will be needed especially near the UGB. |
| General Effect on Connectivity | Like Scenario #2, a well-connected grid network of streets will be needed to support growth in this area with connections to the Foothill Road-Phoenix Road, and Hillcrest Road corridors. In addition, a new north-south route to support Foothill Road-Phoenix Road corridor may be helpful. |
| Generalized Costs of Infrastructure | Like Scenario #2, the infrastructure needs associated with this scenario area less significant than other scenarios considered. Relative Cost: \$ (Similar costs to Scenario 2) |



SUMMARY OF SCENARIOS

Comparison of the scenarios noted several improvement needs that would be required regardless of the UGB scenario pursued. These are outlined below:

- Need to improve the Phoenix – Foothill connection as high levels of congestion are anticipated. This would likely require a five-lane cross-section from the
- Congestion noted along all northern crossings of I-5: Vilas Road, Crater Lake Highway, and McAndrews Road.
- Moderate to high levels of congestion at and surrounding the I-5 interchanges.
- Columbus Avenue congestion between Stewart and Main Street

Differentiating characteristics between scenarios are summarized below.

- The Baseline Scenario (all growth external to the existing UGB without upzoning internal lands) would be the most costly scenario to support. The additional lands required on the City's periphery place a high reliance on the arterial network both in the southeastern and northern portions of the City.
- Scenarios 2 and 3 provide the lowest costs relative to the other scenarios as improvements are limited to the southeast portion of the City. The improvements in this area would benefit all of the scenarios assessed, and would be implementable given the largely unbuilt areas surrounding these corridors.
- Scenarios 2 and 3 reduce congestion on I-5 and OR 62, where improvements will be very costly or infeasible.
- Southwestern growth in Scenario 3 presents no additional roadway infrastructure needs as the network in this portion of the City is well established and operating with reserve capacity.

Please let us know if you have any questions or comments regarding this qualitative comparison of UGB scenarios.

CITY OF MEDFORD
Interoffice Memorandum

August 20, 2014

TO: Joe Slaughter

FROM: Roger Thom

SUBJECT: UGB – ESA Sanitary Sewer Study

Public Works has reviewed our sanitary sewer system with consideration to impacts from development under the current proposal for UGB – ESA. Within the ESA, there are three primary areas served by the City; Northeast, 435 acres with ID#'s 3101 to 3103, and 3202 to 3212, Hillcrest/Vista Point, 353 acres with ID#'s 4101, 4102, 4201, 4202, 3213, 3214, Southeast, 379 acres with ID#'s 5101, and 5201 to 5206.

Relatively, cost to upsize the sanitary sewer to accommodate ESA areas is as follows: Northeast is the least expensive, Hillcrest is next, Southeast area is the highest. Southeast area could be looked at in a different way; currently there is approximately 500 acres of land in the UGB that is not serviceable without sewer upsizing. If funding was available to upsize for the current UGB, the incremental cost to accommodate the new Southeast area would be low.

If you need further information or clarification, please contact me.



ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 7502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

April 10, 2013

John Adams
City of Medford Planning
200 S. Ivy St
Medford, OR 97501

RE: UGB Sewer Service Availability

John,

The following document is a summary of the availability of sewer to serve the proposed UGB expansion. Please note that estimating the potential cost would not provide an accurate means to evaluate the cost of serving the growth area. A more accurate means to measure the impact is to base the feasibility of utilizing the growth area based on the distance required to provide sewer mainline to serve the growth area. Also, the exact downstream impacts from commercial type uses are difficult to determine due to the variety of system demand from commercial properties.

Please review this summary and feel free to contact me with any questions concerning the availability study.

Sincerely,

Wade Denny, PE

Digitally signed by Wade Denny, PE
DN: cn=Wade Denny, PE, o=Rogue Valley Sewer
Services, ou=District Engineer, email=wadenny@rvss.us,
c=US
Date: 2013.04.10 07:13:31 -0700

Wade Denny, P.E.
District Engineer

Summary of Sanitary Sewer Availability to ESA

1101: Sewer is available to serve the proposed growth area as follows.

- South half of area can be served by extending 8 inch mainline from existing 8 inch gravity sewer located in Justice Road. The existing 8 inch gravity line flows into a pump station at the corner of Peace and Justice Road. Depending on the type of commercial development, the pump station may need to be upsized to handle the demand.
- North half of area will require a 450' 8 inch mainline from the east.
- Due to the variety of commercial property use, exact downstream impacts are difficult to determine.
- Internal mainline extensions will be required to serve the parcels. Determining the footage of mainline required will depend on the parcel configuration.

1102-1103: Sewer is available within the proposed growth area from the 8 inch and 10 inch mainlines within the growth areas.

- Internal mainline extensions will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.

1106-1105: Sewer is available from the existing 8 inch sewer within Justice Road.

- Internal mainline extensions will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.
- The existing 8 inch gravity line flows into a pump station at the corner of Peace and Justice Road. Depending on the type of commercial development, the pump station may need to be upsized to handle the demand.
- Due to the variety of commercial property use, exact downstream impacts are difficult to determine.

2101: Sewer is available within the proposed growth area.

- Development within this area will require a STEP system to connect to the existing 4 inch pressure line within the growth area.

2102: Sewer is available with the proposed growth area

- Development will require an internal 8 inch mainline extension from the existing mainline located mid growth area.

2103: Sewer is available from a mainline extension of +/- 50' from the 15" sewer main just west of the area in Vilas Road.

- Due to the variety of commercial property use, exact downstream impacts are difficult to determine.
- Internal mainline extensions will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.

Appendix H: Infrastructure Scoring Memos

2104: Sewer is available from a mainline extension of +/-600' from the 15" sewer main just west of the area in Vilas Road.

- Due to the variety of commercial property use, exact downstream impacts are difficult to determine.
- Internal mainline extensions will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.

2201: Sewer is available from a mainline extension of +/-1050' from the 15" sewer main just west of the area in Vilas Road.

- Internal mainline extensions will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.

2105: Sewer is available from a mainline extension of +/-50' from the 15" sewer main just north of the area in Vilas Road.

- Due to the variety of commercial property use, exact downstream impacts are difficult to determine.
- Internal mainline extensions will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.

2106: Sewer is available from a mainline extension of +/-750' from the 15" sewer main just west of the area in Vilas Road.

- Due to the variety of commercial property use, exact downstream impacts are difficult to determine.
- Internal mainline extensions will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.

2202: Sewer is available from an 8 inch mainline extension of +/-1100' from the 15" sewer main just west of the area in Vilas Road.

- Internal mainline extensions will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.

2108: Sewer is available from an 8 inch mainline extension of +/-366' from the 10" sewer main just south of the area and located on the east side Crater Lake Hwy.

- Due to the variety of commercial property use, exact downstream impacts are difficult to determine.
- Internal mainline extensions will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.

2203: Sewer is available from an 8 inch mainline extension of +/-1800' from the 10" sewer main southwest of the area and located on the east side Crater Lake Hwy.

- Internal mainline extensions will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.

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2107: Sewer is available from an 8 inch mainline extension of +/-450' from the 10" sewer main just south of the area and located on the east side Crater Lake Hwy.

- Due to the variety of commercial property use, exact downstream impacts are difficult to determine.
- Internal mainline extensions will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.

2101: Sewer is available from an 8 inch mainline extension of +/-100' from the 8" sewer main west of the area and located in Coker Butte Road.

- Internal mainline extensions will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.

3202: Sewer is available from an 8 inch mainline extension of +/-100' from the 8" sewer main west of the area and located in Coker Butte Road.

- Internal mainline extensions will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.

3203: Sewer is available from an 8 inch mainline extension of +/-1150' from the 8" sewer main west of the area and located in Coker Butte Road.

- Internal mainline extensions will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.

3205,3206,3101,3204,3207,3102,3103,3208,3211,3209,3210,3212: Service to these areas will require a combination of mainline extensions of varying length and the installation of a minimum of one pump station to be served by RVSS. Some of these areas may be best served by the City.

9201: Service to this area can be obtained by a combination of sewer taps and or mainline extensions from the existing 10 inch mainline in Rossanley Drive.

9202: Sewer is available from existing 8 inch mainline fronting this area in Maple Park Drive and Finley Lane.

- Internal mainline extensions will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.

9203: Sewer is available from the existing 18 inch mainline fronting the area in Oak Grove Rd.

- Internal mainline extensions will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.

Appendix H: Infrastructure Scoring Memos

9204: Sewer is available from the existing 18 inch mainline in Oak Grove Rd and the existing 8 inch mainline in Stewart Ave.

- Internal mainline extensions will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.

7102: Sewer is available from 8 inch sewer mains in S. Stage Rd and Lillian St.

- Internal mainline extensions from one or more of these mains will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.
- Due to the variety of commercial property use, exact downstream impacts are difficult to determine.

7203: Sewer fronts this area at the corners of Kings Hwy. and S Stage Rd, Experiment Station Rd and Kings Hwy, and on Marsh Lane.

- Internal mainline extensions from one or more of these mains will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.

7202: Sewer fronts this area at the intersection of Experiment Station Rd and Marsh Ln.

- Internal mainline extensions from one or more of these mains will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.

7201: Sewer is available from existing 8 inch mainline stubbed out along the westerly edge of this area.

- Internal mainline extensions from one or more of these mains will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.

7101: Sewer is available from the existing 12 inch mainline stubbed out near the intersection of Myers Lane and Garfield Avenue.

- Internal mainline extensions from this main will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.

6301: Sewer is available from the existing 18 inch mainline located at this area northeast corner.

- Internal mainline extensions from this main will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.

6302 and 6101: Sewer is currently serving properties within these areas.

- Internal mainline extensions from this main will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.
- Due to the variety of commercial and industrial property uses the exact downstream impacts are difficult to determine.

5106: Sewer service is available from a 15 inch sewer extension of +/- 1000' from the south.

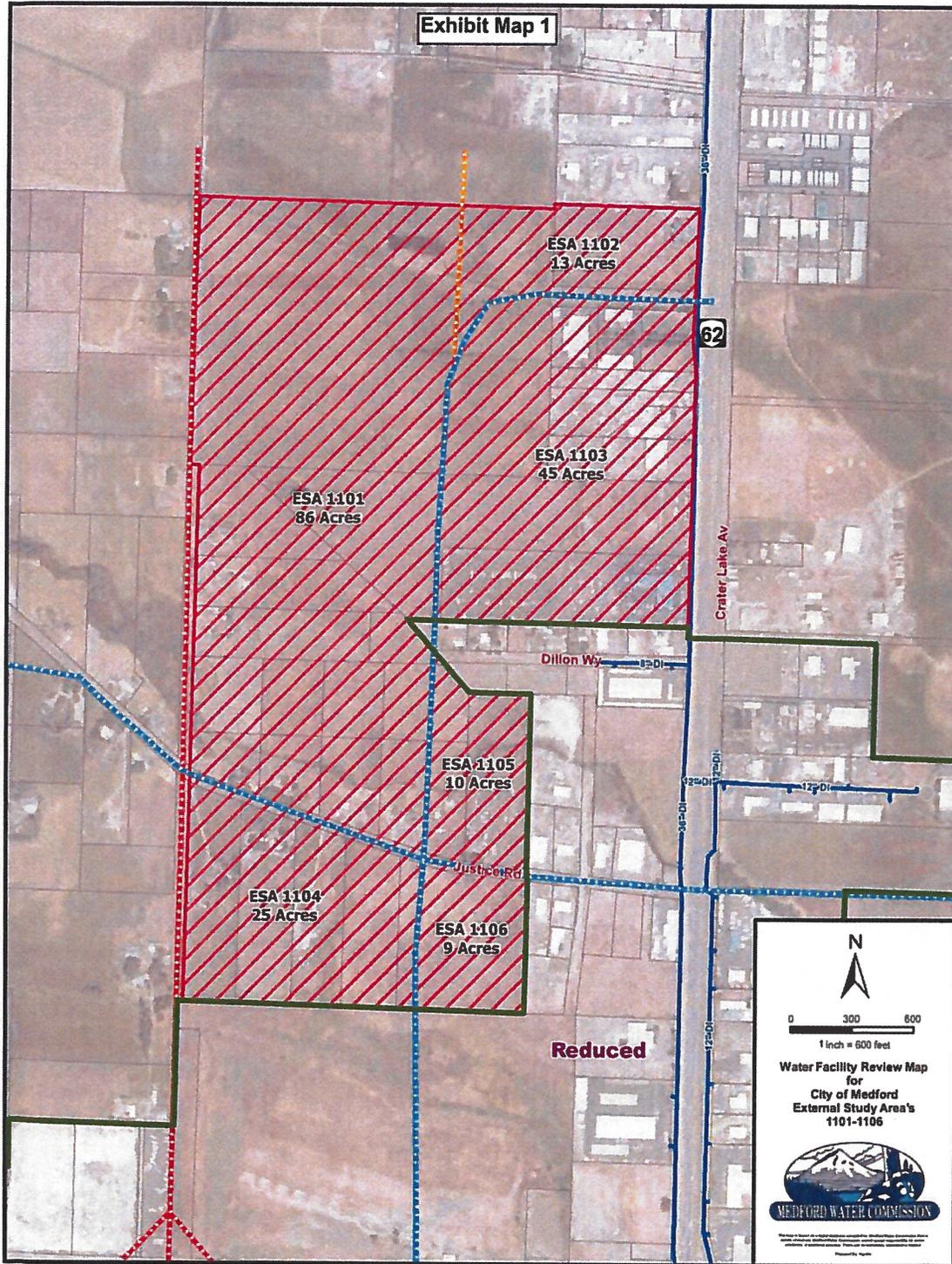
- Internal mainline extensions from this main will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.
- Due to the variety of commercial and industrial property uses the exact downstream impacts are difficult to determine.

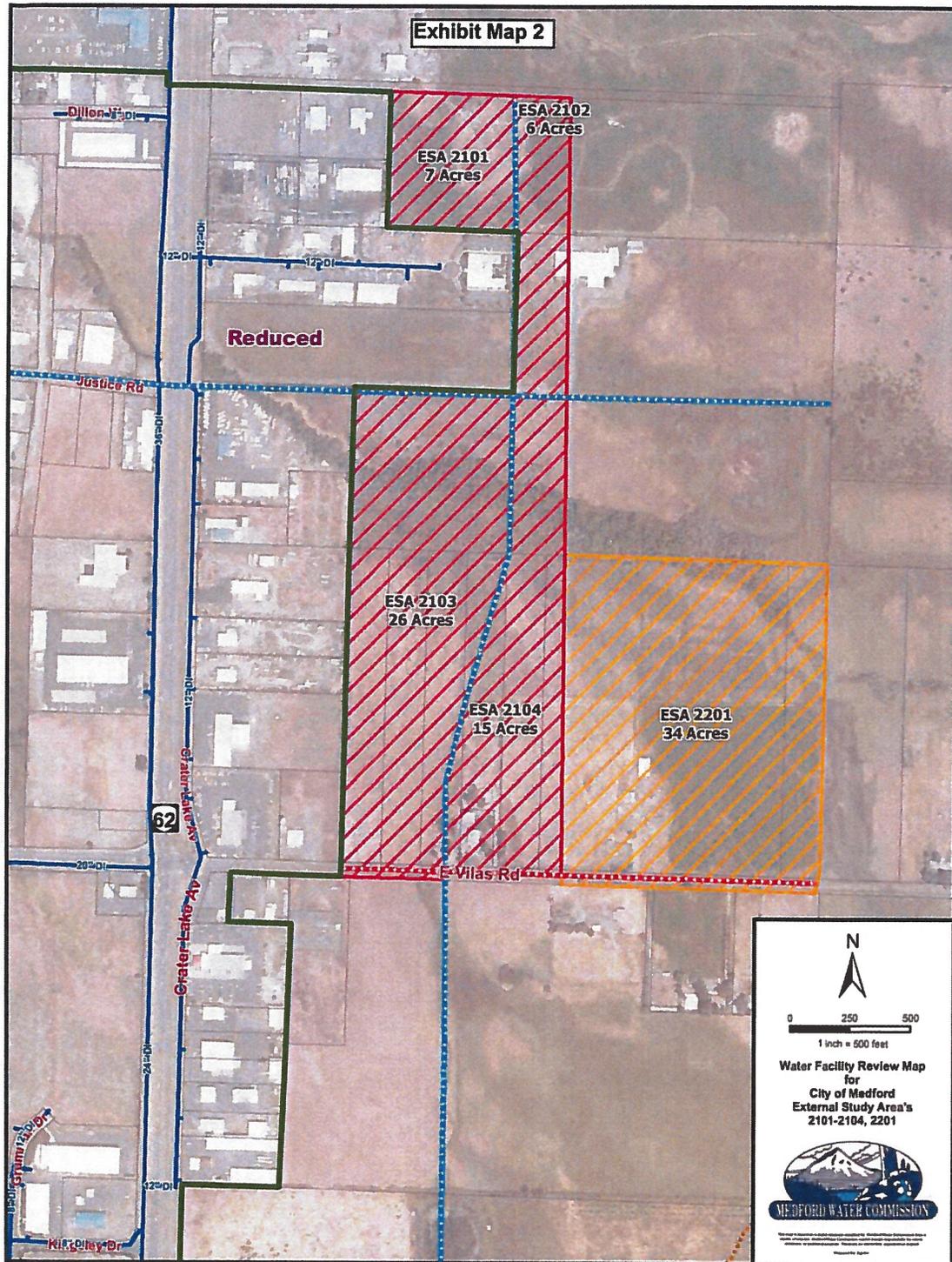
5107: Sewer service is available from a 15 inch sewer extension of +/- 2200' from the south.

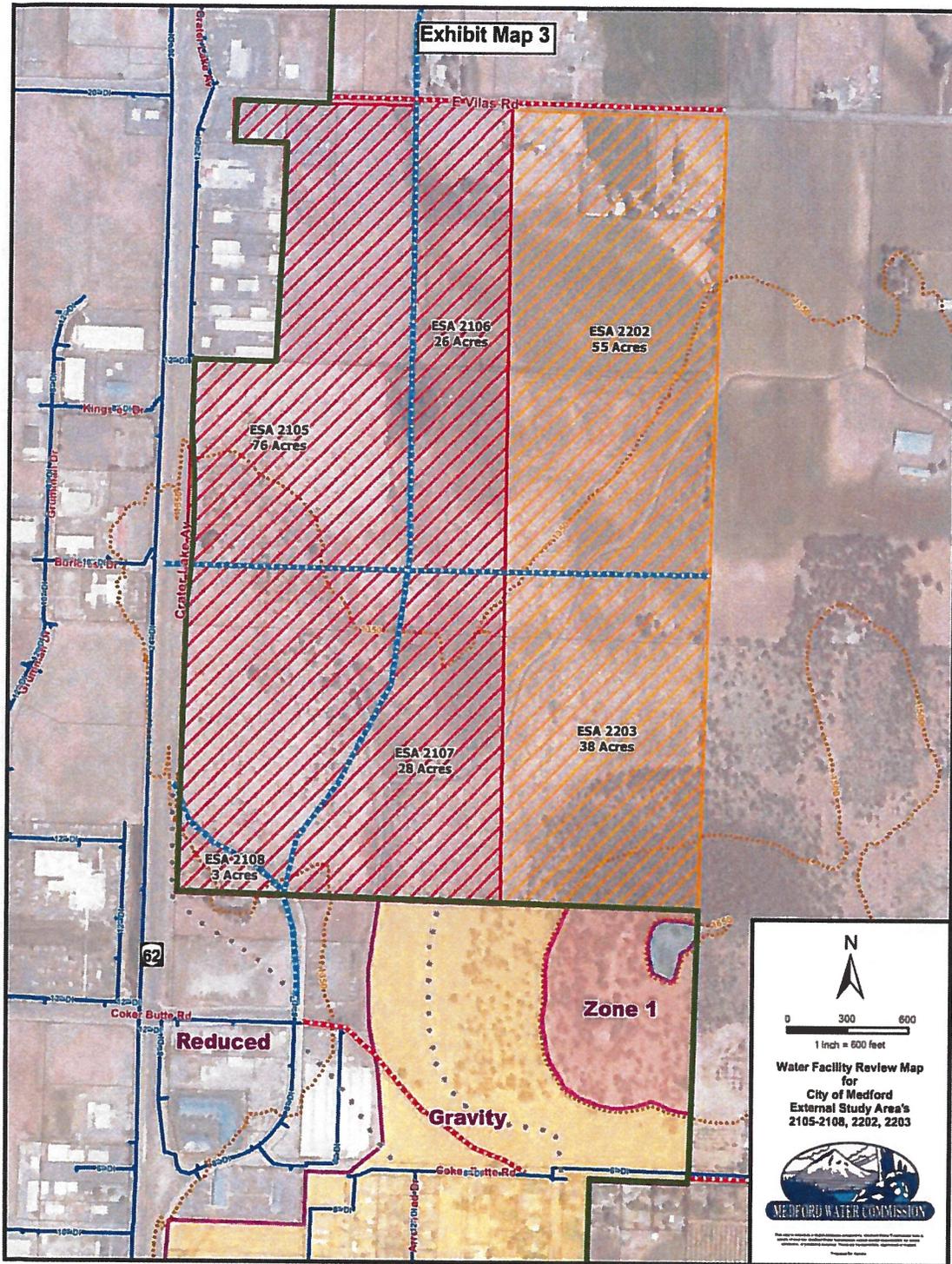
- If sewer is extended to area 5106, the sewer extension would be only about 500 feet.
- Internal mainline extensions will be required to serve the parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.
- Due to the variety of commercial and industrial property uses the exact downstream impacts are difficult to determine.

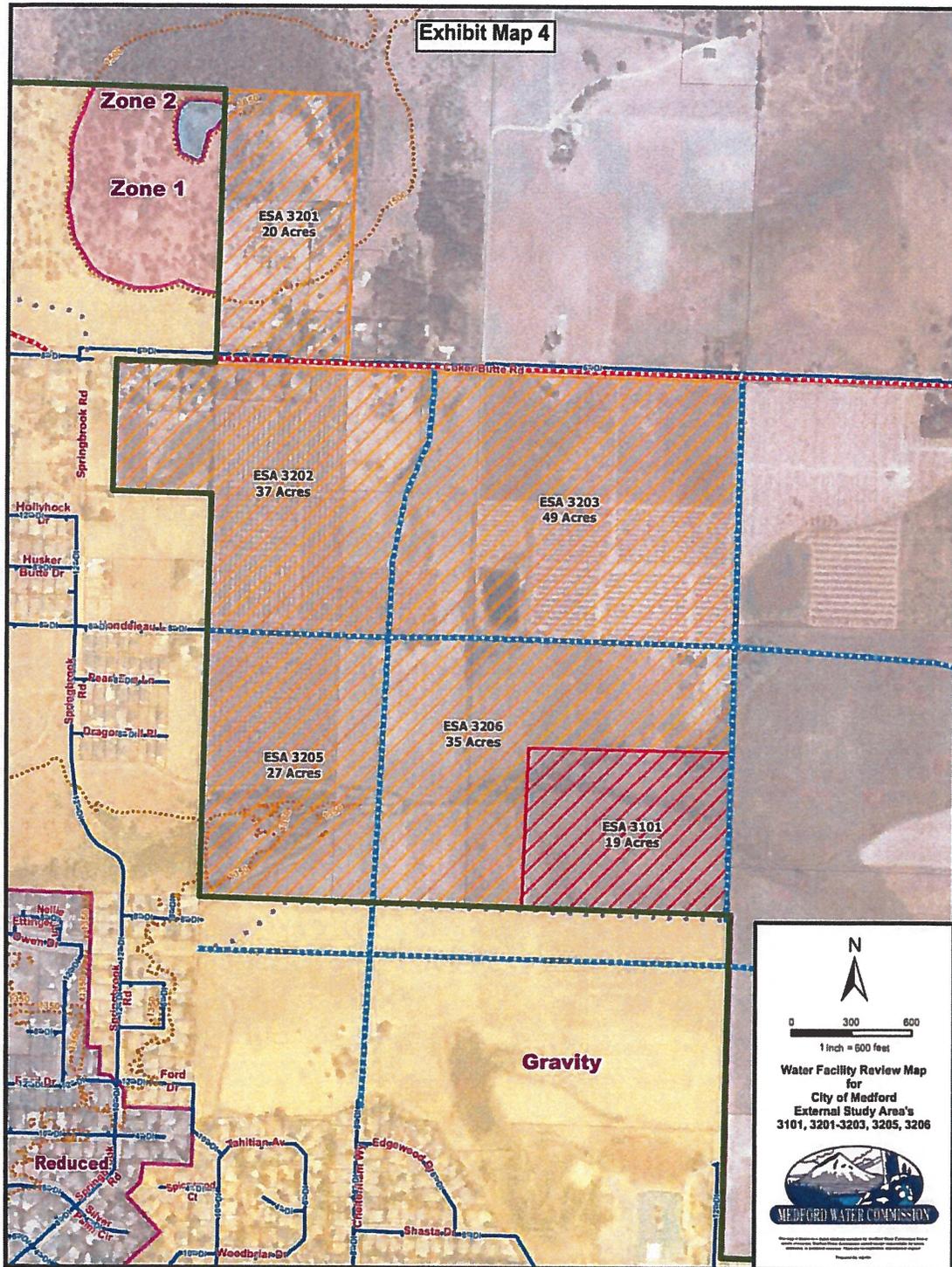
5105, 5104, 5212, 5211, 5209, 5208, 5210, 5102, 5103, and 5207: Sewer is available from a combination of +/- 1500' of 15 inch, 3800' of 12", 1500' of 8" from the south.

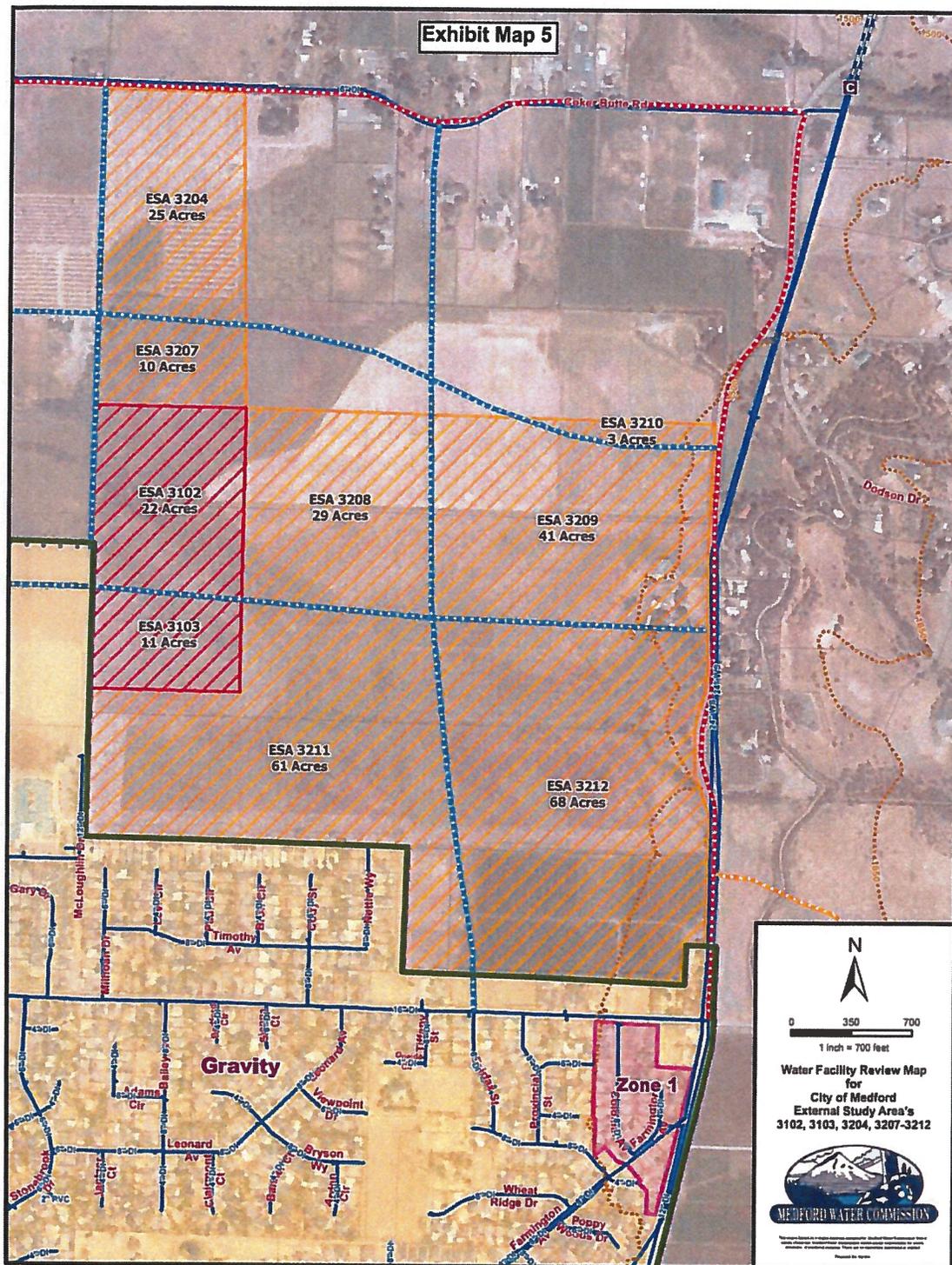
- If sewer is extended to area 5106 or 5107, the above mentioned extension distances will be reduced.
- Internal mainline extensions will be required to serve the internal area parcels. Estimating the footage of mainline required will depend on the parcel configuration, thus an estimate will not be provided.
- Due to the variety of commercial and industrial property uses the exact downstream impacts are difficult to determine.

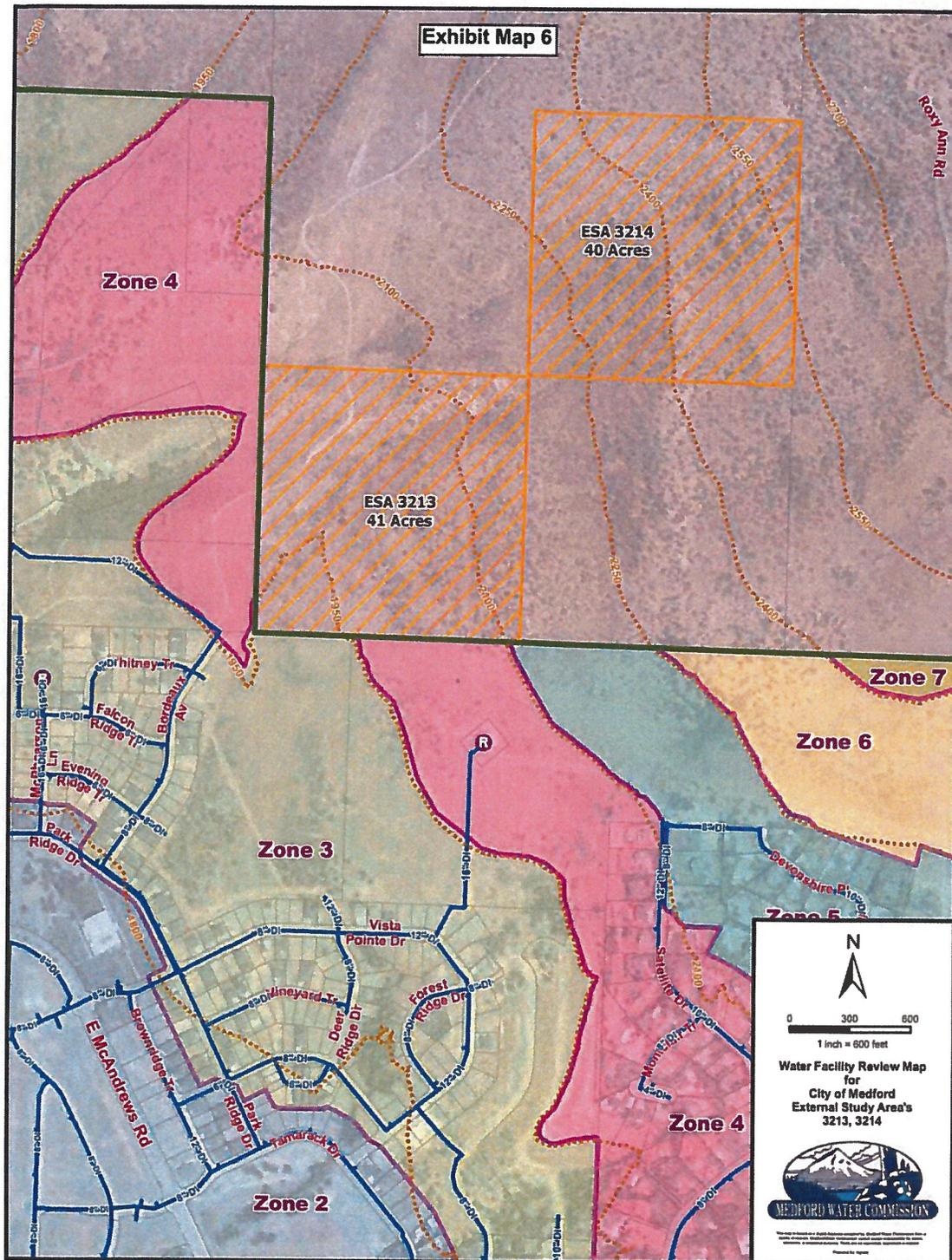


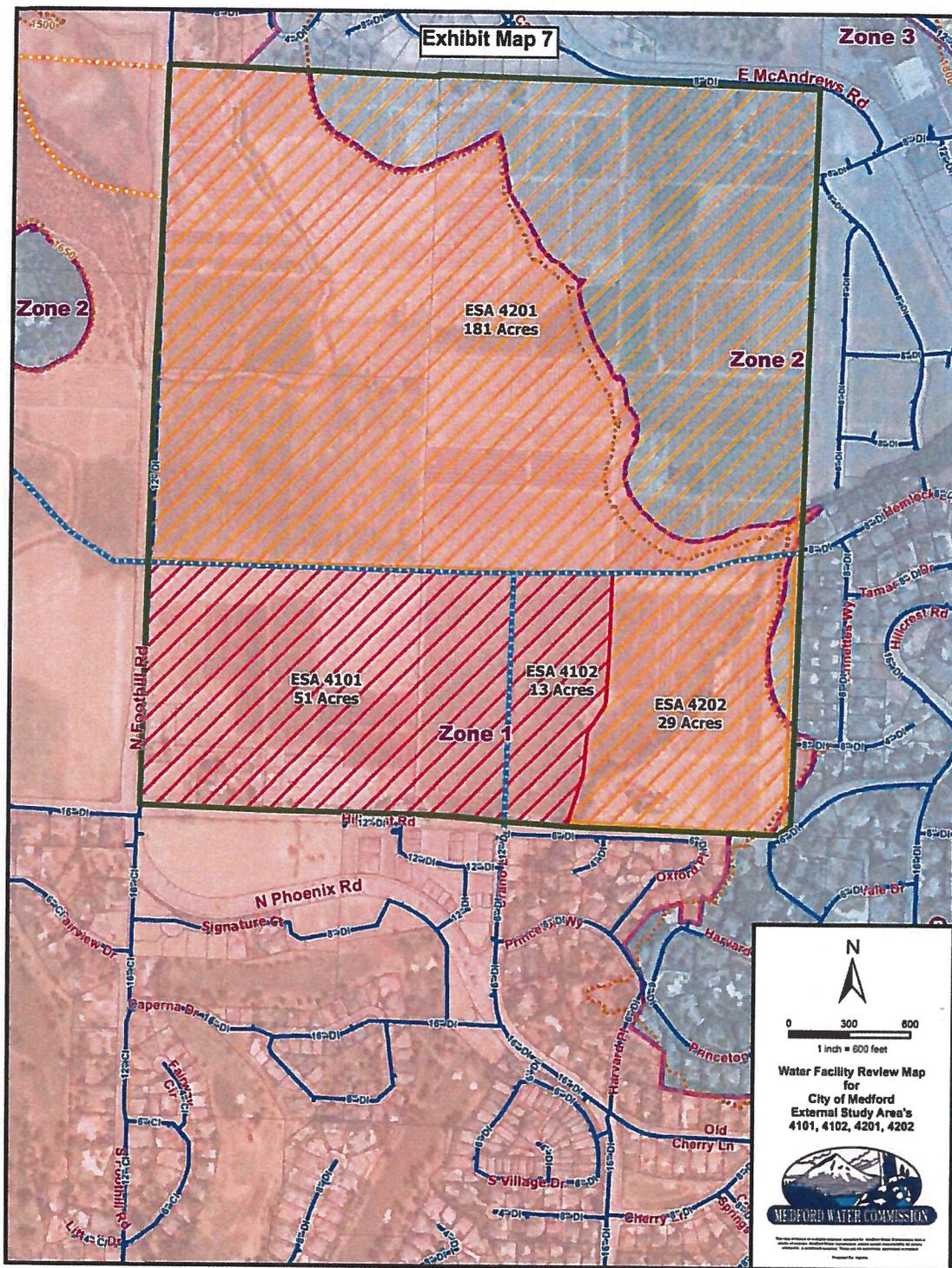


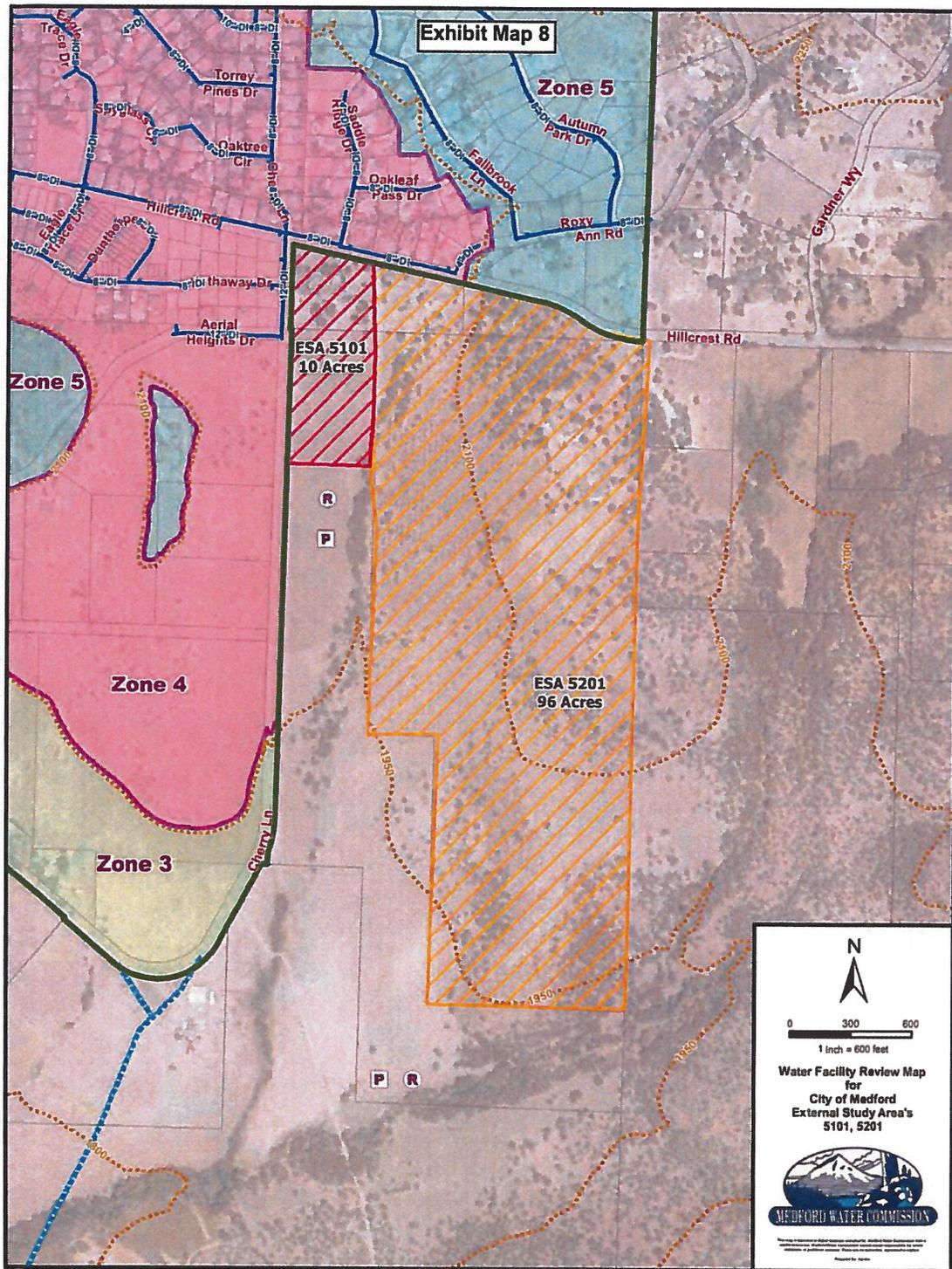


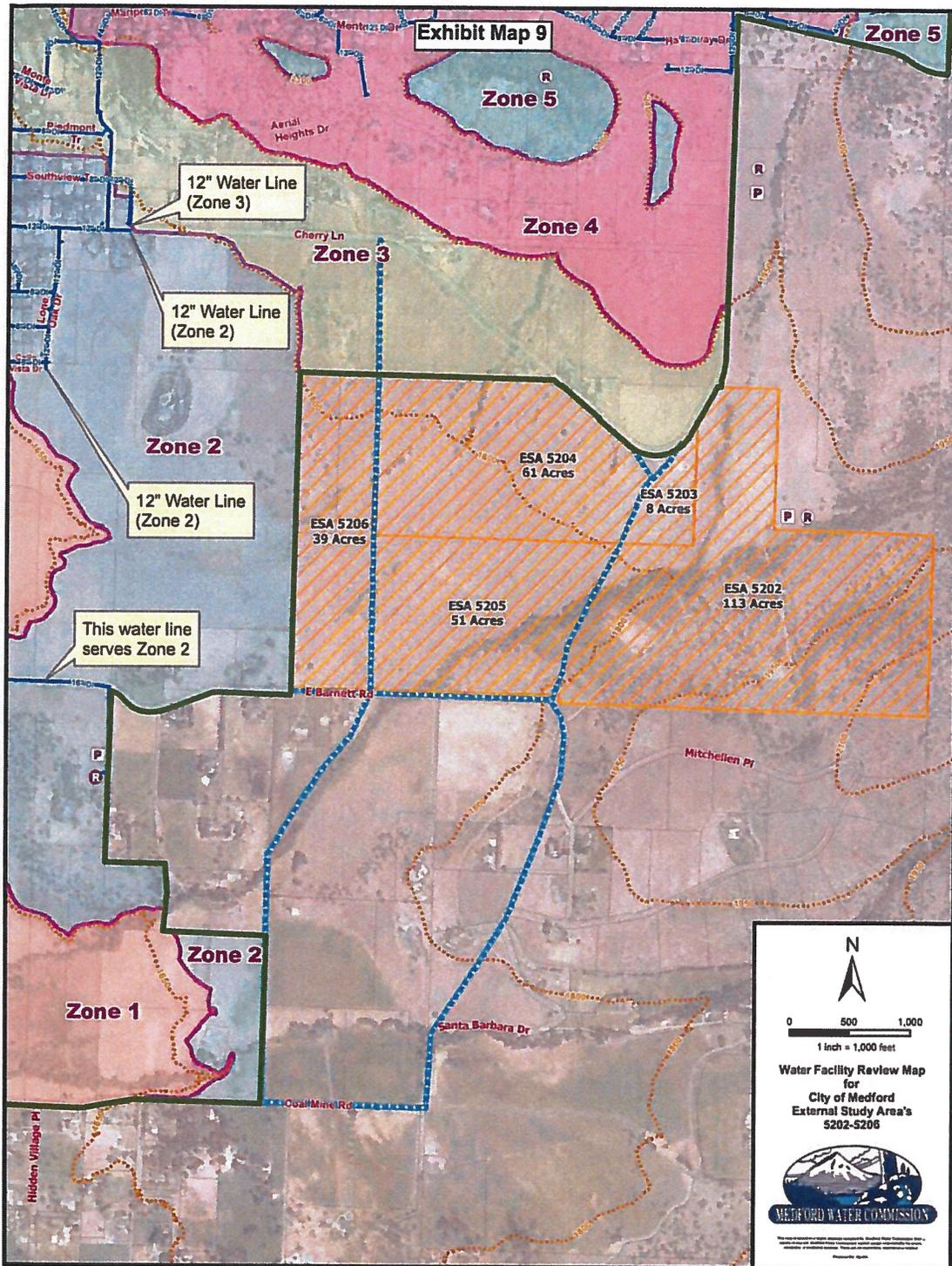


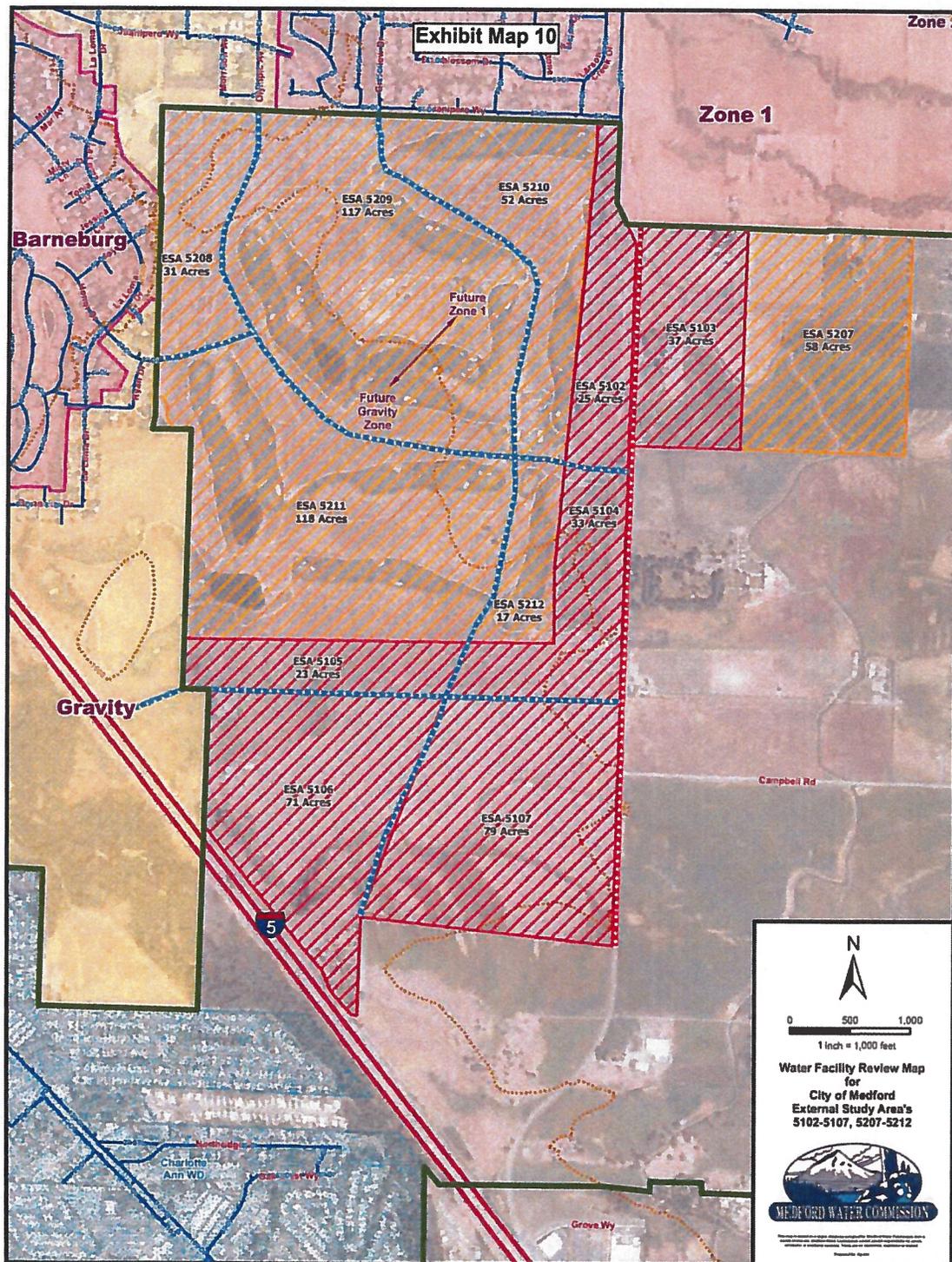


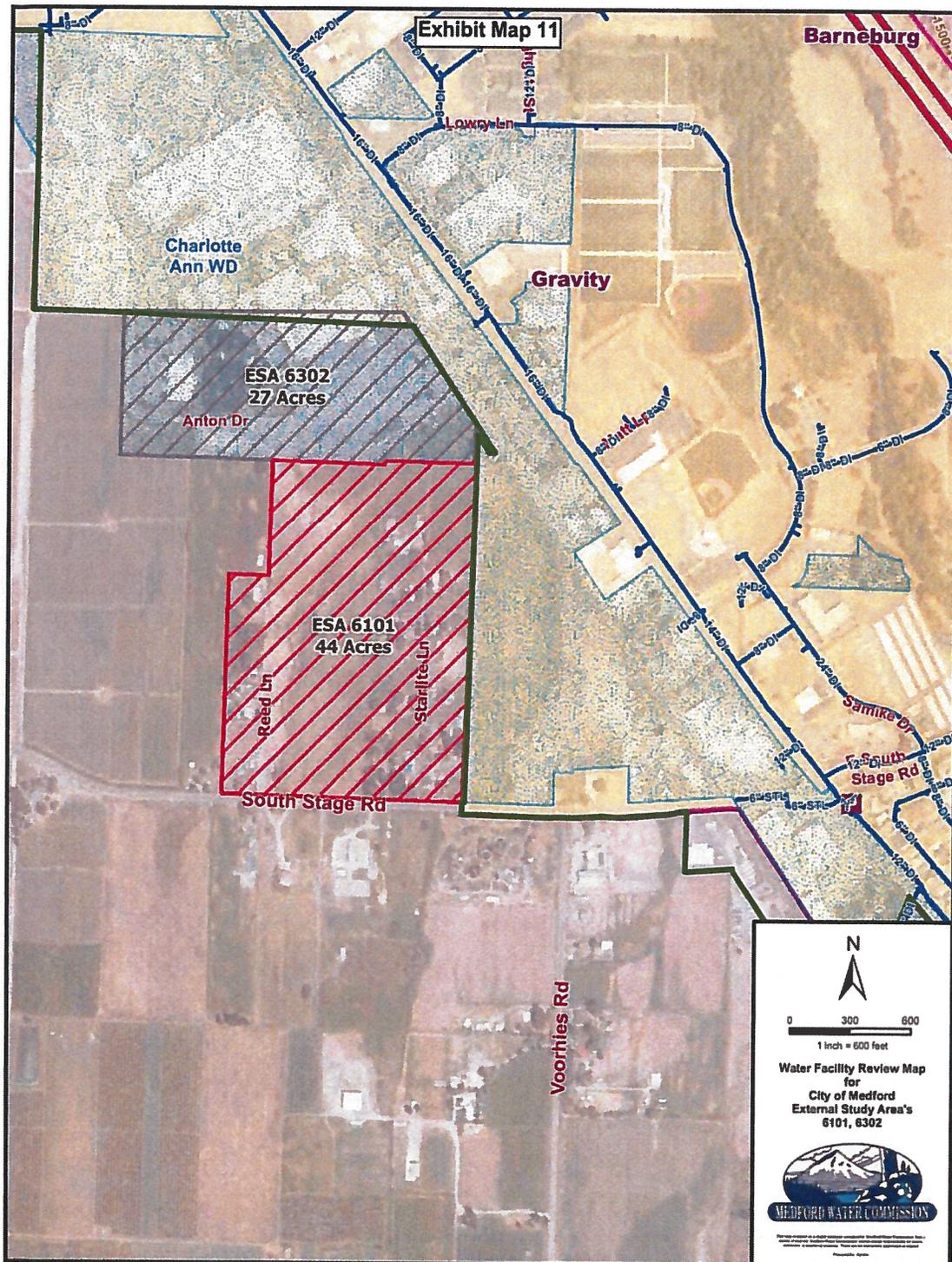


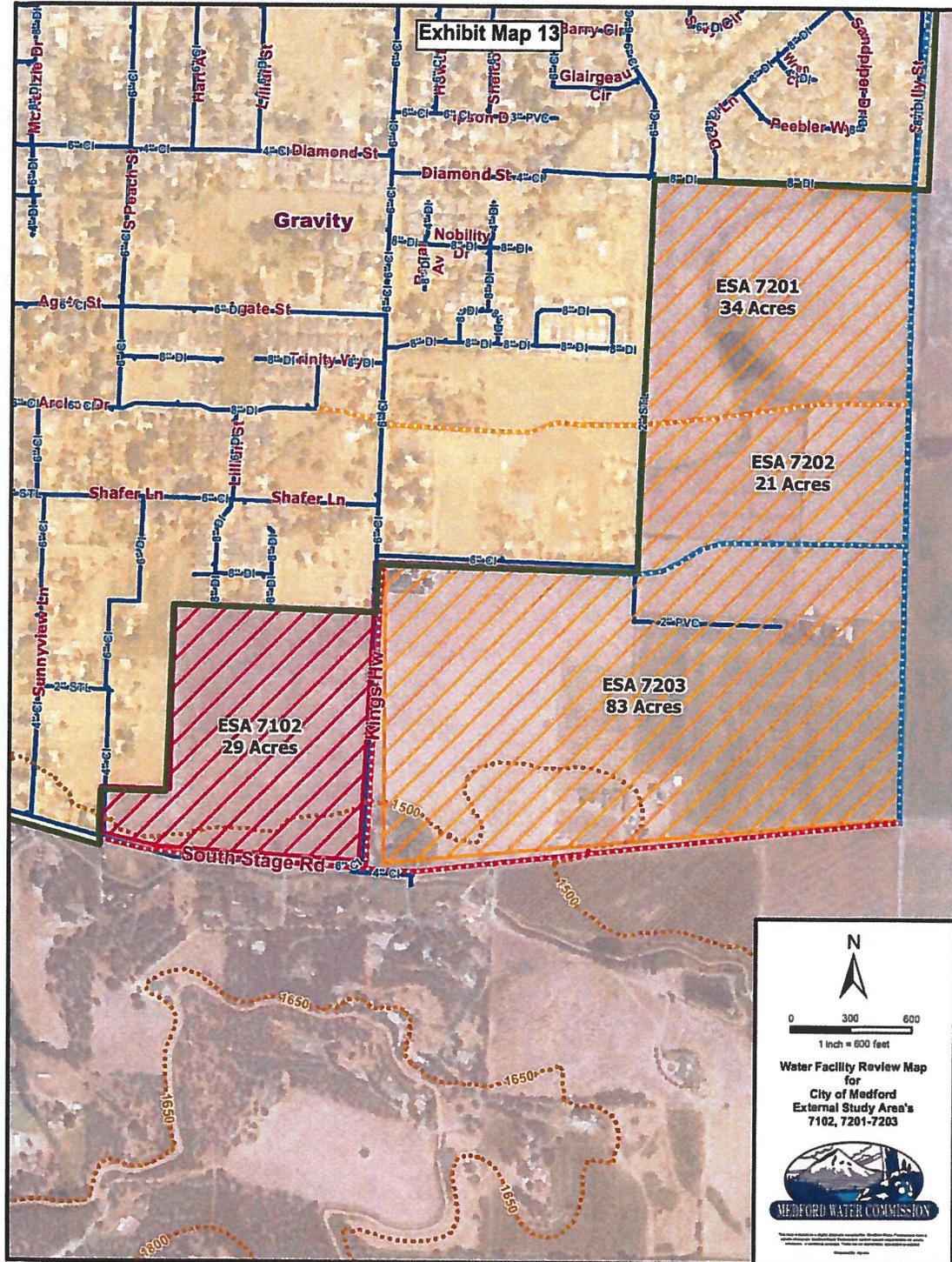


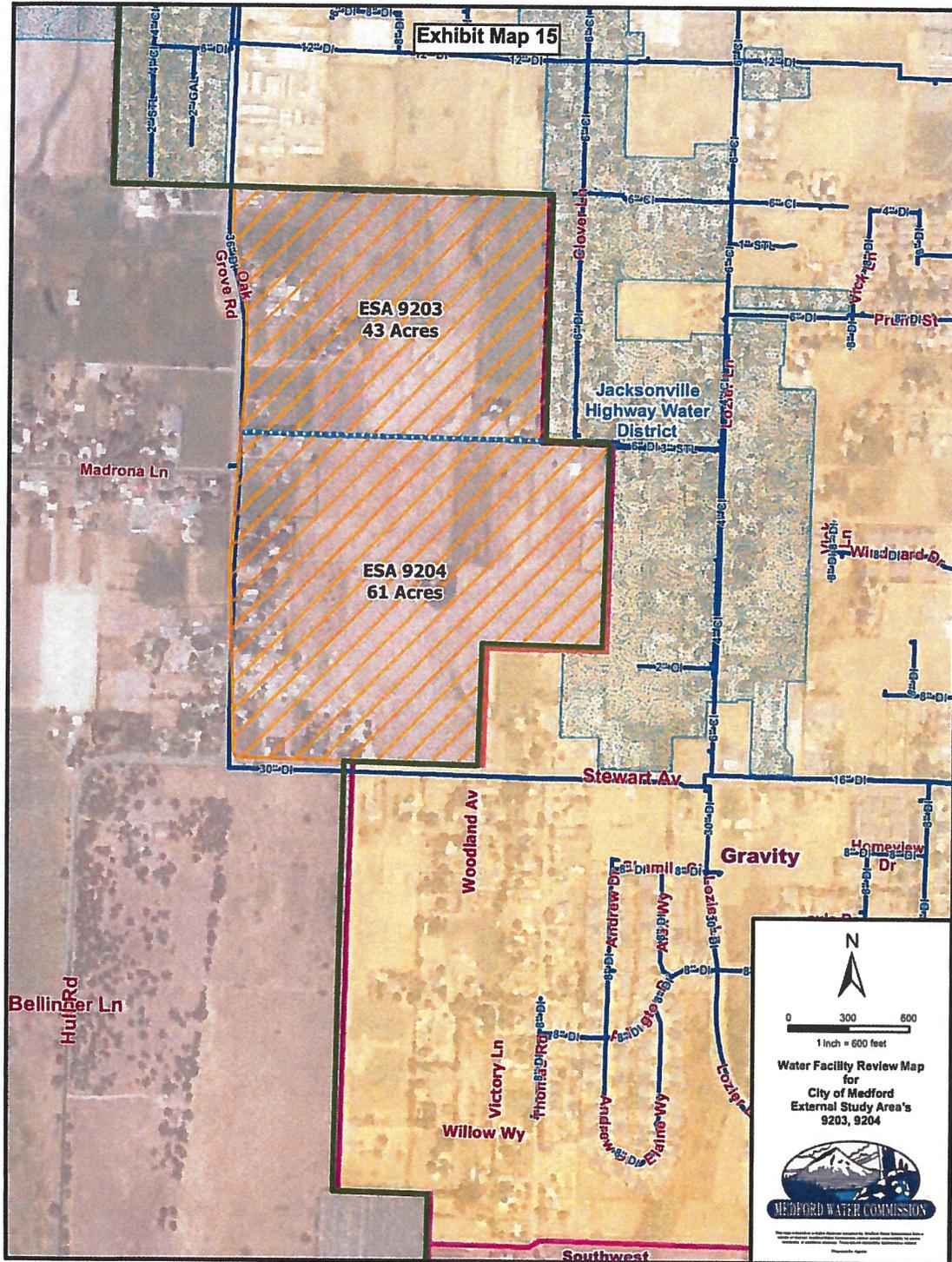












Appendix H: Infrastructure Scoring Memos

City of Medford - External Study Areas (ESA) Review

By Medford Water Commission

Scoring is based on cost of required improvements made to the domestic water conveyance system.

- (1) High Cost
- (2) Moderate Cost
- (3) Low Cost

| Exhibit # | ID | Acres | DUs | Population | EMPESA | Proposed Zoning | MWC Evaluation Comments | MWC Score |
|-----------|------|-------|-----|------------|--------|-----------------|---|-----------|
| 1 | 1101 | 86.1 | 0 | 0 | 1293 | Commercial | ESA 1101 is located in MWC's "Reduced" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires installation of 12-inch water lines. There is a 36-inch water line along west side of Crater Lake Highway 62 that can serve this area. | 2 |
| 1 | 1102 | 12.9 | 0 | 0 | 194 | Commercial | ESA 1102 is located in MWC's "Reduced" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires installation of 12-inch water lines. There is a 36-inch water line along west side of Crater Lake Highway that can serve this area. | 3 |
| 1 | 1103 | 45.2 | 0 | 0 | 679 | Commercial | ESA 1103 is located in MWC's "Reduced" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires installation of 12-inch water lines. There is a 36-inch water line along west side of Crater Lake Highway 62 that can serve this area. | 3 |
| 1 | 1104 | 24.9 | 0 | 0 | 374 | Commercial | ESA 1104 is located in MWC's "Reduced" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires installation of 12-inch water lines. There is a 36-inch water line along west side of Crater Lake Highway 62 that can serve this area. | 2 |
| 1 | 1105 | 10.4 | 0 | 0 | 156 | Commercial | ESA 1105 is located in MWC's "Reduced" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires installation of 12-inch water lines. There is a 36-inch water line along west side of Crater Lake Highway 62 that can serve this area. | 2 |
| 1 | 1106 | 8.7 | 0 | 0 | 131 | Commercial | ESA 1106 is located in MWC's "Reduced" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires installation of 12-inch water lines. There is a 36-inch water line along west side of Crater Lake Highway 62 that can serve this area. | 2 |
| 2 | 2101 | 6.8 | 0 | 0 | 102 | Commercial | ESA 2101 is located in MWC's "Reduced" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires installation of 12-inch water lines. There is an existing 12-inch water line in Crater Lake Avenue at the proposed intersection of Justice Road and Crater Lake Avenue. | 2 |
| 2 | 2102 | 6.2 | 0 | 0 | 94 | Commercial | ESA 2102 is located in MWC's "Reduced" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires installation of 12-inch water lines. There is an existing 12-inch water line in Crater Lake Avenue that can serve this area. | 2 |
| 2 | 2103 | 25.7 | 0 | 0 | 386 | Commercial | ESA 2103 is located in MWC's "Reduced" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires installation of 12-inch water lines. There is an existing 12-inch water line in Crater Lake Avenue that can serve this area. | 2 |
| 2 | 2104 | 15.4 | 0 | 0 | 231 | Commercial | ESA 2104 is located in MWC's "Reduced" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires installation of 12-inch water lines. There is an existing 12-inch water line in Crater Lake Avenue that can serve this area. | 2 |
| 2 | 2201 | 33.7 | 103 | 252 | 0 | Residential | ESA 2201 is located in MWC's "Reduced" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires installation of 8-inch water lines. There is a 12-inch water line in Crater Lake Avenue that can serve this area. | 1 |

MWC Comments and Scoring for ESA_2014_TAZ populating worksheet.xlsx

1 of 9

Appendix H: Infrastructure Scoring Memos

City of Medford - External Study Areas (ESA) Review
By Medford Water Commission

Scoring is based on cost of required improvements made to the domestic water conveyance system.

- (1) High Cost
- (2) Moderate Cost
- (3) Low Cost

| Exhibit # | ID | Acres | DUs | Population | EMPESA | Proposed Zoning | MWC Evaluation Comments | MWC Score |
|-----------|------|-------|-----|------------|--------|-----------------|---|-----------|
| 3 | 2105 | 76.5 | 0 | 0 | 1149 | Commercial | ESA 2105 is located in MWC's "Reduced" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires installation of 12-inch water lines. There is an existing 24-inch water line on the west side of Crater Lake Hwy, and a 12-inch water line in Crater Lake Avenue near the middle of this ESA that can serve this area. | 3 |
| 3 | 2106 | 25.8 | 0 | 0 | 387 | Commercial | ESA 2106 is located in MWC's "Reduced" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires installation of 12-inch water lines. There is an existing 24-inch water line on the west side of Crater Lake Hwy, and there is an existing 12-inch water line in Crater Lake Avenue that can serve this area. | 2 |
| 3 | 2107 | 27.9 | 0 | 0 | 419 | Commercial | ESA 2107 is located in MWC's "Reduced" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires installation of 12-inch water lines. There is an existing 24-inch water line on the west side of Crater Lake Hwy, and there is an existing 12-inch water line in Crater Lake Avenue that can serve this area. | 2 |
| 3 | 2108 | 2.8 | 0 | 0 | 42 | Commercial | ESA 2108 is located in MWC's "Reduced" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires installation of 12-inch water lines. There is a 24-inch water line on the west side of Crater Lake Hwy, and there is an existing 12-inch water line in Crater Lake Avenue approximately 2200-feet north of this ESA that can serve this area. | 2 |
| 3 | 2202 | 54.9 | 167 | 409 | 0 | Residential | ESA 2202 is located in MWC's "Reduced" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires installation of 8-inch water lines. There is a 12-inch water line in Crater Lake Avenue that can serve this area. | 1 |
| 3 | 2203 | 38.2 | 116 | 284 | 0 | Residential | ESA 2203 is located in MWC's "Reduced" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires installation of 8-inch water lines. There is a 12-inch water line in Crater Lake Avenue that can serve this area. MWC can not serve domestic water to the area above the ground elevation of 1500 feet located in the southeast portion of this ESA. | 1 |
| 4 | 3101 | 18.6 | 0 | 0 | 279 | Commercial | ESA 3101 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires installation of 12-inch water lines. There is a 12-inch water line in McLoughlin Drive that can serve this area. | 3 |
| 4 | 3201 | 20.2 | 61 | 149 | 0 | Residential | ESA 3201 is located in both MWC's "Gravity" and "Zone 1" pressure zones. This ESA is proposed to be zoned Residential. Residential zoning requires installation of 8-inch water lines. The area of land above elevation 1500 feet is required to install a pump station and reservoir sized to serve this area. The existing 6 inch water line in Coker Butte Road is undersized to serve domestic and fire protection water to the proposed ESA. A new 12-inch water line is required to be installed in Coker Butte Road starting from Springbrook Road and extending to the east side of this ESA. | 1 |

Appendix H: Infrastructure Scoring Memos

City of Medford - External Study Areas (ESA) Review
 By Medford Water Commission

Scoring is based on cost of required improvements made to the domestic water conveyance system.

- (1) High Cost
- (2) Moderate Cost
- (3) Low Cost

| Exhibit # | ID | Acres | DUs | Population | EMPESA | Proposed Zoning | MWC Evaluation Comments | MWC Score |
|-----------|------|-------|-----|------------|--------|-----------------|---|-----------|
| 4 | 3202 | 36.8 | 112 | 274 | 0 | Residential | ESA 3202 is located in both MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires installation of 8-inch water lines. The existing 6-inch water line in Coker Butte Road is undersized to serve domestic and fire protection water to the proposed ESA. A new 12-inch water line is required to be installed in Coker Butte Road starting from Springbrook Road and extending to the east side of this ESA. | 2 |
| 4 | 3203 | 49.2 | 150 | 368 | 0 | Residential | ESA 3203 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires installation of 8-inch water lines. The existing 6-inch water line in Coker Butte Road is undersized to serve domestic and fire protection water to the proposed ESA. A new 12-inch water line is required to be installed in Coker Butte Road starting from Springbrook Road and extending to the east side of this ESA. | 1 |
| 4 | 3205 | 26.7 | 81 | 198 | 0 | Residential | ESA 3205 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires installation of 8-inch water lines. There are 8-inch water lines stubbed for extension in Hondeleau Lane, Sharman Way, and Kingsbury Drive. New 8-inch water lines are required to be installed in proposed residential streets within this ESA. | 3 |
| 4 | 3206 | 34.5 | 105 | 257 | 0 | Residential | ESA 3206 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires installation of 8-inch water lines. There is a 8-inch water line stubbed for extension in Cheltenham Way. New 8-inch water lines are required to be installed in proposed residential streets within this ESA. | 2 |
| 5 | 3102 | 21.6 | 0 | 0 | 325 | Commercial | ESA 3102 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires installation of 12-inch water lines. There is a 12-inch water line in McLoughlin Drive that can serve this area. | 3 |
| 5 | 3103 | 11.1 | 0 | 0 | 167 | Commercial | ESA 3103 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires installation of 12-inch water lines. There is a 12-inch water line in McLoughlin Drive that can serve this area. | 3 |
| 5 | 3204 | 25.1 | 77 | 189 | 0 | Residential | ESA 3204 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires installation of 8-inch water lines. There is a 6-inch water line in Coker Butte Road. The existing 6-inch water line in Coker Butte Road is undersized to serve domestic and fire protection water to the proposed ESA. A new 12-inch water line is required to be installed in Coker Butte Road starting from Springbrook Road and extending to the east side of this ESA. | 1 |

Appendix H: Infrastructure Scoring Memos

City of Medford - External Study Areas (ESA) Review
By Medford Water Commission

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- (3) Low Cost

| Exhibit # | ID | Acres | DUs | Population | EMPESA | Proposed Zoning | MWC Evaluation Comments | MWC Score |
|-----------|------|-------|-----|------------|--------|-----------------|---|-----------|
| 5 | 3207 | 9.9 | 30 | 74 | 0 | Residential | ESA 3207 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires installation of 8-inch water lines. There is a 6-inch water line in Coker Butte Road, and 12-inch water line in McLoughlin Drive. The existing 6-inch water line in Coker Butte Road is undersized to serve domestic and fire protection water to the proposed ESA. A new 12-inch water line is required to be installed in Coker Butte Road starting from Springbrook Road. New 8-inch water lines are required to be installed in proposed residential streets within this ESA. | 1 |
| 5 | 3208 | 28.6 | 87 | 213 | 0 | Residential | ESA 3208 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires installation of 8-inch water lines. There is a 6-inch water line in Coker Butte Road, a 24-inch water line in or near Foothill Road, and a 16-inch water line in Delta Waters Road at Fairfax Street. New 8-inch water lines are required to be installed in proposed residential streets within this ESA. | 1 |
| 5 | 3209 | 41.2 | 126 | 309 | 0 | Residential | ESA 3209 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires installation of 8-inch water lines. There is a 6-inch water line in Coker Butte Road, a 16-inch water line in Delta Waters Road at Fairfax Street, and a 24-inch water line in or near Foothills Road. New 8-inch water lines are required to be installed in proposed residential streets within this ESA. | 3 |
| 5 | 3210 | 2.9 | 9 | 22 | 0 | Residential | ESA 3210 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires installation of 8-inch water lines. There is 24-inch water line in or near Foothills Road. New 8-inch water lines are required to be installed in proposed residential streets within this ESA. | 3 |
| 5 | 3211 | 60.7 | 185 | 453 | 0 | Residential | ESA 3211 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires installation of 8-inch water lines. There is 12-inch water line in McLoughlin Drive, and a 8-inch water line in Nettle Way. New 8-inch water lines are required to be installed in proposed residential streets within this ESA. | 3 |
| 5 | 3212 | 68.2 | 208 | 510 | 0 | Residential | ESA 3212 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires installation of 8-inch water lines. There is 24-inch water line in or near Foothills Road, and a 16-inch water line in Delta Waters Road at Fairfax Street. New 8-inch water lines are required to be installed in proposed residential streets within this ESA. | 3 |
| 6 | 3213 | 40.5 | 124 | 304 | 0 | Residential | ESA 3213 is located in three (3) of MWC's pressure zones; Zones 3, 4 and 5. This ESA is proposed to be zoned Residential. Residential zoning requires installation of 8-inch water lines. There are 8-inch water lines available for Zone 4 and 5 at the north end of Satellite Drive, and a 8-inch water line at the north end of Bordeaux Avenue for Zone 3. New 8-inch water lines are required to be installed in proposed residential streets within this ESA. This ESA will be difficult and expensive to develop due to the steep terrain and the required construction of water reservoirs, pump stations, and extensive water water lines. | 1 |

Appendix H: Infrastructure Scoring Memos

City of Medford - External Study Areas (ESA) Review
By Medford Water Commission

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- (1) High Cost
- (2) Moderate Cost
- (3) Low Cost

| Exhibit # | ID | Acres | DUs | Population | EMPESA | Proposed Zoning | MWC Evaluation Comments | MWC Score |
|-----------|------|-------|-----|------------|--------|-----------------|---|-----------|
| 6 | 3214 | 39.9 | 122 | 299 | 0 | Residential | ESA 3214 is located in four (4) of MWC's pressure zones; Zones 5, 6, 7 and 8. This ESA is proposed to be zoned Residential. Pressure zones 6, 7 and 8 do not currently exist and will require construction of a pump station and reservoir for each zone, along with property acquisition for each facility site. This ESA will be difficult and extremely expensive to develop due to the steep terrain and the magnitude of required construction of off-site water facilities and water line extensions that need to be constructed to this ESA. | 1 |
| 7 | 4101 | 50.7 | 0 | 0 | 762 | Commercial | ESA 4101 is located in both MWC's "Zone 1" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires installation of 12-inch water lines. There is a 12-inch water line in Hillcrest Road to serve this area. | 3 |
| 7 | 4102 | 12.6 | 0 | 0 | 190 | Commercial | ESA 4102 is located in both MWC's "Zone 1" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires installation of 12-inch water lines. There is a 12-inch water line in Hillcrest Road approximately 500 feet west of Urano Lane to serve this area. | 3 |
| 7 | 4201 | 181.3 | 553 | 1,355 | 0 | Residential | ESA 4201 is located in both MWC's "Zone 1" and "Zone 2" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires installation of 8-inch water lines. For the "Zone 1" pressure zone area there is a 12-inch water line in N. Foothill Road, an 8-inch water line in La Strada Circle, and a 6-inch water line in Hillcrest Road adjacent to this ESA. For the "Zone 2" pressure zone area there is an 8-inch water line in Hemlock Drive, and an 8-inch water lines are also located in the East McAndrews Village development along the east side of this ESA. | 2 |
| 7 | 4202 | 28.5 | 87 | 213 | 0 | Residential | ESA 4202 is located in both MWC's "Zone 1" and "Zone 2" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires installation of 8-inch water lines. There is a 12-inch water line in Hillcrest Road approximately 500 feet west of Urano Lane that would be required to be extended across ESA 4102, then 8-inch water lines can be extended into this ESA. | 2 |
| 8 | 5101 | 9.9 | 0 | 0 | 149 | Commercial | ESA 5101 is located in MWC's "Zone 4" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires installation of 12-inch water lines. There is a 12-inch water line in Cherry Lane, and an 8-inch water line in Hillcrest Road that can serve this area. | 3 |
| 8 | 5201 | 95.8 | 292 | 715 | 0 | Residential | ESA 5201 is located in MWC's "Zone 4" and "Zone 5" pressure zones. This ESA is proposed to be zoned Residential. Residential zoning requires installation of 8-inch water lines. There is a 12-inch water line in Cherry Lane that can serve the area of this ESA that lies within "Zone 4" pressure zone. There is 8-inch water line in Roxy Ann Road that can serve this area of this ESA that lies within "Zone 5" pressure zone. | 3 |

Appendix H: Infrastructure Scoring Memos

City of Medford - External Study Areas (ESA) Review

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| Exhibit # | ID | Acres | DUs | Population | EMPESA | Proposed Zoning | MWC Evaluation Comments | MWC Score |
|-----------|------|-------|-----|------------|--------|-----------------|---|-----------|
| 9 | 5202 | 113.4 | 346 | 848 | 0 | Residential | ESA 5202 is located in MWC's "Zone 3", "Zone 4, and "Zone 5" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires the installation of 8-inch water lines. There is a "Zone 3" 12-inch water line in Cherry Lane approximately 200-feet east of Mary Bee Lane that can serve this area. This 12-inch water line is required to be extended easterly in Cherry Lane, then 8-inch water lines are required to be extended on-site. There is a "Zone 4" 12-inch water line in Cherry Lane at Aerial Heights Drive. There is a "Zone 5" 8-inch water line in Rovy Ann Road at Fallbrook Lane. | 1 |
| 9 | 5203 | 7.9 | 24 | 59 | 0 | Residential | ESA 5203 is located in MWC's "Zone 3" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires the installation of 8-inch water lines. There is a 12-inch water line in Cherry Lane approximately 200-feet east of Mary Bee Lane that can serve this area. This 12-inch water line is required to be extended easterly in Cherry Lane, then 8-inch water lines are required to be extended on-site. | 1 |
| 9 | 5204 | 61.5 | 187 | 458 | 0 | Residential | ESA 5204 is located in both MWC's "Zone 2" and "Zone 3" pressure zones. This ESA is proposed to be zoned Residential. Residential zoning requires the installation of 8-inch water lines. There is a "Zone 3" 12-inch water line in Cherry Lane approximately 200-feet east of Mary Bee Lane that can serve this area. This "Zone 3" 12-inch water line is required to be extended easterly in Cherry Lane, then 8-inch water lines are required to be extended on-site. There is a "Zone 2" 12-inch water line in Cherry Lane approximately 200-feet east of Mary Bee Lane that can be extended easterly in Cherry Lane, then 8-inch water lines are required to be extended on-site to serve the "Zone 2" area of this ESA. | 1 |
| 9 | 5205 | 51.5 | 157 | 385 | 0 | Residential | ESA 5205 is located in MWC's "Zone 2" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires the installation of 8-inch water lines. There is a "Zone 2" 12-inch water line in Cherry Lane approximately 200-feet east of Mary Bee Lane that can be extended easterly in Cherry Lane, then 8-inch water lines are required to be extended on-site to serve the "Zone 2" area of this ESA. | 1 |
| 9 | 5206 | 38.8 | 118 | 289 | 0 | Residential | ESA 5206 is located in MWC's "Zone 2" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires the installation of 8-inch water lines. There is a "Zone 2" 12-inch water line in Cherry Lane approximately 200-feet east of Mary Bee Lane that can be extended easterly in Cherry Lane, then 8-inch water lines are required to be extended on-site to serve the "Zone 2" area of this ESA. | 1 |
| 10 | 5102 | 25.1 | 0 | 0 | 377 | Commercial | ESA 5102 is located in MWC's "Zone 1" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires the installation of 12-inch water lines. There is a 16-inch water line in N. Phoenix Road at Juanpero Way that can serve this area. The 16-inch water line is required to be extended southerly in N. Phoenix Road, and 12-inch water lines are required to be extended on-site. | 2 |

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|-----------|------|-------|-----|------------|--------|-----------------|--|-----------|
| 10 | 5103 | 37.4 | 0 | 0 | 562 | Commercial | ESA 5103 is located in MWC's "Zone 1" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires the installation of 12-inch water lines. There is a 16-inch water line in N. Phoenix Road at Juanipero Way that can serve this area. The 16-inch water line is required to be extended southerly in N. Phoenix Road, and 12-inch water lines are required to be extended on-site. | 2 |
| 10 | 5104 | 33.4 | 0 | 0 | 502 | Commercial | ESA 5104 is located in MWC's "Zone 1" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires installation of 12-inch water lines. There is a 16-inch water line in N. Phoenix Road at Juanipero Way that can serve this area. The 16-inch water line is required to be extended southerly in N. Phoenix Road, and 12-inch water lines are required to be extended on-site. | 2 |
| 10 | 5105 | 22.7 | 0 | 0 | 342 | Commercial | ESA 5105 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires installation of 12-inch water lines. There is a 12-inch water line in South Stage Road west of Interstate 5 that can serve this area. The 12-inch water line is required to be extended across Interstate 5, and 12-inch water lines are required to be extended on-site. | 1 |
| 10 | 5106 | 71.3 | 0 | 0 | 1071 | Commercial | ESA 5106 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires installation of 12-inch water lines. There is a 12-inch water line in South Stage Road west of Interstate 5 that can serve this area. The 12-inch water line is required to be extended across Interstate 5, and 12-inch water lines are required to be extended on-site. | 1 |
| 10 | 5107 | 79.4 | 0 | 0 | 1192 | Commercial | ESA 5107 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires installation of 12-inch water lines. There is a 16-inch water line in N. Phoenix Road at Juanipero Way that can serve this area. The 16-inch water line is required to be extended southerly in N. Phoenix Road, and 12-inch water lines are required to be extended on-site. | 1 |
| 10 | 5207 | 57.8 | 176 | 431 | 0 | Residential | ESA 5207 is located in MWC's "Zone 1" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires the installation of 8-inch water lines. There is a "Zone 1" 16-inch water line in N. Phoenix Road at Juanipero Way that can be extended southerly in N. Phoenix Road, then 8-inch water lines are required to be extended easterly in Coal Mine Road and then on-site to serve this area of this ESA. | 2 |
| 10 | 5208 | 31.1 | 95 | 233 | 0 | Residential | ESA 5208 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires the installation of 8-inch water lines. There is a "Gravity" zone 8-inch water line in Honor Drive, and a 6-inch water line in Olympic Avenue that can serve this area. | 3 |
| 10 | 5209 | 117.3 | 358 | 877 | 0 | Residential | ESA 5209 is located in MWC's "Zone 1" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires the installation of 8-inch water lines. There is a "Zone 1" 8-inch water line in Juanipero Way that can serve this area. | 3 |

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|-----------|------|-------|-----|------------|--------|-----------------|---|-----------|
| 10 | 5210 | 51.9 | 158 | 387 | 0 | Residential | ESA 5210 is located in MWC's "Zone 1" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires the installation of 8-inch water lines. There is a "Zone 1" 8-inch water line in Juanipero Way that can serve this area. | 3 |
| 10 | 5211 | 118.3 | 360 | 882 | 0 | Residential | ESA 5211 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires the installation of 8-inch water lines. There is a "Gravity" zone 8-inch water line in Honor Drive that can serve this area. | 2 |
| 10 | 5212 | 16.6 | 51 | 125 | 0 | Residential | ESA 5212 is located in MWC's "Zone 1" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires the installation of 8-inch water lines. There is a "Zone 1" 8-inch water line in Juanipero Way, and there is a "Zone 1" 16-inch water line in N. Phoenix Road at Juanipero Way that can serve this area. | 2 |
| 11 | 6101 | 43.7 | 0 | 0 | 656 | Commercial | ESA 6101 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires the installation of 12-inch water lines. There is a "Gravity" zone 16-inch water line along the east side of Hwy 99, and a 14-inch water line along the east side of Hwy 99 at South Stage Road. | 2 |
| 11 | 6302 | 27.5 | 0 | 0 | 413 | Industrial | ESA 6302 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires the installation of 12-inch water lines. There is a "Gravity" zone 16-inch water line located on the east side of S. Pacific Hwy 99 to serve this area. | 2 |
| 12 | 6301 | 2.9 | 0 | 0 | 43 | Industrial | ESA 6301 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires the installation of 12-inch water lines. There is a "Gravity" zone 12-inch water line located at the southerly end of Anton Drive to serve this area. | 3 |
| 12 | 7101 | 48.8 | 0 | 0 | 733 | Commercial | ESA 7101 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires the installation of 8-inch water lines. There are "Gravity" zone 8-inch water lines in Meyers Lane and S. Holly Street. There is also a "Gravity" zone 24-inch water line in Garfield Avenue to serve this area. | 3 |
| 13 | 7102 | 29.4 | 0 | 0 | 441 | Commercial | ESA 7102 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Commercial. Commercial zoning requires the installation of 12-inch water lines. There is no 12-inch water lines in this area as this is an established residential area. Garfield Street has a "Gravity" zone 24-inch water line that can serve this area. A 12-inch water line extension (approx. 4700-ft) would be required in Kings Hwy, and on-site 12-inch water lines. Due to low water pressures in the area, this ESA and the surrounding residential area extending up to Diamond Street may be required to be converted from the "Gravity" pressure zone to the "Southwest" pressure zone. | 1 |
| 13 | 7201 | 33.5 | 102 | 250 | 0 | Residential | ESA 7201 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires the installation of 8-inch water lines. There is a 8-inch water line in Sparrow Way and S Holly Street to serve this area. | 3 |

Appendix H: Infrastructure Scoring Memos

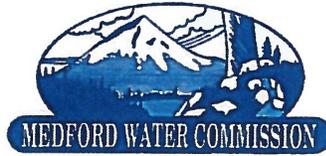
City of Medford - External Study Areas (ESA) Review

By Medford Water Commission

Scoring is based on cost of required improvements made to the domestic water conveyance system.

- (1) High Cost
- (2) Moderate Cost
- (3) Low Cost

| Exhibit # | ID | Acres | DUs | Population | EMPESA | Proposed Zoning | MWC Evaluation Comments | MWC Score |
|-----------|------|-------|-----|------------|--------|-----------------|---|-----------|
| 13 | 7202 | 20.9 | 64 | 157 | 0 | Residential | ESA 7202 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires the installation of 8-inch water lines. There is a 8-inch water line in Sparrow Way and 5 Holly Street to serve this area. | 3 |
| 13 | 7203 | 82.8 | 252 | 617 | 0 | Residential | ESA 7203 is located in MWC's "Gravity" pressure zone. This ESA is proposed to be zoned Residential. Residential zoning requires the installation of 8-inch water lines. There is a 8-inch water line in Sparrow Way to serve this area. Due to low water pressures in the area, this ESA and the surrounding residential area extending up to Diamond Street may be required to be converted from the "Gravity" pressure zone to the "Southwest" pressure zone. | 1 |
| 14 | 8101 | 7.4 | 0 | 0 | 111 | Commercial | ESA 8101 is located in MWC's "Southwest" pressure zone. This ESA is to be zoned Commercial. Commercial zoning requires the installation of 12-inch water lines. There is a 12-inch water line in Orchard Home Drive at Alamar Street to serve this area. | 3 |
| 14 | 8201 | 48.2 | 147 | 360 | 0 | Residential | ESA 8201 is located in MWC's "Southwest" pressure zone. This ESA is to be zoned Residential. Residential zoning requires the installation of 8-inch water lines. There is a 12-inch water line in Orchard Home Drive at Alamar Street, a 12-inch water line in Columbus Avenue, and 8-inch water lines in Terrel Drive and Martin Drive, and 6-inch water lines in Canal Street, Meals Drive, and Milford Drive to serve this area. | 3 |
| 15 | 9203 | 43.2 | 132 | 323 | 0 | Residential | ESA 9203 is located in MWC's "Gravity" pressure zone. This ESA is to be zoned Residential. Residential zoning requires the installation of 8-inch water lines. There is a 6-inch water line in Clover Lane and Sunset Court, and a 36-inch water line along the west boundary of this ESA that will serve this area. | 3 |
| 15 | 9204 | 61.4 | 187 | 458 | 0 | Residential | ESA 9204 is located in MWC's "Gravity" pressure zone. This ESA is to be zoned Residential. Residential zoning requires the installation of 8-inch water lines. There is a 6-inch water line in Clover Lane and Sunset Court, and a 30-inch water line along the west and south boundary of this ESA that will serve this area. | 3 |
| 16 | 9201 | 20.8 | 63 | 154 | 0 | Residential | ESA 9201 is located in MWC's "Gravity" pressure zone. This ESA is to be zoned Residential. Residential zoning requires the installation of 8-inch water lines. There is a 36-inch water along the west side of this property, and a 12-inch water in Hwy 238 to the north of this property that will serve this area. | 3 |
| 16 | 9202 | 9.6 | 29 | 71 | 0 | Residential | ESA 9202 is located in MWC's "Gravity" pressure zone. This ESA is to be zoned Residential. Residential zoning requires the installation of 8-inch water lines. There is a 8-inch water in Maple Park Drive, and a 6-inch water in Finley Lane that will serve this area. | 3 |



200 South Ivy Street - Room 177 Medford, Oregon 97501
Customer Service (541) 774-2430 • Administration (541) 774-2440
Fax (541) 774-2555 • wtrcom@ci.medford.or.us
www.medfordwater.org

December 5, 2014

Joe Slaughter, AICP
Planner IV, Long Range Planning
City of Medford
Lausmann Annex
200 S. Ivy Street
Medford, OR 97501

Subject: Revise scoring of the ESA's

Dear Joe,

Medford Water Commission (MWC) has received the additional layouts/master plans for ESA areas MD2 and MD7 that were routed to MWC for reevaluating these ESA areas. Initially, MWC was in favor of reevaluating the scoring for these areas, but after internal discussions MWC has decided not to adjust the previously submitted scores for the following reasons.

The current MWC scoring of the ESA areas is based on the following criteria:

- The score of 3 or "green" is based on water facilities directly adjacent to the Urban Reserve area.
- The score of 2 or "yellow" is based on water facilities being one lot/tier further away from the Urban Reserve area than what is listed as a score of 3.
- The score of 1 or "red" is based on water facilities being two lots/tiers further away from the Urban Reserve area than what is listed as a score of 1. Additionally a score of 1 is warranted if reservoirs, pump stations, and water transmission mains are lacking. If the Urban Reserve area is in a non-serviceable area a score of 1 is also assigned.

The recently submitted master plans did not change the existing condition to warrant a change of the existing MWC scoring. The recently submitted master plans are not linked to an approved land development application with approved conditions that bind the master plan to the Urban Reserve areas. If the master plans were submitted for a formal review and approval process, then the overlay of the master plan could potentially change the evaluation of the ESA areas in question.

MWC does agree with the concept of the master plans, and acknowledges that a demonstrated systematic/phased development of the ESA areas in question would enhance the development potential of the areas. However, the lack of a formal approval/adoption of the submitted master plans does not insure the implementation of those master plans. The

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Joe Slaughter, AICP
Planner IV, Long Range Planning
City of Medford
Subject: Revise scoring of the ESA's
December 5, 2014

Page 2 of 2

master plans could potentially change for a multitude of reasons, including market conditions, change of ownership, cost of development, environmental issues, etc.

In conclusion, MWC is reluctant to set the precedent of changing our existing ESA scoring based on submittals of non-binding exhibits. Should the criteria change for any given ESA, MWC would take that data under consideration.

Sincerely,



Eric C. Johnson, P.E.
Principal Engineer
Medford Water Commission

APPENDIX I. TRANSPORTATION MEMO

from PC Study Session, April 6, 2015, Exhibit D

SUBJECT UGB Amendment Project—Supplement to March 12, 2015 staff report
 Additional explanation of how staff translated transportation analyses into
 scoring maps

FILE NO. CP-14-114

TO Planning Commission

FROM Joe Slaughter, Planner IV, Comprehensive Planning

DATE April 6, 2015

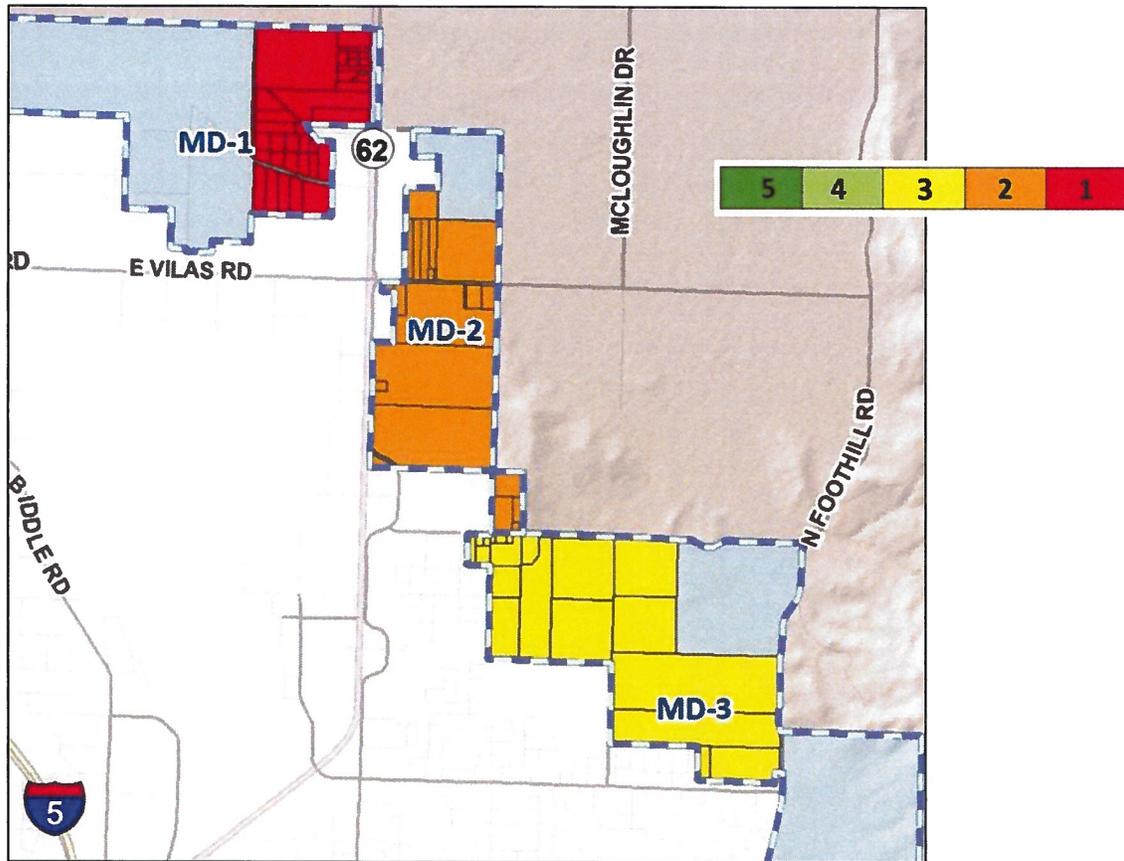
PROCESS

Staff asked the consultant, Kittelson and Associates, and ODOT's Transportation Planning Analysis Unit (TPAU) to model four different growth scenarios within the external study areas (ESAs). Maps of the four scenarios are on page 110 of the March 12 hearing packet; they are part of draft technical memorandum no. 8 (TM-8) from Kittelson. Note that the models incorporated both the South Stage Road I-5 overpass and the new Highway 62 route. However, although Owen Drive was included in the model as an east-west connection to Foothill Road, Springbrook Road was not included as a north-south connection to East Vilas Road.

The scenario evaluations on pages 111–117 have one common message: growth at the current level of service will require a lot of system upgrades no matter where it happens. Given that, a number of differences stand out from the evaluations:

- The east side lacks a dense grid of streets; with fewer interconnections there are fewer route choices, forcing traffic onto just a few streets.
- New north-south routes parallel to Highway 62 are needed in the northeast.
- A north-south collector route parallel to Foothill-North Phoenix Road would be advisable on the east side.
- The west side has a dense enough grid of streets to handle growth in vehicular traffic pretty well, but improvements to multi-modality are needed.

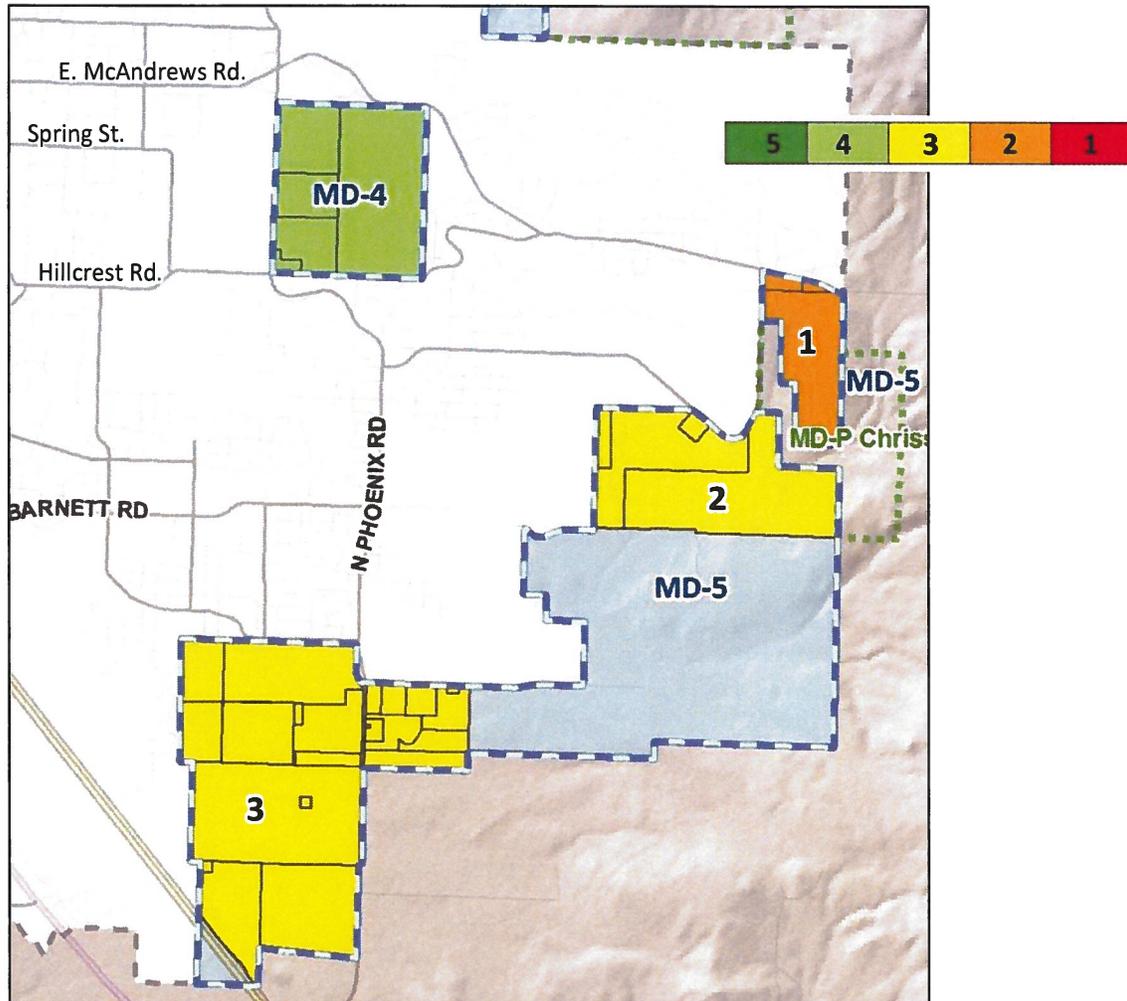
With the evaluations in hand, staff worked around the map and scored large blocks of the ESAs on a five-tiered scale. The process involved a lot of backing up and re-evaluating, a lot of looking at areas again and again in light of conclusions about other areas; in short, there were many iterations over a number of meetings. The next few sections summarize staff's thinking about various sectors.



NORTHEAST

The Highway 62 corridor is more sensitive to growth than some other facilities. Staff originally considered giving both MD-1 and MD-2 the lowest score, but MD-2 was bumped up slightly because a Springbrook Road extension to East Vilas Road would provide an alternative to Crater Lake Highway (Hwy. 62). The MD-3 area was given a moderate score because connections through it would relieve pressure on Delta Waters Road.

Staff continually wrestled with the inherent irony in these discussions: bringing in land to help alleviate a transportation problem also creates further demands on the transportation system. However, the urban reserve is exactly where the City decided it wanted to grow in the future, so staff concentrated on where extending the boundary would provide some capacity benefit, and not just put additional traffic on existing streets.



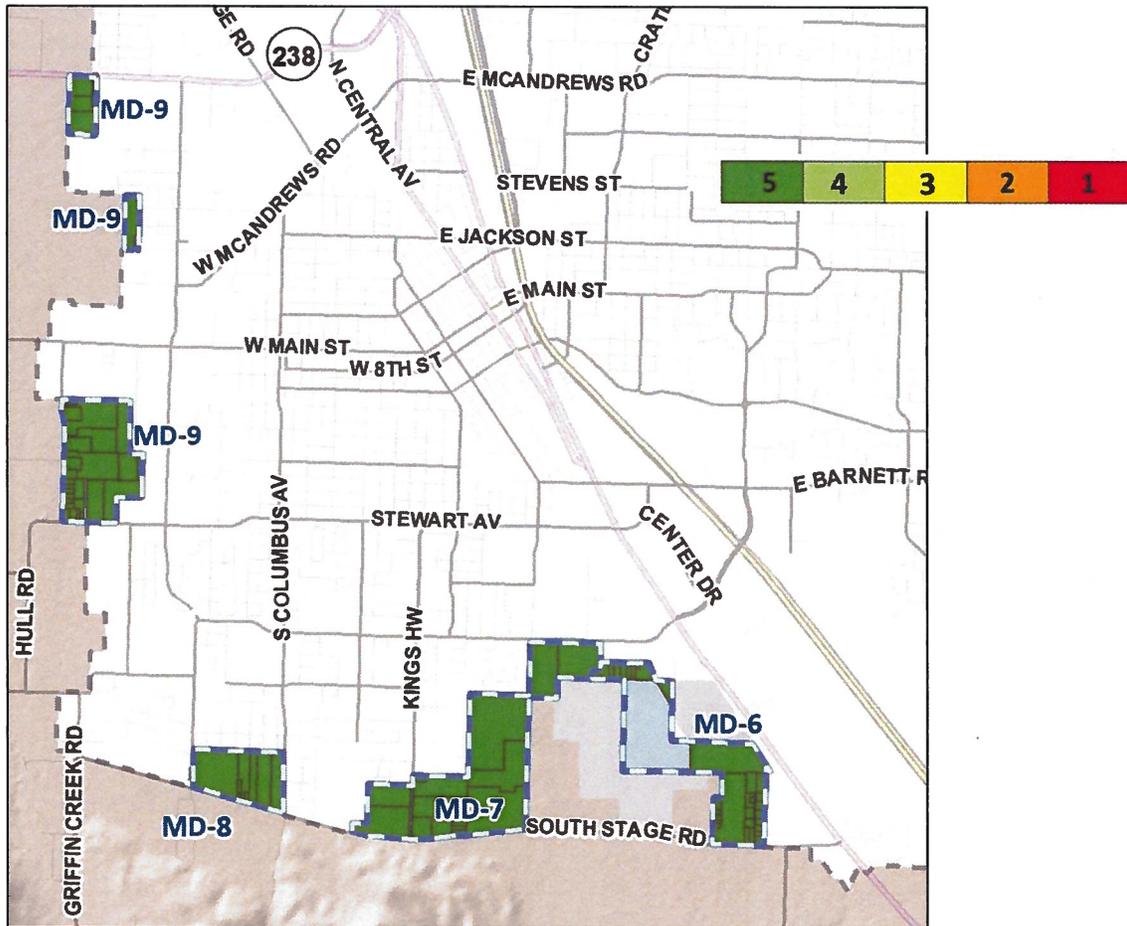
SOUTHEAST

Most of the areas in the southeast received low scores in the first go-around. It was obvious that North Phoenix Road will experience congestion no matter where development takes place in the urban reserve; it is an inevitable result of the growth that will occur in Medford and the surrounding communities as well. Note that the separate ESA parts of MD-5 are labeled 1–3 on the map for easier reference.

Staff reasoned that MD-4 (Hillcrest Orchards) would benefit from an extension of Spring Street eastward to join a collector coming north off Hillcrest Road through MD-4. Instead of just putting more traffic on East McAndrews Road and Hillcrest Road, it would provide an alternative route through its own development and the development of Dunbar Farm.

MD-5.1 would likely not be able to provide through-connections due to topography, hence the moderate-low score. MD-5.2 would include an extension of East Barnett Road that would bend northward to join Cherry Lane where it oxbows southward, so staff as-

signed it a moderate score. MD-5.3, comprising the Centennial golf course and the parcels south of it, also received a moderate score on the assumption that the South Stage overpass of the interstate highway would draw off pressure from North Phoenix Road and East Barnett Road.

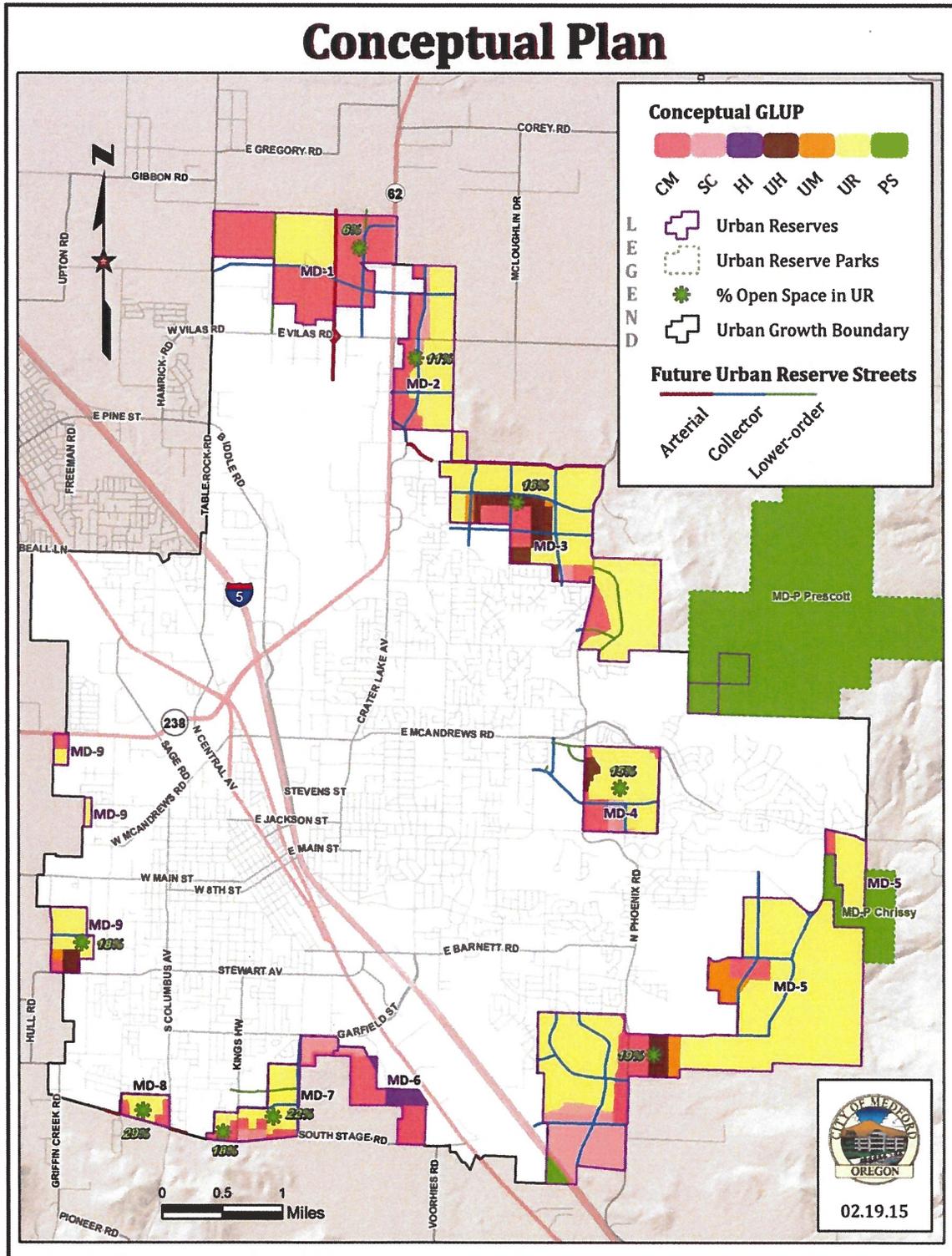


SOUTHWEST

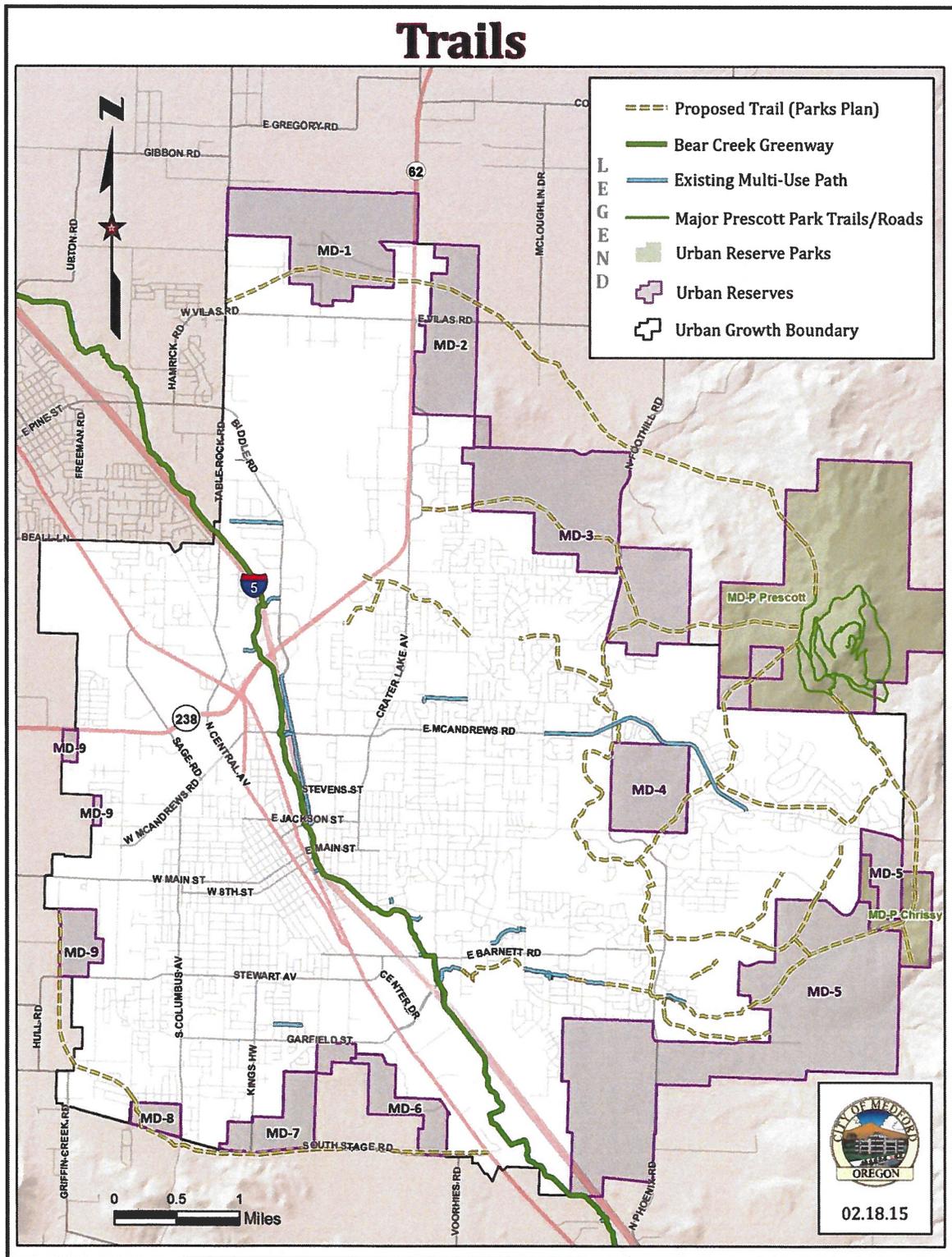
Except for the segment of South Columbus Avenue between West 10th Street and Stewart Avenue, all the higher-order streets in this quadrant proved to have sufficient capacity for motor vehicles in all the modeling scenarios. In addition, MD-7 would allow the extension of South Holly Street to South Stage Road. Giving all the areas in this quadrant a high transportation score was an obvious choice for staff.

APPENDIX J. CONCEPTUAL PLAN

Map 8.1. Conceptual Plan for Urban Reserve (Higher-order Streets and Land Use)



Map 8.2. UGB/Urban Reserve Trails Plan (adapted from Leisure Services Plan Figure 6.2)



APPENDIX K. LIST OF WRITTEN TESTIMONY RECEIVED DURING COUNCIL HEARINGS

| <u>Exhibit</u> | <u>From</u> | <u>MD area/subarea</u> | | <u>Received</u> |
|----------------|-------------------------------|------------------------|-------|------------------------------|
| E | White | 9 | south | 03-30-2015 |
| F | Hamlin | 9 | south | 04-06-2015 |
| G | Knox, Christopher | 9 | south | 04-06-2015 |
| H | Carlton | 1 | | 04-17-2015 |
| I | Jackson County | – | | 04-14-2015 |
| J | Starlite Lane group | 6 | | 06-03-2015 |
| K | Rogue Valley Sewer Service | – | | 07-14-2015 |
| L | Rogue Valley Manor | 5 | sw | 07-20-2015 |
| M | Stevens | 6 | | 07-20-2015 |
| N | Sjothun | – | | 07-06-2015 |
| O | Matthews (ex parte) | – | | multiple |
| P | Richard Steven and Associates | 2 | | 07-21-2015 |
| Q | Matthews (ex parte) | – | | 07-22-2015 |
| R | Hearn | 5 | mid | 07-29-2015 |
| S | Starlite Group | 6 | | 07-30-2015 |
| T | Bartlett | 5 | ne | 07-30-2015 |
| U | Knox, Mark | 7s and 8 | | 07-30-2015 |
| V | Mahar | 5 | ne | 07-31-2015 |
| W | Hansen | 5 | ne | 07-31-2015 |
| X | Vincent | 5 | ne | 08-03-2015 |
| Y | Carpenter | 3 | west | 08-04-2015 |
| Z | Harland | general | | 08-04-2015 |
| AA | Broadway | 6 | | 08-04-2015 |
| BB | Montero | 5 | sse | 08-05-2015 |
| CC | Savage | 3 | east | 08-05-2015 |
| DD | Desmond | 7 | north | 08-05-2015 |
| EE | Caldwell/Hight | general | | 08-05-2015 |
| FF | Root | general | | 08-05-2015 |
| GG | Stark | 3 | west | 08-06-2015 |
| HH | Cofield | 3 | west | 08-06-2015 |
| II | Kell | 3 | | 08-06-2015 |
| JJ | Montero | general | | <i>at hearing</i> 08-06-2015 |
| KK | LaNier/Parducci | 2 | | <i>at hearing</i> 08-06-2015 |
| LL | Savage | general | | <i>at hearing</i> 08-06-2015 |
| MM | Savage | general | | <i>at hearing</i> 08-06-2015 |

Appendix K: List of written testimony rec'd by Council

| <u>Exhibit</u> | <u>From</u> | <u>MD area/subarea</u> | | <u>Received</u> |
|----------------|----------------|------------------------|-------|------------------------------|
| NN | Woerner | 4 | | <i>at hearing</i> 08-06-2015 |
| OO | Woerner | 4 | | <i>at hearing</i> 08-06-2015 |
| PP | Mahar | 5 | ne | <i>at hearing</i> 08-06-2015 |
| QQ | Jones | 5 | ne | <i>at hearing</i> 08-06-2015 |
| RR | Stocker | 5 | sw | <i>at hearing</i> 08-06-2015 |
| SS | Brooks | 9 | north | <i>at hearing</i> 08-06-2015 |
| TT | Houghton | 9 | mid | 08-11-2015 |
| UU | Fischer | 7 | | 08-11-2015 |
| VV | Hathaway | 5 | sw | <i>at hearing</i> 08-06-2015 |
| WW | LeBombard/DLCD | general | | 08-13-2015 |
| XX | Bennett | 5 | ne | 08-13-2015 |
| YY | Chamberland | 5 | ne | 08-13-2015 |
| ZZ | Desmond | 5 | ne | 08-13-2015 |
| AAA | Watson | 5 | ne | <i>at hearing</i> 08-13-2015 |
| BBB | Mahar Jr. | 5 | ne | <i>at hearing</i> 08-13-2015 |
| CCC | Lulich | 5 | ne | <i>at hearing</i> 08-13-2015 |
| DDD | Lane | 5 | ne | <i>at hearing</i> 08-13-2015 |
| EEE | Hall | 5 | ne | <i>at hearing</i> 08-13-2015 |
| FFF | Jones | 5 | ne | <i>at hearing</i> 08-13-2015 |
| GGG | Hansen | 5 | ne | <i>at hearing</i> 08-13-2015 |
| HHH | Stone | 5 | ne | <i>at hearing</i> 08-13-2015 |
| III | Hansen | 5 | ne | <i>at hearing</i> 08-13-2015 |
| JJJ | Broadway | 6 | | <i>at hearing</i> 08-13-2015 |
| KKK | Ayala | 7 & 8 | | <i>at hearing</i> 08-13-2015 |
| LLL | Ayala | 7 & 8 | | <i>at hearing</i> 08-13-2015 |
| MMM | White | 9 | | <i>at hearing</i> 08-13-2015 |
| NNN | Dobson | 9 | | <i>at hearing</i> 08-13-2015 |
| OOO | Brooks | 9 | | <i>at hearing</i> 08-13-2015 |
| PPP | Hight | general | | <i>at hearing</i> 08-13-2015 |
| QQQ | Woerner | general | | <i>at hearing</i> 08-13-2015 |
| RRR | Brooks | 5 | ne | <i>at hearing</i> 08-13-2015 |
| SSS | Freel | 8 | | <i>at hearing</i> 08-13-2015 |
| TTT | Caldwell | general | | <i>at hearing</i> 08-13-2015 |
| UUU | Hanson | 5 | ne | <i>at hearing</i> 08-13-2015 |
| VVV | Hanson | 5 | ne | <i>at hearing</i> 08-13-2015 |
| WWW | Schroeder | 4 | | 08-14-2015 |
| XXX | Knox, Mark | 7 & 8 | | <i>at hearing</i> 08-13-2015 |
| YYY | Stevens | 6 | | 08-20-2015 |

| <u>Exhibit</u> | <u>From</u> | <u>MD area/subarea</u> | <u>Received</u> |
|----------------|---------------------|------------------------|-----------------------|
| ZZZ | Holmes/1000 Friends | general | 08-20-2015 |
| AAAA | Morehouse/ODOT | general | 08-20-2015 |
| BBBB | Hansen | 5 ne | at hearing 08-20-2015 |
| CCCC | Hays | general | at hearing 08-20-2015 |
| DDDD | Stocker | 5 sw | at hearing 08-20-2015 |
| EEEE | Bartholomew | 2 | at hearing 08-20-2015 |
| FFFF | Harland | general | at hearing 08-20-2015 |
| GGGG | Ayala | 7 & 8 | at hearing 08-20-2015 |
| HHHH | Morehouse/ODOT | general | 08-24-2015 |
| IIII | Mahar | 5 ne | 08-27-2015 |
| JJJJ | Broadway/Starlite | 6 | 09-11-2015 |
| KKKK | Hadrian | 5 ne | 09-11-2015 |
| LLLL | Sjothun/Parks & Rec | general | 09-14-2015 |
| MMMM | LeBombard/DLCD | general | 09-16-2015 |
| O000 | Maize | 7 north | 09-17-2015 |
| PPPP | Pfeiffer | 4 | 09-17-2015 |
| QQQQ | Harris | 7 & 8 | 09-26-2015 |
| RRRR | Pfeiffer | 4 | 10-01-2015 |
| SSSS | Woerner | 4 | 10-01-2015 |
| TTTT | Hansen | 5 ne | 10-01-2015 |
| UUUU | Hashimoto | 4 | 10-14-2015 |
| VVVV | Canon | 3 | 10-14-2015 |
| WWWW | Allan | 4 | 10-14-2015 |
| XXXX | Hansen | 5 ne | 10-14-2015 |
| YYYY | Montero | general | 10-14-2015 |
| ZZZZ | Brooks | 9 | 10-15-2015 |
| AAAAA | Stevens | 2 & 5 | 10-15-2015 |
| BBBBB | Hathaway | 5 | 10-15-2015 |
| CCCCC | Pfeiffer | general | 10-15-2015 |
| DDDDD | Montero | general | 10-15-2015 |
| EEEEE | Kell | 3 | 10-19-2015 |
| FFFFF | Mahar | 5 ne | 10-21-2015 |
| GGGGG | Ayala et al | 7 | 11-03-2015 |
| HHHHH | Hearn | 5 mid | 11-05-2015 |
| IIIII | Honecker Cowling | 2 | 11-11-2015 |
| JJJJJ | Pfeiffer | general | 11-17-2015 |
| KKKKK | Stark & Hammack | 3 | 11-18-2015 |

| <u>Exhibit</u> | <u>From</u> | <u>MD area/subarea</u> | <u>Received</u> |
|----------------|----------------------|------------------------|-----------------|
| LLLLL | Pfeiffer | general | 12-02-2015 |
| MMMMM | Kupillas (Manor) | 5 sw | 12-16-2015 |
| NNNNN | Hornecker Cowling | 2 | 12-17-2015 |
| O0000 | Stark-Hammack | 3 | 12-17-2015 |
| PPPPP | Pfeiffer | 4 | 12-17-2015 |
| QQQQQ | CSA: "grand bargain" | general | 01-21-2016 |
| RRRRR | CSA: Hansen | 5 ne | 02-05-2016 |
| SSSSS | Carpenter | 3 | 02-08-2016 |
| TTTTT | LeBombard/DLCD | general | 02-10-2016 |
| UUUUU | PRI (LDS church) | 3 | 02-17-2016 |
| VVVVV | Holmes/1000 Friends | general | 02-22-2016 |
| WWWWW | Pfeiffer | general | 02-24-2016 |
| XXXXX | Pfeiffer | general | 02-25-2016 |

APPENDIX L. EXCERPTED MINUTES OF COUNCIL MEETINGS

City Council Study Session Minutes July 23, 2015

The Medford City Council Study Session was called to order at 12:00 p.m. in the Medford Room of the Medford City Hall on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Daniel Bunn, Chris Corcoran, Dick Gordon, Tim Jackle*, Eli Matthews, Kevin Stine*, Michael Zarosinski

City Manager Pro Tem Bill Hoke; City Attorney Lori Cooper; Interim City Recorder Karen Spoons; Planning Director Jim Huber; Assistant Planning Director Bianca Petrou; Principal Planner Kelly Akin; Planner IV Joe Slaughter; Senior Planner John Adam; Public Works Director Cory Crebbin

Councilmember Clay Bearnson was absent.

*Arrived/left as noted.

Urban Growth Boundary (UGB) Update

Mayor Wheeler turned the meeting over to Councilmember Bunn; Councilmember Bunn noted that Council thought there would be many people who would want to speak; therefore there will be a draft letter of the expected schedule. A special meeting will be held on August 13 with three additional Council meetings held weekly. Many arguments may be received and staff suggested a summary in advance, which will be circulated to Council before the meeting. Staff would prepare responses to the comments. Planning staff will circulate an address list of those in the UGB and if Council had a conflict on a particular tax lot they could state that. Councilmember Jackle did not think that was correct. Councilmember Bunn noted that they will get advice from Legal.

Councilmember Corcoran will be present but will have to recuse himself because of those they work with at the bank. Mayor Wheeler noted they will take comments in order numerically so the format can be reasonably orderly.

John Adam began the presentation (see handout) and stated that the RPS process built a lot of trust with other cities. In Phase 1 of this project, Medford analyzed 800 acres internally for intensification; and it was reduced to 550 acres; Council shaved off 50 acres and approved in one meeting. Commission report details effects of Phase 1. Joe Slaughter covered the criteria pertaining to Goal 14. The City of Medford has demonstrated a need for additional land to meet its 20-year supply in its Comprehensive Plan. Councilmember Gordon questioned the Population Element being approved in

2007 and doubted Medford met the population elements. If we use that it would be appealable whereas if we based it on the new standards from Portland State it would not be appealable. Joe Slaughter stated that we have an agreement with DLCD and we need to keep with the process so those numbers are safe. Councilmember Gordon thought it was still appealable. Jim Huber noted that anything is appealable well beyond population. Everything is based off those population figures and everything would have to change because of that. While the numbers are different it would have a significant impact to change, such as Housing Element, Buildable Land Inventory, etc. It would add a few years before we could complete this process. Mayor Wheeler noted that it is a moving target.

*Councilmember Stine arrived.

County roads were discussed; Cory Crebbin noted we don't take over county roads unless they are up to a certain standard. Councilmember Gordon questioned taking a road over in the condition they are at the time of annexation; Cory Crebbin noted that is correct but the County has agreed to keep them up to a certain standard. Councilmember Corcoran questioned Table Rock Road, Cory Crebbin was unsure. Councilmember Gordon noted we would be left with less than desirable streets. John Adam noted that for the modeling, staff populated the land with housing and employees. The modeling showed us deficiencies but not the cost. Cory Crebbin stated this isn't the final word as we still need to amend the Transportation System Plan. Councilmember Gordon talked about adjusting the System Development Charges to the project list. Councilmember Zarosinski questioned new arterial streets; Cory Crebbin noted that we did do a transportation model to determine that. The score on the map determines the amount of work needed.

*Councilmember Jackle left.

Joe Slaughter resumed his presentation. Three alternatives had been presented to the Planning Commission for the proposed UGB amendment. Planning Commission chose Amendment 1 and removed most of alternative 3 but wanted to retain a small place of MD-3 by Delta Waters. Another portion south of Cherry Lane was included. He noted a post-Planning Commission correction that had to be made in MD-5 by Coal Mine Road was one legal parcel; the original boundary split them outside of the UGB, therefore the boundary was fixed to include in the UGB. Staff noted the split was from a function of the assessors map.

Councilmember Gordon questioned if the Planning Commission took into account the extensions of Owen Drive and others; staff noted that they did take into account Owen and that was more important than north/south connections. Connectivity of roads were discussed in areas where that is an issue. Mayor Wheeler noted that Council did look at boundaries between Phoenix pertaining to an overpass. Councilmember Gordon noted that twenty years is a long time. Mayor Wheeler noted that it is not from a lack of look-

ing at it. Harry and David was looked at pertaining to a South Valley Employment area but nothing came to fruition.

Councilmember Stine questioned if we can ask questions on how it will be developed; Attorney Lori Cooper noted it is not a criteria that you can ask. Councilmember Bunn noted that you can't hold people to what they would say. Joe Slaughter noted that is a good question and talked about the Centennial Golf Course who would need an open space assessment before they could annex and that will be in the Comprehensive Plan. Mayor Wheeler noted that we will receive many comments but staff will help us through it. Bianca Petrou compiled everything and would like to send the staff report out tomorrow. Anything new will continue to come before Council. As part of this study session a thorough explanation was given. The night of the hearing will be an abbreviated staff report to give time for the public to speak. Bianca Petrou stated that Council could call and ask questions. Several people have asked to testify and it will still be 3-5 minutes. Mayor Wheeler requested a binder with tabs; Council agreed.

Mayor Wheeler noted that we may not have to take testimony; Councilmember Stine requested the letter Councilmember Bunn spoke state that the meeting will take place in the evening.

The meeting adjourned at 1:05 p.m.

**City Council Minutes
September 17, 2015**

120. Public hearings

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

Councilmembers Bunn and Corcoran recused and left the dais.

Principal Planner John Adam presented the staff report.

City Attorney Cooper stepped out at 9:16 p.m. and returned at 9:18 p.m.

Councilmember Zarosinski questioned the Manor property, the "Active Adult Retirement Community" (AARC), and the GLUP determination. Mr. Adam stated AARC does not appear in the Housing Element. The Manor can satisfy housing needs with various densities and meet the required 6.6 units per acre on average. Councilmember Jackle asked about the tax break for the Manor (i.e., the open space assessment) and wanted assurances.

Councilmember Gordon questioned how the procedure would go tonight. Mayor Wheeler stated he thought they would go through the MDs one by one. Councilmember Jackle said he has no concerns about the west side properties – MD-6, 7, 8, 9 and wanted to know if anyone else had concerns. Councilmember Gordon questioned the Starlite/Myers Lane area as a homeowners requested MD-6 Starlite Lane be excluded from the inclusion. Mr. Adam stated that leaving them out would create a small enclave.

Councilmember Gordon questioned if we brought in MD-5 would it over-capacitate our sewer systems. Public Works Director Crebbin stated they are doing a master study with the anticipation of the additional land.

Councilmember Jackle wanted to know what the opinion of the 1000 Friends was from Mr. Adam's conversation with him.

Councilmember Stine wanted to know how they determined to eliminate portions of MD-4. Mr. Adam stated Planning Commission wanted alternatives on how to remove 175 acres. The location of a possible Spring Street extension was part of the decision as well as the already existing commercial operations.

Pertaining to the Manor, Mr. Adam corrected his earlier statement about AARC: it is mentioned in the Housing Element, but is not a designated housing type.

Councilmember Gordon wanted assurances that we are expanding in an area that we can safely take care of our citizens. Fire Deputy Chief Bates stated they can put something together for Council on response times in these areas. He further stated that they are actively working with citizens about these plans currently and that the Fire Department is confident that we can protect them.

City Manager Pro Tem Hoke requested questions ahead of time so staff can provide the answers in advance. We can add additional meetings if needed; we want to make progress, but are not on a clock with a specific deadline. Councilmember Jackle suggested submitting the suggestions in writing and post to the project website. Another option is to submit the questions in writing, and then review the questions again in a public meeting. Dates were suggested; Mr. Adam suggested providing a progress report on October 1 and continue the discussion to the evening of October 15 to allow for the deadline.

**City Council Minutes
October 1, 2015**

Mayor Gary Wheeler; Councilmembers Clay Bearson, Daniel Bunn, Chris Corcoran, Dick Gordon, Tim Jackle, Kevin Stine, Michael Zarosinski

City Manager Pro Tem Bill Hoke; Deputy City Attorney Kevin McConnell, City Recorder Karen Spoons

Councilmember Eli Matthews was absent.

120. Public hearings

Mayor Wheeler noted City Council received more than 1,000 pages of exhibits to date and a study session may be scheduled.

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

Councilmembers Bunn and Corcoran recused themselves.

Principal Planner John Adam advised that Planning Department staff recommended a revision adding 43 acres to the UGB, because of unusable lands. This addition would contain 19 acres of low density residential, 11 acres of high density residential, 8 acres of commercial and 6 acres of office commercial.

Mr. Adam spoke of two letters from ODOT, noting the concept plan was approved by the Metropolitan Planning Organization's Policy Committee and that staff requested additional information from ODOT before responding. A draft Functional Transportation Amendment map is being prepared, outlining the collector and arterial streets. It will not be finalized until the UGB's boundary is determined and will be an extension of the Transportation System Plan (TSP). Public Works Director Cory Crebbin noted the map is conceptual, but will provide a general outline. When the TSP is updated, it will be submitted to the Council and will be part of the Comprehensive Plan.

Fire Chief Fish explained the evacuation plan for the east Medford hillside. The plan included two evacuation routes, new posted signage, new building codes, and forms of notification. The Fire Department will rely on Medford Police and other enforcement to help with evacuations. Notification is the key to getting people out.

Mr. Adam discussed the process for meeting the 6.6 units per acre density commitment, the Starlite/Myers Lane area's request for exclusion from annexation, and the City's industrial land calculation.

Councilmember Gordon requested the Planning Commission take a look at PUDs.

Mayor Wheeler discussed a letter from Perkins Coie stating the City could have a binding commitment. Mr. McConnell recommended a review of the conceptual land use method used by other cities, their success and deed restriction examples.

A study session has been tentatively scheduled for October 22 at 6:00 p.m.

Councilmembers Bunn and Corcoran rejoined Council.

**City Council Minutes
October 15, 2015**

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

Councilmember Bunn recused himself and left the dais.

Assistant Planning Director Bianca Petrou presented the staff report and stated that 43 buildable acres were added to the urban growth area. She presented four options which were based on scoring and what homeowners requested. Councilmember Gordon questioned deed restrictions and asked how the City could ensure property owners would use the land as specified. Ms. Petrou stated that the upcoming study session will address that issue and requested direction for staff. Council questioned various areas that would like to be added to the urban growth boundary.

Motion: Extend meeting to 10:20 p.m.

Moved by: Kevin Stine

Seconded by: Clay Bearnson

Roll call: Councilmembers Bearnson, Gordon, Jackle, Matthews, Stine, and Zarosinski voting yes.

Motion carried and so ordered.

Ms. Petrou questioned if Council preferred a particular option presented. Affordable housing was discussed and whether or not the City could/should designate specific building options for population density, multiple use, etc.

Councilmember Bunn joined Council at the dais.

**City Council Study Session Minutes
October 22, 2015**

The Medford City Council Study Session was called to order at 12:00 p.m. in the Medford Room of the Medford City Hall on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Clay Bearnson, Daniel Bunn, Chris Corcoran, Dick Gordon, Tim Jackle, Eli Matthews, Kevin Stine, Michael Zarosinski

City Manager Pro Tem Bill Hoke; City Attorney Lori Cooper; City Recorder Karen Spoons; Finance Director Alison Chan; Assistant Planning Director Bianca Petrou; Principal Planner John Adam; Parks and Recreation Director Brian Sjothun; Public Works Director Cory Crebbin

* * *

Urban Growth Boundary Amendment

Assistant Planning Director Bianca Petrou briefed Council on the process to date; the next meeting will be at the November 12 Council Meeting. Principal Planner John Adam stated some promises would be a natural issue as development occurs. As land is developed the developer would have SDC fees returned. Density is a requirement that is a regional plan. Specific concerns were addressed, such as donations of a school site, fire station, and a Charter school and staff questioned how necessary are these to Council? Staff would need a 100% buy-in and if not received, do we leave that property owner out even though it might cause an enclave? There is an alternative to having agreements, such as a premium on the SDCs. Timing wise, staff would like to get this out the door to the County. If we are negotiating with owners this would delay that process.

MD-1 No promises were made.

MD-2 A school within five years. Council wanted it to continue for about 20 years and the other party is looking into that.

MD-3 Nothing specific

MD-5 Trails; a letter was received for the land and development pertaining to this. Manor Their attorney was willing to agree to an "over 55 retirement community" agreement.

MD-7 Fire station and Charter school; no specific agreement at present.

Councilmember Zarosinski commented on parks, trails, and payment by SDCs, and noted that MD-5 is a different assurance as it is more specific. Ms. Petrou provided a sample of a general agreement. Parks and Recreation Director Brian Sjothun provided information on SDCs. The issue Parks is coming up with is that the SDC rate is not enough to build the park, therefore land is donated. The foundation develops the park with the developer. Infrastructure requirements, such as streets, take up much of the money in the

SDC fund. He talked about 2,600 acres of park land with not enough staff to maintain it and that we need a system that considers all portions of the park needs, including maintenance. We can't build more parks. Councilmember Jackle stated that there are issues when land is not developed per code. Mr. Sjothun noted the first option presented with the recent letter from Mahar is the best option. SDC rates will be talked about later and issues like this could be considered.

Councilmember Gordon thought we need individual agreements and connectivity of land already in the UGB part of each agreement. He also stated that we need to obtain the easements of the lands as a condition before coming into the UGB and to look at the road situation. We may want to put Owen Drive in before other land develops, including South Stage. Barnett extension to Cherry Land needs to be a minor arterial. City Attorney Lori Cooper expressed concern with this. Councilmember Gordon wanted assurance that the connectivity takes place. Public Works Director Cory Crebbin provided information on the functions that must take place when development comes in. Ordinances are in to state we need square intersections, etc. Councilmember Jackle did not think we would get there as that would be done at the zone change. Ms. Petrou noted you will also develop the Functional Development Map. Mr. Adam noted level of service will play a factor as development occurs. Discussed were the agreements and the timeline to get the UGB to the County. Councilmember Zarosinski questioned if MD-4 would pursue developing; Ms. Petrou stated that you can't force someone to develop. Mayor Wheeler questioned how we can hold the developers to the concept that we saw. Mr. Adam stated that it depends on the degree of the pictures that Council saw. Mr. Adam noted that you would adopt the Urbanization Plan, which will be shy of the Southeast Plan. Ms. Cooper talked about what the attorney said pertaining to a specific development, such as the Southeast Master Plan. Staff noted that open space does not need to be owned by the city but can be a part of the homeowners association.

Councilmember Stine questioned the 43 additional acres; Councilmember Gordon thought it would determine on the agreements that fall into line. He was not opposed to come in with less than 43 acres. Staff presented the options for the additional 43 acres and recommended adding Option 3. Councilmember Gordon would like to take out Starlite Drive. Mayor Wheeler stated he would eliminate Option 2 but liked Option 3. Council will email their ideas to Planning. Staff discussed the areas where Council would like to have land added, such as the Hansen property, and staff would then need to take out other parcels.

The meeting adjourned at 1:24 p.m.

**City Council Minutes
November 12, 2015**

70. Public Hearing

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

Mayor Wheeler stated that we received another exhibit and would like to close the record; Mr. McConnell noted that he is familiar with this case and if Council would like to close the record, it can do so. Councilmember Jackle stated that he is aware of an upcoming meeting and would like to hold that meeting and the citizens to be allowed to respond.

* Councilmembers Corcoran and Bunn recused themselves and left the dais.

* Councilmember Corcoran left the meeting.

Principal Planner John Adam presented information on the UGB amendment the updated agreements for MD-2 regarding a school site donation to make the agreements valid for 10 or 20 years, MD-5 East regarding using City land for a trail; MD-5 West regarding the Manor property, an update should be provided next week, MD-7.

Councilmember Gordon questioned the parkland for MD-2 and noted that the property should be a donation and any park should meet City design standards as well as the property described in Exhibit FFFFF.

Mr. Adam explained the four options for the distribution of 43 acres and requested Council's direction. Councilmember Gordon suggested we wait and there were no objections to waiting.

Councilmember Bunn returned to the dais.

**City Council Minutes
November 19, 2015**

120. Public Hearings

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

*Councilmembers Bunn and Corcoran recused themselves and left the dais.

John Adam, Principal Planner, spoke of the continuing work with the property owners to secure their promises regarding development. A meeting is scheduled for November 30 with the property owners on the east side.

Councilmember Jackle questioned the Starlite property; Mr. Adam noted the expansion proposal zoned that area commercial, not residential. Councilmember Jackle questioned the pear orchard property belonging to the Church of Latter Day Saints; Mr. Adam responded it is zoned one-third commercial and two-thirds residential. Councilmember Zarosinski thought we should be able to make a decision on December 3, no matter what happened November 30.

**City Council Minutes
December 3, 2015**

120. Public Hearings

Principal Planner John Adam noted that the hearing was closed, but the City is still accepting written comments.

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

Mr. Adam noted there was a meeting this week with property owners on the east side. There were no results during that meeting, although they are still discussing amongst themselves. Mr. Adam noted some agreements have been received, including a verbal agreement from the Manor. Mr. Adam questioned if Council has received everything requested. Councilmember Zarosinski questioned the concession for MD7; Mr. Adam noted it was regarding the donation of land for a private school and a fire station. Councilmember Gordon believed he received the information he wanted and stated he preferred a 99-year agreement over perpetuity regarding the Manor property (Centennial Golf Course). Councilmember Jackle explained that perpetuity is standard, with applicants and/or the City extinguishing the contract at a later date.

Councilmember Gordon noted that he personally believes that the City is considering adding too many acres to the UGB, because of population forecasts and we haven't met the targets. However, the City should include the maximum number of acres. He read excerpts from an article from the League of Oregon City's November 20th email regarding potential revisions to the Land Conservation and Development Commission (LCDC) regulations, which were part of the 2013 legislation and intended to address the results of various court cases. He noted the rules propose a study area as well as a modification of the land priority system by requiring cities to select lands that are least productive for resource-based industry and add those lands to the UGB first. The new rules are online.

Mr. Adam noted LCDC is meeting here January 13 and 14, 2016, but the rules will be discussed during the December meeting. Councilmember Jackle did not believe the new rules would apply to us, because our area is the only region that adopted regional problem solving and areas without regional problem solving would need to go through an exceptions land process. Councilmember Gordon clarified that the point system is not working throughout the state and the LCDC is considering revisions.

Motion: Continue the public hearing to December 17 at 7:00 p.m.

Moved by: Dick Gordon

Seconded by: Clay Bearnson

Roll call: Councilmembers Bearnson, Gordon, Jackle, Matthews, Stine, and Zarosinski voting yes. Councilmembers Bunn and Corcoran abstained.

Motion carried and so ordered.

**City Council Minutes
December 17, 2015**

The regular evening session of the Medford City Council was called to order at 7:05 p.m. in the Council Chambers of the Medford City Hall on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Clay Bearnson, Daniel Bunn, Chris Corcoran, Dick Gordon, Tim Jackle, Eli Matthews, Kevin Stine, Michael Zarosinski

City Manager Pro Tem Bill Hoke; City Attorney Lori Cooper; City Recorder Karen Spoons

120. Public Hearings

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

Mayor Wheeler stated that he would like direction from Council on closing the record. Councilmembers Bunn and Corcoran recused themselves from Agenda Item 120.3. Principal Planner John Adam presented the staff report, outlined the process for the UGB amendment approval and presented the options for the possible additional acreage. Councilmember Zarosinski asked for information regarding the addition of the 153 acres; City Attorney Lori Cooper explained that in 2010 Council approved a new Housing Element as an amendment to the Comprehensive Plan. The LCDC did not accept it and returned it to the City. Mr. Pfeiffer, attorney for Hillcrest Orchards, argued that the City should consider the Element accepted; staff had recommended removing the 153 acres. Councilmember Zarosinski asked whether the City should bring the 153 acres back; Mr. Adam responded that it would come down to reversing the position the City took in response to arguments from 1000 Friends. Councilmember Jackle clarified there is a dispute regarding the zoning of the 153 acres; Mr. Adam noted the acreage would be zoned residential. Councilmember Bearnson noted he recently spoke with a developer who reported there was a lack of higher density areas to build affordable housing and questioned if there was a way to address the housing crisis. Mr. Adam pointed out that several acres in the existing UGB were re-designated at higher densities in December 2014; that leaves it up to property owners to change the zoning of their property.

Councilmember Gordon questioned whether the long-range plan included a school in MD-2; Mr. Adam said there is a school planned and it will be brought forward after the UGB approval. Councilmember Gordon questioned if a fire station was in the long-range plan for MD-7. Fire Chief Brian Fish stated there are no plans to build on the donated land at this time. Councilmember Gordon would like an answer from staff on what should be done with the property if no fire station is built. Councilmember Gordon also questioned whether the Hansen property could meet the density standards and re-

requested staff input. Mr. Adam responded he wasn't sure, but it would likely be difficult due to the topography. Councilmember Gordon and Mr. Adam discussed the density requirements and various areas which may not meet the criteria. Councilmember Gordon asked why the City couldn't add enough acres to ensure all interested people were added. Mr. Adam stated the County and the LCDC would require justification for adding that much land. Councilmember Jackle asked for clarification regarding the LCDC decision, he would like to add the 150 acres, and he supports keeping the record open.

Councilmember Gordon requested Council action regarding street designation and asked Mr. Adam about pending streets in the UGB. Mr. Adam responded the streets in blue are part of the proposed UGB amendment. Councilmember Gordon would like Barnett Road extended to Cherry Lane and Cherry Lane to Hillcrest. He also recommended changes to Owen Drive and Foothill Road.

Mayor Wheeler summarized the discussion and preferred excluding areas which do not wish to be included in the UGB. He also expressed concern with the addition of some of the Hillcrest property.

After discussion, Council decided a study session will be held February 25, 2016 to discuss the UGB amendment.

Mr. Crebbin responded to Councilmember Gordon's concerns regarding street designations, noting the TSP is a component of the Comprehensive Plan and determines street classifications. The UGB expansion proposal only shows the street connections and not the classifications. Councilmember Gordon asked how the streets could be classified as Council wished. Mr. Crebbin responded that Oregon Land Use law outlines the process for the Public Works staff to follow in order to change designations in the TSP.

Councilmember Stine questioned how residential land densities in the County are determined. Mr. Adam responded most of the properties are allowed to have one house; and therefore most of the property in the County is not developable until it comes into the City. Councilmember Stine questioned if the homeowner can choose the density for their property when it comes into the UGB. Mr. Adam stated they cannot choose unilaterally, but they do have input. Most of the determinations will be made during the urbanization plan.

Mr. Adam questioned if Council can close the record and open it to accept something from the DLCD; Ms. Cooper noted that could work. Councilmember Jackle noted that he has read some cases where the record has closed and there are issues what is and is not in the record. Council agreed to table this topic until the February study session.

**City Council Study Session Minutes
February 25, 2016**

The Medford City Council Study Session was called to order at 12:00 p.m. in the Medford Room of the Medford City Hall on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Clay Bearnson, Chris Corcoran, Dick Gordon, Tim Jackle, Eli Matthews, Kevin Stine, Michael Zarosinski

City Manager Pro Tem Bill Hoke; City Attorney Lori Cooper; Deputy City Recorder Winnie Shepard

Councilmember Daniel Bunn was absent.

Principal Planner John Adam provided a history of the Urban Growth Boundary (UGB) expansion. During the December 19, 2015 Council meeting, staff was directed to revise the proposal; most of Council's recommendations were used to create three options:

1. Add to MD-4 and completely incorporate the Hillcrest Orchard property.
2. Restore the LDS-owned property in MD-3 and fill in the notch in MD-5. Although Council had directed to remove property from the LDS, there is enough acreage to restore that area and the jagged notch in MD-5.
3. Add the extra acres to MD-3 as well as the Skinner/Carpenter property.

Discussion of Revisions:

1. The "awkward hole" in the Chrissy Park area (Hansen Property) was not considered in the revision. Because there are no streets or trails connecting through that property, the gap is not "awkward" in the sense of being necessary.
2. Restoring the LDS Property provides a continuous right-of-way on North Foothill Road. Also, it could provide an access for an arterial street or collector in the future.
3. Option 1 will make the Hillcrest Orchard completely whole and would also include the furthest west portion of MD-3.
4. All restored properties came from residential, with a little from the Starlite area.
5. When referring to the number of acres, there are 63 gross and 40 net.
6. Options 1 and 3 omit the Starlite Lane and the Meyers Lane properties, but not the LDS property.

Staff could bring the options for Council's consideration during the March 17, 2016 Council meeting.

CSA Submission:

1. Council requested a revised presentation of the CSA information in a format similar to Planning's map to be considered as a fourth option.

- Mr. Adam noted CSA's option did not have the land need numbers exactly right, but staff could revise them if the Council chose that option.

Questions Brought Forward by Councilmember Gordon

1. Councilmember Gordon noted his concerns regarding the street functionality map and questioned whether the revisions prevented the development of Owen Drive through to Foothill Road; Mr. Adam replied that a future Owen Drive was not affected by the revisions.
2. Councilmember Gordon recommended an extension of Cherry Lane to Barnett Road which could serve as an arterial from North Phoenix Road to Hillcrest Road. He asked for clarification that none of the options compromised that ability; Mr. Adam confirmed that land wasn't touched.
3. Should Council's motion include language that Cherry Lane will be an arterial street? Public Works Director Cory Crebbin noted the classification of roads as major or minor arterials is included in the Transportation System Plan (TSP). The UGB expansion process only identifies the higher-order street corridors. Councilmember Gordon recommended the classification of Cherry Lane as an arterial, noting the lack of arterials in Medford.
4. It appears that Spring Street will be a major street for access across Hillcrest Orchards and Dunbar Farms. Because Spring Street is already compromised as it approaches Crater Lake Avenue, Councilmember Gordon requested a review of the street. Mr. Crebbin explained the TSP determines the capacity needed; if Spring Street will serve as an arterial, modification would be required.

Mr. Adam noted that Planning Staff will be prepared for the March 17 meeting and reformat CSA's map as a fourth option for Council's consideration.

Councilmember Gordon requested the map on the fourth option as soon as possible.

The meeting adjourned at 12:45 p.m.

**City Council Minutes
March 17, 2016**

The regular evening session of the Medford City Council was called to order at 7:20 p.m. in Medford City Hall Council Chambers on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Clay Bearson (left at 7:29), Daniel Bunn, Chris Corcoran, Dick Gordon, Tim Jackle, Eli Matthews, Kevin Stine, Michael Zarosinski

City Manager Pro Tem Bill Hoke; City Attorney Lori Cooper; City Recorder Karen Spoons

120. Public Hearings

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

Councilmembers Bunn and Corcoran recused themselves and left the dais. Principal Planner John Adam presented the staff report stating that Council directed staff to return to the March 17, 2016 meeting so that Council could make a decision. Councilmember Stine questioned which properties requested inclusion as part of option 4; Mr. Adam stated the included properties were Hillcrest Orchards (MD-4), Skinner and Carpenter (west MD-3), Mahar and Hansen (east MD-5). Councilmember Gordon asked Mr. Adam to explain how the findings would be modified if an option were selected; Mr. Adam responded the findings are 95% solid, but Planning would need to adjust the findings to restore the acreage that 1,000 Friends had targeted and the Planning Commission recommended for removal, and to detail the Council's expansion choices. He noted that there was plenty of testimony that he could work into the findings, but that it would also help for Council to vocalize its rationales. He also stated the City hired an outside attorney who will review the revised findings.

Mayor Wheeler noted there is no public hearing on this topic, although it was placed in the hearings portion of the agenda.

Motion: Move to direct staff to work with our outside counsel to prepare an ordinance amending the urban growth boundary of the City of Medford including all associated code amendments and general land use plan revisions with supporting findings of fact based on Option 4 of Exhibit QQQQ. Included with the ordinance will be commitments binding properties of obligations offered during testimony as follows:

- MD-2 shall include an obligation to reserve land for a school be made to extend for a period of 20 years following final approval of the amendment.

- MD-5 shall provide donation of land for trails per the approved master plan, with the commitment to construct trails that are built concurrent with private development.
- 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.
- 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.
- MD-5 West shall provide a deed restriction for open space areas.

Moved by: Michael Zarosinski Seconded by: Dick Gordon

Councilmember Zarosinski stated that in support of the motion he offered the following:

- The amendment is based on all of our Comprehensive Plan Elements, including our Housing Element, which are post acknowledgment plan amendments that have been adopted according to our state land use laws and regulations. As the adopted elements, they form the basis by which we can make our decisions.
- Reliance on our adopted plans thwarts the increase in regional sprawl that has occurred over the past decade. Considering this amendment as an extension of the regional problem solving process, the City of Medford has been involved in expansion of its urban area for over fifteen years. With a full commitment to that process, we as a City have invested considerably in not only time, but money and goodwill to following the best practices of land planning. In that time, other cities have grown disproportionately to Medford due to our lack of available housing stock and options. While Medford suffers from increased congestion from others in the region, following our adopted plans will accommodate the need for housing at higher density levels than the past, provide a balance of housing types to accommodate a wider range of price accessibility, and regionally support the reduction in vehicle miles travelled and greenhouse gas emissions.
- All lands considered for inclusion are within the urban reserves, and as such appropriate to be added. Also, all were fairly considered under Goal 14 evaluation factors, but it is acknowledged that the relative value of each of the included lands cannot be evaluated in purely objective or financial terms. Some areas, such as MD-7 and 8 have easy access to utilities and transportation, but also provide a distribution of land to be included throughout the city. Others, such as

MD-5 East are essential to achieving goals deemed a priority for the City; specifically critical bike path connections from east side park land that will connect to the regional greenway. Whether it is providing areas for aging in place to accommodate the anticipated doubling of our elderly population, or resolving existing enclave issues, each area to be included in this option has particular value for the City of Medford.

- Finally, while the testimony and evidence provided to the community has been voluminous, this option has come with the most support and concessions of the affected property owners and as such best complies with Statewide Planning Goal 1 – Citizen Involvement. Credit should be given to all who worked or volunteered their time on this process as I believe that it meets all the overarching principles guiding land use in Oregon and specifically provides for a healthy environment, sustains a healthy economy, ensures a desirable quality of life, and has equitably allocated the benefits and burdens of land use planning.

City Attorney Lori Cooper questioned whether this would be treated as a periodic review item. Councilmember Zarosinski responded it did not, although it was based on items that were.

Roll call: Councilmembers Bunn, Gordon, Jackle, Matthews, Stine, and Zarosinski voting yes.

Motion carried and so ordered.

Mayor Wheeler thanked staff, especially John Adam, for their work on this. Councilmember Jackle would like to meet with staff pertaining to the findings. Mr. Hoke questioned if he would like this before it comes back as an ordinance; Councilmember Jackle agreed. Mr. Hoke noted he will add this to a study session.

City Council Study Session Minutes
April 28, 2016

The Medford City Council Study Session was called to order at 12:00 p.m. in the Medford Room of Medford City Hall on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Clay Bearson, Tim Jackle, Eli Matthews, Kevin Stine, Michael Zarosinski

Councilmembers Daniel Bunn, Chris Corcoran and Dick Gordon were absent

City Manager Pro Tem Bill Hoke; City Attorney Lori Cooper; Deputy City Recorder Winnie Shepard; Principal Planner John Adam; Attorney Jeff Condit from Miller, Nash, Graham & Dunn LLP

Principal Planner John Adam walked the Council through the amendments made to the findings and the proposed amendments to the Comprehensive Plan that constitute the Urban Growth Boundary (UGB) amendment. He noted particular changes that came from the testimony:

- The Annexation Policies contain mitigation measures recommended by Oregon Department of Fish and Wildlife (ODFW) for the elk range that touches the far eastern inclusion area
- New provision in the Urban Growth Management Agreement to prevent rezoning of property in the City's UGB. This was suggested by County staff in light of a recent case where unincorporated property was being rezoned to low-density residential, which would be disruptive to realization of the Southeast Plan
- Jeff Condit, Attorney from Miller, Nash et al. prepared new findings to support Council's adherence to adopted housing needs analysis
- Staff borrowed from Zarosinski's summation to supplement the finding
- Process will take at least six months to finalize if County approves

Councilmember Zarosinski asked why there was a complete history of the City's position on the "excess" 153 acres instead of just leaving it out entirely. Mr. Adam believed it was important to show the evolution of the argument. It was bound to be a matter of discussion at subsequent stages of adoption; it seemed better to have all the information up front.

The meeting adjourned to the Executive Session at 12:18 p.m.

APPENDIX M: WRITTEN COMMITMENTS

[Cover Sheet]



July 17, 2015

Medford City Council
411 West 8th Street
Medford, OR 97501

Dear Members of the Medford City Council:

Thank you for your efforts to increase the Urban Growth Boundary for the City of Medford. We know this is a challenging and important process. We agree with the Medford City Planning Commission's recommendation before you tonight regarding the inclusion of the Centennial Property inside the Urban Growth Boundary for the City of Medford.

Rogue Valley Manor has been working with the City for the past 9 years to bring Centennial inside the UGB. The Centennial filed a quasi-judicial UGB amendment in February 2006, shortly before the City initiated its legislative UGB amendment process. Rogue Valley Manor agreed with the City's request for the Manor to suspend the processing of its application and to participate instead in the legislative process which it has for the past 9 years.

We believe the Centennial project has several unique characteristics that make it a perfect fit for inclusion in the UGB Amendment. First, the City's Housing Element recognizes that there will be an increase in the senior population of Medford over the next 20 years. An Active Adult Retirement Community is specifically recognized by the Housing Element as a needed housing option for seniors. The Centennial's proposed Active Adult Retirement Community will carry out this recognized need. This project would be the only gated active adult community in southern Oregon attracting new residents to the Rogue Valley with considerable discretionary income. As you may know, Rogue Valley Manor is one of the most successful retirement communities on the west coast, attracting over 70% of our residents from outside the Rogue Valley. These new residents have made a huge positive impact on the Rogue Valley in many ways. We see the Centennial project having similar positive impacts by attracting even more retirees to the Rogue Valley.

Not only will the Centennial project provide for a special class of housing, our plan is to also include commercial uses along the North Phoenix Road corridor. This would support the proposed employment district to the south and the housing developments proposed to the east. We have also considered the development of a regional retreat or conference center to further support the tourism industry in Medford. The Centennial Golf Course is a great community asset and is the only public championship course in Medford. If the land around Centennial is not included in the UGB Amendment the course would no longer be economically viable and its future would be in jeopardy.



Finally, we have willingly removed 120 acres from our original proposal and will designate the 120 acres of golf course land as open space. This reduction in the amount of developable land at Centennial helped to support the City's inclusion of additional parcels in the UGB recommendation.

We would encourage the Medford City Council to fully support the Planning Commission's recommendation regarding the inclusion of the Centennial property into the UGB for the City of Medford.

Sincerely,



Sue Kupillas

Rogue Valley Manor Board of Directors

Sue Kupillas, Chair

Fred Willms

Bob Mayers

Jim Stocker

April Sevcik

Carol Christlieb

Don Hildebrand

Ray Heysell

Stan Solmonson



Mayor Gary H. Wheeler
And the Medford City Council
4112 West 8th Street
Medford, OR 97501

October 20, 2015

Re: Urban Growth Boundary

Dear Mayor Wheeler and Members of the City Council:

This letter is submitted on behalf of the owners of Tax Lots 37-1W-26-103 and 37-1W-26-104. The owners of these tax lots hereby agree to one of two options relating to the trail system depicted on the enclosed map, to the extent the trail system lies within the boundaries of Tax Lot 103 and Tax Lot 104. Our promises on these matters can be properly ensured with a legal agreement that we are willing to sign and record if our property is included in the UGB. The agreement would be made so it is binding upon future successors in interest. We would sign the legal agreement upon the Council including this land in the UGB but before the same proceeds to Jackson County. The agreement, of course, would provide that it is binding only if ultimate adoption of the UGB by both the City of Medford and Jackson County includes our property and is either not appealed or sustained on appeal.

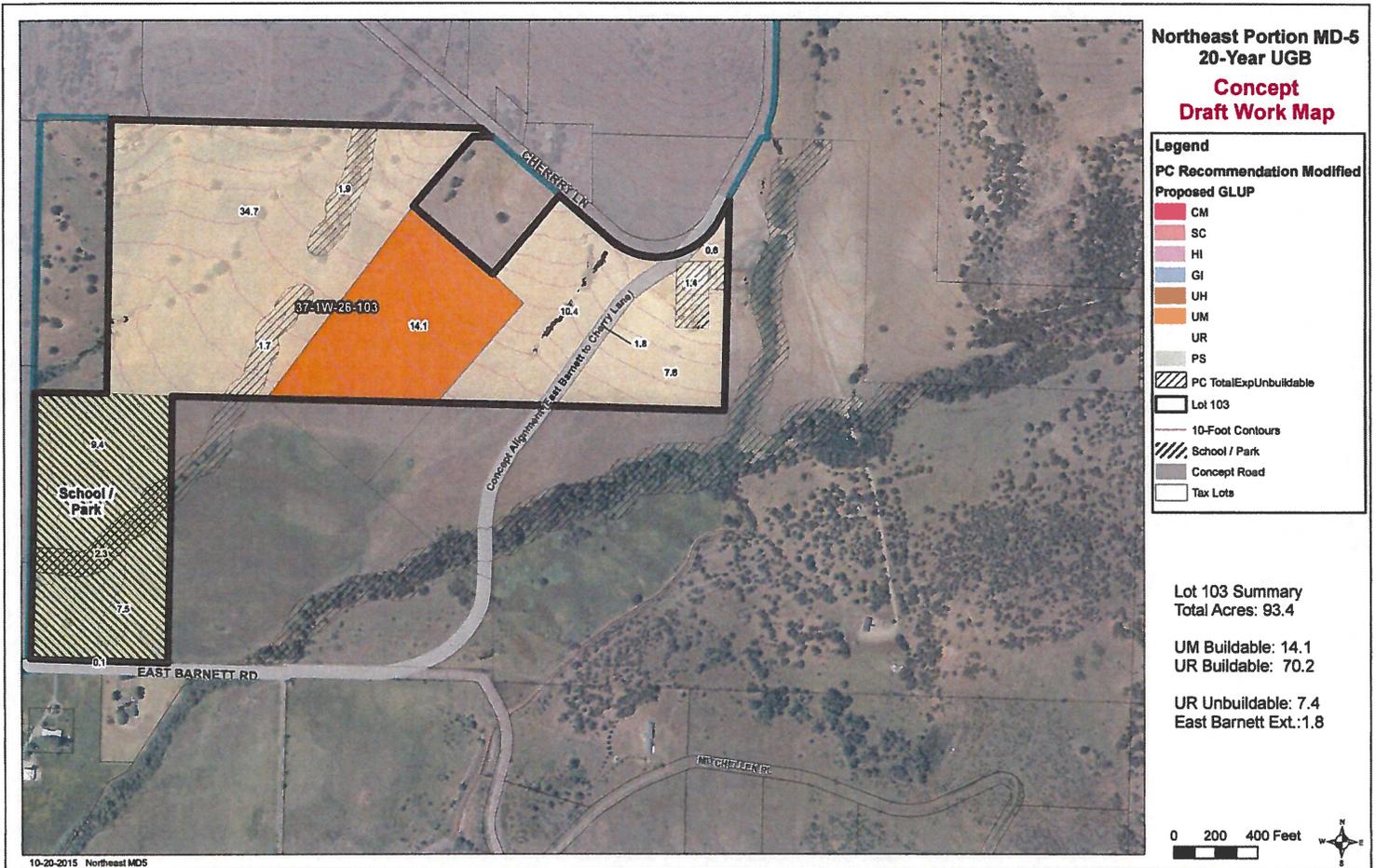
Option A: The owners will construct the greenway & trail system on their respective tax lots at the owners' expense as they develop and construct the improvements on said tax lots. The owners will dedicate the trail system to the City as it is constructed. This would be the owners' preferred option even though the owners would pay for the trail system.

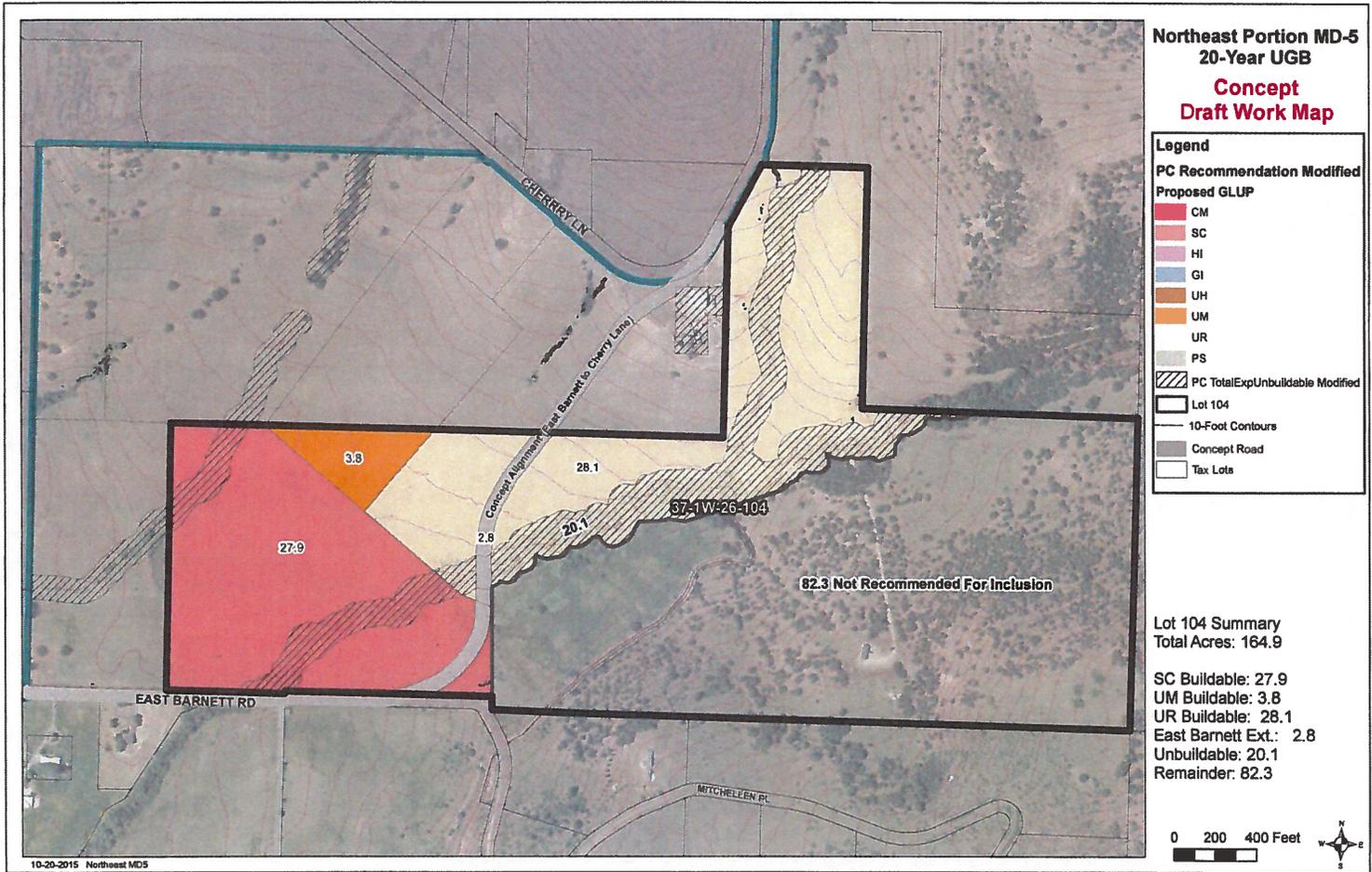
Option B: If the City wants to develop the trail system sooner than the owners develop their property, the owners will grant an easement or dedicate the land to the City to allow the City to construct the trail system in the location mutually agreed upon. Under this Option B scenario, the City would agree that: (1) nothing in the easement or dedication would be allowed to prevent, conflict, or hinder the owners' ability to develop and build out their properties; (2) the owners would have the right to temporarily close the trails for safety reasons during time periods when they are developing and constructing improvements on their properties; (3) the City would install temporary fencing on each side of the trail system so that users of the trail system would not go on to the owners' properties; and (4) the City would be responsible for maintenance and repair of the trail system.

Our intention is always to make good on our promises and we believe the method described above will provide the proper assurances that our promises will be kept.

Very truly yours,

MICHAEL T. MAHAR







Mayor Gary H. Wheeler
And the Medford City Council
4112 West 8th Street
Medford, OR 97501

October 20, 2015

Re: Urban Growth Boundary

Dear Mayor Wheeler and Members of the City Council:

It is important for the council to understand the partnership(s) of Tax Lot 104 is different than Tax Lot 103. The owner groups are not the same. I am the only partner in both properties

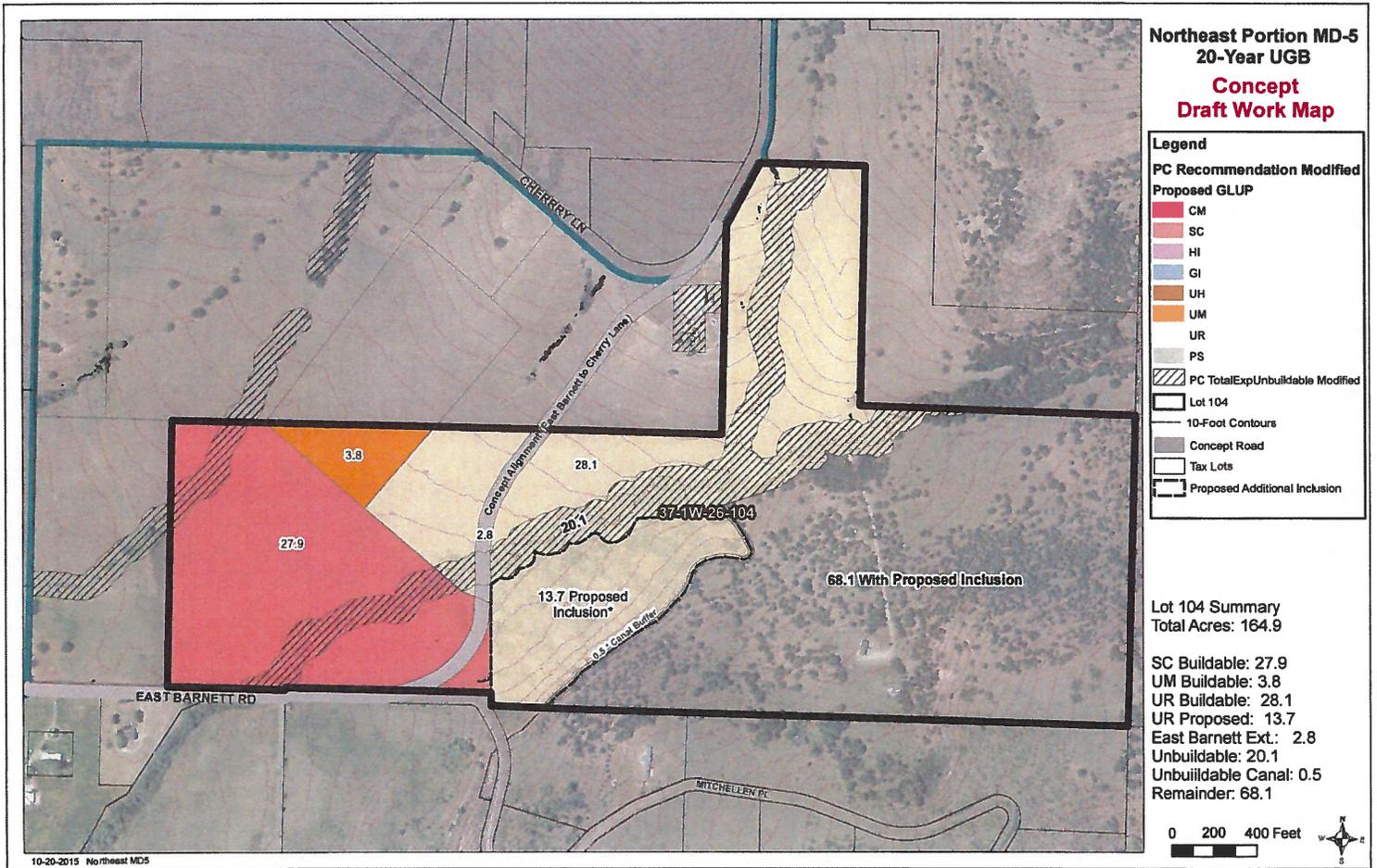
Tax Lot 104 has over 80% of the trail & greenway responsibility. Tax Lot 104 is 165 acres and only has 28.1 acres of standard single family lots, yet will also be responsible to build a larger portion of the extension from Barnett Road to connect with Cherry Lane. Thus it would be greatly appreciated if the council would consider including an additional 13.7 acres to help pay for this very important higher level road. See attached map.

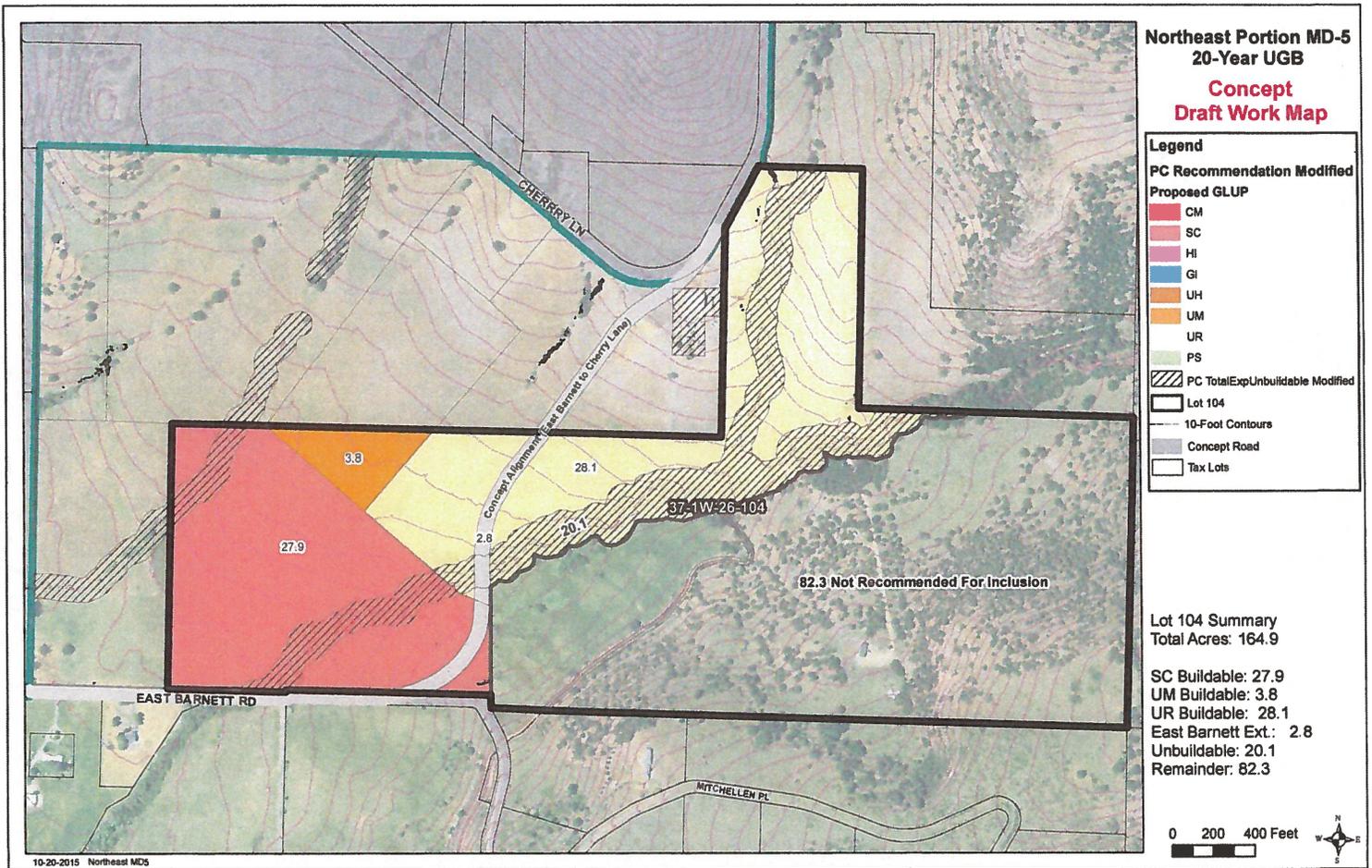
The property owners now have 27.9 acres commercial, 3.8 acres small lots residential and 28.1 standard single family residential for a total of 59.8 acres buildable out of the 165 acres. The commercial area designation was the suggestion of city staff to which the partners agreed. With the inclusion of the 13.7 acres, Tax Lot 104 would have 41.8 acres dedicated to standard single family out of the total of 165 acres.

Consider this request only should there be additional acres at the council's discretion. It is important for the council to understand that our commitment to give the dedications and easements for trail connections is not contingent upon receiving the additional 13.7 acres into the 20 year UGB. As I have said, we are very grateful for the current Planning Commission recommendation to include our portion of MD5. Our reason for this request is to help defray the costs and responsibility for the trails & greenways on Tax Lot 104 and will further aid in the building of the extension of Barnett Road to Cherry Lane.

Very truly yours,

MICHAEL T. MAHAR





November 2nd, 2015

Medford City Council
City of Medford, Lausmann Annex
200 Ivy Street
Medford, OR 97501

RECEIVED

NOV 03 2015

Planning Dept.

Subject: File No. CPA 14-114, Assurances

Dear Honorable Mayor Wheeler and City Councilors,

As the principal owners of the MD-7 Urban Reserve Area (URA), it has come to our attention the City Council is looking for assurances from the owners who have made certain commitments relating to their specific URAs. In this regard, we have proposed to donate 1.5 acres of land for a municipal fire station and 3.5 acres of land to Kids Unlimited of Oregon (Naumes Park Conceptual Plan, October 2014).

However, it's important for the Council to understand the subject land donations are *not* being offered to "induce" MD-7's chances of being included into the City's Urban Growth Boundary. These lands are being donated because we sincerely believe it is appropriate and responsible land use planning to have such essential City services and amenities within a master planned community of 171 acres. That said, we are more than willing to provide such assurances by whatever reasonable means the Council deems is necessary, but to be clear, we are *not* expecting any special consideration due to the land donations and strongly contend MD-7 should stand on its own merits as it relates to the urbanization criteria established by the State of Oregon (Goal 14, OAR 660, Division 24) and the City of Medford (Urbanization Element, Section 1.2.3).

Further, the Naumes Park Conceptual Master Plan outlines the basics of a neo-traditional neighborhood pattern, including land use designations, connected streets, central parks and commercial areas – all of which are based on the City's adopted portion of the Greater Bear Creek Valley Regional Plan (RPS) as well as numerous City Comprehensive Plan goals and policies, with the intent to add evidence into the record that MD-7 also meets the required Performance Indicators (ORS 197.656(2)(B)(C) which include addressing mandated minimum densities, incorporating mixed-use pedestrian friendly designs, general transportation connectivity and required park/open space lands. Finally, substantial evidence has been submitted to the Planning Commission and City Council illustrating how MD-7 easily connects to essential services such as water, sewer, electric and transportation.

In regards to parks and open space, as the Council is aware, such parks and open spaces are also a requirement of the RPS plan in order to provide recreational amenities and add spatial relief as urbanization occurs. Throughout the development of the Conceptual Master Plan and the ESA process, there have been various meetings with the City's Parks and Recreation Commission and City Staff who were appreciative of an "integrated" parks and open space plan and that such

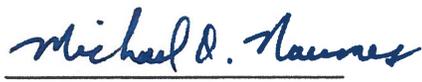
identified park lands were not remnant “leftovers or surplus” properties. With regard to the planned parks and open spaces within the Naumes Park Conceptual Master Plan, such lands *will also be dedicated by the owners* as urbanization occurs. To the question of who pays for their actual development and maintenance, the property owners would be willing to consider a provision similar to that adopted for the Southeast Medford Plan where Park System Development Charges (SDC) paid with each building permit are specifically applied to the dedicated parks within the MD-7 urbanized area.

References have also been made by property owners and proponents relating to “affordable” housing in the MD-7 area. These references relate to geography and market affordability as factual statistics show that West Medford has the most affordable housing stock in the City – for new or existing homes. MD-7’s relatively level topography and it’s overabundant connectivity to multiple sources of water, sewer and transportation infrastructure provide for construction costs to remain competitive and more affordable when compared to other URAs. It should not be construed to suggest Naumes Park will be a low income neighborhood or under any obligation to provide affordable housing beyond any other URA, but instead an integrated neighborhood development that offers competitive housing prices and a mixture of housing types (single-family, apartments, townhomes, etc.).

Overall, the owners contend MD-7 is a superior candidate to be considered for inclusion into the City’s Urban Growth Boundary as already recognized by City’s Planning Staff, Planning Commission and those members of the City Council who recently echoed this opinion during a Council hearing. The owners have put forward conclusive evidence that this urban reserve area exemplifies constructive land use planning as it relates to Statewide Planning Goals, Regional Problem Solving and the City’s Comprehensive Plan Policies and should be included within the City of Medford’s Urban Growth Boundary.

Respectfully,

By:  Date: 11.3.15
Lazaro Ayala, A&D Marsh Lane Property, LLC, Managing Partner

By:  Date: 11/3/15
Michael D. Naumes, Naumes, Inc., President

By:  Date: 11/2/15
Rania Sayabini, Haya Enterprises, LLC, Managing Partner

August 18, 2016

RECEIVED

NOV 11 2015

PLANNING DEPT.

HORNECKER COWLING LLP

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B. Kent Blackhurst 1922-2007
Ervin B. Hogan 1927-2000

*Also admitted in California
**Also admitted in Washington

November 11, 2015

Medford City Council
c/o John Adam, Sr. Planner
Lausmann Annex Rm. 240
200 S. Ivy Street
Medford, OR 97501

RE: MD-2

Dear Honorable Mayor Wheeler and Councilors:

This law firm represents the owners of the property in MD-2. As you are likely aware, the owners have executed a binding agreement with Medford School District 549C, whereby as long as all of MD-2 is included in the urban growth boundary amendment, the school district will receive a gift of 20 acres of real property in MD-2.

At a recent council meeting, one councilor mentioned that the existing agreement contains a requirement that the property be annexed prior to the owners being obligated to deed the property to the district. The annexation condition created some concern, because the property owner has some influence over the speed at which the property may be annexed, unlike the urban growth boundary amendment process, which is controlled by the City. As such, the property owners of MD-2 have agreed to remove the requirement for annexation. Thus, as long as the entire MD-2 property is included in the urban growth boundary during this amendment process, the owners of the MD-2 property are obligated to deed 20 acres to the school district.

HORNECKER COWLING LLP

November 11, 2015
Page 2

We have attached the amended agreement, fully executed, which eliminates the annexation requirement, paving the way for the district to receive the 20 acre gift as soon as possible.

Very truly yours,

HORNECKER COWLING LLP



MARK S. BARTHOLOMEW

MSB:lvw
Enclosure

H:\USER\FILES\25861E\City of Medford Ltr 11.11.15.docx

AMENDED GIFT PLEDGE AGREEMENT

This Amended Gift Pledge Agreement is entered into this 11th day of November, 2015, by and between Coker Butte Development, LLC, an Oregon limited liability company and O'Side Industry, LLC, a California Limited Liability Company (Coker Butte Development, LLC and O'Side Industry, LLC are hereinafter collectively referred to as "Coker Butte"), and Medford School District 549C (hereinafter referred to as the "District").

WHEREAS, Coker Butte and the District entered into a Gift Pledge Agreement ("Original Agreement") on September 15, 2014;

WHEREAS, the Parties desire to modify the Original Agreement to remove a contingency and provide a more clear path for the District to receive the Gift Property;

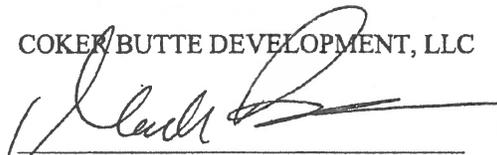
WHEREAS, for reference purposes, the Original Agreement is attached to this Amended Gift Pledge Agreement.

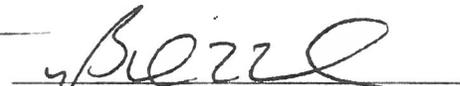
NOW, THEREFORE, the parties agree as follows:

1. Subsection (d) of paragraph 1 of the Original Agreement is hereby deleted and shall not be one of the "Conditions Precedent" as defined in the Original Agreement. For clarity, Paragraph 1(d) is restated as follows: "annexation to the City of Medford and zone change of the Gift Property and any partition, subdivision, or property line adjustment necessary to create a discrete and transferable 20 unit acre of real property in substantially the location and dimensions shown on Exhibit A." The foregoing quoted text is removed from the Original Agreement.
2. The terms of the Original Agreement shall remain in full force and effect so long as they are not inconsistent with this Amended Gift Pledge Agreement.

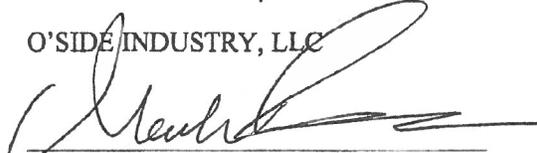
COKER BUTTE DEVELOPMENT, LLC

MEDFORD SCHOOL DISTRICT 549C


 By: Mark Bartholomew
 Its: Attorney-in-fact for Coker Butte Development, LLC


 By: BRAD L. EARL
 Its: C.O.O.

O'SIDE INDUSTRY, LLC


 By: Mark Bartholomew
 Its: Attorney-in-fact for O'Side Industry, LLC

GIFT PLEDGE AGREEMENT

This Gift Pledge Agreement is entered into this 15th day of September, 2014, by and between Coker Butte Development, LLC, an Oregon limited liability company and O'Side Industry, LLC, a California Limited Liability Company (Coker Butte Development, LLC and O'Side Industry, LLC are hereinafter collectively referred to as "Coker Butte"), and Medford School District 549C (hereinafter referred to as the "District").

WHEREAS, Coker Butte owns real property in Jackson County, Oregon that would be beneficial for future District expansion;

WHEREAS, Coker Butte desires to convey real property to the District as a gift on certain conditions and following certain conditions precedent;

WHEREAS, the District desires to receive a gift of real property from Coker Butte in accordance with the terms of this agreement;

WHEREAS, the parties acknowledge that there are various conditions precedent that must occur prior to any gift conveyance to the District and that District's cooperation and support for those conditions shall be necessary;

NOW, WHEREFORE, the parties agree as follows:

1. As provided herein, Coker Butte agrees to gift approximately 20 acres of real property (the "Gift Property") and 20 acres of Coker Butte's existing irrigation rights to the District within one year of the completion of all Conditions Precedent. For purposes of this Agreement, "Conditions Precedent shall mean all of the following: a) adoption of the Gift Property as part of the District's Facilities Plan as provided in Paragraph 2; b) District support as provided in Paragraph 4; c) inclusion of the entire 210-acre Coker Butte property, described on Exhibit B, into the Urban Growth Boundary of the City of Medford; d) annexation to the City of Medford and zone change of the Gift Property and any partition, subdivision, or property line adjustment necessary to create a discrete and transferable 20 acre unit of real property in substantially the location and dimensions shown on Exhibit A; e) District cooperation with Coker Butte as provided in Paragraph 3. Coker Butte shall have the right, but not the obligation, to apply for a zone change on the Gift Property prior to conveyance to the District. Coker Butte may seek any zoning designation, so long as schools are a permitted use in the new zone.
2. Within 45 days of execution of this Agreement, the District shall initiate efforts to identify the Gift Property as a suitable site for its Facilities Plan and begin the process of formally adopting it as part of the Facilities Plan.
3. The District shall reasonably cooperate, so long as there is no cost to the District other than any costs that may be incurred with the District's obligations as set forth in Section 4 of this agreement, with any efforts of Coker Butte to secure entitlements on its property

- described on Exhibit B, including the Gift Property, and/or to establish the value of the Gift Property by appraisal, but such efforts are not required of Coker Butte.
4. The District shall publicly express support for the inclusion of Coker Butte's portion of urban reserve area MD-2 into the Urban Growth Boundary of the City of Medford. Expression of support shall, at a minimum, include written and verbal support at each City of Medford public hearing regarding Urban Growth Boundary expansion. Coker Butte shall provide reasonable advance notice to the District for each such public hearing. However, the District shall not have any direct financial responsibilities and shall not be responsible for making any formal land use applications.
 5. Coker Butte shall gift the Gift Property to the District via bargain and sale deed. The Gift Property shall be free and clear of all encumbrances other than the normal standard exceptions.
 6. The Gift Property shall consist of 20 contiguous gross acres of raw land. Coker Butte makes no promises or warranties regarding any development rights on the Gift Property.
 7. After the conveyance of the Gift Property, the District shall cooperate with Coker Butte in granting reasonable requests for easements for access, drainage, and utilities.
 8. The District shall cooperate with and shall waive remonstrance against any reimbursement district that may affect the Gift Property.
 9. Contemporaneous with the conveyance of the Gift Property or as soon as practicable thereafter, the District shall execute Covenants, Conditions, & Restrictions ("CC&Rs"), requiring that the Gift property be used for School Purposes. "School Purposes" shall mean that the primary use of the Gift Property is for an elementary school, junior high school, high school, or District administrative offices. Following conveyance of the Gift Property to the District, the District shall have 10 years to put the Gift Property to use for School Purposes. The District may unilaterally extend its timeframe for use of the Gift Property for School Purposes for an additional 10 years by notifying Coker Butte in writing within 90 days of the expiration of the original 10 year period following conveyance of the Gift Property to the District. In the event the District fails to use the Gift Property for School Purposes within the timeframes specified herein, the District shall offer to sell the Gift Property to Coker Butte for market value at the time of the sale, based on an appraisal by a licensed appraiser acceptable to both parties. In the event Coker Butte does not purchase the Gift Property following the District's nonuse for School Purposes, the District may convey the Gift Property to another public entity, so long as it is used for park purposes. All of the foregoing shall be memorialized in the CC&Rs. The CC&Rs shall further provide for the waiver of remonstrance provided for in paragraph 8 and shall require that the Gift Property be mowed, watered, and otherwise be maintained in an attractive fashion. The CC&Rs shall benefit the property identified on Exhibit B, less the Gift Property, and shall run with the land.
 10. In the event the conditions precedent are not completed within 5 years, this Agreement shall terminate and the parties shall have no obligations to each other. Notwithstanding the foregoing, Coker Butte shall have the unilateral ability to extend the Agreement for additional terms, the sum of which shall not exceed 5 years beyond the initial term of this Agreement, provided that Coker Butte provide written notice of such extension to the District prior to the expiration of the then-current term.

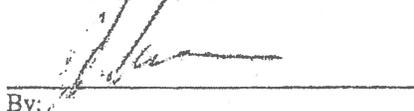
DATED the day and year first above written.

COKER BUTTE DEVELOPMENT, LLC



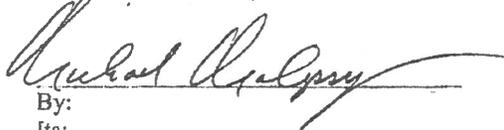
By:
Its:

MEDFORD SCHOOL DISTRICT 549C



By:
Its:

O'SIDE INDUSTRY, LLC



By:
Its:

Kaiser Surveying

19754 Highway 62
Eagle Point, OR 97524

Bary D. Kaiser
R.P.L.S. ORE. 52923

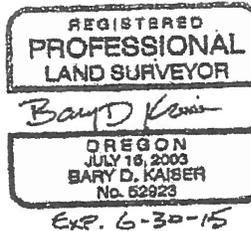
Phone: (541) 878-3995
Fax: (541) 878-3935
E-mail: bkaiser@ambarqmail.com

EXHIBIT "A"

DESCRIPTION OF A 20 ACRE PARCEL LOCATED IN THE NORTHWEST QUARTER OF SECTION 5, T.37S., R.1W., W.M., IN JACKSON COUNTY, OREGON

Commencing at the quarter corner common to Section 5, Township 37 South, Range 1 West and Section 32, Township 36 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence along the North-South centerline of said Section 5, South 0° 02' 25" West, 540.00 feet to the Easterly Northeast corner of Parcel No. 2 of Partition Plat recorded July 14, 1993 as Partition Plat No. P-56-1993 of "Records of Partition Plats" in Jackson County, Oregon and filed as Survey No. 13567 in the Office of the County Surveyor for THE TRUE POINT OF BEGINNING; thence along the Northerly boundary of said Parcel No. 2 and the Westerly extension thereof, North 89° 50' 00" West, 747.56 feet; thence South 0° 02' 25" West, 1165.40 feet; thence South 89° 50' 00" East, 747.56 feet to intersect the said North-South centerline of Section 5; thence along said boundary, North 0° 02' 25" East, 1165.40 feet to THE TRUE POINT OF BEGINNING.

August 13, 2014



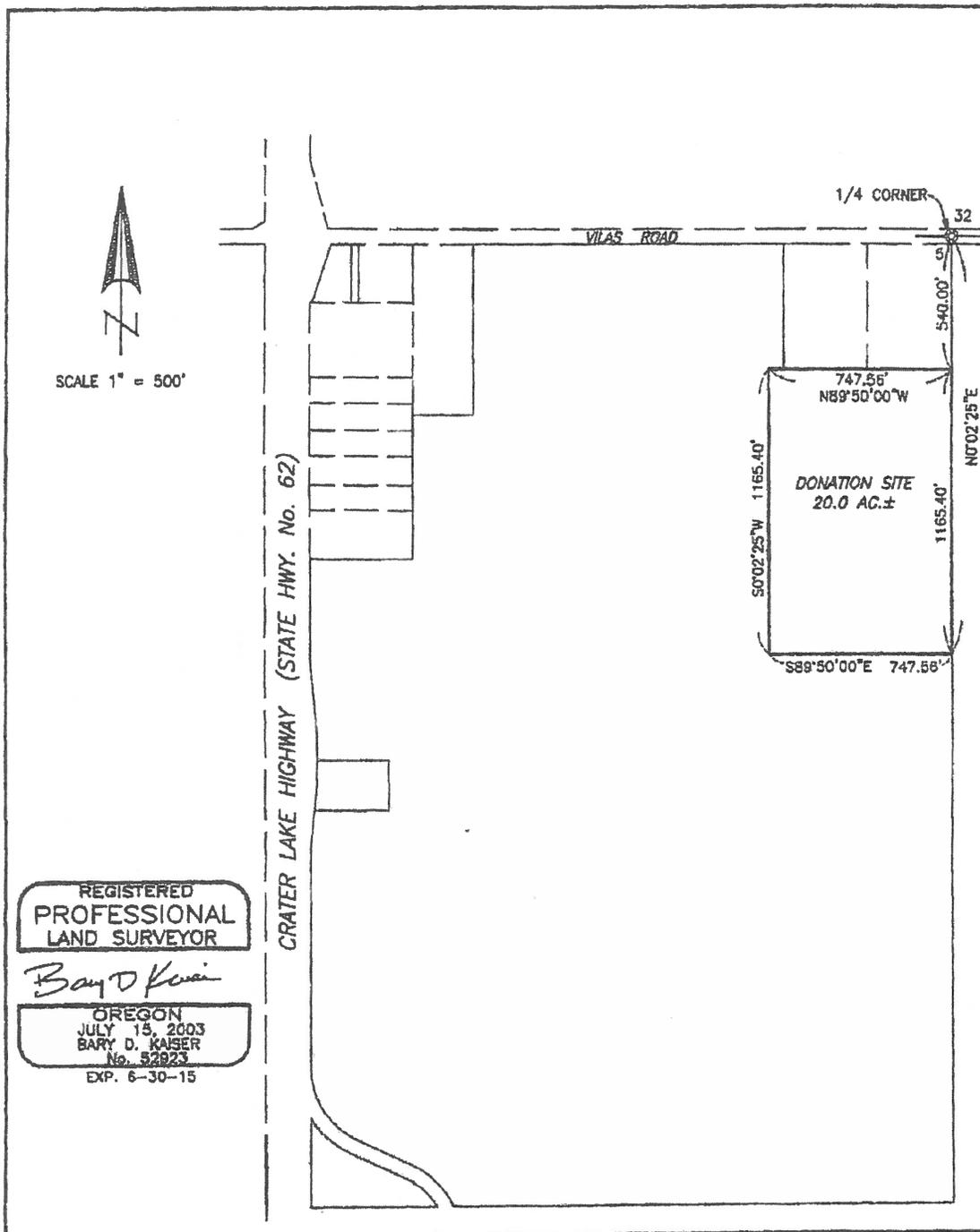
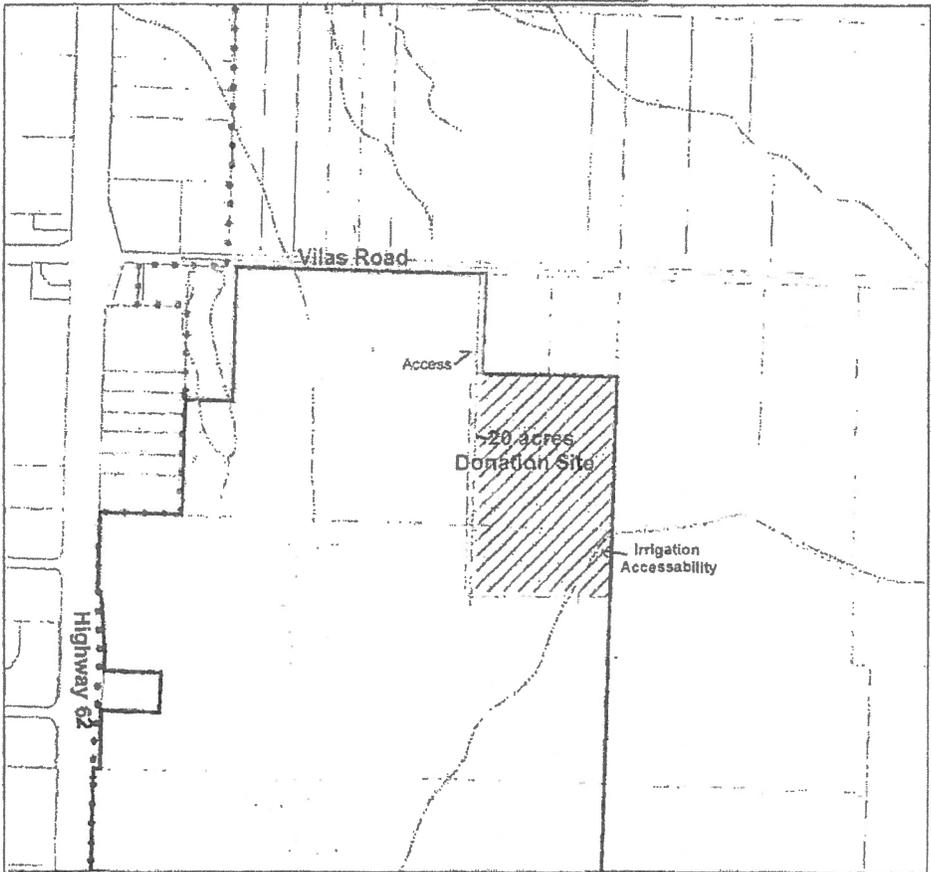


Exhibit A



Coker Butte LLC
Donation Land
School District 549C
37-1W-05 TL 300, 202,
600 & 900



Legend

-  Donation Land
-  Potential Future Access
-  Taxlots
-  Subject Parcel
-  UGB
-  City/Limits

0 300 600 Feet
1 inch = 600 feet



This map is based on a digital database compiled by Jackson County GIS from a variety of sources, and may include RSA field data received by a Trimble GPS. We cannot accept responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied 6-26-14

Exhibit "B"

Parcel No. Two (2) of Partition Plat No. P-56-1993 filed July 14, 1993, in Volume 4 Page 56, "Record of Partition Plats" in Jackson County, Oregon, as Survey No. 13567.

(Code 49-15, Account #1-046046-4, Map #371W05, Tax Lot #300)
(Code 49-15, Account #1-046045-6, Map #371W05, Tax Lot #202)

The North Half of the Southwest Quarter of Section 5 in Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon.

(Code 49-15, Account #1-046057-0, Map #371W05, Tax Lot #900)

The South Half of the Northwest Quarter of Section 5 in Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon. EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded May 10, 1966 as No. 66-05568 of the Official Records of Jackson County, Oregon. ALSO, EXCEPTING THEREFROM the following: Beginning at a point on the easterly right of way line of the relocated Crater Lake Highway in Jackson County, Oregon (being the easterly boundary of the property described in No. 66-05568 of the Official Records of Jackson County, Oregon), said point being 300.0 feet North of the west quarter corner of Section 5 in Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon, thence East 300.0 feet; thence North 200.0 feet; thence West 300.0 feet, more or less, to the easterly right of way line of said Crater Lake Highway as relocated; thence South, along said right of way line, to the point of beginning.

(Code 49-15, Account #1-046054-7, Map #371W05, Tax Lot #600)



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.2

www.ci.medford.or.us

| | | | |
|-----------------------|--------------------------------------|------------------------|----------------------------|
| DEPARTMENT: | Building Department | AGENDA SECTION: | Ordinances and Resolutions |
| PHONE: | (541) 774-2362 | MEETING DATE: | August 18, 2016 |
| STAFF CONTACT: | Sam Barnum, Building Safety Director | | |

COUNCIL BILL 2016-56

An ordinance repealing sections 9.350 and 9.400, amending section 9.660, and adding sections 9.900 through 9.914 to adopt the International Property Maintenance Code.

SUMMARY AND BACKGROUND

An ordinance amending Medford Municipal Code, repealing sections 9.350 and 9.400, amending section 9.660, and adding sections 9.900 through 9.914 to adopt the International Property Maintenance Code.

Medford adopted the Uniform Housing Code and the Uniform Code for the Abatement of Dangerous Buildings five decades ago. These codes are no longer published, and have been replaced with the International Property Management Code. This code combines the two previous codes and provides more detailed guidelines for dealing with properties and buildings that have fallen into disrepair. Although administration of this code will be the responsibility of the Medford Police Department's Code Enforcement section, this updated code better aligns with the building codes now used by the Building Safety Department. Adoption of this code will provide code enforcement staff the necessary tools by which they can address the growing problem of abandoned buildings and boarded-up structures, and urban blight in general.

PREVIOUS COUNCIL ACTIONS

In late 2014, City Council directed staff to look into the issue of boarded-up abandoned buildings and urban blight. In April 2015 staff presented at a study session, outlining the scope of the problem and recommending adoption of the International Property Maintenance Code with amendments. On March 24, 2016, staff presented a second study session detailing the suggested amendments to the code along with council directions for additional changes. At the May 5th council meeting, City Council reviewed the ordinance and directed staff to table the topic brought forth by stakeholders. On May 19, 2016, topic was removed from the agenda. On July 21, 2016, staff presented a third study session with council direction for additional changes.

ANALYSIS

The ordinance will apply to all residential and commercial properties in the city.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

No change to the current budget.

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve, modify or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance amending Medford Municipal Code repealing sections 9.350 and 9.400, amending section 9.660, and adding sections 9.900 through 9.914 to adopt the International Property Maintenance Code.

EXHIBITS

Ordinance

ORDINANCE NO. 2016-56

AN ORDINANCE repealing sections 9.350 and 9.400, amending section 9.660, and adding Sections 9.900 through 9.914 to adopt the International Property Maintenance Code.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 9.350 of the Medford Code is hereby repealed:

~~9.350 Adoption of the Uniform Housing Code, as Modified.~~

~~(1) The Uniform Housing Code, 1997 Edition, published and copyrighted by the International Conference of Building Officials is hereby adopted in its entirety, except as hereinafter specifically modified, as an ordinance of the City of Medford, to be hereinafter referred to as the Housing Code; one copy of which is on file in the City of Medford Building Safety Department.~~

~~(2) Section 204 of the Housing Code is modified to read as follows:~~

~~204. Citations for violations shall be issued in conformance with Medford Code Section 2.855 "Uniform Short Form Complaint and Citation."~~

~~(3) Section 302.1 is added to Section 302 of the Housing Code to read as follows:~~

~~302.1. When a building permit is not required but inspection to insure compliance with the provisions of the Housing Code is required as a condition of sale or as a condition of financing the sale or improvement of the property in question, the following fees shall be paid to the Building Safety Department to defray the costs of such inspection:~~

- ~~_____ 1. \$50.00 for a Single Family Residence.~~
- ~~_____ 2. \$75.00 for a Multiple Family Residence up to three (3) dwelling units.~~
- ~~_____ 3. \$200.00 for a Multiple Family Residence over three (3) dwelling units.~~

~~(4) Section 1401(a) is modified by deleting the last sentence of the paragraph.~~

SECTION 2. Section 9.400 of the Medford Code is hereby repealed:

~~9.400 Adoption of the Uniform Code for the Abatement of Dangerous Buildings.~~

~~(1) The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, published and copyrighted by the International Conference of Building Officials is hereby adopted in its entirety, except as hereinafter specifically modified, as an ordinance of the City of Medford, to be hereinafter referred to as the Dangerous Building Code; at least one copy of which is on file in the City of Medford Building Safety Department.~~

~~(2) Section 203 of the Dangerous Building Code is modified to read as follows:~~

~~203. Citations for violations shall be issued in conformance with Medford Code Section 2.855 "Uniform Short Form Complaint and Citation."~~

~~(3) Section 701(1) is modified by deleting the last sentence of the paragraph.~~

~~(4) Sections 901, 902 and 903 of the Dangerous Building Code are modified by substituting the term "City Recorder" for the term "Clerk."~~

~~(5) Section 905 of the Dangerous Building Code is modified to read as follows:~~

~~905. Assessment. After the proceedings described in Section 904 of this Code, the City Council may order that the said charge be imposed as a special assessment against the real property involved.~~

~~If the Council orders that the charge be assessed against the property, it shall impose the assessment by ordinance, cause the same to be entered in the docket of City Liens, and thereafter the said assessment shall constitute a lien against said property, enforceable in the same manner as liens for street improvements and shall bear interest at the rate specified in Section 3.470(2) of the Medford Code, beginning 10 days after the entry of the lien in the lien docket.~~

~~(6) The Dangerous Building Code is further modified by omitting therefrom Sections 906, 908, 909, 910, 911 and 912.~~

SECTION 3. Section 9.660 of the Medford Code is amended to read as follows:

9.660 Violations; Penalties; Remedies.

(1) No person, **firm, corporation or other entity however organized**, shall erect, **construct**, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain a building or structure in the city, or cause the same to be done, contrary to or in violation of this chapter.

~~(2) Violations of a provision of this chapter constitutes a violation, and is punishable by an administrative civil penalty in accordance with ORS 455.895.~~ **shall be subject to an administrative civil penalty not to exceed \$5,000 or, in the case of a continuing violation as defined in subsection (3) of this section, not more than \$1,000 for each day of the violation and shall be processed in accordance with the procedures set forth in this code.**

(3) Each day that a violation of a provision of this chapter exists constitutes a separate violation.

(4) The penalties and remedies provided in this Section are not exclusive and are in addition to other penalties and remedies available to the City under the Code or other law.

SECTION 4. Section 9.900 of the Medford Code is added to read as follows:

9.900 Adoption of the International Property Maintenance Code.

This article shall be known and may be cited as the Property Maintenance Code of Medford, hereinafter referred to as the "IPMC", one copy of which is on file in the City of Medford Police Department, Code Enforcement Division.

SECTION 5. Section 9.901 of the Medford Code is added to read as follows:

9.901 Additions to the International Property Maintenance Code.

(1) **The International Property Maintenance Code, 2012 Edition, published and copyrighted by the International Code Council, Inc., is hereby adopted in its entirety, except as added, repealed or amended below, as an ordinance of the City of Medford, to be administered and enforced along with such further amendments contained herein.**

(2) **When the phrase "the code official shall" is used in the IPMC with respect to enforcement, it refers to the Manager's discretionary option, rather than a mandatory obligation, to choose the course of action that would be appropriate when a violation of the code is found. The phrase "code official shall" does not impose on the city a mandatory duty to implement particular enforcement procedures.**

(3) The following sections are ADDED to the IPMC:

304.13.3 Window Sill Height. Windows in sleeping rooms that are provided to meet emergency escape or rescue requirements shall meet the requirements of the Oregon Residential Specialty Code, Section 310.1.

Exception: Window sill heights constructed in accordance with code requirements in place for sleeping rooms at the time of construction.

304.13.4 Ability to Open. Every window required for ventilation or emergency escape shall be capable of being easily opened and held open by window hardware and shall meet the requirements of the Oregon Residential Specialty Code, Section 310.1.4.

304.13.5 Minimum Dimensions. Windows in sleeping rooms that are required to meet emergency escape or rescue requirements shall meet the requirements of the Oregon Residential Specialty Code, Section 310.1.1.

Exception: Window dimensions constructed in accordance with code requirements in place for sleeping room at the time of construction. [Added]

705.1 Carbon Monoxide Detectors. Carbon monoxide alarms shall be installed, maintained and repaired in residential units in accordance with the Oregon Residential Specialty Code, Section 315.

(4) The following sections of the IPMC are REPEALED in their entirety:

| | |
|--------|---------------------|
| 102.6 | Historic Buildings. |
| 103.3 | Deputies. |
| 103.5 | Fees |
| 106 | Violations |
| 111 | Means of Appeal |
| 304.14 | Insect Screens. |

(5) The following sections of the IPMC are AMENDED to read as follows:

101.1 Title. These regulations shall be known as the International Property Maintenance Code of the City of Medford, hereinafter referred to as the "IPMC." [Amended]

102.3 Application of other codes. Repairs, additions or alterations to a structure, changes of *occupancy* and all other work required under the IPMC shall be done in accordance with the procedures and provisions of the Oregon Specialty Codes. Nothing in this code shall be construed to cancel, modify or set aside any provision of Chapter 9 of the Medford Municipal Code. [Amended]

SECTION 103 RESPONSIBILITIES FOR PROPERTY MAINTENANCE INSPECTION [Amended]

103.1 General. Property maintenance inspection is hereby the responsibility of the Medford Police Department. [Amended]

103.4 Liability. The provisions and protections of the Oregon Tort Claims Act, ORS 30.265 et. seq. shall apply to all city officials, agents and employees charged with the enforcement of the IPMC. The IPMC shall not be construed to relieve from or lessen the responsibility of any non-city agent or employee, including but not limited to any owner, owner's agent, builder, contractor, agent or employee of any builder or contractor, or any person owning, operating or controlling any building, structure or premises, for any damages to persons or property caused by defects or violations of this code, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code. [Amended]

110.1 General. The *code official* shall order the *owner* of any *premises* upon which is located any structure, which in the *code official's* judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than six months, the *code official* shall order the *owner* to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond six months, unless *approved* by the building official. [Amended]

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Unified Board of Appeals, pursuant to Medford Municipal Code 9.662. [Amended]

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be considered to be committing a violation and will be subject to a notice of civil penalty as prescribed in Medford Municipal Code, Chapter 9.660 (2). [Amended]

201.3 Terms Defined in Other Codes. Where terms are not defined in the IPMC and are defined in the Oregon Specialty Codes and Chapter 9 of the Medford Municipal Code, such terms shall have the meanings ascribed to them as stated in those codes. [Amended]

SECTION 202. GENERAL DEFINITIONS

Where terms are not defined in the IPMC or other code section and are defined in the

Oregon Specialty Codes, such terms shall have the meanings ascribed to them as in those codes. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Whenever the words “premises,” “building” or other similar words are stated in the IPMC, they shall be construed as though they were followed by the words “or any part thereof.” Unless otherwise expressly stated, the following terms shall, for the purposes of the IPMC, have the following meanings:

ATTRACTIVE NUISANCE. A condition that can attract children and be detrimental to the health or safety of children whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to: abandoned buildings, abandoned wells, shafts, basements, excavations, abandoned freezers or refrigerators with self-latching doors, motor vehicles, structurally unsound fences or structures, lumber, trash, fences, debris, or water feature that may prove hazardous for inquisitive minors.

BOARDED BUILDING. An unoccupied or derelict building that has been secured against entry by material such as plywood, boards or other similar material placed over openings that are designed for and/or are required for windows and doors, and which is visible off the premises and is not both lawful and customary to install on an occupied structure.

BUILDING. Any structure occupied or intended for any occupancy.

DERELICT STRUCTURE. Any structure that meets any one of the following:

- (1) unoccupied and unsecured,
- (2) partially constructed without an active building permit,
- (3) maintained in a condition that is an imminent threat to public health and safety.

DETERIORATION. A lowering in quality of the condition or appearance of a building, structure or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay, neglect, excessive use, or lack of maintenance.

INTERESTED PARTY. Any person or entity that possesses any legal, equitable or possessory interest of record in the property, including but not limited to the holder of any lien or encumbrance of record on the property.

MANAGER. The City Manager or appointed representative(s) who is responsible for supervising, administering and enforcing all aspects of this code.

OWNER. Interested Party.

PARTIALLY CONSTRUCTED. An occupied or vacant structure, or portion thereof, that has been left in a state of partial construction for more than six months or after the expiration of any building permit, or that has not had a required permit inspection within any six-month period.

RENEWABLE ENERGY SYSTEM. Systems which produce energy from sources that do not use up finite natural resources. Examples include, but are not limited to, solar, wind, biomass, geothermal, and micro-hydro systems.

UNOCCUPIED. Vacant or not being used for a lawful occupancy. [Amended]

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in accordance with Medford Municipal Code 7.410, 7.420, 7.430 and 7.440. [Amended]

Motor Vehicles. Except as provided for in other provisions of the IPMC, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled pursuant to Medford Municipal Code 5.505 (2). [Amended]

302.8 Defacement of Property. The owner or occupant of the property, or person in charge of property, shall comply with the requirements of Medford Municipal Code 5.519. [Amended]

304.3 Premises identification. Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way as required by the Oregon Fire Code, and maintained. [Amended]

304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes. Glazing with holes, cracks, or that is partially or wholly missing shall be replaced within thirty (30) calendar days of the incident that caused the defect. [Amended]

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed in Sections 402 and 403 of this code, artificial light or mechanical ventilation complying with the Oregon Specialty Codes shall be permitted. [Amended]

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system that is in compliance with the Oregon Specialty Codes shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

Exception: Range hoods constructed in accordance with code requirements in place at the time of construction. [Amended]

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or

other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the provisions of the Oregon Specialty Codes. [Amended]

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 120°F (49°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom (or in a closet serving that room), or any other occupied room normally kept closed, unless adequate combustion air is provided (exception only applies to "other occupied room".) An approved combination temperature and pressure- relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters. [Amended]

602.2 Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room year-round temperature of 68°F (20°C) in all habitable rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section. Portable space heating devices shall not be used to meet the dwelling heat requirements of this code. No inverted or open flame fuel-burning heater shall be permitted. All heating devices or appliances shall be of an approved type. [Amended]

602.3 Heat Supply. Every dwelling unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68°F (20°C) at a point 3 feet (914 mm) above the floor and 2 feet (610 mm) from exterior walls in all habitable rooms at the design temperature. [Amended]

602.4 Occupiable Work Spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a year-round temperature of not less than 68°F (20°C) during the period the spaces are occupied. [Amended]

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function. Mechanical ventilation systems for range hoods and bathrooms shall be maintained in sound working order meeting manufacturer specifications for operation and function. [Amended]

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the Oregon Specialty Codes. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes. [Amended]

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with the Oregon Elevator Specialty Code. The most current certificate of inspection shall

be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in the Oregon Elevator Specialty Code, except where otherwise specified by the authority having jurisdiction. [Amended]

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Oregon Specialty Codes. [Amended]

702.2 Aisles. The required width of aisles in accordance with the Oregon Specialty Codes. [Amended]

702.3 Locked Doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Oregon Specialty Codes. [Amended]

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Oregon Specialty Codes. [Amended]

704.2 Smoke Alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups– R-2, R-3, R-4 and in dwellings not regulated in Group R, regardless of *occupant* load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.
2. In each room used for sleeping purposes.
3. In each story within a *dwelling unit*, including *basements* and cellars but not including crawl spaces and uninhabitable attics. In dwellings or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. Single or multiple–station smoke alarms shall be installed in other groups in accordance with the Oregon Specialty Codes. [Amended]

SECTION 6. Section 9.902 of the Medford Code is added to read as follows:

9.902 Responsibility.

Unless otherwise provided for, the Manager shall be responsible for the ultimate enforcement of all of the provisions of the IPMC. The Manager may appoint such enforcement officers, technical assistants, inspectors and other employees as may be necessary for the administration of the IPMC. For the purpose of the IPMC, any person so appointed will be

deemed a “code official” as defined in the IPMC. The Manager is authorized to designate an employee who shall exercise all the powers of the Manager during the temporary absence or disability of the Manager.

Where work is required to be done to correct violations under the IPMC any and all permits required for such work by the Building Code shall be obtained. All final inspections shall be approved for the associated permits prior to the violations being considered resolved.

SECTION 7. Section 9.903 of the Medford Code is added to read as follows:

9.903 Modifications.

In the event of extreme hardships involved in carrying out provisions of the IPMC relating to external conditions and derelict structures, the Manager shall have the right to vary or modify the provisions of the IPMC upon application of an owner, provided that the spirit and intent of the law is observed and that the public health and safety is assured.

SECTION 8. Section 9.904 of the Medford Code is added to read as follows:

9.904 Emergency Repair.

The use of tarps or similar material for the purpose of an emergency repair, or temporarily in place of a customary building component such as a roof, siding or a door, shall not exceed 90 days in any consecutive 12 month period; provided, however, that this subsection is subject to, and does not supersede, the requirements of the Building Code and Fire Code. The use of tarps or similar material in place of a customary building component is not permitted under the Building Code.

SECTION 9. Section 9.905 of the Medford Code is added to read as follows:

9.905 Weather Proofing and Screens.

Where windows and doors have been sealed by plastic or other materials for weather proofing, said materials shall be maintained in a workmanlike manner. Window and door screens, while not required by the IPMC, shall be maintained in a sound working condition.

SECTION 10. Section 9.906 of the Medford Code is added to read as follows:

9.906 Derelict Structures Prohibited.
Derelict structures are prohibited.

SECTION 11. Section 9.907 of the Medford Code is added to read as follows:

9.907 Closing and Securing of Derelict Structures.

The Manager may order appropriate measures to render a derelict structure secure from entry. The securing of the structure shall be by methods calculated to render entry very difficult, including, but not limited to, the use of lag screws in the boarding of entry points, instead of nailing. In order to perform the function or duty authorized or required under this section, city representatives and their agents shall have the right at reasonable times

to enter upon the property and render a derelict structure secure from entry. If consent to inspect or secure the property is refused, the City shall apply for an inspection warrant. The costs incurred by the city in boarding or securing a derelict structure may be assessed to the property owner and collected as costs of abatement under Medford Municipal Code 5.520.

SECTION 12. Section 9.908 of the Medford Code is added to read as follows:

9.908 Derelict Structure Registration.

- (1) The Manager shall maintain a list of derelict structures.**
- (2) The owner of a derelict structure shall register the structure with the Manager within 10 calendar days of the Manager's written direction to register. Registration shall be completed on forms provided by the Manager, and shall include:
 - (a) the location of the property;**
 - (b) the ownership of the property, including address, phone number, and email address;**
 - (c) the expected period of its vacancy;**
 - (d) a schedule for inspection and maintenance of the property during the period of vacancy;**
 - (e) the agent responsible for inspection and maintenance, including address, phone number, and email address;**
 - (f) a plan for re-occupancy and use of the structure, or its demolition; and**
 - (g) a provision whereby the owner of the structure shall indemnify, defend and hold the city harmless from any and all claims asserted against the city by third parties stemming from injuries to persons or to property as a result of the condition or accessibility of the structure.****
- (3) The registration and plan are subject to review and approval by the Manager.**
- (4) Any change in the information provided pursuant to this subsection shall be given to the Manager within 30 calendar days of the change. When the owner believes the structure is no longer derelict the owner shall contact the Manager and request an inspection to determine that the structure is no longer derelict.**

SECTION 13. Section 9.909 of the Medford Code is added to read as follows:

9.909 Temporary Waivers of Enforcement Action.

- (1) The Manager may issue a temporary waiver of enforcement action, which will give a period of time that the Manager determines is reasonable, but no longer than six months, to correct the violations found. The length of time given will depend on several factors, such as the extent and cost of the repairs, seriousness of the conditions, financial capacity of the owner, and the time of year. During the waiver period, the affected residential rental unit(s) may not be occupied.**
- (2) The Manager may revoke the waiver if any of the conditions that allowed the owner to qualify for a waiver change. Because the waiver is granted to a specific property owner, the waiver automatically terminates upon change in ownership. The Manager may, assist the**

owner in obtaining information regarding financial or other assistance to make the necessary repairs.

SECTION 14. Section 9.910 of the Medford Code is added to read as follows:

9.910 Hardship Waivers of Enforcement Action.

(1) **The Manager may issue a hardship waiver of enforcement action only if the owner currently Legally resides on the property. A hardship waiver may be issued only in those instances when the owner is found by the Manager to be over 65 years of age, disabled, or classified as “very low income” under the US Department of Housing and Urban Development (HUD) standards. Hardship waivers shall not exceed three years. The income level of the owner will be reevaluated before the end of the three year waiver period. Application for a hardship waiver must be filed with the Manager in writing. The Manager may require the owner to supply all information necessary to demonstrate the owner’s eligibility for the waiver. The owner must submit a separate application for waiver for each notice of complaint and violation.**

(2) **The Manager may revoke the waiver if any of the conditions that allowed the owner to qualify for a waiver change. Because the waiver is granted to a specific property owner, the waiver automatically terminates upon change in ownership or tenure of the property.**

(3) **The owner may reapply for new hardship waivers to become effective at the expiration of the term of any hardship waiver previously granted.**

(4) **The Manager may assist the owner in obtaining information concerning financial or other assistance to make the necessary repairs.**

SECTION 15. Section 9.911 of the Medford Code is added to read as follows:

9.911 Penalty and Appeal Rights.

Violation of any section of the IPMC/Oregon Specialty codes shall be subject to the violation, penalties and remedies of Medford Municipal Code Section 9.660 to 9.662.

SECTION 16. Section 9.912 of the Medford Code is added to read as follows:

9.912 Liens and Assessments

Abatement costs, late payment charges, reinspection fees, or other fees or charges imposed under the IPMC, shall be paid within 30 calendar days of imposition of the fees. The City Council may order that the said charge be imposed as a special assessment against the real property involved. If the Council orders that the charge be assessed against the property, it shall impose the assessment by ordinance, cause the same to be entered in the docket of City Liens, and thereafter the said assessment shall constitute a lien against said property, enforceable in the same manner as liens for street improvements and shall bear interest at the rate specified in section 3.470(2) of the Medford Code, beginning 15 days after the entry of the lien in the lien docket.

SECTION 17. Section 9.913 of the Medford Code is added to read as follows:

9.913 Application of Other Codes.

Nothing in the IPMC shall be construed to relieve a person from complying with any federal, state or local law, including any other provisions of the Oregon Specialty Codes, or the requirement to obtain all necessary permits and approvals.

SECTION 18. Section 9.914 of the Medford Code is added to read as follows:

9.914 Coordination of Enforcement.

The Manager shall make reasonable effort to arrange for the coordination of enforcement efforts and any necessary inspections in an effort to minimize conflicts between the activities of affected city departments.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2016.

Mayor

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



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.3

www.ci.medford.or.us

| | | | |
|-----------------------|--|------------------------|----------------------------|
| DEPARTMENT: | Finance; Legal | AGENDA SECTION: | Ordinances and Resolutions |
| PHONE: | 541-774-2033; 541-774-2020 | MEETING DATE: | August 18, 2016 |
| STAFF CONTACT: | Alison Chan, Finance Director; Eric Mitton, Senior Assistant City Attorney | | |

COUNCIL BILL 2016-100

An ordinance amending Section 8.751 of the Medford Code pertaining to Rental Car Tax.

SUMMARY AND BACKGROUND

A change to Chapter 8 of the Medford City Code as it pertains to Rental Car Tax (RCT) is being proposed to eliminate an ambiguity in the Code. The issue is whether optional additional services, supplies, and commodities (SSCs) connected with renting a car—such as purchasing satellite radio service from a rental agency or renting child seats for use in a rental car—are subject to RCT.

PREVIOUS COUNCIL ACTIONS

Ordinance 2005-119, on June 16, 2005, added Section 8.750 through 8.768 to the Code of Medford pertaining to imposition of a car rental tax to be dedicated to the Parks Dedication Fund for capital construction projects related to the Leisure Services Plan.

ANALYSIS

When renting a car, customers may sometimes have the choice to also purchase/rent related services, supplies, and commodities, such as activating satellite radio in the rental car, or renting a child seat for use in the rental car. The City's Code is currently ambiguous as to whether these SSCs are subject to the RCT (as implied in the current version of 8.751(6)), or whether only the price of renting the car itself is subject to the RCT (as stated in 8.752). Removing this ambiguity from the Code would increase predictability for rental businesses in the City.

Staff's suggested change, excluding these SSCs from the RCT, would be consistent with the operation of the City's Transient Lodging Tax (where the rate for the room itself is taxed, but room-service meals and pay-per-view charges are not taxed).

All but one rental car agency in the City are currently excluding SSCs from the RCT. Staff's suggested change is consistent with the current practice of the majority of car rental agencies in the City.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Minimal.

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of an ordinance amending MC 8.751(6) so that services, supplies, and commodities are unambiguously excluded from the RCT.

SUGGESTED MOTION

I move to approve the ordinance amending MC 8.751(6) to unambiguously exclude services, supplies, and commodities from the Rental Car Tax.

EXHIBITS

Ordinance

ORDINANCE NO. 2016-100

AN ORDINANCE amending section 8.751 of the Medford Code pertaining to rental car tax.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. Section 8.751 of the Medford Code is amended to read as follows:

8.751 Definitions.

(6) "Rental or Renting" means obtaining at the Rogue Valley International-Medford Airport the use of a rental car from a commercial establishment at the Rogue Valley International-Medford Airport for a rental fee., ~~and includes all services, supplies and commodities furnished by the commercial establishment in connection with providing the use of the rental car, but does not include leasing~~ **Excluded are leases** or other transactions where title of a motor vehicle is permanently or temporarily transferred from the commercial establishment to any other person or entity., ~~Excluded are fees or charges for fueling, car seats, GPS devices, satellite radio, and similar devices, supplies, and commodities.~~

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2016.

Mayor

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



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.4

www.ci.medford.or.us

DEPARTMENT: HR / ADA Coordinator's Office

AGENDA SECTION: Ordinances and Resolutions

PHONE: (541) 774-2039

MEETING DATE: August 18, 2016

STAFF CONTACT: Mike Snyder, HR Director; Bonnie Huard, ADA Coordinator

COUNCIL BILL 2016-101

A resolution by the City of Medford affirming compliance with the Americans with Disabilities Act (ADA) of 1990.

SUMMARY AND BACKGROUND

The ADA Coordinator is requesting the consideration of passing a Resolution to affirmatively state the intention of the City of Medford to comply with Federal civil rights law as stated in the Americans with Disabilities Act of 1990.

PREVIOUS COUNCIL ACTIONS

None.

ANALYSIS

The purpose of this resolution is to provide an organization-specific policy support structure of a stated intent and commitment to comply with the ADA to assist the City of Medford in meeting the legal requirements of Title II of the ADA.

The ADA is Federal Law passed in 1990 to eliminate discrimination against people with disabilities so that they could have equal access to participate in society. It is a Federal civil rights law enforced by the Federal Department of Justice, with supporting enforcement arms through other Federal agencies where applicable, including the Federal Highway Administration. Title II of the ADA addresses the legal responsibilities of all state and local governments in conducting their activities in a way that avoids discrimination on the basis of disability.

The City of Medford initially responded to the ADA requirements with a Self-evaluation and Transition Plan executed in 1992. Much work has been done over the years to improve accessibility in the community. However, the City needs to update and expand its ADA compliance activity in order to meet the current requirements of the law and demonstrate that we want to equally serve the needs of people with disabilities.

City staff is currently undertaking a significant redevelopment, update, and expansion of the City's required ADA Self-evaluation and Transition Plan. This process will include identification and review of all of the City's governmental services, programs, and activities and their associated policies and procedures. The purpose is to find potential barriers to participation for people with disabilities and then develop a Transition Plan (update) to remove those barriers. These steps are required of local governments under the ADA.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

Passing the resolution will assist with specific ADA related documents the City must submit to the Federal Highway Administration by October 1, 2016

COUNCIL OPTIONS

Approve or deny the resolution.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.4

www.ci.medford.or.us

STAFF RECOMMENDATION

Staff recommends approval of the resolution stating the City of Medford's intent to follow the provisions of the American's with Disabilities Act of 1990 (ADA).

SUGGESTED MOTION

I move to approve the resolution for the City of Medford to hereby declare its intent to comply with the provisions of the Americans with Disabilities Act of 1990 (ADA), as amended.

EXHIBITS

Resolution

ADA Update: A Primer for State and Local Governments.

RESOLUTION NO. 2016-101

A RESOLUTION by the City of Medford affirming compliance with the Americans with Disabilities Act of 1990.

WHEREAS, the Congress of the United States has passed the Americans with Disabilities Act of 1990 to provide “a clear and comprehensive mandate for the elimination of discrimination against individuals with disabilities;” and

WHEREAS, the City of Medford is fully committed to ensure that citizens with disabilities are afforded equal access to City facilities, programs, activities, services, and employment; and

WHEREAS, it is the desire of the City of Medford to make clear the City’s intention to comply with the provisions of the Americans with Disabilities Act of 1990; now, therefore,

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

The City of Medford hereby declares its intent to comply with the provisions of the American with Disabilities Act of 1990, as amended.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor



Americans with Disabilities Act

ADA Update:

A Primer for State and Local Governments



← Accessible Entrance Elm Street

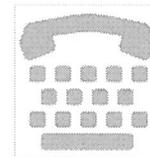


Figure 703.7.2.2 International Symbol of TTY

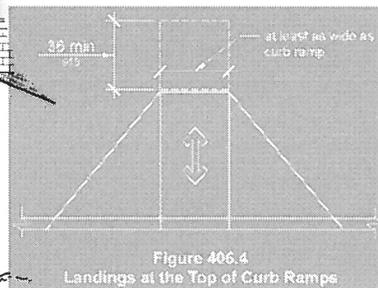
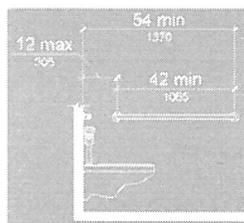
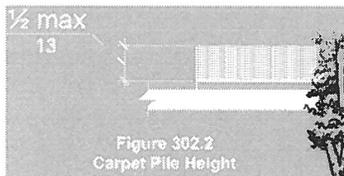
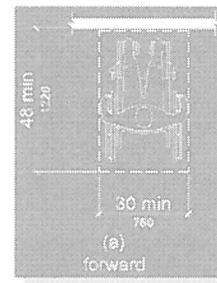


Figure 406.4 Landings at the Top of Curb Ramps

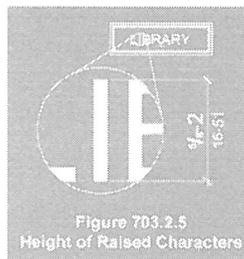


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Introduction

More than 55 million Americans— 18% of our population— have disabilities, and they, like all Americans, participate in a variety of programs, services, and activities provided by their State and local governments. This includes many people who became disabled while serving in the military. And, by the year 2030, approximately 71.5 million baby boomers will be over age 65 and will need services and surroundings that meet their age-related physical needs.

People with disabilities have too often been excluded from participating in basic civic activities like using the public transportation system, serving on a jury, voting, seeking refuge at an emergency shelter, or simply attending a high school sports event with family and friends. The Americans with Disabilities Act (ADA) is a Federal civil rights law that prohibits discrimination against people with disabilities. Under this law, people with disabilities are entitled to all of the rights, privileges, advantages, and opportunities that others have when participating in civic activities.

The Department of Justice revised its regulations implementing the ADA in September 2010. The new rules clarify issues that arose over the previous 20 years and contain new requirements, including the 2010 ADA Standards for Accessible Design (2010 Standards). This document provides general guidance to assist State and local governments in understanding and complying with the ADA's requirements. For more comprehensive information about specific requirements, government officials can consult the regulation (www.ada.gov/regs2010/ADAregs2010.htm), the 2010 Standards (www.ada.gov/2010ADAstandards_index.htm), and the Department's technical assistance publications (www.ada.gov/ta-pubs-pg2.htm).

Who Is Protected under the ADA?

The ADA protects the rights of people who have a physical or mental impairment that substantially limits their ability to perform one or more major life activities, such as breathing, walking, reading, thinking, seeing, hearing, or working. It does not apply to people whose impairment is unsubstantial, such as someone who is slightly nearsighted or someone who is mildly allergic to pollen. However, it does apply to people whose disability is substantial but can be moderated or mitigated, such as someone with diabetes that can normally be controlled with medication or someone who uses leg braces to walk, as well as to people who are temporarily substantially limited in their ability to perform a major life activity. The ADA also applies to people who have a record of having a substantial impairment (e.g., a person with cancer that is in remission) or are regarded as having such an impairment (e.g., a person who has scars from a severe burn).

Who Has Responsibilities under the ADA?

Title II of the ADA applies to all State and local governments and all departments, agencies, special purpose districts, and other instrumentalities of State or local government ("public entities"). It applies to all programs, services, or activities of public entities, from adoption services to zoning regulation. Title II entities that contract with other entities to provide public services (such as non-profit organizations that operate drug treatment programs or convenience stores that sell state lottery tickets) also have an obligation to ensure that their contractors do not discriminate against people with disabilities.

GENERAL NONDISCRIMINATION REQUIREMENTS

Basic Principles

Equal treatment is a fundamental purpose of the ADA. People with disabilities must not be treated in a different or inferior manner. For example:

- A city museum with an oriental carpet at the front entrance cannot make people who use wheelchairs use the back door out of concern for wear and tear on the carpet, if others are allowed to use the front entrance.
- A public health clinic cannot require an individual with a mental illness to come for check-ups after all other patients have been seen, based on an assumption that this patient's behavior will be disturbing to other patients.
- A county parks and recreation department cannot require people who are blind or have vision loss to be accompanied by a companion when hiking on a public trail.

The integration of people with disabilities into the mainstream of American life is a fundamental purpose of the ADA. Historically, public entities provided separate programs for people with disabilities and denied them the right to participate in the programs provided to everyone else. The ADA prohibits public entities from isolating, separating, or denying people with disabilities the opportunity to participate in the programs that are offered to others. Programs, activities, and services must be provided to people with disabilities in integrated settings. The ADA neither requires nor prohibits programs specifically for people with disabilities. But, when a public entity offers a special program as an alternative, individuals with disabilities have the right to choose whether to participate in the special program or in the regular program. For example:

- A county parks and recreation department may choose to provide a special swim program for people with arthritis. But it may not deny a person with arthritis the right to swim during pool hours for the general public.
- A state may be violating the ADA's integration mandate if it relies on segregated sheltered workshops to provide employment services for people with intellectual or developmental disabilities who could participate in integrated alternatives, like integrated supported employment with reasonable modifications; or if it relies on segregated adult care homes for residential services for people with mental illness who could live in integrated settings like scattered-site, permanent supportive housing.
- A city government may offer a program that allows people with disabilities to park for free at accessible metered parking spaces, but the ADA does not require cities to provide such programs.

People with disabilities have to meet the essential eligibility requirements, such as age, income, or educational background, needed to participate in a public program, service, or activity, just like everyone else. The ADA does not entitle them to waivers, exceptions, or preferential treatment. However, a public entity may not impose eligibility criteria that screen out or tend to screen out individuals with disabilities unless the criteria are necessary for the provision of the service, program, or activity being offered. For example:

- A citizen with a disability who is eighteen years of age or older, resides in the jurisdiction, and has registered to vote is "qualified" to vote in general elections.
- A school child with a disability whose family income is above the level allowed for an income-based free lunch program is "not qualified" for the program.

- If an educational background in architecture is a prerequisite to serve on a city board that reviews and approves building plans, a person with a disability who advocates for accessibility but lacks this background does not meet the qualifications to serve on this board.
- Requiring people to show a driver's license as proof of identity in order to enter a secured government building would unfairly screen out people whose disability prevents them from getting a driver's license. Staff must accept a state-issued non-driver ID as an alternative.
- The ADA allows (and may require – see below) different treatment of a person with a disability in situations where such treatment is necessary in order for a person with a disability to participate in a civic activity. For example, if an elected city council member has a disability that prevents her from attending council meetings in person, delivering papers to her home and allowing her to participate by telephone or videoconferencing would enable her to carry out her duties.
- There are some situations where it simply is not possible to integrate people with disabilities without fundamentally altering the nature of a program, service, or activity. For example, moving a beach volleyball program into a gymnasium, so a player who uses a wheelchair can participate on a flat surface without sand, would “fundamentally alter” the nature of the game. The ADA does not require changes of this nature.

Rules that are necessary for safe operation of a program, service, or activity are allowed, but they must be based on a current, objective assessment of the actual risk, not on assumptions, stereotypes, or generalizations about people who have disabilities. For example:

- A parks and recreation department may require all participants to pass a swim test in order to participate in an agency-sponsored white-water rafting expedition. This policy is legitimate because of the actual risk of harm to people who would not be able to swim to safety if the raft capsized.
- A rescue squad cannot refuse to transport a person based on the fact that he or she has HIV. This is not legitimate, because transporting a person with HIV does not pose a risk to first responders who use universal precautions.
- A Department of Motor Vehicles may require that all drivers over age 75 pass a road test to renew their driver's license. It is not acceptable to apply this rule only to drivers with disabilities.

There are two exceptions to these general principles.

In some cases, “equal” (identical) treatment is not enough. As explained in the next sections, the ADA also requires public entities to make certain accommodations in order for people with disabilities to have a fair and equal opportunity to participate in civic programs and activities.

Reasonable Modification of Policies and Procedures

Many routine policies, practices, and procedures are adopted by public entities without thinking about how they might affect people with disabilities. Sometimes a practice that seems neutral makes it difficult or impossible for a person with a disability to participate. In these cases, the ADA requires public entities to make “reasonable modifications” in their usual ways of doing things when necessary to accommodate people who have disabilities. For example:

- A person who uses crutches may have difficulty waiting in a long line to vote or register for college classes. The ADA does not require that the person be moved to the front of the line (although this would be permissible), but staff must provide a chair for him and note where he is in line, so he doesn't lose his place.
- A person who has an intellectual or cognitive disability may need assistance in completing an application for public benefits.
- A public agency that does not allow people to bring food into its facility may need to make an exception for a person who has diabetes and needs to eat frequently to control his glucose level.
- A city or county ordinance that prohibits animals in public places must be modified to allow people with disabilities who use service animals to access public places. (This topic is discussed more fully later.)
- A city or county ordinance that prohibits motorized devices on public sidewalks must be modified for people with disabilities who use motorized mobility devices that can be used safely on sidewalks. (This topic is discussed more fully later.)
- At a hot lunch program for elderly town residents, staff are not obliged to feed a woman with a disability who needs assistance in eating, if it does not provide this service for others. However, the woman should be allowed to bring an attendant to assist her. If she can feed herself but cannot cut large pieces of food into bite-sized pieces, it is reasonable to ask staff to cut up the food.
- If a city requires a 12-foot set-back from the curb in the central business district, it may be reasonable to grant a 3-foot variance for a store wishing to install a ramp at its entrance to meet its ADA obligations. If the set-back is smaller and the ramp would obstruct pedestrian traffic, granting the variance may "fundamentally alter" the purpose of the public sidewalk.

Service Animals

Under the ADA, a service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability. For example, many people who are blind or have low vision use dogs to guide and assist them with orientation. Many individuals who are deaf use dogs to alert them to sounds. People with mobility disabilities often use dogs to pull their wheelchairs or retrieve items. People with epilepsy may use a dog to warn them of an imminent seizure, and individuals with psychiatric disabilities may use a dog to remind them to take medication. Dogs can also be trained to detect the onset of a seizure or panic attack and to help the person avoid the attack or be safe during the attack. Under the ADA, "comfort," "therapy," or "emotional support" animals do not meet the definition of a service animal because they have not been trained to do work or perform a specific task related to a person's disability.

Allowing service animals into a "no pet" facility is a common type of reasonable modification neces-

Only "reasonable" modifications are required. When only one staff person is on duty, it may or may not be possible to accommodate a person with a disability at that particular time. The staff person should assess whether he or she can provide the assistance that is needed without jeopardizing the safe operation of the public program or service. Any modification that would result in a "fundamental alteration" -- a change in the essential nature of the entity's programs or services -- is not required. For example:

- At a museum's gift shop, accompanying and assisting a customer who uses a wheelchair may not be reasonable when there is only one person on duty.



Woman using a wheelchair and her service animal enter a town building

sary to accommodate people who have disabilities. Service animals must be allowed in all areas of a facility where the public is allowed except where the dog's presence would create a legitimate safety risk (e.g., compromise a sterile environment such as a burn treatment unit) or would fundamentally alter the nature of a public entity's services (e.g., allowing a service animal into areas of a zoo where animals that are natural predators or prey of dogs are displayed and the dog's presence would be disruptive). The ADA does not override public health rules that prohibit dogs in swimming pools, but they must be permitted everywhere else.

The ADA requires that service animals be under the control of the handler at all times and be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents him from using these devices. Individuals who cannot use such devices must maintain control of the animal through voice, signal, or other effective controls.

Public entities may exclude service animals only if 1) the dog is out of control and the handler cannot or does not regain control; or 2) the dog is not housebroken. If a service animal is excluded, the individual must be allowed to enter the facility without the service animal.

Public entities may not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, as a condition for entry. In situations where it is not apparent that the dog is a service animal, a public entity may ask only two questions: 1) is the animal required because of a disability? and 2) what work or task has the dog been trained to perform? Public entities may not ask about the nature or extent of an individual's disability.

The ADA does not restrict the breeds of dogs that may be used as service animals. Therefore, a town ordinance that prohibits certain breeds must be modified to allow a person with a disability to use a service animal of a prohibited breed, unless the dog's presence poses a direct threat to the health or safety of others. Public entities have the right to determine, on a case-by-case basis, whether use of a particular service animal poses a direct threat, based on that animal's actual behavior or history; they may not, however, exclude a service animal based solely on fears or generalizations about how an animal or particular breed might behave.

The ADA does not require service animals to be certified, licensed, or registered as a service animal. Nor are they required to wear service animal vests or patches, or to use a specific type of harness. There are individuals and organizations that sell service animal certification or registration documents to the public. The Department of Justice does not recognize these as proof that the dog is a service animal under the ADA.

For additional information, see [ADA 2010 Revised Requirements: Service Animals](http://www.ada.gov/service_animals_2010.htm) at www.ada.gov/service_animals_2010.htm or www.ada.gov/service_animals_2010.pdf.

Wheelchairs and Other Power-Driven Mobility Devices

Allowing mobility devices into a facility is another type of “reasonable modification” necessary to accommodate people who have disabilities.

People with mobility, circulatory, or respiratory disabilities use a variety of devices for mobility. Some use walkers, canes, crutches, or braces while others use manual or power wheelchairs or electric scooters, all of which are primarily designed for use by people with disabilities. Public entities must allow people with disabilities who use these devices into all areas where the public is allowed to go.

Advances in technology have given rise to new power-driven devices that are not necessarily designed specifically for people with disabilities, but are being used by some people with disabilities for mobility. The term “other power-driven mobility devices” is used in the ADA regulations to refer



Man with prosthetic legs using a Segway®

to any mobility device powered by batteries, fuel, or other engines, whether or not they are designed primarily for use by individuals with mobility disabilities for the purpose of locomotion. Such devices include Segways®, golf cars, and other devices designed to operate in non-pedestrian areas. Public entities must allow individuals with disabilities who use these devices into all areas where the public is allowed to go, unless the entity can demonstrate that the particular type of device cannot be accommodated because of legitimate safety requirements. Such safety requirements must be based on actual risks, not on speculation or stereotypes about a particular class of devices or how individuals will operate them.

Public entities must consider these factors in determining whether to permit other power-driven mobility devices on their premises:

- the type, size, weight, dimensions, and speed of the device;
- the volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- the facility’s design and operational characteristics, such as its square footage, whether it is indoors or outdoors, the placement of stationary equipment, devices, or furniture, and whether it has storage space for the device if requested by the individual;
- whether legitimate safety standards can be established to permit the safe operation of the device; and
- whether the use of the device creates a substantial risk of serious harm to the environment or natural or cultural resources or poses a conflict with Federal land management laws and regulations.

Using these assessment factors, a public entity may decide, for example, that it can allow devices like Segways® in a facility, but cannot allow the

use of golf cars, because the facility's corridors or aisles are not wide enough to accommodate these vehicles. It is likely that many entities will allow the use of Segways® generally, although some may determine that it is necessary to restrict their use during certain hours or particular days when pedestrian traffic is particularly dense. It is also likely that public entities will prohibit the use of combustion-powered devices from all indoor facilities and perhaps some outdoor facilities. Entities are encouraged to develop written policies specifying which power-driven mobility devices will be permitted and where and when they can be used. These policies should be communicated clearly to the public.

Public entities may not ask individuals using such devices about their disability but may ask for a credible assurance that the device is required because of a disability. If the person presents a valid, State-issued disability parking placard or card or a State-issued proof of disability, that must be accepted as credible assurance on its face. If the person does not have this documentation, but states verbally that the device is being used because of a mobility disability, that also must be accepted as credible assurance, unless the person is observed doing something that contradicts the assurance. For example, if a person is observed running and jumping, that may be evidence that contradicts the person's assertion of a mobility disability. However, the fact that a person with a disability is able to walk for some distance does not necessarily contradict a verbal assurance -- many people with mobility disabilities can walk, but need their mobility device for longer distances or uneven terrain. This is particularly true for people who lack stamina, have poor balance, or use mobility devices because of respiratory, cardiac, or neurological disabilities.

For additional information, see [ADA 2010 Revised Requirements: Wheelchairs, Mobility Aids, and Other Power-Driven Mobility Devices](http://www.ada.gov/opdmd.htm) at www.ada.gov/opdmd.htm or www.ada.gov/opdmd.pdf.

Communicating with People Who Have Disabilities

Communicating successfully is an essential part of providing service to the public. The ADA requires public entities to take the steps necessary to communicate effectively with people who have disabilities, and uses the term "auxiliary aids and services" to refer to readers, notetakers, sign language interpreters, assistive listening systems and devices, open and closed captioning, text telephones (TTYs), videophones, information provided in large print, Braille, audible, or electronic formats, and other tools for people who have communication disabilities. In addition, the regulations permit the use of newer technologies including real-time captioning (also known as computer-assisted real-time transcription, or CART) in which a transcriber types what is being said at a meeting or event into a computer that projects the words onto a screen; remote CART (which requires an audible feed and a data feed to an off-site transcriber); and video remote interpreting (VRI), a fee-based service that allows public entities that have video conferencing equipment to access a sign language interpreter off-site. Entities that choose to use VRI must comply with specific performance standards set out in the regulations.

Because the nature of communications differs from program to program, the rules allow for flexibility in determining effective communication solutions. The goal is to find a practical solution that fits the circumstances, taking into consideration the nature, length, and complexity of the communication as well as the person's normal method(s) of communication. What is required to communicate effectively when a person is registering for classes at a public university is very different from what is required to communicate effectively in a court proceeding.

Some simple solutions work in relatively simple and straightforward situations. For example:

- If a person who is deaf is paying a parking ticket at the town clerk's office and has a question, exchanging written notes may be effective.
- If a person who is blind needs a document that is short and straightforward, reading it to him may be effective.

Other solutions may be needed where the information being communicated is more extensive or complex. For example:

- If a person who is deaf is attending a town council meeting, effective communication would likely require a sign language interpreter or real time captioning, depending upon whether the person's primary language is sign language or English.
- If a person who is blind needs a longer document, such as a comprehensive emergency preparedness guide, it may have to be provided in an alternate format such as Braille or electronic disk. People who do not read Braille or have access to a computer may need an audiotaped version of the document.

Public entities are required to give primary consideration to the type of auxiliary aid or service requested by the person with the disability. They must honor that choice, unless they can demonstrate that another equally effective means of communication is available or that the aid or service requested would fundamentally alter the nature of the program, service, or activity or would result in undue financial and administrative burdens. If the choice expressed by the person with a disability would result in an undue burden or a fundamental alteration, the public entity still has an obligation to provide another aid or service that provides effective communication, if possible.

The decision that a particular aid or service would result in an undue burden or fundamental alteration must be made by a high level official, no lower than a Department head, and must be accompanied by a written statement of the reasons for reaching that conclusion.

The telecommunications relay service (TRS), reached by calling 7-1-1, is a free nationwide network that uses communications assistants (also called CAs or relay operators) to serve as intermediaries between people who have hearing or speech disabilities who use a text telephone (TTY) or text messaging and people who use standard voice telephones. The communications assistant tells the voice telephone user what the TTY-user is typing and types to the TTY-user what the telephone user is saying. When a person who speaks with difficulty is using a voice telephone, the communications assistant listens and then verbalizes that person's words to the other party. This is called speech-to-speech transliteration.

Video relay service (VRS) is a free, subscriber-based service for people who use sign language and have videophones, smart phones, or computers with video communication capabilities. For outgoing calls, the subscriber contacts the VRS interpreter, who places the call and serves as an intermediary between the subscriber and a person who uses a voice telephone. For incoming calls, the call is automatically routed to the subscriber through the VRS interpreter.

Staff who answer the telephone must accept and treat relay calls just like other calls. The communications assistant or interpreter will explain how the system works.

For additional information, including the performance standards for VRI, see [ADA 2010 Revised Requirements: Effective Communication](http://www.ada.gov/effective-comm.htm) at www.ada.gov/effective-comm.htm or www.ada.gov/effective-comm.pdf.

MAKING THE BUILT ENVIRONMENT ACCESSIBLE

The ADA's regulations and the ADA Standards for Accessible Design, originally published in 1991, set the minimum standard for what makes a facility accessible. Only elements that are built-in (fixed in place) are addressed in the Standards. While the updated 2010 Standards, which became effective on March 15, 2012, retain many of the original provisions in the 1991 Standards, there are some significant differences. The Standards are used when determining if a public entity's programs or services are accessible under the ADA. However, they apply differently depending on whether the entity is providing access to programs or services in existing facilities or is altering an existing facility or building a new facility.

Access to Programs and Services in Existing Facilities

Public entities have an ongoing obligation to ensure that individuals with disabilities are not excluded from programs and services because facilities are unusable or inaccessible to them. There is no "grandfather clause" in the ADA that exempts older facilities. However, the law strikes a careful balance between increasing access for people with disabilities and recognizing the constraints many public entities face. It allows entities confronted with limited financial resources to improve accessibility without excessive expense.

In the years since the ADA took effect, public facilities have become increasingly accessible. In the event that changes still need to be made, there is flexibility in deciding how to meet this obligation -- structural changes can be made to provide access, the program or service can be relocated to an accessible facility, or the program or service can be provided in an alternate manner. For example:

- In an elementary school without an elevator, a teacher can be assigned to a first floor classroom if the class includes a student with a mobility disability.
- A social service agency located in an inaccessible facility can make arrangements to meet with an applicant or client with a mobility disability at an alternate location that is accessible.
- If an application for a particular city program must be made in person at an inaccessible office, the city could allow a person with a mobility disability to complete and submit the application by mail or email.
- If a public library is inaccessible, staff can provide curb-side service for a patron with a mobility disability to check out and return books.

Structural changes are not required where other solutions are feasible. However, where other solutions are not feasible, structural changes are required. When structural change is the method chosen to make a program or service accessible, the changes must meet the requirements of the 2010 ADA Standards, unless it is technically infeasible to do so. When full compliance is not technically feasible, the changes must follow the Standards to the maximum extent feasible. For example, if there is not enough space to install a ramp with a slope that complies with the Standards, a public entity may install a ramp with a slightly steeper slope. However, deviations from the Standards must not pose a significant safety risk. In addition, public entities are not required to take any action that would threaten or destroy the historic significance of an historic property.

Whatever method is chosen, the public entity must ensure that people with disabilities have access to programs and services under the same terms and conditions as other people. For example:

- If a social service agency meets with clients in a private office on the second floor of a building without an elevator, a public area on the first floor is not an acceptable alternate location to meet with a client who has a mobility disability. The alternate location must provide the same degree of privacy as the regular location.
- If a court has ordered a person with a mobility disability to participate in a group anger-management program, and the program is located in an inaccessible facility, it is not acceptable to offer the program to him individually in an accessible location, because the group interaction is a critical component of the program.

There are limits to a public entity's program access obligations. Entities are not required to take any action that would result in undue financial and administrative burdens. The decision that an action would result in an undue burden must be made by a high level official, no lower than a Department head, having budgetary authority and responsibility for making spending decisions, after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in an undue burden, a public entity must take any other action that would not result in an undue burden but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.

A key concept is that public programs and services, when viewed in their entirety, must be accessible to people with disabilities, but not all facilities must necessarily be made accessible. For example, if a city has multiple public swimming pools and limited resources, it can decide which pools to make accessible based on factors such as the geographic distribution of the sites, the availability of public transportation, the hours of operation, and

the particular programs offered at each site so that the swimming program as a whole is accessible to and usable by people with disabilities.

Another key concept is that public entities have an ongoing obligation to make programs and services accessible to people with disabilities. This means that if many access improvements are needed, and there are insufficient resources to accomplish them in a single year, they can be spread out over time. It also means that rising or falling revenues can affect whether or not an access improvement can be completed in a given year. What might have been seen as an undue burden during an economic downturn could become possible when the economy improves and revenues increase. Thus, public entities should periodically reassess what steps they can take to make their programs and services accessible. Public entities should also consult with people with disabilities in setting priorities for achieving program access. (See **Planning for Success** on page 14.)

Temporary access interruptions for maintenance, repair, or operational activities are permitted, but must be remedied as soon as possible and may not extend beyond a reasonable period of time. Staff must be prepared to assist individuals with disabilities during these interruptions. For example, if the accessible route to a biology lab is temporarily blocked by chairs from a classroom that is being cleaned, staff must be available to move the chairs so a student who uses a wheelchair can get to the lab. In addition, if an accessible feature such as an elevator breaks down, public entities must ensure that repairs are made promptly and that improper or inadequate maintenance does not cause repeated failures. Entities must also ensure that no new barriers are created that impede access by people with disabilities. For example, routinely storing a garbage bin or piling snow in accessible parking spaces makes them unusable and inaccessible to people with mobility disabilities.

For activities that take place infrequently, such as voting, temporary measures can be used to achieve access for individuals who have mobility disabilities. For more information, see [Solutions for Five Common ADA Access Problems at Polling Places](http://www.ada.gov/ada_voting/voting_solutions_ta/polling_place_solutions.htm) at www.ada.gov/ada_voting/voting_solutions_ta/polling_place_solutions.htm or www.ada.gov/ada_voting/voting_solutions_ta/polling_place_solutions.pdf.

Element-by-Element Safe Harbor for Existing Facilities

The requirements in the 2010 ADA Standards are, for many building elements, identical to the 1991 Standards and the earlier Uniform Federal Accessibility Standards (UFAS). For some elements, however, the requirements in the 2010 Standards have changed. For example:

- The 1991 Standards allowed light switches, thermostats, and other controls to be installed at a maximum height of 54 inches. Under the 2010 Standards, the maximum height is 48 inches.
- The 1991 Standards required one van-accessible space for every eight accessible spaces. The 2010 Standards require one van-accessible space for every six accessible spaces.
- The 2010 Standards for assembly areas contain revised requirements for dispersion of accessible seating, sightlines over standing spectators, and companion seating.

If a facility was in compliance with the 1991 Standards or UFAS as of March 15, 2012, a public entity is not required to make changes to meet the 2010 Standards. This provision is referred to as the “safe harbor.” It applies on an element-by-element basis and remains in effect until a public entity decides to alter a facility for reasons other than the ADA. For example, if a public entity decides to restripe its parking lot (which is considered an alteration), it must then meet the ratio of van acces-

sible spaces in the 2010 Standards. The ADA’s definition of the term “alteration” is discussed below.

The 2010 Standards also contain requirements for recreational facilities that were not addressed in the 1991 Standards or UFAS. These include swimming pools, play areas, exercise machines, court sport facilities, and boating and fishing piers. Because there were no previous accessibility standards for these types of facilities, the safe harbor does not apply. The program access rules apply, and the 2010 Standards must be followed when structural change is needed to achieve program access.

New Requirements in the 2010 Standards Not Subject to the Safe Harbor

- Amusement rides
- Recreational boating facilities
- Exercise machines and equipment
- Fishing piers and platforms
- Golf facilities
- Miniature golf facilities
- Play areas
- Saunas and steam rooms
- Swimming pools, wading pools, and spas
- Shooting facilities with firing positions
- Residential facilities and dwelling units
- Miscellaneous
 - Team or player seating
 - Accessible route to bowling lanes
 - Accessible route in court sports

Alterations

When a public entity chooses to alter any of its facilities, the elements and spaces being altered must comply with the 2010 Standards. An alteration is defined as remodeling, renovating, rehabilitating, reconstructing, changing or rearranging structural parts or elements, changing or rearranging plan configuration of walls and full-height or other fixed partitions, or making other changes that affect (or could affect) the usability of the facility. Examples include restriping a parking lot, moving walls, moving a fixed ATM to another location, installing a new service counter or display shelves, changing a doorway entrance, or replacing fixtures, flooring or carpeting. Normal maintenance, reroofing, painting, wallpapering, or other changes that do not affect the usability of a facility are not considered alterations. The 2010 Standards set minimum accessibility requirements for alterations. In situations where strict compliance with the Standards is technically infeasible, the entity must comply to the maximum extent feasible. “Technically infeasible” is defined as something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modifications or additions that comply fully with the Standards. The 2010 Standards also contain an exemption for certain alterations that would threaten or destroy the historic significance of an historic property.

New Construction

The ADA requires that all new facilities built by public entities must be accessible to and usable by people with disabilities. The 2010 Standards set out the minimum accessibility requirements for newly constructed facilities.

2010 ADA Standards Basics

Chapter 1: Application and Administration. This chapter contains important introductory and interpretive information, including definitions for key terms used in the 2010 Standards.

Chapter 2: Scoping. This chapter sets forth which elements, and how many of them, must be accessible.

Chapters 3 – 10: Design and Technical Requirements. These chapters provide design and technical specifications for elements, spaces, buildings, and facilities.

Common Provisions

Accessible Routes -- Section 206 and Chapter 4.

Parking Spaces -- Sections 208 and 502. The provisions regarding accessible routes (section 206), signs (section 216), and, where applicable, valet parking (section 209) also apply.

Passenger Loading Zones -- Sections 209 and 503.

Assembly Areas -- Sections 221 and 802.

Sales and Service -- Sections 227 and 904.

Dining and Work Surfaces -- Sections 226 and 902. The provisions regarding accessible routes in section 206.2.5 (Restaurants and Cafeterias) also apply to dining surfaces.

Dressing, Fitting, and Locker Rooms -- Sections 222 and 803.

Highlights of the 2010 Standards

Parking

The chart below indicates the number of accessible spaces required by the 2010 Standards. One out of every six accessible spaces must be van-accessible.

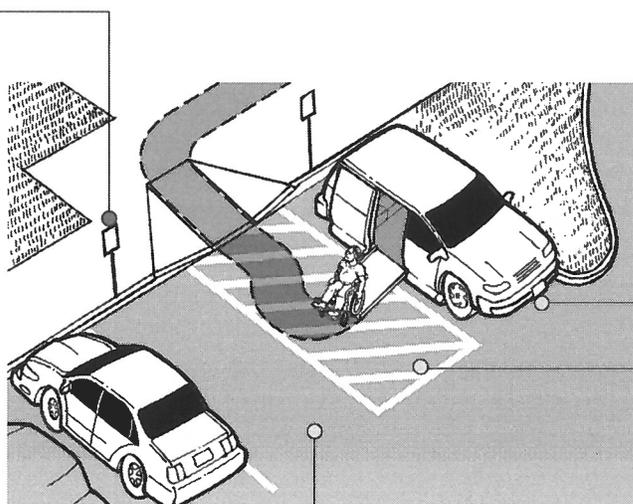
| Total Number of Parking Spaces Provided in Parking Facility | Minimum Number of Required Accessible Parking Spaces |
|---|--|
| 1 to 25 | 1 |
| 26 to 50 | 2 |
| 51 to 75 | 3 |
| 76 to 100 | 4 |
| 101 to 150 | 5 |
| 151 to 200 | 6 |
| 201 to 300 | 7 |
| 301 to 400 | 8 |
| 401 to 500 | 9 |
| 501 to 1000 | 2 percent of total |

Public entities with very limited parking (four or fewer spaces) must have one van-accessible parking space. However, no signage is required.

An accessible parking space must have an access aisle, which allows a person using a wheelchair or other mobility device to get in and out of the car or van. Accessible parking spaces (including access aisles) must be level (maximum slope 1:48 in all directions) and each access aisle must adjoin an accessible route.

Signage: international symbol of accessibility placed in front of the parking space mounted at least five feet above the ground, measured to the bottom of the sign. Van accessible spaces include the designation "van accessible".

Van Accessible Spaces: 2010 Standards—one for every six accessible spaces (1991 Standards required one for every eight).



Space width for car: eight feet minimum

Space width for van: minimum 11 feet (although it may be minimum eight feet wide if the access aisle is minimum eight feet wide)

Access Aisle: Width: minimum five feet (if aisle serves car and van spaces)

Length: full length of vehicle parking space

An overview of accessible parking requirements

Accessible Entrances

One small step at an entrance can make it impossible for individuals using wheelchairs, walkers, canes, or other mobility devices to enter a public facility. Removing this barrier may be accomplished in a number of ways, such as installing a ramp or a lift or regrading the walkway to provide an accessible route. If the main entrance cannot be made accessible, an alternate accessible entrance can be used. If there are several entrances and only one is accessible, a sign should be posted at the inaccessible entrances directing individuals to the accessible entrance. This entrance must be open whenever other public entrances are open.



Sign at an inaccessible entrance identifies the location of the nearest accessible entrance

Accessible Routes to Programs and Services

The path a person with a disability takes to enter and move through a facility is called an “accessible route.” This route, which must be at least three feet wide, must remain accessible and not be blocked by items such as vending or ice machines, newspaper dispensers, furniture, filing cabinets, display racks, or potted plants. Similarly, accessible toilet stalls and accessible service counters must not be cluttered with materials or supplies. The accessible route should be the same, or be located in the same area as, the general route used by people without mobility disabilities.

Shelves, Sales and Service Counters, and Check-Out Aisles

The obligation to provide program access also applies to merchandise shelves, sales and service counters, and check-out aisles. Shelves used by the public must be on an accessible route with enough space to allow individuals using mobility devices to access merchandise or materials. However, shelves may be of any height since they are not subject to the ADA’s reach range requirements. A portion of sales and service counters must be accessible to people who use mobility devices. If a facility has check-out aisles, at least one must be usable by people with mobility disabilities, though more are required in larger venues.

PLANNING FOR SUCCESS

Being proactive is the best way to ensure ADA compliance. Many public entities have adopted a general ADA nondiscrimination policy, a specific policy on service animals, a specific policy on effective communication, or specific policies on other ADA topics. Staff also need instructions about how to access the auxiliary aids and services needed to communicate with people who have vision, hearing, or speech disabilities. Public entities should also make staff aware of the free information resources for answers to ADA questions. And officials should be familiar with the 2010 Standards before undertaking any alterations or new construction projects. Training staff on the ADA, conducting periodic self-evaluations of the accessibility of the public entity’s policies, programs and facilities, and developing a transition plan to remove barriers are other proactive steps to ensure ADA compliance.

ADA Coordinator, Grievance Procedure, Self-Evaluations, and Transition Plans

Public entities that have 50 or more employees are required to have a grievance procedure and to designate at least one responsible employee to coordinate ADA compliance. Although the law does not require the use of the term “ADA Coordinator,” it is commonly used by state and local governments across the country. The ADA Coordinator’s role is to coordinate the government entity’s efforts to comply with the ADA and investigate any complaints that the entity has violated the ADA. The Coordinator serves as the point of contact for individuals with disabilities to request auxiliary aids and services, policy modifications, and other accommodations or to file a complaint with the entity; for the general public to address ADA concerns; and often for other departments and employees of the public entity. The name, office address, and telephone number of the ADA Coordinator must be provided to all interested persons.

The 1991 ADA regulation required all public entities, regardless of size, to evaluate all of their services, policies, and practices and to modify any that did not meet ADA requirements. In addition, public entities with 50 or more employees were required to develop a transition plan detailing any structural changes that would be undertaken to achieve program access and specifying a time frame for their completion. Public entities were also required to provide an opportunity for interested individuals to participate in the self-evaluation and transition planning processes by submitting comments. While the 2010 regulation does not specifically require public entities to conduct a new self-evaluation or develop a new transition plan, they are encouraged to do so.

For more information, see [ADA Best Practices Tool Kit for State and Local Governments](http://www.ada.gov/pcatoolkit/chap2toolkit.htm) at www.ada.gov/pcatoolkit/chap2toolkit.htm.

Staff Training

A critical, but often overlooked, component of ensuring success is comprehensive and ongoing staff training. Public entities may have good policies, but if front line staff or volunteers are not aware of them or do not know how to implement them, problems can arise. It is important that staff -- especially front line staff who routinely interact with the public -- understand the requirements on modifying policies and practices, communicating with and assisting customers, accepting calls placed through the relay system, and identifying alternate ways to provide access to programs and services when necessary to accommodate individuals with a mobility disability. Many local disability organizations, including Centers for Independent Living, conduct ADA trainings in their communities. The Department of Justice or the National Network of ADA Centers can provide local contact information for these organizations.



Staff training session for front line staff and volunteers

ADA INFORMATION RESOURCES

U.S. Department of Justice

For more information about the revised ADA regulations and the 2010 Standards, please visit the Department of Justice's website or call our toll-free number.

ADA Website
www.ADA.gov

ADA Information Line
800-514-0301 (Voice)
800-514-0383 (TTY)

24 hours a day to order publications by mail.
M-W, F 9:30 a.m. – 5:30 p.m., Th 12:30 p.m.
– 5:30 p.m. (Eastern Time) to speak to an ADA Specialist. Calls are confidential.

National Network of ADA Centers

Ten regional centers are funded by the U.S. Department of Education to provide ADA technical assistance to businesses, States and localities, and people with disabilities. One toll-free number connects you to the center in your region:

800-949-4232 (Voice and TTY)

www.adata.org

Access Board

For technical assistance on the ADA/ABA Guidelines:

800-872-2253 (Voice)
800-993-2822 (TTY)

www.access-board.gov

This publication is available in alternate formats for people with disabilities.

Duplication of this document is encouraged.

June 2015



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.5

www.ci.medford.or.us

DEPARTMENT: Parks and Recreation
PHONE: (541) 774-2401
STAFF CONTACT: Brian Sjothun, Director

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: August 18, 2016

COUNCIL BILL 2016-102

A resolution adopting the Medford Parks and Recreation Department Americans with Disabilities Act (ADA) Transition Plan.

SUMMARY AND BACKGROUND

The Parks and Recreation Department is requesting the consideration of adopting the Medford Parks ADA Transition Plan. This plan focuses on the built infrastructure of the park system and its outdoor recreation facilities to address physical accessibility.

PREVIOUS COUNCIL ACTIONS

None.

ANALYSIS

Parks and Recreation contracted with Conservation Technix to update the Leisure Services Plan for the department. The department was also in need of updating the ADA Transition Plan specifically for parks and outdoor recreation areas. Due to the familiarity of the City's park system, Conservation Technix was selected to complete an update to the ADA Transition Plan.

This plan assists the City of Medford to identify policy, programs, and physical barriers to accessibility within its park system, and to develop barrier removal solutions that will facilitate access opportunities for all individuals.

The ADA Transition Plan is intended to provide a framework for the continuous improvement of City facilities for people with disabilities. This is a living document that is intended to be regularly updated as barriers are removed and new facilities come under ownership or control of the City.

Conservation Technix completed a site assessment for all 25 Parks within the current system. There are four priorities used as the basis for evaluating each park or trail facility:

- Priority 1 – Accessible approach and entrance
- Priority 2 – Access to goods and services
- Priority 3 – Access to public toilet rooms
- Priority 4 – Access to other items such as water fountains and public telephones

The Plan also provides recommendation on project prioritization, prioritization criterion and the need for equitable distribution of universal accessibility. The 10-year prioritization list is divided into each of the four Council wards.

Finally, staff has identified existing funding to address the items in the Plan for the following parks:

- Hawthorne Park – Completed
- U.S. Cellular Community Park
- Vogel Plaza
- Railroad Park
- Oregon Hills Park
- Holmes Park



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.5

www.ci.medford.or.us

If approved, the Medford Parks ADA Transition Plan will become part of the overall City of Medford Plan as well as incorporated into the 2016 Leisure Services Plan.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Estimated at \$680,250 over the 10-year life of the Plan. Costs are proposed to be covered through existing project resources and requests in subsequent biennial budget processes.

TIMING ISSUES

The Parks and Recreation Department is requesting consideration of adoption in order to meet accreditation required standard 2.10 – ADA Transition Plan. This action will also address a portion of the need to update the city-wide ADA Transition Plan.

COUNCIL OPTIONS

Approve or deny the resolution.

STAFF RECOMMENDATION

Staff recommends approval of the Medford Parks ADA Transition Plan.

SUGGESTED MOTION

I move to approve the Medford Parks ADA Transition Plan.

EXHIBITS

Resolution

Medford Parks ADA Transition Plan on file in the City Recorder's Office

RESOLUTION NO. 2016-102

A RESOLUTION adopting the Medford Parks American with Disabilities Act Transition Plan.

WHEREAS, this plan assists the City of Medford to identify policy, programs, and physical barriers to accessibility within its park system, and to develop barrier removal solutions that will facilitate access opportunities for all individuals; now therefore,

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

That the Medford Parks American with Disabilities Act Transition Plan is hereby adopted for the City of Medford.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 70.1

www.ci.medford.or.us

DEPARTMENT: City Manager's Office **AGENDA SECTION:** Council Business
PHONE: 541-774-2000 **MEETING DATE:** August 18, 2016
STAFF CONTACT: Alison Chan, City Manager Pro Tem

SUMMARY AND BACKGROUND

Rogue Retreat presented a project to the City Council regarding housing for the homeless called Hope Village. The project is "tiny houses" that serve as shelter for homeless individuals. The Eugene Opportunity Village was the model for the Hope Village. Rogue Retreat was looking at property on Central Avenue to purchase, however Council suggested a lease on property owned by the City on a trial basis.

PREVIOUS COUNCIL ACTIONS

On April 7, 2016, Rogue Retreat presented the Hope Village project to the Council at a Study Session. Council reviewed the project and possible locating of the project at 3rd and Front Street. Council denied a lease for one year of the 3rd and Front Street property on August 4, 2016 at the noon Council meeting.

ANALYSIS

Homelessness is an issue in the City of Medford. Community Development Block Grant and Neighborhood Stabilization Program funds have been used to increase permanent supportive housing for the homeless. Rogue Retreat has proposed a project called Hope Village that will assist with shelter for homeless citizens. What level of participation does Council want to have in the Hope Village Project? Possible options are to give Rogue Retreat a donation to be used on the Hope Village, earmark funds through CDBG to address homelessness, sell City owned property and donate the proceeds, or determine other City owned property to use for the project.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None

TIMING ISSUES

None

COUNCIL OPTIONS

Determine the level of participation in the Hope Village Project. Considerations include selecting a piece of City owned property to lease, sell property and donate proceeds, earmark CDBG funds for homelessness, or donate funds to the Hope Village project.

STAFF RECOMMENDATION

None

SUGGESTED MOTION

- I move to direct staff to develop a lease agreement with Rogue Retreat for use of City owned property located at " "
- I move to sell City owned property located at " " and donate the proceeds to Rogue Retreat for Hope Village
- I move to earmark CDBG funds for homelessness
- I move to donate funds to Rogue Retreat for the Hope Village project

EXHIBITS

None



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 120.1

www.ci.medford.or.us

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

AGENDA SECTION: Public Hearings
MEETING DATE: August 18, 2016

PUBLIC HEARING

Public hearing to consider an appeal of the Public Works Director regarding a sidewalk at 1222 La Loma Drive.

SUMMARY AND BACKGROUND

On March 18, 2016, a letter was sent to Ms. Laura Anderson informing her that the sidewalk fronting 1222 La Loma Drive is defective and needs to be repaired. Ms. Anderson requested additional time and a 90-day extension was approved by the Public Works Director in accordance with section 3.023 (6) of the Medford Municipal Code (MMC). Under the extension, repairs needed to be completed by July 17, 2016. Ms. Anderson intends to complete repairs, but is requesting additional time due to travel and medical issues.

PREVIOUS COUNCIL ACTIONS

None.

ANALYSIS

Section 3.010 of the MMC requires owners of property within the city to inspect and maintain all sidewalks abutting their property in a condition safe for use by the public at all times. The code further states that if any property owner, by his/her neglect to perform any duty required by this section, causes injury or damage to any person or property, s/he shall be liable to the person suffering such injury or damage and indemnify the city for all damages it has been compelled to pay in such cases. If an additional extension is required, Ms. Anderson will continue to be liable for any injuries or damage sustained by a third party.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve, modify, or deny the appeal.

STAFF RECOMMENDATION

Staff recommends approval of the appeal.

SUGGESTED MOTION

I move to approve the appeal and grant a six month extension to repair the defective sidewalk at 1222 La Loma Drive.

EXHIBITS

Extension Request Letter
City Recorder's Response Letter

JACK DAVIS
CHRISTIAN E. HEARN
EUGENE V. ANDERSON
JEFFREY K. McCOLLUM
GARRISON F. TURNER

DAVIS HEARN
ANDERSON TURNER
ATTORNEYS AT LAW
A Professional Corporation

SAM B. DAVIS - Retired
SIDNEY E. AINSWORTH (1927-2003)
DONALD M. PINNOCK - Retired
DAVID V. GILSTRAP - Retired
SUSAN VOGEL SALADOFF - Retired

Established 1953

515 EAST MAIN STREET
ASHLAND, OREGON 97520
(541) 482-3111 FAX (541) 488-4455
www.davishearn.com

June 30, 2016

RECEIVED
JUL 05 2016
CITY RECORDER'S OFFICE

Karen Spoonts - Medford City Recorder
411 W 8th St., Room 310
Medford, OR 97501

RE: Sidewalk Extension Request for Code Case #16-641
1222 La Loma, Medford

Dear Ms. Spoonts:

I am informed that I need to contact you regarding Council consent for an extension request concerning repairs to a sidewalk at the above- referenced address.

The home, 1222 La Loma, belongs to my ex-wife, Laura Anderson, who currently resides in Rwanda, Africa, where she runs an NGO. Laura asked me to address this issue in her absence, which I am happy to do. I requested and obtained a 90 day extension in April 2016 from Public Works, but I will not be able to get the required repairs performed before the deadline expires on July 17, 2016. I am therefore requesting another extension.

I still intend to get the permit/get the work done, but I broke my arm earlier this year, and it's taken longer than I anticipated to heal. I understand that I need to apply to the City Council for additional time. The intent of this letter is to make that application. If there is a particular form or format that the Council requires for such a request, I would appreciate that information.

Thank you for your time and attention.

Sincerely,

DAVIS, HEARN, ANDERSON & TURNER
A Professional Corporation

EUGENE V. ANDERSON

EVA:ta



OFFICE OF
THE CITY RECORDER
cromed@ci.medford.or.us

CITY OF MEDFORD
411 WEST 8TH STREET
MEDFORD, OREGON 97501

TELEPHONE (541) 774-2017
FAX: (541) 617-1800
www.ci.medford.or.us

July 19, 2016

Mr. Eugene Anderson
David, Hearn, Anderson & Turner
515 East Main Street
Ashland, OR 97520

Re: Sidewalk Appeal, Case #16-641

The Medford City Council will consider an appeal of the Public Works Department decision pertaining to an unsafe sidewalk at 1222 La Loma Drive, Medford and your request for an additional extension as stated in your letter dated June 30, 2016.

The public hearing on this matter will be scheduled for the regular city council meeting on **August 18, 2016 at 7:00 p.m.** at the Medford City Hall Council Chambers, 411 W. 8th Street. The City Council will hear evidence on the appeal to determine whether to grant an extension per your request.

You may contact the Recorder's Office at 541-774-2017 with any questions regarding this appeal hearing.

Sincerely,

A handwritten signature in black ink that reads "Karen M. Spoonts".

Karen M. Spoonts, MMC
City Recorder

cc: Mayor/Council
Lori Cooper, City Attorney
Cory Crebbin, Public Works Department



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 120.2

www.ci.medford.or.us

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

AGENDA SECTION: Public Hearings
MEETING DATE: August 18, 2016

PUBLIC HEARING

Public hearing to consider an appeal of the Site Plan and Architectural Commission approval of the construction of a 3,750 square foot addition to an existing metal industrial building and denial of the associated exception request to eliminate public right-of-way dedications and standard street improvements. (AC-15-115 and E-16-042)

SUMMARY AND BACKGROUND

Consideration of an appeal of the Site Plan and Architectural Commission approval of the construction of a 3,750 square foot addition to an existing metal industrial building and denial of the associated exception request to eliminate public right-of-way dedications and standard street improvements, situated on a 4.73 acre parcel. The parcel is located at 5600 Table Rock Road, approximately 970 feet north and 1,350 feet east of the intersection of Bateman Drive and Table Rock Road.

The appellant contends: 1) the Commission erred in their decision in that the Findings adopted to support the Exception denial are not legally adequate and are not supported by substantial evidence in the record; and 2) the Commission imposed conditions of approval that violate the Takings Clause of the 5th Amendment to the United States Constitution, Article 18 of the Oregon Constitution, ORS 197.796 and MLDC 10.668. (File Nos. AC-15-115 and E-16-042)

PREVIOUS COUNCIL ACTIONS

The City Council has not previously considered this item.

ANALYSIS

An Executive Summary has been prepared by staff and it is included as Exhibit A.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None identified.

TIMING ISSUES

Under Medford Land Development Code (MLDC) Section 10.166, the approving authority shall take final action on an application within 120 days after the application is deemed complete. ORS 227.178(1) further requires that, "...the governing body of a city...shall take final action on an application...including resolution of all appeals...within 120 days after the application is deemed complete." The 120th day for this application is September 12, 2016. The City Council must render its decision by that date.

COUNCIL OPTIONS

In an appeal of a land use decision, the City Council has four options:

1. Affirm the decision of the Site Plan and Architectural Commission.
2. Reverse the decision of the Site Plan and Architectural Commission. If the Council does this, the Council must specify the reasons for reversal.
3. Modify the decision of the Site Plan and Architectural Commission and specify the reasons for such modification.
4. Remand the decision back to the Site Plan and Architectural Commission with an explanation of the error and the action necessary to rectify the error. Given the constraints of the 120-day rule, this is not an option unless the property owner concurs and agrees to extend the 120-day limit.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 120.2

www.ci.medford.or.us

STAFF RECOMMENDATION

Staff recommends that the City Council find that the Site Plan and Architectural Commission did not err in its decision to approve AC-15-115 and deny E-16-042 because no legal error was committed and there is sufficient evidence in the record to support the Site Plan and Architectural Commission decision.

SUGGESTED MOTION

I move to uphold the Site Plan and Architectural Commission decision to approve AC-15-115 and deny E-16-042 because no legal error was committed and there is sufficient evidence in the record to support the Site Plan and Architectural Commission decision.

EXHIBITS

Exhibit A – Executive Summary dated August 11, 2016, including all Exhibits
PowerPoint Presentation available in the Planning Commission

Executive Summary

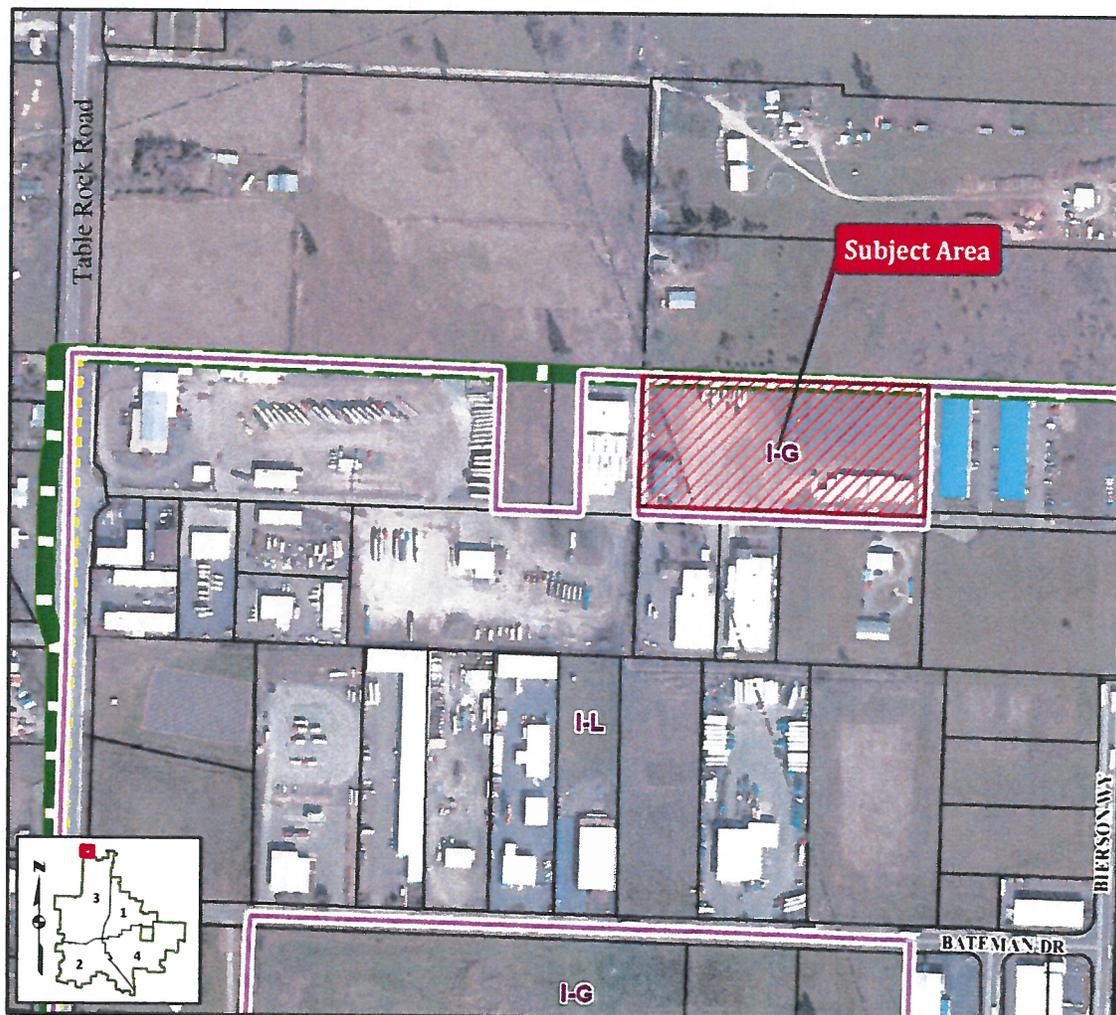
August 11, 2016

Description

Consideration of an appeal of the Site Plan and Architectural Commission approval of the construction of a 3,750 square foot addition to an existing metal industrial building and denial of the associated Exception request to eliminate public right-of-way dedications and standard street improvements, situated on a 4.73 acre parcel. The parcel is located at 5600 Table Rock Road, approximately 970 feet north and 1,350 feet east of the intersection of Bateman Drive and Table Rock Road.

The Applicant contends: 1) the Commission erred in their decision in that the Findings adopted to support the Exception denial are not legally adequate and are not supported by substantial evidence in the record; and 2) the Commission imposed conditions of approval that violate the Takings Clause of the 5th Amendment to the United States Constitution, Article 18 of the Oregon Constitution, ORS 197.796 and MLDC 10.668. (File Nos. AC-15-115 and E-16-042)

Vicinity Map



What are the issues before the City Council?

Did the Site Plan and Architectural Commission err in its approval of the site plan application AC-15-115 and denial of the Exception application E-16-042? (Notice of Appeal, Exhibit 1)

City Council Scope of Review

The City Council's scope of review is listed in Medford Land Development Code Section 10.053 and is summarized below.

Upon review, the City Council:

- *Shall not re-examine issues of fact, and*
- *Shall limit its review to determining:*
 - *Whether there is substantial evidence to support the findings of the tribunal which heard the matter, or*
 - *If errors in law were committed by such tribunal.*
- *Review shall be limited to those issues set forth in the notice of appeal.*
- *Review shall be based on the record of the initial proceedings.*

Chronology

1. On August 11, 2015, a Site Plan and Architectural Review application was submitted by E & R Distributing, LLC (Applicant) (file no. AC-15-115). The proposal was to construct a 3,750 square foot addition to an existing 3,750 square foot metal industrial building on 4.73 acres located at 5600 Table Rock Road. The site is located approximately 970 feet north and 1,350 feet east of the intersection of Table Rock Road and Bateman Drive.
2. On September 10, 2015, the application was deemed incomplete.
3. On March 29, 2016, Applicant submitted the Exception application requesting relief from required right-of-way dedication and street improvements (file no. E-16-042). At that time, Applicant's name was changed to JDT Trucking.
4. On April 15, 2016, both applications were deemed complete. On June 24, 2016, Applicant's agent, CSA Planning, Ltd., granted a 30-day extension of the statutory 120 day timeline. The 120th day is September 12, 2016.
5. On June 3, 2016, the Site Plan and Architectural Commission held a public hearing on AC-15-115 and E-16-042. The Commission heard testimony from Applicant; no other parties participated in the proceedings. The Commission voted to continue the item to June 17, 2016.

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6. On June 17, 2016, the Commission received additional testimony from Dick Stark, attorney for Applicant. No other parties participated in the proceeding. The Commission voted to continue the item to July 1, 2016.
7. On July 1, 2016, the Commission again heard testimony from Mr. Stark. The public hearing was closed. The Commission directed staff to prepare final orders for approval of the Site Plan application AC-15-115 and denial of the Exception application E-16-042.
8. On July 15, 2016, the Site Plan and Architectural Commission adopted the Final Orders conditionally approving AC-15-115 and denying E-16-042.
9. On July 20, 2016, the action letter was mailed, setting the final appeal date of August 3, 2016.
10. On August 3, 2016, the City received an appeal on the decision to conditionally approve the Site Plan application AC-15-115 and deny the Exception application E-16-042 from CSA Planning, Ltd. on behalf of JDT Trucking (Exhibit 1). Applicant has standing in this matter.

Medford Land Development Code Criteria

The applicable approval criteria are found in Medford Land Development Code (MLDC) Sections 10.290 and 10.253.

10.290 Site Plan and Architectural Review Criteria

The Site Plan and Architectural Commission shall approve a site plan and architectural review application if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:

- (1) The proposed development is compatible with uses and development that exist on adjacent land, and*
- (2) The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in MLDC Section 10.253.*

10.253 Criteria for an Exception.

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

- (1) *The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met.*
- (2) *The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.*
- (3) *There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.*
- (4) *The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.*

Project Summary

JDT Trucking operates a truck service business and wishes to build an additional building on its property to double the current capacity of trucks it can service; the project increases the square footage of covered repair facilities from 3,750 to 7,500 (twice the current amount), and increases the paved area of the business from 8,100 square feet of asphalt to 43,500 (five times the current amount). The SPAC application regarding the new building and new paved area was conditionally approved. However, the applicant did not desire to either build the street improvements required by Article 4 of the Land Development Code, or provide the cash deposit for a deferred improvement agreement as required by 10.432 (which has not been precisely calculated, but is currently estimated to be under \$30,000).

The street improvements at issue would be on a street that fronts on the southern border of Applicant's property. Applicant's application is for paving and construction on the western third of Applicant's property; correspondingly, the required street improvements are for the western third of Applicant's southern frontage. Applicant has two entry gates on his southern frontage; one at the southwest corner, and the other on the south-center of Applicant's property, just east of the required street improvements. No required improvements were located eastward of Applicant's eastern gate.

Applicant filed an Exception application seeking an exemption from all right-of-way dedications and public improvements connected with the project. Applicant suggested that SPAC, as a

condition of approval, require Applicant and the City enter into an irrevocable covenant which essentially functioned as a deferred improvement agreement but without the required deposit.

The Public Works Department opposed the arrangement. The City Attorney's Office noted that the agreement appeared to be inconsistent with the apparent intent of 10.432(2) (mandatory cash deposit for a deferred improvement agreement) and the fourth Exception criteria in 10.253(4) (which states in part, "It is not sufficient proof in granting an Exception to show that greater profit would result"). However, the City Attorney's Office noted that ultimately the agreement did not appear to be a violation of any Code provision. During the SPAC hearing, Commissioner Whitlock questioned whether Council would want SPAC entering into such agreements, and suggested voting against the Exception to obtain Council review.¹ SPAC voted unanimously for the Site Plan application but against the Exception.

Notice of Appeal

A single Notice of Appeal was filed by CSA Planning, Ltd. on behalf of JDT Trucking, on August 3, 2016, which is within 14 days of the date the notice of the Site Plan and Architectural Commission action was mailed, as required in MLDC 10.051.

Allegations of Error

Two allegations of error are identified in the appeal (Exhibit 1, p. 1), marked with bracketed "first" and "second" below. The Applicant contends:

The Site Plan and Architectural Commission denied an Exception to certain land dedication and public improvements required by the Public Works Department. [First,] The Findings adopted to support the Exception denial are not legally adequate and are not supported by substantial evidence in the record.

In denying the exception request, Site Plan and Architectural Commission imposed a condition of approval requiring certain land dedication and public improvements; [second,] this condition violates the Takings Clause of the 5th Amendment to the United States Constitution; Article 18 of the Oregon Constitution; ORS 197.796, and MLDC 10.668.

¹ Applicant complains specifically about this comment: "In deliberating on this issue, the maker of the motion to deny the Exception went so far as to state his desire to see the Applicant appeal SPAC's decision to the Council. Never heard that one before?!" (Appeal, p. 13). Applicant does not understand the point of Commissioner Whitlock's comments. Commissioner Whitlock's desire for Council review arose out of the unique and unprecedented nature of Applicant's own exception request and Applicant's unique proposed "settlement" of the dispute over the exception application.

Staff Response:

I. Standard of review.

Applicant spends several pages describing a “null hypothesis” method of analysis. The City Attorney’s Office has researched and confirmed that not one published Oregon case has ever used this analysis or even mentioned this term in passing. This is true even though “evidence in the record” is a common standard of review for Oregon appellate courts. This complex, difficult analysis is simply not part of Oregon law and this Council need not follow it.

Applicant also suggests a complex analytical methodology called “*reductio ad absurdum*.” Once again, this is not part of Oregon law. While this Latin phrase does appear in Oregon appellate case law, it is not used in the manner Applicant proposes (i.e., a method of analysis that a reviewing body should follow during an evidence-in-the-record inquiry). Instead, the phrase, as used by Oregon courts, simply refers to a slippery-slope argument taken too far.

Applicant also refers to the legal standard for “denial of land use permits,” as explained in *Rogue Valley Manor v. City of Medford*, 38 Or LUBA 266 (2000). However, it should be remembered that the only matter that was denied is an Exception, not the denial of a land use permit. SPAC has significant discretion as to denying Exception requests, and the Code’s express terms actually discourage the liberal granting of Exceptions: “The power to authorize an exception from the terms of this code shall be sparingly exercised.” 10.253.

Council does not conduct a *de novo* review, but instead merely performs a substantial evidence review of findings of fact, and an errors-in-law review of determinations of law. 10.053. When a City interprets two arguably-conflicting provisions of its Land Development Code, that determination must be affirmed. *Siporen v. City of Medford*, 349 Or 247, 259 (2010). Applicant bears the burden of proof on the question of whether the Exception should have been granted, and the City bears the burden of proof on the *Nollan/Dolan* issue.

In reviewing the question of whether an unconstitutional taking occurred, the key issue is whether there actually is a causal nexus and rough proportionality, not merely whether SPAC’s findings fully explain and describe the causal nexus and rough proportionality. *Hammer v. City of Eugene*, 202 Or App 189 (2005):

We also reject plaintiff’s underlying premise that the Takings Clause itself compels the government to make rough proportionality findings at the time that it imposes an exaction on a development application. Plaintiff effectively reads a procedural requirement into the Takings Clause. That reading conflicts with the text and structure of the constitution and with other Supreme Court decisions.

Id. at 195-196. That court explained the practical reason why any unconstitutional takings analysis should turn on the substance of the issue instead of the particular wording of SPAC's findings:

Plaintiff's proposed rule ["the government has an affirmative burden to make findings of rough proportionality in support of an exaction before it takes title to the property"] tells us nothing about whether justice requires compensation. In fact, in cases in which there is rough proportionality, the rule would saddle taxpayers with the burden of paying compensation that justice does not require. Only consideration of the nature and extent of an exaction and the impact of a proposed development, on their merits, can reveal whether the rough proportionality requirement is met.

Id. at 198 (bracketed text from *id.* at 195).

II. SPAC's denial of the Exception was proper.

A. There is substantial evidence in the record supporting the denial.

The following evidence in the record supported denial of Applicant's proposed exception from all public improvements:

- Applicant's property has two gates on its southern boundary, not one. Both are in use, as shown by tire tracks at the eastern gate clearly visible on Exhibits 4, 7, and 8 to Applicant's memorandum [SPAC Agenda of July 15, 2016, pp. 75, 78, 80 (see photo "East entry gate to parking area" on p. 80)]. Drivers accessing the eastern gate instead of the western gate will drive the full length of the required street improvements even when arriving at the property from the west (off Table Rock Road).
- If one property to the southeast of Applicant's property is developed, Bierson Way will connect to the east, and Applicant's business could be accessed from either the east or the west. Similarly, if Judge Lane to the east of Applicant's property is connected (and right-of-way already exists for such a connection), drivers could access Applicant's property from Vilas Road via Peace Lane.
- Due to the nature of Applicant's business, the trucks coming and going from the property primarily will be customers, not employees of Applicant. As such, Applicant has no ability to control whether these trucks come to his property from the west or the east.

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- Planter strips would form a safety barrier between pedestrians and the tractor-trailers coming and going from Applicant's business.

On the other hand, the traffic study that Applicant describes on p. 12 of their appeal was not part of the record before SPAC and should be disregarded.

In order for an Exception to be granted, all four criteria for an Exception must be met. If any one criterion is not met, the Exception must be denied. Here, the concern raised by Commissioner Whitlock (that the Exception process should not be used as an end-run around the mandatory cash deposit for a deferred improvement agreement) arguably goes to three out of four criteria for an Exception. Regardless of which criterion one characterizes this concern as addressing, there should be no confusion for any party involved as to the nature of the concern that caused SPAC to deny the Exception.

As to the first criterion of 10.253, Public Works took the position that allowing development without either street improvements or a cash deposit for a deferred improvement agreement was injurious to the general area. As the area develops, street improvements will be needed to maintain the health, safety, and general welfare of the area. Yet without a cash deposit or concurrent street improvements, the City will be in the position of "squeezing blood from a stone" as adjacent property owners inevitably claim that they cannot afford to pay for street improvements at the time development makes them necessary or a Local Improvement District is formed; the owners at the time of subsequent street construction may not even be the same owners who previously developed the properties and in some cases would be unaware of and unprepared for the costs that they assumed when they purchased their properties. The mandatory nature of the cash deposit for a Deferred Improvement Agreement recognizes that, without such a mechanism, subsequent collection efforts are difficult and frequently unsuccessful.

As to the third criterion of 10.253, the cash deposit requirement of a deferred improvement agreement, and the Applicant's desire to not pay the deposit, is not a "unique or unusual circumstance[] which appl[ies] to this site which do[es] not typically apply elsewhere in the City". The cash deposit requirement is not a "peculiar, exceptional, and unique hardship on the owner."

Finally, as to the fourth criterion, the required street improvements do not impair Applicant's ability to conduct its business; the only serious objection is a financial one, and the fourth criterion states that "It is not sufficient proof in granting an exception to show that greater profit would result."

If Applicant had requested a narrow exception from one particular requirement, the question of whether there was evidence in the record to support SPAC's denial of the Exception might be

a closer question. However, it should be remembered that Applicant requested an Exception from all right-of-way dedications and public improvements. These facts constitute evidence in the record supporting SPAC's discretionary denial of the Exception.

Finally, Applicant argues that there is a possibility that no development will occur near Applicant's property for many years, perhaps decades. Neither Applicant nor staff can control or predict when other property owners in the area will seek to further develop their properties. This may not happen for two decades, but it also may happen next year, and Applicant did not and could not show otherwise. This uncertainty is inevitable, exists in many cases where development is occurring in less-developed areas of the City, and is not unique or specific to Applicant's situation. Indeed, the fact that Applicant itself is doubling its maintenance bays and quintupling its paved area shows that economic development in this area of the City is ongoing. Given 10.253's admonition that "The power to authorize an exception from the terms of this code shall be sparingly exercised," there is evidence in the record supporting SPAC's denial of the Exception request.

B. The street improvements at issue are required by Article 4.

Applicant argues that nothing in Article IV requires street improvements. In fact, the requirement for street improvements in conjunction with development is found in 10.421, which states in material part:

The developer shall design and improve all required public right-of-way elements, including streets, bicycle lanes, sidewalks, planter strips, street lights, alleys, storm drains, sanitary sewers, waterlines, accessways and public easements which are a part of the development, and those off-site public improvements necessary to serve the development consistent with the Comprehensive Plan or any specific plan thereof, and such other public improvements as required by this chapter in accord with the standards and criteria set forth herein[.]

Applicant argues that other potential interpretations of Article 4 are possible, and effectively argues that street improvements are only required when new streets are being constructed. However, a municipality's staff is given deference when interpreting that City's municipal code. *Siporen v. City of Medford*, 349 Or 247, 259 (2010). Staff has consistently interpreted Article 4 as requiring street improvements in conjunction with development, even when a new street is not being constructed.

///

III. The right-of-way dedications and street improvements at issue are not unconstitutional takings.

The City has codified the *Nollan/Dolan* question of unconstitutional takings in 10.668(1), which states:

Notwithstanding any other provisions of this Chapter 10, an applicant for a development permit shall not be required, as a condition of granting the application, to dedicate land for public use or provide public improvements unless:

(1) the record shows that there is an essential nexus between the exaction and a legitimate government purpose and that there is a rough proportionality between the burden of the exaction on the developer and the burden of the development on public facilities and services so that the exaction will not result in a taking of private property for public use[.]

The critical questions are “essential nexus” and “rough proportionality.” Pursuant to *Hammer*, above, this inquiry turns on the substantive facts of the case, not on the wording or detail of SPAC’s findings.

A. There is an essential nexus between the application and the required dedications and improvements.

Applicant relies on case law where infrastructure improvements not part of ingress and egress from the property to be developed were required as a condition for development. *Brown v. City of Medford*, 251 Or App 42 (2012). In *Brown*, the City required street improvements to both Brady Way (which was not used to access the applicant’s parcel) and Finley Lane (which was). The Court of Appeals determined that the required street improvements to Brady Way were an unconstitutional taking. On the other hand, the required street improvements to Finley Lane, which was used to access the applicant’s parcel, were not challenged as lacking an essential nexus to the development. *Id.* at 44-46.

In the case at hand, the only required street improvements are to the same street used to access the applicant’s property. If just one more property is developed—tax lot 801, then a loop will be created off of Table Rock Road with Bateman Drive and Bierson Way.

Furthermore, if Judge Lane is connected,² trucks will be able to access Applicant's property from Vilas Road (from the westbound lane, turn right on Peace Lane and then left on Judge Lane, and then Applicant's business is on the right).

Given these facts, apparent from the record, the maps contained therein, and the geography of existing streets which this Council may take formal notice of, the required improvements are more like those to Finley Lane than to Brady Way. The *Brown* case thus does not help Applicant.

Finally, Applicant argues that under the essential nexus test, that City must show that the City "would be ***allowed to deny*** the permit altogether" without the purported exaction. (Appeal, p. 7; boldface and italics in original). Here, the street improvements described in 10.430(B) are mandatory, are interpreted by staff as mandatory (and thus are mandatory pursuant to *Siporen*, above), and Applicant implicitly admits as much by seeking an Exception around said requirements. These street improvements are to the street used for ingress to and egress from Applicant's property, and any truck going from Table Rock Road to either the Applicant's west or east gate will inevitably travel over these street improvements. SPAC could deny development of a property that did not provide for adequate streets for ingress and egress. Thus, this legal standard is unquestionably met. All of Applicant's following arguments to the contrary are just arguments in favor of an Exception in this particular case, not arguments against the mandatory nature of right-of-way dedications or street improvements under Article 4 of the Land Development Code.

B. The required dedications and improvements are roughly proportional to the project.

Rough proportionality is not a simple mathematical analysis, and Applicant admits as such ("*Dolan* may not require such an analysis to involve precise mathematical calculations," p. 12). That said, ratios with comparable properties cannot be ignored entirely, due to the very nature of a "proportionality" analysis. Considering the totality of the circumstances, the dedications and improvements are proportional to the development that is occurring.

1. Length.

The required street improvements are proportional to Applicant's development of its property. Applicant's property is 660 linear feet from east to west; the development at issue is adding pavement and a building on the western-most 220 linear feet. The Commission only required street improvements for the frontage of those same 220 feet, not Applicant's entire frontage. This is certainly proportional to the development at issue.

² As staff pointed out, right-of-way already connects with Judge Lane to the east, even if the physical street surface does not currently connect.

2. Area.

As Applicant admits, Staff did conduct an analysis of other industrial and commercial properties and found that the acres-to-dedication ratio proposed for Applicant is substantially lower than that of the Bierson Industrial Park, Triangle Industrial Park, Crater Lake Business Center, and Lewellyn Office/Warehouse Complex. (Appeal, pp. 10-11).

3. Width.

Furthermore, there is proportionality as to width as well as length. Although this is an industrial area, SPAC is only seeking commercial street dedications (63 feet) instead of the full 80 feet typically required in an industrial area. The City is in fact showing flexibility in its requirements, despite Applicant's protestations to the contrary.

Applicant claims that the planter strip requirements are not roughly proportional because "It is unclear how three additional semi-truck bays...will appreciably change the risk to pedestrians for a sidewalk that does not go anywhere and likely will not go anywhere for many years." The argument ignores the fact that the sidewalk at issue is not "a sidewalk that does not go anywhere," but instead a sidewalk between Applicant's two gates. Applicant also ignores the fact that truckers waiting for their trucks to be serviced at Applicant's own facility may very well take a walk to pass the time. Applicant also ignores that pedestrians may be walking to or from the storage warehouses to the east of Applicant's property, and the additional truck traffic from Applicant's expanded business in front of Applicant's own property would warrant the safety buffer.

Summary

The application at issue is a substantial expansion of Applicant's trucking business, including a two-fold increase in maintenance bays and a five-fold increase in paved area. Applicant wishes to enter into a deferred improvement agreement without the mandatory cash deposit, but Applicant's desire to not pay the deposit for a DIA is similar to every other applicant's desire. Nevertheless, the City enacted a code provision making such deposits mandatory for a DIA. SPAC rightfully questioned whether using the Exception process as an end-run around the cash deposit required for a DIA is contrary to the Code's intent and contrary to the City's duty to provide for orderly growth of public streets in conjunction with the development of properties.

Applicant also argues that the dedications and street improvements are an unconstitutional exaction, arguing that all of Applicant's customers will access the property from Table Rock Road to the west. This ignores the fact that, even when coming from the west, Applicant's customers will drive over the 220 feet at issue to access Applicant's eastern gate. Applicant

also ignores the possibilities that Judge Lane will be connected over existing right-of-way to the east, allowing access from Vilas Road, or that the one remaining property will be developed, allowing access from Bierson Way. Applicant's customers accessing the property from the east or south would be driving on the very street at issue to access Applicant's western gate. As such, Applicant's constitutional arguments about "essential nexus" and "rough proportionality" are not persuasive.

This Council should review Commissioner Whitlock's concerns about whether an Exception that is basically a deferred improvement agreement with no cash deposit is against the intent of Article 4. If it is, and if this Council determines that the dedications and street improvements have a causal nexus and rough proportionality with Applicant's development, then Applicant should be required to either dedicate the right-of-way and construct the street improvements at issue or enter into a deferred improvement agreement pursuant to the terms of 10.432.

City Council Options

The City Council will need to determine if there is substantial evidence in the record to support the decision of the Site Plan and Architectural Commission, and whether the required public improvements constitute an unconstitutional taking. The options are:

1. If the Council finds that there is substantial evidence in the record to conclude that the Site Plan and Architectural Commission decision was correct, that the evidence in the record supports the Commission's findings, and that the required dedications and public improvements are not an unconstitutional taking, then the Council should affirm the decision.
2. If the Council finds that the evidence in the record supports the Applicant's contention that the decision was in error, that there is not substantial evidence to support the decision, or that the required dedications and public improvements constitute an unconstitutional taking, then based upon substantial evidence in the record the City Council should:
 - a. Reverse the decision. If the Council does this, the Council must specify the reasons for reversal; or
 - b. Modify the decision and specify the reasons for such modification; or
 - c. Remand the decision back to the Site Plan and Architectural Commission with an explanation of the error and the action necessary to rectify the error. Given the constraints of the 120-day rule, this is not an option unless the Applicant concurs and agrees to extend the 120-day limit.

Recommendation

There are two questions before the Council: First, did the Site Plan and Architectural Commission err in its decision to approve the Site Plan application and deny the Exception application? Second, are the required dedications and public improvements an unconstitutional taking?

The City Council can find that the Site Plan and Architectural Commission did not err in its decision to approve AC-15-115 and deny E-16-042 because no legal error was committed and there is sufficient evidence in the record to support the Site Plan and Architectural Commission decision. The City Council can also find that the required dedications and public improvements are not an unconstitutional taking because they have an essential nexus and rough proportionality with the proposed development.

Exhibits

- 1 Notice of Appeal received August 3, 2016
- 2 Site Plan and Architectural Commission Final Orders for AC-15-115 and E-16-042 dated July 15, 2016, with the Site Plan and Architectural Commission Report dated July 1, 2016
- 3 Excerpts from the Site Plan and Architectural Commission Minutes of June 3, 2016
- 4 Excerpts from the Site Plan and Architectural Commission Minutes of June 17, 2016
- 5 Excerpts from the Site Plan and Architectural Commission Minutes of July 1, 2016
- 6 Excerpts from the Site Plan and Architectural Commission Minutes of July 15, 2016
- 7 PowerPoint Presentation to the Site Plan and Architectural Commission dated June 3, 2016
- 8 PowerPoint Presentation to the Site Plan and Architectural Commission dated June 17, 2016
- 9 PowerPoint Presentation to the Site Plan and Architectural Commission dated July 1, 2016



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August 3, 2016

MEDFORD MAYOR AND CITY COUNCIL
c/o Glenda Wilson, City Recorder
411 West 8th Street
Medford, OR 97501

NOTICE OF APPEAL

City of Medford Planning Department Files AC-15-115 and E-16-42

Dear Mr. Mayor and City Council:

DECISION SOUGHT TO BE REVIEWED AND APPEAL:

Applicant files this letter as its Appeal of the SPAC decisions rendered in Planning Files No. AC-15-115 and No. E-16-42, pursuant to MLDC 10.052. Planning File No. AC-15-115 was approved by the Site Plan and Architectural Commission but the approval imposed a condition of approval to which Applicant objects. Planning File No. E-16-42 was denied by the Site Plan and Architectural Commission. These Applications are Type "C" decisions and may be appealed to the City Council pursuant to MLDC 10.051-10.053. The decision of the Site Plan and Architectural Commission was reduced to writing and adopted at its meeting of July 15, 2016. The decision states the appeal deadline was August 3, 2016 and a timely appeal was filed on August 3, 2016.

STANDING:

Our clients, Wayne Davis (property owner) and JDT Trucking ("Applicant") filed an application for Site Plan and Architectural Review for the purpose of constructing a 3,750 square foot metal building together with additional paving for semi-truck parking and maneuvering. Applicants were entitled to notice and they participated orally and in writing at SPAC proceedings through their Attorney Dick Stark (Stark and Hammack, PC) and their agent of record Jay Harland (Principal, CSA Planning Ltd.)

MATERIAL FACTS:

The facts presented in the SPAC report dated July 20, 2016 are substantially fair and complete.

BASIS FOR THE APPEAL; ASSIGNMENT OF ERROR:

The Site Plan and Architectural Commission denied an Exception to certain land dedication and public improvements required by the Public Works Department. The Findings adopted to support the Exception denial are not legally adequate and are not supported by substantial evidence in the record.

In denying the exception request, Site Plan and Architectural Commission imposed a condition of approval requiring certain land dedication and public improvements; this condition violates the Takings Clause of the 5th Amendment to the United States Constitution; Article 18 of the Oregon Constitution; ORS 197.796, and MLDC 10.668.

CITY OF MEDFORD
EXHIBIT # 1
File # AC-15-115 / E-16-042
APPEAL

RECEIVED
AUG 3 - 2016
CITY OF MEDFORD
CITY RECORDER'S OFFICE



RELEVANT EVIDENCE AND FACTS IN THE RECORD:

Existing Development: The site contains an existing 3,750 square foot metal building and is home to JDT Trucking which is a trucking and logistics company. Undeveloped portions of the property are occasionally used for storage as they have been since prior to annexation.

Proposed Site Plan and Development Complies with the MLDC: Disregarding the Public Works improvement conditions that are the subject of this appeal, the proposed development complies in all other ways with the City's requirements and the proposed development was approved by SPAC with conditions that are otherwise typical of development in the City.

Existing Street and Access Conditions: The existing development has access to a paved street with curb and gutter in a public right-of-way. The road itself is privately maintained and access to the property beyond the short segment of public right-of-way is via a privately maintained road to Table Rock Road.

Exactions Summary: The Public Works Staff Report is requiring public dedication of 13.5 feet of additional right-of-way for the entire length of the subject property and improvements to the western 220' feet or a Deferred Improvement Agreement for such improvements.

Exception Request: The Applicant filed an Exception Application to the street public improvement requirements. The Applicant's Attorney drafted an Irrevocable Covenant to provide assurance that certain improvements acceptable to the Applicant would be completed at the Developer's expense together with an agreement to waive the Applicant's rights to further actions under *Dolan*.

INADEQUATE FINDINGS AS A MATTER OF LAW TO SUPPORT THE EXCEPTION DENIAL AND THE EXCEPTION DENIAL WAS NOT BASED UPON SUBSTANTIAL EVIDENCE:

1. Denial of land use permits in Oregon must be based on adequate findings and those findings must meet the following test, as set forth in *Rogue Valley Manor v. City of Medford*, 38 Or LUBA 266 (2000):

While findings of noncompliance with applicable criteria need not be as exhaustive or detailed as findings necessary to show compliance with such criteria, findings of noncompliance must be sufficient to explain the local government's conclusion that applicable criteria are not met, and must suffice to inform the applicant either what steps are necessary to obtain approval or that it is unlikely that the application will be approved. *Eddings*, 36 Or LUBA at 162, citing *Salem-Keizer School Dist. 24-J v. City of Salem*, 27 Or LUBA 351, 371 (1994).

The findings adopted by SPAC are inadequate. SPAC denied the Exception Application on the grounds that it did not comply with MLDC 10.253(1). The Findings of the Commission are provided on pages 8 and 9 of the Commission Report dated July 1, 2016. These findings fail to provide any rationale why this criterion was not satisfied, except a conclusory statement that the Irrevocable Covenant offered by Applicant's Attorney to settle the dispute regarding public improvements, "did not ensure compliance with this criterion." One could argue that the SPAC decision reflected and incorporated the recommendations of the Public Works Department to deny the Exception Request, based upon the oral deliberations of SPAC following the public hearing. However, Page 2 of the Public Works Department Staff Report (at Exhibit I-1) provides little in the way of additional explanation and does not reference any of the Exception criteria in a specific way that would explain the basis for denial.



The findings adopted by SPAC do not explain how the application failed to comply with any of the following examinations that are relevant under the criteria:

- The findings fail to explain how approval of the Exception and acceptance of the Irrevocable Covenant offered by the Applicant would not be in harmony with the general purpose and intent of the regulations imposed by the Medford Code.
- The findings fail to identify any meaningful injury, let alone explain how the injury is likely, to the general area that would result from approval of the Exception Application and acceptance of Applicant's offer of an Irrevocable Covenant.
- The findings fail to identify any meaningful detriment, let alone explain how the detriment is likely, to the health, safety, and general welfare *[or adjacent natural resources to which none are identified]* that would result from approval of the Exception Application and acceptance of Applicant's offer of an Irrevocable Covenant.

Because the adopted findings are legally inadequate, the Council can, on this basis alone, conclude the decision, as written, is in error as a matter of law and the Council is then free to examine SPAC's decision anew.

2. Denial of the Exception was not based upon substantial evidence in the record to reach a supported conclusion that approval of the Exception, together with acceptance of the Irrevocable Covenant offered by the Applicant, does not satisfy all of the criteria at MLDC 10.253(1).

In order to logically explain how the absence of evidence exists, a logical construction commonly known as "*reductio ad absurdum*" is the most useful approach. This logical construct simply tests a "null hypothesis" and if the null hypothesis is not supported by the examination then the opposite of the null hypothesis is supported. The generic null hypothesis in a substantial evidence appeal is that there is substantial evidence in the record to support the decision. To get at the core of this substantial evidence case and properly formulate a null hypothesis, it is appropriate to evaluate only what was actually denied. In denying the Exception, SPAC denied development subject to the Irrevocable Covenant. Thus, two well-constructed null hypotheses (one for each of the matters that the Irrevocable Covenant would not have required) are as follows:

Null Hypothesis #1: *There is substantial evidence in the record that demonstrates how a planter strip is necessary and without a planter strip any future street would be out of harmony with the general purpose and intent of the regulations, would be injurious to the general area, or otherwise detrimental to the health, safety and general welfare.*

Null Hypothesis #2: *There is substantial evidence in the record that demonstrates how an ~\$29,000 financial deposit incorporated into a Deferred Improvement Agreement is necessary, and without this financial deposit, construction of any future street would be hampered in a manner that is out of harmony with the general purpose and intent of the regulations, would be injurious to the general area, or otherwise detrimental to the health, safety and general welfare.*

With the above null hypotheses reasonably formulated, each can be examined in turn, as follows:



- **Examination of Null Hypothesis #1:** The record contains evidence from the Applicant that raises substantial doubt about the likelihood of any public street network out to Table Rock Road ever being constructed without significant direct investment from the City, see pages 5-6 of Exhibit E. The findings provided by the Applicant that future public road extension to Table Rock Road is unlikely without significant public investment by the City is uncontroverted in the record. Applicant took the position that without a likely connection to Table Rock Road, it is unclear how the provision of street improvements of any kind would be needed. Public Works responded to the Applicant's position by observing that a connection to Bierson Way is only one property away (not actually true) and would be a benefit and there were no constraints on the development site that prevented improvement to full City standards. First, the criterion at MLDC 10.253(1) does not concern itself with the ability of a site to physically accommodate a public improvement so this fact, even if true, is not an adequate basis for denial under the criterion for which the application was denied. Secondly, the evidentiary analysis identifying future vehicular and pedestrian connectivity severely undercuts the position that the lack of a planter strip fails to satisfy any of the criteria at MLDC 10.253(1). The reason for this is that the street cross-sections on Bierson Way and Bateman Drive do not have planter strips.

The evidence in the record does not support the null hypothesis and it should be rejected. If the beneficial future street connections are to streets that do not have planter strips then it is not reasonable to conclude removal of the planter strip requirement is out of harmony with the general purpose and intent of the regulations, or would be injurious to the general area, or otherwise be detrimental to the health, safety and general welfare.

- **Examination of Null Hypothesis #2:** The record contains evidence from the Applicant that raises substantial doubt about the likelihood of any public street network out to Table Rock Road ever being constructed without significant direct investment from the City, see pages 5-6 of Exhibit E. The findings provided by the Applicant that future public road extension to Table Rock Road is unlikely without significant public investment by the City is uncontroverted in the record. Applicant took the position that without a likely connection to Table Rock Road, it is unclear how the provision of street improvements of any kind would be needed.

The record contains minimal written explanation of why the financial deposit is necessary except that it is part of the Deferred Improvement Agreement code which does not apply if the Exception is approved, subject to the Irrevocable Covenant offered by the Applicant. The response provided by Public Works is reflected in the minutes of the SPAC meeting of June 17th, 2016, as follows:

“Doug Burroughs, Public Works Department, said his question was with the applicant trying to modify the exception. He stated he has never seen an exception to eliminate all public improvements and that is why they recommended denial of the exception. Mr. Burroughs said the problem with modifying the exception to allow a deed covenant for future dedication and improvements without any money is that it does not meet the third criterion



of an exception request. He said that is where there cannot be any financial benefit or profitability. Mr. Burroughs commented that Mr. Stark was basically asking for a DIA without putting up any money. He added that the DIA, with the collection of money upfront, is their only method for improving lower order streets.”

The Applicant contends that Public Works response is not relevant under the criterion for which the Exception Application was denied at MLDC 10.253(1). The Public Works testimony concerns the third criteria for the Exception and that was not SPAC's stated basis for denial. A general statement about the City's mechanisms to getting lower-order street improvements completed is not relevant and ignores the fact that a street already exists at the property frontage. Finally, Exceptions are specifically based upon unusual circumstances so a statement that something has not been seen before is, at worst, evidence that provides no basis for denial of an Exception.

It is unclear how the Irrevocable Covenant offered by the Applicant would not provide adequate legal mechanism to ensure participation in future street improvements by the property owner. The City Attorney provided testimony to the record that the proposed Irrevocable Covenant is legally sufficient (or could be made so with minor changes). Thus, it is unclear how a \$29,000 financial deposit is somehow also necessary to assure harmony with the general purpose and intent of the City's street standards or such financial deposit is necessary to prevent an injury to the area or avoid detriment to the health, safety and general welfare.

Additionally, the financial deposit required in a Deferred Improvement Agreement does not limit the owner's responsibility to the deposit amount, see MLDC 10.423(2)(b). Given the uncertain nature of when (if ever) a street project might actually occur, it is most likely many years in the future when the \$29,000 deposit is likely to be a small share of the total bill; it is hard to imagine that sitting on a \$29,000 deposit for many years and then telling a property owner they need to pony up more cash up for the Local Improvement District project would make such improvements *easier* on the Council and Public Works.

The evidence in the record does not support the null hypothesis and it should be rejected. The evidence in the record is inadequate to explain why an exception cannot be granted, subject to the Irrevocable Covenant offered by the Applicant. The evidence and testimony in the record concerning the financial deposit requirement is not relevant to the criteria at MLDC 10.253(1). Because there is substantial evidence that the criteria at MLDC 10.253(1) can be satisfied the Exception should be approved.

VIOLATION OF THE TAKINGS CLAUSE OF THE 5TH AMENDMENT TO THE UNITED STATES CONSTITUTION; ARTICLE 18 OF THE OREGON CONSTITUTION; ORS 197.796, AND MLDC 10.668

Notwithstanding the above basis for appeal on the denial of the Exception Application, Applicant also appeals the condition of approval imposed in the Public Works Department Staff Report at Exhibit "I-1". The challenged condition requires dedication of an additional 13.5 feet of street right-of-way for entire length of the property and improvement of this right-of-way for the installation of a sidewalk and planter strip for



the western 220-feet of frontage or else remit an ~\$29,000 financial deposit as part of a Deferred Improvement Agreement. This condition is appealed in its entirety.

During the proceedings in front of SPAC, Applicant's Attorney objected that the condition violates the Takings Clause of the 5th Amendment to the United States Constitution as interpreted in the cases of *Nollan vs. California Coastal Commission*, *Dolan vs. The City of Tigard*, and *Koontz vs. St. John's River Water District*. While the more formal legal case will be for Mr. Stark to prepare and file with Circuit Court in the event the SPAC decision is upheld by the Council and our client elects to litigate this matter further, our client requested CSA present the appeal to the Council on this matter in collaboration with Stark and Hammack, PC.

Takings issues are complicated and Cities are often uncomfortable with such objections. In my experience, this discomfort arises for a number of reasons:

- One reason for discomfort is that a Takings objection essentially asserts that a City is in the process of violating a property owner's constitutional rights. This discomfort is well founded. The City Council should give pause when such a strong objection is levelled. Takings objections are not ordinary appeals.
- The second reason is that cities often feel that a Takings objection diminishes the cities' authority to assure that private development projects are designed in a manner that is consistent with the cities' policy vision that is expressed in its planning documents and codes. This feeling is completely unfounded. Takings objections are not about whether a project has to be designed in a manner that is consistent with the City's policy vision. Takings objections are about whether that vision can be accomplished solely as an exaction in exchange for issuance of a development permit. Put another way, cities have wide latitude to require private development projects be designed in a manner that is consistent with the City's vision but that does not necessarily mean such vision can be obtained without expenditure by the City.
- An additional level of discomfort is specific to the City of Medford because it has self-imposed regulations at MLDC 10.668(2). These regulations prohibit the City's ability to impose conditions of approval for which just compensation is due except where a *[funding]* mechanism exists and funds are available. No such funding mechanisms are identified in the record. Thus, because the City of Medford has no pre-established funding mechanisms and has prohibited *ad hoc* funding solutions to address Takings conflicts when they arise, it is the City of Medford and not private development that has put its vision for the City at some peril.
- Lastly, cities are also sometimes uncomfortable with Takings objections because they are the rare instance in the land use permitting system where the burden of proof is on the City of Medford and not the Applicant. ORS 197.794(4) provides as follows:

(4) In any challenge to a condition of approval that is subject to the Takings Clause of the Fifth Amendment to the United States Constitution, the local government shall have the burden of demonstrating compliance with the constitutional requirements for imposing the condition.

In the case of the challenged conditions of approval in this matter, the City has not met its burden of proof as a matter of law nor is there substantial evidence in the record (a record which is now closed to new evidence) to impose the challenged condition of approval. Specifically, the condition does not meet the required tests for either Essential Nexus (Nollan prong of the test 483 US at 836-37) or Rough Proportionality (Dolan prong of the test 512 US at 385), for the following reasons:



Essential Nexus:

The Public Works Department Staff Report addressing this issue is found on Page 4 of Exhibit "I-1" and it states the following with respect to essential nexus:

The purpose for these dedications and improvements are found throughout the Medford Code, the Medford Transportation System Plan, and the Statewide Planning Rule, and are supported by sound public policy. Those purposes and policies include, but are not limited to: development of a balanced transportation system addressing all modes of travel including motor vehicles, transit, bicycles, and pedestrians. It can be found that the listed right-of-way dedications and improvements have a nexus to these purposes and policies.

No additional or supplemental Nexus findings were adopted by SPAC and the only findings on Nexus that exist in the record are those above that were adopted by SPAC by reference.

The above findings commit the same error the City committed in losing the Takings case of *Jed Brown v. the City of Medford*, wherein the Court of Appeals held:

The city's argument, however, proceeds from a fundamental misconception about the nexus that is required by *Nollan and Dolan*. The question is not whether the city can identify a connection between the condition and some legitimate public policy that the city seeks to advance. Indeed, the Court in *Nollan and Dolan* never "question[ed] whether the exactions would substantially advance some legitimate state interest. Rather, the issue was whether the exactions substantially advanced the same interests that land-use authorities asserted would allow them to deny the permit altogether." *Lingle, 544 US at 547*.

The City's Nexus findings are totally inadequate in form and content to exact private land and money from a Medford business owner based upon the decision of the Court of Appeals on a prior Medford Takings case. This error alone provides an adequate basis for the Council to reverse the challenged condition of approval.

Nevertheless, the Nexus issue is more challenging for the City when one actually applies the analytic approach specified by the Court of Appeals and described in *Lingle*. The essential nexus test requires the City to show how the exaction is necessary and without that exaction of 13.5 feet of right-of-way and essentially rebuilding half the width of an existing paved street in public right-of-way for a distance of 220 feet from the west property line (or executing a Deferred Improvement Agreement for these improvements) the City would be **allowed to deny** the permit altogether. There are at least two ways in which it is clear that the exactions are not necessary for the approval of the permit, as follows:

1. In the first instance, there is a common-sense reality that the required exactions will result in no meaningful change in the condition at the site with respect to public or private access, circulation or connectivity at any time in the reasonably foreseeable future and any meaningful change will require significant public investment on the part of the City of Medford. The record does not support the assertion that a 220-foot strip of sidewalk behind a planter strip in this location will change any aspect of the vehicular or pedestrian experience in this area in the reasonably foreseeable future.

The Zoning Map in Exhibit 4 depicts properties over 600-feet in all directions. The record does not establish where the nearest industrial property with a sidewalk behind a planter strip exists. The record does not establish how the City would maintain these improvements even if dedicated and improved because physical access to the site is by private road. The record does not



evaluate where pedestrians would likely come to or go from the site; the site is an industrial area and people do not generally walk from the trucking and logistics company on one property to visit a wholesale cleaning supply company down the road. This is the type of evidence and analysis that is necessary to establish essential nexus for the requested exactions and the record is utterly devoid of such evidence and analysis and it is the City's burden to prepare and provide such evidence and analysis.

Lastly, the proposed development is a modest expansion of an existing use that is outright permitted in the I-L zone. The only reasonable conclusion that can be drawn from the evidence and analysis in the record is that nothing about the access to the site will change to any appreciable degree from the requested exactions that provides sufficient basis for the City to deny approval of a 3,750 square-foot metal building addition to an existing use where such denial would satisfy the requirements for findings of denial as discussed above in *Rogue Valley Manor v. City of Medford, 38 Or LUBA 266 (2000)* and not run afoul of *Koontz v. St. Johns River Water District*.

2. The written record and findings adopted by SPAC fail to establish the code standard under which the application could be denied without the exaction. This unto itself is both legal error and a lack of substantial evidence sufficient for the Council to overturn the SPAC decision.

Even had better findings been adopted, an actual analysis of the City's code indicates serious problems with an interpretation that the Essential Nexus test is satisfied for the facts of this case, for at least the following reasons:

- The proposed use is an expansion of an existing use that is outright permitted in the zone. MLDC 10.425 makes clear that such development proposals must have access to a paved street and land intended for vehicular or accessway use by the general public be offered for dedication:

10.425 Street Access and Dedication Requirements

Prior to the issuance of a development permit, land shown on any development proposal and intended for vehicular use shall have access to a paved street. Land intended for vehicular and accessway use by the general public shall be offered for dedication.

In the subject case, facts are undisputed that the development has access to a paved street. The facts demonstrate no accessway is proposed or required. The facts demonstrate that land for off-site vehicular use is already dedicated right-of-way. It is challenging to understand how the City could write defensible findings that explain how the requested land use permit is properly denied without the requested exactions in any reasonable interpretation of MLDC 10.425, even under the wide margin for deference afforded the City under *Siporen v. the City of Medford*.

- MLDC 10.431 states the following:

10.431 Street Improvement

All new street improvements required as a condition of development shall be improved to the standards set forth in this chapter unless otherwise specified herein or excepted as per Section 10.251, Application for Exception. For purposes of this section, the term new street shall be defined as an unimproved street or existing street which does not have curb and gutter.



To the extent this code provision provides guidance on where street improvements should be required, that guidance indicates such improvements are not required in the present circumstance. The requirement to satisfy current standards are only properly required for "new streets". The existing street is not a new street. The record establishes that the street has a paved asphaltic section for the travel surface and a concrete gutter with rolled curb. The street meets the MLDC definition of a, "Street, Improved" and is not, therefore, a "new" street. Because it is not a "new" street, improvement to current street standards is not required.

- The above code issues came up in the initial hearing but in the context of the Exception application. The question was posed to the staff by SPAC as which code section imposed the public improvement requirements. The Planning Staff responded and directed the Commission to MLDC 10.421 for the authority to impose the condition requiring right-of-way dedication and street improvements. The City Attorney concurred with the code section reference by Planning Staff as the authority to impose the condition requiring public improvements.

The challenge for the City is that MLDC 10.421 is a broad sweeping code provision that provides little foothold under Nollan to demonstrate Essential Nexus. The Essential Nexus test required by Nollan would be reduced to a mere pleading requirement if the only requirement is for the City to make a broad statement that the City has adopted public improvement standards and all development shall be required to install improvements that satisfy those standards in order to be approved. Reduced to its logical conditions, such a statement is that all proposed developments shall be denied until all public improvements requested by the City are made at the expense of the developer; this is precisely the type of unconstitutional condition prohibited by the U.S. Supreme Court in the *Koontz* decision.

MLDC 10.421 is silent about the relationship between a 3,750 square foot metal building for semi-truck maintenance. That code section does not explain why this particular sidewalk and planter strip is necessary for this particular private development of such an industrial use in an industrial zone. The record does not explain how such a relationship might exist. It is hard to conceive how the actual development proposed for a semi-truck maintenance shop requires a sidewalk and planter strip to function properly. Because such improvements are not necessary for the development itself, MLDC 10.421 provides a weak basis for denial, where the record otherwise demonstrates the proposed development complies in all other ways with the code.

The additional problem with reliance on MLDC 10.421 code section is that it creates internal conflicts with MLDC 10.425 and 10.431. MLDC 10.425 and 10.431 are much more specific regarding street improvements and the maxims of construction support a code interpretation that the more specific code sections of MLDC 10.425 and 10.431 should rule over the general provisions at MLDC 10.421. Moreover, it is hard to find what meaning would be left for the requirement for access to a paved street in the first sentence of MLDC 10.425 if MLDC 10.421 is interpreted to allow denial of a development permit that otherwise complies with the code where the existing access is to a paved street.



In summary, the evidence in the record and the findings provided fail to demonstrate there is an Essential Nexus under Nollan and the condition of approval in the Public Works Department Staff Report condition at Exhibit "I-1" requiring right-of-way dedications and street improvements is completely adrift of its constitutional moorings.

Rough Proportionality:

Even if the Council somehow manages to overcome all the above objections to interlock the available evidence with the City's code in a manner it finds to be sufficient to demonstrate the Essential Nexus test is satisfied, the City is confronted with equal, if not greater challenge, in demonstrating the Rough Proportionality test required by *Dolan* is satisfied. The *Dolan* test requires the following:

We [the U.S. Supreme Court] think a term such as "rough proportionality" best encapsulates what we hold to be the requirement of the Fifth Amendment. No precise mathematical calculation is required, but the city must make some sort of individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development.

The Public Works Department Staff Report findings on Rough Proportionality are found on Pages 4-5 of Exhibit "I-1". Those findings are recited below in their entirety:

As set forth below, the dedications and improvements recommended herein can be found to be roughly proportional to the impacts reasonably anticipated to be imposed by this development.

Future Judge Lane

In determining rough proportionality, the City compared the expected square footage of right-of-way dedications and street improvements to the lot or developed area in acres. This development consists of approximately 1.58 acres of developed area on a 4.73 acre lot. This development is conditioned to dedicate approximately 8,910 sf of right-of-way and construct approximately 3,960sf of street improvements. This equates to 1,884 sf of right-of-way per acre (lot) and 2506 sf of street improvements per acre (developed).

The study area used to determine proportionality contained 54 properties that are part of 3 different industrial developments and an additional 2 individual properties. The properties studied includes Bierson Industrial Park, Triangle Industrial Park, Crater Lake Business Center, Lewellyn Office/Warehouse Complex at 5594-5596 Table Rock Rd., which is adjacent the proposed development and Living Opportunities located at 857 Valley View Dr. All of these developments were either required to dedicate public right-of-way for lower order streets or construct public street improvements or both. The following table (5-1) summarizes the results of the study.

| Development | Table 5-1 | | |
|-----------------------------|-----------|------------------------|-------------------------|
| | Acres | Dedications Sf/Acre | Improvements Sf/Acre |
| Bierson Industrial Park | 17.4 | 7,044 | 2,644 |
| Triangle Industrial park | 12.7 | 7,739 | 6,291 |
| Crater Lake Business Center | 15.72 | 9,162 | 5,248 |



| | | | |
|-----------------------------------|------------------|-------|-------|
| Lewellyn Office/Warehouse Complex | 4.5 (Lot) | 4,801 | NA |
| Living Opportunities | 2.1 (Developed) | NA | 3,274 |
| JDT Trucking | 4.73 (Lot) | 1,884 | |
| | 1.58 (Developed) | | 2,506 |

The additional right-of-way on future Judge Lane will provide the needed width for public street improvements including curb and gutter, parking, planter strips and sidewalks. The 8-foot planter strip moves pedestrians a safe distance from the edge of the road way. Future Judge Lane will be a primary route for pedestrians traveling to and from this development.

Local street right-of-way dedication and construction requirements identified by the Public Works Department and required by the City are the minimum required to protect the public interest and are necessary for additional or densification of development in the City without detracting from the common good enjoyed by existing properties. Developments are required to provide all internal local streets and half-street improvements to abutting streets, including associated right-of-way dedications, to ensure that new development and density intensification provides the current level of urban services and adequate street circulation is maintained.

Dedication of the Public Utility Easements (PUE) will benefit development by providing public utility services, which are out of the road way and more readily available to each lot or building being served. The additional traffic of all modes of travel generated by this proposed development supports the dedication and improvements for all modes of travel and utilities. As indicated above, the area required to be dedicated for this development is necessary and roughly proportional to that required in similar developments to provide a transportation system that meets the needs for urban level services and current code requirements.

No additional or supplemental Rogue Proportionality findings were adopted by SPAC and the only findings on Rough Proportionality that exist in the record are those above that were adopted by SPAC by reference. The above findings are deficient in a number of respects:

1. The statement that the planter strip moves pedestrians a safe distance from the edge of the roadways does not relate the impacts of the development to the level of risk caused by the impacts of the development in any meaningful way. It is unclear how three additional semi-truck bays that will provide room for a few additional semi-mechanics will appreciably change the risk to pedestrians for a sidewalk that does not go anywhere and likely will not go anywhere for many years.

Furthermore, the evidence in the record indicates that Public Works does not actually believe planter strips are necessary to reduce pedestrian risk in similar industrial areas. The proportionality analysis offered by Public Works specifically references the Bierson Industrial Park which is located in the same general area (see Exhibit 4). That large industrial development does not have planter strips anywhere. It does not stand to reason that the Bierson Way Industrial Park improvements are, on the one hand, an example that shows the proposed exactions are proportional while at the same time lacking the facilities that are the primary consumption of private land in the challenged condition of approval. No substantial evidence exists in the record that demonstrates the risk to pedestrians is actually reduced by a Planter Strip except an



unsubstantiated claim by Public Works that is directly refuted by their own evidence and testimony on Rough Proportionality.

2. The statement that Judge Lane will be a primary route for pedestrians is not supported by substantial evidence. The City made no attempt to even identify where pedestrians might come from or go to in this area. The evidence in the record shows the area is industrial in all directions for hundreds of feet (with the exception of a small rural residential area in the County with a few houses to the east). The City's record makes no attempt to determine the nature and extent of pedestrian activity likely to occur as a result of the proposed 3,750 square foot metal building. While Dolan may not require such an analysis to involve precise mathematical calculations, the mere assertion that construction of a small industrial building requires a 220-foot section of sidewalk and planter strip in the middle of an industrial area with no such facilities to magically produce an extent of pedestrian usage that justifies the exaction does not make such an assertion true.
3. An analysis of other developments is largely irrelevant. Dolan requires an **individualized determination** of the nature and extent of the impacts of the development in relation to the condition of approval being imposed. Listing other properties where exactions have been justified was actually an argument made by the California Coastal Commission in Nollan to which the Supreme Court lent essentially no weight. No other information about the other developments is provided in the analysis. Were the other developments land divisions where entire streets were required to be developed to provide access to the newly developed lots? Did the other developments involve existing accesses to existing paved streets with curb and gutter? Did the City agree to maintain those streets and have a practical method to do so after dedication and improvement? Without at least a summary of the circumstances related to these other "similar circumstances" there is no way to ascertain how those developments were similar in nature and extent upon which conclusion of Rough Proportionality might be reached. The only logical conclusion that can be drawn from this analysis is that sidewalks at the curb are safe on Bierson Way but not in front of the Applicant's property.
4. In addition to being irrelevant, the above comparison table is also misleading as it relates to right-of-way dedication because it relates the requested right-of-way dedication to the entire property. The entire property is not being developed. If one actually uses the amount of land being developed in relation to the requested right-of-way dedication the ratio increases to 5,639 square feet per acre and this for additional right-of-way to be added to an existing right-of-way; such a dedication is very different in nature and extent from one that creates a new City street where one does not currently exist which would provide new access to a property.
5. What is in the record is that the proposal is likely to generate approximately 26 vehicle trips per day on average. This trip generation is similar to the number of trips generated by 2.5 single family houses. The City's exaction impacts are expected to be on the order of \$53,000 to \$78,000 for a vehicle trip impact that barely uses the City's street system at all and in amount that is equivalent to less than three single-family houses.

The City's findings on Rough Proportionality and its supporting evidence is seriously flawed. Adequate findings and evidence is the City's burden of proof and such burden has not been satisfied in this instance.



CONCLUSION

The Applicant filed the Exception Application and offered the Irrevocable Covenant as a reasonable compromise to get their development approved and obviate the need for future litigation under *the Fifth Amendment*. The Planning Staff recommended approval of the Exception application verbally at the final hearing, subject to the Irrevocable Covenant. The City Attorney's Office opined that the proposed Irrevocable Covenant was legally adequate to assure the improvements to which the Applicant agrees would be carried out.

For whatever reason, SPAC felt that it was not their place to approve the Exception over the continued recommendation of the Public Works Department to deny the Exception, notwithstanding Applicant's willingness to settle this matter and move forward with their development. In deliberating on this issue, the maker of the motion to deny the Exception went so far as to state his desire to see the Applicant appeal SPAC's decision to the Council. Never heard that one before!?

For all the reasons stated above, the Applicant requests that the City Council reverse the action of the Site Plan and Architectural Commission. Actions requested by the Applicant of the Council are either one of the following:

1. Conclude the denial of Exception Application was in error, either due to inadequate findings as a matter of law or insubstantial evidence. Upon reaching such a finding, approve the Exception Application subject to the Irrevocable Covenant offered by the Applicant and their continuing agreement to waive further rights for litigation under *Dolan* if approved as such.
2. Conclude the challenged condition fails to satisfy either the Essential Nexus test required by *Nollan* or the Rough Proportionality test required by *Dolan*. Strike the challenged condition in its entirety.

Very Truly Yours,

CSA Planning, Ltd.



Jay Harland
Principal

cc. File

BEFORE THE MEDFORD SITE PLAN AND ARCHITECTURAL COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF SITE PLAN AND ARCHITECTURAL COMMISSION)
FILE AC-15-115 APPLICATION FOR PROJECT REVIEW SUBMITTED) ORDER
BY JDT TRUCKING)

AN ORDER granting approval of plans for the construction of a 3,750 square foot addition to an existing metal industrial building and associated exception request to eliminate public right-of-way dedications and standard street improvements, situated on a 4.73 acre parcel located on a privately maintained access road that is approximately 970 feet north, then 1,350 feet east of the intersection of Bateman Drive and Table Rock Road (362W36A TL 802, 5600 Table Rock Rd).

WHEREAS:

1. The Site Plan and Architectural Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.285.
2. The Site Plan and Architectural Commission has duly held public hearings on the matter of an application for the construction of a 3,750 square foot addition to an existing metal industrial building and associated exception request to eliminate public right-of-way dedications and standard street improvements, situated on a 4.73 acre parcel located on a privately maintained access road that is approximately 970 feet north, then 1,350 feet east of the intersection of Bateman Drive and Table Rock Road (362W36A TL 802, 5600 Table Rock Rd), with public hearings a matter of record of the Site Plan and Architectural Commission on June 3, June 17, and July 1, 2016.
3. At the public hearings on said application, evidence and recommendations were received and presented by the Planning Department staff; and
4. At the conclusion of said public hearings, after consideration and discussion, the Site Plan and Architectural Commission, upon a motion duly seconded, granted approval and directed staff to prepare a final order with all conditions and findings set forth for the granting of approval.

THEREFORE LET IT BE HEREBY ORDERED that the application of JDT Trucking, stands approved subject to compliance with the conditions stated in the Commission Report dated July 1, 2016.

AND LET IT FURTHER BE OF RECORD that the action of the Site Plan and Architectural Commission approving this application is hereafter supported by the following findings:

CITY OF MEDFORD
EXHIBIT # 2
File # AC-15-115/E-16-042

FINAL ORDER AC-15-115

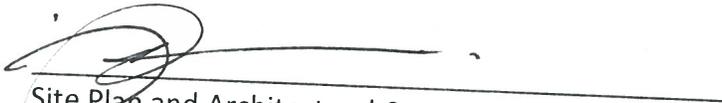
(a) That the proposed development, with the conditions of approval, complies with the applicable provisions of all city ordinances as determined by the staff review.

(b) That the proposed development is compatible with uses and development that exist on adjacent land, based upon information provided in the Applicant's Questionnaire and presented at the public hearing.

BASED UPON THE ABOVE, it is the finding of the Medford Site Plan and Architectural Commission that the project is in compliance with the criteria of Section 10.290 of the Land Development Code.

Accepted and approved this 15th day of July, 2016.

MEDFORD SITE PLAN AND ARCHITECTURAL COMMISSION


Site Plan and Architectural Commission Chair

ATTEST:


Secretary

BEFORE THE SITE PLAN AND ARCHITECTURAL COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF DENIAL OF AN EXCEPTION FOR)

JDT TRUCKING)

[E-16-042])

ORDER

An order for denial of an exception request for the construction of a 3,750 square foot addition to an existing metal industrial building and associated exception request to eliminate public right-of-way dedications and standard street improvements, situated on a 4.73 acre parcel located on a privately maintained access road that is approximately 970 feet north, then 1,350 feet east of the intersection of Bateman Drive and Table Rock Road (362W36A TL 802, 5600 Table Rock Rd).

WHEREAS:

1. The Site Plan and Architectural Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.251 and 10.252; and
2. The Site Plan and Architectural Commission has duly held public hearings on the request for consideration of a 3,750 square foot addition to an existing metal industrial building and associated exception request to eliminate public right-of-way dedications and standard street improvements, situated on a 4.73 acre parcel located on a privately maintained access road that is approximately 970 feet north, then 1,350 feet east of the intersection of Bateman Drive and Table Rock Road (362W36A TL 802, 5600 Table Rock Rd), with public hearings a matter of record of the Site Plan and Architectural Commission on June 3, June 17, and July 1, 2016.
3. At the public hearings on said exception, evidence and recommendations were received and presented by the Planning Department Staff; and
4. At the conclusion of said hearings, after consideration and discussion, the Site Plan and Architectural Commission, upon a motion duly seconded, denied the exception and directed staff to prepare a final order with findings set forth for the exception denial.

THEREFORE LET IT BE HEREBY ORDERED that the exception of JDT Trucking, stands denied per the Commission Report dated July 1, 2016.

AND LET IT FURTHER BE OF RECORD, that the action of the Site Plan and Architectural Commission in denying this request for exception is hereafter supported by the findings referenced in the Commission Report dated July 1, 2016.

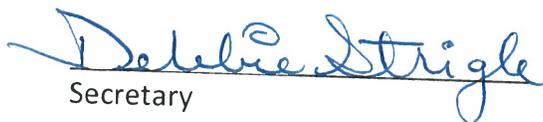
BASED UPON THE ABOVE, the Site Plan and Architectural Commission determined that the exception does not comply with the provisions of law and Section 10.253 criteria for an exception of the Land Development Code of the City of Medford.

Accepted and approved this 15th day of July, 2016.

MEDFORD SITE PLAN AND ARCHITECTURAL COMMISSION


Site Plan and Architectural Commission Chair

ATTEST:


Secretary



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

COMMISSION REPORT

for a Type-C quasi-judicial decision: **Architectural and Site Plan Review**

Project JDT Trucking, Applicant
CSA Planning Ltd., Agent

File no. AC-15-115 / E-16-042

Date July 1, 2016

BACKGROUND

Proposal

Consideration of plans for the construction of a 3,750 square foot addition to an existing metal industrial building and associated Exception request to eliminate public right-of-way dedications and standard street improvements, situated on a 4.73 acre parcel located on a privately maintained access road that is approximately 970 feet north, then 1,350 feet east of the intersection of Bateman Drive and Table Rock Road (362W36A TL 802, 5600 Table Rock Road).

Subject Site Characteristics

Zoning: I-G (General Industrial)
GLUP: GI (General Industrial)
Use: JDT Trucking Company

Surrounding Site Characteristics

| | | |
|-------|--------|---|
| North | EFU | County Zoning – Exclusive Farm Use |
| South | I-L | Various industrial uses |
| East | I-L | Large warehouse structures |
| | RR-2.5 | County Zoning – Rural Residential, 1 unit per 2.5 acres |
| West | I-L | Various industrial uses (Rogue Valley Countertop, Northwest Mechanical) |
| | LI | County Zoning – Light Industrial |

Applicable Criteria

Medford Land Development Code §10.290, Site Plan and Architectural Review Criteria

The Site Plan and Architectural Commission shall approve a site plan and architectural review application if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:

- (1) The proposed development is compatible with uses and development that exist on adjacent land, and
- (2) The proposed development complies with the applicable provisions of all city ordinances, or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in MLDC Section 10.253.

Medford Land Development Code §10.253, Exception Criteria

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority (Planning Commission/Site Plan and Architectural Commission) having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

- (1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The Planning Commission/Site Plan and Architectural Commission shall have the authority to impose conditions to assure that this criterion is met.
- (2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.
- (3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.
- (4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

Corporate Names

The application states that Wayne E. Davis is the owner of the property. The Oregon Secretary of State Business Registry lists James E. Davis as the Registered Agent.

ISSUES AND ANALYSIS

Public Hearing: July 1, 2016

Dick Stark, attorney for the applicant, submitted additional evidence concerning Dolan objections to the requested improvements. The evidence is included as Exhibit BB.

The Commission generally supported the compromise proposed by the applicant; however, the approval of the Exception would represent a significant departure from past practice. The Commission felt that the City Council should decide whether the covenant agreement is acceptable as an alternative to the Deferred Improvement Agreement and in the best interest of city residents.

Additional exhibits S-1, Z, AA and BB were added to the record.

Public Hearing: June 17, 2016

Dick Stark, attorney for the applicant, gave some history on the road and displayed a map that had been prepared by a title company (Exhibit W). He pointed out the location of the private easement that all the adjoining property owners use at the present time. Mr. Stark clarified that the road to the east of the property is not improved.

At the hearing, Mr. Stark offered a compromise that he thought would be to the advantage of the City and not an undue burden on the applicant. The proposal included:

- Commission granting an Exception eliminating the required 8 foot planter strip;
- Applicant will agree dedicate an additional 5.5 feet, for a total half-width of 23.5 feet, at the time the improvements are made;
- Applicant will agree to participate in a Local Improvement District and pay their fair share;
- Applicant will agree to execute a waiver of rights under Dolan/Nollan.

The Commission requested that the Applicant provide the agreement for the Commission for review prior to its decision. The Applicant agreed, and requested a continuance to the July 1, 2016 public hearing.

On June 23, 2016, the applicant's attorney submitted a cover letter, an Irrevocable Covenant, and a Technical Memorandum prepared by CSA Planning (Exhibit X). The Irrevocable Covenant appears to reflect the applicant's verbal testimony, including dedication of an additional 5.5 feet of right-of-way and participation in the cost of the future street construction. Additionally, the cover letter states, "After City approval, the Owners would sign a waiver of their rights under Dolan and 10.668." (Exhibit X, p. 1)

Also on June 23, 2016, Eric Mitton, the Senior Deputy City Attorney, submitted an e-mail stating no objection to the form and terms of the Irrevocable Covenant (Exhibit Y).

Further, "Counsel finds this document to be legally sufficient as a "condition to assure that this criterion is met" for purposes of exception criteria, 10.253."

Public Hearing: June 3, 2016

At the end of the testimony from the agent, the agent requested to leave the record open or to continue the hearing in order to provide additional material. The hearing was continued to the June 17, 2016 Site Plan and Architectural Commission meeting. As of the date of publication, no additional information has been submitted by the applicant or agent. No other revisions have been made to this report.

Background

The subject site borders the city limit line and Urban Growth Boundary along its north property line, and was annexed into the City in 1998 by Ordinance Number 1998-236. Existing improvements include a 3,750 square foot metal building with a 1,350 square foot mezzanine and approximately 8,100 square feet of asphalt. The site is used by JDT Trucking for freight shipping and truck storage and maintenance.

Current Proposal

This proposal is for construction of a 50-foot by 75-foot metal industrial building. The new addition, totaling 3,750 square feet, will attach to the northern wall of the existing building.

Site Plan

The site plan shows the existing and new metal buildings located at the southwest corner of the property. Roughly 35,400 square feet of new asphalt is being proposed for vehicle maneuvering and access to the new repair bays. In addition, the existing parking area will receive new striping, and four new parking spaces will be added just north of the new metal building. The proposal also includes a new French drain near the north property line, a new trash enclosure, and new landscaping. Access points to the south are not proposed to change (Exhibit B).

Eleven vehicle parking spaces and three bicycle parking spaces are provided to serve this development. The Medford Land Development Code Section 10.743 requires 1.0 space per employee on the largest shift, plus 0.2 spaces per 1,000 square feet of gross floor area. Based on a total of 8,850 square feet of gross floor area, and 10 employees on the largest shift, the minimum vehicle parking required is 12 spaces. The three proposed bicycle parking spaces meet the standards of Code and a condition has been included to provide a minimum of 12 vehicle parking spaces (Exhibit A).

The subject site, zoned General Industrial (I-G), abuts parcels zoned Light Industrial (I-L) to the east and west, and Exclusive Farm Use (EFU) to the north (County zoning). Some

form of buffering is required along each of these borders. To the north, the applicant has identified the parcel zoned EFU as engaged in Passive Agriculture and agrees to follow the mitigation procedures outlined in MLDC Section 10.801(D)(3). Those mitigations include a new 6-foot chain link fence adjacent to the new development (from the northwest corner of the lot, approximately 220 feet east), a deed declaration and mitigation of irrigation runoff (Exhibit D). To the east and west, where the subject site abuts parcels zoned I-L, a Type A, 10-foot wide bufferyard with a 6-foot tall concrete or masonry wall is typically required. The Commission has authority in MLDC Section 10.790(E)(6)(c) to adjust required bufferyards in certain circumstances. The applicant has noted the uses for all three properties are long standing and involve similar activities including trucking, fabrication and warehousing. There are existing 6-foot chain link security fences to the east and west separating the properties. The applicant requests the Commission affirm the existing fencing sufficiently meets the adjusted bufferyard requirements.

Elevations

The applicant's narrative states that the proposed addition will match the color and material of the existing building. The existing building is a light tan, vertically-ribbed metal building with a light green roof. The walls of the new structure will be the same color and materials of the existing walls and the roof will be the same materials but the color will be charcoal gray. The roof of the existing building, which is light green, will be painted charcoal gray to match the new addition. Per the Elevations plan, the new structure will be taller than the existing, 29 feet in height versus 25 feet 2 inches. There will be two repair bay doors on the east façade and one on the north façade, and one new light fixture on the north façade (Exhibit C).

Landscaping

According to the applicant's Findings of Fact and Site Plan, existing landscaping consists of planter beds running along most of the length of the eastern and western faces of the existing building. The planter bed running along the western building face currently contains 4-foot high Photinia bushes. There is also a row of Hollywood Juniper trees between the subject property and the abutting property to the west. The planter bed along the eastern building face currently contains a mixture of low ornamental shrubs like Lavender and Raphiolepis. A note has been included that these shrubs will be adapted as needed when the parking striping along this frontage is put in. A new planter bed will be added along the north face of the new building containing low growing shrubs like Lavender and Heavenly Bamboo (Exhibit B).

Department and Agency Comments

Street Dedications

An Exception request to eliminate public right-of-way dedications and standard street improvements on future Judge Lane has been filed concurrently with the Site Plan and Architectural Review. If approved, dedications and public improvements will not be required for this development, but Public Works has requested that should this occur, the developer be required to enter into a Deferred Improvement Agreement (DIA) for the frontage improvements to future Judge Lane. However, if the Exception request does not get approved, standard street improvements will be required as described below (Exhibit I-1).

Note: The Public Works Department submitted a revised Staff Report on June 17, 2016 (Exhibit I-1). The report was revised to remove the recommended condition for the DIA should the Exception be approved. The revised report also recommends denial of the application. Based on that information, the Planning Department recommendation was amended at the hearing to reflect the Public Works Department report.

The Public Works Department Staff Report (Exhibit I-1) identifies future Judge Lane as a Commercial Street, which requires a total right-of-way width of 63 feet. The developer shall dedicate sufficient right-of-way for the half street width of a Commercial Street, which is 31.5 feet, along the entire frontage of this development. The developer shall also provide a 10-foot wide Public Utility Easement (PUE) adjacent to the street frontage of the entire development.

Street Improvements

The frontage of future Judge Lane shall be improved to Commercial Street standards pursuant to MLDC 10.429 along the frontage of this development, which from the southwest corner of the lot is approximately 220 feet to the east. Based on the plans submitted, two street lights will also be required (Exhibit I-1).

Storm Drainage

A comprehensive drainage plan will be required at the time building permits are applied for. Any area catch basins shall meet Department of Environmental Quality (DEQ) requirements (Exhibit I-1).

Sanitary Sewer

The site lies within the Rogue Valley Sewer Services area. The property is served by a connection to an 8-inch sewer main on the existing access road. If the proposed building addition includes the installation of plumbing fixtures, there will be sewer system development charges. Currently the sewer main serving this property is located within

an easement dedicated for ingress and egress. Rogue Valley Sewer Services requests the applicant dedicate a public sewer easement for protection of the existing sewer main. A condition of approval has been included requiring the developer to comply with the Rogue Valley Sewer Services letter, dated April 26, 2016 (Exhibit O).

Water Facilities

The Medford Water Commission (MWC) memorandum identifies neither off-site water line installation or on-site water facility construction is required for this development. Access to MWC water lines is available to this development via a 12-inch water line located in the local access roadway along the south property line of this parcel. Lastly, static water pressure is expected to be over 90 psi and will require the installation of a Pressure Reducing Valve (PRV). A condition of approval has been included requiring the applicant to comply with the memorandum from the Medford Water Commission, dated May 4, 2016 (Exhibit J).

Oregon Department of Aviation

The Oregon Department of Aviation requests the applicant file an FAA Form 7460-1, Notice of Proposed Construction or Alteration, to determine if the structure will pose a hazard to aviation safety. A condition of approval has been included requiring the applicant to comply with the Oregon Department of Aviation letter, dated May 3, 2016 (Exhibit P).

Rogue River Valley Irrigation District

Compliance with the RRVID correspondence was inadvertently omitted as a condition of approval. The Commission added a condition requiring compliance with Exhibit N.

Exception Requests

The applicant has submitted for an Exception in conjunction with the Site Plan and Architectural Review. The request is to eliminate right-of-way dedications and standard street improvements along the frontage of this development. Currently, access to the subject site is obtained via an access easement to Table Rock Road to the west. Right-of-way has not been dedicated between the subject site and Table Rock Road. Judge Lane is partially dedicated and improved from the west end of the subject site to Peace Lane, a portion of roughly 500 feet of Judge Lane is completely unimproved. Approximately 2,000 feet to the east of the subject site, and outside the Urban Growth Boundary, Peace Lane appears to be paved all the way to Vilas Road to the south.

Committee Comments

No comments were received from a committee, such as BPAC.

No other issues were identified by staff.

FINDINGS OF FACT

MLDC 10.290

1. *The proposed development is compatible with uses and development that exist on adjacent land;*

The Commission can find that the applicant's Findings of Fact (Exhibit D) provide sufficient evidence this development is compatible with uses and development that exist on adjacent land. This criterion is satisfied.

2. *The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in MLDC § 10.253.*

The Commission can find that the proposal can be made to comply with the provisions of the code if the Commission approves the Exception request to eliminate right-of-way dedications and standard street improvements, and the applicant satisfies the conditions of approval listed in Exhibit A-2. This criterion is satisfied.

MLDC 10.253

1. *The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met;*

The Commission can either agree or disagree with the applicant's findings regarding criterion 1. To summarize, the applicant concludes the granting of the Exception will be in harmony with the intent of the code, and will not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. In the applicant's findings, it's stated that public street requirements exist to assure access to private streets that are paved and have a curb and gutter, to prevent the generation of dust caused by dirt roads, reduce demarcation of the travel surface, and provide a means of water conveyance off the travel surface by a gutter, all of which are accomplished by the existing improvements (i.e., the private street to the west). Currently any maintenance responsibility for the private street is the private owner's responsibility and not a burden upon the City.

It is noted that street improvement standards are imposed to ensure proper street construction, and to ensure publicly maintained facilities are adequate for all land uses served in the immediate area and for connectivity to a wider area. The applicant states the existing street (i.e., the public street to the east) does not connect to any other streets, and that any connections would require hundreds of feet of street improvements. If the Commission agrees with the applicant's findings, then criterion 1 is satisfied.

As noted in Exhibit Y, the City Attorney's Office finds that the Irrevocable Covenant is legally sufficient as a "condition to assure that this criterion is met" for purposes of this criterion.

Decision: The Commission found that a condition requiring the Irrevocable Covenant proposed by the applicant did not ensure compliance with this criterion.

2. *The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located;*

The Commission can find that granting this Exception will allow for expansion of the existing trucking business and is an outright permitted use in the General Industrial zoning district per MLDC Section 10.337. This criterion is satisfied.

3. *There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner;*

The Commission can either agree or disagree with the applicant's findings regarding criterion 3. To summarize, the applicant concludes that there are several unique or unusual circumstances that apply to this site which do not typically apply elsewhere in the City. For example, any connectivity to the east to Judge Lane would require improvements outside the existing Urban Growth Boundary. Also, the applicant states that right-of-way would need to be acquired from fourteen other properties in order to create a City street. The applicant also points out that dedication for a commercial street would impact the existing parking and loading area in front of the existing building, and result in the loss of the entire fence on the south side of the property causing exceptional hardship on the owner. According to the applicant, none of this is necessary at this time because the property has access via the private street to the west. If the Commission agrees with the applicant's findings, then criterion 3 is satisfied.

4. *The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or*

without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

The Commission can find that the proposal is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without the knowledge of the standards of this code. This criterion is satisfied.

RECOMMENDED ACTION

Staff has prepared two alternative motions for the Commission to consider, one for approval of both the site plan AC-15-115 and exception E-16-042, and one for approval of the site plan AC-15-115 and denial of the exception E-16-042.

Approval of AC-15-115 and E-16-042

Direct staff to prepare Final Orders for approval of AC-15-115 and E-16-042 per the Second Revised Staff Report dated June 24, 2016, including Exhibits A-1 through Y. The Commission grants the Exception request for relief from the required 8-foot planter strip and finds that the Irrevocable Covenant ensures the general purpose and intent of the required street improvements are met. The record is clear that this is an unusual case with a possibility of a challenge based on Dolan. This action does not set any kind of a precedent for future cases. Finally, the Commission accepts the applicant's offer to sign a waiver of their rights under Dolan.

Approval of AC-15-115 and Denial of E-16-042

Direct staff to prepare a Final Order for approval of AC-15-115 and a Final Order for denial of E-16-042 per the Second Revised Staff Report dated June 24, 2016, including Exhibits A-1 through Y, eliminating conditions 1 and 2 in Exhibit A-1.

ACTION TAKEN

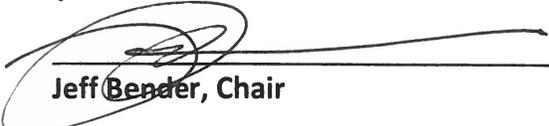
Directed staff to prepare a Final Order for approval of AC-15-115 and a Final Order for denial of E-16-042 per the Second Revised Staff Report dated June 24, 2016, including Exhibits A-1 through Y, eliminating conditions 1 and 2 in Exhibit A-1 and adding a condition requiring compliance with the Rogue River Valley Irrigation District Land Use Agency Response Form (Exhibit N). Additionally, Exhibit S was replaced with Exhibit S-1 and Exhibits Z, AA and BB were added.

EXHIBITS

- A-2 Conditions of Approval dated July 1, 2016
- B Site, Drainage, Utility and Landscape Plan received February 29, 2016

- C Elevations and Floor Plan received February 5, 2016
- D Applicant's Findings of Fact (SPAC) received February 5, 2016
- E Applicant's Findings of Fact (Exception) received March 29, 2016
- F Supplemental Findings of Fact received February 29, 2016
- G Applicant's Exhibits received February 5, 2016
- H Applicant's Exhibits received March 29, 2016
- I-1 Public Works Staff Report received June 17, 2016
- J Medford Water Commission memo received May 4, 2016
- K Medford Fire Department Report received April 29, 2016
- L Medford Building Department memo received May 4, 2016
- M Jackson County Roads letter received April 25, 2016
- N Rogue River Valley Irrigation District Form received May 2, 2016
- O Rogue Valley Sewer Services letter received April 26, 2016
- P Oregon Department of Aviation letter received May 3, 2016
- Q Oregon Department of Transportation email received May 13, 2016
- R Parks and Recreation email received May 24, 2016
- S-1 Notice of Irrevocable Offer to Dedicate, received July 1, 2016**
- T Bargain and Sale Deed (Dedication), received June 17, 2016
- U Jackson County Zoning Clearance Sheet, received June 17, 2016
- V Jackson County Assessor's page with easement identified, received June 17, 2016
- W Medford Land Development Code Section 10.668, received June 17, 2016
- X Letter from Stark and Hammack, P.C., received June 23, 2016
- Y E-mail from Eric Mitton, received June 23, 2016
- Z City Surveyor's depiction of the legal description in Exhibit S-1, received June 30, 2016**
- AA Minor Land Partition County File No. 86-23-MP related to Exhibit S-1, received July 1, 2016**
- BB Letter from Stark and Hammack, P.C., received July 1, 2016**
Vicinity map

SITE PLAN AND ARCHITECTURAL COMMISSION



Jeff Bender, Chair

SITE PLAN AND ARCHITECTURAL COMMISSION AGENDA:

JUNE 3, 2016
JUNE 17, 2016
JULY 1, 2016
JULY 15, 2016

EXHIBIT A-2

JDT Trucking
AC-15-115 / E-16-042
Conditions of Approval
July 1, 2016

Conditions 1 and 2 were deleted by the Commission. Condition 8 was inadvertently omitted and was added by the Commission.

DISCRETIONARY CONDITIONS

- ~~1. Prior to issuance of the first building permit, the applicant shall execute and record the stipulated Irrevocable Covenant (Exhibit X), with a copy of the recorded document provided to the Planning Department. The final language of the document shall be approved by the City Attorney.~~
- ~~2. Execute a waiver of rights under Dolan and MLDC 10.668 as proffered in Exhibit X.~~

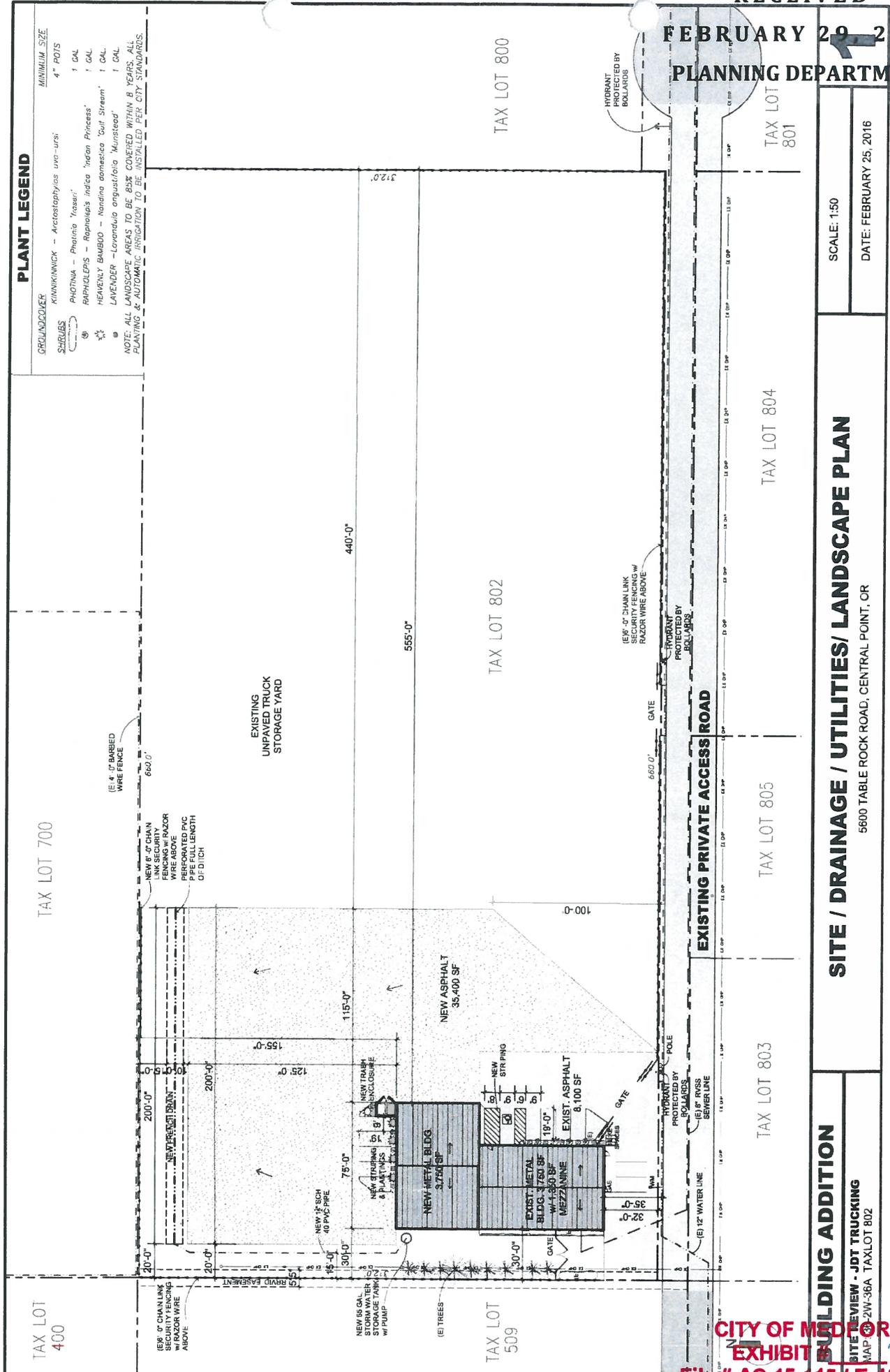
CODE REQUIREMENTS

Prior to issuance of the first building permit, the applicant shall:

3. Submit a revised site plan including the addition of one vehicle parking space, giving a total of 12 vehicle parking spaces and 3 bicycle parking spaces (Exhibit B);
4. Comply with the Public Works Staff Report dated June 17, 2016 (Exhibit I-1), except as modified by the Site Plan and Architectural Commission;
5. Comply with the Medford Water Commission memorandum dated May 4, 2016 (Exhibit J);
6. Comply with the Rogue Valley Sewer Services memo dated April 26, 2016 (Exhibit O);
7. Comply with the Oregon Department of Aviation memo dated May 3, 2016 (Exhibit P);
8. **Comply with the Rogue River Valley Irrigation District Land Use Agency Response Form received May 2, 2016 (Exhibit N).**

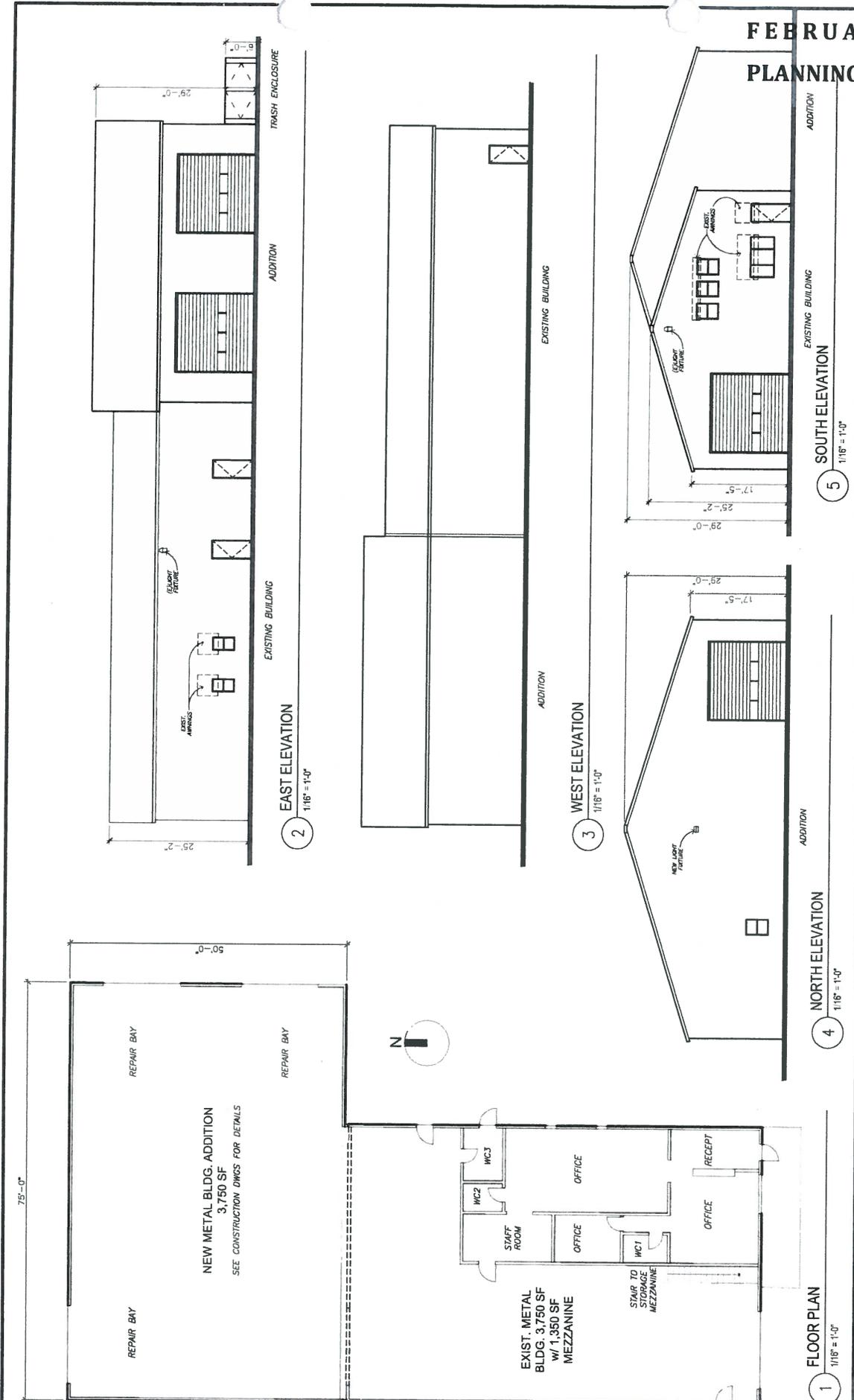
RECEIVED

FEBRUARY 29 2016
PLANNING DEPARTMENT



RECEIVED

FEBRUARY 5, 2016
PLANNING DEPARTMENT



SCALE: 1/16" = 1'-0"
DATE: JANUARY 28, 2016

FLOOR PLAN / ELEVATIONS

5600 TABLE ROCK ROAD, CENTRAL POINT, OR

BUILDING ADDITION
SITING REVIEW - JDT TRUCKING
MAP 5-2W-36A TAXLOT 802

CITY OF BEND
EXHIBIT B

Site Plan and Architectural Review; Exceptions

Applicant: JDT Trucking

Project: Site Plan and Architectural Review

- Exhibit 6.** Hydrological Map depicting subject property
- Exhibit 7.** Key Map and Photos of site and surrounding properties
- Exhibit 8.** Design Plans – SPAC Review Set includes sheets:
 - 1 Site/Drainage/Landscape Plan
 - 2 Floor Plan & Building Elevations
- Exhibit 9.** Light fixture cut sheets
- Exhibit 10.** Agricultural Impact Assessment
- Exhibit 11.** Legal Description of subject property
- Exhibit 12.** Stormwater Management Letter, dated January 4, 2016 from Tony Bakke, P.E. of Construction Engineering Consultants.

III

APPLICABLE SUBSTANTIVE CRITERIA

The criteria under which an application for *Site Plan and Architectural Review* must be considered are in MLDC 10.227 and in 10.253 with respect to *Exception* relief. The relevant approval criteria are recited verbatim below and again in Section V where each is addressed with the conclusions of law proposed by Applicant to be adopted by the City of Medford:

MLDC 10.290 SITE PLAN AND ARCHITECTURAL REVIEW CRITERIA

The Site Plan and Architectural Commission shall approve a site plan and architectural review application if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:

- (1) The proposed development is compatible with uses and development that exist on adjacent land, and
- (2) The proposed development complies with the applicable provisions of all city ordinances, or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in MLDC Section 10.253.

ADDITIONAL CRITERIA

10.801 Agricultural Buffering in Non-Urban Reserve Areas

A. Purpose.

The provisions of this Section related to agricultural buffering implement a policy that was mutually adopted by the City and Jackson County as part of the Urban Growth Boundary Management Agreement as amended. Moreover, the purpose of these provisions is to minimize or mitigate:

- (1) Trespass upon and vandalism of agricultural land which is located in near proximity to urban development.
- (2) Potential adverse impacts on urban development associated with noise, dust, spray drift and surface waters.

B. Applicability.

The provisions of this Section apply to the development permit applications listed below in this subsection where land proposed for urban development is not in an urban reserve (see Regional Plan Element) and abuts and has a common lot line with other land which is zoned Exclusive Farm Use (EFU) or Exclusive Agriculture (EA). However, development which requires City approval for more than one of the below



Site Plan and Architectural Review; Exceptions

Applicant: JDT Trucking

Project: Site Plan and Architectural Review

development permit applications for the same development shall be required to demonstrate compliance with the provisions of this Section only in the first such application.

- (4) Site Plan and Architectural Review or Historic Review where the action being sought will result in the construction of one or more buildings intended for human occupancy as dwellings or for business purposes.

IV

FINDINGS OF FACT

The City of Medford Site Plan and Architectural Commission (“SPAC” or “the Commission”) reach the following facts and find them to be true with respect to this matter:

- 1. Property Location:** 5600 Table Rock Road. The subject property is situated approximately 1,650 feet to the east of Table Rock Road fronting on a private access road. The property is within the corporate limits of the City of Medford and its urban growth boundary. The property abuts the northern edge of the Medford city limits
- 2. Ownership:** The subject property is owned in fee simple by Wayne E. and Rayvon M. Davis .
- 3. Property Description:** The property is identified on the Jackson County Assessor’s Map as Township 36S Range 2W Section 36A, Tax Lot 802.
- 4. Existing Land Use:** The property presently has a 3,750 square foot metal building with a 1,350 square foot mezzanine, that is used by JDT Trucking company. The remainder of the property is used for truck parking and maneuvering.
- 5. Comprehensive Plan (GLUP) and Zoning:** The subject property’s GLUP map designation is *General Industrial*. See, Exhibit 3. The subject property is presently zoned I-G (Industrial-General). See, Exhibit 4.
- 6. Surrounding Land Uses:** The aerial/zoning map, Exhibit 4, accurately depicts the pattern of land partitioning and development in the surrounding area which is primarily industrial uses. Surrounding buildings are primarily constructed of metal, concrete block and concrete. See, Exhibits 4, 5, and 7. The land uses which presently surround the property are:

West: Buildings to the west of the subject property along the north and south side of the access road all have industrial uses. Many of them are trucking & warehousing companies similar to the subject property use, as well as some construction related businesses such as Rogue Valley Countertop. Immediately adjacent to the west is Northwest Mechanical, a sheet metal fabricator.

South: Industrial uses are the predominant use to the south. Some individual mobile homes and legacy residential are present.

East: Large warehouse structures are adjacent to the east. The properties beyond the warehouses and the south end of the access road are vacant. Beyond the vacant properties is a small subdivision of large parcel residential, RR-2.5, properties that are located in the MD-1 Urban Reserve.

North: Bordering the property on the north are county EFU lands, most containing a single residence. No active farming activities are evident on the property north of the subject property.

Site Plan and Architectural Review; Exceptions

Applicant: JDT Trucking

Project: Site Plan and Architectural Review

7. **Water Service:** The property is currently served by the Medford Water Commission’s public water system provided by the City of Medford.
8. **Sanitary and Storm Sewer:** Sanitary sewer service is currently provided by Rogue Valley Sewer Service from an 8” line running down the private road. No storm sewer service is available, so the Applicants are proposing installation of a large french drain system to manage storm run-off on the property that will have details submitted with the construction plans. *See*, Exhibit 12.
9. **Irrigation:** Rogue River Valley Irrigation District’s Coker Butte piped lateral runs north-south underground along the western property line. A five foot wide easement runs along this boundary for this purpose. The other half of the easement lays on the parcel to the west.
10. **Private utilities:** The property has natural gas service provided by Avista.
11. **Streets and Access:** The subject property takes access from a developed private access road that connects to Table Rock Road. In 1998 the parcel property owners at that time dedicated a 18 foot wide strip for road purposes along the southern boundary to Jackson County. This dedication was made to meet a condition of approval in connection with Jackson county files 86-2-V and 86-23-MP which imposed an “irrevocable offer to dedicate” on the parcel. The variance that was approved was for a reduction of the roadway standards. However, only one other parcel has followed through on that dedication and at this time, the dedicated strip serves no purpose and does not connect with any dedicated roadway. All access to the site and adjacent sites is by way of a legal easement on the private road that begins at Table Rock Road running east to end in a cul de sac on the property abutting the Subject Property along its eastern boundary.
12. **Proposed Project:** Applicant’s proposal is to construct a 3,750 square foot, one-story metal building expansion of the existing metal building on site. In addition, the area to the north and east of the new building 35,400 square feet is to be paved to support truck maneuvering and access to the new repair bays.
13. **Commercial and Industrial Site Development Standards**

Section 10.721 The following standards apply to commercial and industrial development.

Table 1

| COMMERCIAL AND INDUSTRIAL DEVELOPMENT | | |
|--|-----------|------------------------------------|
| Standard | I-G | Parcel Compliance |
| MINIMUM & MAXIMUM AREA FOR ZONING DISTRICT (ACRES) | None | - |
| MINIMUM LOT AREA (SQ. FEET) | 10,000 SF | Complies- 206,039 SF 4.73 acres |
| MAXIMUM COVERAGE FACTOR | 90% | Complies- 3.6% coverage |



Site Plan and Architectural Review; Exceptions

Applicant: JDT Trucking

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| COMMERCIAL AND INDUSTRIAL DEVELOPMENT | | |
|--|--|--|
| Standard | I-G | Parcel Compliance |
| MINIMUM LOT WIDTH | 70 feet | Complies- 660'-0" |
| MINIMUM LOT DEPTH | 100 feet | Complies- 312'-0"+/- |
| MINIMUM LOT FRONTAGE | 70 feet | Complies- 660'-0" |
| MINIMUM FRONT & STREET SIDE YARD BUILDING SETBACK | 10 feet, EXCEPT 20 feet for vehicular entrances to garages or carports | Building is located 32 feet from the southern property line abutting the private access road. |
| MINIMUM SIDE & REAR YARD BUILDING SET BACK | None, EXCEPT ½ foot for each foot in building height over 20 feet | Complies: East Side= 555'-0" West Side= 30'-0" Rear yard= 155'-0" |
| MAXIMUM BUILDING HEIGHT | 85 feet, EXCEPT 35 feet if within 150 feet of a residential GLUP or Special Area Plan designation. | Complies. Building is to be 29 feet high. |
| MAXIMUM GROSS FLOOR AREA PER BUSINESS (SQ. FEET) | None | - |
| PERMITTED OUTDOOR USES | See Note 3 | All uses that are not customarily conducted outdoors, are conducted within the building. No sight obscuring fencing is required. |
| Note 3: All uses, EXCEPT those customarily conducted outdoors, must be located behind a sight-obscuring fence | | |

14. Building and site design:

- a. **Building Siting:** The existing building is located at the southwest corner of the property. The addition will attach to the northern wall of the building. *See*, Exhibit 8.
- b. **Materials:** The existing building is a light tan, vertically-ribbed aluminum-zinc coated alloy-coated steel panels over a steel building frame as is typical for industrial buildings. The roof is a light green and of the same material as the wall sheathing. The proposed addition will be taller and will match the color and material of the existing building walls and the roof will be of the same materials, but will be charcoal gray. The existing roof will be painted to match the new panels.
- c. **Use:** The existing building includes warehouse and truck repair shop space plus offices, restrooms and meeting space on the first floor. In addition, the building contains a storage mezzanine above the office space. The new building is intended to be used to expand the shop space to service more vehicles.
- d. **Off-street Parking Supply Analysis:** The current site does not have any striped parking stalls, however informally there are currently 2 spaces in front and room for 6 spaces along the eastern wall of the existing building. *See*, Exhibit 8.



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For Industrial or Warehouse use, the City of Medford requires a minimum of:

1.0 space per employee on the largest shift, plus 0.2 space per 1,000 square feet of gross floor area

Per the calculations below, including the new building, 10 parking spaces, including one handicapped accessible space will be striped for use.

Table 2

| E & R Distributing Parking Calculations | | | | |
|---|--------------------|---------------|-----------|-----------------|
| Building / Floor | Net Square footage | SF/1,000 x .2 | Employees | Total Spaces |
| Existing / First | 3,750 | .75 | 7 | 5.75 |
| Existing / Mezzanine | 1,350 | .27 | 0 | 0 |
| New / First | 3,750 | .75 | 3 | 2.25 |
| TOTALS | 8,850 | 1.77 | 10 | 8 spaces |

Eleven spaces are proposed, including one handicapped accessible space. With fewer than 24 spaces, Section 10.746(3) Parking Area Planters does not apply.

Section 10.748 Bicycle Parking Standards requires 20% of the number of parking spaces be provided. 20% of 11 equals 2.2, rounding up, 3 spaces are provided.

- e. **Landscaping:** Keeping with the industrial nature of the property, landscaping has been kept to a minimum. A row of tall Hollywood Junipers are located along the western property line parallel to the building. Planter beds run most of the length of the eastern and western faces of the existing building. The western planting bed is currently planted with mature four foot high Photinia bushes. The eastern bed contains low ornamental shrubs and will be adapted as needed when the parking striping is put in. A third planter bed will be added along the north side of the new addition adjacent to the added parking spaces and will be planted with low growing shrubs as noted on the Site Plan, Exhibit 8. Planter beds have or will have an automatic irrigation system.
- f. **Fencing:** The existing property has 6 foot high chain link security fencing with razor wire extensions on three sides, east, south and west. On the north side there is an existing 4 foot barbed wire fence.
- g. **Signage:** Exterior signage is existing and there are no plans for any additional signage.
- h. **Exterior Lighting:** Existing lights are building mounted high sodium fixtures. A new light fixture will be added on the northern face of the new building. The proposed light is a full cut-off fixture to prevent light trespass onto other properties with a motion sensor. See cut sheet, Exhibit 9 for example of type of light proposed.

Site Plan and Architectural Review; Exceptions

Applicant: JDT Trucking

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15. Agricultural Buffering: The subject property is located adjacent to land outside of the City Limits that is zoned EFU. Therefore, an Agricultural Impact Assessment has been prepared to ascertain what impacts this might have. *See*, Exhibit 10.

Per the report, the parcel to the north of the subject property, Tax Lot 700, does not appear to have any farming activities. Based on the impact assessment we conclude that the parcel to the north at most is engaged in Passive Agriculture. This being the case, we are proposing to follow the mitigation procedures under section (3) as quoted below:

- (3) **Mitigation - Passive Agriculture.** To minimize or mitigate the adverse potential impacts associated with the proximity of urban and agricultural land uses, the following measures shall be undertaken by the developer when urban development is proposed adjacent to land in passive agricultural use:
 - (a) **Fencing.** A wood fence, chain link fence, or masonry wall, not less than six (6) feet in height shall be installed at the property boundary where the development property adjoins and has a common property line with land zoned EFU or EA. In no case shall a fence or wall be required within a front yard area. The fence or wall used to buffer agricultural land shall comply with the regulations regarding fencing, Sections 10.731 through 10.735. Information shall be provided regarding the long-term maintenance responsibility for the fence or wall.
 - (b) **Deed Declaration.** The deed declaration required in subsection 10.801.D(2)(c) shall be required.
 - (c) **Irrigation Runoff.** Measures appropriate to the circumstances present shall be undertaken by the urban developer to mitigate adverse impacts which occur from periodic naturally occurring runoff and inadvertent agricultural irrigation runoff.

The Applicant can and will meet requirements for agricultural buffering as noted in the report.

V

CONCLUSIONS OF LAW

The Commission reaches the following conclusions of law for each of the relevant substantive criteria with respect to the consolidated applications that involve this matter:

SITE PLAN AND ARCHITECTURAL REVIEW APPLICATION

Criterion 1

MLDC 10.290 SITE PLAN AND ARCHITECTURAL REVIEW CRITERIA

The Site Plan and Architectural Commission shall approve a site plan and architectural review application if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:

- (1) The proposed development is compatible with uses and development that exist on adjacent land, and

Conclusions of Law: The Commission concludes that compatibility, as it is used in MLDC 10.290, requires an evaluation of the aesthetic design and site planning in the context of an allowed use under the zoning code. Consistent with this interpretation, the Commission concludes as follows with respect to the compatibility criterion:

Based upon findings of fact in Section IV and Applicant's plans in Exhibit 8 which illustrate the building, site planning and proposed landscaping, the proposed metal building addition is concluded to be compatible with uses and development on adjacent lands based upon the following:

- **Uses:** This use is an expansion of an existing use on the property. The proposed addition will be used for warehousing and truck repair activities that are consistent with the General Industrial zoning and with the many adjacent industrial uses on three sides of the property. The use can be compatible with the non-farm EFU lands to the north by adding the buffering requirements listed in the Agricultural Impact Assessment.
- **Design:** The addition is proposed to be of the same materials as the existing structure on site, with the same color wall panels. The new roof will be a charcoal gray and the existing panels will be painted to match.
- **Height:** The proposed building height of 29'-0" does not exceed the height allowed by the zone.
- **Landscaping:** The existing planters and trees are to be retained and a new planter added adjacent to the parking spaces. No other plantings are planned on site as this is an industrial area and an industrial use. The parking areas contain only 12 spaces and therefore interior parking landscaping is not required.

In summary, the Commission concludes that the proposed metal building addition is consistent with the existing uses and development on adjacent lands based upon the foregoing findings of fact and conclusions of law, the plans and designs in Exhibit 8 and

Site Plan and Architectural Review; Exceptions

Applicant: JDT Trucking
Project: Site Plan and Architectural Review

conclusions presented in the application. Therefore, the Commission concludes that the Site Plan and Architectural Review application is consistent with Site Plan Review Criterion 1.

Criterion 2

- (2) The proposed development complies with the applicable provisions of all city ordinances, or the Site Plan and Architectural Commission has approved (an) exception(s) as provided in MLDC Section 10.253.

Conclusions of Law: Based upon the plans submitted in Exhibit 10 and the demonstration of compliance with applicable standards as described in the Section IV Findings, the Commission concludes that this project complies with applicable provisions of all city ordinances.

VII

ULTIMATE CONCLUSIONS

Based upon the foregoing findings of fact and conclusions of law, the Commission concludes that the subject application for Site Plan and Architectural Review has been substantiated under the requirements of the MLDC. Therefore, the Planning Commission on behalf of the City orders that these applications be, and the same hereby are, approved and made subject to the conditions imposed on the land use permit.

Respectfully submitted on behalf of applicant on **February 5th, 2016:**

CSA PLANNING, LTD.

Jay Harland
Consulting Planner



RECEIVED

MARCH 29, 2016

PLANNING DEPARTMENT

BEFORE THE SITE PLAN AND ARCHITECTURAL COMMISSION

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

IN THE MATTER OF PRECAUTIONARY)
 EXCEPTION TO PUBLIC IMPROVEMENT)
 REQUIREMENTS FOR A SITE PLAN AND)
 ARCHITECTURAL REVIEW FOR A)
 BUILDING ADDITION ON TAX LOT 802)
 ON ASSESSOR'S MAP36S 2W 36A OFF)
 OF TABLE ROCK ROAD WITHIN AN I-G)
 ZONING DISTRICT WITHIN THE)
 CORPORATE LIMITS OF THE CITY OF)
 MEDFORD, OREGON)

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

Applicant's Exhibit 2

Applicant: JDT Trucking)
 Owner: Wayne Davis)
 Agent: CSA Planning, Ltd.)

I

**SUMMARY AND SCOPE OF
 PRECAUTIONARY EXCEPTION
 AND SUPPLEMENTAL FINDINGS**

On August 12, 2015 the Applicant, JDT Trucking, filed a site plan and architectural review application for a 3,750 square foot steel industrial building as an expansion of the existing building, Planning File No. AC-15-115. The Application was deemed incomplete by Planning Staff on September 10, 2015. The Applicant engaged CSA Planning Ltd. to respond to the incompleteness items. On February 5, 2016, CSA Planning filed additional information in response to the incompleteness items. On February 23, 2016 CSA met with Medford Planning staff where certain additional application materials were requested and the same were furnished on February 25th. On March 8, 2016 CSA and the Applicant met with Medford Planning and Engineering Staff to discuss public improvement issues surrounding the adjacent public right-of-way. A complicated discussion occurred regarding these issues. During that meeting, Medford staff suggested the Applicant request an Exception as one option to address these issues. This Application includes a precautionary exception request. The Application is precautionary because the Applicant was challenged to find the applicable code standard under which improvements would be required in any event and thus offers the Exception application in the alternative should the City first find that an exception is required.

The filing of this Application is not intended and shall not, in any manner whatsoever, limit, nor be construed to limit, any additional legal remedies the Applicant may have with respect to street or right of way improvement exactions requested by the City of Medford.



II

EVIDENCE SUBMITTED WITH APPLICATION

Applicant herewith submits the following evidence with its application for Land Division and Exception:

- Exhibit 1.** Signed and Completed Exception Application Forms with Authorization from the current property owners, Wayne E. Davis and Rayven M. Davis.
- Exhibit 2.** The proposed Findings of Fact and Conclusions of Law (this document) demonstrating how the land division application complies with the applicable substantive criteria of the MLDC
- Exhibit 3.** Jackson County Assessor plat map 36-2W-36A, which contains and depicts the subject property
- Exhibit 4.** Current GLUP Map with Vicinity Map
- Exhibit 5.** Current City of Medford Zoning Map on Aerial
- Exhibit 6.** Future Right-of-Way and Existing Improvements Diagram
- Exhibit 7.** Key Map and photos of surrounding properties.



II

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The criteria under which the application for Exception must be approved are in Section 10.253, of the Medford Land Development Code (MLDC). The approval criteria are recited verbatim below and again in Section V, where each are followed by the conclusions of law:

City of Medford Approval Criteria

EXCEPTION

10.253 Criteria for an Exception

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

- (1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met. (Effective Dec. 1, 2013).
- (2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.
- (3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.
- (4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.



IV

FINDINGS OF FACT

The City of Medford Site Plan and Architectural Commission (“SPAC” or “the Commission”) reach the following facts and find them to be true with respect to this matter:

- 1. Property Location:** 5600 Table Rock Road. The subject property is situated approximately 1,650 feet to the east of Table Rock Road fronting on a public right of way that contains a privately maintained access road. The property is within the corporate limits of the City of Medford and its urban growth boundary. The property abuts the northern edge of the Medford city limits and the UGB.
- 2. Ownership:** The subject property is owned in fee simple by Wayne E. and Rayven M. Davis .
- 3. Property Description:** The property is identified on the Jackson County Assessor’s Map as Township 36S Range 2W Section 36A, Tax Lot 802.
- 4. Existing Land Use:** The property presently has a 3,750 square foot metal building with a 1,350 square foot mezzanine, that is used by JDT Trucking company. The remainder of the property is used for truck parking and maneuvering.
- 5. Comprehensive Plan (GLUP) and Zoning:** The subject property’s GLUP map designation is *General Industrial*. See, Exhibit 4. The subject property is presently zoned I-G (Industrial-General). See, Exhibit 5.
- 6. Surrounding Land Uses:** The aerial/zoning map, Exhibit 5, accurately depicts the pattern of land partitioning and development in the surrounding area which is primarily industrial uses. Surrounding buildings are primarily constructed of metal, concrete block and concrete. See, Exhibits 4, 5, and 7. The land uses which presently surround the property are:

West: Buildings to the west of the subject property along the north and south side of the access road all have industrial uses. Many of them are trucking & warehousing companies similar to the subject property use, as well as some construction related businesses such as Rogue Valley Countertop. Immediately adjacent to the west is Northwest Mechanical, a sheet metal fabricator.

South: Industrial uses are the predominant use to the south. Some individual mobile homes and legacy residential are present.

East: Large warehouse structures are adjacent to the east. The properties beyond the warehouses and the south end of the access road are vacant. Beyond the vacant properties is a small subdivision of large parcel residential, RR-2.5, properties that are located in the MD-1 Urban Reserve.



North: Bordering the property on the north are county EFU lands, most containing a single residence. No active farming activities are evident on the property north of the subject property.

7. **Water Service:** The property is currently served by the Medford Water Commission's public water system provided by the City of Medford.
8. **Sanitary and Storm Sewer:** Sanitary sewer service is currently provided by Rogue Valley Sewer Service from an 8" line running down the private road. No storm sewer service is available, so the Applicants are proposing installation of a large engineered french drain system to manage storm run-off on the property that will have details submitted with the construction plans.
9. **Irrigation:** Rogue River Valley Irrigation District's Coker Butte piped lateral runs north-south underground along the western property line. A five foot wide easement runs along this boundary for this purpose. The other half of the easement lays on the parcel to the west.
10. **Private utilities:** The property has natural gas service provided by Avista and power from PacifiCorp.
11. **Proposed Project:** Applicant's proposal is to construct a 3,750 square foot, one-story metal building expansion of the existing metal building on site. In addition, the area to the north and east of the new building 35,400 square feet is to be paved to support truck maneuvering and access to the new repair bays.
12. **Streets and Access:** The subject property takes access from a developed private access road that connects to Table Rock Road. In 1998, the parcel property owners dedicated a 18 foot wide strip for road purposes along the southern boundary. This dedication was made to meet a condition of approval in connection with Jackson County Planning files 86-2-V and 86-23-MP which imposed an "irrevocable offer to dedicate" on the parcel. The private road is improved with a ~24-foot wide asphalt paved surface and concrete gutters with rolled curbs. The variance that was approved was for a reduction of the roadway standards. Only the subject parcel has followed through on that dedication and at this time, the dedicated strip serves no purpose and does not connect physically with any dedicated roadway. All access to the site and adjacent sites is by way of a legal easement on the private road that begins at Table Rock Road running east to end in a cul-de-sac on the property abutting the Subject Property along its eastern boundary.

The street is privately maintained. It is not maintained by the City. The asphalt surface is approximately 24-feet wide. There is a concrete rolled curb and gutter on each side of the street. While the dedicated right-of-way connects with the right-of-way on Judge Lane to the east, no physical road improvement exists for a distance of approximately 836 feet.

There are considerable physical development constrictions all along this private street that would impede future widening to a full City Standard Commercial Street with a 63-foot right-of-way, as follows:



Findings of Fact and Conclusions of Law

Precautionary Exception for Road Improvements for File No. AC-15-115
JDT Trucking: Applicant

1. A future commercial street would wipe out ~14 existing off-street parking spaces and require the demolition or relocation of a building on Tax Lot 501 (Timber Products Company). It would also wipe out an existing yard fence.
2. A future commercial street would wipe out the loading area and approximately 7 parking spaces on Tax Lot 509.
3. On the subject property, a future commercial street would impair the parking lot in front of the existing building and the loading area on the front of the building. It would also wipe out the existing yard fencing.
4. On the south side of the private street, there are 12 power poles adjacent to the paved surface that would need to be relocated or undergrounded.
5. An existing building on Tax Lot 504 would be wiped out.
6. Three existing parking spaces would be wiped out on Tax Lot 507.

One could assert that a City street can be established over time through incremental exactions as properties develop. In this instance, incremental exactions are unlikely to result in a City Street in this location, especially to the full City of Medford commercial street standard. The paved portion of the private street is approximately 2,158 feet in length. This translates to a combined 4,316 feet of frontage on the north and south sides of the private street. Out of that linear distance on both sides of the street, approximately 44% is fully developed and another 38% is non-vacant and devoted to an employment use (such as semi-truck parking). Only the remaining 18% is vacant. Even if all the land that is not fully developed ultimately redevelops, then ~44% of a future commercial street would need to be directly funded by a City financed improvement to meet the commercial street standard. This essentially requires 1,200 feet of City street to be constructed. The City has not identified the improvement of this private street to a City standard as a needed public improvement and the private street is not identified as a local street on Medford's Transportation System Plan. Moreover, the City of Medford does not have any established revenue stream that is devoted to local public street construction projects. These circumstances make it a remote possibility that the existing privately maintained street will become a City street improved to City standards within the next 20 years – barring a major and unforeseen public policy change with respect to City funding for local street improvements.

In addition to the percentage of the private street that is fully developed, creation of a public City Street that serves any connectivity function would require extension to Judge Lane or to Bierson Lane. Such connections would require construction of 720 feet or 657 feet of new road construction respectively. Approximately 300 feet of an extension of Judge Lane would be on land outside the UGB and on land not selected by the Council for inclusion in the pending UGB amendment.



V

**STREET EXACTION
CODE ANALYSIS**

Prerequisite to taking an exception to a code requirement is the identification of the code section to which the exception is sought. When an exception concerns a public improvement being required as a condition of development approval, there is a heightened need to identify the relevant code standard because such conditions of approval are public exactions and are subject to limitation¹. For the subject application, the Applicant has analyzed the MLDC and found those code sections most relevant to serve as a basis to require right-of-way dedications and public improvements within the right-of-way for the proposed project. The analysis in this Section V identifies such MLDC sections. Each MLDC section is followed by a subsequent code analysis that identifies the reasons the Applicant believes the code section is inadequate to justify an exaction of public improvements for the proposed private property development.

10.421 General Development Design Standards and Criteria

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

Code Analysis: This section of the MLDC provides limited, if any, guidance on what public improvements are properly exacted from which types of developments in which circumstances. Rather, this code section is introductory to the entire public improvements section and simply states that "required" public improvements meet applicable standards when they are properly required by a development and that the cost of such public improvements be borne by the developer. The City must first establish what public improvements are required and then this code section is relevant to the imposition of such standards. In the present case, no public street improvements are "part of the development"; the development is proposed entirely on private property. We are aware of any comprehensive plan provision (or specific plan thereof) which contains requirements that are

¹ Limitation is prescribed by MLD 10.668. Limitation is also prescribed by U.S Supreme Court decisions in *Dolan* and *Nolan*; MLDC 10.668 was also adopted prior to the U.S. Supreme Court decision in *Koontz* which further limits a jurisdiction's ability to use a threat of denial or outright denial as a substitute for satisfying the nexus and proportionality tests required by *Dolan* and *Nolan*.



properly construed as criteria at the time of the development permits for purposes of requiring street improvements in this circumstance.

10.425 Street Access and Dedication Requirements

Prior to the issuance of a development permit, land shown on any development proposal and intended for vehicular use shall have access to a paved street. Land intended for vehicular and accessway use by the general public shall be offered for dedication.

Code Analysis: The facts show that the proposed development has access to a paved street. The land adjacent to the site has already been dedicated. However, the general public has no physical practical way to use this section of right-of-way because there is over 700' of unimproved right-of-way to the east and to the west no public right-of-way intended for vehicular and accessway use by the general public exists; all that exists to the west is a shared private street in an easement for the benefit of the businesses that front on the street.

10.431 Street Improvement

All new street improvements required as a condition of development shall be improved to the standards set forth in this chapter unless otherwise specified herein or excepted as per Section 10.251, Application for Exception. For purposes of this section, the term new street shall be defined as an unimproved street or existing street which does not have curb and gutter.

Code Analysis: This section does not, arguably, provide much guidance on when street improvement conditions are appropriate for the same reason as MLDC 10.421 above.

To the extent it is properly interpreted to provide guidance on where street improvements should be required, that guidance indicates such improvements are not required in the present circumstance. Current standards would only properly be required for "new streets". The existing street is not a new street. The street has a paved asphaltic section for the travel surface and a concrete gutter with rolled curb. The street meets the MLDC definition of a, "Street, Improved" and is not, therefore, a "new" street. Because it is not a "new" street is should be require improvement to current street standards.

10.451 Additional Right-of-Way and Street Improvements

Whenever an improved arterial or collector street are abutting or within a development and do not meet current City Standards, only additional right-of-way, as per Table IV-1 in Section 10.430B, shall be required as a condition to the issuance of a development permit, unless otherwise occupied by structures in which case only a partial dedication will be required.

Code Analysis: This code section is directed at arterial and collector streets and is silent on the requirements for local streets; the subject street is not identified as an existing or future arterial or collector street on the City's TSP functional classification map.

10.481 Improvement Standards Adopted

Except as otherwise set forth in this chapter the Standard Specifications for public works construction by Oregon Chapter, American Public Works Association, City of Medford standards, The Rogue Valley



Stormwater Quality Design Manual, and the Medford Water Commission Standards for Design and Constructing Water Facilities, all of which standards are hereby incorporated herein by reference, are hereby adopted as minimum design and improvement standards for all streets, sidewalks, driveways, storm drain facilities, street lighting, water facilities, and other development improvements in the city of Medford. In the event that there be any conflict between the standards and specifications set forth in said above referenced pamphlets and any of the standards of specifications specifically contained elsewhere in this code, the latter shall prevail.

Code Analysis: This section of the MLDC provides limited, if any, guidance on what public improvements are properly exacted from which types of developments in which circumstances. This section of the code only makes clear the design requirements for new public facilities when they are properly required of a development project.

10.482 Public Improvement Plan Requirements

- A. Prior to the issuance of a development permit and prior to commencement of improvement work, plans and specifications for all public improvements shall be prepared by a professional engineer registered in the State of Oregon in accordance with the design and improvement standards of this Code, and shall be submitted to and reviewed by the City Engineer, except water system plans, which shall be submitted to and reviewed by the Medford Water Commission.
- B. All public improvements shall be constructed and completed under the inspection of and with the approval of the City Engineer.
- C. Without limiting the foregoing, and using City data, public improvement plans shall include typical cross sections and proposed finished grades of all streets, together with a profile showing the relationship between finished grade and existing ground elevations, and the lengths, sizes, grades, and type of all pipes, culverts, and other structures.
- D. Public improvement plans and specifications shall contain performance data reviewed by the developer's engineer demonstrating compliance with all design requirements of this Code. City and Water Commission personnel who check and/or approve public improvement plans and specifications are authorized to accept such performance data at face value without independently verifying the accuracy thereof

Code Analysis: Similar to 10.481, this section of the MLDC provides limited, if any, guidance on what public improvements are properly exacted from which types of developments in which circumstances. This section of the code only makes clear the design, timing and process for new public facilities when they are properly required of a development project.



VI

**EXCEPTION
CONCLUSIONS OF LAW**

For the reasons described in Section V above, the Applicant has been challenged to find the relevant code section under which the City may properly require improvements to the privately maintained street used by the development for access. Notwithstanding this challenge, the Applicant has filed this exception application in an abundance of caution should the Site Plan and Architectural Commission identify a relevant standard under which it believes public improvements to the privately maintained street might be imposed. Based upon the evidence enumerated in Section II and summarized in the Section IV Findings of Fact, the Planning Commission reaches the following Conclusions of Law with respect to this matter:

City of Medford Approval Criteria

10.253 Criteria for an Exception

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority (Planning Commission/Site Plan and Architectural Commission) having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

* * * * *

Exception Criterion 1

(1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The Planning Commission/Site Plan and Architectural Commission shall have the authority to impose conditions to assure that this criterion is met.

Conclusions of Law: As described in the above Section V, the City's public street requirements exist to assure access to private development occurs on streets that are paved and have a curb and gutter. The intent of the City's minimum regulations for street access is to prevent dust being generated from dirt roads, demarcate the travel surface and provide a means or water conveyance off the travel surface by a gutter. These purposes are all served by the existing improvement condition and the access the subject parcel currently enjoys.

The City's more specific street standards exist for a broader purpose. Street improvement standards are intended to assure publicly maintained facilities are adequate for all the land uses they serve both in the immediate area and for connectivity to a wider area. Structural sections are imposed to assure that new street construction is done in a manner that will



withstand the test of time and will not unduly burden the City with street maintenance expenses. In the subject circumstance, the existing street does not connect to any other streets and there are hundreds of feet of street improvements that would need to occur before it would (or could). Even in the unlikely event such a connection might occur, the maintenance responsibility for the private street is the private owners and not the City so no maintenance burden is borne by the City in any event.

Based upon the foregoing, the Site Plan and Architectural Commission concludes the requested exception will not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources.

* * * * *

Exception Criterion 2

(2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

Conclusions of Law: The Site Plan and Architectural Commission conclude that trucking and warehousing uses are outright permitted in the I-G zoning district and nothing in the proposed exception will permit the establishment of the use that is not otherwise allowed in the I-G zoning district.

* * * * *

Exception Criterion 3

(3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

Conclusions of Law: The Site Plan and Architectural Commission herewith incorporate and adopt the Findings of Fact in Section IV and conclude thereupon that there are several unique or unusual circumstances that apply to this site which do not typically apply elsewhere in the City, as follows:

1. A land use decision approved by Jackson County provided for a variance to allow the existing private street configuration. The property was located within the City's UGB at that time and the agreement for right-of-way and street configuration was approved without objection from the City of Medford. The property was later annexed to the City with its existing access condition.
2. Logical extension of the street to serve any connectivity function to the east would require improvements outside the existing UGB and outside the UGB boundary selected by the Council for the pending UGB amendment.



3. The subject property is near the eastern end of the private street and the City has no practical way to access the street for maintenance.
4. Right-of-way would need to be acquired from 14 other properties to create a City street; many of these properties are fully developed and incremental improvements through exactions to eventually establish a City street to commercial standards would likely take many years if not many decades.

The Site Plan and Architectural Commission further concludes that dedication of Right-of-Way for a full City standard commercial street would impact the parking and loading area in front of the existing building and wipe out the entire yard fence on the south side of the property causing exceptional hardship on the owner. Additionally, requiring improvements to construct a City street section that the City cannot physically access to maintain and provides no connectivity benefit represents a peculiar, exceptional and undue hardship on the owner.

Exception Criterion 4

(4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

Conclusions of Law: Based upon the findings in Section IV above, SPAC concludes the existing private street condition was reviewed and approved by Jackson County and the need for the exception is suffered directly by the property in question.

VII

ULTIMATE CONCLUSIONS

Based upon the evidence in Section II and the Findings of Fact in Section IV, the Planning Commission concludes that the case for an Exception to the MLDC is consistent with the relevant criteria in MLDC 10.253 as hereinabove enumerated and addressed.

Respectfully submitted on behalf of Applicant JDT Trucking:

CSA PLANNING, LTD.



Jay Harland
Consulting Planner

Dated March 29, 2016





RECEIVED

FEB 29 2016

PLANNING DEPT.

Memorandum

To: Kelly Akin, Principal Planner
Tracey Carter, Planner I
City of Medford
Planning Department

CSA Planning, Ltd
4497 Brownridge, Suite 101
Medford, OR 97504
Telephone 541.779.0569
Fax 541.779.0114
Bev@CSAplanning.net

Date: February 25, 2016

Re: AC-15-115 - Building Addition at 5560 Table Rock Road

I am writing to follow-up on your discussion of the project with Jay Harland on February 23rd, 2016. My understanding is that there are three issues that require additional information:

1. Buffer standards
2. Block length standards
3. Utility plan

The relevant approval standards regarding Issues 1 and 2 are discussed below. Please see the attached Site Plan depicting the utilities adjacent and onsite.

1. BUFFERYARDS

10.790 Bufferyards

A. Purpose.

Bufferyards are utilized in order to minimize potential conflicts caused by in types and intensity of uses on adjacent properties. Factors to be mitigated include nuisances, such as visual impacts of buildings or parking areas, glare, views from upper story windows, dirt, litter, noise and signs.

B. Location.

Bufferyards shall be located along property lines which define the boundary between one zoning district and another, or along the boundary between a zoning district and a General Land Use Plan Map (GLUP) designation where there is not yet city zoning. The specific location of the bufferyard, relative to the property line, is governed by Subsections C-E. Bufferyards are not required along any portion of a public right-of-way or private street.

C. Determination of Bufferyard Requirements.

- (1) To determine the type of bufferyard required between two adjacent lots, the following procedure shall be followed:
 - (a) Identify the zoning district within which the subject lot with its proposed use is located.
 - (b) Identify the zoning district(s) or, absent city zoning, the GLUP designation(s) within which the abutting lot(s) are located.
 - (c) Determine the bufferyard required along each boundary, or segment thereof, of the subject lot by referring to Subsection D, Tables of Bufferyard Standards, which specify the bufferyard types required between zones or GLUP designations.
 - (d) A standard bufferyard shall be provided in addition to any agricultural buffering required by Section 10.801.
- (2) Responsibility for bufferyard installation. In the case of two abutting vacant lots, the first lot to develop shall provide the buffer required by Subsection D, Tables of Bufferyard Standards. The second use to develop shall, at the time it develops, provide all additional material/land necessary to provide the total bufferyard required of Subsection D, Tables of Bufferyard Standards.

D. Tables of Bufferyard Standards.

The letter designations contained in these tables refer to the bufferyard standards contained in Subsection E, Bufferyard Standards.

| Table 10.790-1. Bufferyard Standards-Zone to Zone | | | | | | | | | | | |
|---|-------------------------|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|
| Subject Site Zoning | Zoning on Abutting Land | | | | | | | | | | |
| | Vac | SFR | MFR | CS/P | C-N | C-C | C-R | C-H | I-L | I-G | I-H |
| I-G | 2 | B | B | B | B | A | A | A | A | - | - |

- 1 A type-A bufferyard shall be provided at the time of development of the site.
- 2 Where the bufferyard will be a type A, based on the current zoning, the entire bufferyard shall be installed. Where the bufferyard will be a type B, based on the current zoning, only the 8-foot wall of the bufferyard shall be installed.
- 3 Only the 8-foot wall of the type-B bufferyard shall be installed.
- Signifies no buffering requirement.

E. Bufferyard Standards.

- (1) This Subsection provides the width of the bufferyard, type of wall required, and the required planting scheme to provide effective screening between adjacent properties having dissimilar land use. For an administratively approved bufferyard, the Standard Planting Scheme as required by 10.790 (E)(1)(a) shall be used unless the applicant wishes to submit a Site Plan and Architectural Review application to have the Commission consider modifying the requirement.
 - (a) Planting Scheme: In addition to compliance with other landscaping provisions in this chapter, bufferyards shall include a variety of plant sizes and shapes and provide effective visual screening between the adjacent properties having dissimilar land uses. The bufferyard shall be planted with trees and shrubs of the appropriate size, shape and spacing to provide a continuous canopy between the top of the wall and a height of 20 feet within ten (10) years. A minimum of 60 percent of the trees used to provide visual screening shall be non-deciduous species. The planting plan shall take into account the nature of the impacts specific to the two sites, particularly building height and locations of windows and lighting.

Table 10.790-3. Bufferyard Types

| Table 10.790-3. Bufferyard Types | | |
|----------------------------------|---------|--|
| Type | Width | Wall |
| A | 10 feet | Six (6) foot concrete or masonry wall. |

- (2) The wall shall typically be placed on the property line between the two uses; however, the approving authority may authorize its location anywhere within the bufferyard. Walls shall be constructed of a material and design that is sight-obstructing, compatible with adjacent uses, and accepted by the approving authority.
- (3) Any part of the bufferyard may be located on the adjoining property provided it is planted with a proportionate share of the required plants and, for any part located outside of the standard setback, a perpetual bufferyard easement is recorded by the property owner. The easement shall allow for the installation and perpetual maintenance of the bufferyard and restrict use of the area to only the bufferyard.
- (4) Encroachments into bufferyards: The bufferyard is intended to provide a minimum amount of space for the required plants to grow and for aesthetic separation between uses. Therefore, this area shall be reserved exclusively for such use. Encroachment of driveways, parking and maneuvering areas, sidewalks, patios, or structures (other than the required fence or wall) are prohibited in the bufferyard area.
- (5) Bufferyard credits: Existing plant materials within the bufferyard area may be counted toward the bufferyard requirement.
- (6) Adjustments to bufferyards: The approving authority shall have the discretion to make adjustments to the bufferyard requirements if an unusual circumstance exists and a finding is made that adequate buffering will be provided to avoid significant adverse impacts to the livability or value of the adjoining properties. Adjustments shall not be made simply for the convenience of site design. Adjustments to the bufferyard requirements may include, but are not limited to, the following:
 - (a) Where a building wall with no openings below eight (8) feet abuts the bufferyard, the building wall may be counted in place of a required wall or fence.
 - (b) Where there is existing development on the site, such as paving or a building, which affects or precludes implementation of the bufferyard standard.
 - (c) Where a proposed project abuts existing development, and the adjacent uses are the same (i.e., apartment parking lot adjacent to commercial parking lot) or are sufficiently compatible that the full buffering, otherwise required, is not necessary and the uses are not expected to change significantly over time.
 - (d) Where a project abuts an irrigation canal, natural waterway, railroad right-of-way, or other such element.

Findings; Conclusions of Law: Per Table 10.790-1 a bufferyard is required between the subject property which is zoned I-G and the properties to the east and west that are zoned I-L.

On the eastern boundary, the parking lot for the industrial shop/warehouses on the site abuts the truck parking area on the subject property. A six foot chain-link security fence separates the two properties. As both sides use the areas for parking and circulation, adding planting would reduce the area available for these activities and would provide little benefit to either side.

On the western boundary, the subject property's truck maneuvering area abuts a driveway for Northwest Specialty Fabrication's sheet metal shop and warehouse on the adjacent property. Like on the eastern boundary, the uses on each side of the boundary are quite similar. A six foot chain-link security fence separates the two properties. Some trees and bushes are existing between the subject property's building and the fence, providing a



visual buffer near the front of the property. However, the Rogue River Valley Irrigation District's Coker Butte piped lateral runs north-south underground, paralleling the western property line. A ten foot wide easement is centered on this boundary for access and maintenance. Half of the easement is on the subject property, the other half of the easement lays on the parcel to the west. Adding planting within the easement area is would impact the Irrigation District's ability to maintain the canal, and adding a wall would not be allowed.

On both borders an existing six foot chain-link security fence is in place which has been sufficient for separating the properties activities. All of the uses on the three properties are long standing and involve similar activities including trucking, fabrication, and warehousing. In addition, along the western boundary, no walls can be constructed due to the irrigation canal easement. The Applicant therefore requests an adjustment to the bufferyard standards per section (6)(c) on the east and west sides and that the Site Plan and Architectural Commission affirm that the existing six-foot chain-link fence is sufficient to meet the bufferyard requirement in these locations.

2. BLOCK LENGTH STANDARDS

10.426 Street Circulation Design and Connectivity

B. Street Connectivity and Formation of Blocks Required.

1. Block layouts shall substantially conform to adopted neighborhood circulation plans for the project area if applicable. Street arrangement and location may depart from the adopted plan if the project will result in a comparable level of overall connectivity. Projects that depart from the neighborhood circulation plan shall conform to planned higher order streets adopted in the City of Medford Transportation System Plan.
2. Proposed streets, alleys and accessways shall connect to other streets within a development and to existing and planned streets outside the development, when not precluded by factors in Section 10.426 C.2 below. When a development proposes a cul-de-sac, minimum access easement or flag lot to address such factors, the provisions of Section 10.450 apply.
3. Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops and other neighborhood activity centers such as schools, office parks, shopping areas, and parks.
4. Streets shall be constructed or extended in projections that maintain their function, provide accessibility, and continue an orderly pattern of streets and blocks.

C. Maximum Block Length and Block Perimeter Length.

1. Block lengths and block perimeter lengths shall not exceed the following dimensions as measured from centerline to centerline of through intersecting streets, except as provided in Subsections 10.426 C.2.

| Table 10.426-1 MAXIMUM BLOCK LENGTH AND PERIMETER LENGTH | | |
|--|--------------|------------------------|
| Zone or District | Block Length | Block Perimeter Length |
| e. Regional Commercial and Industrial Zones | 940' | 3,760' |

2. The approving authority may find that proposed blocks that exceed the maximum block and/or perimeter standards are acceptable when it is demonstrated by the findings that one or more of the constraints, conditions or uses listed below exists on, or adjacent to the site:
 - a. Topographic constraints, including presence of slopes of 10% or more located within the boundary of a block area that would be required by subsection 10,426 C.1.,
 - b. Environmental constraints including the presence of a wetland or other body of water,
 - c. The area needed for a proposed Large Industrial Site, as identified and defined in the Medford Comprehensive Plan Economic Element, requires a block larger than provided by section 10.426 C.1.e. above. In such circumstances, the maximum block length for such a Large Industrial Site shall not exceed 1,150 feet, or a maximum perimeter block length of 4,600 feet,
 - d. Proximity to state highways, interstate freeways, railroads, airports, significant unbuildable areas or similar barriers that make street extensions in one or more directions impractical,
 - e. The subject site is in SFR-2 zoning district,

- f. Future development on adjoining property or reserve acreage can feasibly satisfy the block or perimeter standards
 - g. The proposed use is a public or private school, college or other large institution,
 - h. The proposed use is a public or private convention center, community center or arena,
 - i. The proposed use is a public community service facility, essential public utility, a public or private park, or other outdoor recreational facility.
 - j. When strict compliance with other provisions of the Medford Land Development Code produce conflict with provisions in this section.
3. Block lengths are permitted to exceed the maximum by up to 20% where the maximum block or perimeter standards would require one or more additional street connections in order to comply with both the block length or perimeter standards while satisfying the street and block layout requirements of 10.426 A or B or D,
 4. When block perimeters exceed the standards in accordance with the 10.426 C.2. above, or due to City or State access management plans, the land division plat or site plan shall provide blocks divided by one or more public accessways, in conformance with Sections 10.464 through 10.466.

Findings; Conclusions of Law: The standard for block length per Table 10.426 above is 940 feet. Per Section 3 above, this length can be exceeded by up to 20%, which would equal 1,260 feet. The subject property is located approximately 1,600 feet from Table Rock Road. It is on the north side of an approximately 2,400 foot long existing private access road that terminates in a cul de sac. The properties along the private access road are all industrial and several of them, including the subject property, are large industrial sites that with frontages of 660 to 1,320 feet.

Per Section 2(f), there is potential to connect to the south to Bateman Road across existing vacant land. On the north, no such opportunities exist. The subject property and all of the properties along the north side of the private access road are bounded on the north by Medford's City Limits and Urban Growth boundary. The properties to the north are all county zoned EFU. The lots to the north are dominated by very large rural lots, ranging from 10 to 63 acres, with no existing streets to which a new north-south street or public accessway could connect.

The proposed site plan for the subject property does not preclude a potential accessway or road connection in the future, when and if the properties to the north are annexed and roads are constructed. A considerable amount of undeveloped land will remain that could be used for a road connection if this area is developed in the future.

Thereby, the Commission can conclude that while the block length along the private access road exceeds the maximum block length by more than 20%, requiring an accessway or road connection at this time is unwarranted as there is no road network that they can connect to and therefore would serve no purpose.

Attached please find the updated site plan showing existing utilities. Other than the proposed storm detention system, no other utilities are being extended. Please feel free to call me if there are any questions regarding these issues or if there are additional issues that still need addressing.

Regards,

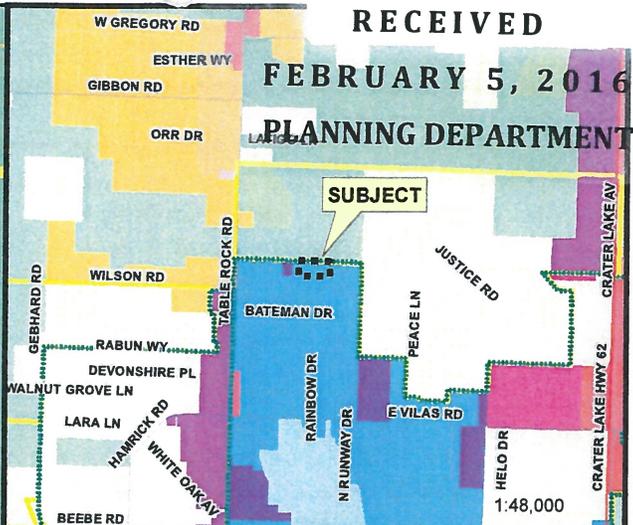
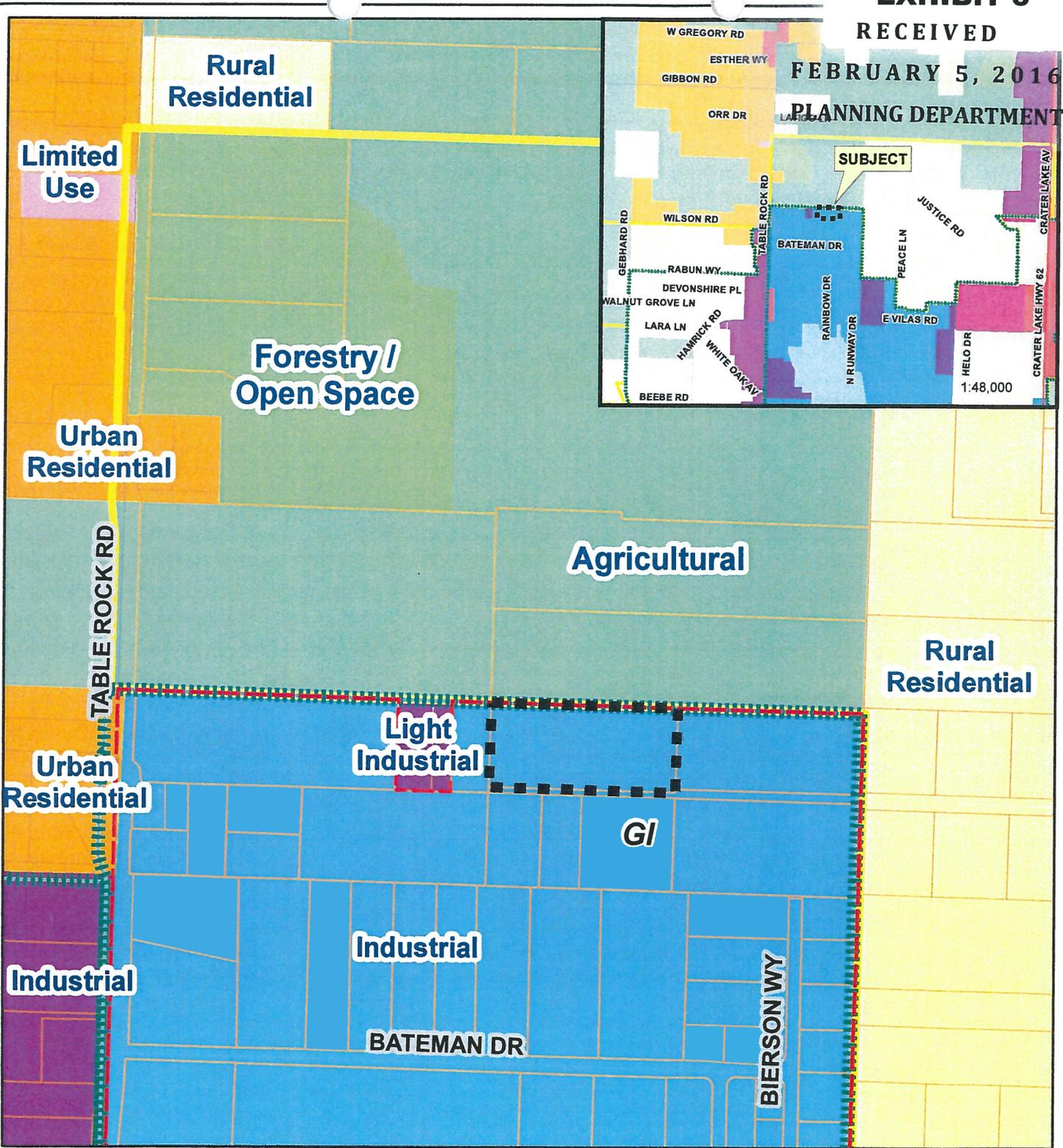
CSA Planning, Ltd.

Beverly Thruston, AIA
Associate

Attached:

| No. | Item |
|------|---|
| 1 ea | Site/ Drainage/ Utility/ Landscape Plan, 8.5 x 11 and 11 x 17 |





| | | |
|--|-----------------------|---|
|  | Subject Lot | County Comp Plan |
|  | City Limits |  Forestry / Open Space |
|  | Urban Growth Boundary |  Agricultural |
|  | Urban Reserves |  Industrial |
|  | Tax Lots |  Limited Use |
| Medford GLUP | |  Rural Residential |
|  | GI |  Urban Residential |

General Land Use Plan (GLUP) Map

JDT Trucking
 Site Plan and Architectural Review
 36-2W-36A-802

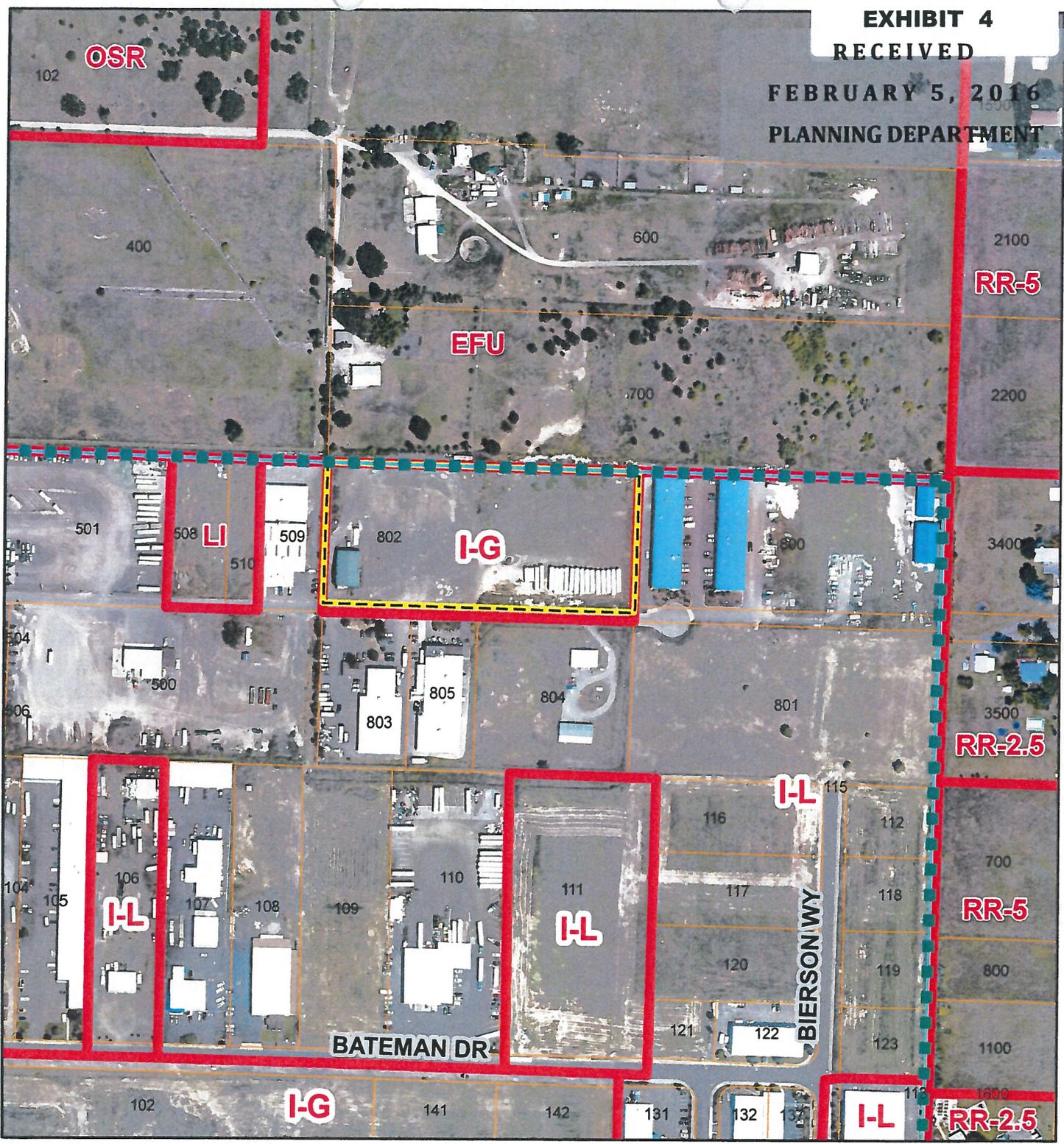


500 250 500 Feet
 CITY OF MEDFORD



EXHIBIT 4
RECEIVED

FEBRUARY 5, 2016
PLANNING DEPARTMENT



- Urban Growth Boundary
- Subject Lot
- Zoning Outline
- Tax Lots

2012 Aerial

Zoning Map on Aerial

JDT Trucking
Site Plan and Architectural Review
36-2W-36A-802

CSA Planning LTD



CITY OF MEDFORD
EXHIBIT #
File # AC-15-115 / E-16-042

FOR ASSESSMENT AND TAXATION ONLY

N.E. 1/4, SEC. 36, T.36S., R.2W., W.M.
JACKSON COUNTY

36 2W 36A
MEDFORD

EXHIBIT 5

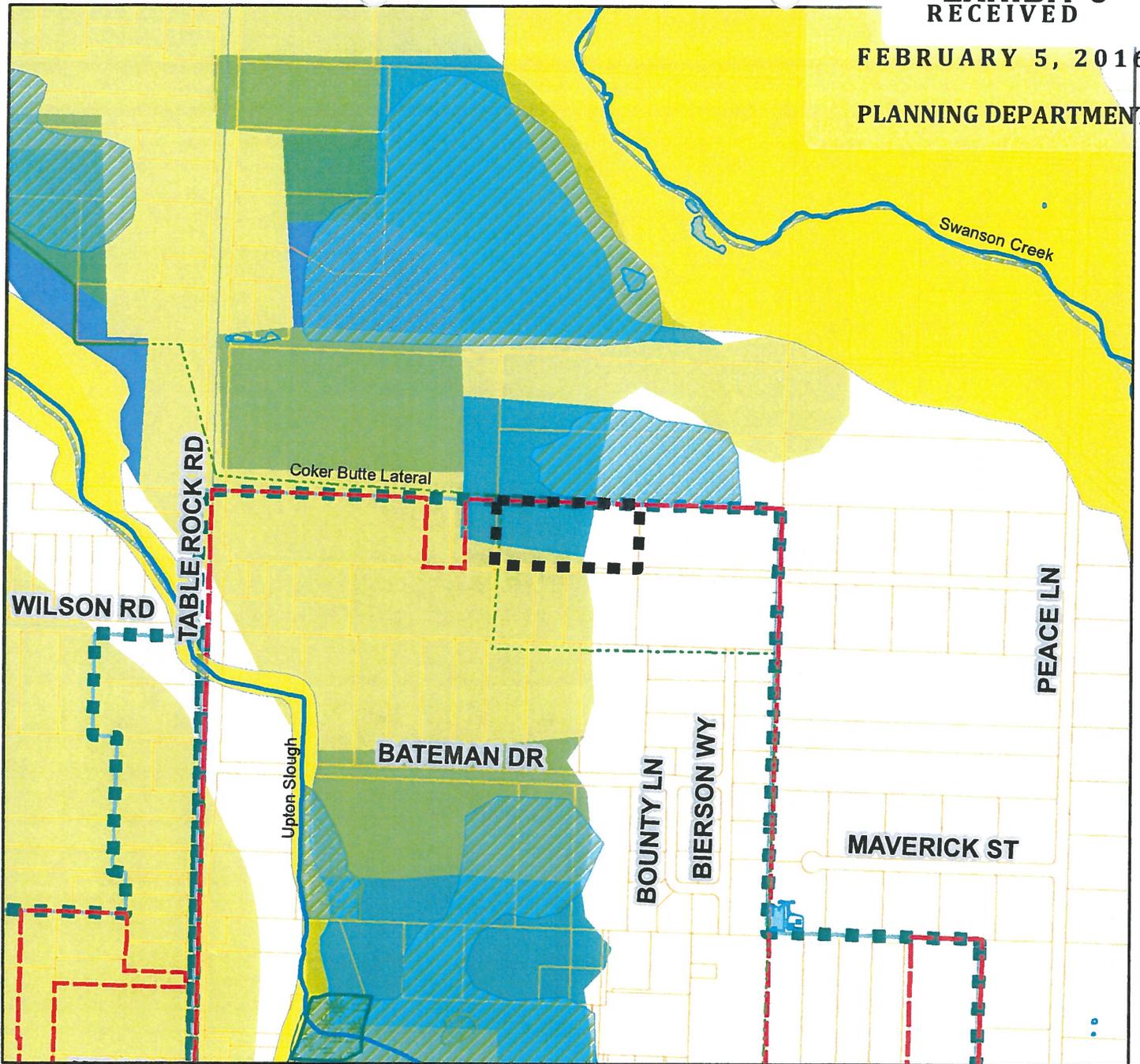
CANCELLED TAX
LOT NUMBERS
101

RECEIVED
FEBRUARY 5, 2008
PLANNING DEPARTMENT

6236A
MEDFORD
JACKSON COUNTY, OREGON
REVISED FEBRUARY 15, 2008



CITY OF MEDFORD
EXHIBIT #



- Subject Lot
- Locally Significant
- Other Wetlands
- Named Streams
- Minor Streams
- Ditches
- Ditches - Tunnels / Siphons
- waterbody med area only
- FEMA Floodplains**
- 100-Year
- City Limits
- Urban Growth Boundary
- Tax Lots

Vernal Pools By Conservation Code

| TOPO/HYDRO | VEG. |
|------------|-----------------|
| | Intact |
| | Altered |
| | Severly Altered |
| | Altered |
| | Severly Altered |
| | Severly Altered |
| | Developed |
| | Undetermined |
| | wetpoly |
| | Lakes & Ponds |

Hydrological Map



JDT Trucking
Site Plan and Architectural Review
36-2W-36A-802

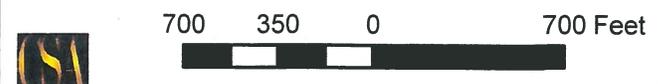


EXHIBIT 7

RECEIVED

FEBRUARY 5, 2016

PLANNING DEPARTMENT



 Photo Location & Direction

 Subject Lot

 Tax Lots

2012 Aerial

Photo Key Map

JDT Trucking
Site Plan and Architectural Review
36-2W-36A-802



CSA Planning LTD



150 75



CITY OF MEDFORD
EXHIBIT #

File # AC-15-115/5-16-042

FEBRUARY 5, 2016

PLANNING DEPARTMENT



① Northwest corner of Subject Building, facing private road



② Southwest corner of Subject Building adjacent to entry gate



③ North (rear) facade of Subject Building



④ Main entry gate

Legend

② Photo ID Number

Site Photos

SITE PLAN and ARCHITECTURAL REVIEW

5560 Table Rock Road, Central Point, OR

JDT Trucking

CITY OF MEDFORD
EXHIBIT # _____
File # AC-15-115 / E-16-042

FEBRUARY 5, 2016

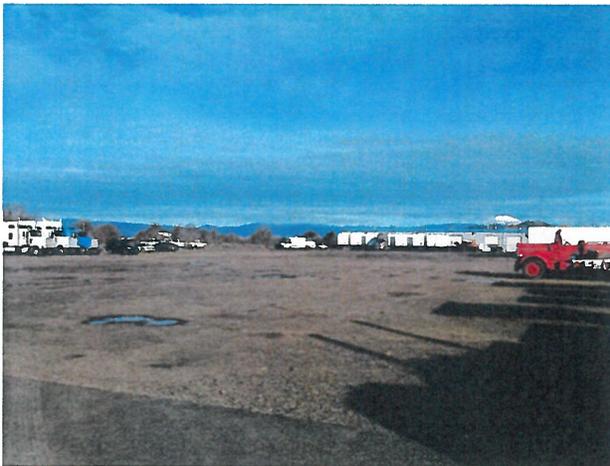
PLANNING DEPARTMENT



5 Looking West from rear yard toward building on adjacent Tax Lot 509



6 Looking North from Subject Building toward Tax Lot 700



7 Looking East across Truck Parking Area



8 East entry gate to Parking Area

Legend

2 Photo ID Number

Site Photos

SITE PLAN and ARCHITECTURAL REVIEW

5560 Table Rock Road, Central Point, OR

JDT Trucking

CITY OF MEDFORD

EXHIBIT # _____

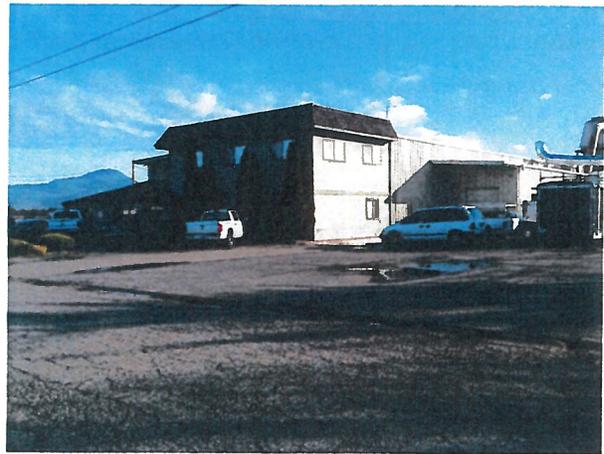
File # AC-15-115 / E-16-042

FEBRUARY 5, 2016

PLANNING DEPARTMENT



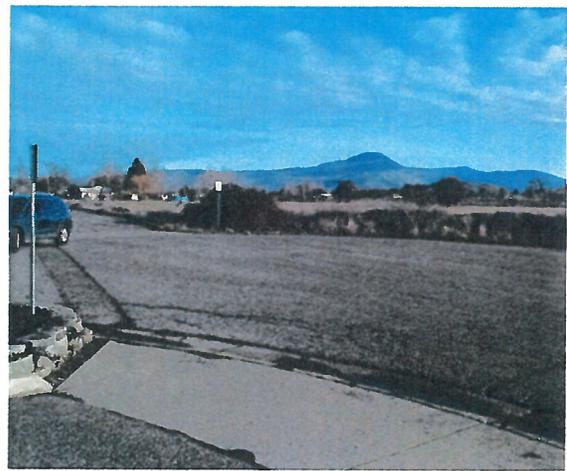
9 Adjacent buildings on Private Road, East of Subject property



10 Buildings to the South, across the Private Road



11 Storage Building at cul de sac end of Private Road



12 Looking Southeast across cul de sac end of Private Road

Legend

2 Photo ID Number

Surrounding Area Photos

SITE PLAN and ARCHITECTURAL REVIEW

5560 Table Rock Road, Central Point, OR

JDT Trucking

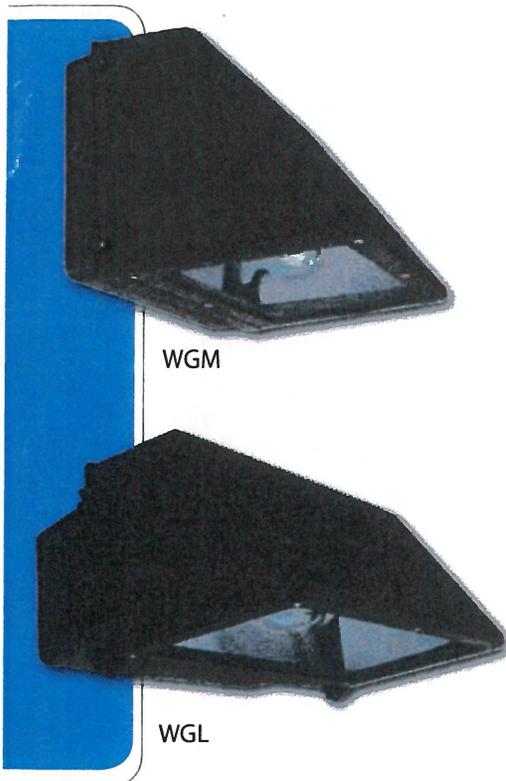
CITY OF MEDFORD
EXHIBIT # _____
File # AC-15-115 / E-16-042

NEW – WGM/WGL full cut-off wallpacks

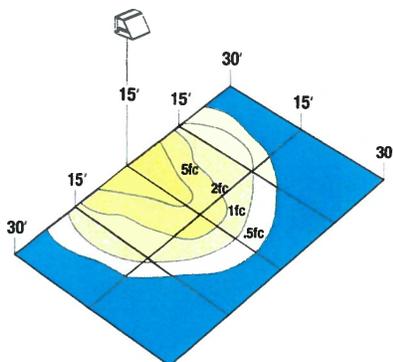
Hubbell Outdoor Lighting's new WGM/WGL are designed for entry and perimeter lighting with typical mounting heights of 10'-15' for the WGM and 15'-25' for the WGL. Use where full cut-off light control is required. Typical applications are commercial, office, warehouse and locations.

Key Features & Benefits

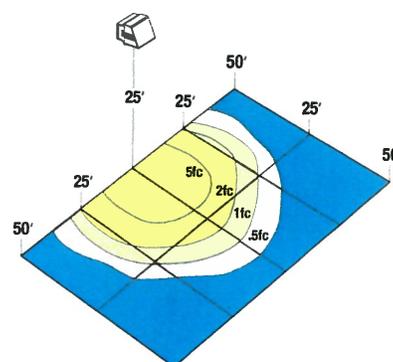
- Two sizes for proper architectural scale
 - WGM – 10-15 ft typical mounting heights
 - WGL – 15-25 ft typical mounting heights
- No uplight – Neighbor friendly
- Die-cast aluminum construction for durability, rigid mounting and excellent heat dissipation for long life
- Clear, tempered, impact resistant glass lens
- 1/2" hubs – top and side locations for surface conduit or photocontrol
- Energy efficient pulse start metal halide, HPS and CFL sources
- WGM-84F-MS42 motion sensor energy saver – illuminates one 42w lamp standard with motion sensor control of second lamp. 50% energy savings when activity is not present. Can be field wired to total sensor control if desired
- Dark Bronze powder coat finish protects housing and provides lasting appearance
- UL1598 listed for use in wet locations



WGM PHOTOMETRIC PERFORMANCE



WGL PHOTOMETRIC PERFORMANCE



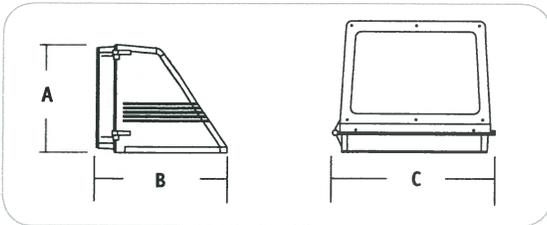
ORDERING INFORMATION ON REVERSE SIDE

ORDERING INFORMATION



| CATALOG NUMBER | WATTAGE/SOURCE | VOLTAGE | FINISH | LAMP | WEIGHT LBS. (KG) |
|---------------------------------|----------------|---------------------|--------|----------|---------------------|
| WGM – Medium Base or CFL | | | | | |
| WGM-100P | 100w PSMH | 120, 208, 240, 277V | Bronze | ED17 | 18 (8.2) |
| WGM-150P | 150w PSMH | 120, 208, 240, 277V | Bronze | ED17 | 19 (8.6) |
| WGM-150S | 150w HPS | 120, 208, 240, 277V | Bronze | ED17 | 18 (8.2) |
| WGM-84F | 2x42w CFL | 120-277V | Bronze | 3u-4 Pin | 16 (7.3) |
| WGM-84F-MS42¹ | 2x42w CFL | 120V | Bronze | 3u-4 Pin | 16 (7.3) |

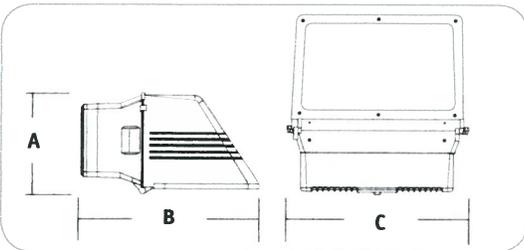
¹ CFL lamps are 3500K, sensor has adjustable time and sensitivity controls



| A | B | C |
|--------|--------|--------|
| 9.25" | 11.4" | 14.2" |
| 235 mm | 290 mm | 361 mm |



| CATALOG NUMBER | WATTAGE/SOURCE | VOLTAGE | FINISH | LAMP | WEIGHT LBS. (KG) |
|---------------------------------|----------------|---------------------|--------|------|---------------------|
| WGM – Medium Base or CFL | | | | | |
| WGL-250P | 250w PSMH | 120, 208, 240, 277V | Bronze | ED28 | 27 (12.3) |
| WGL-320P | 320w PSMH | 120, 208, 240, 277V | Bronze | ED28 | 28 (12.7) |
| WGL-250S | 250w HPS | 120, 208, 240, 277V | Bronze | ED18 | 32 (14.5) |
| WGL-400S | 400w HPS | 120, 208, 240, 277V | Bronze | ED18 | 32 (14.5) |



| A | B | C |
|--------|--------|--------|
| 9.84" | 17.2" | 18" |
| 250 mm | 438 mm | 456 mm |

EXHIBIT 10

AGRICULTURAL IMPACT ASSESSMENT REPORT

– January 2016

5560 Table Rock Road, Central Point, OR

RECEIVED
FEBRUARY 5, 2016

PLANNING DEPARTMENT

C. Information Required: Agricultural Impact Assessment Report.

As part of any land use or development application listed in Subsection 10.801.B where the agricultural buffering provisions in Subsections 10.801.A through E apply, an applicant for such application shall supply the Planning Department with the following information in a report entitled "Agricultural Impact Assessment Report":

- (1) An excerpt of a City of Medford and/or Jackson County zoning map showing the zoning of land adjacent and within two hundred (200) feet of the property proposed for urban development.

See attached map. Tax Lot 700 to the north of the subject property is zoned EFU.

- (2) A description of the type and nature of agricultural uses and farming practices, if any, which presently occur on adjacent lands zoned EFU or EA and sources of such information. The information thus required, if applicable, shall include:
 - (a) **Method of irrigation.** An examination of Jackson County GIS groundwater rights data and historic aerial photographs indicate the property does not have irrigation rights.
 - (b) **Type of agricultural product produced.** The property does not appear to be producing any agricultural products. The aerial photographs and partial perimeter fencing indicate the property may be used for livestock rearing however none were witnessed on site and none are evident on historic aerial photographs. The property appears to primarily be used for rural residential purposes.
 - (c) **Method of frost protection.** Unknown
 - (d) **Type of agricultural equipment customarily used on the property.** Based on vegetative patterns evident on recent aerial photographs, it appears the westerly portion of the property, near the house, garden and outbuildings is mowed. Whether the property is mowed for purposes of grass hay or simply fire danger is unknown. Regardless, the typical method for mowing pasture is to use a tractor with a rotary style pto driven pull-behind mover. Given the small area, it is quite possible they used a lawn tractor.

- (3) Detailed information obtained from the Natural Resources Conservation Service (NCRS) concerning soils which occur on adjacent lands zoned EFU or EA, and whether the land has access to water for irrigation.

Soils on the westerly one third and easterly one third of the property are 6B Agate Winlo Complex with a Class IV nonirrigated rating. The middle one third includes 33A Coker Clay, that also a Class IV nonirrigated rating.

- (4) **Wind pattern information.** Prevailing winds are from the west northwest.
- (5) A description of the measures proposed to comply with the requirements of Subsections 10.801.A through E.
 1. Installation of a 6 foot chain link fence. Fence to be maintained by subject property owners.
 2. Filing of a deed declaration.
 3. Subject property is higher in elevation than EFU property, therefore if the EFU property were to ever become irrigated, no adverse run-off would be anticipated.
 4. Subject property run-off will be directed to new French drain.

- (6) The persons who prepared said report and all persons, agencies, and organizations contacted during preparation of the report. Michael Savage, CSA Planning.
- (7) All statements shall be documented, sources given as reference, and any other detailed information needed to substantiate conclusions should be provided in the appendices. None needed.

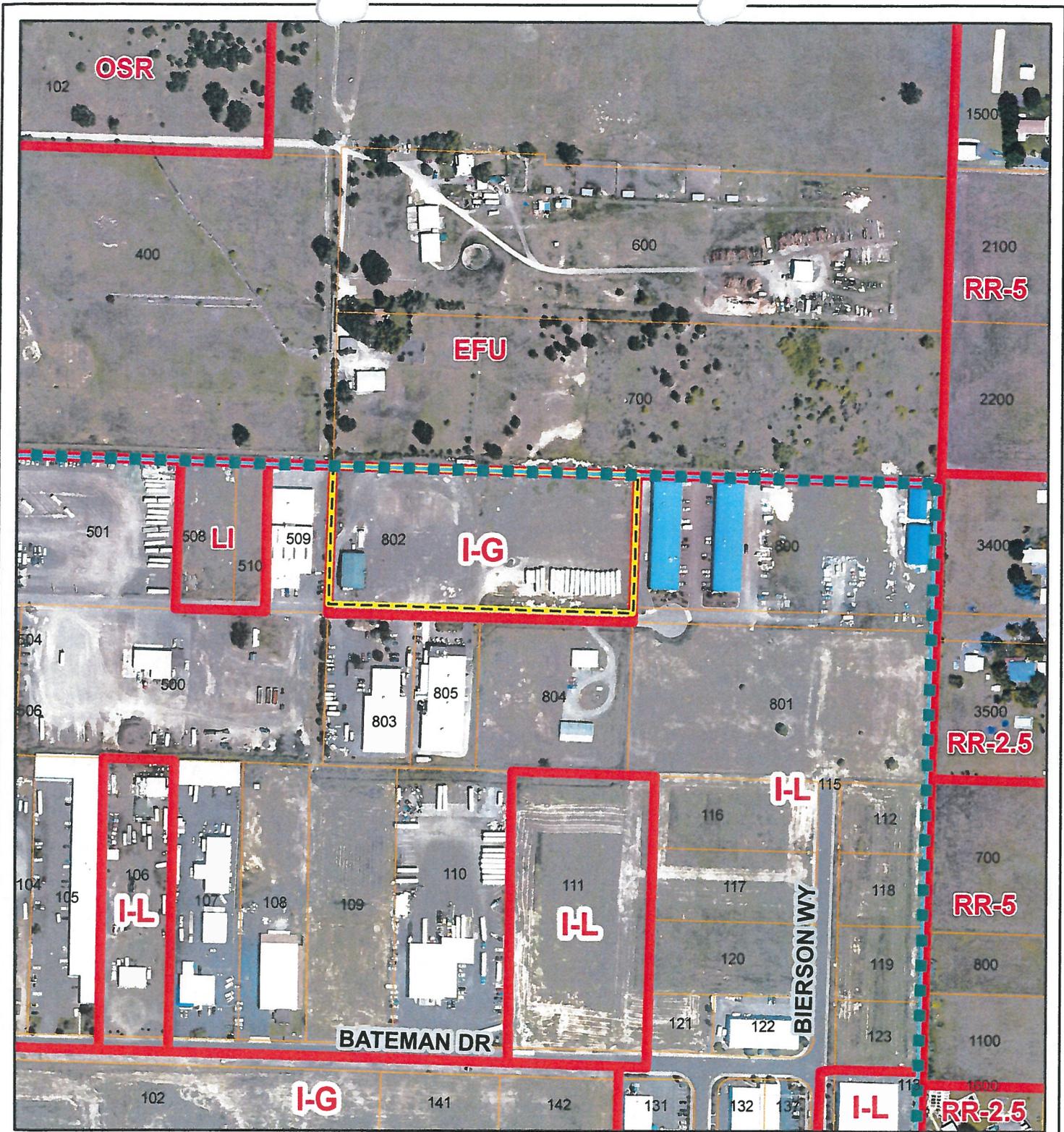
D. Mitigation and Impact Management.

- (1) Agricultural Classification (Intensive or Passive). For the purposes of this Section, agricultural land is hereby classified as either intensive or passive. Intensive agriculture is defined as farming which is under intensive day-to-day management, and includes fruit orchards and the intensive raising and harvesting of crops or, notwithstanding its current use, has soils of which a majority are class I through IV as determined by the NRCS, has irrigation water available and is outside of the Urban Growth Boundary. Passive agriculture is defined as farming that is not under intensive day-to-day management, and includes land used as pasture for the raising of livestock. The approving authority shall determine whether adjacent agricultural uses are intensive or passive based upon the specific circumstances of each case and the nature of agriculture which exists on the adjacent land zoned EFU or EA at the time the urban development application is filed and accepted by the City.

Based on our analysis of the adjacent EFU zoned lands, the property appears to be used primarily for rural residential purposes that are neither intensive nor passive agriculture. However, it is possible that the property is used for the raising of livestock and/or seasonal nonirrigated grass hay and is therefore considered passive agriculture under this provision.

- (3) Mitigation - Passive Agriculture. To minimize or mitigate the adverse potential impacts associated with the proximity of urban and agricultural land uses, the following measures shall be undertaken by the developer when urban development is proposed adjacent to land in passive agricultural use:
 - (a) Fencing. A wood fence, chain link fence, or masonry wall, not less than six (6) feet in height shall be installed at the property boundary where the development property adjoins and has a common property line with land zoned EFU or EA. In no case shall a fence or wall be required within a front yard area. The fence or wall used to buffer agricultural land shall comply with the regulations regarding fencing, Sections 10.731 through 10.735. Information shall be provided regarding the long-term maintenance responsibility for the fence or wall.
 - (b) Deed Declaration. The deed declaration required in subsection 10.801.D(2)(c) shall be required.
 - (c) Irrigation Runoff. Measures appropriate to the circumstances present shall be undertaken by the urban developer to mitigate adverse impacts which occur from periodic naturally occurring runoff and inadvertent agricultural irrigation runoff.

See, Item 5 herein above.



-  Urban Growth Boundary
-  Subject Lot
-  Zoning Outline
-  Tax Lots

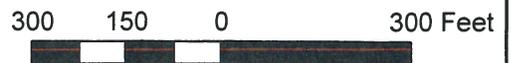
2012 Aerial

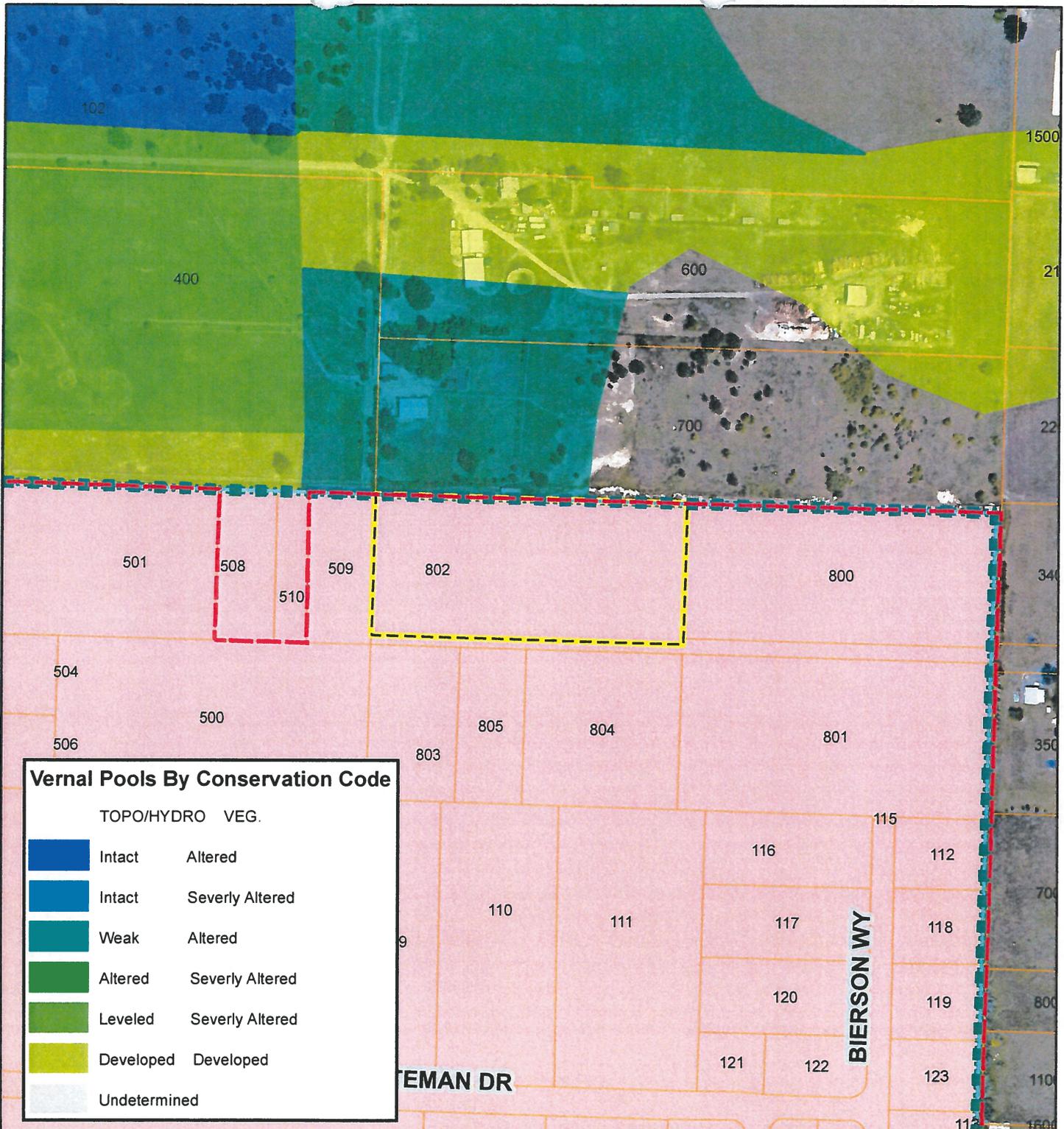
Zoning Map on Aerial

JDT Trucking
 Site Plan and Architectural Review
 36-2W-36A-802




 CSA Planning LTD





Vernal Pools By Conservation Code

| | TOPO/HYDRO | VEG. |
|--|--------------|-----------------|
| | Intact | Altered |
| | Intact | Severly Altered |
| | Weak | Altered |
| | Altered | Severly Altered |
| | Leveled | Severly Altered |
| | Developed | Developed |
| | Undetermined | |

- City Limits
- Urban Growth Boundary
- Subject Lot
- Tax Lots

Potential Vernal Pools

**JDT Trucking
Site Plan and Architectural Review
36-2W-36A-802**

2012 Aerial

300
150
0
300 Feet



LEGAL DESCRIPTION

RESE FOR REC

EXHIBIT 11

RECEIVED
 Jackson County Official Records 2013-022698
 R-WD FEBRUARY 5 2 53:26 PM '13
 Stn=1 SHINGLJS 07/02/2013 02:53:26 PM '13
 \$10.00 \$11.00 \$10.00 \$10.00 \$15.00 \$54.00
 PLANNING DEPARTMENT
 I, Christine Walker, County Clerk for Jackson County, Oregon, certify
 that the instrument identified herein was recorded in the Clerk
 records.
 Christine Walker - County Clerk

After recording return to:
 Wayne E. Davis and Rayven M. Davis
 5575 Table Rock Road
 Central Point, OR 97502

Until a change is requested all tax statements
 shall be sent to the following address:
 Wayne E. Davis and Rayven M. Davis
 5575 Table Rock Road
 Central Point, OR 97502

Escrow No. AP0800773
 Title No. 0800773
 SWD r.020212

STATUTORY WARRANTY DEED

Plunk Transportation Inc.,

Grantor(s), hereby convey and warrant to

Wayne E. Davis and Rayven M. Davis, as tenants by the entirety,

Grantee(s), the following described real property in the County of Jackson and State of Oregon free of encumbrances except as specifically set forth herein:

The West Half of the North Half of the South Half of the Southeast Quarter of the Northeast Quarter of Section 36, Township 36 South, Range 2 West, of the Willamette Meridian in Jackson County, Oregon. EXCEPTING THEREFROM that portion deeded to the City of Medford, an Oregon Municipal Corporation, as set forth in instrument recorded as No. 98-26314 of the Official Records of Jackson County, Oregon.

For Informational purposes only, the following is included:
 (Map No. 362W36A, Tax Lot 802, Account No. 1-064450-6, Code 6-35)

The true and actual consideration for this conveyance is PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR/GRANTEE.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

2013-2014 Real Property Taxes a lien not yet due and payable.

RECEIVED
 AUG 11 2015
 PLANNING DEPT.
 RECEIVED
 FEB 05 2016
 PLANNING DEPT.

CITY OF MEDFORD
 EXHIBIT # _____
 File # AC-15-115 / E-16-042
 CITY OF MEDFORD
 EXHIBIT # _____
 File # AC-15-115

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

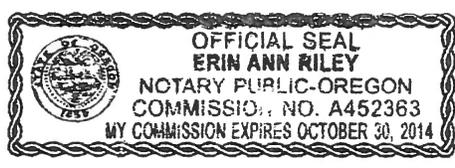
Dated this 1 day of July, 2013.

Plunk Transportation Inc.
BY: 
Steven Plunk, President
BY: 
Brenda Plunk-Walters, Vice-President

STATE OF OREGON
County of Jackson

This instrument was acknowledged before me on July 1, 2013, by Steven Plunk as President and Brenda Plunk-Walters as Vice-President of Plunk Transportation Inc..


Notary Public for Oregon
My Commission Expires: 10.30 2014



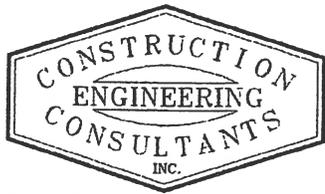


EXHIBIT 12

RECEIVED

FEBRUARY 29, 2016

PLANNING DEPARTMENT

P.O. BOX 1724 • MEDFORD, OR 97501 • PH (541) 779-5268 • FAX (541) 779-3139

January 4, 2016

CSA Planning
4497 Brownridge Terrace, Ste. 101
Medford, OR 97504

Attn: Beverly Thruston

RE: JDT Trucking – Stormwater Management – #AC-15-115

Dear Beverly:

The proposed improvement for the above mentioned project will include stormwater facilities (detention and water quality). All stormwater facilities will be designed to meet the current City of Medford stormwater design requirements. Detailed engineered design and hydraulic calculations will be provided with the construction plans.

If you have any questions, comments, or need additional information, please feel free to give me a call.

Sincerely,

Tony Bakke, P.E.
Construction Engineering Consultants, Inc.

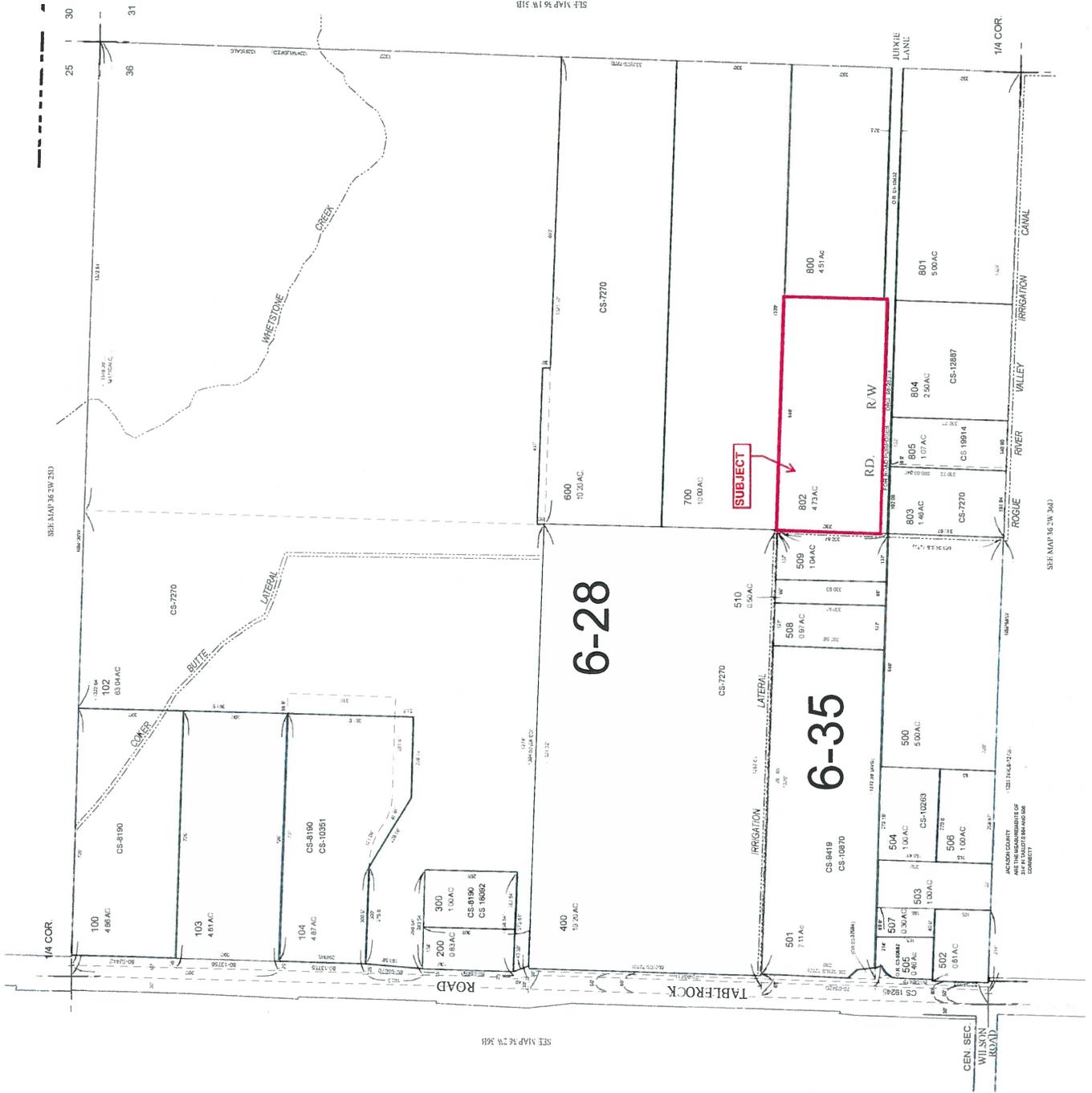
N.E.1/4, SEC.36, T.36S., R.2W., W.M.
JACKSON COUNTY

36 2W 36A
MEDFORD

EXHIBIT 3

FOR ASSESSMENT AND
TAXATION ONLY

CANCELLED TAX
LOT NUMBERS
101



RECEIVED
MARCH 29, 2016
PLANNING DEPARTMENT

36 2W 36A
MEDFORD
DOR CONVERSION MARCH 09, 2000
REV FEBRUARY 15, 2008

6-28

6-35

SUBJECT

CITY OF MEDFORD
EXHIBIT # H
File # AC-15-115 / E-16-042

EXHIBIT 4

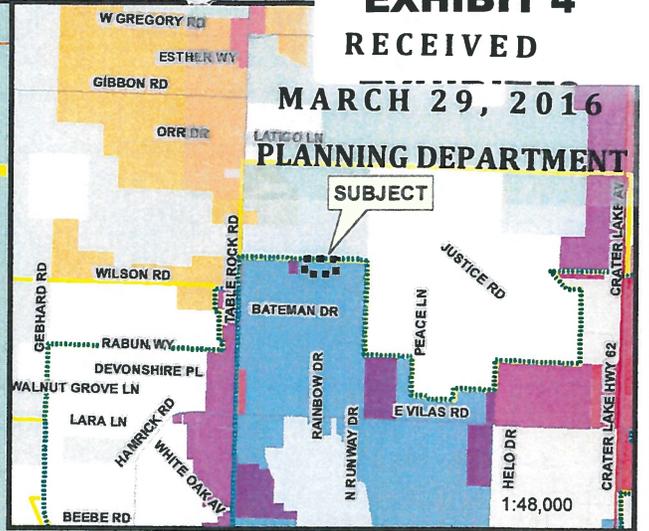
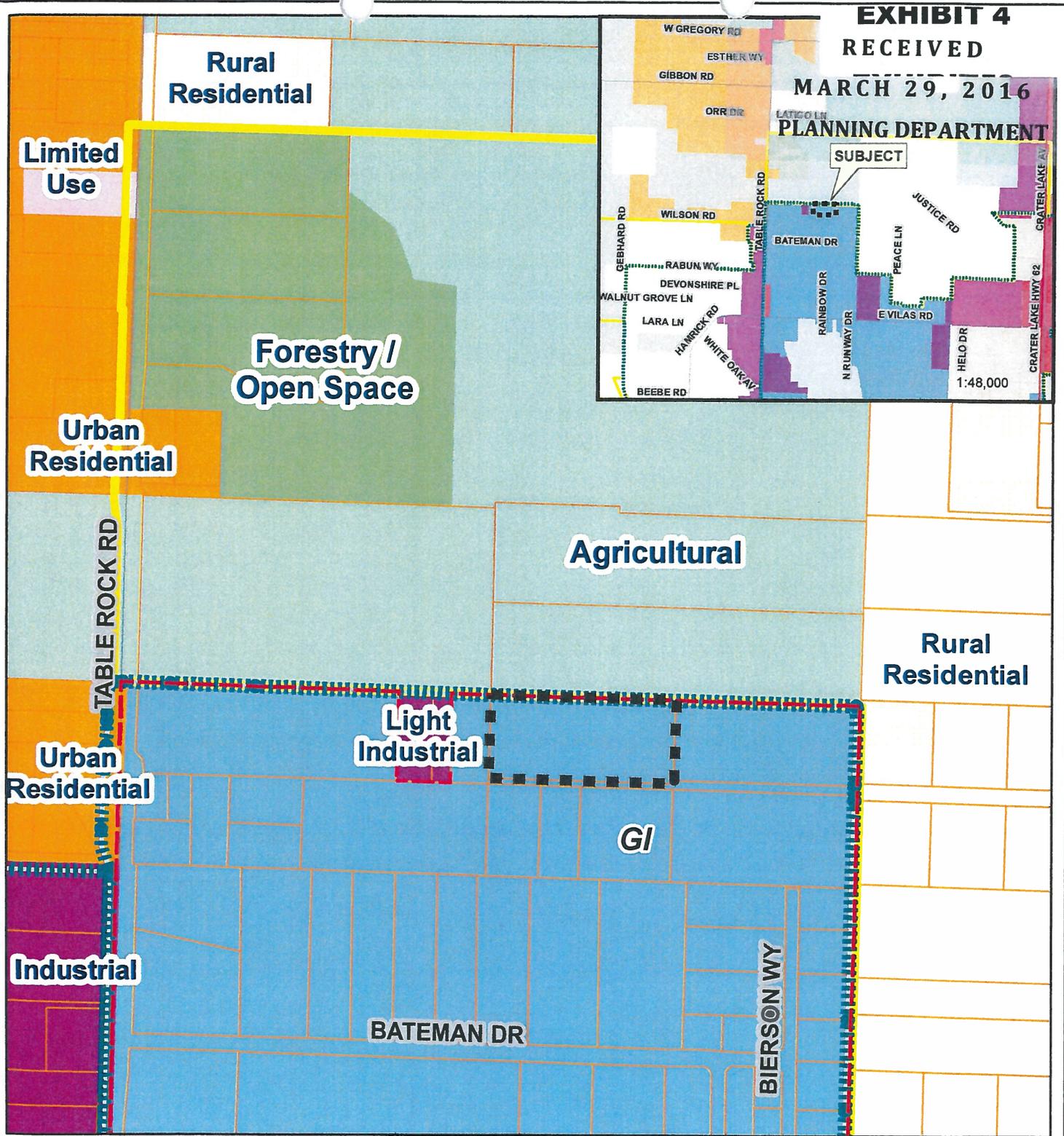
RECEIVED

MARCH 29, 2016

PLANNING DEPARTMENT

SUBJECT

1:48,000



| | | |
|--|-----------------------|---|
|  | Subject Lot | County Comp Plan |
|  | City Limits |  Forestry / Open Space |
|  | Urban Growth Boundary |  Agricultural |
|  | Urban Reserves |  Industrial |
|  | Tax Lots |  Limited Use |
| Medford GLUP | |  Rural Residential |
|  | GI |  Urban Residential |

General Land Use Plan (GLUP) Map

JDT Trucking
Exception Application
36-2W-36A-802

CITY OF MEDFORD

EXHIBIT #

File # AC-15-115 / E-16-042

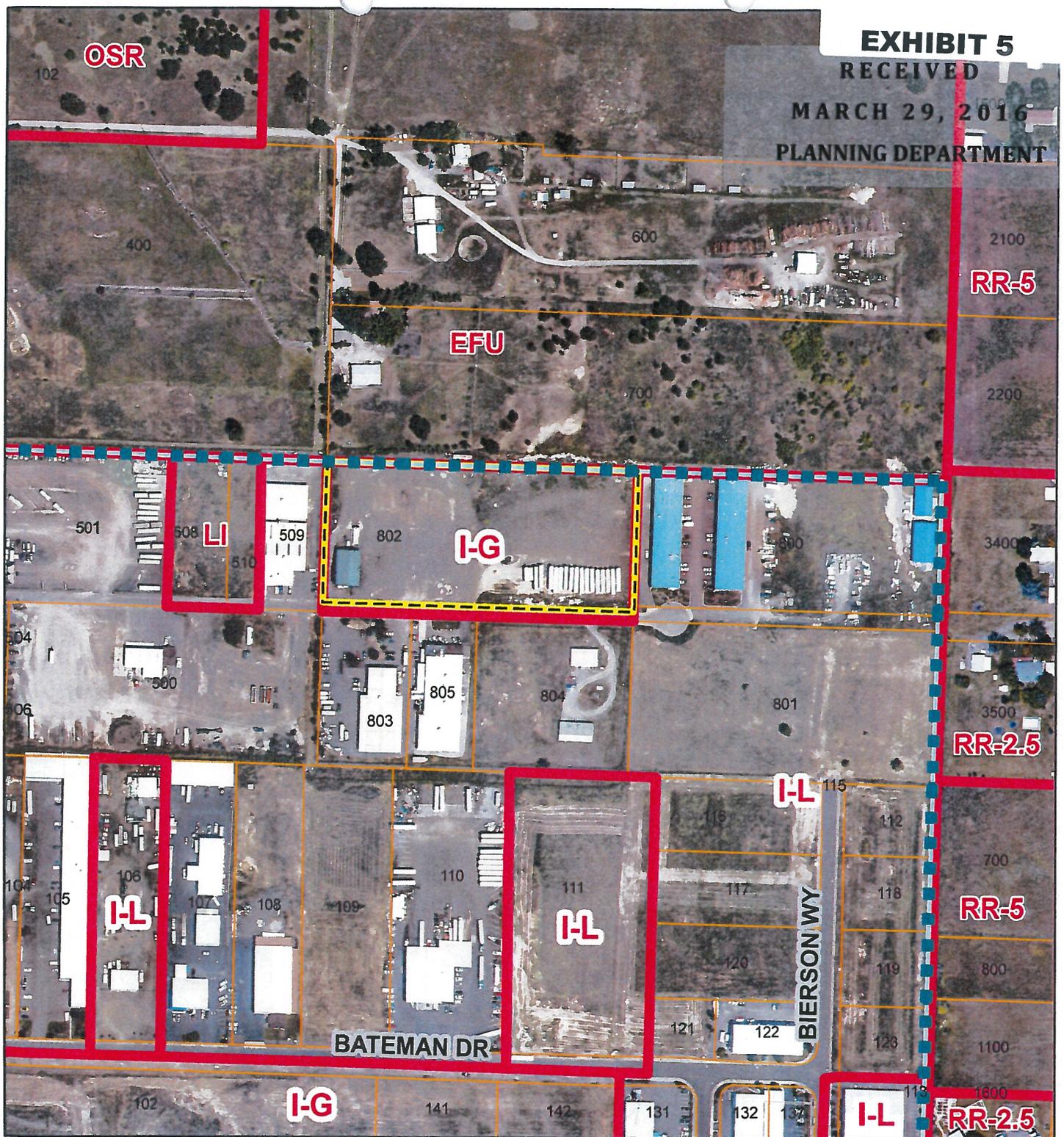


EXHIBIT 5

RECEIVED

MARCH 29, 2016

PLANNING DEPARTMENT



-  Urban Growth Boundary
-  Subject Lot
-  Zoning Outline
-  Tax Lots

2012 Aerial

Zoning Map on Aerial

JDT Trucking
 Exception Application
 36-2W-36A-802



300 150 0 300 Feet

CITY OF MEDFORD
 EXHIBIT # _____
 File # AG 15-115 / E 16-042

EXHIBIT 6



RECEIVED
 MARCH 29, 2016
 PLANNING DEPARTMENT

Future Right-of-Way and Existing Improvements Diagram

JDT Trucking
 Exception Application
 36-2W-36A-802



CSA Planning LTD



03-29-2016 Source: JacksonCounty GIS City of Medford GIS

CITY OF MEDFORD
 EXHIBIT # _____
 File # AC-15-115 / E-16-042

- Subject Lot
- City Limits
- Urban Growth Boundary
- Tax Lots
- 63-foot right of way

2012 Aerial

EXHIBIT 7

RECEIVED

MARCH 29, 2016

PLANNING DEPARTMENT

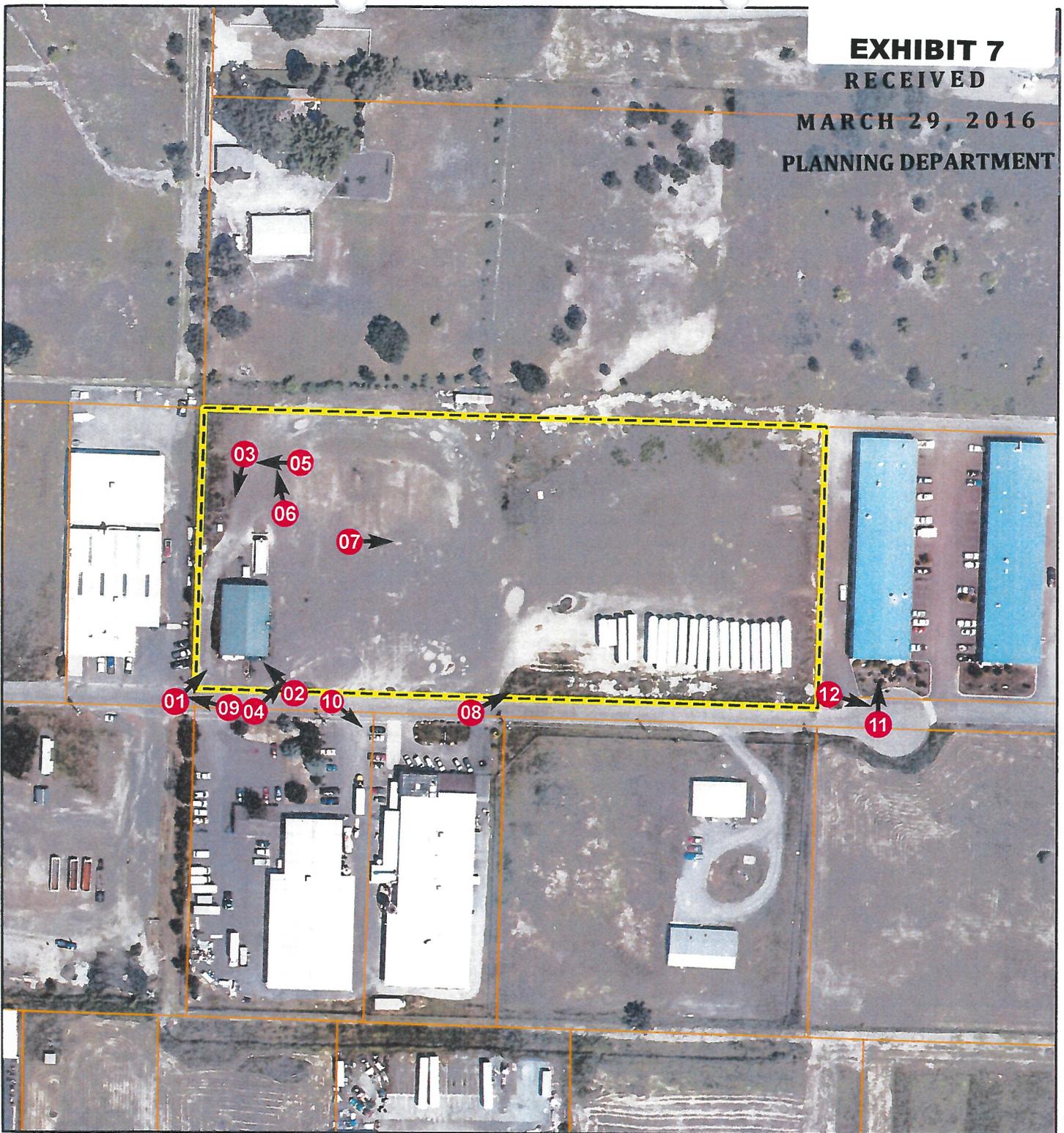


 Photo Location & Direction

 Subject Lot

 Tax Lots

2012 Aerial

Photo Key Map

JDT Trucking
Exception Application
36-2W-36A-802



CSA Planning LTD



150 75 150 Feet

CITY OF MEDFORD
EXHIBIT #
File # AC-15-115 / E-16-042



① Northwest corner of Subject Building, facing private road



② Southwest corner of Subject Building adjacent to entry gate



③ North (rear) facade of Subject Building



④ Main entry gate

Legend

② Photo ID Number

Site Photos

EXCEPTION APPLICATION

5560 Table Rock Road, Central Point, OR

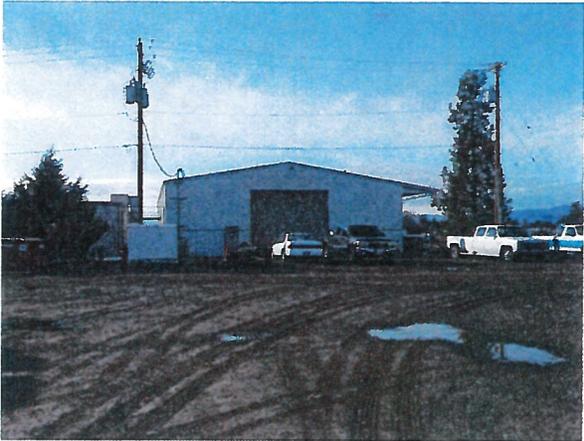
JDT Trucking



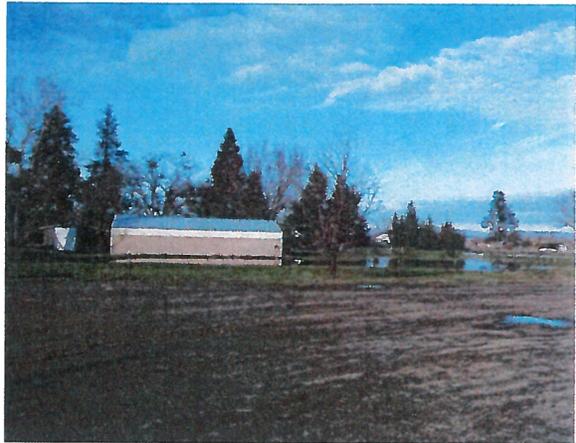
CSA Planning, Ltd

CITY OF MEDFORD
EXHIBIT #
File # AC-15-115/E-16-042

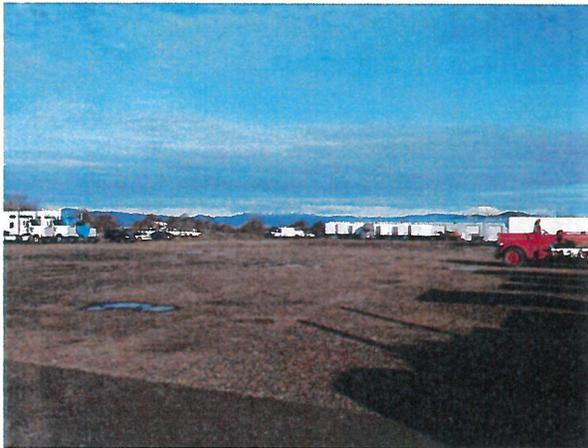
March 29, 2016



5 Looking West from rear yard toward building on adjacent Tax Lot 509



6 Looking North from Subject Building toward Tax Lot 700



7 Looking East across Truck Parking Area



8 East entry gate to Parking Area

Legend

2 Photo ID Number

Site Photos

EXCEPTION APPLICATION

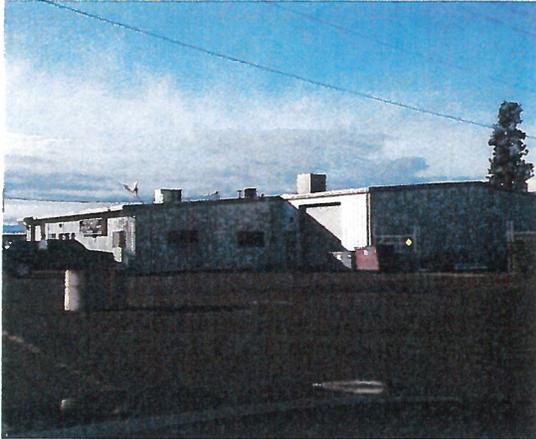
5560 Table Rock Road, Central Point, OR

JDT Trucking

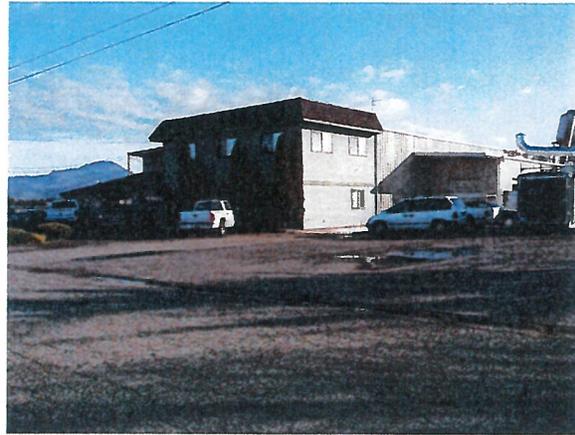


CSA Planning, Ltd

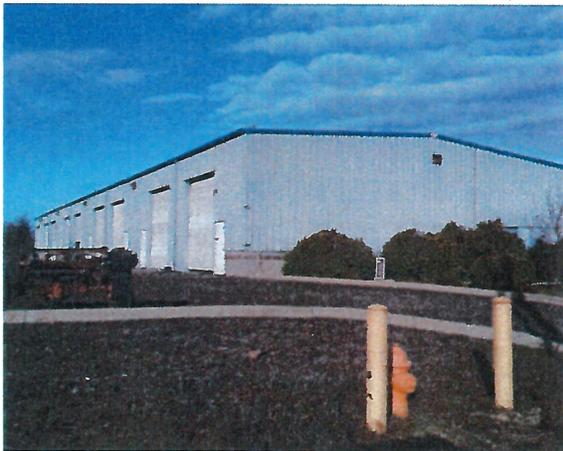
CITY OF MEDFORD
EXHIBIT #
File # AC-15-115-1B-16042



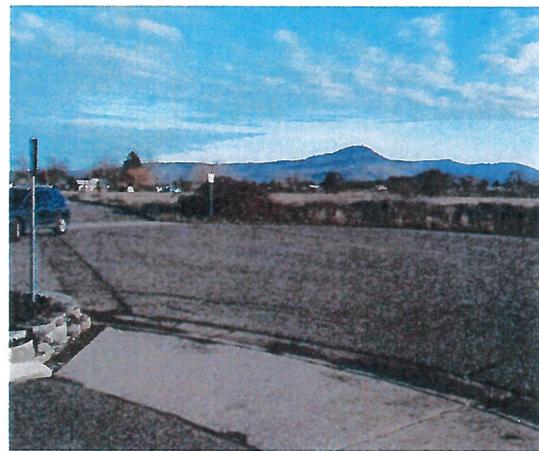
9 Adjacent buildings on Private Road, East of Subject property



10 Buildings to the South, across the Private Road



11 Storage Building at cul de sac end of Private Road



12 Looking Southeast across cul de sac end of Private Road

Legend

2 Photo ID Number

Surrounding Area Photos

EXCEPTION APPLICATION

*5560 Table Rock Road, Central Point, OR
JDT Trucking*

CITY OF MEDFORD
EXHIBIT # _____
File # AC-15-115 / E-16-042



CSA Planning, Ltd

March 29, 2016



Continuous Improvement Customer Service

RECEIVED

JUN 17 2016

PLANNING DEPT.

CITY OF MEDFORD

Revised Date: 6/15/2016
File Number: AC-15-115/E-16-042

PUBLIC WORKS DEPARTMENT STAFF REPORT JDT Trucking

Project: Consideration of plans for the construction of a 3,750 square foot addition to an existing metal industrial building and associated exception request to eliminate public right-of-way dedications and standard street improvements, situated on a 4.73 acre parcel.

Location: Located on a privately maintained access road that is approximately 970 feet north, then 1,350 feet east of the intersection of Bateman Drive and Table Rock Road (362W36A TL 802, 5600 Table Rock Rd).

Applicant: JDT Trucking, Applicant (CSA Planning, Ltd., Agent). Tracy Carter, Planner.

NOTE: The items listed here shall be completed and accepted prior to the respective issuances of permits and certificates:

Prior to issue of the first building permit, the following items shall be completed and accepted:

- Submittal and approval of plans for site grading and drainage, and detention.
- Completion of all public improvements, if required. The applicant may provide security for 120% of the improvements prior to issuance of building permits. Construction plans for the improvements would need to be approved by the Public Works Engineering Department prior to acceptance of security.
- Items A – D, unless noted otherwise.

Prior to issue of Certificate-of-Occupancy for completed structures, the following items shall be completed and accepted:

- Paving of all on-site parking and vehicle maneuvering areas
- Certification by the design engineer that the stormwater quality and detention system was constructed per the approved plan.
- Completion of all public improvements, if applicable.

P:\Staff Reports\AC\2015\AC-15-115_E-16-042 Tablerock Rd. - JDT Trucking\AC-15-115_E-16-042 Staff Report-Revised.docx Page 1

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

TELEPHONE (541) 774-2100
FAX (541) 774-2552

CITY OF MEDFORD
EXHIBIT # I-1
File # AC-15-115 / E-16-042

A. STREETS

The Applicant has requested an Exception for the elimination of public right-of-way dedications and the standard street improvements on future Judge Lane. If approved as requested, then no dedications or public improvements would be provided with this development. If the exception request is denied, then the Developer shall dedicate the additional right-of-way and provide the public improvements as stated below.

Although there are some unique circumstances that may be attributed to developments along the existing private street, there does not appear to be any specific site constraints that would limit this developments ability to provide additional public right-of-way or improvements. In addition, the adjacent parcel to the east was conditioned (AC-00-118) with similar requirements when it was developed in which public right-of-way was dedicated and a Deferred Improvement Agreement (DIA,#01-10635), was recorded for future improvements to Judge Lane. **Therefore, Public Works recommends denial of the exception (E-16-042).**

1. Dedications

Future **Judge Lane** is classified as a Commercial Street within the Medford Land Development Code (MLDC), Section 10.429. The developer shall dedicate for public right-of-way, sufficient width of land along the entire frontage of this development to comply with the half width of right-of-way, which is 31.5-feet. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

In accordance with MLDC 10.471, **the property owner shall dedicate a 10 foot wide public utility easement (PUE)** adjacent to the right-of-way line along the developments entire frontage.

The right-of-way and easement dedications shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: the right-of-way and easement dedication, including an exhibit map; a copy of a current Lot Book Report, Preliminary Title Report, or Title Policy; a mathematical closure report (if applicable), and the Planning Department File Number; for review and City Engineer acceptance signature prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the right-of-way and PUE area.

2. Public Improvements

a. Public Streets

Future **Judge Lane** shall be improved to Commercial Street standards along the frontage of the development (westerly 220-feet of tax lot) in accordance with MLDC 10.429. **The Developer shall responsible to improve the north half.** The Developer may request to enter into a Deferred Improvement Agreement (DIA) for the frontage improvements to future Judge Lane as stated above, reference MLDC Section 10.432.

b. Street Lights

The Developer shall provide and install in compliance with MLDC Section 10.495.

Based on the preliminary plan submitted, the following number of street lights will be required:

- A. **2 – 100W HPS street lights**, including a secondary power source (BMC) to feed them.

Numbers are subject to change if changes are made to the plans. All streetlights shall installed per City standards and be shown on the public improvement. Public Works will provide preliminary street light locations upon request. All street lights shall be operating and turned on at the time of the final “walk through” inspection by the Public Works Department.

The Developer shall pay for City installed signage required by the development. City installed signs include, but are not limited to, street name signs, stop signs, speed signs, school signs, dead end signs, and dead end barricades. Sign design and placement shall be per the Manual on Uniform Traffic Control Devices (MUTCD). All signs shall be shown on the public improvement plans and labeled as City installed.

The Developer shall be responsible for the preservation and re-installation of all signs removed during demolition and site preparation work. The Developer’s contractor shall coordinate with the City of Medford Public Works, Maintenance and Operations Division to remove any existing signs and place new signs provided the Developer.

c. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along this frontage.

The Developer shall be responsible for notifying by certified letter all utility companies, as well as all current property owners of parcels which are adjacent to any Public Street being constructed or paved as part of this project. The letter shall inform the utility companies and property owners of the City's street moratorium policy with respect to pavement cutting for future utility services. The utility companies and property owners shall be given the opportunity to install utility services within the right-of-way prior to paving and the subsequent moratorium. Notifications shall be mailed by the Developer at least 6 months before a street is resurfaced or rebuilt per Medford Municipal Code (MMC), Section 3.070. Copies of the certifications shall be submitted to the City Engineer with the submittal of the preliminary construction drawings.

3. Soils Report

The Developer’s engineer shall obtain a soils report to determine if there is shrink-swell potential in the underlying soils in this development. If they are present, they shall be accounted for in the roadway and sidewalk design within this development.

4. Access and Circulation

Driveway access to the proposed development site shall comply with MLDC 10.550.

5. MLDC Section 10.668 Analysis

Notwithstanding any other provisions of this Chapter 10, an applicant for a development permit shall not be required, as a condition of granting the application, to dedicate land for public use or provide public improvements unless: (1) the record shows that there is an essential nexus between the exaction and a legitimate government purpose, and that there is a rough proportionality between the burden of the exaction on the developer and the burden of the development on public facilities and services so that the exaction will not result in a taking of private property for public use, or (2) a mechanism exists and funds are available to fairly compensate the applicant for the excess burden of the exaction to the extent that it would be a taking.

1. Nexus to a legitimate government purpose

The purposes for these dedications and improvements are found throughout the Medford Code, the Medford Transportation System Plan, and the Statewide Planning Rule, and are supported by sound public policy. Those purposes and policies include, but are not limited to: development of a balanced transportation system addressing all modes of travel, including motor vehicles, transit, bicycles, and pedestrians. It can be found that the listed right-of-way dedications and improvements have a nexus to these purposes and policies.

2. Rough proportionality between the required dedications and improvements, and the impacts of development.

No mathematical formula is required to support the rough proportionality analysis. Also, the City is allowed to consider the benefits to the development from the dedication and improvements when determining “rough proportionality.”

As set forth below, the dedications and improvements recommended herein can be found to be roughly proportional to the impacts reasonably anticipated to be imposed by this development.

Future Judge Lane

In determining rough proportionality, the City compared the expected square footage of right-of-way dedications and street improvements to the lot or developed area in acres. This development consists of approximately 1.58 acres of developed area on a 4.73 acre lot. This development is conditioned to dedicate approximately 8,910sf of right-of-way and construct approximately 3,960sf of street improvements. This equates to 1,884sf of right-of-way per acre (lot) and 2506sf of street improvements per acre (developed).

The study area used to determine proportionality contained 54 properties that are part of 3 different industrial developments and an additional 2 individual properties. The properties studied includes Bierson Industrial Park, Triangle Industrial Park, Crater Lake Business Center, Lewellyn Office/Warehouse Complex at 5594-5596 Table Rock Rd., which is adjacent the proposed development and Living Opportunities located at 857 Valley View Dr. All of these developments were either required to dedicate public right-of-way for lower order streets or construct public street improvements or both. The following table (5-1) summarizes the results of the study.

Table 5-1

| Development | Acres | Dedications Sf/Acre | Improvements Sf/Acre |
|--|--------------------------------|--------------------------------|---------------------------------|
| Bierson Industrial Park | 17.4 | 7,044 | 2,644 |
| Triangle Industrial park | 12.7 | 7,739 | 6,291 |
| Crater Lake Business Center | 15.72 | 9,162 | 5,248 |
| Lewellyn Office/Warehouse Complex | 4.5 (Lot) | 4,801 | NA |
| Living Opportunities | 2.1 (Developed) | NA | 3,274 |
| JDT Trucking | 4.73 (Lot) 1.58 (Developed) | 1,884 | 2506 |

The additional right-of-way on future Judge Lane will provide the needed width for public street improvements including curb and gutter, parking, planter strips and sidewalks. The 8-foot planter strip moves pedestrians a safe distance from the edge of the roadway. Future Judge Lane will be a primary route for pedestrians traveling to and from this development.

Local street right-of-way dedication and construction requirements identified by the Public Works Department and required by the City are the minimum required to protect the public interest and are necessary for additional or densification of development in the City without detracting from the common good enjoyed by existing properties. Developments are required to provide all internal local streets and half-street improvements to abutting streets, including associated right-of-way dedications, to ensure that new development and density intensification provides the current level of urban services and adequate street circulation is maintained.

Dedication of the Public Utility Easements (PUE) will benefit development by providing public utility services, which are out of the roadway and more readily available to each lot or building being served. The additional traffic of all modes of travel generated by this proposed development supports the dedication and improvements for all modes of travel and utilities. As indicated above, the area required to be dedicated for this development is necessary and roughly proportional to that required in similar developments to provide a transportation system that meets the needs for urban level services and current code requirements.

B. SANITARY SEWERS

This site lies within the Rogue Valley Sewer Service (RVSS) area. Contact RVSS for sanitary sewer connections.

C. STORM DRAINAGE

1. Drainage Plan

A comprehensive drainage plan showing the entire project site with sufficient spot elevations to determine direction of runoff to the proposed drainage system, and also showing elevations on the proposed drainage system, shall be submitted with the building permit application for approval. All area catch basins shall meet Department of Environmental Quality (DEQ) requirements, which include a down-turned elbow and sump.

The Developer shall provide copies of either a Joint Use Maintenance Agreement or a private stormdrain easement for any stormwater draining onto or from adjacent private property.

2. Grading

A comprehensive grading plan showing the relationship between adjacent property and the proposed Development shall be submitted with the building permit application for approval. Grading on this Development shall not block drainage from an adjacent property or concentrate drainage onto an adjacent property without an easement. The Developer shall be responsible that the final grading of the Development shall be in compliance with the approved grading plan.

3. Detention and Water Quality

Storm water quality and detention facilities shall be required in accordance with Medford Land Development Code Section 10.481 and 10.729.

4. Certification

Upon completion of the project, and prior to certificate of occupancy of the building, the Developer's design engineer shall certify that the construction of the stormwater quality and detention system was constructed per plan. Certification shall be in writing and submitted to the Engineering Division of Public Works. Reference Rogue Valley Stormwater Quality Design Manual, Appendix I, Technical Requirements.

5. Erosion Prevention and Sediment Control

All development that disturbs 5,000 square feet or greater shall require an Erosion Prevention and Sediment Control Plan. Developments that disturb one acre and greater shall require a 1200C permit from the Department of Environmental Quality (DEQ). Erosion Prevention and Sediment Control Plans shall be submitted to the Building Department with the project plans for development. All disturbed areas shall be covered with vegetation or properly stabilized prior to certificate of occupancy.

D. General Conditions

1. Design Requirements and Construction Drawings

Any required public improvements shall be constructed in accordance with the "Engineering Design Standards for Public Improvements", adopted by the Medford City Council. Copies of this document are available in the Public Works Engineering office.

2. Construction Plans

Construction drawings for any public improvements for this project shall be prepared by a professional engineer currently licensed in the State of Oregon, and submitted to the Engineering Division of Medford Public Works Department for approval. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase. Approval shall be obtained prior to beginning construction. Only a complete set of construction drawings (3 copies) shall be accepted for review, including plans and profiles for all streets, minimum access drives, sanitary sewers, storm drains, and street lights as required by the Planning Commission's Final Order, together with all pertinent details and calculations. A checklist for public improvement plan submittal can be found on the City of Medford, Public Works web site (<http://www.ci.medford.or.us/Page.asp?NavID=3103>). The Developer shall pay a deposit for plan review and construction inspection prior to final plan approval. Public Works will keep track of all costs associated with the project and, upon our acceptance of the completed project, will reconcile the accounting and either reimburse the Developer any excess deposit or bill the Developer for any additional amount not covered by the deposit. The Developer shall pay Public Works within 60 days of the billing date or will be automatically turned over for collections.

In order to properly maintain an updated infrastructure data base, the Surveyor of Record shall submit an as-built survey prior to the Final Inspection and, the Engineer of Record shall submit mylar "as-constructed" drawings to the Engineering Division within sixty (60) calendar days of the Final Inspection (walk through). Also, the engineer shall coordinate with the utility companies, and show all final utility locations on the "as built" drawings.

3. Construction and Inspection

The Developer or Developer's contractor shall obtain appropriate right-of-way permits from the Department of Public Works prior to commencing any work within the public right-of-way that is not included within the scope of work described within approved public improvement plans. Pre-qualification is required of all contractors prior to application for any permit to work in the public right-of-way.

4. Site Improvements

All on-site parking and vehicle maneuvering areas related to this Development shall be paved in accordance with MLDC, Section 10.746, prior to issuance of certificate of occupancy for any structures on the site. Curbs shall be constructed around the perimeter of all parking and maneuvering areas that are adjacent to landscaping or unpaved areas related to this site. Curbs may be deleted or curb cuts provided wherever pavement drains to a water quality facility.

5. System Development Charges (SDC)

Buildings in this development are subject to street, sanitary sewer treatment and storm drain SDCs. All SDC fees shall be paid at the time individual building permits are issued.

Prepared by: Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL

JDT Trucking

AC-15-115/E-16-042

A. Streets

1. Street Dedications to the Public:

- **Future Judge Lane** – Dedicate additional public right-of-way for a 31.5' right-of-way half width along frontage.
- Dedicate 10-foot Public Utility Easements (PUE) along the frontage of future Judge Lane.

2. Improvements:

a. Public Streets

- Improve half (18') of the north side of future Judge Lane (westerly 220' of tax lot), complete with curbs, gutters and sidewalks.

b. Lighting and Signing

- Developer supplies and installs all street lights at own expense.
- City installs traffic signs and devices at Developer's expense.

c. Access and Circulation

- Access shall be taken off of the future Judge Lane as indicated on proposed plans.

d. Other

- Provide pavement moratorium letters.
- Provide soils report.

B. Sanitary Sewer

- The site is situated within the RVSS area.

C. Storm Drainage

- Provide a comprehensive grading and drainage plan.
- Provide water quality and detention facilities, calculations and O&M Manual.
- Provide engineers certification of stormwater facility construction.
- Provide copy of an approved Erosion Control Permit (1200C) from DEQ for this project.

The above summary is for convenience only and does not supersede or negate the full report in any way. If there is any discrepancy between the above list and the full report, the full report shall govern. Refer to the full report for details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection.



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: AC-15-115 & E-16-042
PARCEL ID: 371W30AC TL 2500
PROJECT: Consideration of plans for the construction of a 3,750 square foot addition to an existing metal E-16-042 industrial building and associated exception request to eliminate public right-of-way dedications and standard street improvements, situated on a 4.73 acre parcel located on a privately maintained access road that is approximately 970 feet north, then 1,350 feet east of the intersection of Bateman Drive and Table Rock Road (362W36A TL 802, 5600 Table Rock Rd); JDT Trucking, Applicant (CSA Planning, Ltd., Agent). Tracy Carter, Planner.
DATE: May 4, 2016

RECEIVED
MAY 04 2016
PLANNING DEPT.

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

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. 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.
3. Installation of an MWC approved backflow device is required for all commercial, industrial, municipal, and multi-family developments. New backflow devices shall be tested by an Oregon certified backflow tester. See MWC website for list of certified testers at the following web link <http://www.medfordwater.org/Page.asp?NavID=35>.
4. The existing 1-inch water meter is required to be protected in place from potential vehicular traffic and parking. Applicant shall coordinate with MWC engineering staff for review of water meter location and proposed protection measures.

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.
3. Static water pressure is expected to be over 90 psi. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".
4. MWC-metered water service does exist to this property. There is an existing 1-inch water meter that serves the existing on-site building. (See Condition 4 above)
5. Access to MWC water lines is available. There is a 12-inch water line located in the local access roadway along the south property line of this parcel.



0 50 100 Feet

Scale: 1"=100'

Water Facility Map for AC-15-115 & E-16-042

Legend

- ⊙ Air Valve
- ⊙ Sample Station
- ⊙ Fire Service
- ⊙ Hydrant
- ⊙ Reducer
- ⊙ Blow Off
- ⊙ Plugs-Caps

Water Meters:

- ⊙ Active Meter
- ⊙ On Well
- ⊙ Unknown
- ⊙ Vacant

Water Valves:

- ⊙ Butterfly Valve
- ⊙ Gate Valve
- ⊙ Tapping Valve

Water Mains:

- Active Main
- - - Abandoned Main
- Reservoir Drain Pipe
- Pressure Zone Line

Boundaries:

- ▭ Urban Growth Bound
- ▭ City Limits
- ▭ Tax Lots

MWC Facilities:

- C** Control Station
- P** Pump Station
- R** Reservoir



This map is based on aerial imagery and other data. The Medford Water Commission is not responsible for any errors or omissions. The information is provided for informational purposes only. © 2015 Medford Water Commission. All rights reserved.





Medford Fire Department

200 S. Ivy Street, Room #180
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
E-mail www.fire@ci.medford.or.us

RECEIVED
APR 29 2016
PLANNING DEPT.

LAND DEVELOPMENT REPORT - PLANNING

To: Tracy Carter

LD Meeting Date: 05/04/2016

From: Fire Marshal Kleinberg

Report Prepared: 04/29/2016

File #: AC - 15 - 115

Associated File #'s: E - 16 - 42

Site Name/Description:

Consideration of plans for the construction of a 3,750 square foot addition to an existing metal industrial building and associated exception request to eliminate public right-of-way dedications and standard street improvements, situated on a 4.73 acre parcel located on a privately maintained access road that is approximately 970 feet north, then 1,350 feet east of the intersection of Bateman Drive and Table Rock Road (362W36A TL 802, 5600 Table Rock Rd); JD Trucking, Applicant (CSA Planning, Ltd., Agent). Tracy Carter, Planner

| DESCRIPTION OF CORRECTIONS | REFERENCE |
|---|-----------|
| <u>Approved as Submitted</u> Meets Requirement: No Additional Requirements | |

Development shall comply with access and water supply requirements in accordance with the 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 (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 the information provided only.

Design and installation shall meet the Oregon requirements of the IBC, IFC, IMC and NFPA standards.

Memo



RECEIVED
MAY 04 2016
PLANNING DEPT.

To: Tracy Carter, Planning Department
From: Mary Montague, Building Department
CC: JDT Trucking; Jay
Date: May 4, 2016
Re: May 4, 2016, LDC Meeting: Item #1 – AC-15-115/E-16-042

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 2014 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.
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. Occupancy is S-1. Must comply with Section 406.8 and Table 307.1(1).
6. ADA parking spaces shall be required in accordance with code section 1106 of the Oregon Structural Specialty Code.
7. Building shall be designed per 107..3.4.1.

CITY OF MEDFORD
EXHIBIT # L
File # AC-15-115 / E-16-042



JACKSON COUNTY

Roads

Roads
Engineering

Kevin Christiansen
Construction Manager

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

www.jacksoncounty.org

RECEIVED
APR 25 2016
PLANNING DEPT.

April 25, 2016

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

RE: Development off Table Rock Road on a privately maintained access road
Planning File: AC-15-115 / E-16-042

Dear Kelly:

Thank you for the opportunity to comment on the request for the construction of a 3,750 square foot addition to an existing metal industrial building and associated exception request to eliminate public right-of-way dedications and standard street improvements on a 4.73 acre parcel located on a privately maintained access road off Table Road within the I-G (Medford Light Industrial) zoning. Jackson County Roads has no comments.

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

Sincerely,

Kevin Christiansen
Construction Manager



CITY OF MEDFORD PLANNING DEPARTMENT

Lausmann Annex • Room 240 • 200 South Ivy Street • Medford, Oregon 97501
Telephone (541) 774-2380 • FAX: (541)618-1708 • email: plnmed@cityofmedford.org

RECEIVED
MAY 02 2016
PLANNING DEPT.

Date: April 18, 2016

- Building Department
- City Attorney
- Engineering
- Engineering – Tina Garvin
- Fire Department
- Parks & Recreation
- Police Department
- Public Works Service Center
- Water Commission
- City Manager
- Tech. Services - Jennifer
-
-

- Avista Utilities
- Charter Communications
- Pacific Power & Light
- Qwest
- Rogue Disposal
- Rogue Valley Transit District
- US Post Office
- Federal Aviation Administration
- Jackson Co. Admin. Officer
- Jackson Co. Health Department
- Jackson Co. Planning
- Jackson Co. Roads
- Jackson Co. Surveyor

- Medford Irrigation District
- Medford School Dist. 549C
- ODOT
- Phoenix School District 4
- Rogue River Valley Irrigation
- RVSS
- R.V. International Airport
- Talent Irrigation District
- Urban Renewal (MURA)
- OR. Dept. of Aviation
- Central Point School Dist. 6
-
-

File No. AC-15-115/E-16-042

Project Name: **JDT TRUCKING** – Consideration of plans for the construction of a 3,750 square foot addition to an existing metal industrial building and associated exception request to eliminate public right-of-way dedications and standard street improvements, situated on a 4.73 acre parcel located on a privately maintained access road that is approximately 970 feet north, then 1,350 feet east of the intersection of Bateman Drive and Table Rock Road (362W36A TL 802, 5600 Table Rock Rd).

Agent Contact: jay@csaplanning.net

Planner:
Tracy. Carter@ci.medford.or.us

Attached are documents for your review. Please investigate and submit to the Planning Department, within ten (10) working days, a written report setting forth any necessary conditions as required of your department/agency for approval of the above project.

If your proposed conditions of approval include the dedication of land for public use or the provision of public improvements, please submit written findings with supporting data or information that justify the requirements. Specifically, the findings must show that there is an essential connection between your requirements and a legitimate government purpose, and that there is a rough proportionality between the burden of the requirement on the developer and the impacts of the proposed development on public facilities and services. All requirements may be strictly scrutinized by the courts and must have legitimate authority so that they will not result in a taking of private property.

If no comments are received within the 10-day review period, it will be assumed that there are no comments.

A Land Development Committee meeting is scheduled for Wednesday, May 4, 2016, at 9:30 a.m. in Room 151, Lausmann Annex, 200 South Ivy Street, Medford.



City of Medford Planning Department

Vicinity
Map

File Number:
AC 15-115
E 16-042



Project Name:

JDT Trucking

Map/Taxlot:

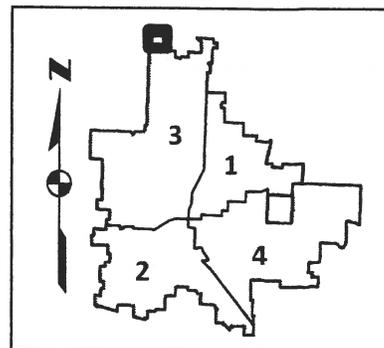
362W36A TL 802



04/04/2016

Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots
-  Streets
-  Urban Growth Boundary



ROGUE RIVER VALLEY IRRIGATION DISTRICT
LAND USE AGENCY RESPONSE FORM

3139 Merriman Road
Medford OR 97540
Email: rrvid@rrvid.org

Phone: 541-773-6127
Fax: 541-773-5420

NAME OF ENTITY REQUESTING RESPONSE: Planning Department
ENTITY REFERENCE NUMBER: AC-15-115 / E-16-042
MEETING REVIEW DATE: Wednesday MAY 4, 2016

PROPERTY
MAP DESCRIPTION: 362W36A 802 ADDRESS: 5600 TABLE ROCK RD.

NO COMMENT OF 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 RRVID.
Number of Irrigated Acres: _____
2. Must have District approval for water rights to remain in place on Subject's property.
Comments: _____

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 easements 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 down stream water users.
Comments: _____

ENTITY REQUESTING RESPONSE:

Planning Department

ENTITY REFERENCE NUMBER:

AC-15-115/E-16-042

NO COMMENT IF CHECKED COMMENTS ARE APPLICABLE

C. FACILITIES (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. DRAINAGE / STORM WATER

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. R.R.V.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 original function of the District's facilities.

As required by ORS 92.090(6) the entity must receive a certification form the District before approval of the final plat.

Brian Hampson

Brian Hampson
Rogue River Valley Irrigation
3139 Merriman Road
Medford OR 97501

Date Signed: 4-28-16



ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 7502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

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APR 26 2016

PLANNING DEPT

April 26, 2016

City of Medford Planning Department
411 West 8th Street
Medford, Oregon 97501

Re: AC-15-115/E-16-042, JDT Trucking, Tax Lot 802, Map 36 2W 36A

ATTN: Tracy,

The subject property is currently served by a connection to the 8 inch sewer main on the existing access road. The proposed building addition will not require a permit from RVSS, however there will be development fees owed if there are new plumbing fixtures installed in the new building.

The sewer main was constructed around 1978 and appears to have been constructed within an easement dedicated for ingress and egress, but not necessarily utilities. If the exception to public right of way dedications is approved, RVSS requests that a utility easement protecting the existing public sewer main be dedicated instead.

Rogue Valley Sewer Services requests that approval of this application be subject to the following conditions:

1. Applicant must pay sewer system development charges to RVSS for all new plumbing fixtures prior to the start of construction.
2. Applicant must dedicate a public sewer easement to RVSS protecting the existing public sewer main.

Feel free to contact me with any questions.

Sincerely,

Carl Tappert

Carl Tappert, PE
Manager

K:\DATA\AGENCIES\MEDFORD\PLANNING\ARCH COMM\2015\AC-15-115_JDT
TRUCKING.DOC



Oregon

Kate Brown, Governor



RECEIVED
MAY 03 2016
PLANNING DEPT.

3040 25th Street, SE
Salem, OR 97302-1125
Phone: (503) 378-4880
Toll Free: (800) 874-0102
FAX: (503) 373-1688

May 3, 2016

Tracy Carter
Planner – Planning Development
City of Medford
Lausmann Annex Room 240
200 South Ivy Street
Medford, OR 97501

Re: File No. AC-15-115/E-16-042: Building Expansion

Dear Tracy:

The Oregon Department of Aviation (ODA) appreciates the opportunity to review and comment in the application process for the proposed addition to an existing building located in Medford (Map Lot: 36SW36A TL 802)

The Oregon Department of Aviation would like to make the following comments and possible conditions of approval are added to the final land use decision, if the development is approved.

- Prior to issuance of a building permit the applicant must file and receive a determination from the Oregon Department of Aviation as required by OAR 738-070-0060 on FAA Form 7460-1 Notice of Proposed Construction or Alteration to determine if the structure will pose a hazard to aviation safety. A subsequent submittal may be required by the FAA due to its location to the Rogue Valley Int'l Airport.
- The height of the new structure should not penetrate FAA Part 77 Imaginary Surfaces, as determined by ODA and the FAA.
- Shields on any external lights should be designed as to not interfere with aircraft or airport operations.
- Marking Lights, per FAA design, may be needed to identify to structures.
- Coordination with the Rogue Valley Int'l Airport and their Air Traffic Control tower may be needed to issue a NOTAM during the construction.

ODA appreciates the opportunity to comment on this application. The Department requests to be identified as a party of record for standing and be notified of the decision once it becomes available.

If you have any questions or need further information or clarification on the comments, please feel free to contact me at 503-378-2529 or Jeff.Caines@aviation.state.or.us.

Sincerely,

Jeff Caines, AICP
Aviation Planner
Oregon Department of Aviation

Tracy R. Carter

From: MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>
Sent: Friday, May 13, 2016 4:33 PM
To: Tracy R. Carter
Subject: AC-15-115/ E-16-042

RECEIVED
MAY 13 2016
PLANNING DEPT

Tracy,

Thank you for sending agency notice of a consideration of plans for the construction of a 3,750 square foot addition to an existing metal industrial building and associated exception request to eliminate public right-of-way dedications and standard street improvements, situated on a 4.73 acre parcel located on a privately maintained access road that is approximately 970 feet north, then 1,350 feet east of the intersection of Bateman Drive and Table Rock Road (362W36A TL 802, 5600 Table Rock Rd). We reviewed this and determined that it would not significantly affect state transportation facilities under the State Transportation Planning Rule (OAR 660-012-0060) or State Access Management Rule (OAR 734-051-000). We have no further comments at this time.

Don Morehouse
Senior Transportation Planner
ODOT Region 3, District 8 (Rogue Valley Tech Center)
Ph: (541) 774-6399
Fax: (541) 774-6349
Donald.Morehouse@odot.state.or.us

Tracy R. Carter

From: Timothy D. Stevens
Sent: Tuesday, May 24, 2016 12:39 PM
To: Tracy R. Carter
Subject: AC-15-115

RECEIVED
MAY 24 2016
PLANNING DEPT.

Tracy,

Landscape review is not applicable to AC-15-115 for the purposes of SPAC review.

Tim Stevens
City of Medford
Park Maintenance Superintendent
P: (541) 774-2689



RECEIVED

11:59

24

JUL 01 2016

86-22711

NOTICE OF IRREVOCABLE OFFER TO DEDICATE

PLANNING DEPT.

Pursuant to condition 12 in the Jackson County Planning Department Staff Report, Conditions of Approval, dated October 21, 1986, in connection with Jackson County Planning Department Files 86-2-V and 86-23-MP, the following Petition should be, and hereby is, placed of record by the undersigned attorney for the applicant.

Dated this 7th day of November, 1986.

STARK AND HAMMACK

Richard A. Stark

Richard A. Stark OSB #69164
Of Attorneys for Applicant

STATE OF OREGON)
) ss.
County of Jackson)

Date: November 7, 1986

BEFORE ME, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Richard A. Stark, who is known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that he executed the same voluntarily and on behalf of applicant.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.



Ruth E. Jettli
Notary Public for Oregon
My Commission Expires 1-3-88

STARK AND HAMMACK
ATTORNEYS AT LAW
X 837 EAST MAIN STREET, SUITE B
MEDFORD, OREGON 97504-7174

CITY OF MEDFORD
EXHIBIT # 6-1
File # AC-15-115 / E-16-042

86-22711

PETITION

THE UNDERSIGNED, owners of the particular tax lot indicated next to their names below, hereby consent to the dedication of the real property which is described on Exhibit "A", attached hereto and by this reference incorporated herein, to the County of Jackson, State of Oregon, for public road purposes. Each of the undersigned owns a portion of the real property described on Exhibit "A" and the properties owned by each of the undersigned use the property described on Exhibit "A" for access at the present time.

THE UNDERSIGNED also hereby appoint JOHN DAVIS their Attorney-in-Fact to apply for any necessary variance, to make representations at the hearing, and to establish a variance to lessen the standards for a public road by lessening the width and providing for aboveground utilities in connection with the dedication of the property described on Exhibit "A" for public road purposes.

Hughes & Dodd Co.,
An Oregon Corporation

Tax Lot 500

By *Cecil Hughes*

Date 3-11-86

V & F Equipment Co.

Tax Lot 501 (West of Pt)

By *George B. Vinson*
George B. Vinson

Date 4-28-86

By *Stanley Foley*
Stanley Foley

Date 3-11-86

John E. Davis
John E. Davis

Tax Lot 501 (East of Pt)

Date 5-22-86

Claire Davis
Claire Davis

Date 5-22-86

Schwans Sales Enterprise, Inc.

Tax Lot 503

By *John Schwans*
Manager

Date 5/15/86

PETITION -1

2-

86-22711

Burrill Properties, Inc.

Tax Lot 504

By *Michael...*

Date 3/12/86

Tax Lot 505

Reid Allison Murphy
Reid Allison Murphy

Date 4-16-86

Robert Allison Murphy
Robert Allison Murphy
by Reid Allison Murphy Attorney in fact

Date 4-16-86

Tax Lot 507

Reid Allison Murphy
Reid Allison Murphy

Date 4-16-86

Robert Allison Murphy
Robert Allison Murphy
Attorney in fact

Date 4-16-86

Tax Lot 800

Cecil H. Hughes
Cecil H. Hughes

Date 3-11-86

Arthur A. Hughes
Arthur A. Hughes

Date 3-12-86

John S. Hughes
John S. Hughes

Date 3-12-86

Sally D. Hughes
Sally D. Hughes

Date 3-11-86

Kathy A. Hughes
Kathy A. Hughes

Date 3-11-86

Robert M. Janzik
Robert M. Janzik

Date 3-15-86

Patricia A. Janzik
Patricia A. Janzik

Date 3/14/86

William R. Bagley
William R. Bagley

Date 3-12-86

PETITION -2

86-22711

| | |
|---|---------------------|
| <u>Cydney J. Bagley</u> Cydney J. Bagley | Date _____ |
| <u>Jerry C. Eiler</u> Jerry C. Eiler | Date <u>3-13-86</u> |
| <u>Ann Eiler</u> Ann Eiler | Date <u>3-13-86</u> |
| <u>Dwight H. Findley</u> Dwight H. Findley | Date <u>3-17-86</u> |
| <u>Patricia A. Findley</u> Patricia A. Findley | Date <u>3-17-86</u> |

Tax Lot 801

| | |
|---|---------------------|
| <u>Cecil H. Hughes</u> Cecil H. Hughes | Date <u>3-11-86</u> |
| <u>Arthur A. Hughes</u> Arthur A. Hughes | Date <u>3-12-86</u> |
| <u>John S. Hughes</u> John S. Hughes | Date <u>3-12-86</u> |
| <u>Sally D. Hughes</u> Sally D. Hughes | Date <u>3-11-86</u> |
| <u>Kathy A. Hughes</u> Kathy A. Hughes | Date <u>3-11-86</u> |
| <u>William R. Bagley</u> William R. Bagley | Date <u>3-12-86</u> |
| <u>Cydney J. Bagley</u> Cydney J. Bagley | Date _____ |
| <u>Jerry C. Eiler</u> Jerry C. Eiler | Date <u>3-13-86</u> |
| <u>Ann Eiler</u> Ann Eiler | Date <u>3-13-86</u> |
| <u>Robert M. Janzik</u> Robert M. Janzik | Date _____ |
| <u>Patricia A. Janzik</u> Patricia A. Janzik | Date <u>3/14/86</u> |

PETITION -3

86-22711

Jerry A. German
Jerry A. German

Tax Lot 802

Date 5/8/86

Collman Decorating
By *Richard B. Collman*
Richard B. Collman, Sr.

Tax Lot 803

Date 5/12/86

Dean L. Purdy
Dean L. Purdy

Tax Lot 804

Date 5/8/86

Mary Ann Purdy
Mary Ann Purdy

Date 5/8/86

Clarence O. Patterson
Clarence O. Patterson

Tax Lot 805

Date 3/11/86

Craig A. Wilson
Craig A. Wilson

Date 3/11/86

PETITION -4

5-

86-22711

EXHIBIT "A"

A strip of land situated 15 feet on each side of the following described center line:

Real property situated in the County of Jackson, State of Oregon, to-wit:

Commencing at the Southwest Corner of the North Half of the South Half of the Southwest Quarter of the Northeast Quarter of Section 16, Township 36 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon; thence Easterly along the South line of the North Half of the South Half of the South Half of the Northeast Quarter of said Section 36 to a point 67.0 feet East of the East boundary of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter of said Section 36, the point of terminus; together with an area within a circle centered on the point of terminus with a radius of 38.0 feet.

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

11:59 NOV 10 1986 A.M.

KATHLEEN S. BECKETT
CLERK and RECORDER

By *Ruby A. Poling* Deputy

6-

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JUN 17 2016

PLANNING DEPT

FORM No. 725 - BARGAIN AND SALE DEED (Individual or Corporate)

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NS 98-26314

GENE PLUNK TRUCKING, INC.

Grantor's Name and Address
CITY OF MEDFORD

Grantor's Name and Address
After recording, return to (Name, Address, Zip):

Until requested otherwise, send all tax statements to (Name, Address, Zip):
NO CHANGE

STATE OF OREGON,
County of _____) ss.

I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ and/or as fee/file/instrument/microfilm/reception No. _____, Records of said County.

Witness my hand and seal of County affixed.

NAME TITLE
By _____, Deputy.

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that GENE PLUNK TRUCKING, INC., an Oregon Corporation hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto THE CITY OF MEDFORD, an Oregon Municipal Corporation hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in JACKSON County, State of Oregon, described as follows, to-wit:

The South 18 feet of the following described property for road purposes.

The West Half of the North Half of the South Half of the Southeast Quarter of the Northeast Quarter of Section 36, Township 36 South, Range 2 West, Willamette Meridian, Jackson County, Oregon.

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

JUN 10 1998
2:55 PM
Spencer J. Reed
COUNTY CLERK

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 0. However, the actual consideration consists of or includes other property or value given or promised which is part of the the whole (indicate which) consideration. (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument this 20th day of May, 1998; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

GENE PLUNK TRUCKING, INC.

STATE OF OREGON, County of JACKSON _____) ss.
This instrument was acknowledged before me on May 20, 1998, by _____
This instrument was acknowledged before me on _____, 19____, by Steve Plunk _____, as Secretary/Treasurer of GENE PLUNK TRUCKING, INC.



Lorik Parke
Notary Public for Oregon
My commission expires _____



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JUN 17 2016

PLANNING DEPT. PLZN200

8/09/96 8:59:14

Current Owner: PLUNK GENE TRUCKING INC
Map Id: 362W36A Tax Lot: 802
Property Address: 5500 TABLE ROCK RD

Acres: 5.00
Acres: 5.00

Applicant Name: PLUNK GENE TRUCKING INC
Mailing Address:
City/ST:
Zoning Clearance Date: 8/09/96

Phone:
Creation Date: 0/00/00

Proposal:

To Serve: FILE INFORMATION

Property is Zoned: ADMU Minimum Parcel Area:
MINIMUM STRUCTURAL SETBACK FROM PROPERTY LINES: Front: 30 Side: Rear:

Owner/Applicant must apply for and receive approval of:

- | | |
|-------------------------------------|---------------------------------|
| Minor Partition | Major Partition |
| - Subdivision of land | - Farm/Nonfarm Dwelling |
| - Partition of land | - County Recognized Access |
| - Conditional Use Permit | - Administrative Review for |
| - Area of Special Concern, Specify: | - Structures in a Floodplain |
| - Other: See Below | - Administrative Review for |
| | - Airport Approach/Concern Area |
| | - Temporary Mobile Home |

K Comments: RE: 95-12-SPR APPROVED OFFICE & WAREHOUSE FOR INSTALLATION OF ABOVE
GROUND FUEL TANKS. 8-9-96 PER GERRIE TIMMS. NO PERMITS FOR THE ABOVE MAY BE
ISSUED UNTIL CONFLICTS WITH PUBLIC WORKS AND CITY OF MEDFORD HAVE BEEN
RESOLVED

NO CONFLICTS EXIST. The proposed use or development AS PRESENTED HEREIN is in
conformance with the Land Development Ordinance. Falsification of information
renders this zoning clearance null and void.

DECLARATION: The information I have provided for this zoning clearance is, to
the best of my knowledge, true, accurate and complete. I also understand that
any changes in my plans or county regulations may render this clearance sheet
invalid.

Signature of owner/applicant: _____ Date: _____
Signature of staff member: *Theresa Gonyea* Date: 8-9-96

6/10/96 95-12-SPR-02 'prior to' condition met. OK to issue
permits for 50x75 bldg as show on approved map (copy in
central. 4/21/00 Code Violation report sent to code compliance.
Conditions #3, 4 & 6 have not be met for File 95-12-SPR(02)AW.



Per Debbie Timms - the electrical permit can

Debra Long

2-1-96

only be issued for the existing building. No permit to a trailer may be issued due to outstanding conflicts with Public Works.

2-1-96 Per Debbie Timms - trailer is not existing and may not have electrical permit. The only electrical permit that may be issued is for upgrading of service to the existing structure. Debra Long



ZONING CLEARANCE SHEET

PLANNING & DEVELOPMENT SERVICES • 10 S OAKDALE, RM 100 • MEDFORD, OREGON 97501 • (503) 776-7554

10/04/95 14:32:29

PLZN200R

Current Owner: PLUNK GENE TRUCKING INC

Map Id: 362W36A Tax Lot: 802
Property Address: 5600 TABLE ROCK RD

Acreage: 5.00
Acres: 5.00

Applicant Name: PLUNK GENE TRUCKING INC
Mailing Address:
City/St:
Zoning Clearance Date: 10/04/95

Phone:
Creation Date: 0/00/00

Proposal:

To Serve: FILE INFORMATION

Property is Zoned: ADMU Minimum Parcel Area:
MINIMUM STRUCTURAL SETBACK FROM PROPERTY LINES: Front: 30 Side: Rear:

Owner/Applicant must apply for and receive approval of:

- Minor Partition
- Forest Site Plan Review
- Nonforest Site Plan Review
- Open Space Site Plan Review
- Commercial Site Plan Review
- Alteration of Nonconforming Use
- Subdivision
- Conditional Use Permit
- Areas of Special Concern. Specify:
X Other - See Below
- Major Partition
- Farm/Nonfarm Dwelling
- County Recognized Access
- Administrative Review for Structures in a Floodplain
- Administrative Review for Airport Approach/Concern Area
- Temporary Mobile Home

Comments: RE: 95-12-SPR APPROVED OFFICE & WAREHOUSE FOR INSTALLATION OF ABOVE GROUND FUEL TANKS. PER DEBBIE TIMMS - BECAUSE SEVERAL AGENCY COMMENTS ARRIVED AFTER STAFF REPORT WAS MAILED, THE FOLLOWING MUST BE DONE PRIOR TO ISSUANCE OF PERMITS: 1) BUILD. SITE AGREEMENT TO BE RECORDED; 2) WRITTEN CONSENT FROM DEPT. OF ROADS & PARKS FOR ISSUANCE OF PERMITS; 3) BUILDING PLAN APPROVED BY COUNTY

Building Division; 4) Avigation/Hazard Casement completed;

CERTIFICATION: The information I have provided for this zoning clearance is, to the best of my knowledge, true, accurate and complete. I also understand that any changes in my plans or county regulations may render this clearance sheet invalid.

Signature of owner/applicant: Date:
Signature of staff member: [Signature] Date: 10-4-95

5) Written consent from City of Medford for issuance of permits by this department. City of Medford conditions may include consent to annex, street improvements, drainage and paving. [Signature]

Conditions 1, 3 & 4 are in staff report & must be met prior to issuance of permits. Conditions # 2 & 5 were not part of the staff report & cannot be imposed at this time. Once BSI agreement has been recorded a zoning has a copy a cond #4 above has been met Electrical permit a cond #4 above has been met see new too (Roads & Parks)



ZONING CLEARANCE SHEET

This clearance sheet provides a Planning staff analysis of your property and development plans, and their relationship to the Jackson County Land Development Ordinance. Land development regulations and your property development plans are both subject to change. When such change does occur, it may invalidate this zoning clearance or otherwise alter conditions of approval.

PROPERTY DESCRIPTION: Township 36, Range 2W, Section 36A, Tax Lot 802, Acres 5.00

PROPERTY ADDRESS: 5580 Table Rock Rd DATE TAX LOT CREATED: 9-13-79

OWNER OR APPLICANT: Richard Walker Owner Zipp Stearns TELEPHONE: _____ ADDRESS: 5600 Table Rock Rd
C.P.

PROPOSAL: PSI S/E Auth Repair New Permit Renewal Other: _____

TO SERVE: Initial Dwelling Replacement Dwelling New Business Existing Dwelling Existing Business

Other: _____

PROPERTY IS ZONED: AD-MU MINIMUM PARCEL AREA: _____

Yes No Development on this land is subject to Mandatory Fire Safety Requirements as described in Chapter 290.100 of the Jackson County Land Development Ordinance. A _____ foot fuelbreak is required and may affect setbacks.

MINIMUM STRUCTURAL SETBACK FROM PROPERTY LINES: Front 30, Side 0, Rear 0

*Yes No This property lies in a NONRESOURCE zoning district and abuts a RESOURCE zoning district. Special setbacks of _____ feet from the resource lands to the _____ are required for dwellings unless an exception is approved by staff.

BEFORE ZONING CLEARANCE CAN BE GIVEN FOR THE ABOVE PROPOSAL, THE OWNER/APPLICANT MUST APPLY FOR AND RECEIVE APPROVAL OF:

- Minor Partition
- Major Partition
- Subdivision
- Forest Site Plan Review
- Farm/Nonfarm Dwelling
- Conditional Use Permit
- Nonforest Site Plan Review
- County Recognized Access
- Temporary Mobile Home
- Open Space Site Plan Review
- Administrative Review for Structures in a Floodplain
- Areas of Special Concern Specify _____
- Commercial Site Plan Review
- Administrative Review for Airport Approach/Concern Area
- Other - See Below
- Alteration of Nonconforming Use

COMMENTS BY STAFF: Parcel appears EFC but because it is nonresidential, proposed structures will not have additional setbacks. Proposed use requires Commercial site plan review. Storage of RVs not yet sanctioned - requires determination of similar use. Since previous use was temp any proposed use requires an SPR review Unit 540-28

NO CONFLICTS EXIST. The proposed use or development as presented herein is in conformance with the Land Development Ordinance. Falsification of information renders this zoning clearance null and void.

CERTIFICATION: The information I have provided for this zoning clearance is, to the best of my knowledge, true, accurate and complete. I also understand that any changes in my plans or county regulations may render this clearance sheet invalid.

Signature of owner/applicant: _____ Date: _____

Signature of staff member: Dick Conner Date: 1-20-89

Copy of this zoning clearance handgiven mailed to applicant on: 1-20-89

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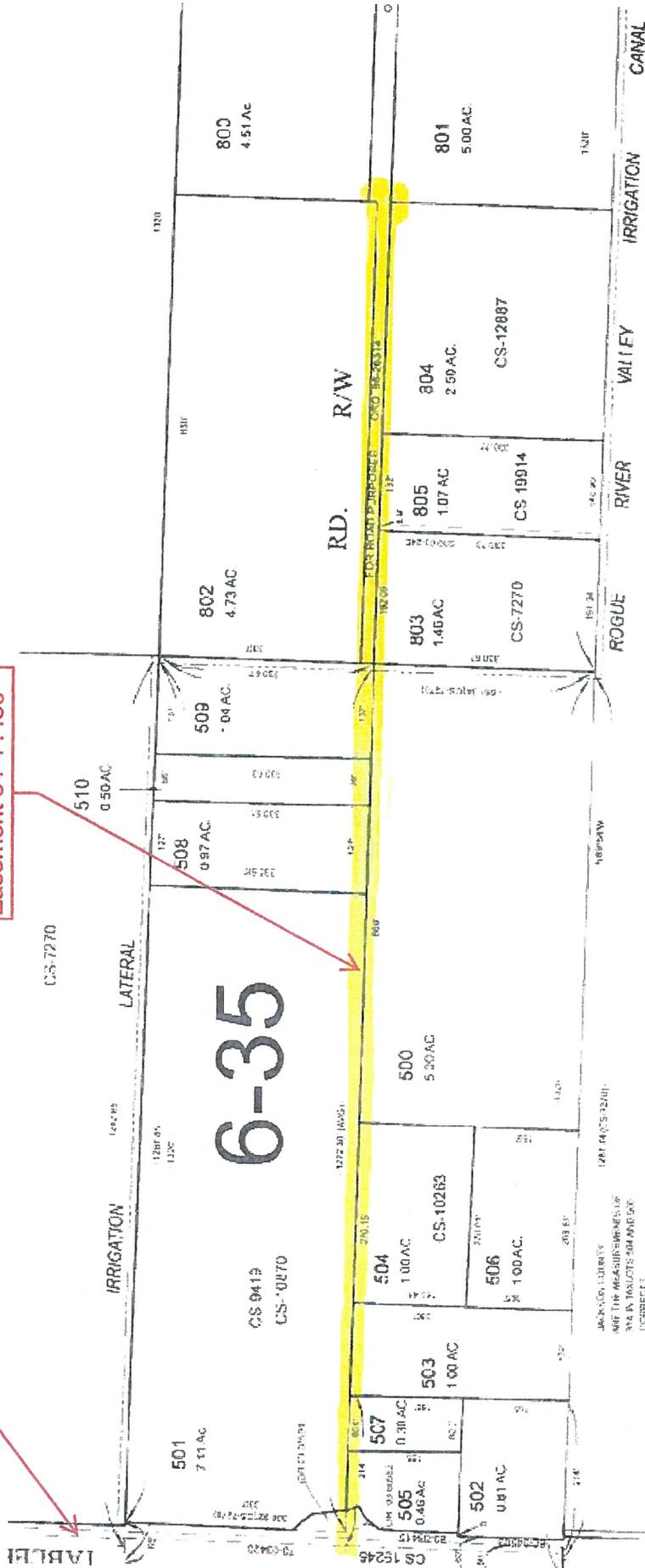
JUN 1 2016

PLANNING DEPT.

362W36A

Easement 84-14436

Table Rock Rd



SEE MAP 36 20 36A

ALL COORDINATES ARE THE MEASUREMENTS UP TO A HORIZONTAL DATUM

COORDINATES

CITY OF MEDFORD

EXHIBIT #

File # AC-15-115 / E-16-042

10.668 Limitation of Exactions

Notwithstanding any other provisions of this Chapter 10, an applicant for a development permit shall not be required, as a condition of granting the application, to dedicate land for public use or provide public improvements unless:

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JUN 17 2016

(1) the record shows that there is an essential nexus between the exaction and a legitimate government purpose and that there is a rough proportionality between the burden of the exaction on the developer and the burden of the development on public facilities and services so that the exaction will not result in a taking of private property for public use, or

PLANNING DEP'

(2) a mechanism exists and funds are available to fairly compensate the applicant for the excess burden of the exaction to the extent that it would be a taking. Provided, however, that this section does not prohibit unconditional denial of an application where adequate public facilities and services are not available to serve the proposed development, so long as there are other economically viable uses of the land which are allowed by the Chapter and by the existing zoning and which can be adequately served.

[Added, Sec. 1, Ord. No. 8257, Dec. 19, 1996.]

[PRINT](#)

[CLOSE](#)

STARK AND HAMMACK, P.C.

ATTORNEYS AT LAW
100 EAST MAIN ST., SUITE M
MEDFORD, OREGON 97501

RICHARD A. STARK
LARRY C. HAMMACK
ERIC R. STARK

(541) 773-2213
(541) 779-2133
FAX (541) 773-2084
ras@starkhammack.com

June 23, 2016

RECEIVED

JUN 24 2016
23 *kh.*

PLANNING DEPT.

Medford Site Plan and Architectural Commission
City of Medford
200 S. Ivy St.
Medford, OR. 97501

Re: Planning File No. AC-15-115

Dear Medford Site Plan and Architectural Commission,

At the last hearing on June 17, 2016, the Commission requested additional materials for Planning File No. AC-15-115 (and the associated exception File No. E-16-042). Specifically, the Commission requested the Applicant reduce their proposed compromise to writing so that the Commission could review it and can understand the particulars of the proposal. Attached is an Irrevocable Covenant which I have prepared which could be used to satisfy a condition of the granting of the JDT Trucking exception request. I feel the record contains very good evidence that the Dolan balancing test has not been followed in this case, nor City Ordinance 10.668. The burden that an additional building and paving is adding to the City of Medford is negligible, while the exaction required by the City in this case, requires an improvement paid for by JDT that cannot be used to access a public street system for many, many years. In addition the cost of the improvements or a bond do not compare at all to the burden on the City. However, the condition (Irrevocable Covenant) allows both parties to proceed on a reasonable basis at this time with the assurance that the public improvement will be properly dedicated and funded at the appropriate time. After City approval the Owners would sign a waiver of their rights under Dolan and 10.668.

The context of this letter and the attached Irrevocable Covenant is to be responsive to the Commission's request. Applicant understood the Commission's request to be submittal to the record of written documentation to affect the stipulation. While agreement with staff on the merits of the proposed compromise would be ideal, this may not occur. We understand the expectation of the Commission was for us to provide

CITY OF MEDFORD
EXHIBIT # X
File # AC-15-115 / E-16-042

language and provide staff the opportunity to review the language and offer their opinion as to its legal/technical adequacy to implement the stipulation. If the staff provides reasonable alternative Irrevocable Covenant language that address legal or technical issues they identify in their review then the Applicant intends to either accept such alternate language or work with the Staff to arrive at acceptable language for both parties that can be presented to the Commission at the next scheduled hearing. If the staff elects only to restate their opinion at the Hearing that the Exception should be denied and the Applicant's proposal be rejected, the Applicant requests the Commission recognize that the Applicant followed through with their part of the Commission's request.

Attached under cover of this letter is the Irrevocable Covenant offered by the Applicant. Also, attached under cover of this letter is a technical memo from CSA Planning that addresses issues raised during the proceedings concerning the requested exception. The Applicant respectfully requests the Site Plan and Architectural Commission approve the requested Exception Application and impose the Irrevocable Covenant proposal offered by the Applicant as reasonable compromise to resolve this matter and move the project forward while still advancing the City's public improvement interests.

Sincerely,



Richard A. Stark

RAS\sf

Encl:

cc: Eric Mitton, Assistant City Attorney

After Recording Return To:

STARK AND HAMMACK, P.C.
100 East Main Street, Suite M
Medford, OR 97501

**Until a Change is Requested
send all tax statements to:**

No Change

IRREVOCABLE COVENANT

KNOW ALL MEN BY THESE PRESENTS that pursuant to condition _____ in the City of Medford Planning Department, File No. AC-15-115/E-16-042 (Exception Request), the undersigned, **WAYNE E. DAVIS** and **RAYVEN M. DAVIS**, hereinafter Grantors, the owners of real property located in Jackson County Oregon described as follows:

The West Half of the North Half of the South Half of the Southeast Quarter of the Northeast Quarter of Section 36, Township 36 South, Range 2 West, of the Willamette Meridian in Jackson County, Oregon. EXCEPTING THEREFROM that portion deeded to the City of Medford, an Oregon Municipal Corporation, as set forth in instrument recorded as No.98-26314 of the Official Records of Jackson County, Oregon.

hereby irrevocably covenant and agree to the dedication of approximately 5.5 feet of additional right-of-way to provide a total right-of-way width of 23.5 feet from the centerline of the existing private street as described on Exhibit "A" attached hereto and by this reference incorporated herein, to the City of Medford, Oregon for public road purposes at the time the private road to the South of Grantors' property is improved as set forth below.

In addition Grantors agree to pay their proportionate share to improve this private road to appropriate municipal street standards within the limits of the right-of-way as dedicated along the frontage of their above described property. Grantors share of the cost of street improvements shall become due and payable when the City undertakes the desired street improvements pursuant to a public improvement plan that has been adopted by the City and which contemplates road widening and other improvements along the frontage of Grantors property and where such improvements shall, upon completion, result in a continuous connection to the rest of the improved City street system (or other paved and publicly maintained County or ODOT right-of-way).

Grantors by signing below agree to pay their fair share of the frontage of the public improvements for paving and sidewalks as set forth above on a ratable basis with the other parties involved with the public improvement.

Grantors further agree that if it is ever necessary for the City of Medford to enforce the provisions of this covenant the prevailing party in any such legal action will be entitled to recover attorney's fees and court costs.

In addition Grantors agree that this covenant shall be binding on Grantors and Grantors' heirs, successors, and assigns, and that this covenant cannot be amended in any way without the written and recorded consent of the City of Medford.

The true and actual consideration paid for this transfer, in terms of dollars is \$0.00, but consists of other promises which are the consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the grantor(s) have executed this instrument this ____ day of June, 2016.

Wayne E. Davis

Rayven M. Davis

Approved, Agreed, and Accepted:

City of Medford

By: _____

Its: _____

STATE OF OREGON)
)ss.
County of Jackson)

This instrument was acknowledged before me this ____ day of June, 2016, by WAYNE E. DAVIS, and acknowledged the above instrument to be his voluntary act and deed.

Notary Public for Oregon

STATE OF OREGON)
)ss.
County of Jackson)

This instrument was acknowledged before me this ____ day of June, 2016, by RAYVEN M. DAVIS, and acknowledged the above instrument to be her voluntary act and deed.

Notary Public for Oregon

EXHIBIT "A"

The South 23 ½ feet of the following described property for public road purposes:

"The West Half of the North Half of the South Half of the Southeast Quarter of the Northeast Quarter of Section 36, Township 36 South, Range 2 West, Willamette Meridian, Jackson County, Oregon"

This description includes approximately 5 ½ feet, in addition to the 18 feet already deeded in Instrument No. 98-26314, Official Records of Jackson County, Oregon.



Technical Memorandum

To: Medford Site Plan and Architectural Commission
c/o: Richard Stark, Stark and Hammack
Date: June 22, 2016
Subject: Planning File No. AC-15-115 & E-16-042

CSA Planning, Ltd

4497 Brownridge, Suite 101
Medford, OR 97504

Telephone 541.779 0569
Fax 541.779 0114

Jay@CSAplanning.net

In follow up to the last hearing, the Applicant's Attorney Richard Stark requested CSA Planning provide the Commission a response to some of the technical issues raised during the last hearing and this memo provides that response. Specifically, the Public Works Department modified their staff report and it now recommends the Exception part of the Application be denied and the Planning Department now recommends denial of the exception based upon their verbal testimony at the June 17th hearing. This memo responds to those issues, as follows:

- The Revised Public Works report appears to take the position that because the site may be physically capable of accommodating the additional right-of-way and the requested improvements then Exception Criterion 3 is not met. Public Work's interpretation of the code requires the insertion of language that does not exist in the criterion. Criterion Exception 3 requires only a finding of unique and or unusual circumstances that apply to the site. There is nothing in the criterion that says locational considerations do not constitute unique or unusual circumstances. There is nothing in the criterion that implies that the inquiry is somehow limited to, "specific site constraints". The record is replete with testimony, evidence and analysis that shows there are a number of unique and unusual circumstances that apply to the public street access and frontage of this property, not the least of which is that the existing right-of-way is actually maintained by the property owner and the City does not even currently have improved right-of-way to reach the street for maintenance.
- Both Planning Staff and Public Works Staff also provided evidence and testimony implying that improved City street connections to the property are likely to occur in the reasonably foreseeable future. This testimony serves the interest of Public Works to exact improvements out of the property owner but is ultimately speculative and overly optimistic, as follows:
 - The City has provided no evidence or testimony to the record that demonstrates the existence of a plan to construct City street improvements to the east to connect with Judge Lane. The City has not cited to any budget line items or any financial revenue source that is available to construct such improvements, and moreover, such improvements would be made outside the existing City limits and outside the Urban Growth Boundary. The City Council has adopted a recommended UGB amendment that it will be forwarding to the County for its review and none of the land to the east is included in that recommendation. Using the City Engineers estimate in these proceedings (\$263 a lineal foot for construction and 25% allowance for soft costs- engineering, surveying etc.) that is \$369,000 worth of street that would need to be constructed before improvements at the subject property would have any real connection to the rest of the public street system.
 - Next, the City provided testimony that a connection to Bierson Way is "just one property development away from establishing a connection". This is not true. Only the western 220 feet of the subject property is being developed and that is the only portion where any dedication or improvements would occur (even if such improvements were justified). Even if all of Tax Lot 801 developed and the Deferred Improvement Agreement for Tax Lot 800 was called in and the street was developed along this section, that still leaves a 440 foot gap where only 18 feet of right-of-way exists and no road improvements would have been completed. In order to actually get a City Street improvement all the way to the project entrance, the rest of the subject property would need to be developed and Tax Lot 804 across the street would also need to develop as well with right-of-way acquisition (condemnation) and City installed improvements would be needed on Tax Lot 805 which is fully developed. Using the City Engineer's estimate in these proceedings (\$263 a lineal foot for construction and 25% allowance for soft costs- engineering, surveying etc.) there are approximately \$316,000 worth of street improvements (excluding right-of-way costs) that would need to be constructed before improvements at the subject property would have any real connection to the public street system.

It is also worth noting, that if the Bierson Way connection is ever made, it relies on an agreement with the property owner of Tax Lot 800 to make future improvements. The staff has objected to the offer by Applicant's attorney to commit to participating in future improvements as being inadequate while at the same time arguing that such an arrangement will provide future right-of-way improvements to the



east in a straightforward manner. If the arrangement with the property owner of Tax Lot 800 is inadequate then staff's argument that the connection is straightforward falls apart. If the arrangement with property owner of Tax Lot 800 is adequate then there is no real reason to object to the offer made by Applicant's Attorney.

Furthermore, the notion that there is some immediate likelihood that Tax Lot 801 is likely to develop is pretty speculative. Attached to this memo is the aerial photo of the area from 2000. The area is pretty much unchanged over the last 16 years. The property to the south has sat vacant for years. Three buildings have been built over the last 16 years in the Bateman/Bierson/Bounty area while 17 lots adjacent to a City street with all City services ready for structural development have sat vacant over that period. Why would Tax Lot 801 add more inventory to the area when the inventory that exists has experienced such limited demand?

Lastly, the connection to Bierson would not relieve the Applicants of their burden to continue to fund maintenance of the private street and is not a very practical connection in any event. Using this connection for actual access would add 1900 feet (round trip) every time it is used. What person is going to drive a third of a mile out of their way to avoid a road they have to pay to maintain anyway?

- The City staff has essentially conceded that a full City commercial street to the west to Table Rock Road will be difficult and that no funding mechanisms exist that would make such an improvement anything resembling a likely event in the reasonably foreseeable future.

For all the above reasons, there are unique and unusual circumstances that apply to the site that do not typically apply elsewhere in the City and the requested exception can and should be approved.

CSA Planning, Ltd.

Jay Harland
Principal



Google earth



AERIAL DATE JULY 23, 2000

Kelly A. Akin

From: Eric B. Mitton
Sent: Thursday, June 23, 2016 5:02 PM
To: Kelly A. Akin
Cc: 'Dick Stark'; 'shannonf@starkhammack.com'; Cassie J. Neahr
Subject: FW: JDT Trucking
Attachments: Ltr to City of Medford with Irrevocable Covenant, Memo and Map.pdf

RECEIVED
JUN 23 2016
PLANNING DEPT.

Kelly,

Please include the this email in the SPAC agenda packet as the City Attorney's Office's position statement on the documents provided by applicant JDT Trucking this afternoon.

Counsel for the City has received and reviewed the Irrevocable Covenant along with attached cover letter and memorandum from the applicant in JDT Trucking. Counsel has no objection to the form and terms of the Irrevocable Covenant document drafted by applicant's attorney. Counsel finds this document to be legally sufficient as a "condition to assure that this criterion is met" for purposes of exception criteria, 10.253. Counsel has no objection to an exception under 10.253 being granted based upon this irrevocable covenant.

Counsel for the City disagrees with a number of assertions in the "technical memorandum" that accompanies the irrevocable covenant. However, if an exception under 10.253 is granted, these issues and legal/factual disagreements become moot.

Eric B. Mitton
Senior Assistant City Attorney
City of Medford
(541) 774-2020

From: Shannon Fowler [<mailto:shannonf@starkhammack.com>]
Sent: Thursday, June 23, 2016 4:11 PM
To: Eric B. Mitton
Subject: JDT Trucking

Good Afternoon Mr. Mitton,

Attached is a copy of a letter we will be hand delivering to the Medford Site Planning Commission tomorrow as well as hand delivering a copy of the letter to you as well.

We have also emailed a copy of this letter to Craig Stone and to Jay Harland.

Thank you,

Shannon Fowler
Legal Assistant to Richard A. Stark
100 East Main St. Suite M
Medford, Oregon 97501
Tele: 541-773-2213
Fax: 541-773-2084

N.E. 1/4, SEC. 36, T. 36S., R. 2W., W.M.
JACKSON COUNTY
1" = 200'

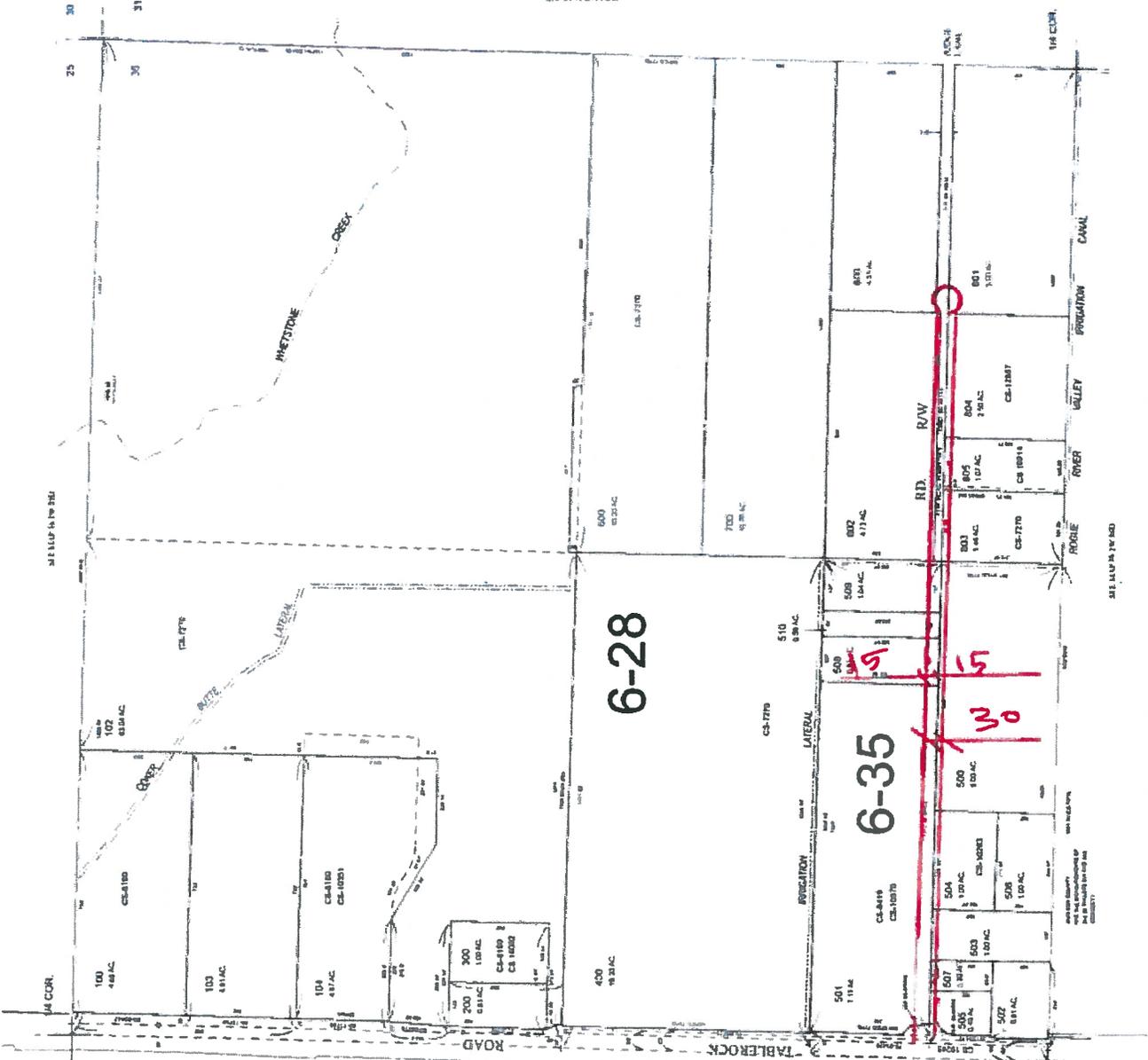
36 2W 36A
MEDFORD

CANCELLED TAX
LOT NUMBERS
101

RECEIVED
JUN 30 2016
PLANNING DEPT.

36 2W 36A
MEDFORD
FOR CONVERSION JANUARY 2000
REV FEBRUARY 11, 2004

FOR ASSESSMENT AND
TAXATION ONLY



Depiction of
strip of land
described in
EXH A OF
CORE 1986-22711

CITY OF MEDFORD
EXHIBIT # 2
File # AC-15-115 / E-16-042

10870

File 06-23-MP

MINOR LAND PARTITION

Located in the N.E. 1/4 Sec. 36, T.36 S., R.2 W., W.M., Jackson County, Oregon
December, 1986

PARTITIONER

John Davis
5610 Table Rock Road
Central Point, Oregon 97522

SURVEYOR'S CERTIFICATE

I, Verlyn Thomas, a duly Registered Land Surveyor of the State of Oregon, hereby certify that this map correctly represents a survey made by me or under my direction and complies with the regulations for "MINOR LAND PARTITION".

Verlyn Thomas
SURVEYOR
[Professional Seal: Verlyn Thomas, Registered Professional Land Surveyor, No. 1234, State of Oregon, Exp. 12/31/90]

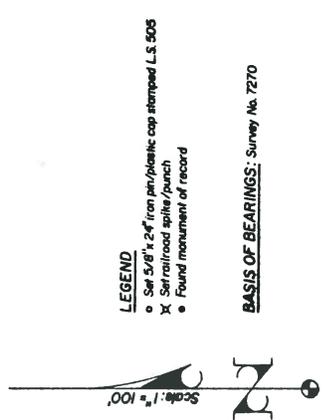
APPROVED by the Jackson County Planning and Development Department.

By: *[Signature]* City Clerk Date: April 22, 1987

RECORDING CERTIFICATE
Filed for record this 23rd day of July, 1987 at 10:28 AM at Medford, Oregon, L.M. and recorded in Volume 7 of page 24 of Jackson County Assessor's Office in Jackson County, Oregon.

[Signature]
COUNTY CLERK

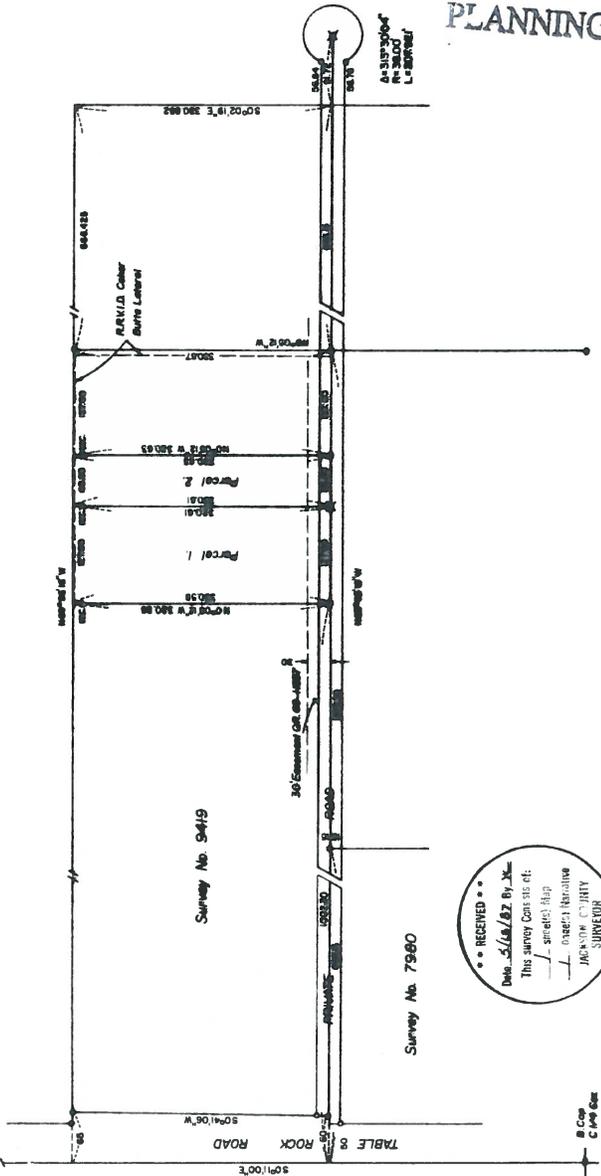
This is to certify that this is a true and correct copy of the original map.
[Signature]



LEGEND
o Set 5/8" x 24" iron pin/plastic cap stamped L.S. 505
x Set railroad spike/sunch
e Found monument of record

BASIS OF BEARINGS: Survey No. 7270

NOTE: This property, at the time of final map recording, was not shown to be suitable for development and will require, at a minimum, the provision of a potable water supply prior to the issuance of building or mobile home set-up permits by the Jackson County Department of Planning and Development.
The above statement placed upon this plat as a condition of approval by the Jackson County Department of Planning and Development.



RECEIVED
Date: 5/18/87 By: [Signature]
This survey consists of:
- 1 sheet(s) map
- 1 sheet(s) narrative
JACKSON COUNTY SURVEYOR

RECEIVED
JUL 01 2016

PLANNING DEPT.

10870

SURVEY NO. 10870

SURVEY NARRATIVE TO COMPLY WITH O.R.S. 209.250

FOR: John Davis
5610 Table Rock Road
Central Point, Oregon

PURPOSE: To monument and plat a Minor Land Partition of Parcel 2 of that certain previous Minor Land Partition filed as Survey No. 9419, and to monument a private road as presently located and constructed.

PROCEDURE: Recovered monuments previously established by this office for said Survey No. 9419; Monumented new division line and private road as shown on the accompanying plat.

36-2W-36A T. L. 508

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Verlyn D. Thomas
OREGON
MAY 13, 1960
VERLYN D. THOMAS
505

** RECEIVED **
Date 5/13/87 By SK
This survey Consists of:
1 sheet(s) Map
1 page(s) Narrative
JACKSON COUNTY
SURVEYOR

STARK AND HAMMACK, P.C.

ATTORNEYS AT LAW
100 E. MAIN STREET, SUITE B
MEDFORD, OREGON 97501

RICHARD A. STARK
LARRY C. HAMMACK
ERIC R. STARK

(541) 773-2213
(541) 779-2133
FAX (541) 773-2084
ras@starkhammack.com

July 1, 2016

RECEIVED

JUL 01 2016

PLANNING DEPT.

Medford Site Plan and Architectural Commission
City of Medford
200 S. Ivy Street
Medford, OR 97501

Dear Medford Site Plan and Architectural Commission,

Please find the attached supplemental evidence concerning Dolan objections to the improvements requested by the Public Works Department. The Applicant has earlier tendered a compromise to resolve these issues and we sincerely hope the Commission approves the exception subject to the Irrevocable Covenant proposed by the Applicant.

If, however, the exception is denied, I have a duty to my client to assure there is evidence in the record that supports our legal position that the requested improvements and dedications exceed the City's authority under Dolan. Any challenge to exactions under Dolan in the courts requires the resolution of all local appeals procedures. Thus, a denial of the exception would require the Applicant to appeal the matter to the City Council. The City Council appeal procedures are on the record, so this evidence must be submitted now in front of SPAC. That is the purpose of the attached evidence.

As we stated previously, we sincerely hope the submittal of this supplemental evidence is only academic. We believe the Commission can and should approve the exception as requested, subject to the Irrevocable Covenant offered by the Applicant, and request the Commission do so.

Very Truly Yours,

Stark and Hammack PC



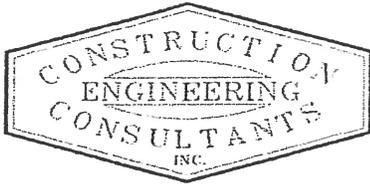
Richard A. Stark

CITY OF MEDFORD
EXHIBIT # **BB**
File # AC-15-115/E-16-042

EXHIBIT

Cost of JDT Trucking Project

| | |
|----------------------------------|--------------------|
| • Metal Building | \$47,980.00 |
| • Dirt work and slab | \$30,500.00 |
| • Labor for assembly of building | \$17,500.00 |
| • Doors | \$ 5,440.00 |
| • Paving 35,000 square feet | <u>\$49,128.00</u> |
| Total Cost of Project: | \$150,548.00 |



P.O. BOX 1724 • MEDFORD, OR 97501 • PH (541) 779-5268 • FAX (541) 779-3138

JDT Trucking
PRELIMINARY ENGINEER'S ESTIMATE

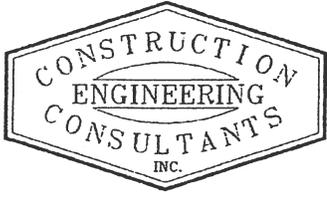
Date: June 6, 2016

| Description | Quantity | Unit | Low Unit Price | High Unit Price | Low Total Price | High Total Price |
|--|----------|------|----------------|-----------------|--------------------|--------------------|
| Public Street Construction | | | | | | |
| 18' Half Street w/ Curb, Gutter and Sidewalk | 220 | LF | \$160.00 | \$200.00 | \$35,200.00 | \$44,000.00 |
| Sub-Total | | | | | \$35,200.00 | \$44,000.00 |
| Agency Fees | | | | | | |
| Public Works Fees (6% of PW Related Costs) | 1 | LS | \$2,112.00 | \$2,640.00 | \$2,112.00 | \$2,640.00 |
| Sub-Total | | | | | \$2,112.00 | \$2,640.00 |
| Professional Fees | | | | | | |
| Civil Engineer (10% of Construction Costs) | 1 | LS | \$1,200.00 | \$1,201.00 | \$1,200.00 | \$1,201.00 |
| Surveyor (10% of Construction Costs) | 1 | LS | \$1,800.00 | \$1,801.00 | \$1,800.00 | \$1,801.00 |
| Geotechnical Engineer | 1 | LS | \$10,000.00 | \$10,001.00 | \$10,000.00 | \$10,001.00 |
| Sub-Total | | | | | \$13,000.00 | \$13,003.00 |
| Total | | | | | \$50,312.00 | \$59,643.00 |
| 30% Contingency | | | | | \$15,093.60 | \$17,892.90 |
| Grand Total | | | | | \$65,405.60 | \$77,535.90 |

This preliminary estimate is based on concepts and not engineered plans. This estimate is intended to give a general range of the costs associated with the type and scope of work involved.

Notes:

1. Unit prices based on recent construction costs and do not reflect actual contractor bids. Actual Contractor bids may vary significantly
2. This estimate was prepared prior to engineered documents - based on preliminary project layout
3. A detailed cost estimate should be completed after engineered documents are completed and approved.
4. Estimates for professional fees and PP&L costs should be obtained from the respective company.
5. This estimate does not include costs associated with landscaping / irrigation
6. Volumes and quantities listed here are approximate.



P.O. BOX 1724 • MEDFORD, OR 97501 • PH (541) 779-5268 • FAX (541) 779-3139

June 6, 2016

CSA Planning
4497 Brownridge Terrace, Ste. 101
Medford, OR 97504

Attn: Jay Harland

RE: JDT Trucking – AC-15-115/E-16-042 – Preliminary Engineer's Estimate

Dear Jay:

Attached is a preliminary engineer's estimate for the public street improvements outlined in the City staff report for the above referenced project. The public improvements include a half street improvements with 18' width from curb to center line, curb & gutter, and sidewalk for 220 lineal feet of property frontage.

If you have any questions, comments, or need additional information, please feel free to give me a call.

Sincerely,

Tony Bakke, P.E.
Construction Engineering Consultants, Inc.



EXPIRES: 12/31/17



Memorandum

To: Dick Stark
Date: June 29, 2016
Subject: Traffic Generation

CSA Planning, Ltd

4497 Brownridge, Suite 101
Medford, OR 97504

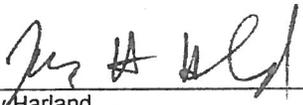
Telephone 541.779.0569
Fax 541.779.0114

Jay@CSAplanning.net

You requested CSA provide some evidence on traffic generation from the proposed addition for the JDT Trucking expansion. The final technical word on this should be prepared by a traffic engineer. However, CSA does have the 7th generation ITE Trip Generation Manual that traffic engineers use to estimate trips (although I believe they are on their 9th generation of the manual now). This source is adequate to get a trip generation estimate that is approximately close without engaging a traffic engineer for such a simple matter.

Using the average rate for ITE Code 110 results is 0.98 PM Peak Hour trips per 1,000 square feet of gross floor area which translates to about 4 peak hour trips. The average rate for the entire day is 6.97 which translates to about 26 trips for the entire day. This is substantially equivalent to the trips that would be generated by 2.5 single family houses.

CSA Planning, Ltd.



Jay Harland
Principal

cc. File



6/28/16

Dear Mr. Stark

At your request, I visited the JDT Trucking and Logistics site on June 27, 2016. I met with Jay Harland from CSA Planning Ltd. on-site to obtain background information on the pending application with the City of Medford concerning the City's requested right-of-way dedication and requirement for street frontage improvements or execution of a Deferred Improvement Agreement.

My understanding of the background facts are as follows:

1. The requested dedication and improvement requirements would apply to the western 220 feet of the property frontage.
2. The City is requesting dedication of an additional 13.5 feet of right-of-way which would expand the right-of-way to the north approximately 16.5 feet from the centerline of the existing improved privately maintained street.
3. The City is requesting the property owner either improve the street to full City standards to the centerline or execute a Deferred Improvement Agreement requiring a nonrefundable deposit in the amount of \$29,000 that City would hold until such time as the street is improved to City Standard.
4. The application is for a site plan review for a 3,750 square foot addition to the existing building and associated yard paving around the new building.
5. The City Staff recommendations for the requested improvements are based, in part, on the speculation that even if the private road is not improved to full City street standards then future public street connections east to Judge Lane or south Bierson Way would benefit the property.

I have been asked to express a preliminary opinion of value impacts to the property resulting from the City requirements for Public Improvements. Based upon my research to-date my opinion is as follows:

- The potential for positive value benefits accruing to the property are dependent on improvement to the existing private road that would establish a direct connection to Table Rock Road. The theory that future public street connections to Bierson Way or Judge Lane would benefit the property is misplaced from a commercial real estate perspective. Such streets would represent indirect routes to the property that few if any employees, customers or operations activities would every use- such routes are too circuitous. Moreover, the property has an on-going maintenance liability associated with the existing private street that would remain even if such public street connections were ultimately established.

- If the required improvements resulted in a direct public street connection to Table Rock Road according to a pre-determined timeframe, then such improvements would have some positive value implications that could be reflected in the market. These improvements would have the potential to offset the direct negative value impacts discussed below. However, because there is no definitive plan to improve the private road all the way to Table Rock Road within a specified time, the commercial real estate market would not ascribe any value benefits from the requested public improvements.
- The right-of-way dedication value impacts are significant. Using the County assessor RMV of \$1.08 per square foot, the actual value of the land itself is approximately \$3,000. However, the bigger impact is to the site circulation and utility of the existing building. The existing configuration allows parking and circulation in front of the building and room for loading in front of the roll-up door on the front. This would all be impaired by the additional right-of-way and would be expected to decrease the value of the property by \$10,000 to \$20,000 in an open market transaction. Adding to this, the relocation of the existing fence in good condition would likely add an additional \$3,000 to \$6,000 in value impacts.
- The value impacts of the construction, if built immediately, represent a dollar-for-dollar impact that is properly estimated by a civil engineer.
- With respect the Deferred Improvement Agreement option, the financial deposit represents a dollar-for-dollar value impact and in my understanding is that amount would be approximately \$29,000. However, the value impacts are not limited to this amount. The Deferred Improvement Agreement will require additional proportional contribution if a project is ever undertaken and exceeds the amount of the deposit. This translates to an indeterminate liability going forward which could reasonably be expected to reduce values on the order of an additional \$8,000 to \$20,000 in an open market transaction.

In total, the value impacts of the requested dedication and execution of a Deferred Improvement Agreement would be expected to be in the range of \$53,000 to \$78,000. This situation can be thought of as a point-in-time value impact that assumes the requested land use approvals are obtained and then exposed to the market as an approved but unbuilt project.

Thank you,



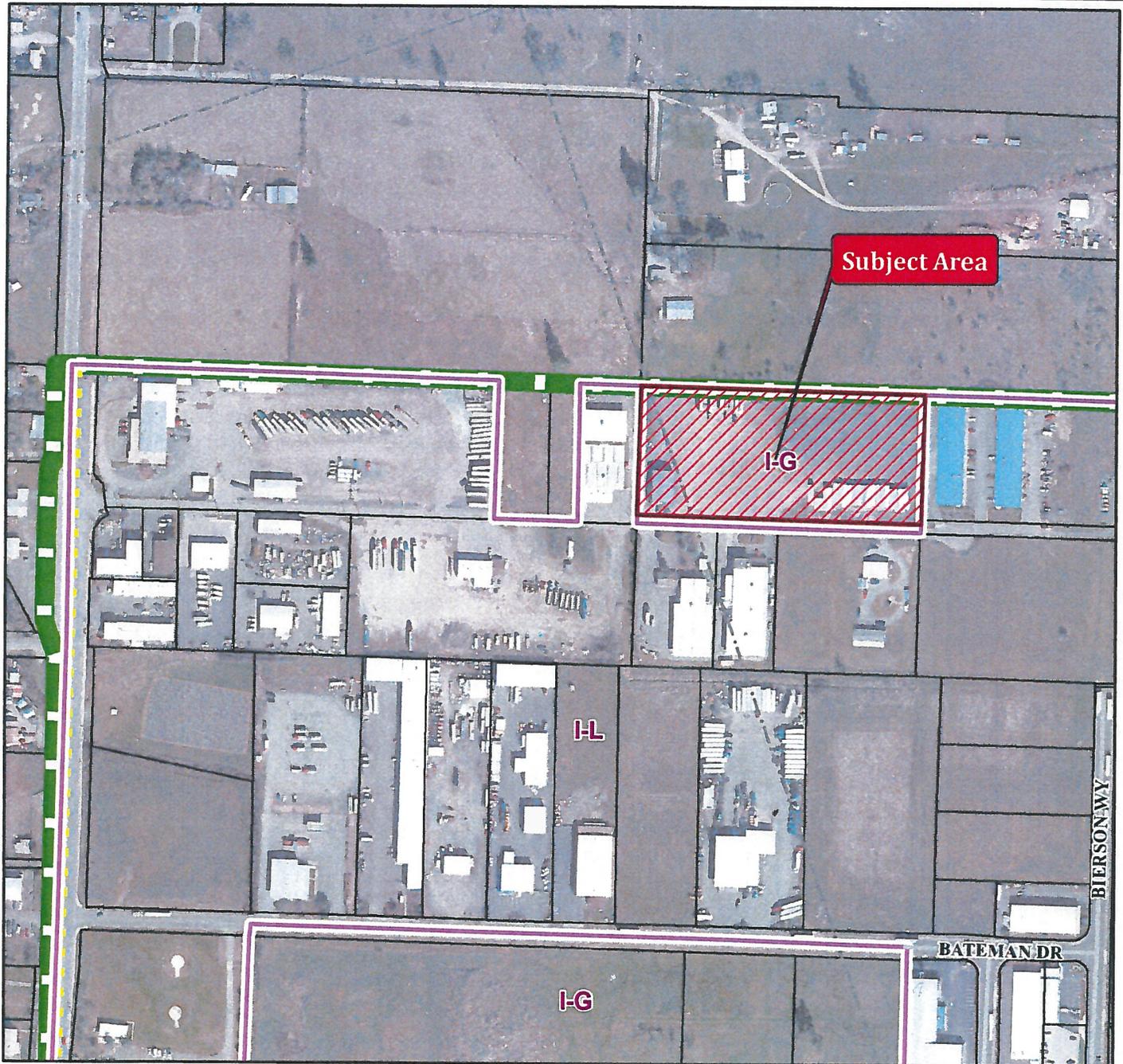
Scott King
Owner/Principal Broker



City of Medford Planning Department

Vicinity
Map

File Number:
AC 15-115
E 16-042

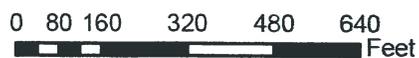


Project Name:

JDT Trucking

Map/Taxlot:

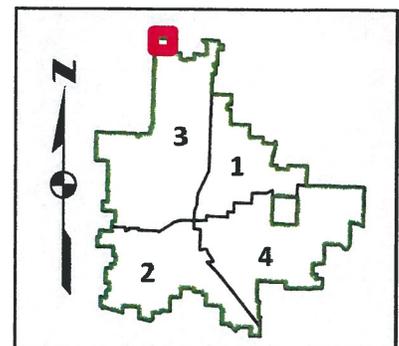
362W36A TL 802



04/04/2016

Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots
-  Streets
-  Urban Growth Boundary





Site Plan and Architectural Commission

Minutes

From Public Hearing on June 3, 2016

The regular meeting of the Site Plan and Architectural Commission was called to order at 12:00: noon in the Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Jim Quinn, Acting Chair
Jim Catt
Bill Chmelir
Tim D'Alessandro
Bob Neathamer
Marcy Pierce
Curtis Turner
Rick Whitlock

Staff Present

Jim Huber, Planning Director
Kelly Akin, Principal Planner
Eric Mitton, Senior Assistant City Attorney
Tracy Carter, Planner II
Dustin Severs, Planner II
Doug Burroughs, Public Works/Eng Development Services Manager
Debbie Strigle, Recording Secretary

Commissioners Absent

Jeff Bender, Chair, Excused Absence
Dick Gordon, City Council Liaison

10. Roll Call.

20. Consent Calendar. None.

30. Minutes.

30.1 The minutes for the May 6, 2016, meeting, were approved as submitted.

40. Oral and Written Requests and Communications. None.

50. Public Hearings.

Eric Mitton, Senior Assistant City Attorney, read the rules governing the public hearings.

New Business.

→ 50.1 **AC-15-115/E-16-042** Consideration of plans for the construction of a 3,750 square foot addition to an existing metal industrial building and associated exception request to eliminate public right-of-way dedications and standard street improvements, situated on a 4.73 acre parcel located on a privately maintained access road that is approximately 970 feet north, then 1,350 feet east of the intersection of Bateman Drive and Table Rock Road (362W36A TL 802, 5600 Table Rock Rd). (JDT Trucking, Applicant; CSA Planning LTD/Jay Harland, Agent).

Acting Chair Quinn asked for any potential conflicts of interest or ex-parte communications. There were none.

Tracy Carter, Planner II, read the approval criteria, and gave a PowerPoint presentation of the May 27, 2016, Staff Report. Staff recommended approval.

CITY OF MEDFORD

EXHIBIT # 3

File # AC-15-115/E-16-042

APPEAL

Commissioner Whitlock wanted to know if staff agreed that the parcel to the north was passive agricultural land. Mr. Carter said it seemed to be, based on the agent's Findings.

Commissioner Whitlock asked if staff had an opinion about connection to other streets. Ms. Akin pointed out the right-of-way does connect to the east, and access is obtained to the west from Table Rock Road. She said there is no right-of-way as far as how they actually access the site but it does connect to the east.

Commissioner wanted to know what the Deferred Improvement Agreement (DIA), as proposed by the Public Works Department, actually accomplishes. Ms. Akin explained the DIA has two purposes: (1) a promise to construct the improvements the agreement pertains to, and (2) to provide some form of security.

Ms. Akin commented that staff does agree with the agent's passive agricultural impact assessment.

Doug Burroughs, Public Works Department, referred to the Public Works Department Staff Report, Section 2a. He said they are asking for frontage improvements of only the part the applicant is impacting with their project, which is approximately 220 feet. The applicant would be responsible for improving the north half.

Commissioner D'Alessandro wanted to know what the financial impact of a DIA might be to the applicant. Mr. Burroughs said the rough estimate could be in the range of \$30,000 to \$50,000.

Commissioner Whitlock asked if there is a Medford code provision requiring improvements to the privately maintained street used by the development for access. Eric Mitton, Senior Assistant City Attorney, said he would respond after looking into it.

The public hearing was opened and the following testimony was given:

a) Jay Harland, CSA Planning, 4497 Brownridge, Medford, spoke about the project, street improvements, the challenge to find the relevant code section under which the City could require improvements be made to the privately maintained street, and the DIA. Mr. Harland requested that either the record remain open for seven days or the Commission continue the public hearing to another meeting so they could work with staff and allow for any new evidence on the improvements and DIA issues.

Mr. Mitton responded to Commissioner Whitlock's question regarding a code provision requiring the improvements to the privately maintained street used by the development for access. Mr. Mitton referenced MLDC §10.421 and gave an explanation of how staff and the City Attorney's office interprets it.

Mr. Harland commented that the code is vague and not clearly written.

After more discussion on street improvements and the DIA, the Commission decided to continue the public hearing to the June 17, 2016, meeting.

The public hearing was closed.

Motion Continue this hearing to the June 17, 2016, meeting.

Moved by: Commissioner Whitlock

Seconded by: Commissioner D'Alessandro

Roll Call Vote: Motion passed, 8-0

50.2 **AC-16-029/E-16-030** Consideration of plans for a 22,290 square foot, 108 dwelling unit multiple-family residential building and two Exception requests for building height and setback relief on approximately 1.23 acres extending between Almond Street and the I-5 viaduct approximately 300 feet



Site Plan and Architectural Commission Minutes

From Public Hearing on June 17, 2016

The regular meeting of the Site Plan and Architectural Commission was called to order at noon in the Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Jeff Bender, Chair
Jim Quinn, Vice Chair
Jim Catt
Bill Chmelir
Tim D'Alessandro
Bob Neathamer
Marcy Pierce
Curtis Turner
Dick Gordon, City Council Liaison

Staff Present

Jim Huber, Planning Director
Kelly Akin, Principal Planner
Eric Mitton, Senior Assistant City Attorney
Doug Burroughs, , Public Works/Eng Development Srvs Manager
Sarah Sousa, Planner IV
Dustin Severs, Planner II
Debbie Strigle, Recording Secretary

Commissioners Absent

Rick Whitlock, Excused Absence

10. Roll Call.

20. Consent Calendar (voice vote).

20.1 **AC-16-029/E-16-030** Final Order for the consideration of plans for a 22,290 square foot, 108 dwelling unit multiple-family residential building and two Exception requests for building height and setback relief on approximately 1.23 acres extending between Almond Street and the I-5 viaduct approximately 300 feet south of East Main Street, within the C-S/P (Service Commercial and Professional Office) zoning district. (Map lots 371W30BD TL 4400, 4401, 4601, and 4701). (Almond Street Rentals, LLC., Applicant; Oregon Architecture, Agent)

Motion: Adopt the consent calendar.

Moved by: Commissioner Quinn

Seconded by: Commissioner Chmelir

Voice Vote: Motion passed unanimously, 8-0

30. Minutes.

30.1 The minutes for the June 3, 2016, meeting, were approved as submitted.

40. Oral and Written Requests and Communications. None.

50. Public Hearings.

Eric Mitton, Senior Assistant City Attorney, read the rules governing the public hearings.

CITY OF MEDFORD
EXHIBIT # 4
File # AC-15-115/E-16-042
Appeal



Old Business.

50.1 **AC-15-115/E-16-042** Consideration of plans for the construction of a 3,750 square foot addition to an existing metal industrial building and associated exception request to eliminate public right-of-way dedications and standard street improvements, situated on a 4.73 acre parcel located on a privately maintained access road that is approximately 970 feet north, then 1,350 feet east of the intersection of Bateman Drive and Table Rock Road (362W36A TL 802, 5600 Table Rock Rd). (JDT Trucking, Applicant; CSA Planning LTD/Jay Harland, Agent)

Chair Bender asked for any potential conflicts of interest or ex-parte communications. Commissioner Neathamer declared he has on-going professional relationship with CSA Planning but he has not worked on this project and can remain impartial.

Kelly Akin, Principal Planner, read the approval criteria, and gave a PowerPoint presentation of the June 10, 2016, Revised Staff Report. She pointed out the exhibits placed at each Commissioner's seat consisting of a Revised Public Works Report, labeled as Exhibit "I-1"; a Nollan/Dolan Analysis, and; Exhibits S, T, U, and V. Staff recommended approval of AC-15-115 and denial of the Exception E-16-042.

The public hearing was opened and the following testimony was given:

a) Dick Stark, attorney for the applicant, said he would offer a compromise that would be to the advantage of the City and not an undue burden on the applicant. Mr. Stark gave some history on the road and displayed a map that had been prepared by a title company. He pointed out the location of the private easement that all the adjoining property owners use at the present time. Mr. Stark clarified that the road to the east of the property is not improved.

Mr. Stark stated it would be highly unlikely that the street dedication requirement for future Judge Lane would be beneficial to the applicant for a number of years. He spoke to the Dolan vs. City of Tigard case that occurred in 1994. Mr. Stark passed out Medford Land Development Code Section §10.668. He said this was the same exact language as the Dolan vs. Tigard case in which the Supreme Court had ruled against the City of Tigard. Mr. Stark talked about rough proportionality and said his proposal is that the Commission grant the exception, conditioned upon the applicant giving the City an irrevocable deed restriction that would dedicate five feet six inches; and that the Commission eliminate the planter strip of eight feet.

Mr. Stark reserved time for rebuttal.

Mr. Stark briefly spoke again to the Dolan vs. City of Tigard case and asked if that same doctrine applied to this application. He said his proposal gives everyone a win-win.

The public hearing was closed.

Commissioner D'Alessandro asked if Mr. Stark's proposal might set precedence if accepted and if this would be of concern.

Mr. Mitton said the Commission does have a great deal of flexibility in adding conditions and what Mr. Stark is proposing could fall under that. He said his understanding is that the City does not traditionally use local improvements districts. Mr. Mitton raised the issue of the planter strip and said there may be safety issues there.

Mr. Mitton talked about potential legal difficulties with Mr. Stark's condition. He said a reason for an exception is not just that the property would be less profitable and there has been no evidence placed into the record that it is impossible or difficult for the applicant to dedicate or build what staff has asked them to do on the property. He stated the question is the cost of it versus what they see as a benefit to

the greater community. He said he was not sure avoiding the cost of a Deferred Improvement Agreement (DIA) was basis for an exception.

Commissioner Neathamer said Mr. Stark's proposal seemed to have some valid reasoning behind it. He wanted to know the opinion of the Public Works Department and if they find it acceptable.

Doug Burroughs, Public Works Department, said his question was with the applicant trying to modify the exception. He stated he has never seen an exception to eliminate all public improvements and that is why they recommended denial of the exception. Mr. Burroughs said the problem with modifying the exception to allow a deed covenant for future dedication and improvements without any money is that it does not meet the third criterion of an exception request. He said that is where there cannot be any financial benefit or profitability. Mr. Burroughs commented that Mr. Stark was basically asking for a DIA without putting up any money. He added that the DIA, with the collection of money upfront, is their only method for improving lower order streets.

Mr. Burroughs spoke to the connectivity to the west at Table Rock Road. He said the most likely connection would be to Bierson Street. He said that was only a one lot of development away from making a connection to that street.

Mr. Burroughs commented that in regards to Mr. Stark's proposal to eliminate the planter strip, Public Works wants it there to keep pedestrians a safe distance away from the street. In regards to an agreement without money, he said he did not know how that would fly. He added it did not seem to fit the exception criteria.

Commissioner D'Alessandro asked if there had been any estimates done on the construction cost associated with this project. Mr. Burroughs replied they had agreed to use their construction cost bonding estimate and it was around \$30,000. Money for a DIA would be a little bit more.

Commissioner Chmelir asked if it made any difference that Judge Lane was a private road rather than a public road. Mr. Burroughs said it could make a difference. He said that if there are existing improvements on a street then they are requiring the applicant to make further improvements. Mr. Burroughs commented the applicant might get away with just doing an overlay on that portion of the street and widen out just a small amount versus tearing the whole thing up and building a new half street. He said that would obviously reduce the cost. He added that had not been looked into at this point.

Commissioner Neathamer asked Mr. Stark to approach the podium.

Chair Bender re-opened the public hearing to allow Mr. Stark to speak.

Commissioner Neathamer asked Mr. Stark to comment on the monetary compensation concern brought up by Mr. Burroughs. Mr. Stark answered they would agree to pay their fair share whether it is called a local improvement agreement or some other agreement provided by staff but he felt it did not make sense to pay for something that is not going to happen for perhaps 30 or 40 years, or may never happen. He stated they did not want to put money in a bond that would just sit there, and which probably wouldn't be close to enough money after the time it would be developed. Mr. Stark added he felt they could get together with staff and make something that had some teeth in it.

Commissioner Quinn asked Mr. Stark to restate his proposal. Mr. Stark reiterated his proposal that the Commission grant the exception conditioned upon an agreement and deed restriction that binds the applicant to do those things.

Commissioner Neathamer stated his difficulty was he doesn't like agreements that he doesn't have an opportunity to look at or view ahead of time. He doesn't like changes at the meeting such as today

because it makes a motion very difficult to make because it's intermixed with two different applications. Commissioner Neathamer stated his preference would be to continue this hearing to a future meeting until the Commission has a chance to view and study the proposed language so they can make a reasonable and informed decision.

From his audience seat Mr. Stark stated if the Commission would approve the concept then they would extend the time until they could present language for the Commission to look at.

Commissioner D'Alessandro asked if deferring the construction cost until the actual time of improvements versus paying the money upfront meet criteria for the exception. Mr. Burroughs answered that the proposal looks and feels like a DIA.

Mr. Mitton talked about a DIA without the bond. He said while the code could be more specific, he explained there could be trouble with exception criterion #4. He said his other concern was with the evidence of whether or not Judge Lane could be improved and when that might occur. Mr. Mitton commented he did not see any evidence by the applicant regarding the Bierson connection.

The public hearing was closed.

Motion: Continue AC-15-115/E-16-042 to a future meeting, for the applicant to provide sufficient evidence and materials.

Moved by: Commissioner Neathamer Seconded by: Commissioner Quinn

Amended Motion: Continue this item to the July 1, 2016, meeting.

Made by: Commissioner Neathamer Accepted by: Commissioner Chmelir

Roll Call Vote: Motion passed, 8-0

New Business.

50.2 **AC-16-017** Plans for the construction of a 9,990 square foot building to be used as a children's recreational facility and adult athletic center on a parcel totaling 0.97 acres, located on the north side of Parsons Drive, approximately 385 feet east of Stowe Avenue, within the I-G/PD (General Industrial/Planned Development) zoning district. (Laura Ancheta, Applicant; Ken Brown Construction, Agent)

Chair Bender asked for any potential conflicts of interest or ex-parte communications. Commissioner Neathamer declared he has an on-going professional relationship with Ken Brown but has not worked on this particular project. He felt he did not have a conflict of interest and had not received any information before this meeting. He stated he could remain impartial.

Sarah Sousa, Planner IV, gave a PowerPoint presentation of the June 10, 2016, Staff Report. Staff recommended approval.

The public hearing was opened and the following testimony was given:

a) Laura Ancheta, applicant, spoke to the project. She stated she would like to have nothing but artificial turf in the back area. She explained this area is a soccer field of sorts. One of the activities they would provide involve giant bubbles that surround people in which they would run around and bump into each other. She would prefer there be no landscaping or trees for people to run into and get hurt. She said she would like to draw up a revised landscape plan that shows artificial turf in that area and no other landscaping.

Ms. Ancheta reserved time for rebuttal.



Site Plan and Architectural Commission Minutes

From Public Hearing on July 1, 2016

The regular meeting of the Site Plan and Architectural Commission was called to order at noon in the Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Jim Quinn, Acting Chair
Bill Chmelir
Tim D'Alessandro
Bob Neathamer
Marcy Pierce
Curtis Turner
Rick Whitlock
Dick Gordon, City Council Liaison

Staff Present

Kelly Akin, Principal Planner
Eric Mitton, Senior Assistant City Attorney
Alex Georgevich, Deputy Public Works Director – City Engineer
Desmond McGeough, Planner III
Debbie Strigle, Recording Secretary

Commissioners Absent

Jeff Bender, Chair, Excused Absence
Jim Catt, Unexcused Absence

10. Roll Call.

20. Consent Calendar (voice vote).

20.1 **AC-16-017** Final Order for consideration of plans for the construction of a 9,990 square foot building to be used as a children's recreational facility and adult athletic center on a parcel totaling 0.97 acres, located on the north side of Parsons Drive, approximately 385 feet east of Stowe Avenue, within the I-G/PD (General Industrial/Planned Development) zoning district. (Laura Ancheta, Applicant; Ken Brown Construction, Agent).

Motion: Adopt the consent calendar.

Moved by: Commissioner D'Alessandro

Seconded by: Commissioner Chmelir

Commissioner Whitlock declared he would be abstaining from the consent calendar since he was not present at the last meeting.

Voice Vote: Motion passed unanimously, 6-0-1, with Commissioner Whitlock abstaining.

20.2 **AC-16-039** Final Order for consideration of plans for the development of a 5,287 square foot ambulatory surgery center on a 0.50 acre site located on the north side of Bennett Avenue, approximately 135 feet west of Crater Lake Avenue within the C-S/P (Service Commercial and Professional Office) zoning district (835 Bennett Avenue, map lots 371W19DC TL 3400 & 3401). (Crater Lake Surgery Center, LLC, Applicant; Boynton Williams & Associates/Jeff Ball, Agent).

Motion: Adopt the consent calendar.

CITY OF MEDFORD
EXHIBIT # 5
File # AC-15-115/E-16042
Appeal

Moved by: Commissioner Neathamer

Seconded by: Commissioner Turner

Voice Vote: Motion passed unanimously, 6-0-1, with Commissioner Whitlock abstaining.

30. Minutes.

30.1 The minutes for the June 17, 2016, meeting, were approved as submitted.

40. Oral and Written Requests and Communications. None.

50. Public Hearings.

Eric Mitton, Senior Assistant City Attorney, read the rules governing the public hearings.

Old Business.

→ 50.1 **AC-15-115/E-16-042** Consideration of plans for the construction of a 3,750 square foot addition to an existing metal industrial building and associated exception request to eliminate public right-of-way dedications and standard street improvements, situated on a 4.73 acre parcel located on a privately maintained access road that is approximately 970 feet north, then 1,350 feet east of the intersection of Bateman Drive and Table Rock Road (362W36A TL 802, 5600 Table Rock Rd). (JDT Trucking, Applicant; CSA Planning LTD/Jay Harland, Agent).

Acting Chair Quinn asked for any potential conflicts of interest or ex-parte communications. Commissioner Neathamer declared he has on-going professional relationship with CSA Planning but he has not worked on this project and can remain impartial.

Commissioner Whitlock disclosed he had been absent from the June 17, 2016, meeting when this project had been heard but stated he had fully read and reviewed the video from that meeting. He also stated he had been present at the initial public hearing meeting regarding this project on June 3, 2016 and it was his intention to fully participate in the discussion and decision making at this hearing today.

Commissioner Whitlock offered the applicant and the applicant's agent the opportunity to raise any objections to his full participation in the discussion and decision-making at this meeting. There were no objections made by either the applicant or the applicant's agent.

Kelly Akin, Principal Planner, read the approval criteria, and gave a PowerPoint presentation of the June 24, 2016, Second Revised Staff Report. She pointed out three new exhibits that had been placed at each Commissioner's seats, labeled as exhibits S-1, Z, and AA. Staff recommended approval.

Commissioner Whitlock wanted to know if the agreement should reference the potential development of any roads to the southeast or west. Ms. Akin responded she thought the agreement should.

Eric Mitton, Senior Assistant City Attorney, commented that looking at the Irrevocable Covenant where it talks about the development to the south, he saw that as a reference to the road that is directly south of the applicant's property as opposed to the roads south of the road to be developed.

Commissioner Whitlock asked Mr. Mitton if he believed this Commission had the authority to bind the City to this covenant or if it is more of a City Council decision as to whether it would be received and accepted by the City of Medford. Mr. Mitton answered that after reading the Charter, he believed this Commission would recommend it and then it would go to the City Manager for his signature. It would not need a City Council decision.

Commissioner Whitlock talked about the code changing to require financial commitments in connection with Deferred Improvement Agreements (DIA) and that they weren't always required. The applicant has offered a different approach to that financial commitment requirement rather than a bond, cash or other form of payment. He wanted to know if this Commission had ever granted approval for a similar type of exception to the cash or bonding requirement. Ms. Akin answered she couldn't recall any.

Mr. Mitton clarified that the exception was not for the cash or bonding requirement. He explained that the Exception Request and Deferred Improvement Agreement are two separate procedures and are very distinct from each other.

Commissioner D'Alessandro asked if the City requires cash or a bond. Mr. Mitton answered that if they were doing a Deferred Improvement Agreement it would be a bond as opposed to a cash deposit.

Councilmember Gordon asked if the pay proportionate share to improve the road went with the land. Mr. Mitton replied yes.

The public hearing was opened and the following testimony was given:

a) Dick Stark, attorney for the applicant, clarified for Commissioner Whitlock that the Irrevocable Covenant reference was intended just to the south street. He asked if staff was recommending denial of the exception and was told they were not. Mr. Stark had additional Dolan facts that were handed out to the Commissioners and entered into the record as Exhibit BB.

In regards to staff's recommendation for denial of the exception, Mr. Mitton clarified saying the question there was: what was their basis for recommending denial at the last hearing? He said he didn't think there was any statement made that staff is still recommending denial.

Commissioner Whitlock remarked that his understanding of the staff report was that staff was not making a specific recommendation but was offering both approval and denial options for this Commission's consideration.

Ms. Akin informed the Commission that Public Works had not revised their staff report based on Exhibit X that had been submitted by Mr. Stark. She said the Public Works Department recommendation is still for denial of the exception, thus the two recommended options for both approval and denial in the Planning staff report.

Commissioner Whitlock asked if the Public Works Department's position had changed after the submittal of the Irrevocable Covenant or are they still recommending denial. Ms. Akin replied that her understanding is that the Public Works Department is supportive of the requirements of the code. The code requires dedication and improvements to serve all properties within the city therefore Public Works did not change their recommendation based on the stipulations that were submitted by the applicant.

Mr. Stark stated the option presented by staff is okay with the applicant.

The public hearing was closed.

Commissioner Whitlock commented he felt strongly about both positions.

Motion: Direct staff to prepare a Final Order for approval of AC-15-115 and a Final Order for denial of E-16-042 per the Second Revised Staff Report dated June 24, 2016, including Exhibits A-1 through BB, and eliminating conditions 1 and 2 in Exhibit A-1.

Moved by: Commissioner Whitlock

Seconded by: Commissioner Neathamer

Commissioner Whitlock commented that although he generally supported the compromise and believed the arguments made by CSA Planning in Exhibit X had significant merit, it seemed that an approval of the exception would represent a significant departure from past approvals where this had never been done before. He said he thought the Public Works staff was generally correct about what the language of the code seemed to suggest about requiring a Deferred Improvement Agreement if the improvements are not going to be built now. Commissioner Whitlock said it seemed like this was the type of issue, that because City Council adopted the Deferred Improvement Agreement language, that Council should be

the one to decide if the covenant agreement is acceptable and in the best interest of city residents. He stated his motion was encouraging an appeal by the applicant to City Council and which would also give staff additional time to work through any issues that might exist. He said it did seem like the language in the covenant agreement was a little vague about what the private road to the south meant. Commissioner Whitlock said an appeal would also allow legal staff the opportunity to research and provide some sound advice to City Council regarding the merits of the Dolan challenge that was raised by the applicant.

Commissioner Neathamer stated he was going to support the motion because he had the same concerns as Commissioner Whitlock.

Commissioner D'Alessandro asked Commissioner Whitlock if his concern was with setting a precedent by taking this action or was it more that he believed the Commission would be stepping out of what has been set as code that it should be strictly a City Council decision.

Commissioner Whitlock said he really believed this project had all the earmarks of an incredibly unique situation and was uncomfortable with this Commission making a decision which he felt would dispense with the code requirements related to the Deferred Improvement Agreement. He added he was not concerned with setting a precedent.

Commissioner D'Alessandro asked what impact a denial would have on the applicant in terms of time frame and accomplishing what they're trying to do if they decide to go through the appeal process. Ms. Akin answered that the applicant could move forward with the site plan application even if the exception is under appeal. Before issuing building permits, the conditions would have to be met, including executing a Deferred Improvement Agreement and depositing the security that is required.

Commissioner D'Alessandro wanted a clarification that the deposit would have to be 125% of the engineer's estimate of that proposal. Ms. Akin said yes. Commissioner D'Alessandro asked if it had to be cash or if there was some other means that would be acceptable to the City. Ms. Akin stated her understanding of the code is that it is a deposit, which would be cash.

Commissioner Whitlock asked what the timeframe was, if a denial would interfere with the applicant moving forward, and if the time had been extended. Ms. Akin said they had received an extension of time of 30 calendar days so the 120th day is now September 2nd. She stated this would allow sufficient time for City Council to hear an appeal if that is what the applicant chooses to do.

Roll Call Vote: Motion passed 6-1, with Commissioner D'Alessandro voting "no".

New Business.

50.2 AC-16-044 Consideration of plans for a 66,837 square foot Medical Office Building on a 5.7 acre site within the I-L/PD (Light Industrial – Planned Unit Development Overlay) zone district located in the Stewart Meadows Village Planned Unit Development, together with a modification to a portion of the approved design guidelines for the development. Stewart Meadows Village PUD is generally bounded by Stewart Avenue on the north, South Pacific Highway to the east, Garfield Avenue to the south and Myers Lane to the west, and encompasses a total of approximately 77 acres. (KOGAP Enterprises, Inc., Applicant; Maize & Associates, Inc., Agent).

Acting Chair Quinn asked for any potential conflicts of interest or ex-parte communications. Commissioner Neathamer declared he has an on-going relationship with some of the representatives but could remain impartial. Commissioner Whitlock divulged he had learned that Medford Medical Clinic might be one of the potential tenants of this project. Since his physician is in that clinic, he wanted to



Site Plan and Architectural Commission Minutes

From Public Hearing on July 15, 2016

The regular meeting of the Site Plan and Architectural Commission was called to order at noon in the Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Jeff Bender, Chair
Jim Catt
Tim D'Alessandro
Bob Neathamer
Marcy Pierce
Rick Whitlock

Staff Present

Jim Huber, Planning Director
Kelly Akin, Principal Planner
Eric Mitton, Senior Assistant City Attorney
Debbie Strigle, Recording Secretary

Commissioners Absent

Bill Chmelir, Excused Absence
Jim Quinn, Excused Absence
Curtis Turner, Excused Absence
Dick Gordon, City Council Liaison, Excused Absence

10. Roll Call.

20. Consent Calendar (voice vote).



20.1 AC-15-115/E-16-042 Final Orders for the construction of a 3,750 square foot addition to an existing metal industrial building and associated exception request to eliminate public right-of-way dedications and standard street improvements, situated on a 4.73 acre parcel located on a privately maintained access road that is approximately 970 feet north, then 1,350 feet east of the intersection of Bateman Drive and Table Rock Road (362W36A TL 802, 5600 Table Rock Rd). (JDT Trucking, Applicant; CSA Planning LTD/Jay Harland, Agent).

Motion: Adopt the consent calendar.

Moved by: Commissioner Neathamer

Seconded by: Commissioner Whitlock

Voice Vote: Motion passed unanimously, 6-0.

30. Minutes.

30.1 The minutes for the July 1, 2016, meeting, were approved as submitted.

40. Oral and Written Requests and Communications. None.

50. Public Hearings. None.

60. Written Communications. None.

70. Unfinished Business. None.

80. New Business. None.

CITY OF MEDFORD
EXHIBIT # 6
File # AC-15-115/E-16-042
APPEAL

Welcome to the
Site Plan and Architectural
Commission



Agenda available online at www.ci.medford.or.us

JDT Trucking
AC-15-115 & E-16-042



Site Plan and Architectural Commission
June 3, 2016
Presented by Tracy Carter, Planner II

**SITE PLAN AND
ARCHITECTURAL REVIEW
CRITERIA**

The Site Plan and Architectural Commission shall approve a site plan and architectural review application if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:

**SITE PLAN AND
ARCHITECTURAL REVIEW CRITERIA**

1. The proposed development is compatible with uses and development that exist on adjacent land, and
2. The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved an exception as provided in MLDC Section 10.253.

EXCEPTION CRITERIA

1. The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to ensure this criterion is met.
2. The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

EXCEPTION CRITERIA

3. There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.
4. The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and must be suffered directly by the property in question. It is not sufficient proof to show that greater profit would result.

PROJECT SUMMARY

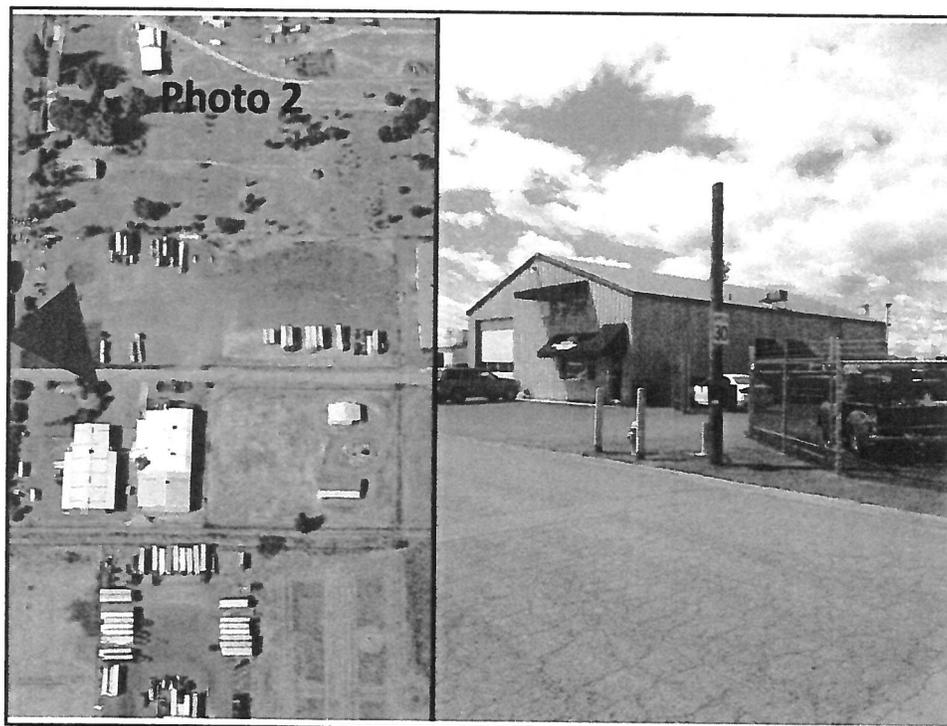
Site Plan and Architectural Review:

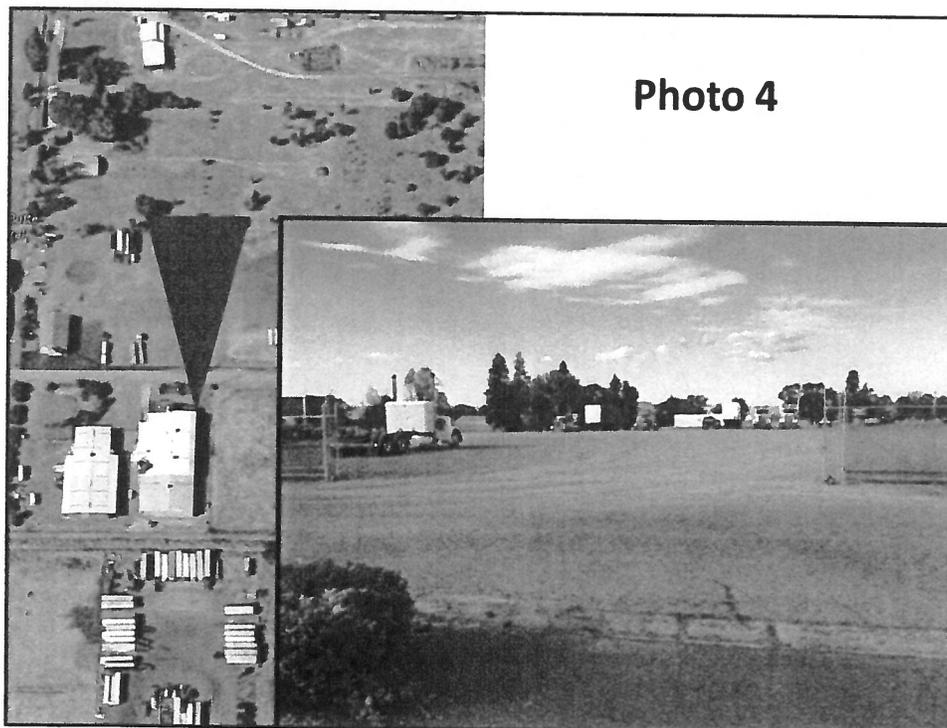
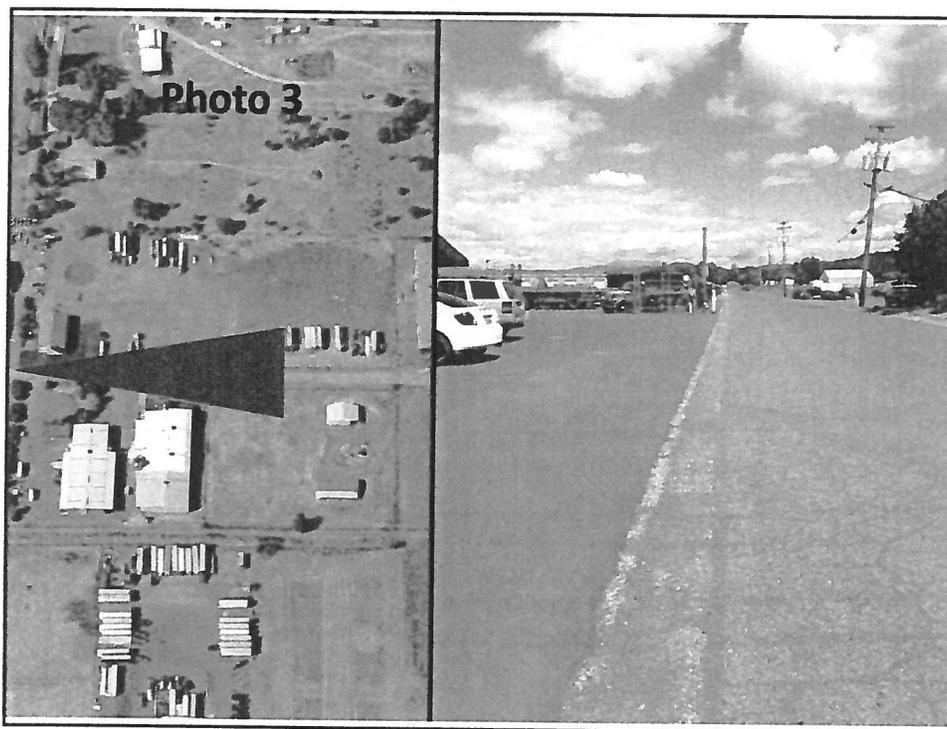
- 3,750 square foot addition

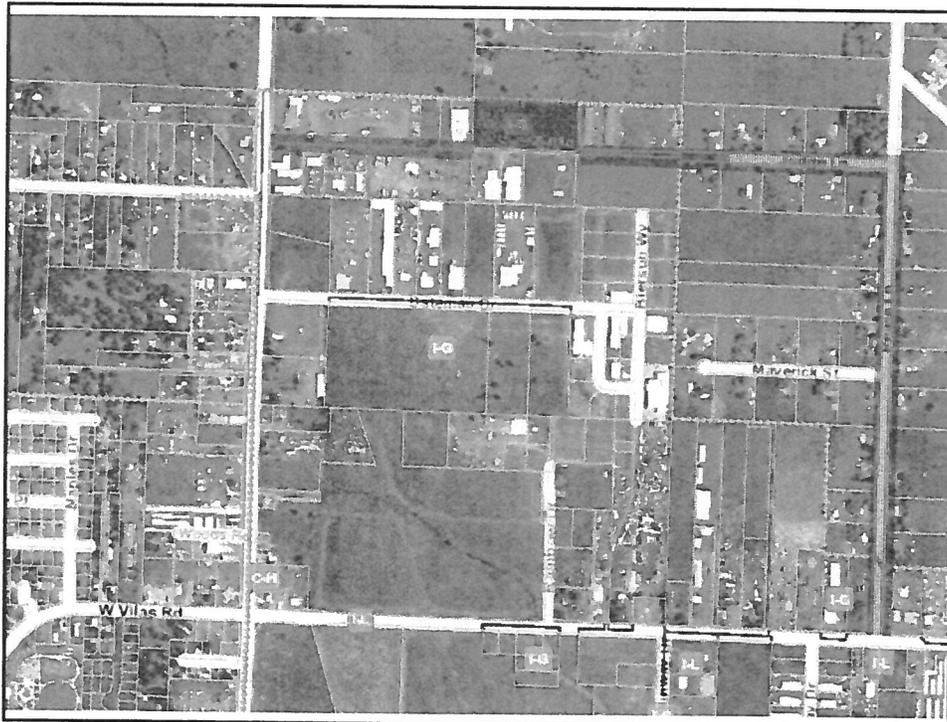
Exception:

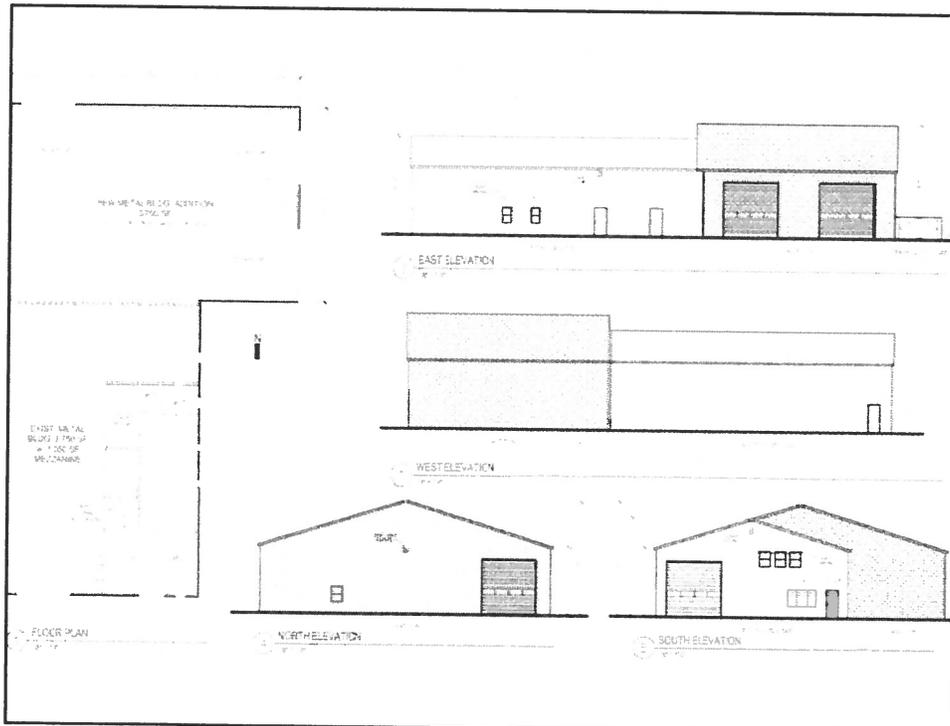
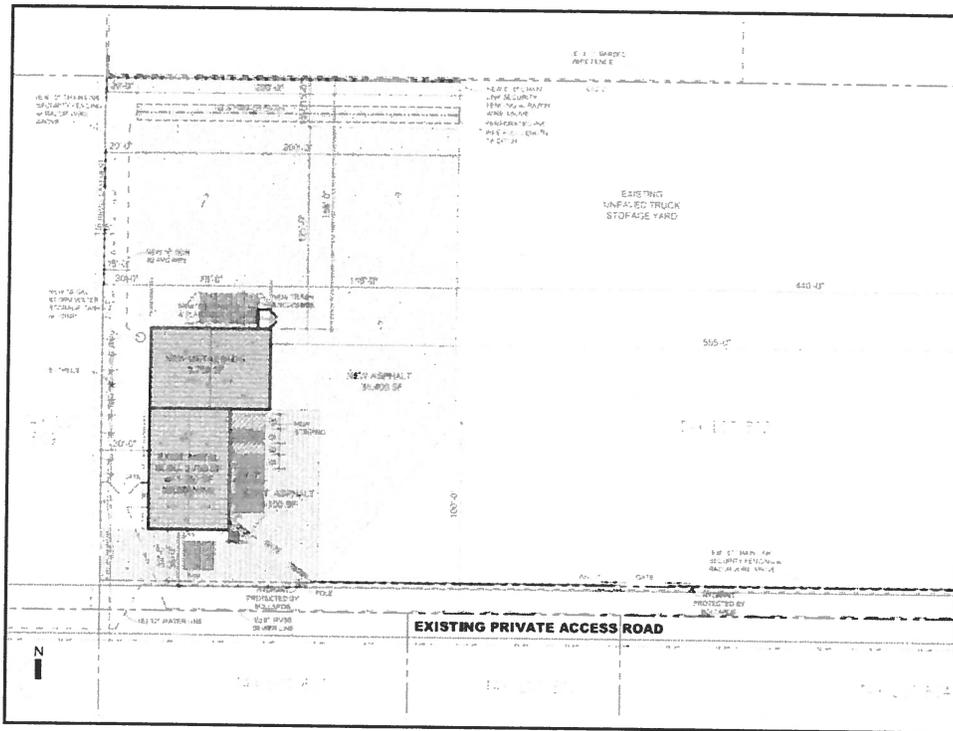
- Relief from ROW dedications and street improvements











SITE PLAN AND ARCHITECTURAL REVIEW CRITERIA

1. The proposed development is compatible with uses and development that exist on adjacent land;
-This criterion is satisfied.
2. The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved an exception as provided in MLDC Section 10.253.
-This criterion is satisfied.

EXCEPTION CRITERIA

1. The exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources.
- If the Commission agrees with the applicant's findings, then criterion 1 is satisfied.
2. The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district.
- This criterion is satisfied.

EXCEPTION CRITERIA

3. There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.
 - If the Commission agrees with the applicant's findings, then criterion 3 is satisfied.

4. The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code.
 - This criterion is satisfied.

SUMMARY

**Applicant's Findings sufficiently address the
Site Plan and Architectural Review and
Exception Criteria**

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of AC-15-115 & E-16-042

QUESTIONS FOR STAFF?

RECOMMENDED MOTION

Move to adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of AC-15-115 & E-16-042 per the Staff Report dated May 27, 2016, including all exhibits and conditions.

Welcome to the City of Medford Site Plan and Architectural Commission



If you wish to speak, please sign in legibly at the podium so that your name and address are listed accurately in the record.

The Site Plan and Architectural Commissioners strive to make decisions that are in the best interest of the community. Their decision must be based upon criteria, facts and the law.

We encourage you to participate because we are interested in what you have to say.

SITE PLAN AND ARCHITECTURAL REVIEW CRITERIA

MLDC 10.290

The Site Plan and Architectural Commission shall approve a site plan and architectural review application if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:

CITY OF MEDFORD

EXHIBIT # 8

File # AR-15-15/E-16-042

ADDRESS

**SITE PLAN AND
ARCHITECTURAL REVIEW
CRITERIA
MLDC 10.290**

1. The proposed development is compatible with uses and development that exist on adjacent land, and
2. The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved an exception as provided in MLDC Section 10.253.

**EXCEPTION CRITERIA
MLDC 10.253**

1. The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The Planning Commission shall have the authority to impose conditions to ensure this criterion is met.
2. The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

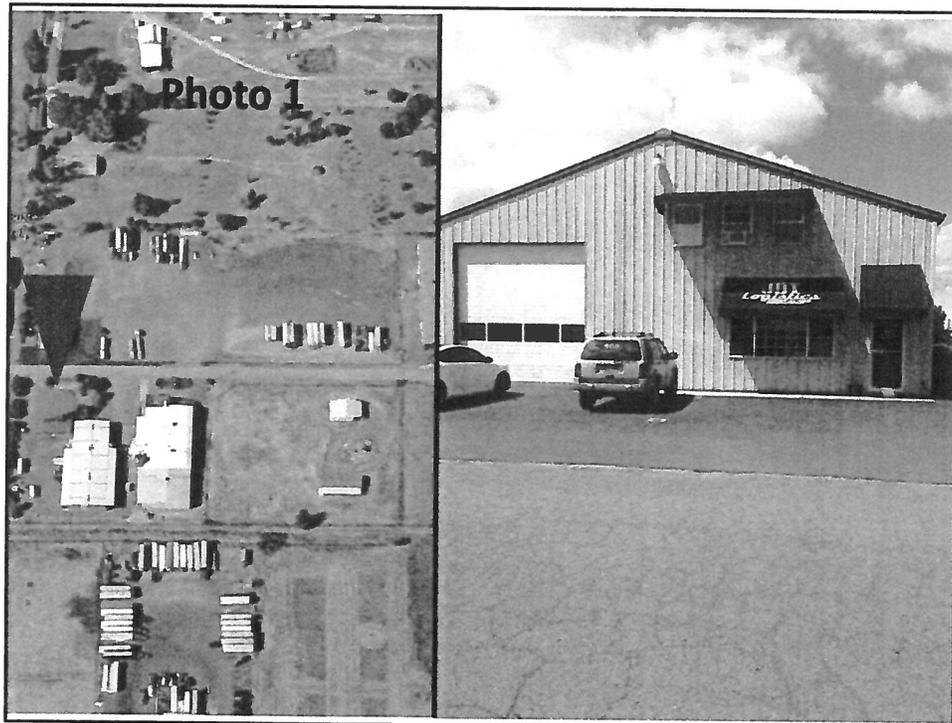
EXCEPTION CRITERIA
MLDC 10.253

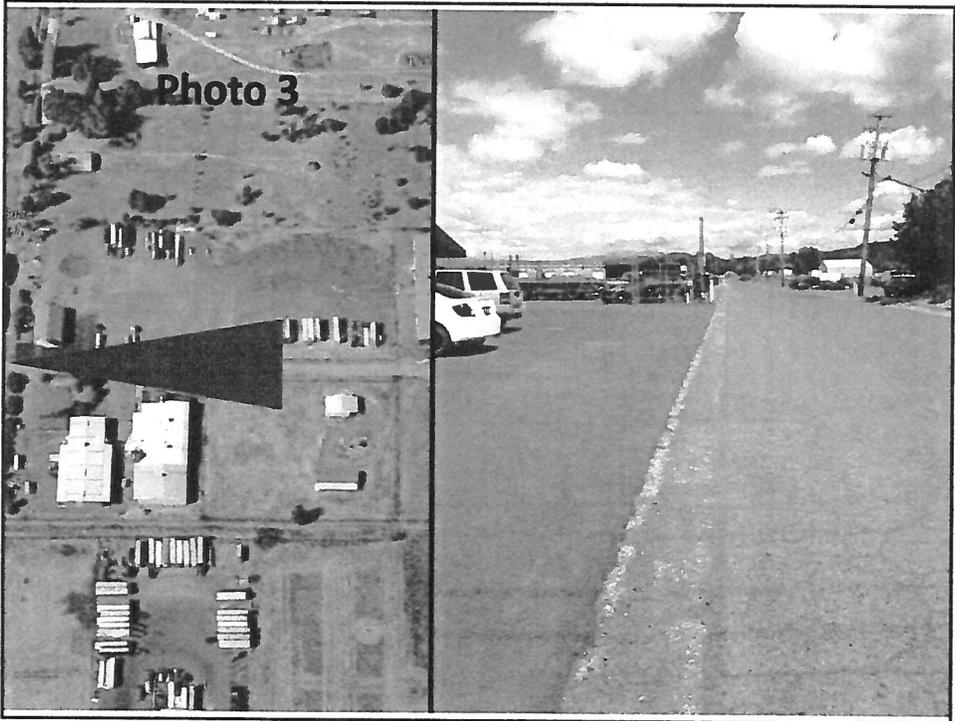
3. There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.
4. The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and must be suffered directly by the property in question. It is not sufficient proof to show that greater profit would result.

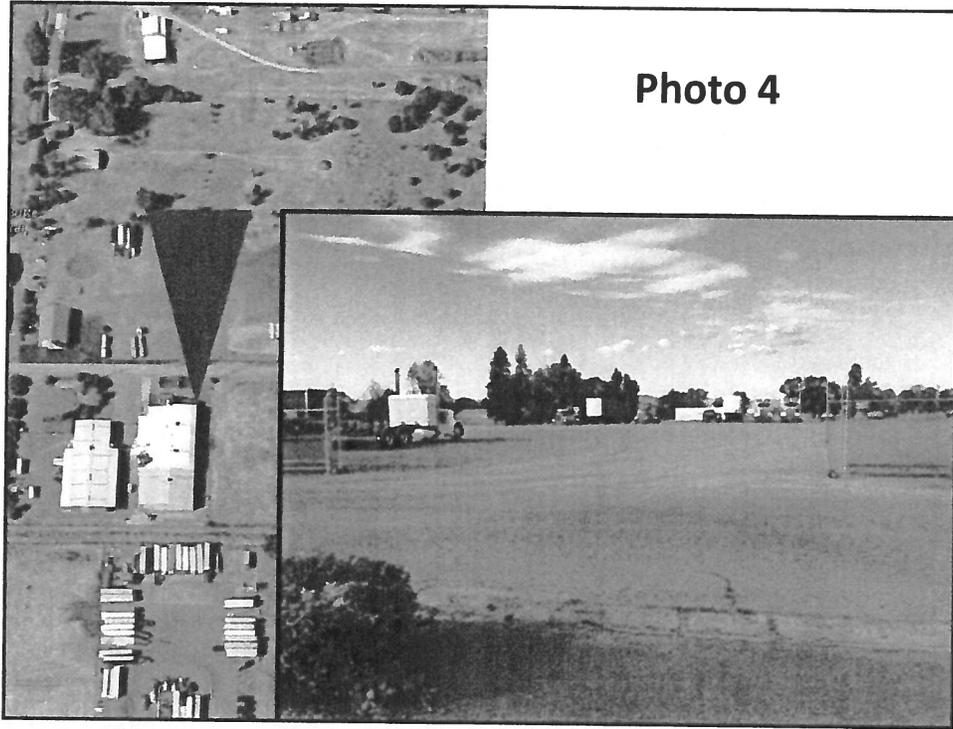
JDT Trucking
AC-15-115 & E-16-042

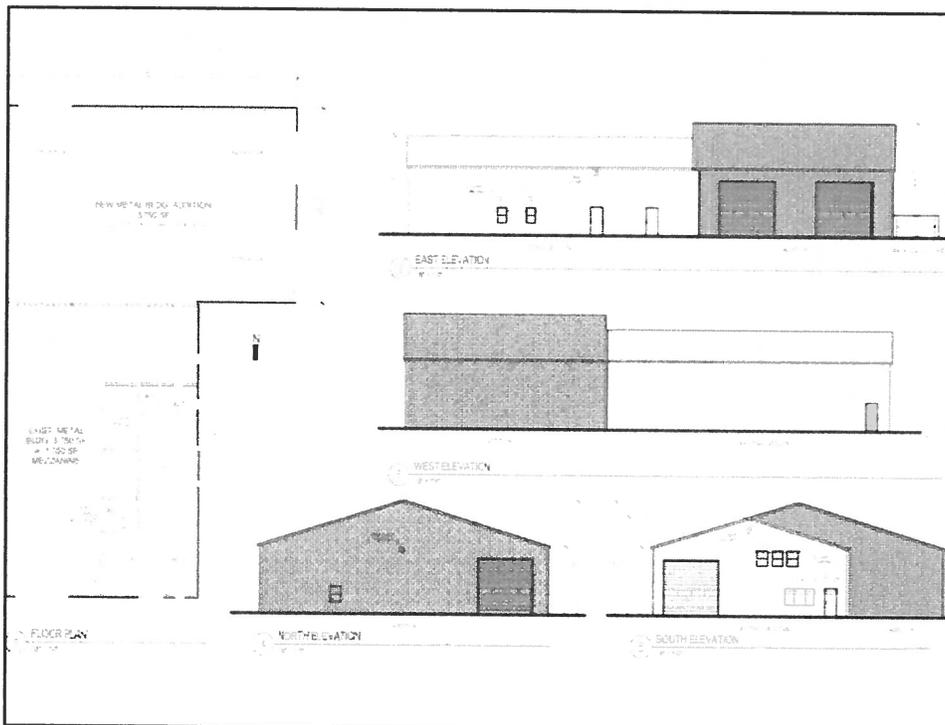
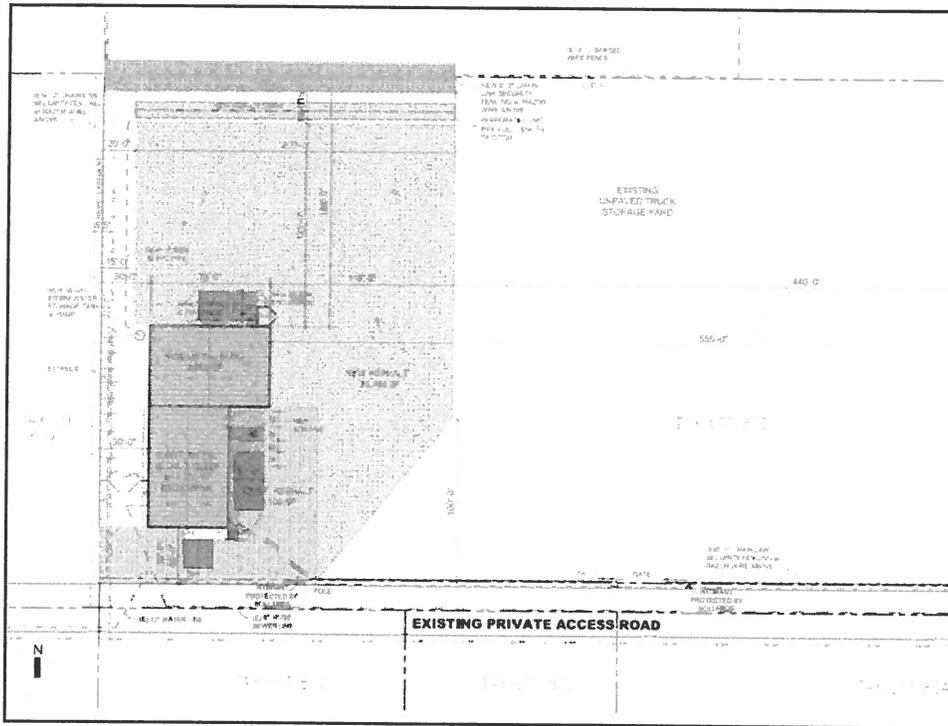


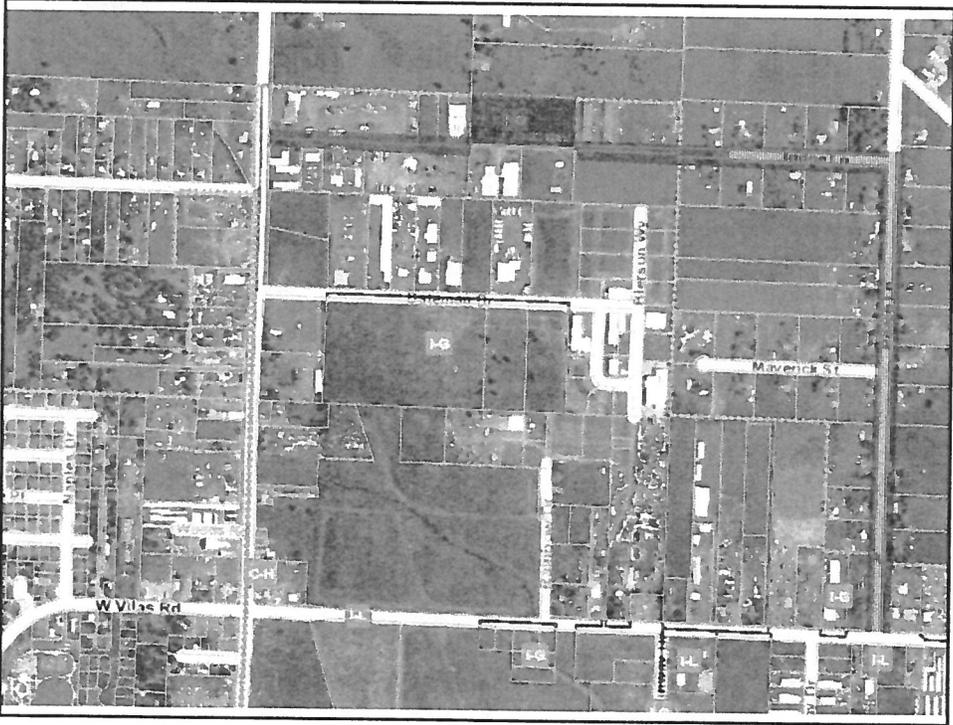
Site Plan and Architectural Commission
June 17, 2016
Presented by Kelly Akin, Principal Planner











SITE PLAN AND ARCHITECTURAL REVIEW CRITERIA

1. The proposed development is compatible with uses and development that exist on adjacent land;
-This criterion is satisfied.
2. The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved an exception as provided in MLDC Section 10.253.
-This criterion is satisfied.

EXCEPTION CRITERIA

1. The exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources.
- If the Commission agrees with the applicant's findings, then criterion 1 is satisfied.
2. The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district.
- This criterion is satisfied.

EXCEPTION CRITERIA

3. There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.
 - If the Commission agrees with the applicant's findings, then criterion 3 is satisfied.
 - If the Commission agrees with staff's findings, then criterion 3 is not satisfied.

4. The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code.
 - This criterion is satisfied.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of AC-15-115 and for denial of the Exception E-16-042

QUESTIONS FOR STAFF?

RECOMMENDED MOTION

Move to adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of AC-15-115 and denial of the Exception E-16-042 per the Revised Staff Report dated June 10, 2016, including all exhibits and conditions.

Welcome to the City of Medford Site Plan and Architectural Commission



If you wish to speak, please sign in legibly at the podium so that your name and address are listed accurately in the record.

The Site Plan and Architectural Commissioners strive to make decisions that are in the best interest of the community. Their decision must be based upon criteria, facts and the law.

We encourage you to participate because we are interested in what you have to say.

SITE PLAN AND ARCHITECTURAL REVIEW CRITERIA MLDC 10.290

The Site Plan and Architectural Commission shall approve a site plan and architectural review application if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:

**SITE PLAN AND
ARCHITECTURAL REVIEW
CRITERIA**

MLDC 10.290

1. The proposed development is compatible with uses and development that exist on adjacent land, and
2. The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved an exception as provided in MLDC Section 10.253.

EXCEPTION CRITERIA

MLDC 10.253

1. The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The Planning Commission shall have the authority to impose conditions to ensure this criterion is met.
2. The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

EXCEPTION CRITERIA

MLDC 10.253

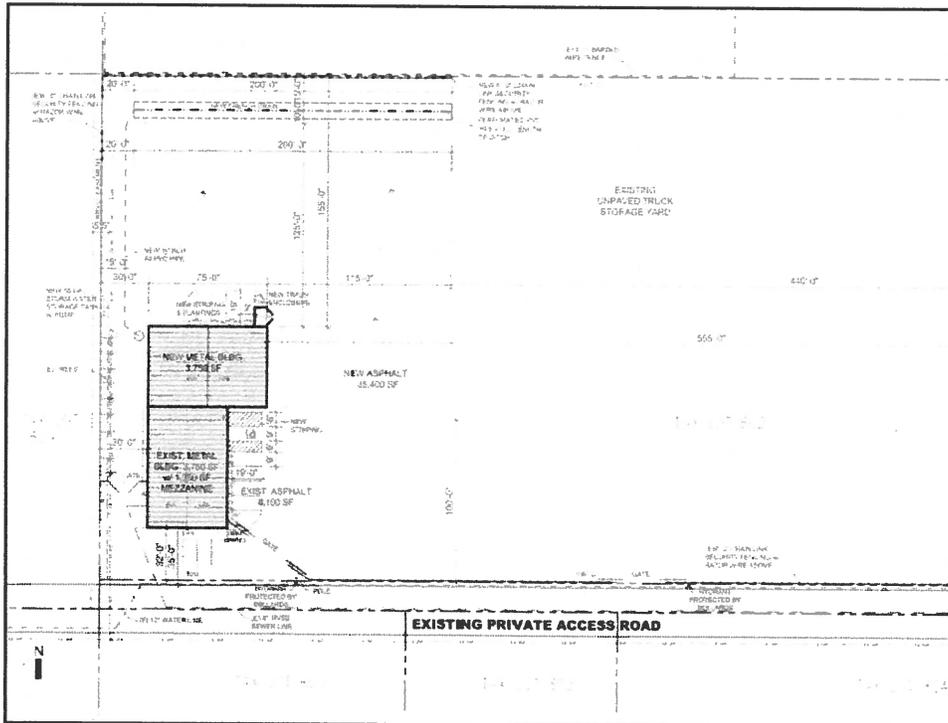
3. There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.
4. The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and must be suffered directly by the property in question. It is not sufficient proof to show that greater profit would result.

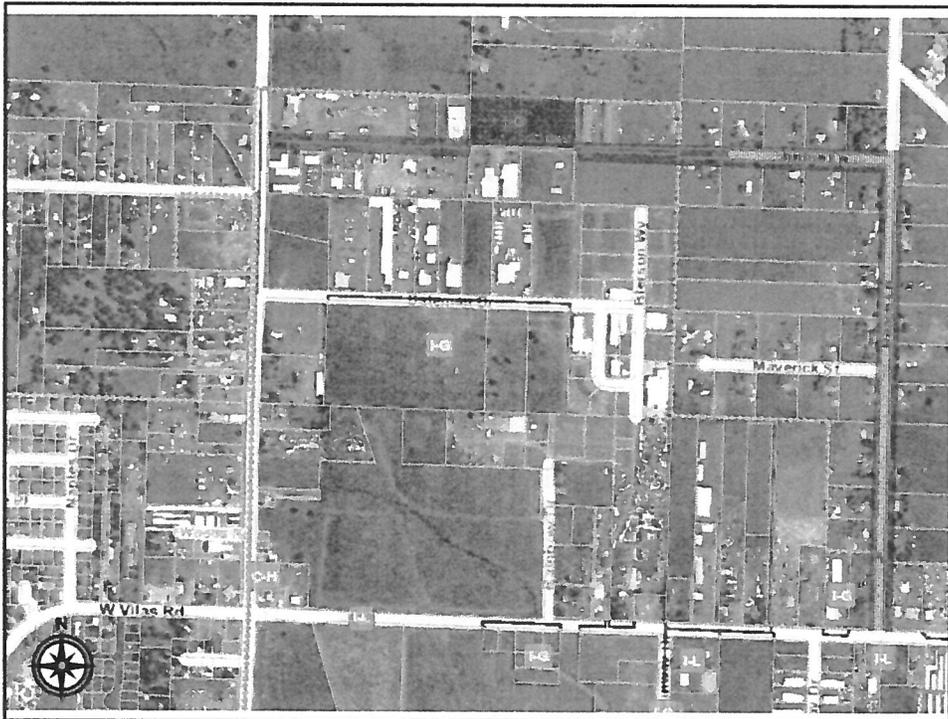
JDT Trucking

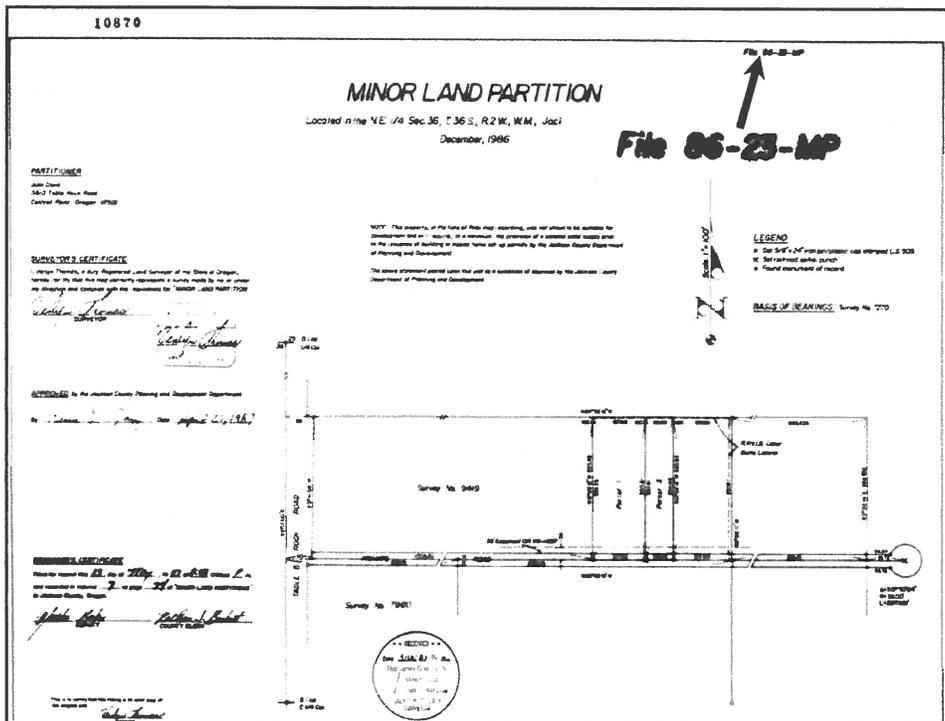
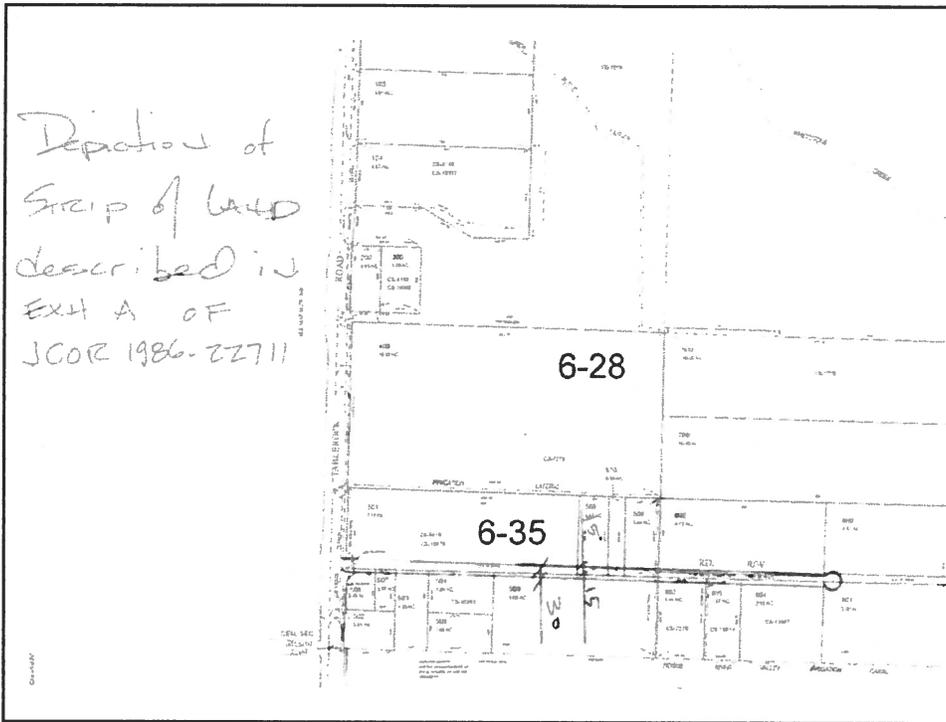
AC-15-115 & E-16-042



Site Plan and Architectural Commission
July 1, 2016
Presented by Kelly Akin, Principal Planner







Applicant's Stipulations

Exhibit X (p. 132)

- Execute Irrevocable Covenant
 - Dedicate 5.5 feet of additional right-of-way
 - Pay proportionate share to improve private road when City undertakes the desired street improvements to connect to the rest of the City street system
- Execute a waiver of rights under Dolan and MLDC 10.668

SITE PLAN AND ARCHITECTURAL REVIEW CRITERIA

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-This criterion is satisfied.
2. The proposed development complies with the applicable provisions of all city ordinances or the Site Plan and Architectural Commission has approved an exception as provided in MLDC Section 10.253.
-This criterion is satisfied.

EXCEPTION CRITERIA

MLDC 10.253

1. The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The Planning Commission shall have the authority to impose conditions to ensure this criterion is met.
2. The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

EXCEPTION CRITERIA

MLDC 10.253

3. There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.
4. The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and must be suffered directly by the property in question. It is not sufficient proof to show that greater profit would result.

RECOMMENDED ACTION

Approval of AC-15-115 and E-16-042

Direct staff to prepare Final Orders for approval of AC-15-115 and E-16-042 per the Second Revised Staff Report dated June 24, 2016, including Exhibits A-1 through Y, and adding Exhibits S-1, Z and AA.

QUESTIONS FOR STAFF?

RECOMMENDED MOTION

Move to adopt the findings as recommended by staff and direct staff to prepare Final Orders for approval of AC-15-115 and E-16-042 per the Second Revised Staff Report dated June 24, 2016, including Exhibits A-1 through Y, and adding Exhibits S-1, Z and AA. The Commission grants the Exception request for relief from the required 8-foot planter strip and finds that the Irrevocable Covenant ensures the general purpose and intent of the required street improvements are met. The record is clear that this is an unusual case with a possibility of a challenge based on *Dolan*. This action does not set any kind of a precedent for future cases. Finally, the Commission accepts the applicant's offer to sign a waiver of their rights under *Dolan*.



