# CITY COUNCIL AGENDA

MEDFORD OREGON

**October 3, 2019**
6:00 P.M.
Medford City Hall, Council Chambers
411 W. 8th Street, Medford, Oregon

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**10. Roll Call**

**20. Recognitions, Community Group Reports**
**20.1 Annual Travel Medford Report by Eli Matthews**

**30. Oral Requests and Communications from the Audience**
Comments will be limited to 4 minutes per individual, group or organization. PLEASE SIGN IN.

**40. Approval or Correction of the Minutes of the September 19, 2019 Regular Meeting**

**50. Consent Calendar**

**60. Items Removed from Consent Calendar**

**70. Ordinances and Resolutions**

**70.1 COUNCIL BILL 2019-101 – SECOND READING**
An ordinance authorizing execution of a Quitclaim Deed to sell two tax lots located on the west side of Portland Avenue south of East Main Street to Rogue Community Health for the amount of $146,510.

**70.2 COUNCIL BILL 2019-106**
A resolution establishing a public hearing date for the vacation of a portion of excess right-of-way on Foothill Road, Normil Terrace, and High Cedars Lane, a Public Utility Easement and Reserve Strips in High Cedars Landing, Phases 5B, 6B, and 7B, within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district. (SV-19-045)

**70.3 COUNCIL BILL 2019-107**
An ordinance authorizing execution of a grant agreement with the Housing Authority of Jackson County in the amount of $200,000 in 2019 Community Development Block Grant funds and an estimated $95,000 in program income for the Homeowner Repair Program.

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

## 80. 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 4 minutes. PLEASE SIGN IN.

### 80.1 COUNCIL BILL 2019-108

An ordinance amending Sections 10.012, 10.204, 10.427, 10.460, 10.461, 10.462 of the Medford Municipal Code pertaining to the City's transportation concurrency standards and the Transportation Impact Analyses criteria. (DCA-18-180) Land Use, Legislative

## 90. Council Business

### 90.1 Proclamations issued

National Community Planning Month – October 2019
Fire Prevention Week – October 6-12, 2019

### 90.2 Committee Reports and Communications

a. Council Officers Update

## 100. City Manager and Staff Reports

### 100.1 Foothill Road Median Options

### 100.2 5-G Technology Information

## 110. Adjournment

MEDFORD
OREGON
cityofmedford.org

Item No: 70.1

AGENDA ITEM COMMENTARY

DEPARTMENT: City Manager
PHONE: (541) 774-2000
STAFF CONTACT: Brian Sjothun, City Manager

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: October 3, 2019

## COUNCIL BILL 2019-101 – SECOND READING

An ordinance authorizing execution of a Quitclaim Deed to sell two tax lots located on the west side of Portland Avenue south of East Main Street to Rogue Community Health for the amount of $146,510.

## SUMMARY AND BACKGROUND

This is a second reading for an ordinance authorizing execution of a quitclaim deed to sell two tax lots located on the west side of Portland Avenue south of East Main Street to Rogue Community Health for the amount of $146,510.

## PREVIOUS COUNCIL ACTIONS

On September 19, 2019, with a 5-2 vote, the Council voted to sell the subject property to RCH for $146,510, which is approximately $50,000 less than full market value.

On September 7, 2017, Council Bill 2017-98 was approved authorizing the City Manager to proceed with the sale of surplus City-owned real property consisting of .16 acres located on Portland Avenue to Rogue Community Health.

On May 18, 2017, Council Bill 2017-46 was approved, deeming the property described as Maplot 371W30AC3300 as surplus and directed its sale to Rogue Community Health.

On April 20, 2017, the Medford City Council adopted Ordinance Number 2017-43. This Ordinance added Section 2.197 to the Medford Municipal Code setting standards and procedures for the disposal of real property by the City.

## ANALYSIS

The Council has previously approved the sale of this property to RCH in the amount of $196,510. The agreed upon price was through previous negotiations with RCH and the sale amount is reflective of the current value as listed by Jackson County.

Both previous council actions on this item contained conditions for RCH to complete as part of the sale. The status of the conditions are as follows:

- Resolution 2017-46 for Tax Lot 3300
    - Property shall be paved to meet City standards for parking lots within 12 months of the transfer of the property
        - RCH plans to begin improvements shortly after council consideration of this item and thus this condition will be met

- Driveway access from East Main to subject property will be eliminated within 60 days of transfer
  - RCH will complete this requirement within the timeframe after transfer
- A tree preservation plan be developed and executed for the existing tree on the northwest corner of the property
  - This item has been completed via the SPAC approval of the master plan for the site
- A cross-access easement for tax lot 3300 and 3200 be executed and recorded
  - Item will be completed after council consideration of this item and part of the property transfer

- Resolution 2017-98 for Tax Lot 3500
  - Property shall be paved to meet City standards
    - RCH will pave parking lots in accordance with City standards
  - Easement for the benefit of the property located at 18 Portland Ave to access parking be reserved in the deed
    - RCH will file such easement as part of the property transfer after council consideration.

RCH has completed all of the necessary land-use approvals as well as addressing the ingress/egress issues along Main Street. RCH has also worked with adjacent business owner, Boldt Dental, to address the issues brought forward to Council during the public hearing for the sale of the property.

## FINANCIAL AND/OR RESOURCE CONSIDERATIONS

By agreeing to reduce the price of the property to $146,510 which is below fair market value, the City would forego approximately $50,000 of revenue that would be placed within one of the transportation project funds. These funds were not budgeted as revenue for the 2019-21 biennium and would need to be recognized in a future supplemental budget.

## TIMING ISSUES

RCH is planning on beginning improvements for the master plan in the near future.

## COUNCIL OPTIONS

Approve the ordinance as presented.
Modify the ordinance as presented.
Deny the ordinance as presented or provide additional direction to staff

## STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

## SUGGESTED MOTION

I move to approve reducing the sale price to $146,510 for the two lots and that Rogue Community Health pay for all recording fees.

## EXHIBITS

Ordinance

ORDINANCE NO. 2019-101

AN ORDINANCE authorizing execution of a Quitclaim Deed to sell two tax lots located on the west side of Portland Avenue south of East Main Street to Rogue Community Health for the amount of $146,510.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That after a duly noticed public hearing per ORS 221.725, execution of a Quitclaim Deed to sell two tax lots located on the west side of Portland Avenue south of East Main Street and known as Tax Maplot 371W30AC3500 and Tax Maplot 371W30AC3600 to Rogue Community Health for the amount of $146,510, 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 October 3, 2019.

ATTEST:_____ _____

City Recorder Mayor

APPROVED_____, 2019. _____

Mayor

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OREGON
cityofmedford.org

Item No: 70.2

AGENDA ITEM COMMENTARY

**DEPARTMENT:** Planning
**PHONE:** (541) 774-2380
**STAFF CONTACT:** Matt Brinkley, AICP, CFM, Planning Director
**AGENDA SECTION:** Ordinances and Resolutions
**MEETING DATE:** October 3, 2019

## COUNCIL BILL 2019-106

A resolution establishing a public hearing date for the vacation of a portion of excess right-of-way on Foothill Road, Normil Terrace and High Cedars Lane, a Public Utility Easement and Reserve Strips in High Cedars Landing, Phases 5B, 6B, and 7B, within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district. (SV-19-045)

## SUMMARY AND BACKGROUND

Council is requested to consider a resolution to establish a public hearing date for the initiation of vacation of a portion of excess right-of-way on Foothill Road, right-of-way for Normil Terrace and High Cedars Lane west of Foothill Road, a Public Utility Easement (PUE) and Reserve Strips in High Cedars at Cedar Landing, Phases 5B, 6B and 7B, within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district. (SV-19-045)

## PREVIOUS COUNCIL ACTIONS

No previous Council actions have been identified for this item.

## ANALYSIS

The proposal is located within the Cedar Landing Planned United Development (PUD), which has been through a number of revisions since its 2006 approval. Most recently, in February 2019, the Planning Commission approved the redesign of the area located south of Cedar Links Drive. The redesign relocated the access on Foothill Road from Normil Terrace to a point further south to accommodate topography and sight distance.

The subject rights-of-way were dedicated based on a previous Planning Commission approval, but not improved. As a condition of the 2019 approval, the applicant was required to obtain approval for the vacation of the right-of-way, public utility easements and reserve strips as they are no longer needed.

The vacation process for public easements is not required per Oregon Revised Statute (ORS) Chapter 271; however, Section 10.200 of the Medford Land Development Code (MLDC) does state that a request to vacate an "easement" be subject to the vacation provisions of the Code, which the City's legal counsel has interpreted as requiring that their removal be recorded into the public record in accordance with ORS procedures.

The applicant, Cedar Landing Development, LLC, has requested that Council initiate the vacation process for these right-of-way sections and public utility easements as provided in MLDC 10.228(C) and ORS 271.130.

## FINANCIAL AND/OR RESOURCE CONSIDERATIONS
None.

## TIMING ISSUES
None.

## COUNCIL OPTIONS
Approve the resolution as presented.
Modify the resolution as presented.
Decline to approve the resolution as presented and direct staff regarding further action.

## STAFF RECOMMENDATION
Staff recommends approval of the resolution initiating the vacation and setting the public hearing date of November 7, 2019.

## SUGGESTED MOTION
I move to approve the resolution initiating the vacation and setting the public hearing date of November 7, 2019.

## EXHIBITS
Resolution
Applicant's Request to Initiate Street Vacation
Legal descriptions of the areas to be vacated
Assessor's Map of the area to be vacated
Vicinity Map

RESOLUTION NO. 2019-106

A RESOLUTION establishing a public hearing date for the vacation of a portion of excess rights-of-way on Foothill Road, Normil Terrace, and High Cedars Lane, a Public Utility Easement and Reserve Strips in High Cedars Landing, Phases 5B, 6B, and 7B, within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district. (SV-19-045)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON: that the City Council initials vacation proceedings with regard to the vacation of a portion of excess rights-of-way on Foothill Road, Normil Terrace, and High Cedars Lane, a Public Utility Easement and Reserve Strips in High Cedars Landing, Phases 5B, 6B, and 7B, within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district, and that at 6:00 p.m. on the 7th day of November, 2019, in City Hall Council Chambers, 411 W. 8th Street, Medford, Oregon, there shall be a public hearing before the City Council on the question of vacating said property and the City Recorder is directed to give notice of the hearing in accordance with ORS 271.110.

PASSED by the Council and signed by me in authentication of its passage this ____ day of October, 2019.

ATTEST: _____ _____

City Recorder Mayor

CEIVED
03 2019
NNING DEPT

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

Telephone 541.779.0569
Fax 541.779.0114

Mike@CSAplanning.net

May 3, 2019

MAYOR AND CITY COUNCIL
c/o Planning Department
City Hall
Medford, OR 97501

***REQUEST TO INITIATE STREET VACATION***

Dear Mayor and Council:

We represent Cedar Landing Development, LLC, record owner of the land bound by High Cedars Phases 5A-7B and located within the Cedar Landing Planned Unit Development. The topic of this letter concerns the partial vacation of High Cedars Lane, Normil Terrace and Foothill Road, all of which are within or adjacent to the Cedar Landing PUD. The vacations were made a condition of approval in earlier approvals granted by the Planning Commission concerning this Revised Tentative Plat under municipal file LDS-18-153.

As background, the aforementioned rights-of-way were dedicated for public use (but not improved) as a condition of earlier approvals for this PUD. Later, under LDS-18-153 the underlying tentative plat was redesigned and placed before the Planning Commission for consideration. The redesign effectively relocated the previously approved local street connection into the project from Foothill Road at Normil Terrace with a connection at Tree Top Drive, situated slightly further to the north. The redesign also took into consideration more recent cross sections of Foothill Road, adjacent to the subject property. The revised cross sections allows for five (5) less feet of right of way and relocated PUE along the project frontage on Foothill Road. The revised plans were approved and were not appealed.

Oregon Revised Statutes (ORS) Chapter 271 provides two methods for the vacation of public streets. The first, pursuant to ORS 271.130 is on the City Council's own motion. The second, pursuant to ORS 271.080 is on petition and consent of affected property owners. Street vacations in Medford have nearly always been initiated by the Council on its own motion because this process is more streamlined and exposes the City to little or no risk. As such and by this letter Cedar Landing Development Group LLC herewith requests that the Council formally initiate these two street vacations on its own motion. Once initiated, CSA Planning on behalf of this client will furnish Findings of Fact and Conclusions of Law and other materials as required to prosecute and finalize the street vacations.

We appreciate the Council's consideration of this matter.

Very truly yours,
CSA Planning, Ltd.

Mike Savage
Consulting Planner

cc. Cedar Landing Development, LLC

CITY OF MEDFORD
EXHIBIT #
File # SV-19-045

# EXHIBIT "A"

RESERVE STRIPS
NORMIL TERRACE AND HIGH CEDARS LANE
(See attached EXHIBIT "B" for map)

**ONE-FOOT RESERVE STRIP AT SOUTH END OF HIGH CEDARS LANE**

Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the Easterly line of said Lot, South 03°51'41" East 112.01 feet; thence continue South 03°51'41" East 122.89 feet; thence along the arc of a 30.00 foot radius curve to the left (the long chord to which bears North 48°45'03" West 42.34 feet) a distance of 47.01 feet; thence South 86°21'35" West 34.52 feet; thence along the arc of a 531.50 foot radius curve to right (the long chord to which bears South 88°52'05" West 46.52 feet) a distance of 46.54 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears South 43°43'54" West 29.56 feet) a distance of 33.26 feet; thence South 03°51'41" East 142.57 feet to the **POINT OF BEGINNING**; thence South 86°20'45" West 55.00 feet to the point of Terminus.

**ONE-FOOT RESERVE STRIP AT NORTH END OF HIGH CEDARS LANE**

Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the Easterly line of said Lot, South 03°51'41" East 112.01 feet; thence along the arc of a 30.00 foot radius non-tangent curve to the right (the long chord to which bears South 41°14'58" West 42.34 feet), a distance of 47.01 feet; thence South 86°21'33" West 34.16 feet; thence along the arc of a 468.50 foot radius curve to the right ( the long chord to which bears South 89°21'47" West 49.09 feet) a distance of 49.12 feet; thence along the arc of a 20.00 foot radius curve to the right (the long chord to which bears North 44°40'45" West 27.26 feet) a distance of 29.99 feet; thence North 01°43'30" West 122.15 to the **POINT OF BEGINNING**; thence South 79°29'14" West 56.63 feet to the Point of Terminus.

**ONE-FOOT RESERVE STRIP AT WEST END OF NORMIL TERRACE**

Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the Easterly line of said Lot, South 03°51'41" East 112.01 feet; thence continue South 03°51'41" East 122.89 feet; thence along the arc of a 30.00 foot radius curve to the left (the long chord to which bears North 48°45'03" West 42.34 feet) a distance of 47.01 feet; thence South 86°21'35" West 34.52 feet; thence along the arc of a 531.50 foot radius curve to right (the long chord to which bears South 88°52'05" West 46.52 feet) a distance of 46.54 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears South 43°43'54" West 29.56 feet) a distance of 33.26 feet; thence South 03°51'41" East 143.57 feet; thence South 86°20'45" West 55.00 feet; thence North 03°51'41" West 160.08 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears North 42°38'16" West 25.05 feet) a distance of 27.07 feet; thence along the arc of a 1468.50 foot radius curve to the left (the long chord to which bears North 81°46'13" West 18.26 feet) a distance of 18.26 feet to the **POINT OF BEGINNING**; thence North 07°50'04" East 63.03 feet to the Point of Terminus.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darrell L. Huck

OREGON
FEBRUARY 4, 1983
DARRELL L HUCK
2023
EXPIRES 6/30/2021

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

(14099 street plug normil-high cedar.doc)

# EXHIBIT "A"

ROAD VACATION
FOOTHILL ROAD, NORMIL TERRACE AND HIGH CEDARS LANE
(See attached EXHIBIT "B" for map)

That portion of Normil Terrace and including High Cedars Lane and the adjoining Public Utility Easements, lying westerly of Foothill Road and being located in Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, recorded in Volume 42 of Plats at Page 31 of Records in the City of Medford, Jackson County, Oregon, being more particularly described as follows:

Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the Easterly line of said Lot, South 03°51'41" East 112.01 feet to the **POINT OF BEGINNING**; thence continue South 03°51'41" East 122.89 feet; thence along the arc of a 30.00 foot radius curve to the left (the long chord to which bears North 48°45'03" West 42.34 feet) a distance of 47.01 feet; thence South 86°21'35" West 34.52 feet; thence along the arc of a 531.50 foot radius curve to right (the long chord to which bears South 88°52'05" West 46.52 feet) a distance of 46.54 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears South 43°43'54" West 29.56 feet) a distance of 33.26 feet; thence South 03°51'41" East 142.57 feet; thence South 86°20'45" West 55.00 feet; thence North 03°51'41" West 159.08 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears North 42°38'16" West 25.05 feet) a distance of 27.07 feet; thence along the arc of a 1468.50 foot radius curve to the left (the long chord to which bears North 81°46'13" West 18.26 feet) a distance of 18.26 feet; thence North 07°50'04" East 63.03 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears North 46°37'18" East 29.89 feet) a distance of 33.75 feet; thence North 01°43'30" West 94.00 feet; thence North 74°29'14" East 56.63 feet; thence South 01°43'30" East 122.15 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears South 44°40'45" East 27.26 feet) a distance of 29.99 feet; thence along the arc of a 468.50 foot radius curve to the left ( the long chord to which bears North 89°21'47" East 49.09 feet) a distance of 49.12 feet; thence North 86°21'33" East 34.16 feet; thence along the arc of a 30.00 foot radius non-tangent curve to the left (the long chord to which bears North 41°14'58" East 42.34 feet) a distance of 47.01 feet to the Point of Beginning.

**TOGETHER WITH**: A strip of land, 5.00 feet in width, lying easterly of the east line of SKY LAKES VILLAGE AT CEDAR LANDING PHASE 7A, REPLAT OF LOTS 95, 96, 97, 98 AND 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon and being more particularly described as follows:

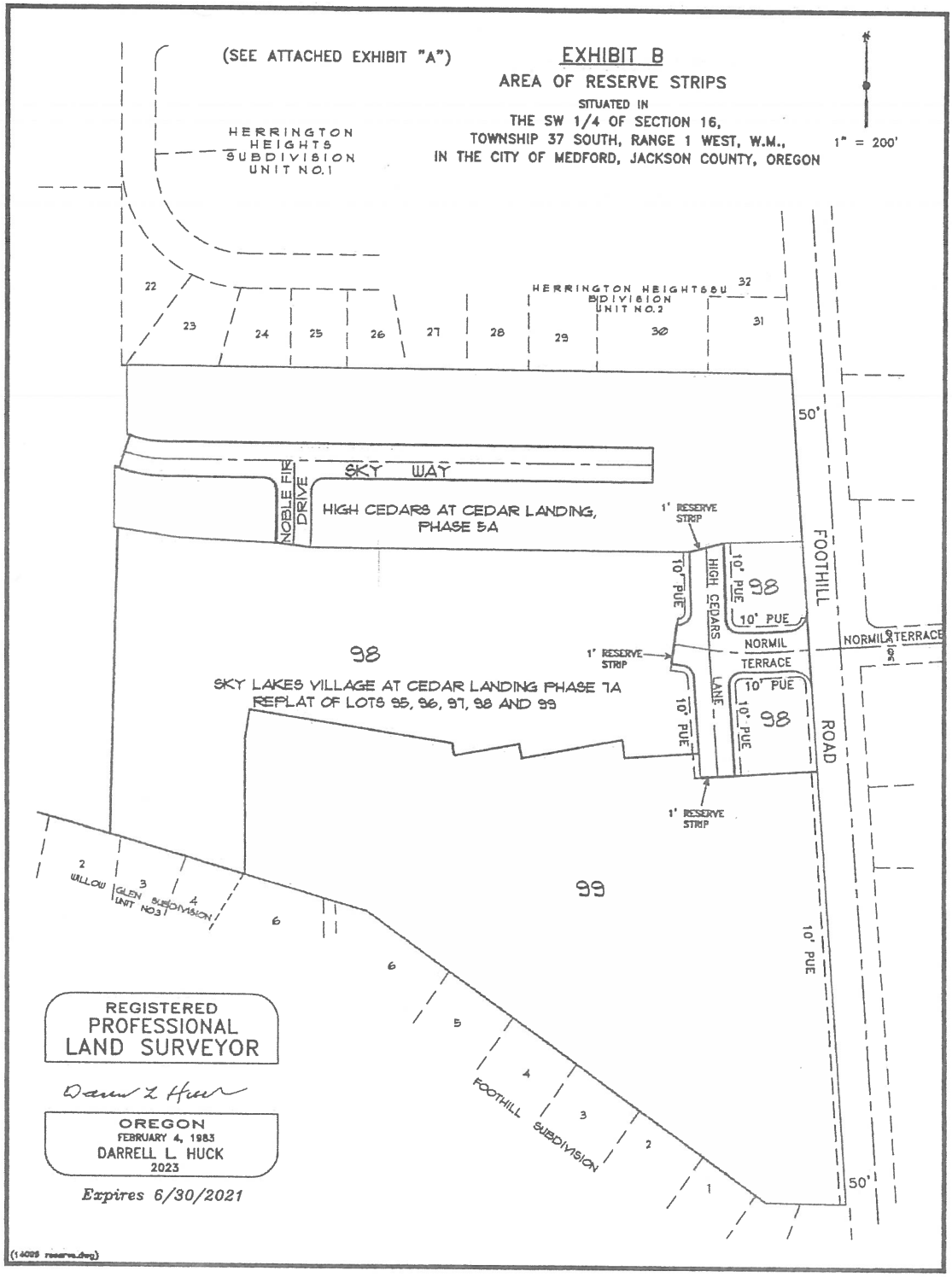
**BEGINNING** at the Northeast corner of Lot 97 of SKY LAKES VILLAGE AT CEDAR LANDING PHASE 7A, REPLAT OF LOTS 95, 96, 97, 98 AND 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the easterly line of said Lot 97 and it's southerly prolongation, South 03°51'41" East 1322.23 feet to the southeast corner of Lot 99 of the aforesaid Sky Lakes Village Replat; thence leaving said easterly line, North 86°08'19" East 5.00 feet; thence North 03°51'41" West 1322.23 feet; thence South 86°08'19" West 5.00 feet to the point of beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
FEBRUARY 1, 1983
DARRELL L. HUCK
2023
EXPIRES: 6/30/2021

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

(14099rdvacate normal-high cedar.doc)


(SEE ATTACHED EXHIBIT "A")
EXHIBIT B
AREA OF RESERVE STRIPS
SITUATED IN
THE SW 1/4 OF SECTION 16,
TOWNSHIP 37 SOUTH, RANGE 1 WEST, W.M.,
IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON
1" = 200'
HERRINGTON HEIGHTS SUBDIVISION UNIT NO.1
HERRINGTON HEIGHTS SUBDIVISION UNIT NO.2
22
23
24
25
26
27
28
29
30
31
32
50'
SKY WAY
NOBLE FIR DRIVE
HIGH CEDARS AT CEDAR LANDING, PHASE 5A
1' RESERVE STRIP
10' PUE
HIGH CEDARS LANE
98
FOOTHILL ROAD
NORMIL TERRACE
SKY LAKES VILLAGE AT CEDAR LANDING PHASE 7A
REPLAT OF LOTS 95, 96, 97, 98 AND 99
99
WILLOW GLEN SUBDIVISION UNIT NO.3
FOOTHILL SUBDIVISION
REGISTERED
PROFESSIONAL
LAND SURVEYOR
OREGON
FEBRUARY 4, 1983
DARRELL L. HUCK
2023
Expires 6/30/2021

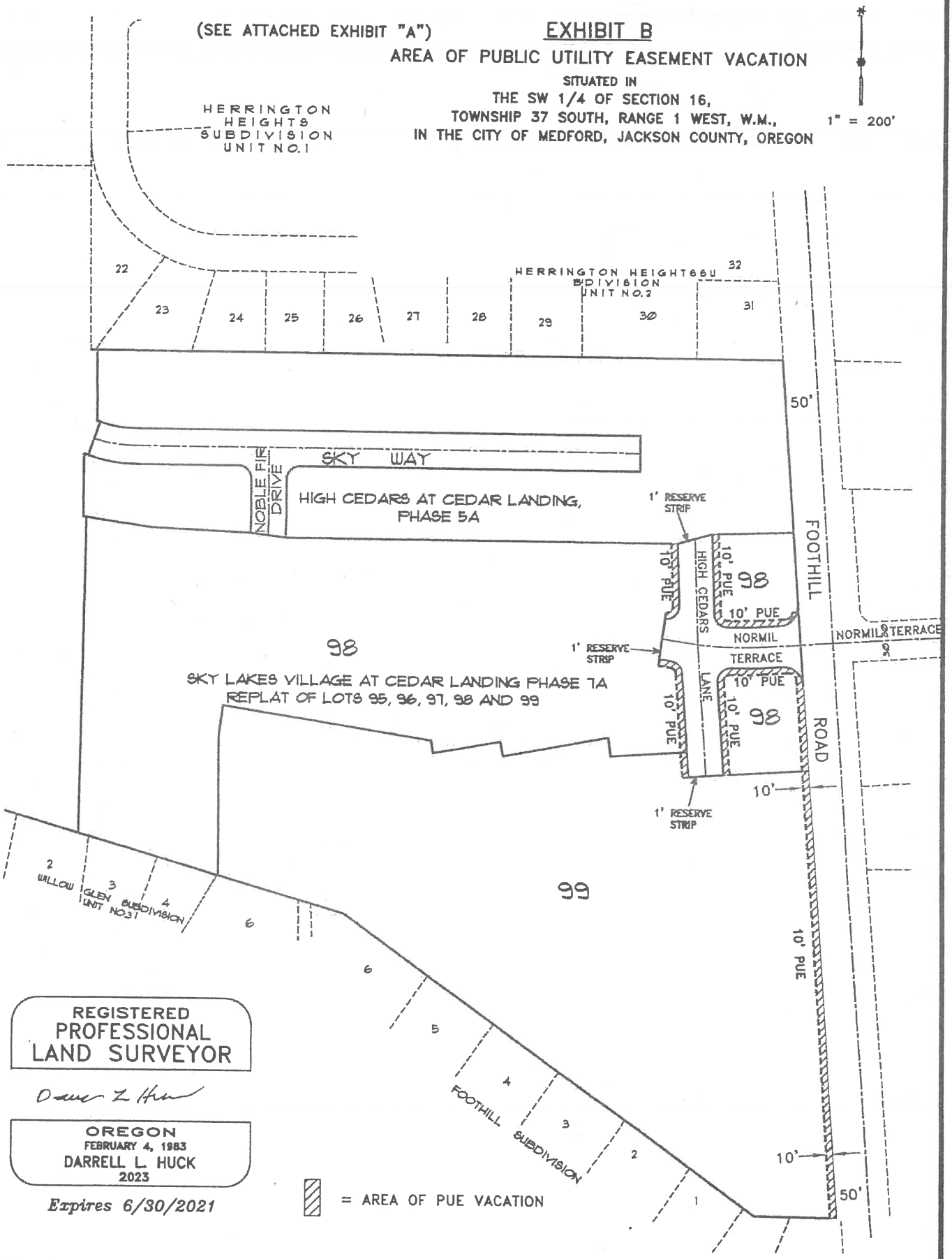
(SEE ATTACHED EXHIBIT "A")

# EXHIBIT B

## AREA OF PUBLIC UTILITY EASEMENT VACATION

SITUATED IN
THE SW 1/4 OF SECTION 16,
TOWNSHIP 37 SOUTH, RANGE 1 WEST, W.M.,
IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON

1" = 200'




REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
FEBRUARY 4, 1983
DARRELL L. HUCK
2023

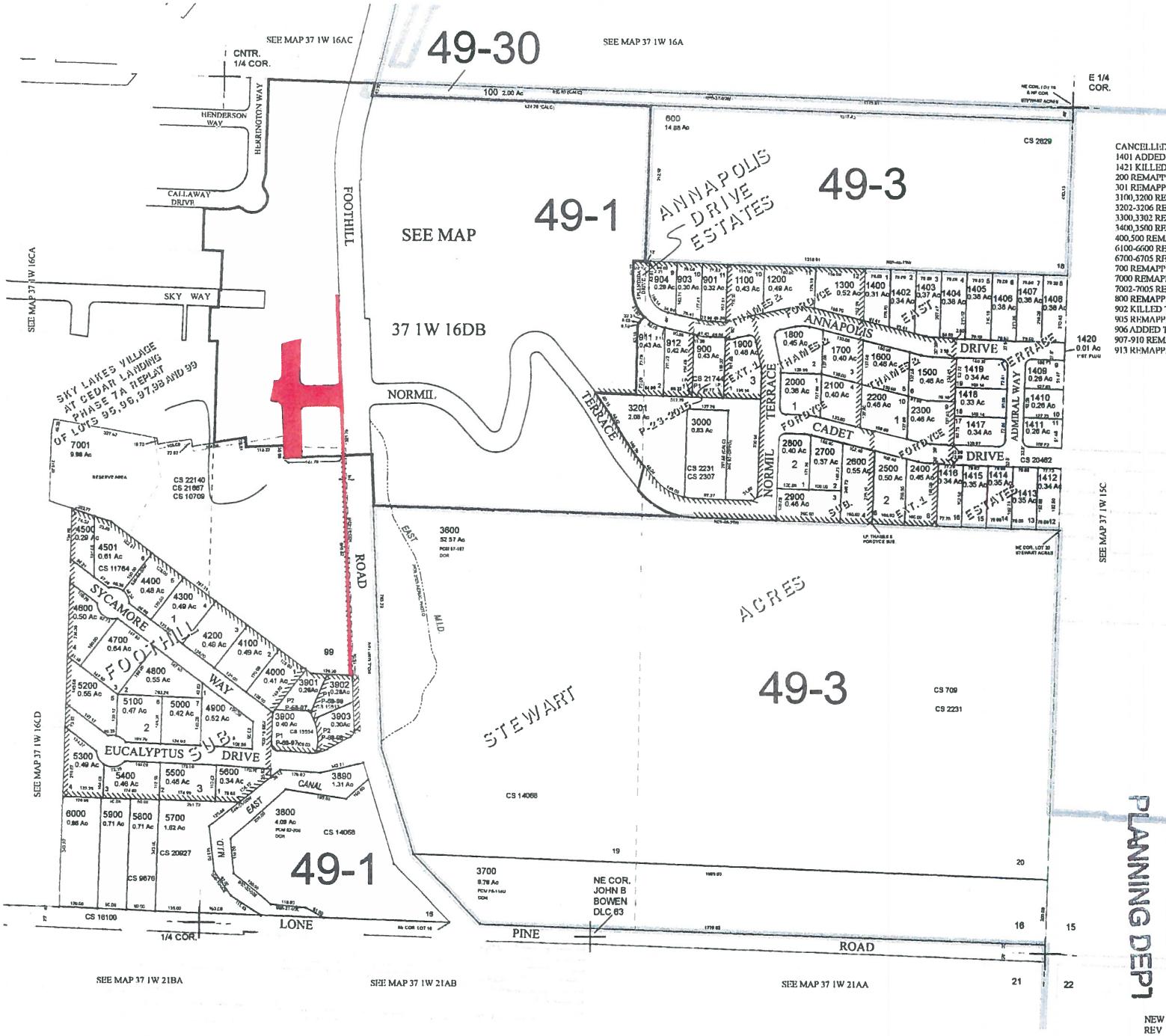
*Expires 6/30/2021*

(14089 pue vacate.dwg)

FOR ASSESSMENT AND TAXATION ONLY

S.E.1/4 SEC.16 T.37S. R.1W. W.M.
JACKSON COUNTY
1" = 200'

371W16D
& INDEX
MEDFORD




CANCELLED TAX LOT NUMBERS
1401 ADDED TO 1400
1421 KILLED TO STREET
200 REMAPPED TO 371W16DB
301 REMAPPED TO 371W16DB
3100,3200 REMAPPED TO 371W16DB
3202-3206 REMAPPED TO 371W16DB
3300,3302 REMAPPED TO 371W16DB
3400,3500 REMAPPED TO 371W16DB
400,500 REMAPPED TO 371W16DB
6100-6600 REMAPPED TO 371W16DB
6700-6705 REMAPPED TO 371W16DB
700 REMAPPED TO 371W16DB
7000 REMAPPED TO 371W16DB
7002-7005 REMAPPED TO 371W16DB
800 REMAPPED TO 371W16DB
902 KILLED TO STREET
905 REMAPPED TO 371W16DB
906 ADDED TO 905
907-910 REMAPPED TO 371W16DB
913 REMAPPED TO 371W16DB

RECEIVED
MAY 03 2019
PLANNING DEPT

371W16D
& INDEX
MEDFORD
NEW MAP November 3, 2009
REV April 2, 2019

CITY OF MEDFORD
EXHIBIT #
File # ZV-19-045

GIS DATA
04/25/2019 11:40:39 AM: bosmanjb

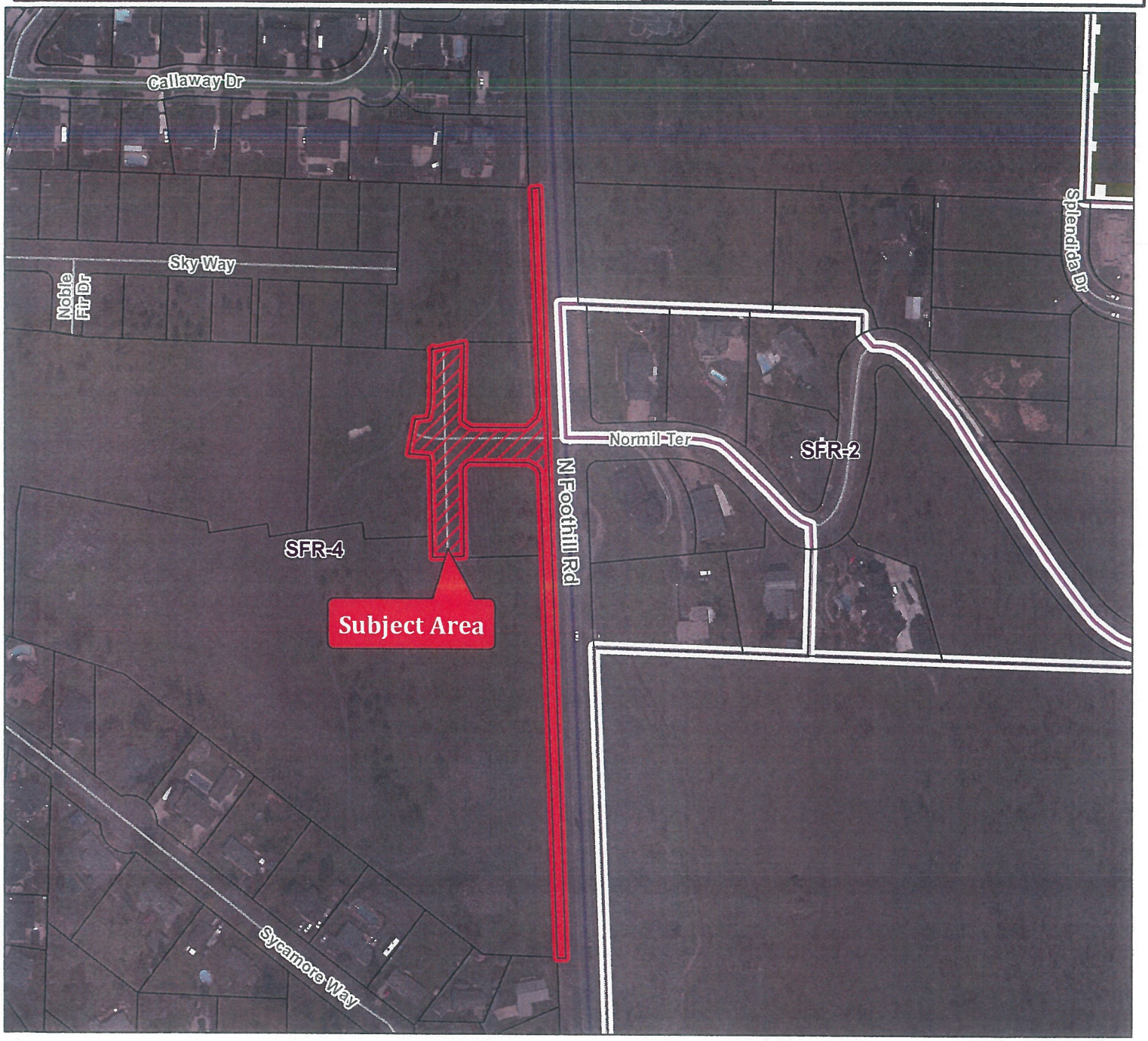
City of Medford

# Planning Department

Vicinity Map

File Number:

## SV-19-045




Project Name:

**High Cedars**
**ROW & PUE Vacation**

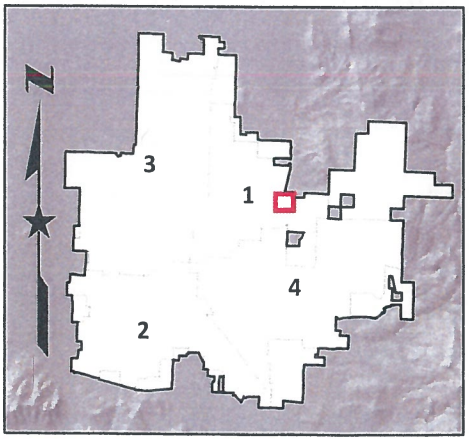
Map/Taxlot:

**High Cedars**
**Portions of Ph 5B, 6B & 7B**

0 185 370 Feet

**Legend**

- Subject Area
- Zoning Districts
- Tax Lots




*5/30/2019*

MEDFORD
OREGON
cityofmedford.org

Item No: 70.3

AGENDA ITEM COMMENTARY

**DEPARTMENT:** Planning
**PHONE:** (541) 774-2390
**STAFF CONTACT:** Angela Durant, Principal Planner

**AGENDA SECTION:** Ordinances and Resolutions
**MEETING DATE:** October 3, 2019

## COUNCIL BILL 2019-107

An ordinance authorizing execution of a grant agreement with the Housing Authority of Jackson County in the amount of $200,000 in 2019 Community Development Block grant funds and an estimated $95,000 in program income for the Homeowner Repair Program.

## SUMMARY AND BACKGROUND

Council is requested to consider approval of an ordinance executing an agreement with Housing Authority of Jackson County (HAJC) that awards 2019 Community Development Block Grant (CDBG) program funding to the Homeowner Repair Program. The City of Medford's Homeowner Repair Program is funded through the CDBG program and administered by the HAJC. The program provides no-interest loans to homeowners in need of repairs that are recognized as hazards to health and safety. Each loan is secured by a lien on the property with repayment due upon sale or transfer of property by owner. As liens are satisfied, the City receives program income that may be reallocated to the program for future use. The City of Medford and HAJC have been working together since 1996 to rehabilitate over 400 Medford homes.

The agreement represents the City's commitment to continue this partnership through an investment of $200,000 in 2019 CDBG funds with an estimated $95,000 available through returned program income. On June 5, 2019, the Community Development Grants Commission passed a motion to approve this program for recommendation to Council under the 2019/20 Action Plan. Council is requested to approve the execution of the proposed CDBG Capital Improvement Project Agreement.

## PREVIOUS COUNCIL ACTIONS

On June 6, 2019, Council approved Council Bill 2019-45 adopting the biennial budget.

On June 6, 2019, Council approved Council Bill 2019-41 adopting the 2019/20 Action Plan for use of the City's CDBG funds.

On September 7, 2017, Council approved Council Bill 2017-99 authorizing the execution of a grant agreement with HAJC in the amount of $200,000 in 2017 CDBG funds and an estimated $95,000 in program income for the Homeowner Repair Program.

## ANALYSIS

Funding the Homeowner Repair Program will support the rehabilitation of approximately 18 homes owned by low/moderate income (LMI) Medford residents during the 2019 program year ending June 30, 2020. This outcome achieves Goal 1, Objective 1.1 of the City's 2015-19 Consolidated Plan for Housing and Community Development, which is to improve and maintain living conditions, safety and long-term affordability of rental and/or homeowner housing occupied by LMI and special needs

households. CDBG agreements of this value require Council approval prior to the City issuing HAJC a written Notice to Proceed.

## FINANCIAL AND/OR RESOURCE CONSIDERATIONS

$295,000 budgeted in 731-CDBG Fund on page 75 of the 2019-21 Adopted Biennial Budget.

## TIMING ISSUES

The agreement must be executed prior to HAJC proceeding with the program.

## COUNCIL OPTIONS

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

## STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

## SUGGESTED MOTION

I move to approve the ordinance authorizing execution of the agreement with Housing Authority of Jackson County to administer the Homeowner Repair Program.

## EXHIBITS

Ordinance
Agreement on file in the City Recorder's Office

ORDINANCE NO. 2019-107

AN ORDINANCE authorizing execution of a grant agreement with the Housing Authority of Jackson County in the amount of $200,000 in 2019 Community Development Block Grant funds and an estimated $95,000 in program income for the Homeowner Repair Program.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That the ordinance authorizing execution of a grant agreement with the Housing Authority of Jackson County in the amount of $200,000 in 2019 Community Development Block Grant funds and an estimated $95,000 in program income for the Homeowner Repair Program, 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 October, 2019.

ATTEST: _____ _____

City Recorder Mayor

APPROVED _____ 2019. _____

Mayor

MEDFORD
OREGON
cityofmedford.org

Item No: 80.1

AGENDA ITEM COMMENTARY

**DEPARTMENT:** Planning
**PHONE:** (541) 774-2380
**STAFF CONTACT:** Matt Brinkley, AICP CFM, Planning Director
**AGENDA SECTION:** Public Hearings
**MEETING DATE:** October 3, 2019

## COUNCIL BILL 2019-108

An ordinance amending Sections 10.012, 10.204, 10.427, 10.460, 10.461, 10.462 of the Medford Municipal Code pertaining to the City's transportation concurrency standards and the Transportation Impact Analyses criteria.

## SUMMARY AND BACKGROUND

Council is requested to consider a legislative amendment to portions of Chapter 10 of the Medford Municipal Code (MMC) to update the City's transportation concurrency standards and the Transportation Impact Analyses criteria. The amendments implement Action Item 4-a of the Medford Transportation System Plan (TSP) which states:

> "*Balance transportation facility capacity with planned land uses by amending the City's concurrency and transportation facility adequacy requirements by adopting local procedures that apply the Oregon Transportation Planning Rule as the determinant of facility adequacy.*"

If implemented as proposed, many of the provisions of the Transportation Planning Rule (TPR) would be brought into municipal code language; this would include the allowance to use the TSP's project list in determining facility adequacy, the allowance of failing transportation facilities under certain circumstances, and for the use of alternative mitigations measures (i.e. transit improvements, signal timing, bike or pedestrian facility improvement) to mitigate impacts to transportation facilities. Additionally, staff is amending the traffic (now transportation) impact analysis (TIA) standards to better facilitate the use of TPR and to create a process that is more effective and simple to use. The Transportation Commission reviewed the proposal at their August 28, 2019, meeting and recommended approval of the DCA with two proposed amendments to the text, both of which have been included in the forwarded recommendation from the Planning Commission. Additionally, the Planning Commission recommended approval of DCA-18-180 with a 7-0 vote, with two amendments and an additional motion, they are as follows:

- Planning Commission, through a separate motion, directed staff to consider the incorporation of subsection (11) of the TPR, per the Chamber of Medford/Jackson County's comments (Exhibit S), as its own project with separate study sessions. Staff has projected a 4-6 month timeline on this project, barring substantial directional change from City Council or Commissions. The vote was 6-1.
- Planning Commission asked for additional findings as to when transportation facility adequacy is measured in the City of Medford. The vote was 7-0.

- Lastly, the Planning Commission amended Exhibit A to remove the 25% pass-by trip cap rate and to incorporate the use of the most recent *ITE Manual*. The vote was 5-2.

## PREVIOUS COUNCIL ACTIONS

On December 6, 2018, Council adopted Council Bill 2018-126 approving a Comprehensive Plan Amendment to adopt the 2018-2038 Transportation System Plan (TSP).

On January 31, 2019, during a study session, Council directed staff to begin implementing Action Item 4-a of the TSP.

## ANALYSIS

The proposed changes are as follows:

- Changes in 10.204, Zone Change, implement TPR when measuring "Adequate streets and street capacity..." while prohibiting the use of subsection (9) of the TPR; and
- Addition of 10.204(D) allows for the approval of failing transportation facilities when the facility would fail in the future without mitigation, the facility will still fail in the future with mitigation, and the mitigation will mitigate impacts at the time of development, at a minimum; and
- Amendments to 10.461 include various provisions to allow for the use of TPR in the TIA process as well as removal of onerous processes, including:
    - The allowed use of the TSP's Tier 1 projects in the future year analysis of the TIA, except for projects not fully funded per the TSP (i.e. S. Stage/Foothill/N. Phoenix)
    - Removal of pipeline trips; they are replaced with the regional model used in the creation of the TSP
    - Removal of 25% cap on pass-by trip rates used, replaced with use of *ITE Manual* as recommended by the Transportation Commission
    - Creation of a common peak hour, as opposed to multiple, in the TIA
    - Outline of safety analysis criteria
    - Requirement to analyze roundabouts as mitigation
    - Exempts residential units, above commercial (i.e. mixed-use), from TIA trip counts; and

| TPR Provisions (660-012-0060) – Plan and Land Use Regulation in relation to Amendments/Development | Code Section in Exhibit A, A-1 |
|---|---|
| (1) Effects related to functional classification impacts | 10.204(B)(3) |
| (2) Mitigation measures for impacted transportation facilities, including TDM & multi-modal improvements | 10.204(B)(3)(c) & 10.461(G) |
| (3) Approval of failing facilities when shown to still fail in the future year analysis | 10.204(D) |
| (4) Allowance for Tier 1 projects to be considered "built" in TIA analysis | 10.461(E)(15) |
| (5) Rural lands "exception" clause | N/A |

| TPR Provisions (660-012-0060) – Plan and Land Use Regulation in relation to Amendments/Development | Code Section in Exhibit A, A-1 |
|---|---|
| (6) Vehicle trip reduction for "...mixed-use, pedestrian-friendly centers, and neighborhoods..." | Applicable language, not needing adoption |
| (7) Process for amendments to comp. plan when there is not an adopted TSP | N/A |
| (8) "Mixed-use, pedestrian-friendly centers or neighborhood definition | Applicable language, not needing adoption |
| (9) Allowance to rely on TSP, Zoning Map and Comprehensive Plan for analyzing transportation impacts | Prohibited per 10.204(B)(3)(b) |
| (10) Standards for analyzing in a Multimodal Mixed-Use Area (MMA) | Not required for adoption, no MMA |
| (11) Partial mitigation of transportation impacts when providing traded-sector or industrial jobs | Applicable language, can be made in applicant's findings. Need further direction to create a process. |

- Addition of 10.461(G), Other Enhancement Required, outlines criteria for approving authority to require alternative measures for mitigation, such as:
  - Connectivity improvements for vehicles, bicycles or pedestrians
  - Transportation Demand Management methods
  - Multi-modal (i.e. bicycle, pedestrian, transit) improvements to reduce vehicle demand
  - Operational improvements (i.e. signal timing) to improve existing system
  - Land use techniques (e.g. restricted zones, trip caps); and
- Addition of 10.462(B), No Further Degradation, allows for the use of an alternative Level of Service (LOS) when a TIA shows the LOS to already be failing when analyzed under current conditions (i.e. present day)
- Public Works staff is also proposing a new Trip Generation Rate Policy to be used for zone changes, in an applicant's TIA, as proposed by the Transportation Commission. This lessens the trip generation used in larger commercial sites and is outside of the scope of Chapter 10.

## FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Although not directly impacted in terms of financial resources, staff has incorporated an exemption into 10.461(E)(15) for the "Mega Corridor" (S. Stage/Foothill/N. Phoenix) projects to not be considered funded in the Tier 1 project list. This is due to the lack of full funding in the TSP for these projects. Staff has incorporated a provision (10.461(E)(15)(a)) to address how these projects can be considered funded to prevent future obstructions from their use in a TIA analysis, once funded. The Transportation Commission has been reviewing potential funding packages for these projects and will provide a recommendation to City Council at the December 12 study session.

## TIMING ISSUES

There are no timing issues; however, the benefits of this code amendment cannot be brought to fruition without adoption.

## COUNCIL OPTIONS

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

## STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

## SUGGESTED MOTION

I move to approve the ordinance authorizing the Land Development Code Amendment as described in the Council Report dated September 20, 2019, and as recommended by the Planning Commission.

## EXHIBITS

Ordinance
Council Report, including Exhibits A-T

ORDINANCE NO. 2019-108

AN ORDINANCE amending Sections 10.012, 10.204, 10.427, 10.460, 10.461, 10.462 of the Medford Municipal Code pertaining to the City's transportation concurrency standards and the Transportation Impact Analyses criteria.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

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

10.012 Definitions, Specific.

***

Average daily ~~traffic~~ **trips** (ADT). The total volume passing a point or segment of a street, in both directions, for one day. **Average Daily Trip rates for Medford streets can be found in Section 10.427.**

***

Development. The improvement of a parcel of land; including **zone change**, partitioning or subdividing of any improved or unimproved real property, for any purpose, and by any person, association, or other entity.

***

Mixed-use building. **A building** contain**ing**~~s~~ one or more residential dwelling unit(s) and a commercial, institutional~~,~~ or industrial use(s) in the same building. **Mixed-use buildings may be vertical (uses above ground floor) or horizontal (single story, mixed-use building). When vertically mixed,** ~~T~~the non-residential use must occupy at least ~~80~~**65** percent of the building's ground floor area. **When horizontally mixed, residential uses shall be subordinate to the commercial/industrial uses.**

***

**Mobility Target(s). See definition "Level of Service (LOS)" and Section 10.462.**

***

**Multi-Modal. A transportation system or right-of-way that accommodates more than one mode of transportation such as driving, walking, biking, and transit service rather than predominantly one mode of transportation.**

***

Pass-by trip/**traffic**. A trip made as an intermediate stop on the way from an origin to a primary trip destination without route diversion.
***

**Pedestrian-friendly. Features and elements of a development that encourage walking by making it safe and convenient.**

***

**Planning Period. The twenty-year period beginning with the date of adoption of the Transportation System Plan or 15 years from the date of the scoping letter, whichever is greater.**

***

**Project Traffic. Project traffic generation for the project using the zone change trip rates. When not a part of a zone change analysis the rates shall be based on the *ITE Trip Generation Manual.***

***

Scoping Letter. A letter provided by the Public Works Department that describes the methodology, limits of the ~~traffic~~ **transportation** impact analysis **(TIA),** and any approved deviations. ~~The letter is provided to the agent, applicant, and engineer after a meeting with the Public Works Department to discuss the requirements of 10.460 and 10.461.~~

***

**Traffic Count Growth Rates. The projected annual growth rates used in a transportation impact analysis to determine transportation impacts. Traffic count growth rates shall be based on at least five years of historic data or the transportation model currently used by the City.**

***

~~Traffic~~ **Transportation** Impact Analysis (TIA). A study of the impacts a proposed use **or development** will have on the surrounding transportation system. **See Section 10.460 for criteria and standards.**

***

Section 2. Section 10.204 of the Medford Code is amended to read as follows:

10.204 Zone Change.

***
(B)(3) ***

(b) Adequate streets and street capacity must be provided in **accordance with Oregon Administrative Rule 660-012-0060, commonly referred to as the Transportation Planning Rule (TPR); approval under subsection (9) of the TPR is not allowed. The Public Works Department may require that planned improvements be constructed prior to issuance of building permits for reasons of public safety and, when possible, shall base findings for the required improvements on the safety review required by the Transportation Impact Analysis (TIA), see Section 10.461(E)(19). When a roadway's Average Daily Trip (ADT) values are shown to exceed the street functional classification as identified in the TSP, per Section 10.461 Transportation Impact Analysis (TIA), a Comprehensive Plan Amendment may be required** ~~one of the following ways~~.

~~(i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or~~

~~(ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or~~

~~(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated land use, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:~~

~~a. the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or~~

~~b. an applicant funds the improvement through a reimbursement district pursuant to the Section 10.432. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.~~

~~(iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.~~

(c) In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change ~~request~~. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, and must be recorded at the **Jackson** County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but

are not limited to the following:

(i) Restricted Zoning is a restriction of uses by type or intensity. In cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development on the subject property or adjacent parcels. In no case shall residential densities be approved that do not meet minimum density standards;

(ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule;

(iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools, **mandatory car-sharing programs, alternative work schedules, employer provided transit passes or other measures that incentivize transportation options other than single-occupancy vehicles**.

***

**(D) Approval of Failing Transportation Facilities**

**The approving authority may approve a land use application, without assuring that the allowed land uses are consistent with the roadway functional classification, the identified mobility targets in 10.462 or the Average Daily Trips in 10.427.**

**(1) Evaluation of approval of failing facilities for projects shall be based upon a Transportation Impact Analysis (TIA) prepared by a professional engineer licensed in the State of Oregon with expertise in transportation. The Public Works Director (or designee) will issue a report; the report will contain a recommendation for approval, denial, or additional conditions of approval as it relates to 10.204(D). The Public Works Director (or designee) will provide to the approving authority their professional opinion as to the technical adequacy of the TIA and whether it demonstrates compliance with the following criteria:**

**(a) The mobility target in 10.462 is shown to be at or below the City's LOS minimum at the end of the planning period identified in the adopted TSP without the project;**

**(b) The mobility target in 10.462(B) is shown not met in the minimum at the end of the planning period identified in the adopted TSP, even after mitigation;**

**(c) Development resulting from the land use application, will at a minimum, mitigate impacts to be consistent with the standards outlined in 10.462(B) by the time of development;**

**(d) The amendment does not involve property located in an interchange area as defined in the Transportation Planning Rule;**

**(e) For affected state highways, Oregon Department of Transportation (ODOT) provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.**

**(2) TIA Conclusion. If the conclusions of the TIA and the professional opinion of the Public Works Director (or designee) concur that the project's proposed mitigation, at the time of development, is adequate to offset the future degradation of the facilities, the approving authority may accept the failing facilities. If the Public Works Director's professional opinion is not consistent with the conclusions of the TIA, the approving authority will review the competing expert testimony by the professional engineers and will approve, modify, or deny the proposed mitigation at the time of land use review.**

(~~D~~**E**) Zone Change Application Form

***

Section 3. Section 10.427 of the Medford Code is amended to read as follows:

10.427 Street Classification System.

***

(B) Applicability. All existing and proposed streets within the City shall be identified by classification as follows below. The classification of higher-order streets shall be determined by the Functional Classification Map in the City of Medford Transportation System Plan (TSP), as amended. ~~Street Functional Classification Plan Map, as amended.~~ All streets (existing or proposed) intended to be within the City of Medford's jurisdiction shall adhere to the street classifications identified below unless alternative standards are provided by an adopted Zoning Overlay, Neighborhood Circulation Plan, the legacy street standards as established per 10.427(D-E) or other special area plan(s), including, but not limited to, plans contained in the Comprehensive Plan. The classification of lower-order streets shall be consistent with any adopted Neighborhood Circulation Plan or other special area plan, and based upon adjacent zoning, and, in the case of residential streets, the number of dwelling units utilizing the street for vehicular access.

***

Section 4. Section 10.460 of the Medford Code is amended to read as follows:

10.460 ~~Traffic~~ **Transportation** Impact Analysis **(TIA) Purpose**.

A ~~Traffic~~ **Transportation** Impact Analysis specifically identifies the generation, distribution, and assignment of **all modes of** traffic to and from a proposed development. The purpose is to identify the ~~traffic~~ **transportation** impacts that a proposed development will have on the existing and future ~~street~~ **transportation** network. It determines all improvements or mitigation measures necessary to maintain adequate **level of service** (LOS) at study area intersections and ensure safe pedestrian**, bicycle**, and vehicular ~~ingress to and egress from~~ **use of** the transportation system.

Section 5. Section 10.461 of the Medford Code is amended to read as follows:

10.461 **TIA** Applicability **and Methodology**.

(~~1~~**A**) **Scoping Letter.** The level of detail and scope of a ~~traffic~~ ~~t~~**Transportation** ~~i~~**I**mpact ~~a~~**A**nalysis (TIA) will vary with the size, complexity, and location of the proposed application. Prior to any TIA, the applicant shall submit sufficient information to the City for the Public Works Department to issue a scoping letter. **The scoping letter expires 180 days after the date the letter was issued.** If stipulations to reduce ~~traffic~~ **transportation impacts** are requested by an applicant, it must first be shown by means of an analysis that an unconditional approval is not possible without some form of mitigation to maintain an adequate LOS **and level of safety**. This will determine whether a stipulation is necessary.

(~~2~~**B**) Extent of Study Area:

The study area shall be defined by the Public Works Department in the scoping letter and shall address at least the following areas:

(~~a~~**1**) All proposed **development** site access points;

(~~b~~**2**) Any intersection **of a collector or arterial roadway with another collector or arterial roadway** where the proposed development can be expected to contribute 25 or more trips during the analysis peak ~~period~~ **hour**. Impacts of less than 25 peak ~~period~~ **hour** trips are not substantial and will not be included in the study area. This volume may be adjusted, at the discretion of the Public Works Department, for safety or unusual situations; and

(~~c~~**3**) Any intersections directly adjacent to the subject property.

The Public Works Department may, at its discretion, waive the study of certain intersections when it is concluded that the impacts are not substantial.

(~~3~~**C**) When required:

**A TIA shall be required i**~~I~~f a proposed application has the potential of generating more than 250 net average daily trips (ADT) or **if** the Public Works Department has concerns due to operations or accident history. ~~a~~**A** TIA will be required to evaluate development impacts to the transportation system. The Public Works Department may waive a TIA if it is concluded that the impacts are not substantial.

(~~4~~**D**) Submittals:

**Applicants shall** ~~P~~**p**rovide two copies of the TIA for Public Works Department to review.

(~~5~~**E**) Elements of Analysis:

A TIA shall be prepared by a Traffic Engineer or Civil Engineer licensed to practice in the State of Oregon with ~~special~~ **specific** training and experience in traffic engineering. The TIA shall be a thorough review of the effects a proposed use **and/or development** will have on the transportation system. The study area shall include all streets and intersections in the analysis, as defined in subsection **10.461**(~~2~~**B**) above. ~~Traffic~~ **Transportation impacts** generated from a proposed site will be distributed throughout the transportation system using existing count data or the current transportation model used by the City~~,~~**;** ~~A~~**a**ny alternate distribution method must be based on data acceptable to the Public Works Department. **Incomplete reports shall be returned to the applicant for completion without review.** The following checklist outlines what a TIA shall contain: ~~Incomplete reports shall be returned to the applicant for completion without review~~

(~~a~~**1**) The scoping letter, as provided by the Public Works Department;

(~~b~~**2**) The Final TIA shall be signed and stamped by a Professional Civil or Traffic Engineer registered in the State of Oregon;

(~~c~~**3**) An executive summary discussing the development **and/or use**, the major findings of the analysis, and the mitigation measures proposed;

(~~d~~**4**) A vicinity map of the proposed site and study area;

(~~e~~**5**) Project characteristics such as **current** zoning, **proposed zoning**, potential trip generations (unless

stipulated to less than potential), proposed access(s), and other pertinent factors;
(~~f~~6) Street characteristics within the study area including **roadway** functional classification **(as established in the most recent Transportation System Plan (TSP)),** number of travel lanes, lane width, shoulder treatment, bicycle path corridors, and traffic control at intersections;
(~~g~~7) Description of existing transportation conditions including transit accessibility, ~~accident history,~~ pedestrian facilities, bicycle facilities, traffic signals, and overall traffic operations and circulation;
(~~h~~8) Peak ~~period~~ **hour** turning movement counts of at least two-hour minimums at study area intersections, less than ~~2~~ **two** years old. These counts shall be adjusted to the ~~design~~ **study** year**(s)** of the project **as defined in the scoping letter** and consider seasonal traffic adjustments when required by the scoping letter;
(~~i~~9) ~~A "~~Figures~~"~~ showing existing peak ~~period~~ **hour** (AM, noon, or PM, whichever is largest) turning movement volumes at study area intersections~~, as shown in Example 1~~. An appropriate adjustment factor shall be applied to existing count data if counts were taken during the off-peak season;
**(10) Figures showing existing peak hour turning movement volumes at study area intersections for the project study year(s).**
(~~j~~11) Potential ~~"~~Project~~"~~ trip generation using **either** the **potential trip generation rates kept on file by the Public Works Department for City zoning districts or the** most current edition of the *ITE Trip Generation* ***Manual,*** as ~~required~~ **identified** by the Public Works Department ~~at the time of scoping~~ **in the scoping letter**. Variations of trip rates will require the approval of the Public Works Department~~.~~**;** ~~S~~such approval will require submission of adequate supporting data prior to first submittal of the TIA;
(~~k~~12) ~~A "~~Figures~~"~~ illustrating project turning movement volumes at study area intersections for peak ~~period~~ **hours**~~, as shown in Example 2~~. Adjustments made for pass-by traffic volumes shall follow the methodology outlined in the latest edition of the *ITE Trip Generation* ~~*Handbook*~~ ***Manual***~~, and shall not exceed 25% unless approved by the Public Works Director~~;
(~~l~~13) ~~A "~~Figures~~"~~ illustrating the combined traffic of existing, background, and project turning movement volumes at study area intersections for peak ~~period~~ **hours**~~, as shown in Example 3~~;
(~~m~~14) Level of Service (LOS) analysis at study area intersections under the following conditions:

(a~~A~~) **Background conditions**

~~Existing~~ **Background** ~~plus pipeline~~ traffic **(Existing traffic counts + traffic count growth rates) and project traffic in the project study years(s)** ~~for the project~~

(b~~B~~)**Proposed conditions**

~~Existing~~ **Background** ~~plus pipeline~~ traffic **(Existing traffic counts + traffic count growth rates)** and project traffic **in the project study years(s)** ~~for the project~~

A table shall be prepared which illustrates all LOS results. The table shall show LOS conditions with corresponding vehicle delays for signalized intersections and the critical movement at unsignalized intersections. ~~If the proposed use is scheduled to be completed in phases, a LOS analysis shall be prepared for each phase~~;

**(15) Tier 1 projects as identified in the Transportation System Plan, except for those listed below in 10.461(E)(15)(a), shall be considered reasonably likely to be provided by the end of the planning period. Tier 2 projects, as identified in the Transportation System Plan, shall not be considered to be reasonably likely to be provided by the end of the planning period.**

**(a) The following Tier 1 projects shall not be considered reasonably likely to be provided by the end of the planning period:**

**(i) Project #537b South Stage Road (South Pacific Highway to North Phoenix Road)**

**(ii) Project #609 Foothill Road (McAndrews to Delta Waters Road)**

**(iii) Project #610 Foothill Road (Delta Waters Road to North UGB)**

**(iv) Project #611 N Phoenix Road (Barnett Road to Juanipero Way)**

**(v) Project #721 N Phoenix Road (Juanipero Way to South UGB)**

**(b) Projects listed in 10.461(E)(15)(a) shall be considered reasonably likely to be funded when either they are:**

**(i) constructed;**

**(ii) in progress of construction; or**

**(iii) identified for funding within the City's Capital Improvement Plan (CIP), System Development Charge (SDC) fiscally constrained project list, the federally approved local Regional Transportation Plan (RTP) Financially Constrained Project List, and/or programmed in the State's current State Transportation Improvement Plan (STIP).**

**(16) A queuing and blocking report, based on a microsimulation software such as SimTraffic, which lists the 95th-percentile queues and any blocked facilities or exceeded storage lengths for the existing and proposed conditions described in subsection 10.461(E)(14) above;**

**(17) A left and right turn lane assessment where they do not currently exist for proposed conditions described in subsection 10.461(E)(14) above;**

**(18) Safety review of study area intersections based on the most recent available data from the Oregon Department of Transportation (ODOT) or the City of Medford;**

(~~n~~**19**) A mitigation plan if: ~~impacts to the study area~~

**(a)** ~~reduce~~ ~~l~~Level of service (LOS) **is determined to be** below ~~minimums~~ **the mobility target identified in Section 10.462, per the analysis required of Section 10.461(E)(14);**

**(b)The proposed development trips will affect an identified crash pattern or safety concern;**

**(c)The turn lane assessment identifies a need; and/or**

**(d) Impacts are identified that are otherwise considered a "significant effect" in accordance with Oregon Administrative Rule 660-012-060.**

Mitigation measures may include stipulations and/or construction of necessary transportation improvements. Mitigation measures shall be required to the extent that the transportation facilities, under City jurisdiction, operate at an acceptable level of service (LOS)/**mobility target** with the addition of project traffic; and

(~~o~~**20**) Intersections under jurisdiction of another agency, but still within the City limits, shall be evaluated by either the City's criteria or the other jurisdiction's criteria, or both, whichever is considered applicable by the Public Works Department. **If any peak hour trips leave the City limits it shall be the responsibility of the applicant to coordinate with the applicable jurisdictions.**

**(21)** If the TIA is not consistent with the scoping letter (including any amendments)**, or is incomplete,** then the TIA will be returned to the applicant without review.

(~~6~~**F**) Analysis criteria:

(~~a~~**1**) All trip distributions into and out of the transportation system must reflect existing traffic count data for consistency or follow the current transportation model used by the City. If alternate splits are

used to distribute traffic then justification must be provided and approved by the Public Works Department prior to first submittal of the TIA.

(~~b~~2) ~~If progression analysis is being evaluated or queing between intersections is a concern; t~~**T**he peak ~~period~~ **hour** used in the analysis must be the same for every intersection along the street and reflect that of the most critical intersection being evaluated. ~~If a common peak period is not requested by the Public Works Department, then the actual peak period of every intersection shall be used.~~

(~~c~~3) Counts performed must be a minimum of two hours and include the peak ~~period~~ **hour** for analysis purposes. All documentation shall be included in the TIA.

(~~d~~4) **Any assumptions used in the TIA, including but not limited to,** ~~A~~**a**ll supporting count data, LOS analyses, pass-by deductions, growth rates, traffic distributions, or other engineering assumptions must be clearly defined and attached to the TIA when submitted in report form to the City for review.

(~~e~~5) All LOS analyses shall follow operational procedures per the current Highway Capacity Manual. Ideal saturation flow rates greater than 1,800 vehicles per hour, per lane should not be used unless otherwise measured in the project vicinity. Queue lengths shall be calculated at the 95th percentile where feasible. ~~Actual peak hour factors should be used for each movement or lane grouping in the analysis.~~ The peak hour factor shall be 1.0.

(~~f~~6) Signal timing used in capacity or progression analysis shall follow City timing plans and account for pedestrian crossing times, unless otherwise noted in the scoping letter.

(~~g~~7) Arrival Type 3 (random arrivals) shall be used unless a coordinated plan is in place during the peak ~~period~~ **hour**.

**(8) The safety review (per 10.461(E)(19)) shall include:**

**(a) Total number of crashes**

**(b) The calculated crash rate compared to the Critical Crash Rate**

**(c) Discussion of crash patterns**

**(d) Discussion of whether the location is included within a published safety study such as, but not limited to, ODOT Safety Priority Index System (SPIS). Other published safety studies may be used, at the City's discretion, for all study intersections.**

**(9) When mitigation is needed at an intersection, roundabouts shall be evaluated as an alternative to traffic signals according to the current procedures of the Public Works department.**

**(10) Residential dwelling units when within a vertically, mixed-use building, shall not be considered in trip generation calculations.**

**(G) Other Enhancements Required**

**If through the TIA analysis it is determined that improvements which increase transportation capacity will not be sufficient to meet the mobility targets, then the approving authority may require that the applicant implement other performance improvement actions sufficient to meet the mobility target. Potential performance improvement actions may include, but are not limited to:**

**(1) Transportation system connectivity improvements for vehicles, bicycles, and pedestrians.**

**(2) Transportation demand management (TDM) methods to reduce the need for additional capacity, such as mandatory car-sharing programs, alternative work schedules, employer provided transit passes, or other measures that incentivize transportation options other than single-occupancy vehicles.**

**(3) Multi-modal (bicycle, pedestrian, transit) improvements to reduce vehicle demand.**

**(4) Operational improvements to maximize use of the existing system.**

**(5) Land use techniques (e.g. restricted zones, trip caps/budgets to manage trip**

**generation).**

Section 6. Section 10.462 of the Medford Code is amended to read as follows:

10.462 ~~Maintenance of Level of Service~~ **Mobility Targets**.

**(A) Adopted Mobility Targets.** Whenever ~~l~~**L**evel of ~~s~~**S**ervice (LOS) is determined to be below **the mobility target listed below** for arterials or collectors, development is not permitted unless the developer makes the roadway, or other improvements necessary to maintain ~~level of service~~ **the mobility target**. ~~Level of Service~~ **LOS** criteria shall be based on the latest edition of the Highway Capacity Manual for the motorized vehicle mode. The following are the level of service standards for intersections in the City of Medford.

| Level of Service Minimum | Intersection |
|---|---|
| D | Citywide (unless otherwise listed) |
| E | Barnett Road & Highland Drive<br>South Pacific Highway (Hwy. 99) & Stewart Avenue |

**(B) No Further Degradation. In some cases a Transportation Impact Analysis shows transportation facilities not meeting the mobility target, identified in 10.462(A), under the TIA's background conditions.**

**(1) When the LOS is shown to be below the mobility target identified in 10.462(A), under the TIA's background conditions, then no further degradation of the transportation facility shall be the mobility target. Further degradation shall be measured in volume-to-capacity (v/c) ratio, not LOS. V/c ratio criteria shall be based on the latest edition of the Highway Capacity Manual for the motorized vehicle mode.**

**(2) Once reasonable levels of mitigation have been identified, calculated v/c ratios that are within 0.03 of the target are considered in compliance with the target. The adopted mobility target still applies for determining significant effect.**

PASSED by the Council and signed by me in authentication of its passage this ____ day of October, 2019.

ATTEST: _____ _____

City Recorder Mayor

APPROVED _____ 2019. _____

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.

MEDFORD
PLANNING

# COUNCIL REPORT

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

| | |
|---|---|
| Project | Concurrency and TIA – 2018 TSP Updates |
| File no. | DCA-18-180 |
| To | Mayor & City Council *for 10/03/2019 hearing* |
| From | Planning Commission via Kyle Kearns, Planner II |
| Reviewer | Carla Angeli Paladino, Principal Planner |
| Date | September 20, 2019 |

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## BACKGROUND

### Proposal

An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), regarding the City's transportation concurrency standards and Transportation Impact Analyses (TIAs) to implement the adopted 2018-2038 Transportation System Plan (TSP).

### Authority

The amendments will be reviewed as a Type IV Legislative Development Code Amendment. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to the Municipal Code under Medford Municipal Code Section 10.214 and 10.218.

### Related Projects

CP-16-036 – Transportation System Plan (Ordinance no. 2018-126)

### History

On December 6, 2018, the City of Medford adopted the 2018-2038 Transportation System Plan (TSP), as an element of its Comprehensive Plan, per Ordinance no. 2018-126. Contained within the TSP are various directives that have already been adopted into municipal code such as the City's level-of-service standard, roadway cross sections, future transportation projects and the new legacy street standards. As an

element of the Comprehensive Plan, the TSP influences many of the land use policies and decisions surrounding the City's transportation system. Amendments to the MLDC are required in order to align the Comprehensive Plan and the Medford Land Development Code (MLDC). This proposal addresses the topic of "...transportation facility capacity..." and the alignment with the State Transportation Planning Rule (TPR). The TSP contains the following action item:

> *"4-a: Balance transportation facility capacity with planned land uses by amending the City's concurrency and transportation facility adequacy requirements by adopting local procedures that apply the Oregon Transportation Planning Rule as the determinant of facility adequacy."*

Staff brought the proposal (Exhibit A) before the City Council, Planning Commission, Transportation Commission and the Land Development Committee seeking comment and recommendations at several meetings, including two Planning Commission public hearings. Summaries of the meetings and the actions taken are below or contained within the exhibits.

City Council Study Session – January 31, 2019 (Minutes – Exhibit B)

Council reviewed the topic of concurrency broadly at their January 31, 2019, study session, recommending that staff work through the topic of concurrency and prepare a proposal with the Transportation Commission. A need for a second Council study session was not identified.

Transportation Commission (TC) Early Meetings (Minutes – Exhibits C & D)

Staff began drafting text to implement Action Item 4-a of the TSP and presented to the Transportation Commission on the topic. Staff first presented to the TC, on concurrency, on April 16, 2019 (Minutes – Exhibit C); this meeting served as an informative discussion to educate the Commission. On May 22, 2019, the Transportation Commission (Minutes – Exhibit D) reviewed the proposal and ultimately gave direction to proceed with the proposed hearing schedule with support from the Commission (additional Transportation Commission meetings proceeding the June 27 Hearing/Continuance Request are described in detail below).

Planning Commission Study Session – June 10, 2019 (Minutes – Exhibit E)

Staff presented the proposal to the Commission and received some initial feedback prior to the scheduled Planning Commission hearing. A majority of the study session focused on understanding the topic of concurrency and the implications of amending

the municipal code in relation to the proposed text. Staff incorporated all changes discussed at the study session into the most recent proposal of DCA-18-180.

Land Development Committee Meeting – June 12, 2019

Additionally, DCA-18-180 was reviewed at the June 12, 2019, Land Development (LD) Committee meeting. Only official memos of "No Comment" were provided at the LD meeting and are attached as Exhibits. Agencies present at the LD meeting included the Medford Water Commission, Building, Public Works, and Fire Departments as well as the Oregon Department of Transportation (ODOT). Jackson County Roads Department did not attend the meeting but did provide comments via email.

Planning Commission Hearing and Continuance Request – June 27, 2019 (Minutes – Exhibit L)

At the June 27 Planning Commission hearing (Minutes – Exhibit L) a unanimous vote by the Commission was given to continue DCA-18-180 to a future public hearing. At the public hearing, testimony was received from CSA Planning, Ltd. via Principal Planner Jay Harland (Exhibit N). Staff was given the testimony the afternoon of the hearing and was made aware of CSA's request to continue the project to a future Planning Commission hearing; with a cursory review of the comments staff had amended the recommendation for the Planning Commission to continue DCA-18-180 as the comments were substantive. Comments were also received from Transportation Commissioner Kim Parducci (Exhibit O) in regards to the proposed amendment that were then reviewed concurrently with the public testimony received. Staff reviewed the comments, responded via a memorandum (Exhibit M) and incorporated many of the comments into the most recent proposal (Exhibit A). Staff held a working meeting with Commissioner Parducci and Mr. Harland on August 7, 2019 to ensure adequate understanding of the concerns raised at the hearing and in the comments, responses provided in Exhibit M.

Transportation Commission Meeting – August 28, 2019 (Minutes – Exhibit Q)

In order to provide the Transportation Commission with the same opportunity to review the newly amended proposal and provide a recommendation, staff took DCA-18-180 before the Commission at their August 28, 2019, meeting seeking a recommendation. The Commission voted to recommend approval of DCA-18-180 with two amendments, one that would impact the proposal. The first amendment was to incorporate a sliding scale for the commercial zone trip rates, based on parcel size, proposed in the Public Works Trip Generation Policy (Exhibit R); the sliding scale would decrease the number of trips as the size of a commercial site increased. The second amendment was to remove language in Section 10.461(E)(12) the 25% cap on the *ITE*

*Trip Generation Manual* pass-by rates (i.e. trips already along a transportation corridor/facility that stop to use a particular use proposed in a zone change).

Staff agrees with the first amendment, disagrees with the second. Public Works staff is working with Transportation Commissioner Kim Parducci and CSA Planning, Ltd. Principal Planner, Jay Harland on the "sliding scale" policy. The amendment proposed to 10.461(E)(12), however, is not recommended by staff, because the code already allows for ITE pass-by percentages higher than 25% to be used, if approved by Public Works. The Planning Commission endorsed this provision, and has recommended that Council include it in the proposal. The removal of the 25% pass-by rate cap has been incorporated into the proposal provided in the Council packet.

Public Comment, the Chamber of Medford/Jackson County Received on August 28, 2019 – Exhibit S

Additional comment from the Chamber of Medford/Jackson County was delivered by mail to the City. Generally, the comments are considered by staff to be beneficial to the goals of the TSP and supportive of other Comprehensive Plan elements, especially the Economic Element. The comments provided in Exhibit S are summarized in the following two bullet points:

- Commented on the "...*expensive and time-consuming*..." nature of Transportation Impact Analysis (TIA). They understand the need for TIAs, but asked that the Commission "... *consider the transportation impacts analysis procedures carefully to minimize any unnecessary or duplicative analysis requirements* ..." Exhibit S
- They asked that the Commission consider incorporation of TPR subsection (11) in the Medford Municipal Code. Subsection (11) of TPR allows for partial mitigation of transportation infrastructure needs in instances where traded-sector or industrial-sector jobs are created as a result of a development. Mr. Harland, had asked staff for the same consideration (Exhibit N) and staff had addressed this comment with a response (Exhibit M). It is also briefly reviewed in the Findings and Conclusions, Section 4 Applicable governmental agreements.

Staff has addressed these comments further in the Findings and Conclusions of this Council Report. Planning Commission has recommended that subsection (11) of the TPR be reviewed on its own merit as a separate project. Additionally, it is the conclusion of staff that the use of Subsection 11 is already available, per State law, and a process for its use is directly outlined in the TPR (Exhibit F) Section 660-012-0060(11)(a-c). Nevertheless, staff is supportive of the request and believes that it can be accommodated in a timely manner.

Planning Commission Hearing September 12, 2019 (Minutes – Exhibit T)

At a regularly scheduled Planning Commission hearing, staff presented the amended proposal (Exhibit A). Planning Commission heard additional testimony and provided two amendments to staff's recommendation as well as a separate motion, which are referenced above. The amendments and motion included the following:

- Planning Commission, through a separate motion, directed staff to consider the incorporation of subsection (11) of the TPR, per the Chamber's comments (Exhibit S), as its own project with separate study sessions. The vote was 6-1.
- Planning Commission asked for additional findings as to when transportation facility adequacy is measured in the City of Medford. The vote was 7-0.
- Lastly, they amended Exhibit A to remove the 25% pass-by trip cap rate and to incorporate the use of the most recent *ITE Manual*. The vote was 5-2.

Upon the conclusion of the public hearing, Planning Commission forwarded a favorable recommendation to the City Council, with the above amendments, on a vote of 7-0.

**Important Terms Used**

*Horizon/Future Year*: The final year the TSP analyzed transportation impacts; year is 2038.

*Planning Period*: Total time analyzed in TSP (2018-2038).

*Future Conditions*: How the transportation system will look in 2038 after Tier 1 projects have been built.

*Current Conditions*: How the transportation system looks in 2018, prior to Tier 1 completion.

*Planned Projects*: Tier 1 projects in the TSP adopted by the City.

*Pipeline trips*: Background traffic from approved developments that are approved but not yet built.

## OVERVIEW

Adoption of the new Transportation System Plan was an important part of the Urban Growth Boundary expansion process and was necessary in order to update the citizen's vision for the City's transportation system. The plan outlines a number of goals, objectives, and action items that include incorporating the policies and principles of the plan into the Land Development Code. The proposal to amend the MLDC to become consistent with the Transportation Planning Rule (Exhibit F) aids in aligning the plan and vision with the implementing regulations; the guidance for such amendments can be found in TSP action item 4-a.

DCA-18-180 proposes amending the MLDC to be consistent with state law in relation to providing for transportation facility adequacy (i.e. functioning intersections); or as referred to in the MLDC "It shall be demonstrated that Category A urban services and facilities are available or can and will be provided...to adequately serve the subject property with the permitted uses allowed under the proposed zoning," per Zone Change Approval Criteria, 10.204 (B)(3). Category A urban services and facilities are further described as storm drainage, sanitary sewer, water facilities, streets and street capacity. The amendments considered in DCA-18-180 pertain only to streets and street capacity, not other Category A facilities. Furthermore, Level of Service (LOS) is the measurement used to determine whether a facility meets the Category A definition.

Transportation Concurrency Explained

Transportation concurrency is the requirement that developments that impact the level of service (LOS) of a roadway intersection must mitigate those impacts at the time of development. In other words, developments must maintain the required level of service concurrent with development in order to be permitted. In Medford, development is considered to be the time when a property is zoned or zoning is changed. LOS impacts are analyzed at that time to determine facility adequacy, prior to any actual construction. Developments are then required to determine facility adequacy for the expected build-out/future year of the project and for the horizon year of the Transportation System Plan (TSP). The horizon year analysis is required by the Transportation Planning Rule (TPR). The build-out year analysis is required by the Medford Land Development Code (MLDC) and is the part of the process that provides for transportation system concurrency.

At present, when a property owner decides to develop a parcel through a rezoning application they must conduct a Transportation Impact Analysis (TIA) to determine the impacts of the increased intensity of the new zone and the impacts in the future year(s). When the TIA shows that transportation facilities, in particular intersections, will not meet the Category A definition (i.e. Level of Service), the current municipal code requires that the impacts to the transportation system shall be mitigated concurrently with the zone change (10.204(B)(3)). Mitigation often includes improving intersection infrastructure to add capacity (construction of a dedicated turn lane, for example), however other mitigation methods have included adding transit capacity, Transportation Demand Management (TDM) strategies, and construction of shared-use paths (e.g. Larson Creek Greenway). As proposed in DCA-18-180, this requirement to mitigate impacts at the time of zone change is not being removed completely but rather the timing of mitigation will no longer be required to be concurrent for projects identified for construction (Tier 1 projects) in the TSP. Below,

the Summerfield subdivision is used to highlight how concurrency works now and how things could be different if DCA-18-180 were adopted.

## Concurrency in Action, Summerfield Subdivision

Generally, a policy like concurrency is intended to mitigate the impacts of development as it occurs. However, requiring transportation facility concurrently with zone changes can slow or stop the pace of development when the cost of the improvements needed are beyond what makes sense for any single development. The current policy also creates a situation where costly improvements must be made before a developer realizes any financial return from development. When it is determined that LOS cannot be met at the time of zone change, restrictions are placed on future development until the required LOS can be met (through private or public sector improvements). This is the practice known commonly as restricted zoning. One such zone change occurred in 2002 in relation to the Summerfield Subdivision in the Southeast Plan Area (ZC-02-181).

For a portion of the Summerfield subdivision, this zone change consisted of 48.84 acres proposed to change from Single-Family Residential – 1 Dwelling Unit per Lot (SFR-00) to Single-Family Residential – 4 units per gross acre (SFR-4). The new zoning allowed for a total of 195 residential units; however, due to the projected transportation impacts the development was limited to 24 units until the intersection of Cherry Ln. and N. Phoenix Rd. was signalized, and then limited to 100 residential units until the intersection of Pierce Rd. and Hillcrest Rd. was improved. These types of limitations are imposed through a Restricted Zoning (RZ) overlay. The improvement of the two intersections, per the previous TSP, cost approximately $500,000 combined.

## Doing Things Differently in Summerfield

If DCA-18-180 were adopted, development could have been analyzed in the future year of Summerfield's development as opposed to the current year (i.e. current conditions). In other words, had the ability to rely on the Transportation Planning Rule been in place as opposed to the aforementioned standards in 10.204, the pace of development for Summerfield could have proceeded far quicker. Per TPR, transportation facilities are "...measured at the end of the planning period identified in the adopted TSP..." (OAR 660-012-0060 (2)). This means developments, and in this case the Summerfield subdivision, may analyze transportation facility adequacy in the future year as opposed to the current year (i.e. not "concurrently"). This allows for applicants to assume that a Tier 1 project will be built, thereby addressing capacity concerns arising in the future from the proposed zone change.

In 2002, when Summerfield was originally proposed, both of the aforementioned, impacted intersections identified in the TIA were identified as Tier 1 projects in the 2003 TSP; this means they were identified by the City for improvement. If the concurrency requirement had not been so stringent, then this development would have been able to fully develop (producing more than 124 lots) based on the planned Tier 1 improvements identified in the TSP. The developer could have moved forward with the subdivision without having to wait for the improvements to be funded in the City's biennial budget. The City could have collected SDCs on the new homes being built to then fund the planned projects and others throughout the City. As proposed in DCA-18-180, this type of allowance is consistent with the Transportation Planning Rule and the directive provided in Action Item 4-a of the TSP. In reality, the intersections' functional capacities were improved by capacity increasing projects to Foothill Rd, which, per the TPR, could have also provided for mitigation required of this particular development.

## Summary of Proposed Code Changes

The following section summarizes the specific changes to the code and how they relate to the aforementioned policy discussions. Changes incorporated into the proposed amendment (Exhibit A, A-1) as a result of the continuance request have been distinguished separately in their own section (see below).

### Proposed Additions/Changes to 10.012 Definitions, Specific

To remain clear and objective in the proposed changes to both the zone change (see Exhibit A, A-1 10.204) and the Transportation Impact Analysis (see Exhibit A, A-1 10.460-.462) criteria, new and amended definitions were required.

### Proposed Additions/Changes to 10.204 Zone Change

In order to be consistent with the allowances and flexibility provided by the Transportation Planning Rule, staff is proposing amendments to this portion of the Land Development Code as well as implementation of various TPR provisions (see the below Findings and Conclusions for a full list of TPR provisions being considered). In addition to allowing for the use of planned projects in traffic impact analyses, the TPR also allows for flexibility and alternative mitigation measures to be considered and implemented. Some examples of mitigation measures allowed in the TPR include:

- Amending the TSP or comprehensive plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses including a funding plan or mechanism so that the facility, improvement, or

service will be provided by the end of the planning period (this may include requesting projects be changed to a Tier 1 project);

- Amending the TSP to modify the planned function, capacity, or performance standards of the transportation facility (e.g. changing a LOS standard or roadway functional classification);

- Providing other measures as a condition of development including, but not limited to, transportation system management measures or minor transportation improvements (e.g. corridor signal timing, transit/freight priority timing or other technology upgrades);

- Limiting the intensity or size of a development to limit the number of trips generated (e.g. trip cap through restricted zoning);

- Providing improvements that would benefit modes other than the significantly affected mode (i.e. pedestrian over auto); improvements to facilities other than the significantly affected facility (i.e. improving other intersections to aid affected one); or improvements at other locations, if the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect;

Proposed Additions/Changes to 10.460 Transportation Impact Analysis (TIA) Purpose

The changes proposed in this section were created to ensure consistency with current practices in the transportation planning industry as well as other items proposed in DCA-18-180.

Proposed Additions/Changes to 10.461 TIA Applicability and Methodology

Majority of the changes within this section are to ensure consistency with current practices in the transportation planning industry as well as with other proposed changes within DCA-18-180. The following are separately identified for added clarity of the changes.

- "10.461(E)(15) Tier 1 projects as identified in the Transportation System Plan..."
    - This addition to the TIA methodology is needed to ensure consistency with both TPR and with the funding identified in the TSP. The TPR allows for "...reasonably likely..." funded projects related to transportation

facilities to be considered constructed when analyzing transportation facility adequacy. However, per the City's adopted TSP, projects related to the Foothill/N. Phoenix corridor and the S. Stage Overcrossing are not identified as fully funded. As such, this addition to the proposal is needed to ensure consistency with adopted plans as well as the TPR.

- "10.461(G) Other Enhancements Required"
    - The addition of this section brings forward provisions of the TPR that allows for the use of "other performance improving actions" in conjunction with "transportation capacity increasing improvements" to meet the LOS/mobility target identified in the TSP. In other words, when a TIA shows an intersection to be below the identified LOS with improvements to the intersection, alternatives such as Transportation Demand Management (TDM) measures, transportation system connectivity improvements and/or multi-modal improvements may be conditioned on the development to meet the identified mobility target.

Proposed Additions/Changes to 10.462 Mobility Targets

Lastly, the changes proposed in this section are to create consistency with the proposed language as well as to create an allowance for flexibility in the City's adopted mobility targets. Over time, transportation facilities will be at or over capacity prior to a development application being submitted. This section adds a provision of TPR to allow for approving authorities to deviate from the LOS standard when LOS is already shown to be failing prior to development occurring; the new mobility target in this case would be to maintain current facility capacity and to not allow further degradation.

Proposed Additions/Changes after June 27, 2019 Continuance Request

Below is a brief review of the changes that were produced in response to the comments in Exhibits M through O. This list intends to highlight large shifts from the original proposed amendment, not items related to syntax or "wordsmithing." The list includes:

- Prohibiting Subsection (9) of TPR
- Allowance for Approving Authority to approve failing facilities
- Removing pipeline trips
- New Public Works policy for ADT based on zones (Exhibit Q)
- Created common peak hour for TIA

- Removed the 25% pass-by traffic cap rate from 10.461

10.204(B)(3)(b) – Prohibited the Use of Subsection 9 of Transportation Planning Rule (TPR)

Subsection 9 of the TPR allows for a municipality, with an adopted Transportation System Plan, to find that there would be no significant affect to a transportation facility (i.e. failing facility/LOS failing) if the zoning is consistent with the municipality's comprehensive plan. Inclusion of this provision, which is optional per TPR, would in effect remove the TIA analysis for zone changes if there was no proposed comprehensive plan change. Allowing for this provision has its benefits (e.g. streamlined zone changes, more by-right development); the ability to mitigate impacts of development, however, would be lost in the lack of a land use process where conditions could be imposed on development.

Staff interpreted the direction from the TSP and City Council to be to remove concurrency and allow for the use of planned TSP projects in project analysis, but not to remove the requirement to study facility adequacy for the majority of zone changes.

10.204 (D) – Allowance for Approving Authority to Approve Failing Facilities

The addition of this section incorporates a provision of the TPR that previously was not proposed within DCA-18-180. Subsection 3 of TPR, in effect, allows for the approving authority to allow for a failing transportation facility when: 1) the facility would fail in the future without mitigation; 2) the facility will still fail in the future year with mitigation; and 3) lastly, the facility will mitigate impacts at the time of development, at a minimum. The instance where this would apply is rare. However, if you start to consider some of Medford's more burdened intersections, the creation of a process to implement this provision would provide additional tools to the future policy makers and land developers.

Removed Pipeline Trips

One of the more substantial changes to occur since June 27 is the removal of pipeline trips from the TIA criteria. Pipeline trips represented past "guaranteed trips," to City intersections, from previous zone changes, but many of these properties have not come to development fruition (e.g. Northern Medford industrial lots). Questions and comments received during previous study sessions and comments received from Commissioner Parducci and Mr. Harland suggested that continuing to use pipeline trips in zone changes and TIA analysis was burdensome. Pipeline trips have proven to limit subdivision potential, especially in the short-term, and these same limitations can be found on commercial and industrial properties as well.

In place of pipeline trips, staff has proposed adding "traffic count growth" rates that are applied using data from the Regional Transportation Model. The Regional Model, maintained by the Rogue Valley Council of Governments (RVCOG), provided the data used for projected transportation impacts in 2038—the planning horizon year for the TSP. In projecting future level of service impacts to City intersections, the following will be used:

> 10.461(E) Elements of Analysis:
>
> (14) Level of Service (LOS) analysis at study area intersections under the following conditions:
>
> (a) Background conditions
>
> Background traffic (Existing traffic counts + traffic count growth rates) for the existing year and project study year(s)
>
> (b) Proposed conditions
>
> Background (Existing traffic counts + traffic count growth rates) and project traffic in the project study year(s)
>
> A table shall be prepared which illustrates all LOS results. The table shall show LOS conditions with corresponding vehicle delays for signalized intersections and the critical movement at unsignalized intersections.

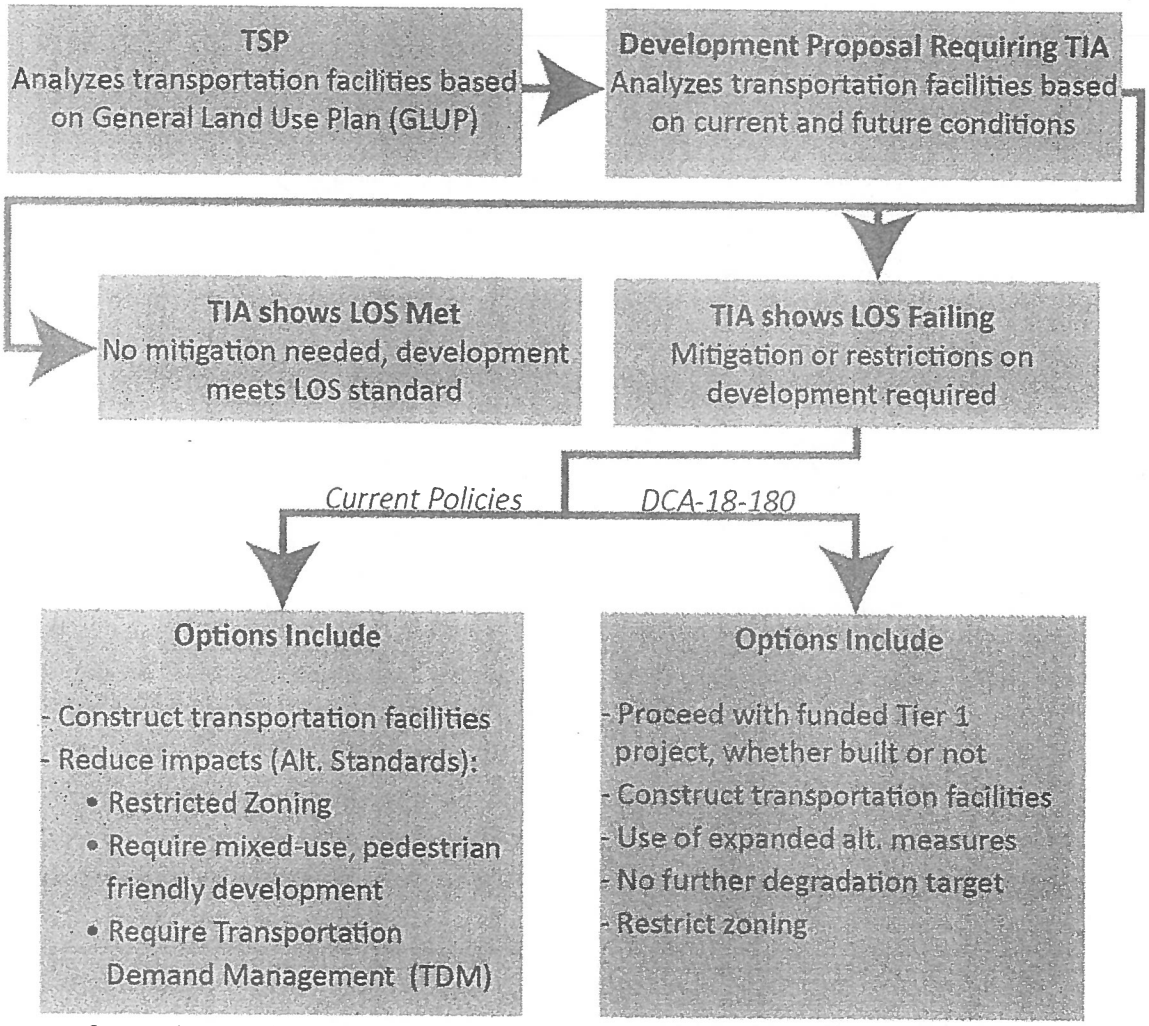
Justification for removing pipeline trips is in large part due to the newly adopted TSP. This new policy direction will require more frequent analysis and updates in regards to the TSP, but will enable a more consistent form of analysis for all development in the City. However, removal of pipeline trips will not remove previous restricted zoning without a land use action; land owners with restricted zoning overlays could reapply for a zone change under the analysis criteria to attempt to remove any previous restrictions as it relates to transportation impacts.

<u>Creation of "Trip Generation Rates for Various Zones" Policy – Exhibit R</u>

For additional clarity, Public Works – Engineering staff has proposed a department policy to provide applicants of zone changes the rates used in determining Average Daily Trips (ADT) based on zone. Staff is proposing a policy as opposed to Medford Land Development Code (MLDC) language in order to allow for more fluidity if changes to trip rates are to occur. The policy will be ready upon adoption.

<u>10.461(F)(2) – Created common peak hour for TIA</u>

In reviewing the comments (Exhibits L – N) it was brought to the attention of staff that the use of the "peak period" and "peak hour" definitions are used interchangeably throughout the TIA language, however peak hour is what is used in application of the language. Staff has cleaned up the TIA language to reflect this comment. Additionally, Commissioner Parducci had noted that the use of a common peak hour (i.e. analyzing intersections under the same peak hour) as opposed to using varying peak hours for analyzed intersections would be the preferred analysis method for




Infographic explaining the changes proposed through DCA-18-180.

TIAs. Using varying peak hours makes TIAs complicated to balance transportation impacts. Staff has proposed the use of a common peak hour for TIAs.

<u>10.461(F)(2) – Removed the 25% pass-by traffic cap rate from 10.461</u>

Per the recommendations provided by both the Transportation and Planning Commissions, staff has removed the following language from 10.461 (E)(12) "*Adjustments*

*made for pass-by traffic volumes shall follow the methodology outlined in the latest edition of the ITE Trip Generation Manual, ~~and shall not exceed 25% unless approved by the Public Works Director.~~"* Removal of this standard allows for use of a nationally recognized manual, used throughout the United States, in regards to transportation planning and analysis.

## FINDINGS AND CONCLUSIONS

Applicable criteria

The applicable criteria that apply to code amendments are in Medford Municipal Code Section 10.218. The criteria are set in *italics* below; findings and conclusions are in roman type.

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

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

Findings

Policies like concurrency are intended to mitigate impacts to the City's transportation system providing for efficient and safe travel for the residents and visitors of Medford. The requirement to mitigate impacts to the transportation system at the time of zone change, is itself, a policy intended to support the public benefit. However, the application of this policy has created problems related in large part to higher development cost early on in development, underdevelopment of parcels through restricted zoning, and an inability to rely on the City's Transportation System Plan for planned infrastructure. Additionally, development that meets the City's LOS contributes to traffic that will still bring an intersection to the threshold of failure. The City's current policies put an unfair burden on developments that cause an intersection to exceed that threshold despite the fact that previous development pushed LOS to that point. Concurrency also burdens property owners with high cost construction projects prior to any vertical construction starting.

With the changes proposed in DCA-18-180, developers will be provided with more flexibility in terms of how they can mitigate impacts to the transportation system. First, and most critical, the changes proposed allow for developers to rely on Tier 1 (planned and funded) projects within the City's TSP. The City's TSP analyzed each stop-controlled intersection and used the City's General

Land Use Plan (GLUP) to project where development will occur. In doing this analysis it was determined, in the year 2038, which intersections will not meet the City's LOS standard. This analysis aided in determining the Tier 1 projects the City will construct from now until 2038. Through the adoption of DCA-18-180 developers and property owners showing failing intersections at the time of zone change will not be required to construct Tier 1 projects, thus removing limitations such as restricted zones or high infrastructure cost to the areas of Medford that are projected to grow over the next 20 years.

Another benefit of the proposed amendment is that it creates consistency with the State's policies on transportation facility adequacy, making Medford friendlier to development for firms outside of the area. Consistency with national practices, or use of the *ITE Manual*, has also been added by removing the aforementioned 25% pass-by traffic cap. Lastly, additional benefits of DCA-18-180 can be found in the Transportation Planning Rule (Exhibit F) that include the aforementioned alternative mitigation measures, found in the section of the staff report titled "Proposed Additions/Changes to 10.204 Zone Change." The added alternative measures will create for more flexibility in mitigating transportation impacts, using the measures as discussed in the Issues and Analysis, *Summary of Proposed Changes*, section of this report. These above-mentioned measures are intended to allow for alternative modes of transportation (e.g. bicycle, pedestrian or transit facilities) thus providing for more public access to transportation. In providing for a variety of transportation modes, as oppose to focusing on the automobile, all of Medford's community members directly benefit from a greater access and freedom to use of the transportation system.

Conclusions

The adoption of the TSP in December outlined action items specific to amending the Land Development Code related to creating consistency with Oregon Transportation Planning Rule. Largely, the benefits of DCA-18-180 will be felt by the development community in the short-term but then by the community as a whole as development occurs. The new processes for reviewing transportation facility adequacy will expedite development, lower development cost, and increase transportation options available to the City. In order to bring forward the benefits of DCA-18-180 it is important to amend the Land Development Code with the changes proposed.

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

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

Findings

The proposed code amendment supports the goals and policies found in the newly adopted 2018-2038 Transportation System Plan. Specifically the following goals, objectives and action items are relevant to this project.

GOAL 2 – ECONOMIC DEVELOPMENT – The transportation system shall enhance economic development and vitality within the City and throughout the Region.

Objective 4: Provide transportation facilities that support existing and planned land uses, consistent with the City's Comprehensive Plan.

Action Item 4-a: Balance transportation facility capacity with planned land uses by amending the City's concurrency and transportation facility adequacy requirements by adopting local procedures that apply the Oregon Transportation Planning Rule as the determinant of facility adequacy.

Action Item 4-b: Ensure development throughout the City and within the Urban Growth Boundary expansion areas are consistent with the Functional Classification plan and other planned transportation improvements.

GOAL 3 – LIVABILITY – Design and construct transportation facilities to enhance the livability of the City's neighborhoods and business centers.

Objective 9: The City will balance transportation system objectives to improve mobility against objectives to avoid disruption of existing neighborhoods and nonresidential districts, and minimize impacts to individual properties.

Action Item 9-d: Implement transportation demand management strategies, when appropriate, to mitigate congestion prior to roadway expansion.

**GOAL 5 – FINANCING** – Optimize funding resources so that transportation investments are fiscally sound and economically sustainable.

**Objective 16** – Amendments to the land development code and municipal code to implement the TSP shall be targeted for completion within 24 months of TSP acknowledgement.

**Action Item 16-d**: The first priority for code amendments for the TSP implementation are the amendments to implement Action Item 4-a.

Conclusions

The amendment is relevant to the Transportation System Plan (TSP) goals, objectives, and action items; the TSP serves as the Transportation Element of the Comprehensive Plan. This criterion is found to be satisfied.

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

Findings

The proposed development code amendment was distributed to internal and external agencies for review and comments in May and June of 2019. Additionally, Public Works-Engineering and Legal Department staff worked closely with Planning staff to review and make suggested changes to the language. On June 12, 2019 staff held a Land Development Committee meeting to solicit comments from applicable referral agencies. The Medford Building, Public Works and Fire-Rescue Departments submitted official "no comment" memos for the record (Exhibits G, H, & I, respectively). The Medford Water Commission also provided an official memo stating there are no additional comments (Exhibit J) as well as Jackson County Roads Department (Exhibit K). Wei (Michael) Wang, Development Review Traffic Engineer of the Oregon Department of Transportation (ODOT), was present at the LD meeting but did not provide any comments for the record.

Conclusions

The City has reviewed and revised the draft language based on comments received from applicable referral agencies. This criterion is found to be satisfied.

*3. Public comments.*

Findings

A draft of the proposed text was e-mailed in June and August of 2019 to a group of 45 citizens, developers, business owners, land use consultants, and non-profit representatives who have requested notification of code amendment projects. No specific comments have been received to date. A follow up to the group will be sent a week prior to the scheduled hearing to provide them with the latest draft and remind them of the hearing schedule for the project.

The Transportation Commission (TC) was provided the draft language and presentation at their May 22, 2019 meeting. The TC recommended the draft language move forward to the Planning Commission for review and consideration at a public hearing. The Planning Commission met on June 10, 2019, during a noon study session and discussed the proposed amendment with staff (Minutes Exhibit E). Generally, the Commission was in favor of moving the amendment forward and sought clarification on a few topics including the exemptions to the TPR allowances regarding the S. Stage, N. Phoenix, Foothill corridor. Planning Commission noted that language needed to be added to ensure that if a project was built or funded in this corridor that it no longer be exempt from the TPR allowances discussed throughout this report. This addition in the text can be found in Section 10.461(E)(15)(b).

Draft language (Exhibit A, A-1) is made available to the public on the City's webpage and two public hearings provide opportunities for the public to provide further comments. At the June 27 Planning Commission hearing, the first public hearing, public testimony was received from CSA Planning, Ltd. via Principal Planner Jay Harland (Exhibit N). Mr. Harland had provided substantial comments in regards to how DCA-18-180 implements the various provisions of the Transportation Planning Rule (Exhibit F). At the hearing, Mr. Harland had asked the Commission to continue the review of DCA-18-180 to a future public hearing to allow for review and consideration of his comments. The Planning Commission voted unanimously to continue the hearing. In addition to the comments provided by Mr. Harland, Transportation Commissioner Kim Parducci also provided substantial comments (Exhibit O) on the technical aspects of DCA-18-180, in particular as it relates to the Transportation Impact Analysis review criteria. Staff prepared responses (Exhibit M) to the comments and held a meeting on August 7, 2019 to review the proposed changes per the aforementioned comments. Additional

changes from this meeting were incorporated into the latest proposal (Exhibit A, A-1) and are summarized in the Issues and Analysis section of this report.

Additional public comment was received by the Chamber of Medford/Jackson County (Exhibit S) in regards to the proposed amendment. As previously summarized:

- Commented on the "*...expensive and time-consuming...*" nature of Transportation Impact Analysis. They understand the need, but asked that the Commission "*...consider the transportation impacts analysis procedures carefully to minimize any unnecessary or duplicative analysis requirements...*" Exhibit S

- They asked that the Commission consider incorporation of TPR subsection (11) in the Medford Municipal Code. Mr. Harland, had asked staff for the same consideration (Exhibit N) and staff had addressed this comment with a response (Exhibit M) and it is also briefly reviewed in the Findings and Conclusions, Section 4 Applicable governmental agreements. Subsection (11) of TPR allows for partial mitigation of transportation infrastructure if traded-sector or industrial-sector jobs are created as a result of a development.

Conclusions

The language was provided to members of the public interested in reviewing code amendments proposed by the City. Three of the City's citizen committee and commissions have been informed about the project and changes have been made to reflect their comments. Comments received from the public (Exhibits N & O) have been incorporated into the latest draft proposal and have produced a more sound amendment; if comments had not been incorporated the reasoning to the choice is provided in Exhibit L.

Comments received from the Chamber (Exhibit S), are considered by staff to be supportive of DCA-18-180. Removal of the "*...unnecessary or duplicative analysis requirements...*" is evident in the removal of the use of pipeline trips (10.461(E)(10,14)), in creating a common peak hour (10.461(F)(2)) and other changes proposed in 10.461. Additionally, to this point, the use of TPR in determining transportation facility adequacy is inherently more consistent with the other municipalities the City coordinates transportation planning with, such as ODOT and Jackson County, as they also use TPR for facility adequacy determination.

To the Chamber's second consideration of inclusion of TPR subsection (11) into DCA-18-180, staff does not recommend its consideration with the current proposal. The benefits of DCA-18-180, when adopted, can be used by the development community the next day. These benefits include the removal of aforementioned "*...duplicative analysis requirements...*," use of planned Tier 1 projects in TIAs and the consistent practices mentioned above. To properly vet inclusion of subsection (11) staff is recommending it be considered as its own project as it is larger policy discussion needing its own evaluation (i.e. City Council and Planning Commission study sessions). Incorporating Subsection (11) now would feel rushed and slow down the benefits of DCA-18-180 from being available until later in 2020. Additionally, the application of Subsection (11) throughout Medford has not been determined yet, further justifying its own review as a separate project. It is staff's interpretation that Subsection (11) could be used in an applicant's findings as it relates to transportation facility adequacy (see below).

Lastly, the public is afforded an opportunity to provide additional comments through the hearing process before the Planning Commission and City Council. This criterion is found to be satisfied.

*4. Applicable governmental agreements.*

The City's transportation network in specific locations requires coordination with Jackson County and the Oregon Department of Transportation (ODOT); County and State partners have been informed about the amendment.

Both the City and County have adopted an Urban Growth Management Agreement to ensure the efficient and orderly development of rural lands to urban lands within the Urban Growth Boundary. The agreement outlines the circumstances in which the City takes over jurisdiction of existing roads at the time of annexation. It also outlines the County's obligations to adhere to the City's structural road section specifications when the County proposes the construction of new roads or the widening of roads in the City's Urban Growth Boundary and Urban Reserve.

Coordination with the ODOT is not specific to an existing governmental agreement but is relevant when the ODOT is proposing improvements to state facilities within the City's jurisdictional boundaries or when public or private development may cause impacts to state facilities.

Since the application of the Transportation Planning Rule is a new practice for the City, in particular as the determinant of transportation facility adequacy

(which is evaluated at the time of zone change, per 10.204), it is important to provide a concise review of the portions being implemented into the Medford Land Development Code. Not all provisions of TPR are required to be implemented and not all need to be in municipal code to be applied. Although the amendment as proposed doesn't directly relate to a governmental agreement, it does relate to the implementation of State law. As such, below is a brief review of the provisions of TPR and there implementation status as it relates to DCA-18-180. To view the full language of the provisions of TPR being implemented see Exhibit F.

| TPR Provisions (660-012-0060) – Plan and Land Use Regulation in relation to Amendments/Development | Code Section in Exhibit A, A-1 |
|---|---|
| (1) Effects related to functional classification impacts | 10.204(B)(3) |
| (2) Mitigation measures for impacted transportation facilities, including TDM & multi-modal improvements | 10.204(B)(3)(c) & 10.461(G) |
| (3) Approval of failing facilities when shown to still fail in the future year analysis | 10.204(D) |
| (4) Allowance for Tier 1 projects to be considered "built" in TIA analysis | 10.461(E)(15) |
| (5) Rural lands "exception" clause | N/A |
| (6) Vehicle trip reduction for "...mixed-use, pedestrian-friendly centers, and neighborhoods..." | Applicable language, not needing adoption |
| (7) Process for amendments to comp. plan when there is not an adopted TSP | N/A |
| (8) "Mixed-use, pedestrian-friendly centers or neighborhood definition | Applicable language, not needing adoption |
| (9) Allowance to rely on TSP, Zoning Map and Comprehensive Plan for analyzing transportation impacts | Prohibited per 10.204(B)(3)(b) |
| (10) Standards for analyzing in a Multimodal Mixed-Use Area (MMA) | Not required for adoption, no MMA |
| (11) Partial mitigation of transportation impacts when providing traded-sector or industrial jobs | Applicable language, can be made in applicant's findings. Need further direction to create a process. |

Conclusions

Specific and general coordination efforts are in place between the City and County and the City and ODOT related to transportation. The proposed code changes provide consistency with the City's Transportation System Plan and ensure all of the jurisdictions are working under the same parameters. The portions of TPR being adopted per DCA-18-180 are already used by ODOT and Jackson County as determinants of transportation facility adequacy, which staff concludes is measured at the time of zone change, per 10.204, unless otherwise noted in Municipal Code. These changes, although not affecting governmental agreements, do create greater consistency between the municipalities Medford works most closely with in transportation planning. This criterion is found to be satisfied.

## RECOMMENDED ACTION

The Planning Commission recommends adopting the proposed amendments based upon the findings and conclusions in the Council Report dated September 20, 2019, including exhibits A-T.

## EXHIBITS

| | |
|---|---|
| A | Proposed amendment |
| A-1 | Proposed amendment; clean version, no edits |
| B | City Council Study Session Minutes – January 31, 2019 |
| C | Transportation Commission Meeting Minutes – April 16, 2019 |
| D | Transportation Commission Meeting Minutes – May 22, 2019 |
| E | Planning Commission Study Session Minutes – June 10, 2019 |
| F | Transportation Planning Rule (TPR) |
| G | Building Department Comments – June 10, 2019 |
| H | Public Works Department Comments – June 12, 2019 |
| I | Medford Fire-Rescue Department Comments – June 12, 2019 |
| J | Medford Water Commission Comments – June 12, 2019 |
| K | Jackson County Roads Comments – June 3, 2019 |
| L | Planning Commission Hearing Minutes – June 27, 2019 |
| M | Memorandum - City Staff Response to Public Comments received at June 27, 2019 Hearing |
| N | DCA-18-180 Comments - CSA Planning, Ltd. via Jay Harland |
| O | DCA-18-180 Comments – Transportation Commission Kim Parducci |
| P | Planning Commission Study Session Minutes – August 12, 2019 |
| Q | Transportation Commission Draft Meeting Minutes – August 28, 2019 |
| R | Trip Generation Rate Public Works Policy |

S The Chamber of Medford/Jackson County Comments – August 28, 2019
T Planning Commission Hearing Minutes – September 12, 2019

**CITY COUNCIL AGENDA: OCTOBER 3, 2019**

# Exhibit A

# Proposed Text DCA-18-180

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10.460 ~~Traffic~~ Transportation Impact Analysis (TIA)

* * *

## ARTICLE I - GENERAL PROVISIONS

10.012 **Definitions, Specific.**
When used in this chapter, the following terms shall have the meanings as herein ascribed:

* * *

**Average daily ~~traffic~~ trips (ADT).** The total volume passing a point or segment of a street, in both directions, for one day. Average Daily Trip rates for Medford streets can be found in Section 10.427.

* * *

**Development**. The improvement of a parcel of land; including zone change, partitioning or subdividing of any improved or unimproved real property, for any purpose, and by any person, association, or other entity.

* * *

**Mixed-use building.** A building containing~~s~~ one or more residential dwelling unit(s) and a commercial, institutional, or industrial use(s) in the same building. Mixed-use buildings may be vertical (uses above ground floor) or horizontal (single story, mixed-use building). When vertically mixed, ~~T~~the non-residential use must occupy at least ~~80~~ 65 percent of the building's ground floor area. When horizontally mixed, residential uses shall be subordinate to the commercial/industrial uses.

* * *

**Mobility Target(s).** See definition "Level of Service (LOS)" and Section 10.462.

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**Multi-Modal.** A transportation system or right-of-way that accommodates more than one mode of transportation such as driving, walking, biking and transit service rather than predominantly one mode of transportation.

* * *

**Pass-by trip/traffic.** A trip made as an intermediate stop on the way from an origin to a primary trip destination without route diversion.

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**Pedestrian-friendly.** Features and elements of a development that encourage walking by making it safe and convenient.

* * *

**Planning Period.** The twenty-year period beginning with the date of adoption of the Transportation System Plan or 15 years from the date of the scoping letter, whichever is greater.

* * *

**Project Traffic.** Project traffic generation for the project using the zone change trip rates. When not a part of a zone change analysis the rates shall be based on the *ITE Trip Generation Manual*.

* * *

**Scoping Letter.** A letter provided by the Public Works Department that describes the methodology, limits of the ~~traffic~~ transportation impact analysis (TIA), and any approved deviations. ~~The letter is provided to the agent, applicant, and engineer after a meetingthey have submitted a written request to withincluding sufficient detail about the proposed application to determine how to discuss apply to the application and/or met with the Public Works Department to discuss the requirements of 10.460 and 10.461.~~

* * *

**Traffic Count Growth Rates.** The projected annual growth rates used in a transportation impact analysis to determine transportation impacts. Traffic count growth rates shall be based on at least five years of historic data or the transportation model currently used by the City.

* * *

**~~Traffic~~ Transportation Impact Analysis (TIA).** A study of the impacts a proposed use or development will have on the surrounding transportation system. See Section 10.460 for criteria and standards.

* * *

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## ARTICLE II - PROCEDURAL REQUIREMENTS

* * *

10.204 **Zone Change.**

* * *

(3) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 as well as the Public Facilities Element and Transportation System Plan in the Comprehensive Plan.

(a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property, or be extended, or otherwise improved, to adequately serve the property at the time of issuance of a building permit for vertical construction.

(b) Adequate streets and street capacity must be provided in accordance with Oregon Administrative Rule 660-012-0060 commonly referred to as the Transportation Planning Rule (TPR); approval under subsection (9) of the TPR is not allowed. The Public Works Department may require that

planned improvements be constructed prior to issuance of building permits for reasons of public safety and, when possible, shall base findings for the required improvements on the safety review required by the Transportation Impact Analysis (TIA), see Section 10.461(E)(19). When a roadway's street functional classification is shown to exceed the Average Daily Trip (ADT) values as identified in the TSP, per Section 10.461 Transportation Impact Analysis (TIA), a Comprehensive Plan Amendment may be required.. ~~one of the following ways:~~

~~(i) Streets which serve the subject property, or study area as defined in Section 10.461(2B), presently exist and are shown to have adequate capacity; or~~

~~(ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or~~

~~(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated land use, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:~~

~~a. the project is in the City's adopted capital improvement plan (CIP) budget, in the most current System Development Charge (SDC) fiscally constrained project list, is identified as a Tier 1 project in the City's most recently adopted Transportation System Plan (TSP) or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan) (STIP), or any other public agencies adopted capital improvement plan budget; or~~

~~b. an applicant finds the improvement through a reimbursement/local improvement district pursuant to the Section 10.432. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the, that the improvement must be constructed prior to issuance of building permits.~~

~~(iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.~~

(c) In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special

development conditions, stipulations, or restrictions attached to the zone change ~~request~~. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, and must be recorded at the Jackson County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:

(i) Restricted Zoning is a restriction of uses by type or intensity. In cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development on the subject property or adjacent parcels. In no case shall residential densities be approved that do not meet minimum density standards;

(ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule;

(iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools, mandatory carsharing programs, alternative work schedules, employer provided transit passes or other measures that incentivize transportation options other than single-occupancy vehicles.

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**(D) Approval of Failing Transportation Facilities**

The approving authority may approve a land use application, without assuring that the allowed land uses are consistent with the roadway functional classification, the identified mobility targets in 10.462 or the Average Daily Trips in 10.427.

(1) Evaluation of approval of failing facilities for projects shall be based upon a Transportation Impact Analysis (TIA) prepared by a professional engineer licensed in the State of Oregon with expertise in transportation. The Public Works Director (or designee) will issue a report; the report will contain a recommendation for approval, denial or additional conditions of approval as it relates to 10.204(D). The Public Works Director (or designee) will state to the approving authority their professional opinion as to the technical adequacy of the TIA and whether it demonstrates compliance with the following criteria:

(a) The mobility target in 10.462 is shown to be at or below the City's LOS minimum in the Future Year, without the project;

(b) The mobility target in 10.462(B) is shown not met, even after mitigation, in the Future Year. Mitigated LOS analysis;

(c) Development resulting from the land use application, will at a minimum, mitigate impacts to be consistent with the standards outlined in 10.462(B) by the time of development;

(d) The amendment does not involve property located in an interchange area as defined in the Transportation Planning Rule;

(e) For affected state highways, Oregon Department of Transportation (ODOT) provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum,

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sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.

(2) TIA Conclusion. If the conclusions of the TIA and the professional opinion of the Public Works Director (or designee) concur that the project's proposed mitigation, at the time of development, is adequate to offset the future degradation of the facilities, the approving authority may accept the failing facilities. If the Public Works Director's professional opinion is not consistent with the conclusions of the TIA, the approving authority will review the competing testimony by the professional engineers with expertise in transportation and will approve, modify, or deny the proposed mitigation at the time of land use review.

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(E~~D~~) Zone Change Application Form

A zone change application shall contain the following items:

(1) Vicinity map drawn at a scale of 1" = 1,000' identifying the proposed area of change.

(2) Assessor's map with proposed zone change area identified.

(3) Legal description of area to be changed. Legal description shall be prepared by a licensed surveyor or title company.

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

(5) Findings prepared by the applicant or his representative addressing the criteria for zone changes as per Section 10.204(B) Zone Change Criteria.

* * *

## ARTICLE IV - PUBLIC IMPROVEMENT STANDARDS AND CRITERIA

10.427 **Street Classification System.**

* * *

(B) **Applicability.** All existing and proposed streets within the City shall be identified by classification as follows below. The classification of higher-order streets shall be determined by the Functional Classification Map in the City of Medford Transportation System Plan (TSP), as amended. ~~Street Functional Classification Plan Map, as amended.~~ All streets (existing or proposed) intended to be within the City of Medford's jurisdiction shall adhere to the street classifications identified below unless alternative standards are provided by an adopted Zoning Overlay, Neighborhood Circulation Plan, the legacy street standards as established per 10.427(D-E) or other special area plan(s), including, but not limited to, plans contained in the Comprehensive Plan. The classification of lower-order streets shall be consistent with any adopted Neighborhood Circulation Plan or other special area plan, and based upon adjacent zoning, and, in the case of residential streets, the number of dwelling units utilizing the street for vehicular access.

* * *

10.460 ~~Traffic~~ Transportation **Impact Analysis** (TIA) Purpose.

A ~~Traffic~~ Transportation Impact Analysis specifically identifies the generation, distribution, and assignment of all modes of traffic to and from a proposed development. The purpose is to identify the ~~traffic~~ transportation impacts that a proposed development will have on the existing and future ~~street~~ transportation network. It determines all improvements or mitigation measures necessary to maintain adequate level of service (LOS) at study area intersections and ensure safe pedestrian, bicycle, and vehicular ~~ingress to and egress from~~use of the transportation system.

10.461 ~~TIA~~ **Applicability** and Methodology.

**(~~1~~A) Scoping Letter.** The level of detail and scope of a ~~traffic t~~Transportation ~~i~~Impact ~~a~~Analysis (TIA) will vary with the size, complexity, and location of the proposed application. ~~-~~Prior to any TIA, the applicant shall submit sufficient information to the City for the Public Works Department to issue a scoping letter. The scoping letter expires 180 days after the date the letter was issued. If stipulations to reduce ~~traffic~~ transportation impacts are requested by an applicant, it must first be shown by means of an analysis that an unconditional approval is not possible without some form of mitigation to maintain an adequate LOS and level of safety. This will determine whether a stipulation is necessary.

**(~~2~~B) Extent of Study Area:**

The study area shall be defined by the Public Works Department in the scoping letter and shall address at least the following areas:

(~~a~~1) All proposed development site access points;

(~~b~~2) Any intersection of a collector or arterial roadway with another collector or arterial roadway~~,~~ where the proposed development can be expected to contribute 25 or more trips during the analysis ~~peak period~~peak hour. Impacts of less than 25 ~~peak period~~peak hour trips are not substantial and will not be included in the study area. This volume may be adjusted, at the discretion of the Public Works Department, for safety or unusual situations; and

(~~c~~3) Any intersections directly adjacent to the subject property.

The Public Works Department may, at its discretion, waive the study of certain intersections when it is concluded that the impacts are not substantial.

**(~~3~~C) When required:**

A TIA shall be required ~~I~~if a proposed application has the potential of generating more than 250 net average daily trips (ADT) or if the Public Works Department has concerns due to operations or accident history. ~~a~~A TIA will be required to evaluate development impacts to the transportation system. The Public Works Department may waive a TIA if it is concluded that the impacts are not substantial.

**(~~4~~D) Submittals:**

Applicants shall ~~P~~provide two copies of the TIA for Public Works Department to review.

**(~~5~~E) Elements of Analysis:**

A TIA shall be prepared by a Traffic Engineer or Civil Engineer licensed to practice in the State of Oregon with ~~special~~ specific training and experience in traffic engineering. The TIA shall be a thorough review of the effects a proposed use and/or development will have on the transportation system. The study area shall include all streets and intersections in the analysis, as defined in subsection 10.461(~~2~~B) above. ~~Traffic~~ Transportation impacts generated from a proposed site will be distributed throughout the transportation system

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using existing count data or the current transportation model used by the City~~.—~~: ~~A~~any alternate distribution method must be based on data acceptable to the Public Works Department. Incomplete reports shall be returned to the applicant for completion without review. The following checklist outlines what a TIA shall contain. ~~Incomplete reports shall be returned to the applicant for completion without review~~:

(~~a~~1) The scoping letter, as provided by the Public Works Department;

(~~b~~2) The Final TIA shall be signed and stamped by a Professional Civil or Traffic Engineer registered in the State of Oregon;

(~~c~~3) An executive summary~~.~~ discussing the development and/or use, the major findings of the analysis, and the mitigation measures proposed;

(~~d~~4) A vicinity map of the proposed site and study area;

(~~e~~5) Project characteristics such as current zoning, proposed zoning, potential trip generations (unless stipulated to less than potential), proposed access(s), and other pertinent factors;

(~~f~~6) Street characteristics within the study area including roadway functional classification (as established in the most recent Transportation System Plan (TSP)), number of travel lanes, lane width, shoulder treatment, bicycle path corridors, and traffic control at intersections;

(~~g~~7) Description of existing transportation conditions including transit accessibility, ~~accident history,~~ pedestrian facilities, bicycle facilities, traffic signals, and overall traffic operations and circulation;

(~~h~~8) ~~Peak period~~Peak hour turning movement counts of at least two-hour minimums at study area intersections, less than ~~2~~ two years old. These counts shall be adjusted to the ~~design~~ study year(s) of the project as defined in the scoping letter and consider seasonal traffic adjustments when required by the scoping letter;

(~~i~~9) ~~A "~~Figures~~"~~ showing existing ~~peak period~~peak hour (AM, noon, or PM, whichever is largest) turning movement volumes at study area intersections~~, as shown in Example 1~~. An appropriate adjustment factor shall be applied to existing count data if counts were taken during the off-peak season;

(10) Figures showing existing ~~peak period~~peak hour turning movement volumes at study area intersections for the project study year(s). ~~Pipeline traffic includes Approved applications obtained from the City that have not built out but will impact study area intersections shall be included as pipeline traffic;~~.

(~~j~~11) Potential "Project" trip generation using either the potential trip generation rates kept on file by the Public Works Department for City zoning districts or the most current edition of the *ITE Trip Generation Manual*, as ~~required~~ identified by the Public Works Department ~~at the time of scoping~~in the scoping letter. Variations of trip rates will require the approval of the Public Works Department~~:~~. ~~S~~such approval will require submission of adequate supporting data prior to first submittal of the TIA;

(~~k~~12) ~~A "~~Figures~~"~~ illustrating project turning movement volumes at study area intersections for ~~peak period~~peak hours~~, as shown in Example 2~~. Adjustments made for pass-by traffic volumes shall follow the methodology outlined in the latest edition of the *ITE Trip Generation ~~Handbook~~Manual*~~, and shall not exceed 25% unless approved by the Public Works Director~~;

(~~l~~13) A "Figures" illustrating the combined traffic of existing, background, and project turning movement volumes at study area intersections for ~~peak period~~peak hours~~, as~~

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~~shown in Example 3~~;

(~~m~~14) Level of Service (LOS) analysis at study area intersections under the following conditions:

(a) Background conditions

~~Existing~~ Background ~~plus pipeline~~ traffic (Existing traffic counts ~~+~~ + traffic count growth rates) ~~in the~~for the existing year and project study year(s) ~~for the project~~

(b) Proposed conditions

~~Existing~~ Background ~~plus pipeline~~ traffic (Existing traffic counts ~~+~~ + traffic count growth rates) and project traffic in the project study year(s) ~~for the project~~

A table shall be prepared which illustrates all LOS results. The table shall show LOS conditions with corresponding vehicle delays for signalized intersections and the critical movement at unsignalized intersections~~. If the proposed use is scheduled to be completed in phases, a LOS analysis shall be prepared for each phase~~;

(15) Tier 1 projects as identified in the Transportation System Plan, except for those listed below in 10.461(E)(15)(a), shall be considered reasonably likely to be provided by the end of the planning period. Tier 2 projects, as identified in the Transportation System Plan, shall not be considered to be reasonably likely to be provided by the end of the planning period.

(a) The following Tier 1 projects shall not be considered reasonably likely to be provided by the end of the planning period:

(i) Project #537b South Stage Road (South Pacific Highway to North Phoenix Road)

(ii) Project #609 Foothill Road (McAndrews to Delta Waters Road)

(iii) Project #610 Foothill Road (Delta Waters Road to North UGB)

(iv) Project #611 (N Phoenix Road from Barnett Road to Juamipero Way)

(v) Project #721 (N Phoenix Rd (Juanipero Way to South UGB)

(b) Projects listed in 10.461(E)(15)(a) shall be considered reasonably likely to be funded when either they are constructed, in progress of construction, identified for funding within the City's Capital Improvement Plan (CIP), System Development Charge (SDC) fiscally constrained project list, the federally approved local Regional Transportation Plan (RTP) Financially Constrained Project List, and/or is programmed in the State's current State Transportation Improvement Plan (STIP).

(16) A queuing and blocking report, based on a microsimulation software such as SimTraffic, which lists the 95th-percentile queues and any blocked facilities or exceeded storage lengths for the existing and proposed conditions described in subsection 10.461(E)(14) above;

(17) A left and right turn lane assessment where they do not currently exist for proposed conditions described in subsection 10.461(E)(14) above;

(18) Safety review of study area intersections based on the most recent available data from the Oregon Department of Transportation (ODOT) or the City of Medford;

(~~n~~19) A mitigation plan if~~: impacts to the study area~~

(a) R~~educe t~~Level of service (LOS) is determined to be below ~~mininumsthe~~ mobility target identified in Section 10.462, per the analysis required of Section 10.461(E)(14);

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(b) ~~If t~~The proposed development trips will affect an identified crash pattern or safety concern;

(c) ~~If t~~The turn lane assessment identifies a need; and/or;

(d) ~~Are~~Impacts are identified that are otherwise considered a "significant effect" in accordance with Oregon Administrative Rule 660-012-060.

Mitigation measures may include stipulations and/or construction of necessary transportation improvements. Mitigation measures shall be required to the extent that the transportation facilities, under City jurisdiction, operate at an acceptable level of service (LOS)/mobility target with the addition of project traffic; and

(~~b~~20) Intersections under jurisdiction of another agency, but still within the City limits, shall be evaluated by either the City's criteria or the other jurisdiction's criteria, or both, whichever is considered applicable by the Public Works Department. If any peak hour trips leave the City limits it shall be the responsibility of the applicant to coordinate with the applicable jurisdictions.

(~~c~~21) If the TIA is not consistent with the scoping letter (including any amendments), or is incomplete, then the TIA will be returned to the applicant without review.

**(6~~E~~) Analysis criteria:**

(~~a~~1) All trip distributions into and out of the transportation system must reflect existing traffic count data for consistency or follow the current transportation model used by the City. If alternate splits are used to distribute traffic then justification must be provided and approved by the Public Works Department prior to first submittal of the TIA.

(~~b~~2) ~~If progression analysis is being evaluated or queuing between intersections is a concern, t~~The ~~peak period~~peak hour used in the analysis must be the same for every intersection along the street and reflect that of the most critical intersection being evaluated. ~~If a common peak period is not requested by the Public Works Department, then the actual peak period of every intersection shall be used.~~

(~~c~~3) -Counts performed must be a minimum of two hours and include the ~~peak period~~peak hour for analysis purposes. All documentation shall be included in the TIA.

(~~d~~4) -Any assumptions used in the TIA, including but not limited too, A~~a~~ll supporting count data, LOS analyses, pass-by deductions, growth rates, traffic distributions, or other engineering assumptions must be clearly defined and attached to the TIA when submitted in report form to the City for review.

(~~e~~5) All LOS analyses shall follow operational procedures per the current Highway Capacity Manual. Ideal saturation flow rates greater than 1,800 vehicles per hour, per lane should not be used unless otherwise measured in the project vicinity. Queue lengths shall be calculated at the 95th percentile where feasible. ~~Actual peak hour factors should be used for each movement or lane grouping in the analysis.~~ The peak hour factor shall be 1.0.

(6~~f~~) Signal timing used in capacity or progression analysis shall follow City timing plans and account for pedestrian crossing times, unless otherwise noted in the scoping letter.

(~~g~~7) Arrival Type 3 (random arrivals) shall be used unless a coordinated plan is in place

during the ~~peak period~~peak hour.

(8) The safety review (per 10.461(E)(19)) shall include:

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(a) Total number of crashes
(b) The calculated crash rate compared to the Critical Crash Rate
(c) Discussion of crash patterns
(d) Discussion of whether the location is included within a published safety study such as, but not limited to, ODOT Safety Priority Index System (SPIS). Other published safety studies may be used, at the City's discretion, for all study intersections.

(9) When mitigation is needed at an intersection, roundabouts shall be evaluated as an alternative to traffic signals according to the current procedures of the Public Works department.

(10) Residential dwelling units when within a vertically, mixed-use building, shall not be considered in trip generation calculations.

**(G) Other Enhancements Required**

If through the TIA analysis it is determined that transportation capacity increasing improvements will not be sufficient to meet the mobility targets, then the approving authority may require that the applicant implement other performance improving actions sufficient to meet the mobility target. Potential performance improving actions may include, but are not limited to:

(1) Transportation system connectivity improvements for vehicles, bicycles and pedestrians
(2) Transportation demand management (TDM) methods to reduce the need for additional capacity, such as mandatory carsharing programs, alternative work schedules, employer provided transit passes or other measures that incentivize transportation options other than single-occupancy vehicles.
(3) Multi-modal (bicycle, pedestrian, transit) improvements to reduce vehicle demand.
(4) Operational improvements to maximize use of the existing system.
(5) Land use techniques (e.g. restricted zones, trip caps/budgets to manage trip generation).

**10.462 ~~Maintenance of Level of Service D~~Mobility Targets.**

**(A) Adopted Mobility Targets.** Whenever ~~l~~Level of ~~s~~Service (LOS) is determined to be below the mobility target listed below for arterials or collectors, development is not permitted unless the developer makes the roadway, or other improvements necessary to maintain ~~level of service~~the mobility target. ~~Level of service~~LOS criteria shall be based on the latest edition of the Highway Capacity Manual for the motorized vehicle mode. The following are the level of service standards for intersections in the City of Medford.

| Level of Service Minimum | Intersection |
|---|---|
| D | Citywide (unless otherwise listed) |
| E | Barnett Road & Highland Drive<br>South Pacific Highway (Hwy. 99) & Stewart Avenue |

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**(B) No Further Degradation.** In some cases a Transportation Impact Analysis shows transportation facilities not meeting the mobility target, identified in 10.462(A), under the TIA's background conditions.

(1) When the LOS is shown to be below the mobility target identified in 10.462(A), under the TIA's background conditions, then no further degradation of the transportation facility shall be the mobility target. Further degradation shall be measured in volume-to-capacity (v/c) ratio, not LOS. V/c ratio criteria shall be based on the latest edition of the Highway Capacity Manual for the motorized vehicle mode.

(2) Once reasonable levels of mitigation have been identified, calculated v/c ratios that are within 0.03 of the target are considered in compliance with the target. The adopted mobility target still applies for determining significant affect.

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# Exhibit A-1

# Proposed Text DCA-18-180

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10.460 Transportation Impact Analysis (TIA)

* * *

## ARTICLE I - GENERAL PROVISIONS

10.012 **Definitions, Specific.**
When used in this chapter, the following terms shall have the meanings as herein ascribed:

* * *

**Average daily trips (ADT).** The total volume passing a point or segment of a street, in both directions, for one day. Average Daily Trip rates for Medford streets can be found in Section 10.427.

* * *

**Development.** The improvement of a parcel of land; including zone change, partitioning or subdividing of any improved or unimproved real property, for any purpose, and by any person, association, or other entity.

* * *

**Mixed-use building.** A building containing one or more residential dwelling unit(s) and a commercial, institutional or industrial use(s) in the same building. Mixed-use buildings may be vertical (uses above ground floor) or horizontal (single story, mixed-use building). When vertically mixed, the non-residential use must occupy at least 65 percent of the building's ground floor area. When horizontally mixed, residential uses shall be subordinate to the commercial/industrial uses.

* * *

**Mobility Target(s).** See definition "Level of Service (LOS)" and Section 10.462.

* * *

**Multi-Modal.** A transportation system or right-of-way that accommodates more than one mode of transportation such as driving, walking, biking and transit service rather than predominantly one mode of transportation.

* * *

**Pass-by trip/traffic.** A trip made as an intermediate stop on the way from an origin to a primary trip destination without route diversion.

* * *

**Pedestrian-friendly.** Features and elements of a development that encourage walking by making it safe and convenient.

* * *

**Planning Period.** The twenty-year period beginning with the date of adoption of the

Transportation System Plan or 15 years from the date of the scoping letter, whichever is greater.

* * *

**Project Traffic.** Project traffic generation for the project using the zone change trip rates. When not a part of a zone change analysis the rates shall be based on the *ITE Trip Generation Manual.*

* * *

**Scoping Letter.** A letter provided by the Public Works Department that describes the methodology, limits of the transportation impact analysis (TIA), and any approved deviations.

* * *

**Traffic Count Growth Rates.** The projected annual growth rates used in a transportation impact analysis to determine transportation impacts. Traffic count growth rates shall be based on at least five years of historic data or the transportation model currently used by the City.

* * *

**Transportation Impact Analysis (TIA).** A study of the impacts a proposed use or development will have on the surrounding transportation system. See Section 10.460 for criteria and standards.

* * *

## ARTICLE II - PROCEDURAL REQUIREMENTS

* * *

10.204 **Zone Change.**

* * *

(3) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 as well as the Public Facilities Element and Transportation System Plan in the Comprehensive Plan.

(a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property; or be extended, or otherwise improved, to adequately serve the property at the time of issuance of a building permit for vertical construction.

(b) Adequate streets and street capacity must be provided in accordance with Oregon Administrative Rule 660-012-0060 commonly referred to as the Transportation Planning Rule (TPR); approval under subsection (9) of the TPR is not allowed. The Public Works Department may require that planned improvements be constructed prior to issuance of building permits for reasons of public safety and, when possible, shall base findings for the required improvements on

the safety review required by the Transportation Impact Analysis (TIA), see Section 10.461(E)(19). When a roadway's street functional classification is shown to exceed the Average Daily Trip (ADT) values as identified in the TSP, per Section 10.461 Transportation Impact Analysis (TIA), a Comprehensive Plan Amendment may be required..

(c) In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, and must be recorded at the Jackson County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:

(i) Restricted Zoning is a restriction of uses by type or intensity. In cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development on the subject property or adjacent parcels. In no case shall residential densities be approved that do not meet minimum density standards;

(ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule;

(iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools, mandatory carsharing programs, alternative work schedules, employer provided transit passes or other measures that incentivize transportation options other than single-occupancy vehicles.

* * *

**(D) Approval of Failing Transportation Facilities**

The approving authority may approve a land use application, without assuring that the allowed land uses are consistent with the roadway functional classification, the identified mobility targets in 10.462 or the Average Daily Trips in 10.427.

(1) Evaluation of approval of failing facilities for projects shall be based upon a Transportation Impact Analysis (TIA) prepared by a professional engineer licensed in the State of Oregon with expertise in transportation. The Public Works Director (or designee) will issue a report; the report will contain a recommendation for approval, denial or additional conditions of approval as it relates to 10.204(D). The Public Works Director (or designee) will state to the approving authority their professional opinion as to the technical adequacy of the TIA and whether it demonstrates compliance with the following criteria:

(a) The mobility target in 10.462 is shown to be at or below the City's LOS minimum in the Future Year, without the project;

(b) The mobility target in 10.462(B) is shown not met, even after mitigation, in the Future Year, Mitigated LOS analysis;

(c) Development resulting from the land use application, will at a minimum, mitigate impacts to be consistent with the standards outlined in 10.462(B) by the time of development;

(d) The amendment does not involve property located in an interchange area as defined in the Transportation Planning Rule;

(e) For affected state highways, Oregon Department of Transportation (ODOT) provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.

(2) TIA Conclusion. If the conclusions of the TIA and the professional opinion of the Public Works Director (or designee) concur that the project's proposed mitigation, at the time of development, is adequate to offset the future degradation of the facilities, the approving authority may accept the failing facilities. If the Public Works Director's professional opinion is not consistent with the conclusions of the TIA, the approving authority will review the competing testimony by the professional engineers with expertise in transportation and will approve, modify, or deny the proposed mitigation at the time of land use review.

(E) Zone Change Application Form

A zone change application shall contain the following items:

(1) Vicinity map drawn at a scale of 1" = 1,000' identifying the proposed area of change.

(2) Assessor's map with proposed zone change area identified.

(3) Legal description of area to be changed. Legal description shall be prepared by a licensed surveyor or title company.

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

(5) Findings prepared by the applicant or his representative addressing the criteria for zone changes as per Section 10.204(B) Zone Change Criteria.

* * *

## ARTICLE IV - PUBLIC IMPROVEMENT STANDARDS AND CRITERIA

### 10.427 Street Classification System.

* * *

(B) **Applicability.** All existing and proposed streets within the City shall be identified by classification as follows below. The classification of higher-order streets shall be determined by the Functional Classification Map in the City of Medford Transportation System Plan (TSP), as amended. All streets (existing or proposed) intended to be within the City of Medford's jurisdiction shall adhere to the street classifications identified below unless alternative standards are provided by an adopted Zoning Overlay, Neighborhood

Circulation Plan, the legacy street standards as established per 10.427(D-E) or other special area plan(s), including, but not limited to, plans contained in the Comprehensive Plan. The classification of lower-order streets shall be consistent with any adopted Neighborhood Circulation Plan or other special area plan, and based upon adjacent zoning, and, in the case of residential streets, the number of dwelling units utilizing the street for vehicular access.

* * *

10.460 **Transportation Impact Analysis (TIA) Purpose.**
A Transportation Impact Analysis specifically identifies the generation, distribution, and assignment of all modes of traffic to and from a proposed development. The purpose is to identify the transportation impacts that a proposed development will have on the existing and future transportation network. It determines all improvements or mitigation measures necessary to maintain adequate level of service (LOS) at study area intersections and ensure safe pedestrian, bicycle, and vehicular use of the transportation system.

10.461 **TIA Applicability and Methodology.**
**(A) Scoping Letter.** The level of detail and scope of a Transportation Impact Analysis (TIA) will vary with the size, complexity, and location of the proposed application. Prior to any TIA, the applicant shall submit sufficient information to the City for the Public Works Department to issue a scoping letter. The scoping letter expires 180 days after the date the letter was issued. If stipulations to reduce transportation impacts are requested by an applicant, it must first be shown by means of an analysis that an unconditional approval is not possible without some form of mitigation to maintain an adequate LOS and level of safety. This will determine whether a stipulation is necessary.
**(B) Extent of Study Area:**
The study area shall be defined by the Public Works Department in the scoping letter and shall address at least the following areas:

(1) All proposed development site access points;
2) Any intersection of a collector or arterial roadway with another collector or arterial roadway where the proposed development can be expected to contribute 25 or more trips during the analysis peak hour. Impacts of less than 25 peak hour trips are not substantial and will not be included in the study area. This volume may be adjusted, at the discretion of the Public Works Department, for safety or unusual situations; and
(3) Any intersections directly adjacent to the subject property.
The Public Works Department may, at its discretion, waive the study of certain intersections when it is concluded that the impacts are not substantial.

**(C) When required:**
A TIA shall be required if a proposed application has the potential of generating more than 250 net average daily trips (ADT) or if the Public Works Department has concerns due to operations or accident history A TIA will be required to evaluate development impacts to the transportation system. The Public Works Department may waive a TIA if it is concluded that the impacts are not substantial.
**(D) Submittals:**
Applicants shall provide two copies of the TIA for Public Works Department to review.

**(E) Elements of Analysis:**
A TIA shall be prepared by a Traffic Engineer or Civil Engineer licensed to practice in the State of Oregon with specific training and experience in traffic engineering. The TIA shall be a thorough review of the effects a proposed use and/or development will have on the transportation system. The study area shall include all streets and intersections in the analysis, as defined in subsection 10.461(B) above. Transportation impacts generated from a proposed site will be distributed throughout the transportation system using existing count data or the current transportation model used by the City; any alternate distribution method must be based on data acceptable to the Public Works Department. Incomplete reports shall be returned to the applicant for completion without review. The following checklist outlines what a TIA shall contain. :

(1) The scoping letter, as provided by the Public Works Department;
(2) The Final TIA shall be signed and stamped by a Professional Civil or Traffic Engineer registered in the State of Oregon;
(3) An executive summary discussing the development and/or use, the major findings of the analysis, and the mitigation measures proposed;
(4) A vicinity map of the proposed site and study area;
(5) Project characteristics such as current zoning, proposed zoning, potential trip generations (unless stipulated to less than potential), proposed access(s), and other pertinent factors;
(6) Street characteristics within the study area including roadway functional classification (as established in the most recent Transportation System Plan (TSP)), number of travel lanes, lane width, shoulder treatment, bicycle path corridors, and traffic control at intersections;
(7) Description of existing transportation conditions including transit accessibility, pedestrian facilities, bicycle facilities, traffic signals, and overall traffic operations and circulation;
(8) Peak hour turning movement counts of at least two-hour minimums at study area intersections, less than two years old. These counts shall be adjusted to the study year(s) of the project as defined in the scoping letter and consider seasonal traffic adjustments when required by the scoping letter;
(9) Figures showing existing peak hour (AM, noon, or PM, whichever is largest) turning movement volumes at study area intersections. An appropriate adjustment factor shall be applied to existing count data if counts were taken during the off-peak season;
10) Figures showing existing peak hour turning movement volumes at study area intersections for the project study year(s). (11) Potential Project trip generation using either the potential trip generation rates kept on file by the Public Works Department for City zoning districts or the most current edition of the *ITE Trip Generation Manual,* as identified by the Public Works Department in the scoping letter. Variations of trip rates will require the approval of the Public Works Department; such approval will require submission of adequate supporting data prior to first submittal of the TIA;
(12) Figures illustrating project turning movement volumes at study area intersections for peak hours. Adjustments made for pass-by traffic volumes shall follow the methodology outlined in the latest edition of the *ITE Trip Generation Manual*;
(13) Figures illustrating the combined traffic of existing, background, and project turning movement volumes at study area intersections for peak hours;

(14) Level of Service (LOS) analysis at study area intersections under the following conditions:

(a) Background conditions

Background traffic (Existing traffic counts + traffic count growth rates) for the existing year and project study year(s)

(b) Proposed conditions

Background traffic (Existing traffic counts + traffic count growth rates) and project traffic in the project study year(s)

A table shall be prepared which illustrates all LOS results. The table shall show LOS conditions with corresponding vehicle delays for signalized intersections and the critical movement at unsignalized intersections;

(15) Tier 1 projects as identified in the Transportation System Plan, except for those listed below in 10.461(E)(15)(a), shall be considered reasonably likely to be provided by the end of the planning period. Tier 2 projects, as identified in the Transportation System Plan, shall not be considered to be reasonably likely to be provided by the end of the planning period.

(a) The following Tier 1 projects shall not be considered reasonably likely to be provided by the end of the planning period:

(i) Project #537b South Stage Road (South Pacific Highway to North Phoenix Road)

(ii) Project #609 Foothill Road (McAndrews to Delta Waters Road)

(iii) Project #610 Foothill Road (Delta Waters Road to North UGB)

(iv) Project #611 (N Phoenix Road from Barnett Road to Juamipero Way)

(v) Project #721 (N Phoenix Rd (Juanipero Way to South UGB)

(b) Projects listed in 10.461(E)(15)(a) shall be considered reasonably likely to be funded when either they are constructed, in progress of construction, identified for funding within the City's Capital Improvement Plan (CIP), System Development Charge (SDC) fiscally constrained project list, the federally approved local Regional Transportation Plan (RTP) Financially Constrained Project List, and/or is programmed in the State's current State Transportation Improvement Plan (STIP).

(16) A queuing and blocking report, based on a microsimulation software such as SimTraffic, which lists the 95th-percentile queues and any blocked facilities or exceeded storage lengths for the existing and proposed conditions described in subsection 10.461(E)(14) above;

(17) A left and right turn lane assessment where they do not currently exist for proposed conditions described in subsection 10.461(E)(14) above;

(18) Safety review of study area intersections based on the most recent available data from the Oregon Department of Transportation (ODOT) or the City of Medford;

(19) A mitigation plan if:

(a) Level of service (LOS) is determined to be below the mobility target identified in Section 10.462, per the analysis required of Section 10.461(E)(14);

(b) The proposed development trips will affect an identified crash pattern or safety concern;

(c) The turn lane assessment identifies a need; and/or

(d) Impacts are identified that are otherwise considered a "significant effect" in accordance with Oregon Administrative Rule 660-012-060.

Mitigation measures may include stipulations and/or construction of necessary transportation improvements. Mitigation measures shall be required to the extent that the transportation facilities, under City jurisdiction, operate at an acceptable level of service (LOS)/mobility target with the addition of project traffic; and

(20) Intersections under jurisdiction of another agency, but still within the City limits, shall be evaluated by either the City's criteria or the other jurisdiction's criteria, or both, whichever is considered applicable by the Public Works Department. If any peak hour trips leave the City limits it shall be the responsibility of the applicant to coordinate with the applicable jurisdictions.

(21) If the TIA is not consistent with the scoping letter (including any amendments), or is incomplete, then the TIA will be returned to the applicant without review.

**(F) Analysis criteria**:

(1) All trip distributions into and out of the transportation system must reflect existing traffic count data for consistency or follow the current transportation model used by the City. If alternate splits are used to distribute traffic then justification must be provided and approved by the Public Works Department prior to first submittal of the TIA.

(2) The peak hour used in the analysis must be the same for every intersection along the street and reflect that of the most critical intersection being evaluated.

(3) Counts performed must be a minimum of two hours and include the peak hour for analysis purposes. All documentation shall be included in the TIA.

(4) Any assumptions used in the TIA, including but not limited too, all supporting count data, LOS analyses, pass-by deductions, growth rates, traffic distributions, or other engineering assumptions must be clearly defined and attached to the TIA when submitted in report form to the City for review.

(5) All LOS analyses shall follow operational procedures per the current Highway Capacity Manual. Ideal saturation flow rates greater than 1,800 vehicles per hour, per lane should not be used unless otherwise measured in the project vicinity. Queue lengths shall be calculated at the 95th percentile where feasible. The peak hour factor shall be 1.0.

(6) Signal timing used in capacity or progression analysis shall follow City timing plans and account for pedestrian crossing times, unless otherwise noted in the scoping letter.

(7) Arrival Type 3 (random arrivals) shall be used unless a coordinated plan is in place during the peak hour.

(8) The safety review (per 10.461(E)(19)) shall include:

(a) Total number of crashes

(b) The calculated crash rate compared to the Critical Crash Rate

(c) Discussion of crash patterns

(d) Discussion of whether the location is included within a published safety study such as, but not limited to, ODOT Safety Priority Index System (SPIS). Other published safety studies may be used, at the City's discretion, for all study intersections.

(9) When mitigation is needed at an intersection, roundabouts shall be evaluated as an alternative to traffic signals according to the current procedures of the Public Works

department. (10) Residential dwelling units when within a vertically, mixed-use building, shall not be considered in trip generation calculations.

**(G) Other Enhancements Required**

(1) If through the TIA analysis it is determined that transportation capacity increasing improvements will not be sufficient to meet the mobility targets, then the approving authority may require that the applicant implement other performance improving actions sufficient to meet the mobility target. Potential performance improving actions may include, but are not limited to: Transportation system connectivity improvements for vehicles, bicycles and pedestrians

(2) Transportation demand management (TDM) methods to reduce the need for additional capacity, such as mandatory carsharing programs, alternative work schedules, employer provided transit passes or other measures that incentivize transportation options other than single-occupancy vehicles.

(3) Multi-modal (bicycle, pedestrian, transit) improvements to reduce vehicle demand.

(4) Operational improvements to maximize use of the existing system.

(5) Land use techniques (e.g. restricted zones, trip caps/budgets to manage trip generation).

**10.462 Mobility Targets.**

**(A) Adopted Mobility Targets.** Whenever Level of Service (LOS) is determined to be below the mobility target listed below for arterials or collectors, development is not permitted unless the developer makes the roadway, or other improvements necessary to maintain the mobility target. LOS criteria shall be based on the latest edition of the Highway Capacity Manual for the motorized vehicle mode. The following are the level of service standards for intersections in the City of Medford.

| Level of Service Minimum | Intersection |
|---|---|
| D | Citywide (unless otherwise listed) |
| E | Barnett Road & Highland Drive<br>South Pacific Highway (Hwy. 99) & Stewart Avenue |

**(B) No Further Degradation.** In some cases a Transportation Impact Analysis shows transportation facilities not meeting the mobility target, identified in 10.462(A), under the TIA's background conditions.

(1) When the LOS is shown to be below the mobility target identified in 10.462(A), under the TIA's background conditions, then no further degradation of the transportation facility shall be the mobility target. Further degradation shall be measured in volume-to-capacity (v/c) ratio, not LOS. V/c ratio criteria shall be based on the latest edition of the Highway Capacity Manual for the motorized vehicle mode.

(2) Once reasonable levels of mitigation have been identified, calculated v/c ratios that are within 0.03 of the target are considered in compliance with the target. The adopted mobility target still applies for determining significant affect.

# Exhibit B

# City Council Study Session Minutes – January 31, 2019

MINUTES
January 31, 2019
IMMEDIATELY FOLLOWING COUNCIL MEETING
Approximately 6:15 p.m.
City Hall, Medford Room
411 W. 8th Street, Medford, Oregon

The Medford City Council Study Session was called to order at 6:25 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, Kay Brooks Tim D'Alessandro, Dick Gordon, Alex Poythress, Kevin Stine and Michael Zarosinski; City Manager Brian Sjothun, Deputy City Attorney Eric Mitton, Parks, Recreation and Facilities Director Rich Rosenthal, Public Works Directory Cory Crebbin, Transportation Manager Karl MacNair, and Deputy City Recorder Winnie Shepard

* * *

## Concurrency

Transportation Manager Karl MacNair explained that per Council instruction, the concurrency requirement will be removed from the Transportation System Plan (TSP) and staff will rely on the State Transportation Planning Rule (TPR) for determining transportation facility adequacy. Staff is looking for direction on projects surrounding the North Phoenix/ South Stage mega corridor, as it is not a fully-funded project.

He defined "concurrency" as the requirement that developments have adequate transportation facilities available at the time of development (zone change). If not, they are required to build the capacity prior to vertical development.
When concurrency is removed, staff will rely on the TPR. This allows developers to assume that all Tier 1 (funded) projects planned in the

TSP over the next 20 years will occur. It could cause increase in congestion in the short term, but allows development to proceed so the City can collect development fees to fund transportation system improvements.

The City dedicated partial funds toward the South Stage overcrossing and classified it as a Tier 1 project. However, Medford does not have the estimated $50 million dollars needed to actually build it. Without adequate funding, ODOT will likely appeal zone changes that are based upon the project's completion as it does not seem "reasonably likely" the overcrossing will be constructed during the future year analysis period. This would impact a portion of property recently annexed into the Urban Growth Boundary.

Council and staff discussed potential funding options for the South Stage overcrossing:

- Surcharge on SDC and street utility fees
- Gas tax
- General fund dollars
- Local improvement district
- Location specific SDC fees

Staff recommends pursing funding sources for the mega corridor and/or the South Stage overcrossing and working work with Transportation Commission to develop recommendations.

Council discussion/answers to questions:

- MURA funds could pay for transportation facilities, if they were within the district
- ODOT's opposition will not impact the City's ability to receive grants
- City will apply for grants to help fund the project
- EDA was discussed. To use this option, the City would need to be in control of the property through donation or a long-term easement. If this option is reviewed, City could partner with other employment agencies

Mr. MacNair clarified that the timeline for the change to the concurrency expecting new code language in June for approval. Then,

development can move forward based on our Tier 1 projects.

ODOT will continue looking at capacity as development occurs. Eventually, the South Medford Interchange will reach the maximum allowed V/C (volume/capacity) ratio and further development will not be able to proceed. Developers are aware of this situation.

Mayor clarified that staff should work with the Transportation Commission to research funding options. There were no objections.

Planning Director Matt Brinkley provided a brief update on the TSP. We are currently in the appeal period; one notice of appeal was received. The appellant did not object to our record and has about a week to submit the actual appeal. If LUBA hears the appeal, it will be completed in about 77 days. Unless the appellant asks for a stay from LUBA and until LUBA grants that stay, the City will continue to accept annexation applications.

The meeting adjourned at 8:45 p.m.

Winnie Shepard, CMC
Deputy City Record

# Exhibit C

# Transportation Commission Meeting Minutes – April 16, 2019

## MINUTES

**April 24, 2019 – 12:30pm**
City Hall, 411
W 8th St,
Medford, OR
Room 330

The regular meeting of the Transportation Commission was called to order at 12:32 p.m.
i

**10. Roll Call**

Commissioners Present:
Al Densmore,
Chair Dennie
Conrad, Vice
Chair Jaime Jor-
dan
Kim Par-
ducci
Peggy
Penland
Jared
Pulver

Commissioners Absent
Suzanne Schroeder

Staff Present
Cory Crebbin, Public Works
Director Karl MacNair,
Transportation Manager
Kyle Kearns, Planner II
Sheila Giorgetti, Recording Secretary

Others Present
Paige West, RVTD
Lance Ussery, Siskiyou Velo

* * *

### 40.2 Concurrency Code Amendment

Karl MacNair, Transportation Manager, gave a PowerPoint presentation on Transportation Concurrency. Transportation concurrency is the requirement that developments must mitigate transportation impacts at the time of development. A development has transportation impacts if it contributes traffic to an intersection that is shown to operate below the City's level of service (LOS) standard with the project traffic.

During the Transportation System Plan process, concurrency came into question. One idea was to remove concurrency in the Medford Municipal Code (MMC) and rely on the Transportation Planning Rule (TPR) to determine whether capacity is present in the system.

The TPR requires that future capacity is planned, while the MMC requires that capacity is available now (concurrency), which is at the time of zone change. TSP advisory groups determined three options:

1) Concurrency at Zone Change
2) Concurrency at Site Plan
3) No concurrency

Of these options, the advisory group consensus was that no concurrency was the best option.

Commissioner Pulver questioned whether a change to no concurrency means that Public Works would receive System Development Charges (SDCs) that would go into a pool that would fix problems; would the developer build a project, would SDCs be enough to solve the problem. Mr. MacNair responded that the future condition is what gets looked at. For current Tier 1 projects, any impacts of development that aren't planned in the TSP would still need to be mitigated by the developer.

Commissioner Pulver asked about the frequency of updating the TSP. Mr. MacNair stated the State of Oregon would like cities to update the plan every five years. Staff would like to establish a regular update cycle.

Among other things, the TPR:

- Requires analysis of the horizon year of the adopted TSP
- Allows "planned" facilities, improvements or services to be included as built in the analysis (Tier 1 projects)
- Allows for alternative mitigation measures
- Provides for "no further degradation" allowance at already failing facilities

Chair Densmore stated that he hopes this commission will anticipate failing and/or unfixable areas in the TSP and shine a light on issues for the community to avoid significant economic consequences.

Mr. MacNair briefed on the "mega corridor," which includes Foothill Road, North Phoenix Road, and South Stage Road. City Council has long said this is a high priority and will be an important corridor. This is a Tier 1 project that has a large funding gap, despite the fact this is a regional partnership project. Grant opportunities are being explored, but even if received the city will still have to raise additional funds.

Commissioner Pulver questioned how the mega corridor project relates to concurrency. Mr. MacNair responded that as a Tier 1 project with a giant funding gap, the TPR requires that it must be reasonably likely to be funded by the end of the planning period. Removal of concurrency will dramatically increase existing issues around intersections under ODOT jurisdiction; the city anticipates a challenge from ODOT if South Stage Road is included in Traffic Impact Analyses without a better defined funding plan.

Chair Densmore clarified that part of the commission's task this summer is to figure out how to make this project viable. Mr. MacNair agreed and stated that in the meantime code language that will change concurrency is being updated; this will be discussed at the May meeting.

Commissioner Jordan questioned the percentage of Tier 1 projects that actually get completed and how often are they pushed back. Cory Crebbin, Public Works Director, responded that it is hard to predict which projects will be completed. Commissioner Parducci asked if the projects not completed under the 2003 TSP could be counted. Mr. Crebbin stated that some of those were dropped because things changed and the projects were no longer needed.

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**90. Adjournment**
The meeting adjourned at 2:08 p.m.

# Exhibit D

# Transportation Commission Meeting Minutes – May 22, 2019

## MINUTES

**May 22, 2019 – 12:30pm**
Lausmann Annex, 200 S. Ivy Street Medford, OR
Room 151

The regular meeting of the Transportation Commission was called to order at 12:37 p.m.

**10. Roll Call**

Commissioners Present:
Al Densmore, Chair
Dennie Conrad, Vice Chair
Jaime Jordan
Jared Pulver
Suzanne Schroeder
Kay Brooks, Alternate Council Liaison

Commissioners Absent
Kim Parducci
Peggy Penland

Staff Present
Eric Zimmerman, Deputy City Manager
Cory Crebbin, Public Works Director
Alex Georgevitch, Deputy Public Works Director / City Engineer
Karl MacNair, Transportation Manager
Kyle Kearns, Planner II
Bonnie Glidewell, Recording Secretary

* * *

**40. Agenda Items**

**40.1 Concurrency Code Amendment**
Kyle Kearns, Planner II, gave a PowerPoint presentation on Transportation System Plan (TSP) Code Updates on Concurrency and Traffic Impact Analysis (TIA). He discussed the hearing schedule for presenting to City Council and Planning Commission, next steps, project objectives and the desired outcomes of the Transportation Commission meeting.

Staff is proposing Medford Land Development Code (MLDC) changes that allow for use of the Transportation Planning Rule (TPR) as the determinant of transportation facility

adequacy. The changes proposed would allow for developments to include transportation projects, planned for construction by the City or other public agencies, as built projects in future year analysis for TIA's for development proposals such as a zone change. Benefits of these proposed changes include allowing for the use of planned projects in development proposals, allowing development to proceed prior to transportation improvements being built (good for development), and the changes align with Oregon Department of Transportation (ODOT) requirements.

Cons of the proposed changes would make it more critical for the City to deliver the planned transportation projects over the 20-year planning period, allowing development to proceed prior to improvements being built (more congestion), and more reliance on a regional traffic model of which the City does not have direct control.

Questions and comments were had along with clarification by Mr. Crebbin of why this came about. Commissioner Pulver asked about planned projects, forecasting and other impactful development and/or traffic flow that would also potentially change the concurrency. He is concerned with a con showing a lot of forecasting is happening and there are many variables that affect the plan as opposed to what is forecasted. He posed the question that if developers bring a plan and do not follow that plan, how does it affect concurrency? Mr. MacNair answered that the change would be that Tier one projects in the TSP would be accounted for.

Mr. Zimmerman asked staff to explain the difference between the new recommendation processes versus how it happens now. Mr. MacNair, explained that it depends on where development actually happens compared to what is modeled and that projects will be built where traffic indicates they are needed. Mr. Crebbin explained that in about 6 years we will be working on the new TSP and will work with the data that is best available at the time, but the numbers are not meant to be stagnant. Amendments will be made if needed for the 20 year plan. Chair Densmore posed the question if staff thought it would create a smoother workflow. Mr. MacNair answered it probably will not turn into a smoother process for staff, but it will be smoother for developers. Mr. Zimmerman asked how it might affect developers and what reasons the Council posed this. What were the reasons that Council brought this up? Councilor Brooks answered that she hears from the public that it would provide more streamlined planning and developing. Mr. Crebbin commented it will contribute to more orderly development due to trip cap stipulations around people wanting to develop their properties. Commissioner Pulver noted that the TSP will likely be visited more than in the past and asked if projects that are not Tier one might fall off, or Tier two projects might move up. Mr. Crebbin noted this may happen. Mr. Kearns noted that the TPR allows for people to apply for changes to the TSP and potentially allow for a change to the comprehensive plan. Chair Densmore asked if we needed more deliberation or not.

MOTION: Recommendation to move this to the Planning Commission.
MOVED by: Commissioner Conrad. SECONDED by Commissioner Schroeder.
MOTION was approved unanimously.

* * *

**90. Adjournment**
The meeting adjourned at 2:33 p.m.

# Exhibit E

# Planning Commission Study Session Minutes – June 10, 2019

From Study Session on **June 10, 2019**

The study session of the Medford Planning Commission was called to order at 12:00 p.m. in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

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

**Staff Present**
Kelly Evans, Assistant Planning Director
Carla Paladino, Principal Planner
Madison Simmons, Senior Assistant City Attorney
Sarah Sousa, Planner IV
Seth Adams, Planner III
Kyle Kearns, Planner II
Karl MacNair, Transportation Manager

**Commissioners Absent**
Patrick Miranda, Excused Absence

**Subject:**
*  *  *

**20.3 DCA-18-180 Concurrency Amendments**
Kyle Kearns, Planner II reported that transportation concurrency is the requirement that developments must mitigate transportation impacts at the time of development.

A development has transportation impacts if it contributes traffic to an intersection that is shown to operate below the City's level of service standard with the project traffic.

State law requires future capacity is planned. Medford required capacity be done at the time of Zone Change. There are three options of how to change how it is done now:

1) Concurrency at Zone Change
2) Concurrency at Site Plan
3) Remove concurrency (Staff's recommendation)

Commissioner Mansfield asked, why is staff recommending eliminating all of it? Would it not violate the State Rule? Mr. Kearns stated that the details have not been fully explained yet in the presentation.

When stating remove concurrency it is not removing the requirement to mitigate impacts of the transportation system. The proposal is allowing the of use planned documents, such as the TSP and others, that have budgeted for projects and analysis to assume construction of that project. If a particular facility has not been planned that requirement for that to be mitigated is still required. It is not removing concurrency but it is removing the timing of when they can do it.

Karl MacNair, Transportation Manager, reported that it is also looking at the plan horizon year that is 2038 and saying at that time transportation capacity will be there as opposed to the way it works right now. One cannot build until that capacity is there.

In 2002 the Zone Change for Summerfield Subdivision came in. When doing their Traffic Impact Analysis two intersections, one at North Phoenix Road and Chery Ln and the other at Hillcrest and Pierce, were shown to fail without improvements. In order to prevent that from happening the Planning Commission at that time limited the development to 124 units until intersections were improved.

Commissioner McFadden asked, is staff saying that is the State option? Mr. Kearns replied that is what the City does now.

The assumption is that the City collects SDCs from the homes in the subdivision they can then build the intersections planned for construction. Doing it the way the City does it now they do not collect SDCs limiting the development of what they can build and the intersection does not get built.

Commissioner McFadden asked, is staff saying that the City charges the new property owners the cost versus the developer the cost? Commissioner Foley responded no. That did not change.

Mr. MacNair commented that the City does not collect SDCs until the house is built.

Commissioner Foley is concerned with the target year of 2038. No one is going to write plans that far out, they will change. Is there a better horizon that makes more sense? Mr. Kearns stated that the TPR allows applicants to change the Tiers of projects by going to City Council for a Comprehensive Plan change.

Mr. MacNair reported that part of the TSP and the Tier 1 is showing that all the studied intersections work in the future. If it gets bumped off the Tier 1 list it would have to be an intersection that meets the standard.

Also, projects on the Tier 1 list that do not end up being built are usually projects that are not a priority because development is not happening in that area or traffic patterns change. Staff will need to revisit the plan more frequently with this because projects will need to be moved around and reanalyzed. Internally, staff has talked about every five to six years doing TSP updates as opposed waiting until the end of the twenty year planning horizon.

Commissioner Pulver asked, a couple of projects related to both the South Stage Overpass and North Phoenix Super Corridor, is it the same mechanism in terms of modifying the TSP of shifting projects around? Looking at a couple of projects that were excluded it seemed plausible that some portions of those could get built such as Juanipero to the south border of Medford. Is there an easy mechanism to remove it from excluded projects? Mr. Kearns reported the language itself within there should be enough. The language is the same as used in the TPR.

Mr. MacNair stated that if it is something that is built it would be in the existing conditions when doing the traffic impact analysis. Tier 1 projects are included in the analysis as built in the future. The grey area is if it gets funding.

Mr. Kearns reported that understanding the process of exactly how this comes together might be helpful. Analyzing everything, figuring out what intersections will work and what can be budgeted. When developments come in they analyze the traffic impact analysis and how their development will impact that. That gets into the changes staff is proposing. The timing of the when the TIA is needed. How one can look at that TIA and development proposal is what staff is changing. The third step in the process would be how to proceed forward.

Staff is proposing amending the land development code to allow for use of TPR (i.e. in zone change and Transportation Impact Analysis criteria); TPR allows for:

- "Planned" facilities in TSP may be used in project analysis
- Use of alternative mitigation measures
- Already failing intersections to be reviewed with a "no further degradation target"

Alternative Measures is signaling timing improvements, multi-modal improvements (transit or bicycle facilities), or street connectivity that would improve the system as a whole.

Commissioner Pulver asked, does the alternative measures have to be related to the intersection in question? Mr. Kearns stated that it has to show how it will fix the problem.

Pros:

- Planned projects can be included in the analysis
- Allows development to proceed prior to improvements being built
- No pipeline trips
- Aligns with ODOT requirements

Cons:

- More critical for the City to deliver the planned projects over the 20 year planning period
- Allows development to proceed prior to improvements being built
- More reliant on a regional traffic model of which the City does not have direct control
- The Mega Corridor

**30. Adjournment**

The meeting was adjourned at 1:16 p.m.

Terri L. Richards

Submitted by:
Terri L. Richards
Recording Secretary

# Exhibit F

# Transportation Planning Rule (TPR)

Link for entire Oregon Administrative Rule (OAR): https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3062

Only sections most pertinent to DCA-18-180 have been provided as an exhibit. Other sections of TPR pertain to transportation more broadly, requirements for transportation system plans and transportation planning on rural lands.

* * *

Chapter 660
Division 12
TRANSPORTATION PLANNING

* * *

**660-012-0060**
**Plan and Land Use Regulation Amendments**

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This

reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:

(A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;

(B) The providers of facilities being improved at other locations provide written statements of approval; and

(C) The local jurisdictions where facilities are being improved provide written statements of approval.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:

(a) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;

(b) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

(c) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and

(d) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.

(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)–(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in sections (1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in subsections (a)–(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in subsection (a) above;

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in subsection (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 660-012-0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to subsection (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in subsections (a)–(c) below shall include an amendment to

the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3):

(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;

(b) The local government has not adopted a TSP or local street plan which complies with OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in section (1).

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

(a) Any one of the following:

(A) An existing central business district or downtown;

(B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;

(C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or

(D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.

(b) An area other than those listed in subsection (a) above which includes or is planned to include the following characteristics:

(A) A concentration of a variety of land uses in a well-defined area, including the following:

(i) Medium to high density residential development (12 or more units per acre);

(ii) Offices or office buildings;

(iii) Retail stores and services;

(iv) Restaurants; and

(v) Public open space or private open space which is available for public use, such as a park or plaza.

(B) Generally include civic or cultural uses;

(C) A core commercial area where multi-story buildings are permitted;

(D) Buildings and building entrances oriented to streets;

(E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;

(F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;

(G) One or more transit stops (in urban areas with fixed route transit service); and

(H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

(10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.

(a) A proposed amendment qualifies for this section if it:

(A) Is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and

(B) Is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.

(b) For the purpose of this rule, "multimodal mixed-use area" or "MMA" means an area:

(A) With a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;

(B) Entirely within an urban growth boundary;

(C) With adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;

(D) With land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and

(E) Located in one or more of the categories below:

(i) At least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;

(ii) Within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or

(iii) Within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.

(c) When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.

(A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:

(i) Whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;

(ii) Whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and

(iii) Whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.

(B) If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.

(d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.

(e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.

(11) A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with subsection (a) of this section,

the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.

(a) The amendment must meet paragraphs (A) and (B) of this subsection or meet paragraph (D) of this subsection.

(A) Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.

(B) Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.

(C) For the purpose of this section:

(i) "Industrial" means employment activities generating income from the production, handling or distribution of goods including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development.

(ii) "Traded-sector" means industries in which member firms sell their goods or services into markets for which national or international competition exists.

(D) Notwithstanding paragraphs (A) and (B) of this subsection, an amendment complies with subsection (a) if all of the following conditions are met:

(i) The amendment is within a city with a population less than 10,000 and outside of a Metropolitan Planning Organization.

(ii) The amendment would provide land for "Other Employment Use" or "Prime Industrial Land" as those terms are defined in OAR 660-009-0005.

(iii) The amendment is located outside of the Willamette Valley as defined in ORS 215.010.

(E) The provisions of paragraph (D) of this subsection are repealed on January 1, 2017.

(b) A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives from the provider of any transportation facility that would be significantly affected written concurrence that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT must coordinate with the Oregon Business Development De-

partment regarding the economic and job creation benefits of the proposed amendment as defined in subsection (a) of this section. The requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by subsection (c) of this section and the provider does not respond in writing (either concurring or non-concurring) within forty-five days.

(c) A local government that proposes to use this section must coordinate with Oregon Business Development Department, Department of Land Conservation and Development, area commission on transportation, metropolitan planning organization, and transportation providers and local governments directly impacted by the proposal to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect transportation facilities and the adequacy of proposed mitigation. Informal consultation is encouraged throughout the process starting with pre-application meetings. Coordination has the meaning given in ORS 197.015 and Goal 2 and must include notice at least 45 days before the first evidentiary hearing. Notice must include the following:

(A) Proposed amendment.

(B) Proposed mitigating actions from section (2) of this rule.

(C) Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions would fall short of being consistent with the function, capacity, and performance standards of transportation facilities.

(D) Findings showing how the proposed amendment meets the requirements of subsection (a) of this section.

(E) Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities.

*  *  *

# Exhibit G
# Building Department Comments – June 10, 2019

# Memo

**To:** Kyle Kearns, Planning Department

**From:** Mary Montague, Building Department

**CC:** N/A

**Date:** **June 10, 2019**

**Re:** DCA-18-180_2018 TSP Updates Concurrency and TIA

## Building Department:

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

1. Applicable Building Codes are 2017 ORSC; 2017 OPSC; and 2014 OMSC. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.

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

3. Building Department has no comments.

# Exhibit H
# Public Works Department Comments – June 12, 2019

*Medford – A fantastic place to live, work and play*

**CITY OF MEDFORD**

LD Date: 6/12/2019
File Number: DCA-18-180

**PUBLIC WORKS DEPARTMENT STAFF REPORT**

**Development Code Amendment**
**2018 TSP Updates – Concurrency & TIA**

**Project:** Staff is preparing updates to the Medford Land Development Code (MLDC) regarding the City's transportation concurrency standards ("concurrency" is the requirement that transportation facilities be constructed, if they are found to be inadequate, at the time of zone change) and Transportation Impact Analyses (TIAs) to implement the adopted 2018-2038 Transportation System Plan (TSP). The TSP goals, objectives and action items are driving these updates, specifically Goal 1, Objective 4, Action Item a:

4-a: Balance transportation facility capacity with planned land uses by amending the City's concurrency and transportation facility adequacy requirements by adopting local procedures that apply the Oregon Transportation Planning Rule as the determinant of facility adequacy

**Applicant:** City of Medford

**Planner:** Planner, Kyle Kearns, Long Range Division

---

**Public Works has no comments on the proposed amendment.**

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs



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

# Exhibit I
# Medford Fire-Rescue Department Comments – June 12, 2019

**Medford Fire-Rescue Land Development Report**

**Review/Project Information**

**Reviewed By:** Kleinberg, Greg

**Review Date:** 6/3/2019
**Meeting Date:** 6/15/2019

**LD File #:** DCA18180

**Planner:** Kyle Kearns

**Applicant:** City of Medford

**Project Location:** N/A

**Project Description:** Staff is preparing updates to the Medford Land Development Code (MLDC) regarding the City's transportation concurrency standards ("concurrency" is the requirement that transportation facilities be constructed, if they are found to be inadequate, at the time of zone change) and Transportation Impact Analyses (TIAs) to implement the adopted 2018-2038 Transportation System Plan (TSP). The TSP goals, objectives and action items are driving these updates, specifically Goal 1, Objective 4, Action Item a:

4-a: Balance transportation facility capacity with planned land uses by amending the City's concurrency and transportation facility adequacy requirements by adopting local procedures that apply the Oregon Transportation Planning Rule as the determinant of facility adequacy. Planner, Kyle Kearns.

**Specific Development Requirements for Access & Water Supply**

**Conditions**

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

**Construction General Information/Requirements**

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

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

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

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

**www.medfordfirerescue.org**

# Exhibit J
# Medford Water Commission Comments – June 12, 2019

BOARD OF WATER COMMISSIONERS
**Staff Memo**

TO: Planning Department, City of Medford

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

SUBJECT: DCA-19-180

PARCEL ID: 371W30AC TL 2500

PROJECT: Staff is preparing updates to the Medford Land Development Code (MLDC) regarding the City's transportation concurrency standards ("concurrency" is the requirement that transportation facilities be constructed, if they are found to be inadequate, at the time of zone change) and Transportation Impact Analyses (TIAs) to implement the adopted 2018-2038 Transportation System Plan (TSP). The TSP goals, objectives and action items are driving these updates, specifically Goal 1, Objective 4, Action Item a:

4-a: Balance transportation facility capacity with planned land uses by amending the City's concurrency and transportation facility adequacy requirements by adopting local procedures that apply the Oregon Transportation Planning Rule as the determinant of facility adequacy Planner. Kyle Kearns.

DATE: June 12, 2019

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

CONDITIONS

1. No comments.

COMMENTS

1. No comments

# Exhibit K
# Jackson County Roads Comments – June 3, 2019

JACKSON COUNTY
Roads

Roads
Engineering

Chuck DeJanvier
*Construction Engineer*

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

www.jacksoncounty.org

June 3, 2019

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

RE: 2018 TSP Updates – Concurrency and TIA
Various city maintained roads.
Planning File: DCA-18-180.

Dear Kyle:

Thank you for the opportunity to comment on consideration of updates to the Medford Land Development Code regarding the City's transportation concurrency standards ("concurrency" is the requirement that transportation facilities be constructed, if they are found to be inadequate, at the time of zone change) and Transportation Impact Analyses (TIAs) to implement the adopted 2018-2038 Transportation System Plan (TSP). The TSP goals, objectives and action items are driving these updates, specifically Goal 1, Action Item a:

4-a Balance transportation facility capacity with planned land uses by amending the City's concurrency and transportation facility adequacy requirements by adopting local procedures that apply the Oregon Transportation Planning Rule as the determinant of facility adequacy. Jackson County Roads has the following comment:

1. Jackson County Roads supports these updates to the City of Medford Land Development Code regarding the City's transportation concurrency standards.

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

Sincerely,

Chuck DeJanvier, PE
Construction Engineer

# Exhibit L

# Planning Commission Hearing Minutes – June 27, 2019

The regular meeting of the Planning Commission was called to order at 5:30 PM in the City Hall Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present
Joe Foley, Vice Chair
David Culbertson
Bill Mansfield
David McFadden
E.J. McManus
Jared Pulver
Jeff Thomas (left at 7:44 p.m.)

Staff Present
Kelly Evans, Assistant Planning Director
Carla Paladino, Principal Planner
Eric Mitton, Deputy City Attorney
Doug Burroughs, Development Serv. Mgr.
Steve Parks, Deputy Fire Marshal
Terri Richards, Recording Secretary
Liz Conner, Planner II
Sarah Sousa, Planner IV
Kyle Kearns, Planner II
Seth Adams, Planner III

Commissioners Absent
Patrick Miranda, Excused Absence
Mark McKechnie, Chair, Excused Absence

10. Roll Call

* * *

**50.6 DCA-18-180** An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC) regarding the City's transportation concurrency standards and Transportation Impact Analyses (TIAs) to implement the adopted 2018-2038 Transportation System Plan (TSP). Applicant: City of Medford; Planner: Kyle Kearns.

Vice Chair Foley reported that this item will be continued but staff will present a staff report and receive testimony. No decisions will be made this evening.

Kyle Kearns, Planner II reported that the Development Code Amendment approval criteria can be found in the Medford Land Development Code Section 10.218. The applicable criteria were addressed in the staff report and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Kearns gave a staff report.

Vice Chair Foley does not recall what improvements were made at Pierce and Hillcrest. Mr. Kearns stated that the improvements on Foothills prevented the needs at the intersection.

There were other improvements made that negated the need to improve those intersection. Commissioner Pulver reported that McAndrews extension alleviated some of the traffic at that intersection.

Commissioner Pulver asked, will there be another study session before the August 22, 2019 Planning Commission public hearing? Mr. Kearns replied that staff has not discussed another study session. It depends on how substantive the changes are.

Commissioner Pulver asked, whether the decision to not allow for the use of the "Mega-Corridor" projects (N. Phoenix, Foothill, S. Stage overcrossing) in TIA analysis changes was directed by the State or internally? Mr. Kearns stated it was a mix of both. The City feels it being a Tier 1, in the TSP, gives it priority when pursuing funding opportunities; the City ran into problems in the past securing grant funding.

The public hearing was opened.

a. Jay Harland, CSA Planning Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504. Mr. Harland provided comments on the proposed code amendment. Mr. Harland's comments addresses the code amendment implementing action item 4-a in the Transportation System Plan. The staff report did not go through the OAR 660 rule of the Transportation Planning Rule item by item.

Motion: The Planning Commission continued DCA-18-180, per staff's request, to the Thursday, August 22, 2019 Planning Commission meeting.

Moved by: Commissioner McFadden  Seconded by: Commissioner Culbertson

Roll Call Vote: Motion passed, 7-0-0.

*  *  *

Submitted by:

Terri L. Richards
Recording Secretary

Joe Foley
Planning Commission Vice-Chair

Approved: July 11, 2018

# Exhibit M
# Memorandum – City Staff Responses to Public Comments Received at June 27, 2019 Hearing

## MEMORANDUM

| | |
|---|---|
| Subject | City Staff Response to Public Comments received at June 27, 2019 Hearing |
| File no. | DCA-18-180 |
| To | Kim Parducci, Transportation Commissioner & Jay Harland, CSA Planning |
| From | Kyle Kearns, Planner II & Karl MacNair, Transportation Manager |
| Date | July 23, 2019 |

### BACKGROUND

On June 27, 2019 the Planning Commission voted unanimously to continue the development code amendment (DCA-18-180) in relation to concurrency and transportation impact analyzes (TIA). The reason for continuance is due to staff receiving public testimony the day of the hearing. Public comment was received into the record on June 27 from Jay Harland of CSA Planning (Exhibit A); additional comments were received previously from Kim Parducci on June 25 (Exhibit B). Ms. Parducci had asked her comments not be added to the record, however her comments still provide substantive views on DCA-18-180. As part of a public legislative process, the record must reflect comments received from the public that influenced the proposed code language

The intent of this memorandum is to provide review of the aforementioned comments and possible additions to the proposal to address the comments received from both Mr. Harland and Ms. Parducci. Mr. Harland's comments serve as a review of the Transportation Planning Rule (TPR) as it pertains to the proposal (Exhibit C) with suggestions on how to implement certain provisions from his professional perspective. Each comment is summarized in the memo and contained as an Exhibit; sections pertinent to DCA-18-180 are provided in sequential order as the code lan-

guage would appear in the Medford Land Development Code (MLDC). Exhibit C contains the proposed language that was reviewed at the Planning Commissions Hearing on June 27, 2019.

## COMMENTS AND PROPOSED ACTIONS FOR DCA-18-180

The following sections contain the various sections of DCA-18-180 that are referenced by both Ms. Parducci and Mr. Harland in the comments (Exhibits B & A, respectively). Kim Parducci's comments are shown as KP, Jay Harland's as JH. A preliminary review of how these comments can be addressed is provided in each individual section; comments that are broader in nature have been addressed at the beginning of the memo.

10.204(3)(B) – KP, Exhibit B

Concerned with vagueness of the language regarding Public Works ability to require improvements "...for reasons of public safety." Suggested to provide an example of public safety.

**Staff Response:** Staff is not recommending any changes in regards to this comment. Staff acknowledges the vagueness of this language but would not want to be locked in to an exclusive list as it pertains to public safety. Leaving the discretion of what constitutes "public safety" to the Public Works Director can be important as there will be instances when data or a prescriptive process cannot account for unforeseen safety concerns of the future. Staff would also like to point out that section 10.461(E)(19)(b) does provide further detail about what types of issues are considered safety issues.

### Section 10.461 TIA Applicability and Methodology

10.461 Broad Comments – JH;

Mr. Harland had several broad-based comments regarding the TIA applications and methods. He raises many valid points; however, the understanding of staff was that adopting TPR by reference in 10.204 would allow for many of these provisions to be used. Many of his comments below respond as if we were to add provisions explicitly into the MLDC. The following are his comments summarized:

- Stated that the current proposal has no allowance regarding an analysis process for changing roadway functional classification
    - **Staff response:** Add a section to 10.461 stating that when the maximum allowed Annual Average Daily Trips (AADT) for local and collector streets are exceeded, a comprehensive plan amendment is required and add the maximum allowed AADT for those classes to 10.462. Additionally, staff will amend the proposal to include a provision that lowering a classification

(i.e. collector to local street) may not be approved without a comprehensive plan amendment.

- Concerns regarding the current TIA standards require that developments first find failing intersection prior to reducing trips
    - **Staff response:** Staff respectfully disagrees with this comment and believes that the code requiring developments to find a failing intersection is already consistent with the TPR. The TPR language states that the *significant effect* can be reduced or eliminated by reducing trips; this implies that a significant effect has already been identified. Staff believes this provision is intended to allow development to avoid costly infrastructure improvements, not to simply stipulate to avoid the requirement to do a TIA.
- Subsection (3) of TPR has not been provided for in DCA-18-180.
    - **Staff Response:** This portion of TPR is a "...may approve..." as opposed to a "shall approve." Staff believes that the option for approval in these cases is in the code as currently proposed. However, it would be a good idea to provide some guidance on how this would work should it ever come up. Staff recommends inserting language into 10.461 stating that when an applicant is proposing approval under this section of the TPR, the Public Works Director (or designee) shall submit a recommendation to the approving authority stating whether the proposed mitigation provides enough benefit in the near term to outweigh additional delay in the future, in their professional opinion. If the Public Works Director (or designee) supports it, then the approving authority will approve it. If the Public Works Director (or designee) does not support it, then the approving will review competing testimony by the professional engineers with expertise in transportation and will approve or deny the proposed development with the proposed mitigation.
- Subsection (6) of TPR addressing reductions in mixed-use, pedestrian-friendly centers, and neighborhoods is not directly addressed in the code language. Mr. Harland suggest that the trip rates for zoning should be brought into the MLDC and the process for updating them. Additionally, it is requested that these rates follow the 10% trip reduction allowed within TPR.

- **Staff Response:** Adding the trip rates, into the MLDC or as a department policy available to the public, used for zone changes will resolve this. Additionally, the 10% reduction for mixed-use, pedestrian-friendly centers and neighborhoods is already explicitly stated in the TPR, therefore it is not needed in the MLDC.

- Subsection (8) of TPR outlines standards for what "mixed-use, pedestrian –friendly center or neighborhood" shall mean in reference to TPR. Mr. Harland points that these standards could be brought into code.
    - **Staff response:** Staff will rely on the provisions explicitly stated in TPR to ensure the benefits of this section are provided for. Language accompanying the trip rates will be incorporated siting the TPR definitions of "mixed-use, pedestrian –friendly center or neighborhood."

- Mr. Harland notes that Subsection (9) of TPR, would in theory, apply to all zone changes given the lack of direction in DCA-18-180. Subsection (9) states that a zone change does not affect a transportation facility if zoning is consistent with the comprehensive plan, the local government has an adopted TSP and the subject property wasn't exempt from this rule prior to annexation.
    - **Staff Response:** Inclusion of this provision would in effect remove all TIA analysis for a zone change if there was no proposed change to the comprehensive plan designation. The language in TPR states that "...a local government <u>may</u> find..." making this an optional requirement. Working with the provisions of subsection (9) could streamline many of the City's zone changes and development proposals. However, it could also create problems where development will build without key local street connections and the city has no way to require mitigation for issues created by this. This provision was discussed in Council Study Sessions during the TSP update. Staff's understanding is that Council intended to remove concurrency and allow planned projects to be included in the analysis but not to remove the requirement to study facility adequacy for most zone changes. Staff will add language stating that approval under TPR subsection (9) is not allowed to clarify.

- Subsection (10) of TPR outlines provisions for a local government to deviate from applying performance standards related to vehicles in

the case of land use proposals in a multimodal mixed-use areas (MMA). Mr. Harland states that there is no process for this addition.

- **Staff response:** Again, this is an optional provision of TPR. The City currently has no MMA established and to do so would require a comprehensive plan process. There may be reason to incorporate this, but this is outside of the scope of DCA-18-180 unless directed otherwise by Council. This allowance does present some potential benefits when applied in the right areas (e.g. Downtown, West Main, S-E Plan Area, or Liberty Park).

- Subsection (11) outlines processes for partial mitigation of transportation facilities when industrial or traded-sector jobs are used and certain uses are restricted (retail or auto-oriented businesses). Mr. Harland points out the potential economic development tools this provision provides.
    - **Staff response:** The allowance to use this section could be more explicitly outlined, however the provisions are still applicable for those seeking to use this exception. However, this is a policy decision that would need Council approval. Research into how other cities are handling this is needed prior to implementation.

<u>10.461 "TIA Applicability" – KP, Exhibit B</u>

Disagrees to allow for the modification of a scoping letter due to "....significant development," approvals.

**Staff response:** Staff recommends removal of this language from the code.

<u>10.461(B)(2) – KP, Exhibit B</u>

Would like clarification that facility adequacy standards only apply to collectors and arterial roadways.

**Staff response:** Add language to 10.461(B)(2) that says, "Any collector or arterial intersection with another collector or arterial where the...."

Additional comments were regarding the vague language that states "This volume may be adjusted, at the discretion of the Public Works Department, for safety or unusual situation." Additions clarifying instances of a need to adjust for safety or unusual situations is desired.

**Staff response:** This provision is rarely, if ever, used and is intended to address situations where staff is aware of existing problems that need to be looked at. Staff respectfully disagrees with this comment.

10.461(E)(9) – KP, Exhibit B

Concerns around what is considered to be "off-peak season" and "peak season." Ultimately it is recognized that this may be hard to define within the comment.

**Staff response:** Leave language as is to allow for flexibility in determining when the "peak season" is based on area (e.g. schools aren't in session during summer).

10.461(E)(12) – KP, Exhibit B

Voicing opinion that a pass-by cap of 25% is not necessary. "The ITE may use studies that show bigger cities and the pass-by rates might be a little higher in some situations but the City of Medford doesn't have any better information to show that 25% is more accurate. Not allowing consultants to use the ITE pass-by rate is like not allowing consultants to use ITE land use trip rates because those studies were also prepared using large cities."

**Staff response:** Staff believes that removing this language is problematic and is not proposing any changes. An example of staff's concern is that per Table E.18 of the ITE Trip Generation Handbook, a Costco could claim a pass-by percentage of 37% based on studies done on the east coast. This percentage is not realistic given the Costco in the Rogue Valley draws customers from hundreds of miles away. The existing code language already allows for higher pass-by percentages to be when request in advance and approved Public Works Director. Additionally, pass-by is not considered when using the zone change trip rates.

10.461(E)(14) – KP, Exhibit B

Questioning the need to continue to track pipeline trips as it front-loads analyses and can cause exiting conditions to be almost as high as future 2038 conditions. The adopted TSP should account for previous zone changes, especially if adopted prior to the TSP being adopted. Suggested moving towards a proportionate share ("pro-rata share") for developers as opposed to tracking pipeline trips.

**Staff response:** Staff considered a proportionate share contribution with DCA-18-180 originally but removed it due to the politics of adding such a fee to development, as well as the amount of research needed to implement a

project like this in an expedient time frame. The TSP also directs the addition of a "pro-rata share" contribution for intersections in the Key Code and Policy Amendments, which is a proportionate share. This project will need to be revisited with focus specific to this amendment.

In reference to pipeline trips, they account for trips from approved zone changes that have not built out. Pipeline trips are added to the existing counts to establish the current day background conditions. Under the analysis required by the TPR, existing counts are grown to future volumes using growth rates derived from the regional model to establish the future background conditions. The constrained growth in the regional model includes growth in areas where that are also included as pipeline trips. Including pipeline in the future year analysis double counts these trips. Including pipeline in the current year analysis ensures that already approved developments are accounted for in the current year.

In order to be consistent with the direction to apply the TPR as the determinant of facility adequacy, pipeline trips should be abandoned. Since the future year is the determining year for mitigation under the TPR, this will not impact TPR required mitigation. Therefore, the only impact to the City's ability to require mitigation would be in the projected build year of the project, which is already limited to "reasons of public safety" by 10.204. Reasons of public safety will generally be related to existing safety concerns, not pipeline trips.

Staff will consider removing references to pipeline trips from the code.

<u>10.461(E)(15) – JH; Exhibit A</u>

States that the city should include the Regional Transportation Plan (RTP) in the list of methods to become "...reasonably likely to be funded..."

**Staff response:** Add the RTP Fiscally Constrained Project List to the list in accordance with the list provided in the TPR.

<u>10.461(E)(15) – KP, Exhibit B</u>

Disagrees with exempting the Mega Corridor projects from the Tier 1 allowances proposed in DCA-18-180. Projects along N. Phoenix, Foothill and S. Stage should not have been identified as Tier 1 projects if they did not have secure funding.

**Staff response:** These points had been raised by staff during the onset of the drafting of DCA-18-180. However, the Oregon Department of Transportation

(ODOT) had not supported the consideration of the Mega Corridor projects (primarily the South Stage Overcrossing) as Tier 1, fiscally constrained projects, due to lack of funding identified in the TSP. At the time of preparing the TSP for adoption by the City Council, Staff was directed to include the Mega Corridor projects in the Tier 1 list but to only allocate $15 million to the group of projects. These projects are called out as not being considered fiscally constrained in order to address ODOT's concerns about development proceeding without a funding plan for these projects being in place, and degrading the operations of the South Medford interchange. This is why these projects are not considered fiscally constrained, even though they were included in the analysis performed for the future year in the TSP. Medford is committed to finding funding for these projects but is not considering them fiscally constrained until that funding is more certain.

Please note that the intersections along the Mega Corridor needing mitigation are identified as separate Tier 1 projects and will be considered as funded in analysis.

Additionally, TPR provides guidance on how a transportation facility may be considered "...reasonably likely to be provided..." with the following language:

> "(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period."
> (TPR - OAR 660-012-0060 (4)(b)(E))

Efforts to determine a funding package for the Mega Corridor are underway and it is likely that the need to exempt these projects will be removed. This decision will ultimately need additional direction from the City Council. Staff recommends adding, until the City Council issues a statement directing otherwise to the end of the sentence in section 10.461(E)(15)(a) . The language can be removed when additional funding is identified.

<u>10.461(E)(18) – KP, Exhibit B</u>

Similar concerns as above in reference to the term "safety review," there appear to be issues with the potential for subjectivity.

**Staff response:** Staff respectfully disagrees that this language is subjective. The elements of the safety review are defined in 10.461(F)(8) and mitigation requirements are spelled out in 10.461(E)(19). Staff is not recommending changes based on these comments, see above comments as it relates to 10.204(3)(B) for additional clarity.

10.461(E)(19) – KP, Exhibit B

Feels this proposed language is not consistent with the allowances in TPR to allow for a no further degradation target. Additional comments regarding a pro-rata share were reiterated in this comment.

**Staff response:** Staff believes that the proposed code allows for a "No Further Degradation" target in Section 10.462. The language in question references section 10.462, which includes both the adopted mobility targets (acceptable LOS) and the "No Further Degradation" target.

10.461(F)(2-3) – KP, Exhibit B

Comments pertain to using a common peak hour in TIAs.

**Staff response:** Staff recommends replacing "peak period" with "peak hour" throughout section 10.461.

10.461(G) – JH; Exhibit A

Within the Transportation Planning Rule there are several remedies that divert from the traditional methods of providing for transportation facility adequacy (i.e. improving roadways for vehicles). Mr. Harland has identified a lack of process stating "...there is not much in the way of process description for how someone would apply for any of the above options under TPR." These options include amending the TSP project list or functional classification, conditioning TDM for developments, providing alternative modes of transportation and allowing for minor transportation improvements to aid in alleviating level-of-service failures.

**Staff response:** In terms of process, staff is proposing that these remedies be conditions of approval of land use reviews similar to how other transportation facilities are required for development and it is directly stated in Subsection (G). Additionally, changes to the TSP identified in this portion of TPR identified above would be subject to the Comprehensive Plan Amendment criteria and the Type IV land use review standards. Staff disagrees with this comment and feels the process for implementation is already in place.

## NEXT STEPS

Revisions to the proposed language will be made to DCA-18-180 once staff has received appropriate direction on the comments contained with this memo and its exhibits. The Planning Commission hearing is scheduled for August 22 and City Council on September 19. Given the likelihood of substantial changes coming from these comments, Planning staff would recommend the inclusion of another Planning Commission study session to review the changes. If taken back to Planning Commission in a study session, the hearing dates would need to be pushed back in order to reflect this new timeline.

# Exhibit N
# DCA-18-180 Comments – CSA Planning, Ltd. via Jay Harland

June 27, 2019
Medford Planning Commission
200 South Ivy Street, Lausmann Annex, Room 240 Medford, Oregon 97501

RE: ***DCA-18-180***

Dear Commissioners:

This letter provides CSA Planning's comments on the proposed code amendments in Planning File No. DCA-18-180. We request this letter be entered into the record for this land use proceeding. As a matter of Comprehensive Plan policy implementation, our opinion is that this code amendment is as important as any code amendment the Planning Commission has considered in recent memory. Given the gravity of these changes, this letter includes extensive comments. We respectfully request the Planning Commission continue this hearing so that our comments can be given thorough consideration by the Commission. We believe this continuance request is appropriate given that we received a copy of the proposed amendments only 10 days ago which was a full week after the Planning Commission's study session.

## POLICY CONSISTENCY WITH THE TSP:

The proposed code amendments continue much of the current process and approach to traffic analyses and demonstration of transportation facility adequacy for zone changes. If the prior regulations were working well, then language refinement and minor adjustments are an appropriate approach. The proposed code changes include beneficial flexibility that does not exist in the current code language- to be sure. However, the Medford City Council has already directed a major change in policy. The new TSP includes specific policy direction to fundamentally change the approach. This language is called out in the staff report and is as follows:

> TSP Goal 1, Objective 4, Action Item a:
>
> 4-a: Balance transportation facility capacity with planned land uses by amending the City's concurrency and transportation facility adequacy requirements by adopting local procedures that apply the Oregon Transportation Planning Rule as the determinant of facility adequacy.

The TSP policy direction is crystal clear. Where the Comprehensive Plan includes language that is this clear, the code language implementing it must be consistent with the plan language. Development codes implement the Comprehensive Plan, not the other way around. Unfortunately, this code amendment falls short of fully implementing the policy set forth in the TSP. The staff report includes no analysis of the applicable section of TPR nor does it explain how the code amendment is implementing the adopted policy direction in Action Item 4-a.

Moreover, some of the definitional changes appear to indicate a departure from the policy precedent set in the Wal-Mart/Siporen decision that transportation facility adequacy is determined at the time of zone change. This would be a major policy

change from current policy. Moreover, applying TPR as ***the determinant of facility adequacy*** provides no basis to impose extensive capacity analysis requirements at the time of the development when TPR does not even apply.

## TRANSPORTATION PLANNING RULE (TPR)_ANALYSIS:

There are many proposed code provisions where detailed technical comments may be appropriate in the future. However, given the issue of policy consistency with the TSP described above, such detailed technical comments about specific code previsions is not appropriate at this juncture. A comparative analysis of TPR and the proposed language is the more pressing matter. Accordingly, the below comments provide an analysis of TPR and these comments seek to illustrate where code changes are needed to fully implement the TSP's policy direction.

***TPR Facility Adequacy Policy Overview-*** The proposed new MLDC zone change criteria for transportation facility adequacy cites directly to OAR 660-012-0060. This is consistent with the policy set forth in Action Item 4-a in the TSP. As a primary matter, an overview of the policy context contained in OAR 660-012-0060 may help the Commission understand the more detailed TPR analysis that follows.

OAR 660-012-0060 is a "planning level analysis". Some traffic engineering may be performed as part of a TPR analysis. However, it is not, fundamentally, a traffic engineering exercise. The "test" in OAR 660-012-0060 occurs at the end of the planning period that is 20-years in the future. The test includes the financially constrained planned transportation projects. The point of the analysis is to evaluate if adequate transportation planning has been done to support the land use change or if there are land use planning benefits to be realized that justify the acceptance of higher levels of congestion.

TPR uses the language of "significant effects" on a transportation facility resulting from a land use change. If no changes to the functional classification of any streets will occur and all the performance standards of all transportation facilities in the future year will either meet the adopted standard or will not be made worse then there is "no significant effect" and the facility adequacy exercise ends at that point. If the initial analysis shows there is a significant effect, TPR includes a number of planning options to obtain compliance and eliminate the "significant effect".

The underlying policy assumption embedded in TPR is that allowing development to occur that is consistent with transportation planning for the area and the Comp Planned land uses will, ultimately, result a transportation system that balances congestion with the other requirements of the statewide land use planning program for cities (efficient urban land use G14, housing G10, economic development G9). TPR recognizes that incremental development-by-development traffic performance criteria that seeks to avoid any localized congestion may not actually result in a better performing transportation system in the long-run- especially in medium and larger urban areas. TPR recognizes that development is encouraged to spread out geographically under this type of policy regime causing trip lengths to increase and limiting the ability of transit and alternative modes to capture transportation demands in medium and larger urban areas.

***Detailed TPR Review-***

41 If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

**41.2** Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

**41.3** Change standards implementing a functional classification system; or

**41.4** Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within

the area of the amendment may be reduced if the amendment includes an enforceable, on-going requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

- Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
- Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
- Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

**COMMENT:** Nothing in the City's code amendments explain what is expected for the functional classification analysis. All the language is focused on (c) (B and C), which is typically where the issues are. However, some language explaining what is expected for functional class analysis, and associated access analysis, is appropriate because TPR requires a finding to that effect. Much of the TIA language can be used to address the performance standards analysis.

The other concern is that TPR specifically provides that significant effects can be eliminated through enforceable requirements to limit trips. The existing Medford code and the proposed code carry forward a requirement to first find a failing facility and then reduce the trips. TPR includes no such requirement. It is often a waste of time and energy because a developer knows the use they want to do is allowed in a different zone but it will not produce more trips than the trip generation rates of the existing zone. For example, this evening's agenda has a zone change that was stipulated on traffic generation to allow a hotel on property that was previously zoned I-L and we were only able to stipulate because a prior TIA had already found a failing facility, or otherwise that project would have had to go looking for one. TPR does not require this needless step and it should be eliminated.

The new City language does include the "no degradation standard" which is reflected in TPR and this is a welcome addition to the code.

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the require-

ments of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:

(A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;

(B) The providers of facilities being improved at other locations provide written statements of approval; and

(C) The local jurisdictions where facilities are being improved provide written statements of approval.

**COMMENT:** The staff report suggests that the above flexibility will be available under the new code. However, there is not much in the way of process description for how someone would apply for any of the above options under TPR. If the request is broad in scope, then it is clearly legislative and so the City can process it in a flexible manner the City sees fit.

However, there may be instances where quasi-judicial requests would be appropriate but it seems like the City would want some sideboards on that and also some criteria. The TIA is only one component of the submittal that would appear to be required.

The subsection "(G) enhancements" seems to allow for some of the above TPR components but it is in the TIA section of the code.

There is a planning process piece that seems to be missing.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:

(a) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;

(b) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

(c) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and

(d) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.

**COMMENT:** Essentially, this section of TPR deals with a specific circumstance where facilities are projected to fail in the future, and even with some mitigation, will be made worse in the future year, but can be improved in the build year. This is an unusual circumstance. CSA has used it on a project one time in the last 10 years since it has been in existence. Nevertheless, there is nothing in the revised code, as I read it, that provides a mechanism for this process. Maybe there does not need to be, but some findings that explain how the new code works under this section would provide informative legislative intent.

(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)–(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

**COMMENT:** The proposed MLDC 10.461(E)(15) code language is prohibiting the use of certain TSP Tier 1 improvements in the TPR facility adequacy analysis. The proposed code language indicates they can be included based upon certain actions in subsection (b). TPR provides that if they are included in the RTP financially constrained list then you "shall rely" on those improvements. Inclusion in the RTP list is not one of the listed "actions" for those projects to be considered funded. For example, Foothill Road McAndrews to Delta Waters is in the RTP, and therefore, may be relied upon under the express language of TPR.

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

**COMMENT:** This section of TPR is not relevant.

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in sections (1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in subsections (a)–(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian- friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in subsection (a) above;

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in subsection (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 660-012-0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to subsection (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

**COMMENT:** The proposed code refers to the zone trip rates that are on file with the Public Works Department. These rates are critical to zone changes. These should arguably be in the code itself. At a minimum the code should specify how they get approved (Council Resolution???), how frequently they should be re-evaluated, and some math should be provided that demonstrates there is an adequate factual base. These trip rates function as a foundational element to implement the City's Comprehensive Plan for transportation so they are not some minor administrative function.

With respect to the particular language in TPR above, the base rate needs to reflect these TPR requirements. There should be separate rates that are at least 10% lower for zone changes in mixed-use pedestrian friendly neighborhoods. Proposed section 10.461(E)(11) should tie to this section of TPR and expressly allow for the required reductions.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in subsections (a)–(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on- site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012- 0020(2)(b) and 660-012-0045(3):

(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;

(b) The local government has not adopted a TSP or local street plan which complies with OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in section (1).

**COMMENT:** Medford has an adopted TSP so subsection (7) does not apply.

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

(a) Any one of the following:

(A) An existing central business district or downtown;

(B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;

(C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or

(D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.

(b) An area other than those listed in subsection (a) above which includes or is planned to include the following characteristics:

(A) A concentration of a variety of land uses in a well-defined area, including the following:

(i) Medium to high density residential development (12 or more units per acre);

(ii) Offices or office buildings;

(iii) Retail stores and services;

(iv) Restaurants; and

(v) Public open space or private open space which is available for public use, such as a park or plaza.

(B) Generally include civic or cultural uses;

(C) A core commercial area where multi-story buildings are permitted;

(D) Buildings and building entrances oriented to streets;

(E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;

(F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;

(G) One or more transit stops (in urban areas with fixed route transit service); and

(H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

**COMMENT:** While not required, some connection to this TPR provision seems to make sense?

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

**COMMENT:** Nothing in the code explains how this section of TPR is implemented[1].

(10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.

(a) A proposed amendment qualifies for this section if it:

(A) Is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and

(B) Is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.

(b) For the purpose of this rule, "multimodal mixed-use area" or "MMA" means an area:

(A) With a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;

(B) Entirely within an urban growth boundary;

(C) With adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;

(D) With land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and

(E) Located in one or more of the categories below:

(i) At least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;

(ii) Within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or

1 Given the language in the proposed zone change criteria and the silence on how this is to be applied, it would appear this option would be available to any zone change application.

(iii) Within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.

(c) When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.

(A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:

(i) Whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;

(ii) Whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and

(iii) Whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.

(B) If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.

(d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.

(e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.

**COMMENT:** Again, there is not much in the way of process description for how someone would apply for any of the above options under TPR. If the request is broad in scope, then it is clearly legislative and so the City can sort of process it in a flexible manner. However, there may be instances where quasi-judicial requests would be appropriate, but it seems like the City would want some sideboards on that and also some criteria. Again, there is a planning process piece that seems to be missing.

(11) A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with subsection (a) of this section, the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.

(a) The amendment must meet paragraphs (A) and (B) of this subsection or meet paragraph (D) of this subsection.

(A) Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.

(B) Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.

(C) For the purpose of this section:

(i) "Industrial" means employment activities generating income from the production, handling or distribution of goods including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development.

(ii) "Traded-sector" means industries in which member firms sell their goods or services into markets for which national or international competition exists.

(D) Notwithstanding paragraphs (A) and (B) of this subsection, an amendment complies with subsection (a) if all of the following conditions are met:

(i) The amendment is within a city with a population less than 10,000 and outside of a Metropolitan Planning Organization.

(ii) The amendment would provide land for "Other Employment Use" or "Prime Industrial Land" as those terms are defined in OAR 660-009-0005.

(iii) The amendment is located outside of the Willamette Valley as defined in ORS 215.010.

(E) The provisions of paragraph (D) of this subsection are repealed on January 1, 2017.

(b) A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives from the provider of any transportation facility that would be significantly affected written concurrence that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT must coordinate with the Oregon Business Development Department regarding the economic and job creation benefits of the proposed amendment as defined in subsection (a) of this section. The

requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by subsection (c) of this section and the provider does not respond in writing (either concurring or non-concurring) within forty-five days.

(c) A local government that proposes to use this section must coordinate with Oregon Business Development Department, Department of Land Conservation and Development, area commission on transportation, metropolitan planning organization, and transportation providers and local governments directly impacted by the proposal to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect transportation facilities and the adequacy of proposed mitigation. Informal consultation is encouraged throughout the process starting with pre-application meetings. Coordination has the meaning given in ORS 197.015 and Goal 2 and must include notice at least 45 days before the first evidentiary hearing. Notice must include the following:

(A) Proposed amendment.

(B) Proposed mitigating actions from section (2) of this rule.

(C) Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions would fall short of being consistent with the function, capacity, and performance standards of transportation facilities.

(D) Findings showing how the proposed amendment meets the requirements of subsection (a) of this section.

(E) Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities.

**COMMENT:** This is a potentially significant economic development tool available under TPR. No guidance whatsoever is provided by the proposed code language on any local procedures to implement this part of the rule. Potentially significant Goal 9 opportunities could be advanced by having a solid local procedure in place to implement this part of the rule.

## CONCLUDING COMMENTS:

Ultimately, the policy direction in the TSP is straightforward. The amendments move the City towards this policy objective, but not nearly there. The stated reason for the code amendments is to implement action item 4-a in the staff report. The City should be completing code amendments to fully implement the TSP action item as part of this code amendment.

We are certainly willing and able to work with the City on code language as the project moves forward. However, it is not realistic for us to provide an entire battery of specific code changes to address all the issues pointed up in this letter. We do not want to hold the project up for an extended period. We are anxious, as are others, to see the new TSP reflected in the code. However, we also believe this in an instance where doing it right once the first time will be the most beneficial.

# Exhibit O
# DCA-18-180 Comments – Transportation Commissioner Kim Parducci

**From:** Kim Parducci
**To:** Karl H. MacNair; Kyle W. Kearns
**Subject:** Concurrency and code changes review
**Date:** Tuesday, June 25, 2019 10:01:46 AM

Hi Karl and Kyle,

I know this is coming late but I missed the TC meeting when we discussed the proposed concurrency language and code revisions and have finally had time to read through it and give it thought. For what it's worth, these are my comments.

10.204(3)(b) "Adequate streets and street capacities must be provided.....The Public Works Department may require that planned improvements be constructed prior to issuance of building permits for reasons of public safety." I think this is too vague and will ultimately lead to issues / battles over what is "public safety". Maybe an example or some guidelines would be helpful to narrow this down a little.

10.461 "TIA Applicability.....Scoping letters may require modification if significant development is approved during the 180 days." I disagree with this. Once a traffic consultant starts an analysis and is preparing it per the scoping letter I don't think Public Works should add a development to be considered. That requires a full revision to every analysis scenario and wouldn't allow the consultant to adequately plan for it or provide it within an estimate.

(B)(2) "Any intersection....." This is the same language that's in the current code but when I was reading through it I was wondering why it doesn't state that facility adequacy standards don't apply to intersections involving local streets. Should this section state intersection of collectors and arterials to be consistent with the scoping letter provided by Public Works?

(B)(2) " This volume may be adjusted, at the discretion of the Public Works Department, for safety or unusual situations; and" I think this is too vague and again will lead to issues/disagreements. If Public Works wants to have discretion for safety then it would be helpful if they quantify a more narrow description of what kinds of things would be considered because safety can cover a long list of subjective criteria.

(E)(9) " An appropriate adjustment factor shall be applied to existing count data if counts were taken during the off-season" What is appropriate and what is considered off-peak because depending on the area summer could be off-peak if school traffic has a big impact. I've always thought this language in the current code should have been more specific but it's difficult because most seasonal adjustment methods just assume summer is the peak. I don't disagree with an adjustment factor but I feel like the language is unclear as to what should be used.

(E)(12) I want to continue to voice my opinion that a pass-by cap of 25% is not necessary. The ITE may use studies that show bigger cities and the pass-by rates might be a little higher in some situations but the City of Medford doesn't have any better information to show that 25% is more accurate. Not allowing consultants to use the ITE pass-by rate is like not allowing consultants to use ITE land use trip rates because those studies were also prepared using large cities. It's no different in my view.

(E)(14) I don't have any good alternative (yet) but I feel like having to continue to co r pipeline trips is a mistake because I see how it front-loads analyses and makes it very confusing when existing conditions are almost as high as future 2038 conditions. There has to be a better way to consider zone changes that haven't built out. The current TSP should already account for past zone changes that haven't built out and any new zone change from this point forward could possibly be considered by larger growth rates or something in areas where the City sees a lot of zone changes occurring. I'd be more open to developers having to pay a pro-rata share more often or some other mechanism than tracking pipeline trips. I don't think it's even an accurate way of dealing with zone changes since it's based on potential conditions and sites often don't develop to that level. Overall, pipeline trips are just a tracking disaster.

(C)(15) I'm struggling with not allowing Tier 1 projects that were included as Tier 1 projects in the TSP and used in that analysis, specifically with the South Stage crossing. I'm not sure where the breakdown occurred but if we weren't going to allow it to be included in 20 years then we shouldn't have included it in the model runs that were used to determine future conditions. And, if it was decided that it should be included as a Tier 1 project so that it makes it easier to go after grants and such, then it should be treated like any other Tier 1 project.

(E)(18) The term "safety review" of study area intersections is too vague even if it's followed up that it's based on ODOT or City criteria because it encompasses too many possibilities. A crash analysis used to be required to address safety. Now the language is stating that a "safety review" of intersections is required, and that will end up being very subjective.

(E)(19) Mitigation measures are still being required such that an acceptable LOS is achieved? The State allows a developer to address their impacts and not make conditions worse. I thought we were revising the language to make it consistent with the TPR and allow developers to mitigate their impact. This is where a pro-rata share or small improvement could be proposed to mitigate an impact but not necessarily have to bring an intersection to an acceptable level.

(F)(2) I don't think the language has changed here but "peak period" refers to a longer duration than a peak hour. The intent of this paragraph I think is to state that coordinated systems use the same snapshot in time or same "peak hour". Stating peak period or that a common peak period should be used or not used suggests, for instance, 4:00-6:00 pm. Similarly, in (F)(3) the statement that counts should be a minimum of two hours and include the peak period should say should include the "peak hour" because the point is that you don't want to have a peak hour from 4:00-5:00 pm that could have been 3:45-4:45 pm had you been required to show that the peak hour was indeed within the peak period counted. As a caveat to this, I think a common peak hour or global peak hour is much more appropriate in analyses because using a different peak hour for each intersection is inaccurate and then causes large imbalances that consultants

have to then balance....making the data even more inaccurate. A common peak hour can be determined based on the most critical intersection.

Sorry that these comments are so late in coming. Feel free to correct me if I made any erroneous assumptions or call me if you have any questions. I just wanted you to have my thoughts since I might be the only person within the TC group with traffic background knowledge as it pertains to the technical side of things.

Kim

# Exhibit P
# Planning Commission Study Session Minutes – August 12, 2019

**August 12, 2019**
12:00 P.M.
Lausmann Annex, Room 151
200 S. Ivy Street, Medford, Oregon

The regular meeting of the Planning Commission was called to order at 12:00 noon in the Medford Lausmann Annex, Room 151, 200 S. Ivy Street, Medford, Oregon on the above date with the following members and staff in attendance:

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

Staff Present
Kelly Evans, Assistant Planning Director
Carla Paladino, Principal Planner
Madison Simmons, Senior Assistant City Attorney
Karl MacNair, Transportation Manager
Kyle Kearns, Planner II

Commissioner Absent
E.J. McManus, Unexcused Absence
Patrick Miranda, Excused Absence

Guest
Nathan Emerson, CSA Planning Ltd.

20. Subject

20.1 **DCA-18-180 Concurrency**

Kyle Kearns, Planner II reported that the Transportation System Plan (TSP) was adopted in December 2018 with policy guidance to implement provisions of the Transportation Planning Rule (TPR).

There was public testimony received from CSA Planning Ltd., asking that DCA-18-180 be continued to a future hearing. There were additional comments received from Transportation Commissioner Kim Parducci. Their concerns were regarding missing Transportation Planning Rule language and analysis.

Staff met with Mr. Harland and Ms. Parducci to review staff's responses to their comments on August 7, 2019. Staff has incorporated several more changes that will be discussed during this study session.

**Prohibiting TPR Subsection (9)**: Optional provision of TPR. It would allow for zone changes, without TIA, if zoning met the comprehensive plan and adopted TSP. Inclusion of this provision, would in effect remove TIA. Bend, Oregon has implemented a similar approach. Without further direction, staff is not suggesting inclusion of subsection (9) allowance.
Commissioner Mansfield asked for the pros and cons so he could understand it better. Mr. Kearns reported the pros would streamline zone changes and when zoning is consistent with the Comprehensive Plan and applicants would not have to analyze transportation impacts. It would put more pressure on staff to make the TSP come true. It would put more financial burden on the City and could end up causing unforeseen impacts to the transportation system.

Karl MacNair, Transportation Manager added that they did not analyze every single intersection in the City that could be impacted; there may be some projects that were not accounted for. Another con would be that the TSP looks at the full buildout at 20 years and what is expected based on development patterns and the Tier 1 project list. As development occurs over time there may be more development in one area than anticipated and less in another area.

Commissioner Mansfield asked, is one option a plan to analyze impacts as it goes and the other is a set plan per the TSP? Mr. MacNair responded yes.

Commissioner Mansfield asked, which way is staff recommending? Mr. MacNair stated to analyze as you go.

**Allowing Failing Facilities**: Optional provision of TPR. Rare circumstances (CSA indicated use of one time in 10 years). Allows approving authority to allow failing facilities when, even with mitigation, the facility will fail in the future year of the analysis. As Medford develops, this provision may get more applications when roadways are over capacity (e.g. Stewart and Highway 99). Staff has incorporated this allowance under Code Section 10.204(D).

Commissioner Pulver asked, if someone proposes a development in the vicinity that would have an impact on the intersection projected to fail, they would work it out with the City Engineer to make changes to make it no worse or pay money to contribute to a solution recognizing they cannot fix it by themselves? Mr. MacNair responded that this is not what this is getting at. It

is saying that if the analysis shows the intersection to be failing in the future, they can do mitigation to make it operate better in the year of opening (or baseline condition) but in the future year it is still worse than what the baseline condition shows. This allows the City to approve it if they feel the near term improvements are enough of a benefit to outweigh the future degradation of a transportation facility.

Commissioner Pulver asked, is this the one where Transportation (Engineer) agrees and approves with the applicant but if it does not get approved the applicant pleads their case to the Planning Commission. Mr. MacNair replied yes.

Commissioner Pulver asked, is this a situation of proportionate share for a future fix? Mr. MacNair responded this is not proportional share.

Commissioner Pulver asked, is it objective or subjective that there is a basis to making a decision to short term/long term benefit or not? Mr. Kearns replied that it is based on analysis that is objective but there is some subjectivity in the decision making.

**Added Average Daily Trips (ADT) into Medford Land Development Code**: Discussions with CSA Planning Ltd. and Transportation Commissioner Parducci, staff decided this is not necessary. Adding it to the code could cause complications in the future. This has been removed.

**Removed Pipeline Trips**: Comments described the burdensome and inaccurate uses of pipeline trips. Staff has proposed the use of "traffic count growth rates," based on the Regional Model, in place of pipeline trips.

Vice Chair Foley asked, if someone has a restriction will they now be able to apply, under the new rules, and reduce the restriction? Mr. Kearns replied yes.

Commissioner Pulver stated there are developments in north Medford that have restricted zoning due to intersection issues; now, the intersections analyzed may be on the Tier 1 projects list. The applicant would be able to reapply and then take credit for the Tier 1 project and might get the restrictions removed. They then build housing and the City receives SDCs to help fund that project or another Tier 1 project. Is that the idea? Mr. MacNair reported that the pipeline trips are different with removing concurrency looking at the existing year and requiring Level of Service to meet the target in the existing year. It is looking at the horizon year of the TSP and requiring it then. Being a Tier 1 project does not mean an older restriction could be removed.

**New City Policy on Trip Rates for Zone Changes**: Staff has proposed a policy, as opposed to MLDC language to avoid lengthy code amendments in the future if rates change.

Mr. MacNair reported that staff will be working with CSA Planning and Transportation Commissioner Parducci on the 1500 trips per acre for larger commercial zones. When talking about a 40 acre parcel it does not make a lot of sense.

**Common Peak Hours**: Comments described how the use of varying peak hours results in less accurate analysis such as intersections near schools versus employers. Staff is proposing the use of one common peak hour for future Transportation Impact Analysis (TIA).

Mr. MacNair added that it is a lot of work for the consultant's analysis to balance different peak hours. When using different peak hours there is a greater variation between intersections.

**Future Policies**: Some of the comments received have sparked additional policy discussion, including:

- The use of Subsection (9) in the TPR – "One Map" Land Use – Would allow for zone changes, without a TIA, when comprehensive plan is consistent with TSP analysis. Would create a "one map" land use approach. If the City implemented this there would be a zoning map and a comprehensive plan map, but it could lead towards a "One Map" system.

- Partial mitigation of transportation impacts when adding traded or industrial sector jobs – Subsection (11) of TPR is available without MLDC changes. A Type IV land use review could aid in the larger policy discussion; however, applicants could site partial mitigation in their findings, employing the use of TPR (11) as a mitigation measure.

- Allow use of all Tier 1 projects (i.e. remove "Mega-Corridor" exemption) – The inclusion of this exemption was to avoid appeals regarding the unfunded Tier 1 projects in the TSP. Without further direction this exemption will remain.

For the next steps staff will go back to the Transportation Commission on August 28, 2019 to get another recommendation since staff has added substantial changes. It will go before the Planning Commission on September

12, 2018 and City Council on October 3, 2019. If any of the "Further Policy" items are desired, additional code amendments would need to be initiated or a recommendation to City Council will be needed.

Commissioner Pulver asked, what improvements to the system does the Tier 1 projects presume? Mr. MacNair responded that the TSP analyzed the 2038 baseline without any improvements to the transportation system. Failing facilities are identified and, generally, put on the Tier 1 project list. A mitigated scenario is done to make sure the proposed improvements improve the failing issues.

Commissioner Pulver asked, does the second scenario factor in the Mega Corridor? Mr. MacNair replied that it included the Mega Corridor in the 2038 Mitigated TSP analysis. The road improvements along North Phoenix/Foothill are not Tier 1 projects (**Note**: The projects are Tier 1 projects, but are not funded) but the intersection projects that are needed to meet the Level of Service are included as Tier 1 projects and funded.

Commissioner Pulver asked, did Mr. MacNair state that the roads are not included? Mr. MacNair stated that it costs a lot more to improve the entire road to five lanes. So they put in Tier 1 projects that widen the road at key intersections that were failing. Putting in turn lanes if needed and additional through lanes getting the capacity at the intersections.

Commissioner Pulver stated there is a lot of roadway between the Phoenix boundary and the north Medford boundary. Is the idea that the property owners upon development do their share? How do those roads get improved if it is not the City? Mr. MacNair reported that property owners would do their frontage improvements as they develop. The City did intend to build it but did not have the funding to show they could build it all which is why they were lumped into the Mega Corridor.

Vice Chair Foley asked, are the signals at North Phoenix and Hillcrest and McAndrews and Foothill funded? Mr. MacNair replied those are funded also, the signal at Delta Waters.

Vice Chair Foley asked, those signals are funded therefore can be used in concurrency but won't that allow most of the development Mr. MacNair talked about to happen? Isn't it the intersections where the failure is not the roadway?

Commissioner Pulver commented that the big one is South Stage. One theory is that if the South Stage crossing is built it will take pressure off Barnett Road.

Mr. MacNair reported that the City is working with ODOT on the South Medford Interchange area. Recently they had a meeting to develop a scope of work to look at alternate mobility measures at the South Medford Interchange, that the TSP called for, as well as if there are any projects in that vicinity that could be done to say the City is doing everything they can to support the Interchange but there still needs to be an alternate mobility target.

Mr. Kearns stated that the intersection projects are not included in this exemption.

Commissioner Pulver asked, is CSA Planning and Kim Parducci aware of where staff is and are they happy with where this is at? Mr. MacNair commented that they are closer to agreement. The outstanding item that he is aware of is that they will be working on the 1500 ADT for larger commercial parcels.

Commissioner Pulver stated that in Mr. Harland's memorandum he was suggesting that the TPR be incorporated in its entirety or this particular portion of it. Staff recognizes it but modifying the code selectively as appropriate based on that rule. Is that correct? Mr. Kearns responded that is correct. A lot of the provisions in the TRP are "may" not "shall". Staff implemented what works best.

100. Adjournment

101. The meeting was adjourned at approximately 12:48 p.m.

Submitted by:

Terri L. Richards

Terri L. Richards
Recording Secretary

# Exhibit Q
# Transportation Commission Draft Meeting Minutes – August 28, 2019

**August 28, 2019**
12:30 P.M.
Medford City Hall, Medford Room 330
411 West 8th Street, Medford, Oregon

The regular meeting of the Transportation Commission was called to order at 12:32 p.m.

**10. Roll Call**

Commissioners Present
- Al Densmore, Chair
- Jaime Jordan
- Jared Pulver
- Kim Parducci
- Kay Brooks

Commissioners Absent
- Dennie Conrad, Vice Chair
- Tim D'Alessandro, Council Liaison
- Peggy Penland
- Suzanne Schroeder

Staff Present
- Cory Crebbin, Public Works Director
- Karl MacNair, Transportation Manager
- Eric Zimmerman, Deputy City Manager
- Kyle Kearns, Planner II
- Bonnie Glidewell, Recording Secretary

Staff Not Present
- Alex Georgevitch, Deputy Public Works Director/City Engineer
- Carla Paladino, Principal Planner

Citizen Present
Paige West

## 20. Citizen Communications

None.

## 30. Approval of Minutes from July 24, 2019

There being no additions or corrections, the minutes for July 24, 2019, were approved as submitted.

## 40. Agenda Items

40.1 Concurrency Code Amendment DCA-18-180 (R)

Kyle Kearns, Planner II, gave a presentation on Concurrency & TIA, DCA-18-180. The overview included: a) the background of Concurrency, b) proposed changes to code DCA-18-180, c) future policy discussion and d) next steps. Proposed changes prepared by staff members in response to citizen comments include: a) Prohibiting Subsection (9) of TPR, b) allowance for approval of failing facilities, c) removed pipeline trips, d) new policy on ADT used for City zones, and e) created common/universal peak hour for TIA.

[Audio recorder batteries died]

Reasons for prohibiting TPR subsection (9) include: a) it is an optional provision of TPR and b) it would allow for zone changes without a TIA if zoning is consistent with the comprehensive plan and adopted TSP. Inclusion of this provision would, in effect, remove the requirement for a TIA at the time of zone change in most circumstances and without further direction, staff is not suggesting inclusion of (9) allowance.

Reasons for including code language relating to allowing failing facilities include: a) it is an optional provision of TPR, b) there are circumstances (comments claims use of one time in 10 years) where it may be beneficial to the City and developers, c) allows for approving authority to allow failing facilities when, even with mitigation, the facility's performance will still be degraded in the future, and d) as Medford develops, this provision may get more application when roadways are over capacity (e.g. Stewart and Hwy. 99). Staff has incorporated code language regarding this allowance under 10.204(D) – pages 40-41.

Reasons for removing pipeline trips include: a) comments described the burdensome and inaccurate uses of pipeline trips, b) pipeline trips are "guaranteed" transportation impacts accounted for in previous zone changes, with no guarantee they come to fruition, c) use of pipeline trips has caused underdevelopment, and d) new TSP analyzed potential development in existing zoned land, making pipeline trip's duplicative. Staff recommends the use of "traffic count growth rates," based on the Regional Model, in place of pipeline trips – page 34.

Reasons for adopting a new Public Works policy on trip rates for zone changes include: a) comments described the lack of clarity surrounding numbers used and b) staff recommends a policy, as opposed to MLDC language to avoid time consuming code amendments in the future if rates change – pages 47-48.

Reasons for changing to a common peak hour include: a) comments described how the use of varying peak hours results in less accurate analysis (for example: intersections near schools v. employers have different peak hours), and b) consistency with Jackson County and ODOT guidelines. Staff is recommending the use of one common peak hour for future TIAs.

Commissioner Parducci commented that in her experience the people who stipulate are typically getting zone changes to commercial and if we are requiring them to find a failing facility before they can stipulate then they're required to prepare an analysis just to stipulate to what they can already generate under existing zoning. She stated that if the commercial daily trip estimations for commercial zones were not so high then many developers would likely not want to stipulate. She was asked by the City last year to do some research on what the commercial daily trip estimations should be and she met with Jay Harland at CSA Ltd. to look at them. Jay developed trip graphs and tables that show a sliding scale rate works much better for the commercial zones than applying the City estimated 1,500 trips per acre across sites of varying sizes. She recommends that consideration be made to adjust the commercial trip rates for zone changes when the City implements the new policy. She recommends: 1) City staff to review traffic daily trip estimations for commercial zones before putting those numbers into new policy and 2) For a DCA-18-180 amendment to allow pass-by percentages in accordance with the most current edition of the ITE.

Karl MacNair, Transportation Manager, noted they can solidify what the revised rates will be before it is brought to Council in October.

Commissioner Jordan questioned why we would not take the stipulations out and Mr. MacNair answered that it could encourage underdevelopment. Commissioner Parducci asked that the 25 percent pass-by rate be removed. She noted that the ITE rate, from the Trip Generation Manual, we are using is from national studies and the ITE pass-by rate goes hand-in-hand with this, as well as making it more consistent and defensible. Mr. Crebbin noted that the 25 percent can go higher if requested and gave examples of how. Commissioner Jordan asked Mr. Crebbin if people want to do this, how one goes about it. He noted it would need to be shown with research and presented to Public Works.

Mr. Kearns spoke on potential future policies spearheaded from comments received, which may include: a) the use of subsection (9) in TPR – "One Map" land use, b) partial mitigation of transportation impacts when adding traded or industrial sector jobs, and c) allow use of all Tier 1 projects (i.e. remove "Mega-Corridor" exemption).

The next steps include: a) Planning Commission hearing September 12, 2019, b) City Council Hearing – October 3, 2019, c) if any of the "Further Policy" items are desired, additional code amendments would need to be initiated or a recommendation to Council will be needed, and d) the suggested motion: move to recommend approval of DCA-18-180 as described in the Transportation Commission memorandum dated August 21, 2019.

Mr. Kearns noted that on page 10-11 of the memo provided in the agenda packet, the staff has a recommended motion. Mr. MacNair noted that the two issues that Commissioner Parducci brought up can be voted on today if the Commission is ready. Commissioner Pulver asked if we can give staff the ability to require more information from applicants if outliers are present, as well as use the ITE manual. Mr. Kearns noted it could be an easy code change if need be.

Commissioner Pulver recommends approval of DCA-18-180. Commissioner Parducci SECONDED. He then amends the motion and asks staff to work on a staggered scale for trips to be used based on size of lot. Commissioner Parducci SECONDED. Amendment was approved. He then MOVED that percentage for pass by trips to be used to be in accordance with the latest ITE manual. Commissioner Parducci SECONDED. Amendment was APPROVED. Motion was APPROVED.

40.2 Parking Commission (I)

Eric Zimmerman, City Deputy Manager, spoke on aligning the work of the Parking Commission and the Transportation Commission. There is also potential of changing the Parking Commission to a committee but it has not yet been decided.

Commissioner Parducci asked to be part of the ODOT Volunteer Request for Planning Advisory Committee (PAC) for the North Medford I-5 Exit 30 Interchange Area Management Plan (IAMP).

## 50. Other Business

50.1 Citizens Academy

Mr. Zimmerman spoke about the new program that will launch in September and will generate interest, understanding, knowledge, support and communication between the community and the City. Chair Densmore suggested that if we are going to do a better job with this, we need a forum or more time in order to do so, and suggest the same set up as the Osher Lifelong Learning Institute (OLLI) at Southern Oregon University (SOU OLLI) program.

## 60. Planning and Public Works Department Update (I)

Mr. MacNair spoke about the Larson Creek Trail project which will be open in early October, from Ellendale to Black Oak. Additionally, Crater Lake Avenue and Owen Drive intersection improvements is under construction for the new signal. Springbrook Rd, from Cedar Links to Pheasant Lane is at 30% design and the Foothill Road Improvement Project: Hillcrest Road to McAndrews Road is at 60 percent design.

## 70. Comments from Commissioners and Other Committees (I)

Commissioner Pulver reminded all that this Commission does our best to provide the best we can do to vet what is needed for City Council, as well as other committees and commissions.

## 80. Next Meeting:

The next meeting is scheduled for Wednesday, September 25, 2019, at 12:30 p.m., and will be in City Hall, Medford Room 330.

## 90. Adjournment

The meeting adjourned at 2: 07p.m.

Respectfully Submitted,
Bonnie Glidewell

# Exhibit R
# Trip Generation Rate, Public Works Policy

PURPOSE
The purpose of this policy is to provide documentation of the vehicle trip generation rates to be used in Transportation Impact Analyses for zone changes.

POLICY
Trip generation rates shall be calculated per the below table. Trip generation rates are given in Average Daily Trips per acre (ADT/acre). "ITE rate" refers to the trip generation rate provided in the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. Where the ITE rates are not used, the peak hour trip generation is assumed to be 10% of the ADT. Consult with the Planning Department to determine if gross acreage or net acreage is used to determine density for a specific zone.

| Zoning District | ADT/acre |
|---|---|
| SFR-00 | ITE Rate for Single-Family Detached Housing |
| SFR-2 | (ITE Rate for Single-Family Detached Housing) * 2 |
| SFR-4 | (ITE Rate for Single-Family Detached Housing) * 4 |
| SFR-6 | (ITE Rate for Single-Family Detached Housing) * 6 |
| SFR-10 | (ITE Rate for Single-Family Detached Housing) * 10 |
| MFR-15 | (ITE Rate for Low Rise Multi-family Housing) * 15 |
| MFR-20 | (ITE Rate for Low Rise Multi-family Housing) * 20 |
| MFR-30 | (ITE Rate for Mid Rise Multi-family Housing) * 30 |
| I-G | 200 |
| I-H | 200 |
| I-L | 300 |
| C-S/P | 500 |
| C-R | See stepped rate description |
| C-C | See stepped rate description |
| C-H | See stepped rate description |
| C-N | See stepped rate description |

**Stepped Rate Description**

For the C-R, C-C, C-H, and C-N zones, the trip rate shall vary according to the size of the contiguous acreage being rezoned according to the following table:

| Size (acres) | ADT/acre |
|---|---|
| 1st Acre | 1500 |
| 2nd Acre | 1250 |
| 3rd through 5th Acre | 950 |
| 6th through 9th Acre | 650 |
| 10th Acre and up | 450 |

If a property wishes to remove the I-00 overlay, the existing trip credit shall be based on the County zoning prior to annexation in accordance with the below table.

| County Zoning | ADT/acre |
|---|---|
| Light Industrial | 100 |
| AD-MU | 200 |

The above rates may be reduced by 10% in mixed-use, pedestrian-friendly developments in accordance with the rules and definitions outlined in Oregon Administrative Rule 660-012-060.

**This Policy will remain in effect until superseded or cancelled.**

**Approved:** Cory Crebbin **Date:** TBD
Public Works Director

# Exhibit S
# DCA-18-180 Comments – The Chamber of Medford/Jackson County

**Allen Purdy**, *Chair*
*S+B James Construction Co.*
**Stephen Gambee**, *Secretary*
Rogue Disposal & Recycling
**David Wright**, *Treasurer*
CPM Real Estate Services
**Dixie Hackstedde**, *Vice Chair*
John L. Scott Realty
**Bruce Hoevet**, *Vice-Chair*
Rogue Regency Inn & Suites
**Travis Snyder**, *Vice-Chair*
Precision Electric
**Jessica Gomez**, *Chair-Elect*
Rogue Valley Microdevices
**Bill Powell**, *Immediate Past Chair*
Red Robin
**Brad Hicks**
President & CEO
**Curt Burrill**
Burrill Real Estate
**Nick Card**
Combined Transport
**Chad Day**
RoxyAnn Winery
**Mike Donnelly**
Carestream, Inc.
**Jay Harland**
CSA Planning, LTD.
**Joel Frasleur**
Knife River Materials
**Tim Jackle**
Foster Denman
**Jeff Kapple**
PacificSource Health Plans
**Scott Kelly**
Asante
**Cathy Kemper-Pelle**
Rogue Community College
**Christina Kruger**
Pacific Power
**Sue Kupillas**
Allied Solutions by Kupillas
**Steven Lightman**
Harry & David
**Chris Pizzi**
Providence Medford Medical Center
**Patsy Smullin**
KOBI NBC News 5
**Jason Stranberg**
Adroit Construction Co.
**Matt Stephenson**
Rogue Credit Union

RECEIVED
AUG 28 2019
PLANNING DEPT.

August 19, 2019

City of Medford Planning Commission
200 S. Ivy Street
Lausmann Annex, Room 240
Medford, OR 97501

Dear Commissioners,

I am writing on behalf of The Chamber of Medford/Jackson County Board of Directors, and over 1,300 members employing over 50,000 area residents, regarding some concerns related to the implementation of the TSP. As I think you are aware, this is a matter on which The Chamber has been providing input for a number of years. We appreciate the opportunity to comment on this proposal and it appears many of the changes proposed to date by the Commissioners and City staff are ones that will benefit the community.

We understand that Medford staff has sought policy direction from the Planning Commission on the proposed new transportation concurrency land development code language. The Chamber of Medford/Jackson County respectfully requests the Planning Commission consider providing the following policy direction:

1. As a general matter, transportation impact analyses are expensive and time-consuming for our small business community. The Chamber recognizes that they are appropriate to assure adequate transportation facilities are available to land being rezoned for future urban development. However, The Chamber requests the Commission consider the transportation impacts analysis procedures carefully to minimize any unnecessary or duplicative analysis requirements that do not, ultimately, capture actual impacts that are reasonably expected to arise from future development.

101 E. 8th Medford, OR 97501 Phone 541.779.4847 Fax 541.776.4808
| business@medfordchamber.com | info@medfordchamber.com | www.medfordchamber.com |

City of Medford Planning Commission
August 19, 2019
Page 2

2. The staff report for the August 12th Planning Commission Study Session requested specific policy direction on the implementation of Subsection 11 of the Transportation Planning Rule. The Chamber requests the Planning Commission direct staff to include a process to implement this subsection of TPR as part of the proposed code amendments. OAR 660-012-0060(11) allows transportation system performance flexibility if a City wants to allow development that creates jobs in "traded sector" industry. The Chamber, in cooperation with our other regional economic development partners, has years of experience in the attraction and growth of traded sector industry. In our experience, industry decision-makers for major capital investments want certainty with respect to schedules and process. Establishing develop code language to implement OAR 660-012-0060(11) will allow regulatory flexibility while providing all of us in the economic development community a tool that is subject to a schedule and a predetermined process.

Your consideration of these concerns is greatly appreciated. Either I, or members of our Executive Committee would be happy to answer any questions.

Best regards,

Allen Purdy
Chairman of the Board

Brad S. Hicks, CCE, IOM
President & CEO

101 E. 8th Medford, OR 97501 Phone 541.779.4847 Fax 541.776.4808
I business@medfordchamber.com I info@medfordchamber.com I www.medfordchamber.com I

# Exhibit T
# Planning Commission Draft Hearing Minutes – September 12, 2019

**September 12, 2019**
5:30 P.M.
Medford City Hall, Council Chambers
411 West 8th Street, Medford, Oregon

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

**Commissioners Present**
Mark McKechnie, Chair
Joe Foley, Vice Chair
David Culbertson
Bill Mansfield
David McFadden
Jared Pulver
Jeff Thomas

**Staff Present**
Kelly Evans, Assistant Planning Director
Carla Paladino, Principal Planner
Eric Mitton, Deputy City Attorney
Alex Georgevitch, City Engineer
Karl MacNair, Transportation Manager
Greg Kleinberg, Fire Marshal
Terri Richards, Recording Secretary
Kyle Kearns, Planner II
Steffen Roennfeldt, Planner III

**Commissioner Absent**
E.J. McManus, Excused Absence

10. Roll Call

* * *

**50.6 DCA-18-180** An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), regarding the City's transportation concurrency standards and Transportation Impact Analyses (TIAs) to implement the adopted 2018-2038 Transportation System Plan (TSP). Applicant: City of Medford; Planner: Kyle Kearns.

Kyle Kearns, Planner II reported that the Development Code Amendment approval criteria can be found in the Medford Land Development Code Section 10.218(B). The applicable criteria were addressed in the staff report and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Kearns gave the staff report.

Vice Chair Foley asked, have they addressed all the issues raised by incorporating them into the Trip Generation table and scaling that based on size? Mr. Kearns responded that is correct and it is outside the scope of Chapter 10.

Vice Chair Foley asked, do the other issues relate to Subsection (11)? Mr. Kearns replied that is correct.

Commissioner Pulver asked, does the trip generation relate to the commercial zones C-C, C-N, C-R and C-H? Exhibit Q talks about daily trips created. The issues raised by Jay Harland and Kim Parducci were, that in larger commercial developments, the daily rates were unachievable. It created grim traffic studies. Mr. Kearns did not want to speak to the policies directly because it would be largely in the Public Works Department. Public Works would be best to answer specific questions but the idea is as the sites get larger the ADT is reduced based by acreage.

Commissioner Pulver addressed Vice Chair Foley's previous questions stating that it explicitly excludes the conformance of the pass-by rate with the ITE Manual. It stops recommendation. Mr. Kearns clarified the pass-by rate stating they can ask for the use of the ITE Manual and be left to the discretion of the Public Works Director at that point. Right now it is capped at 25 percent.

Chair McKechnie asked, does pass-by have a maximum of 25 percent and a credit in the TIA? Mr. Kearns replied yes.

The public hearing was opened.

a. Jay Harland, CSA Planning Ltd, 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504. Mr. Harland wanted his comments on record on a few of the issues. One is Subsection (9) TPR Prohibition. His understanding from reading the structure of the code, Section 10.204, is directed at Quasi-judicial zone changes of specific pieces of property. It would not necessarily be prohibited as part of a legislative action because it is allowed by TPR. That is flexibility the City should retain. He does not think the amendment proposed by staff would prohibit that.

He is pleased to hear their policy recommendation and how that has moved forward on Subsection (11) of the TPR. It is something that would get used infrequently but could be something to make a big difference for the community. The other part of the staff report seemed to indicate that in the interim one would be able to use Subsection (11) and apply TPR directly even though the City has not written a specific process. From the code language he does not think it would be prohibited.

Mr. Kearns had mentioned that zone changes is when facility adequacy is measured. That is how Medford has done it historically. The City is now making changes to that code section. When he does future zone changes and the development comes in, the neighborhood does not like it and wants the traffic reevaluated. This amendment would benefit from having findings that state this is how Medford has always done it and this is how Medford is continuing to do it under the new code changes. That is consistent with the policy direction that is in the TSP.

Mr. Harland does not have a comment for commercial trip rates. Staff is wanting to get that worked out. It is central to how these amendments will function moving forward.

Chair McKechnie asked, staff is recommending Subsection (11) be studied separately. Does Mr. Harland think that is a good idea? Mr. Harland responded that would be great for the City to do that and have a specific process. He can see the rationale. There are good things happening in the amendments.

The public hearing was closed.

Motion: The Planning Commission, based on the findings and conclusions that all of the applicable criteria are satisfied, forwards a favorable recommendation for approval of DCA-18-180, including the Trip Generation Policy as recommended by the Transportation Commission, to the City Council per the staff report dated September 5, 2019, including Exhibits A through R.

Also, the Planning Commission moves that staff create a General File (GF) project for reviewing the use and application of TPR subsection (11) into Medford Municipal Code following up with study sessions with the Transportation Commission, Planning Commission and City Council (as needed).

Moved by: Vice Chair Foley

Seconded by: Commissioner McFadden

Commissioner Mansfield is confused because there are two motions. He is in favor of one and opposed to the other. Is the Commission voting on them at the same time? Vice Chair Foley responded that he rolled the two into one but if Commissioner Mansfield wants to break them up into two he can do that. Commissioner Mansfield thinks they need to since not all agree to the inclusion of Subsection (11).

Previous motion was withdrawn.

Motion: The Planning Commission moves that staff create a General File (GF) project for reviewing the use and application of TPR Subsection (11) into Medford Municipal Code following up with study sessions with the Transportation Commission, Planning Commission and City Council (as needed).

Moved by: Vice Chair Foley Seconded by: Commissioner McFadden

Commissioner Pulver is okay either way on the amendment. In his opinion it would become a tricky code to write. He would encourage findings that state Subsection (11) of the TPR be leveraged as the code is currently written and leave the discretion to the Public Works Director or City Council.

Commissioner Mansfield is opposed to studying Subsection (11). It appears to him to be an attempt to subvert the entire process of intelligent limitation in the interest of economic development. In his view, they either stay with their standards or they do not. He wants Subsection (11) prohibited. That is why he is opposed to studying it.

Commissioner Pulver thinks it is a state rule.

Karl MacNair, Transportation Manager reported it is a state law. In order to prohibit an approval under Subsection (11) it would need to be in the code. Staff did prohibit a different subsection that is an option of the TPR. As a local government they could elect to not allow approvals under Subsection (11).

Mr. Mitton commented that one of the requirements with Subsection (11) is that local governments make partial mitigation only if the local government determines that the benefits outweigh the negative impacts on local transportation facilities. There are two ways to do that. A stance in the code can make it easy or impossible to use or be silent which requires a lot of findings if using in a particular case.

Vice Chair Foley thinks that based on what Mr. Mitton just stated he recommends they study Subsection (11) then they have the option to prohibit it, ignore it or adopt it. If the leave it alone they are subject to it.

Commissioner Thomas asked, if they do not study it and leave it does that give more flexibility to have more findings? Chair McKechnie responded that it can be studied and leave it silent.

Commissioner Pulver asked about the approving authority. Ms. Evans replied that if it is a discretionary zone change it would go to the Planning Commission. There would be a traffic study. Staff would make a recommendation. It would likely be the Planning Commission's decision or the Site Plan and Architectural Commission's decision depending on the application it may go to City Council. That is part of the study. Having something in the text acknowledging that it exists would be helpful.

Commissioner Mansfield asked, is Vice Chair Foley's point Subsection (11) exists and if wanting to contest it they should move to study it rather than letting it sit? Vice Chair Foley responded that is his understanding. The Commission has three choices. They can ignore it or build it into the code or not allow any of it.

Roll Call Vote: Motion passed, 6-1-0, with Commissioner Pulver voting no.

Main Motion: The Planning Commission, based on the findings and conclusions that all of the applicable criteria are satisfied, forwards a favorable recommendation for approval of DCA-18-180, including the Trip Generation Policy as recommended by the Transportation Commission, to the City Council per the staff report dated September 5, 2019, including Exhibits A through R.

Moved by: Vice Chair Foley Seconded by: Commissioner McFadden

Commissioner Pulver wanted to amend the motion before going to City Council that staff provide additional findings on when and where facility adequacy is reviewed.

Mr. Mitton reported that a finding can be made that it is determined at the time of zone change.

Commissioner Pulver is fine with that as long staff is. Is zone change the only time facility adequacy is reviewed? Mr. MacNair stated that the code requires

a study for facility adequacy in Code Section 10.204 that relates to zone change and show there is Class "A" transportation facilities. That is where staff made the change to reference the TPR as the determinant of that facility adequacy. Being that requirement is already in Code Section 10.204 addressing zone changes he is not clear where the clarification is needed.

Chair McKechnie asked, is Commissioner Pulver's concern other land development issues? Commissioner Pulver nodded yes.

Mr. Mitton stated the legal affect a finding would and would not have is that the code expressly states to do the analysis at this time. A finding like that is not going to contradict a clear part of the code. It would prevent people from arguing that there is now an implied additional review at the time of site plan review or something like that. It would say, just as always, look at the code as explicitly when this review is done, historically, that has been at zone change. If at some point they have a new land use process that specifically calls for an analysis at that time this sort of finding would not contradict that. Explicit code language would still govern. This helps interpret it to head off an argument that staff is applying to other cases.

Commissioner Pulver asked, is Mr. Mitton's recommendation to amend the motion that says the Commission makes this finding? Mr. Mitton responded it makes it clean to have a motion to amend to include a finding that zone changes historically when this analysis is done and that is still the intent. That amendment would include that finding that would go to City Council as the recommendation on the whole.

Amended motion #1: Facility adequacy is assessed at time of zone change.

Moved by: Commissioner Pulver Seconded by: Vice Chair Foley

Amended motion #1 Roll Call Vote: Motion passed, 7-0-0.

Commissioner Pulver commented that staff is not supportive of using the ITE Manual for pass by rates. The argument is that the manual is being used for a lot of things (i.e. traffic counts, etc.) that it is recognized nationally as a guide for traffic engineering as opposed to the 25 percent that is arbitrary. Why not use it? The manual is being used for other things why chose to ignore its pass by rate?

Chair McKechnie responded that the idea behind the ITE Manual is how many trips it actually generates. Pass-by trips are a subset of trip generation that

only apply to commercial / retail developments. They are the people already on the road who the business hopes to suck into their site as they are driving by. It could be as high as 80 percent. Staff is saying they do not care what the ITE Manual states they are only going to allow 25 percent.

Mr. MacNair reported that the ITE Manual does provide trip generation rates for specific uses and also pass-by rates. Currently, the code caps pass-by rates at 25 percent. It has been in the code since 2001. It was put into the code to address specific issues that Public Works had been having with consultant proposing pass-by rates that were not reasonable.

It seems to Commissioner Thomas that the ITE Manual is based on data; the 25 percent is arbitrary. What is better for the business is what the data says and data should drive decisions.

Amended motion #2: The percentage for pass-by trips to be used in accordance with the latest ITE Manual.
Moved by: Commissioner Pulver Seconded by: Vice Chair Foley

Amended Motion #2 Roll Call Vote: Motion passed: 5-2-0, with Vice Chair Foley and Chair McKechnie voting no.

Main Motion Roll Call Vote: Motion passed, 7-0-0.

* * *

Submitted by:

Terri L. Richards
Recording Secretary

Joe Foley
Planning Commission Vice-Chair

Approved: September 26, 2019 (Pending)

MEDFORD
OREGON
cityofmedford.org

Item No: 100.1

AGENDA ITEM COMMENTARY

**DEPARTMENT:** City Manager
**PHONE:** (541) 774-2000
**STAFF CONTACT:** Brian Sjothun, City Manager

**AGENDA SECTION:** City Manager Report
**MEETING DATE:** October 3, 2019

Revised June 25, 2019

MEDFORD
PUBLIC WORKS

# FOOTHILL ROAD IMPROVEMENT PROJECT

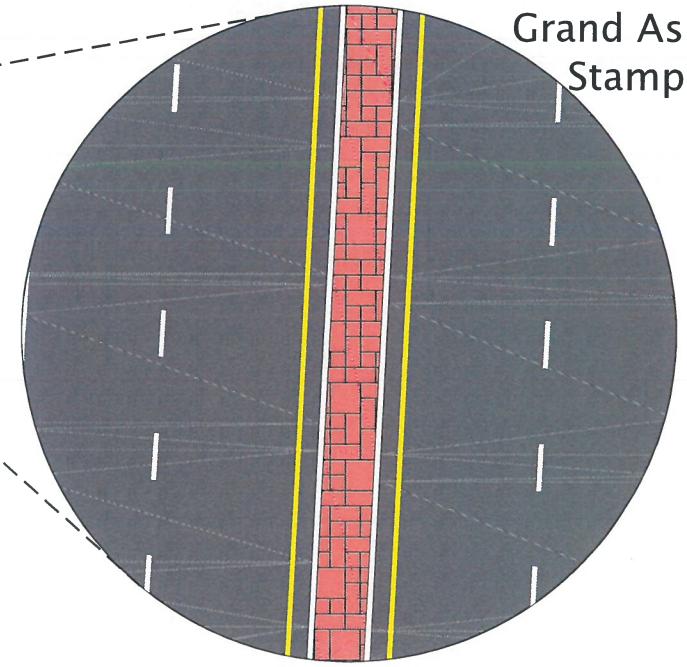
## CONCRETE MEDIAN TREATMENT

## OPTION 1

## COLOR: TERRACOTTA

## STAMP: GRAND ASHLAR

## (PARKS & RECREATION RECOMMENDATION)

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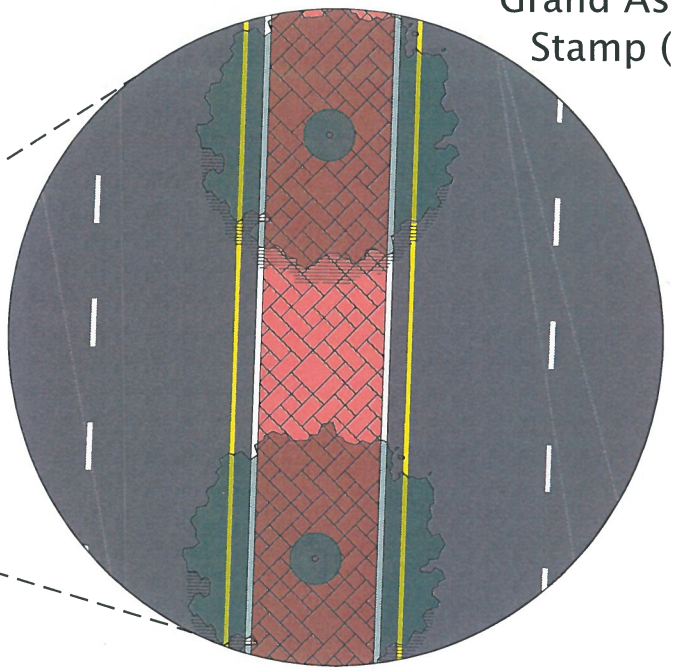



CITY OF MEDFORD - ENGINEERING DEPARTMENT

# FOOTHILL ROAD IMPROVEMENT PROJECT

## SPRING ST. TO HILLCREST RD.

### MEDIAN ISLAND TREATMENT

| | | | |
|---|---|---|---|
| DRAWN BY: CRAIG H. | DATE 8/19 | PROJECT NO. | |
| CHECKED BY: | DATE | P-1825 | |
| APPROVED | DATE | | |
| REVIEWED CITY TRANSPORTATION MANAGER | DATE | SHEET NO. | |
| REVIEWED BY CITY ENGINEER | DATE | 1 | |
| APPROVED BY ORDINANCE NO. | DATE | | |

Drawing name: P:\Land Projects 3\P1825 Foothill Road - McAndrews to Hillcrest\Design\Median Treatment.dwg Aug 29, 2019 - 4:30pm

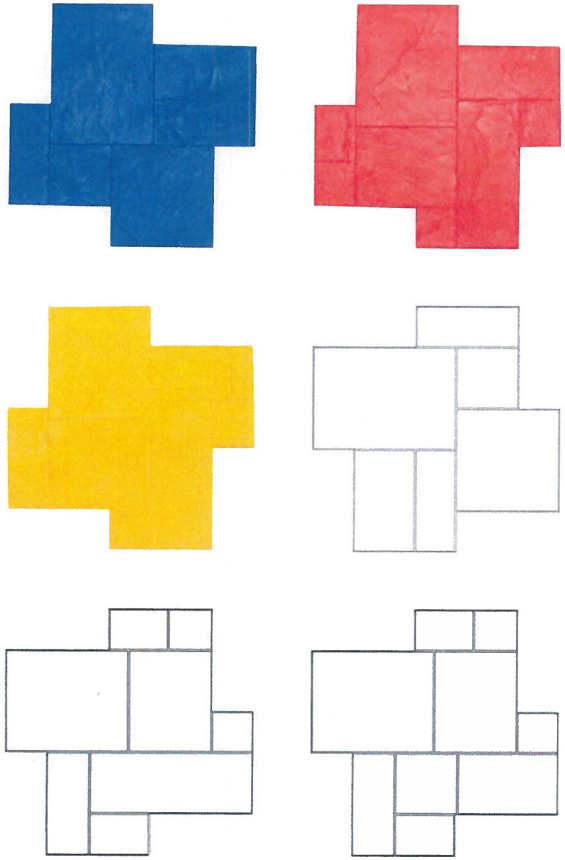
# Grand Ashlar

## Grand Ashlar, FM-3675

36" x 36" (91.44 x 91.44 cm)

Red, Yellow and Blue

Stones of various shapes and sizes laid in an Ashlar pattern, with a slate texture.
Matching touch-up wheel: TW-5.



MEDFORD
PUBLIC WORKS

# FOOTHILL ROAD IMPROVEMENT PROJECT

## CONCRETE MEDIAN TREATMENT

## OPTION 2

**COLOR: COACHELLA SAND**

**ANTIQUE RELEASE: NUTMEG**

**STAMP: ROUGH STONE TEXTURE**

**(FERN VALLEY INTERCHANGE MEDIAN TREATMENT)**

N Phoenix Rd
N Phoenix Rd
5
5

N Phoenix Rd
210

# BRICKFORM® Liquid Integral Color™

**FOR TECHNICAL ASSISTANCE PLEASE CALL 800-483-9628**

Different types of finishing techniques and curing methods will alter the finished appearance of Liquid Color. A job-site sample or test slab should be done, using the specified materials, as well as the finishing and curing techniques that will be used on the project. Batch to batch uniformity must be maintained to produce consistent color.

Custom Colors: With the BRICKFORM Liquid Color system virtually any pre-established industry color can be matched with minimal lead time. Non-established colors can also be matched with longer lead times. Call BRICKFORM or your local BRICKFORM Distributor for more information. Different colors in cement, as well as some sands and water content will result in different colors.

BASE COLOR: The colors on this color chart approximate laboratory samples of troweled concrete made from a 6-sack mix, using Type II Gray Portland Cement (see base color sample), Silica Sand, and water to achieve a 4-inch slump.

## Stock Colors

| | | | |
|---|---|---|---|
| LC-2310 Mesa Buff | LC-2115 Aspen | LC-2120 Pewter | LC-2225 Charcoal |
| LC-0310 Cream Beige | LC-2230 Desert Sand | LC-2235 Terra Cotta | LC-2240 Brick Red |

## Standard Colors

| | | | |
|---|---|---|---|
| LC-2245 Limestone | LC-2250 Sombrero Buff | Fern Valley Interchange<br>LC-2255 Coachella Sand | LC-2360 San Diego Buff |
| LC-2165 Coffee | LC-2170 Phoenix Tan | LC-1015 Blush Beige | LC-1090 Sun Buff |

## Designer Colors

| | | | |
|---|---|---|---|
| LC-0250 Oyster White | LC-2275 Porcelain Gray | LC-2280 French Gray | LC-2285 Dark Gray |
| LC-2390 Willow Green | LC-2295 Dusty Mauve | LC-2200 Quarry Red | LC-2350 Sedona Red |

BRICKFORM® A Division of Solomon Colors, Inc.
4050 Color Plant Road, Springfield Il 62702
Customer Service: 800-483-9628
Fax: 909-484-3658 www.brickform.com

# BRICKFORM STANDARD COLOR SELECTION GUIDE

Color Hardener
Antique Release
Antique-It

Cem-Coat
FreestylePRO

Overlay Liquid Colorant
Tinta' Seal

*The colors shown are representative and approximate, as closely as possible, concrete with a flat troweled finish, sealed with BRICKFORM, solvent-based, Gem-Seal.*

BRICKFORM
A Division of Solomon Colors, Inc.

## Fern Valley Interchange

**NEW**

660 Pool Blue*
1025 Copper Brown
1060 Pecan
1085 Saddle Brown
3100 Federal Yellow

1030 Ash White
250 Oyster White
1090 Sun Buff
1010 Smokey Beige
300 Nutmeg

625 Dover Blue
615 Stone Gray
600 Light Gray
200 Medium Gray
100 Dark Gray

735 Cappuccino
310 Cream Beige
815 French Gray
825 Slate Green
650 Smokey Blue*

320 Golden Sandstone
1080 Adobe Buff
1070 Sandy Buff
325 Sandstone
350 Desert Tan

1050 Antique Cork
515 Sunbaked Clay
700 Terra Cotta
425 Autumn Brown
1055 Pecos Sand

1015 Blush Beige
375 Buff Tan
525 Dusty Rose
400 Chestnut
810 Walnut

1020 Antique Rose
1035 Summer Beige
1065 Quarry Red
500 Tile Red
550 Brick Red

Custom colors and color matching services available

Also available in: (All Products) 900-Black, 1000-White*

**BRICKFORM Color Hardener, BRICKFORM Antique Release Agent, BRICKFORM Antique-It, BRICKFORM Cem-Coat, BRICKFORM FreestylePRO, and Tinta' Seal are available in 42 standard colors.**

***BRICKFORM Overlay Liquid Colorant not available in NEW colors, Smokey Blue or White.**

Custom colors and color matching services available

**Inquiries: 800-483-9628**

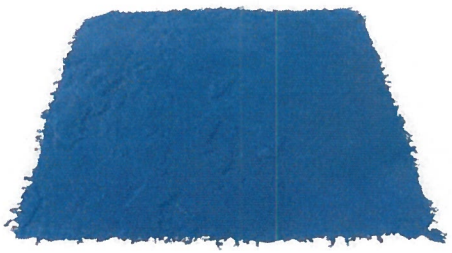
**Web: www.brickform.com**

The colors shown are representative and approximate, as closely as possible, concrete with a flat troweled finish, sealed with BRICKFORM Gem-Seal. BRICKFORM is not responsible for job conditions, application methods, finishing techniques, curing methods and other variables and cannot guarantee the final appearance to be an exact match. Texturing or finishing techniques such as brooming or troweling, the use of sealers, and slight color-drifts in raw materials will produce variations of the colors. BRICKFORM strongly recommends a representative job sample for each product.

## Fern Valley Interchange

### FM-A Blue Stone

A natural stone surface with a sandy texture that includes clefts which leave a layered appearance.



### FM-B Limestone

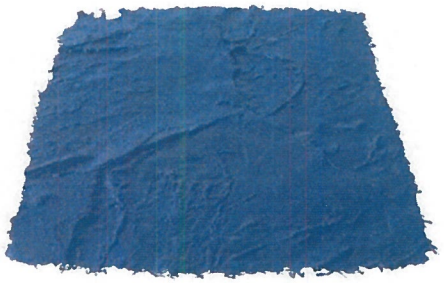
A natural stone surface, similar to Veronica Stone but with a finer texture.
*Available in Extra Large (60" x 60").

### FM-C Rough Stone

A natural stone texture characterized by a continuous coarse surface with several distinguishing veins.
*Available in Extra Large (60" x 60").

### FM-D Heavy Stone

A rough, natural stone surface containing chips, fractures, pockmarks and veins.
*Available in Extra Large (60" x 60").



MEDFORD
PUBLIC WORKS

# FOOTHILL ROAD IMPROVEMENT PROJECT

## CONCRETE MEDIAN TREATMENT

## OPTION 3

## COLOR: NATURAL STONE

## TEXTURE: EXPOSED AGGREGATE

730