



## Medford City Council Meeting

# Agenda

**December 20, 2018**

**6:00 P.M.**

**Medford City Hall, Council Chambers  
411 West 8<sup>th</sup> Street, Medford, Oregon**

**10. Roll Call**

**20. Recognitions, Community Group Reports**

20.1 Employee Recognition

**30. Oral Requests and Communications from the Audience**

Comments will be limited to 4 minutes per individual, group or organization. PLEASE SIGN IN.

**40. 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.

40.1 COUNCIL BILL 2018-138 A resolution adopting a fifth Supplemental Budget for the 2017-19 biennium.

40.2 COUNCIL BILL 2018-139 An ordinance approving a minor amendment to the General Land Use Plan (GLUP) Map of the Medford Comprehensive Plan by changing the land use designation of 2.35 acres located at 2211, 2231, and 2251 Table Rock Road and 659 Berrydale Avenue from Urban High Density Residential (UH) to Service Commercial (SC). (CP-18-133) Land Use, Legislative

40.3 COUNCIL BILL 2018-140 An ordinance approving a legislative amendment to the Environmental Element of the Medford Comprehensive Plan to incorporate the 2016 Urban Reserve Local Wetlands Inventory. (CP-17-117) Land Use, Legislative

**50. Approval or Correction of the Minutes of the December 6, 2018 Regular Meeting**

**60. Consent Calendar**

**70. Items Removed from Consent Calendar**

**80. Ordinances and Resolutions**

80.1 COUNCIL BILL 2018-132 – SECOND READING - An ordinance amending sections 10.012, 10.314, 10.337, 10.821, and 10.826 of the Medford Municipal Code to modify standards for Accessory Dwelling Units.

80.2 COUNCIL BILL 2018-141 An ordinance awarding a one-year contract with an option of four one-year renewals to Pedemonte Law in the total amount of \$306,260 to perform public defender services for the City of Medford.

80.3 COUNCIL BILL 2018-142 An ordinance authorizing execution of an amendment to the Solid Waste Disposal and Landfill Capacity Guarantee Agreement between the City of Medford and Dry Creek Landfill, Inc., extending the existing agreement to January 1, 2049.

80.4 COUNCIL BILL 2018-143 An ordinance authorizing the City Manager to apply to the Jackson County Circuit Court to appoint the City of Medford as the receiver for Tax Maplot 372W36BB 2700 known as 1039 Cherry Street.

COUNCIL BILL 2018-144 An ordinance authorizing the City Manager to apply to the Jackson County Circuit Court to appoint the City of Medford as the receiver for Tax Maplot 372W25BD 7900 known as 1530 West Main Street.

80.5 COUNCIL BILL 2018-145 A resolution approving the Building Director's selection of eligible properties for abatement pursuant to the Housing Receivership Ordinance of the City of Medford.

**90. Council Business**

90.1 Proclamations issued: None

90.2 Presentation of Plaques

90.3 Committee Reports and Communications

**100. City Manager and Staff Reports**

100.1 Foundation Board Appointments

100.2 Further reports from City Manager

**110. Adjournment**



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.1

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

**AGENDA SECTION:** Public Hearings  
**MEETING DATE:** December 20, 2018

## **COUNCIL BILL 2018-138**

A resolution adopting a fifth Supplemental Budget for the 2017-19 biennium.

## **SUMMARY AND BACKGROUND**

Council is requested to consider a fifth supplemental budget for the 2017-2019 biennium which will affect seven departments and nine funds.

The total impact is a \$2,054,800 increase in appropriations for the 2017-2019 biennium. ORS 294.471 provides for a Supplemental Budget process. This supplemental budget is being presented in a public hearing due to the Federal Forfeiture Fund, State Forfeiture Fund, Park Southeast Area SDC Fund, Park Improvement Fund, and Cemetery Fund increasing appropriations by more than 10%. When this occurs, a public hearing is required.

## **PREVIOUS COUNCIL ACTIONS**

June 15, 2017 – Council approved Resolution 2017-57 adopting the 2017-2019 biennial budget.

October 19, 2017 – Council approved Resolution 2017-122 adopting first supplemental budget for the 2017-2019 biennium.

December 7, 2017 – Council approved Resolution 2017-138 adopting a second Supplemental Budget for the 2017-19 biennium.

June 7, 2018 – Council approved Resolution 2018-51 adopting a third Supplemental Budget for the 2017-2019 biennium.

September 20, 2018 – Council approved Resolution 2018-112 adopting a fourth Supplemental Budget for the 2017-2019 biennium.

## **ANALYSIS**

### **General Fund (100):**

#### **City Manager's Office (CMO)**

#### **CMO Supplemental Budget #1 (Appropriation Transfer)**

The CMO is requesting to transfer appropriations of \$30,000 from Opportunity Costs and Professional Services line items to Social Services Grants for the Continuum of Care that was approved by Council via Resolution 2018-118.

#### **Fire Department**

The Medford Fire Department is requesting to recognize revenue and increase appropriations in the amount of \$147,900 for the following:

- \$135,000 – Donation to Medford Fire from the Karger estate (funds will be received by the end of December 2018)
- \$1,000 – Grant from the Home Fire Sprinkler Coalition
- \$11,900 – Reimbursement from the Office of the State Fire Marshall



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

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## **Municipal Court**

The Municipal Court is requesting to transfer \$35,000 from contingency to contracted services for the renting of jail beds. When the 2017-2019 budget was prepared, the estimate for jail bed rental was based on usage that has since increased.

## **Police Department**

### **Police Supplemental Budget #1 - HIDTA:**

The Police Department is requesting to recognize and appropriate the remaining \$81,200 of the 2018 High Intensity Drug Trafficking Area (HIDTA) grant. Medford Area Drug and Gang Enforcement Team (MADGE) was awarded \$125,000 and is requesting council to accept the balance of the 2018 award, which has now been released by HIDTA upon the adoption of the Office of National Drug Control Policy (ONDCP) federal budget. The initial release of \$43,800 was recognized and appropriated by the Council on 6/7/18 per the approved resolution 2018-51 adopting the third Supplemental Budget for the 2017-19 Biennium.

### **Police Supplemental Budget #2 - SRO:**

The Medford Police Department has provided four School Resource Officers (SRO) to Medford School District 549C for the past 20 plus years. The Medford School District 549C requested to add another SRO at Central Medford High School. The Medford 549C agreed to pay all cost associated with an additional staff member and police equipped vehicle. **This will increase staffing by one FTE (police patrol officer) # 212000166.** The Medford School District 549C agreed to pay the Medford Police Department \$220,000.00 for SRO services for school year 18/19 and thereafter. If the Medford School District 549C terminates the memorandum of understanding for SRO services the additional FTE will be subtracted and reduced by attrition.

### **Police Supplemental Budget #3 - MADGE Marijuana Grant funding:**

The Medford Police Department along with the Jackson County Sheriff's office applied and was awarded a grant from the State of Oregon to investigate/reduce black market marijuana. The Medford Police Department's portion of this award is \$154,400. The money will be used to add an additional MADGE sergeant to supervise the added personnel (MPD/JCSO personnel) assigned to MADGE. **This will increase FTE staffing by one employee (police sergeant) #212000144.** If the grant funding is reduced or eliminated the FTE position will be reduced by attrition.

### **Police Supplemental Budget #4 - Inheritance funding:**

The Medford Police Department along with the Medford Fire Department was bequeathed money from an inheritance. MPD's portion is \$135,000.00. \$100,000.00 will be placed into the capital motive account to purchase replacement vehicles for aging detective and administrative vehicles. These purchased vehicles will be utilized to offset the purchase of replacement vehicles in the next biennium. \$27,000.00 will be placed into police patrol small equipment. This money will be used to replace 17 aging Tasers assigned to MPD detectives and three body worn cameras and storage fees for MPD's code enforcement officers. The remaining \$8,000.00 will be placed into PD MADGE/ salaries to offset the shortage of funding from the Marijuana Grant for the new MADGE sergeant position.

### **Police Supplemental Budget #5 - Federal Forfeiture Funds (Supplemental Budget and Appropriations Transfer):**

The Medford Police Department, along with Jackson County Sheriff's Office, was awarded a state-funded grant to investigate and reduce illegal black market marijuana in Jackson County. The MADGE Board met on October 30, 2018 and approved the expenditures of \$250,000 to equip the newly-formed Illegal Marijuana Task Force.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

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The \$250,000 is being appropriated as such:

\$214,000 is being recognized and allocated on the Supplemental Budget from forfeiture proceeds that have been received this biennium. The remaining \$36,000 is being transferred from the Federal Forfeiture Fund Contingency account to the Small Equipment expense account via the attached Appropriations Transfer Request.

Of the \$250,000, \$205,000.00 will be appropriated on the Supplemental Budget to the Motive Equipment account for the purchase and equipping of four undercover vehicles for the newly assigned investigators in the Illegal Marijuana Task Force in MADGE, as well as for the purchase of a dump trailer for the removal and securing of marijuana evidence. The remaining \$45,000 will be appropriated to the Small Equipment account for the purchase of equipment for the investigators, including portable radios, repeaters, cameras, ballistic vests, body wires and trackers. \$9,000 is allocated on the Supplemental Budget and \$36,000 is allocated on the Appropriations Transfer Request.

### **Police Supplemental Budget #6 - Overtime and Insurance Reimbursement (Misc. Revenue):**

The Jackson County Sheriff's office asked for assistance from the Medford Police Department, on the following incidents:

- Prisoner security at Rogue Regional Medical Center-ICU; the MPD overtime cost was \$1,950.
- Scene security on the Ramsey Canyon and Garner Creek Fires; the MPD overtime cost was \$4,850.
- Country Crossing Music Festival; MPD's overtime cost was \$5,450.

The \$12,250 that was received from Jackson County will reimburse the PD/Patrol/overtime account.

An MPD Officer was involved in a Motor Vehicle Accident, the officer was not at fault but the vehicle was determined to be a total loss. The insurance company of the other party agreed to pay \$29,800.00. We request the money be placed into PD/Admin/ Motive Equipment to help pay for a replacement patrol vehicle.

The US Marshal Service requested assistance from the Medford Police Department on two different details. The first detail was "Operation Southern Exposure", which was an operation to enforce compliance in the sex offender registration process that ran from April to June 2018. The US Marshal Service reimbursed the City \$3,200 for MPD's overtime cost.

The second detail was "Operation Safe Greenway", which funded additional Greenway Health and Safety operations as a continued effort to eradicate homelessness on the Greenway. These were in addition to the monthly operations currently being conducted. The additional operations were in July, August, and September of 2018 for a reimbursement to the City for \$4,900. The total amount paid by the US Marshal Service for these two details was \$8,100.

A summary of all the reimbursements can be found below:

- Prisoner security at Rogue Regional Medical Center-ICU - \$1,950
- Scene security for Ramsey Canyon and Garner Creek fires - \$4,850
- Security at Country Crossings Music Festival - \$5,450
- Insurance reimbursement for vehicle accident - \$29,800
- Reimbursement for Operation Southern Exposure - \$3,200
- Reimbursement for Operation Safe Greenway - \$4,900



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

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The total reimbursements of \$50,150 will be used for the following:

- \$12,250 to pay overtime costs for security details
- \$29,800 to pay towards a replacement vehicle
- \$8,100 to pay for overtime costs for two operations

### **Police Supplemental Budget #7 - State Forfeiture – Agency Distribution:**

Participating agencies in the Medford Area Drug and Gang Enforcement team (MADGE) all contribute personnel for MADGE related responsibilities. For example, Jackson County has an assigned Detective, District Attorney, and Probation Officer, and the Oregon State Police have an assigned State Trooper. In the agreement, forfeiture monies are shared by the participating agencies.

Previously, seizures of Federal forfeiture monies were shared between the partner agencies. However, in July 2018, new Federal forfeiture guidelines were published which changed the method Federal forfeiture funding may be spent. It specifically prohibits the fiduciary agent, in our case the City of Medford, from sharing Federal forfeiture funding with partner agencies. Therefore the Federal funds will be replaced with State forfeiture funding which allows sharing with partner agencies.

The total State forfeiture monies received of \$150,000 will be paid towards MADGE contracted services and will be split between all of the participating agencies.

### **Police Supplemental Budget #8 - ODOT:**

The Medford Police Department was awarded a grant from the Oregon Department of Transportation (ODOT) to provide speeding enforcement in the City of Medford to increase safety on City streets. Additionally, ODOT requested the Medford Police Department to deploy a photo enforcement speed van at the construction zone on I-5 during night-time hours, to ensure the safety of their workers. ODOT has reimbursed the City of Medford \$36,500 for these operations (\$34,650 for overtime costs for speed enforcement and \$1,850 for photo enforcement officer wages).

### **Planning Department**

The Planning Department is requesting to recognize \$30,000 from the Housing Authority of Jackson County. The City will assume the role of “responsible entity” for completion of NEPA environmental assessments on affordable housing projects proposed by Housing Authority of Jackson County. The City will work with Camas Consulting to complete assessments, and Housing Authority will reimburse the City for all associated costs plus an administrative fee to be determined.

### **Storm Drain Utility Fund (501):**

#### **PW Operations**

Public Works Operations Division is requesting to transfer appropriations of \$15,800 from the Storm Drain Repair line item to the Capital Outlay line item. The request is for the purchase of a replacement crawler for storm drain maintenance. The cost to repair the current equipment would be approximately \$7,000.

### **Miscellaneous Park Funds (621, 630, and 633):**

#### **Parks, Recreation, and Facilities**

##### **Parks, Recreation, and Facilities Supplemental Budget #1**

The Parks, Recreation, and Facilities department is requesting to recognize and appropriate the following:

- \$11,400 - Donation received from former Cemetery Commissioner Jeraldyn Jerome for care and maintenance of the cemetery.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.1

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- \$5,000 - Reimbursement from Mahar Homes for development of Michael Park Dr./Loan Oak Dr. related to Village Center Park.
- \$110,500 - Grant received from the State of Oregon Recreational Trails Program to build an ADA trail at Prescott Park.
- \$76,350 - ODOT reimbursement to the City for property involved with the North Medford interchange, specifically reimbursing the City for Musser and Goddard property acquisition in the SE area.

### **Parks, Recreation, and Facilities Supplemental Budget #2**

The Parks, Recreation, and Facilities department was awarded a State of Oregon Local Government Grant with a maximum reimbursement amount of \$490,000 for the Cedar Links Park Development.

### **Parks, Recreation, and Facilities Supplemental Budget #3**

The Parks, Recreation, and Facilities department is requesting \$2,500 to recognize and appropriate a Medford Rotary grant that will be used to re-wrap a department vehicle.

### **Parks, Recreation, and Facilities Supplemental Budget #4**

The Parks, Recreation, and Facilities department is requesting to recognize and appropriate a State of Oregon Local Government Grant in the amount of \$69,100 for the Bear Creek Playground.

### **Parking Fund (701):**

#### **CMO**

#### **CMO Supplemental Budget #2**

The CMO is requesting to recognize \$55,000 in additional revenues over what was budgeted and to appropriate an additional \$55,000 for Professional Services and Credit Card Fees. \$40,000 of the additional appropriations will pay for Ventek Parking Machine Software fees and upgrades, and \$15,000 will be appropriated for credit card fees associated with the additional revenues.

### **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

The proposed resolution will increase appropriations as follows:

Fund	Existing Appropriations	New Appropriations
100	\$ 65,000	\$ 849,550
200		8,100
201	36,000	214,000
202		150,000
501		15,800
621		115,500
630		635,450
633		11,400
701		55,000
	<b>\$ 101,000</b>	<b>\$ 2,054,800</b>



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

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**TIMING ISSUES**

None

**COUNCIL OPTIONS**

Approve the resolution as presented.

Modify the resolution as presented.

Deny the resolution as presented and provide staff with direction.

**STAFF RECOMMENDATION**

Staff recommends approval of the resolution

**SUGGESTED MOTION**

I move to approve the resolution as outlined in the attached exhibit.

**EXHIBITS**

Resolution

Supplemental Budget Request

RESOLUTION NO. 2018-138

A RESOLUTION adopting a fifth Supplemental Budget for the 2017-19 biennium.

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

WHEREAS, a public hearing was held by the City on December 20, 2018, after proper notice thereof was given to the public; now, therefore,

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

SECTION 1. The City Council hereby adopts a fifth Supplemental Budget for the 2017-19 biennium.

SECTION 2. The City Council hereby makes the new appropriations and transfers of appropriations for the 2017-19 biennium in the amounts and for the purposes shown on the Supplemental Budget Adjustment form which is attached hereto as Exhibit A and incorporated herein by reference.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

# EXHIBIT A

CITY OF MEDFORD

## SUPPLEMENTAL BUDGET REQUEST PER ORS 294.471

Requesting Department: Finance

Biennium BN2017-19

Date of Proposed Council Action: December 20, 2018

Date December 20, 2018

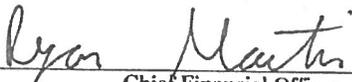
Explanation of Requested Transfer: See AIC

Account Number	Description	Project Number	Debit	Credit
<b>Police Department</b>	<b>HIDTA Grant</b>			
100 0000 - 431 0105	LLEG/JAG/BYRNE	PHI0087100-4105		81,200
100 2122 - 610 1002	Overtime	PHI0087100-1002	21,000	
100 2122 - 610 1002	Contracted Services	PHI0087100-2101	7,000	
100 2122 - 610 1002	Copier & Printing	PHI0087100-2207	2,100	
100 2122 - 610 1002	Operating Tools/Mats	PHI0087100-2430	2,100	
100 2122 - 610 1002	Small Equipment	PHI0087100-2432	2,500	
100 2122 - 610 1002	Investigation	PHI0087100-2457	3,000	
100 2122 - 610 1002	HIDTA Buy Money	PHI0087100-2458	37,000	
100 2122 - 610 1002	Communication	PHI0087100-2475	6,500	
<b>Police Department</b>	<b>School Resource Officer</b>			
100 0000 - 441 2117	General/Medford 549C			220,000
100 2110 - 640 4004	PD Admin/Motive Equipment		50,000	
100 2120 - 610 1001	PD Patrol/Salaries & Wages		145,000	
100 2120 - 610 1002	PD Patrol/Overtime		25,000	
<b>Police Department</b>	<b>Marijuana Grant</b>			
100 0000 - 431 0205	General/State PD Grant			154,400
100 2122 - 610 1001	PD MADGE/Salaries		142,400	
100 2122 - 610 1001	PD MADGE/Salaries		12,000	
<b>Police Department</b>	<b>Inheritance</b>			
100 0000 - 461 0301	General/Donations			135,000
100 2110 - 640 4004	PD Admin/Motive Equip.		100,000	
100 2120 - 630 2432	PD Patrol/Small Equip.		27,000	
100 2122 - 610 1001	PD MADGE/Salaries		8,000	

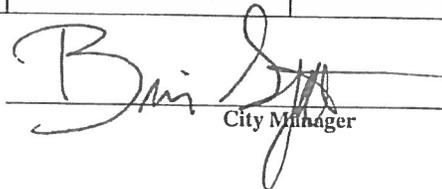
Account Number	Description	Project Number	Debit	Credit
<b>Police Department</b>	<b>Federal Forfeiture</b>			
201 0000 - 431 0109	Federal Forfeiture	PFM0071201-4109		59,000
201 0000 - 431 0109	Federal Forfeiture	PFM0071201-4109		155,000
201 2122 - 630 2214	Fed DOJ DEA FBI/Small Equip.	PFM0071201-2432	9,000	
201 2122 - 640 4100	Fed DOJ DEA FBI/Motive Equip.	PFM0071201-4004	50,000	
201 2122 - 640 4100	Fed Treas ICE/Motive Equip	PFM0072201-4004	155,000	
<b>Police Department</b>	<b>Federal Forfeiture</b>			
201 2122 - 630 2214	Fed DOJ DEA FBI/Small Equip.	PFM0071201-2432		36,000
201 1590 - 690 9099	Contingency	PFM0071201	36,000	
<b>Police Department</b>	<b>Miscellaneous Revenue</b>			
100 0000 - 441 2112	PD Services			1,950
100 0000 - 471 0101	OFS - O/S Source			4,850
100 0000 - 471 0101	OFS - O/S Source			5,450
100 0000 - 471 0103	OFS - Damage Claims			29,800
100 0000 - 471 0108	OFS - Misc. Revenue			8,100
100 2120 - 610 1002	PD Patrol/Overtime		1,950	
100 2120 - 610 1002	PD Patrol/Overtime		4,850	
100 2120 - 610 1002	PD Patrol/Overtime		5,450	
100 2110 - 640 4004	PD Admin/Motive Equip.		29,800	
200 3230 - 610 1002	PD Patrol/Overtime		8,100	
<b>Police Department</b>	<b>State Forfeiture</b>			
202 0000 - 471 0108	St. Forfeiture/OFS - Misc. Rev			150,000
202 2122 - 630 2214	PD MADGE/Contracted Services		150,000	
<b>Police Department</b>	<b>ODOT DUII Grant</b>			
100 0000 - 431 0110	Federal DUII Grant			36,500
100 2120 - 610 1002	PD Patrol/Overtime		34,650	

Account Number	Description	Project Number	Debit	Credit
100 2120 - 610 1005	PD Patrol/Temporary		1,850	
<b>Parks &amp; Recreation</b>	<b>Donations &amp; Contributions</b>			
633 0000 - 461 0301	Cemetery Donations			11,400
621 0000 - 471 0108	Fund 621 Misc. Revenue	RZZ1012621-4108		5,000
621 0000 - 471 0108	Fund 621 Misc. Revenue			110,500
630 0000 - 471 0108	Fund 630 Misc. Revenue	RZZ1011630-4108		76,350
633 5140 - 630 2532	Cemetery Maintenance		11,400	
621 5180 - 650 5100	SE Neighborhood CIP	RZZ1012621-5100	5,000	
621 5180 - 650 5100	SE Area Plan		110,500	
630 5180 - 650 5100	Trail Development CIP	RZZ1011630-5100	76,350	
<b>Parks &amp; Recreation</b>	<b>Grant for Bear Creek Park Playground</b>			
630 0000 - 431 0201	Fund 630 Misc. Revenue	RZZ1008630		69,100
630 5180 - 650 5100	Fund 630 - Parks Improv.	RZZ1008630	69,100	
<b>Parks &amp; Recreation</b>	<b>Grant for Cedar Links Park Development</b>			
630 0000 - 431 0201	Fund 630 Misc. Revenue	QCL1001630		490,000
630 5180 - 650 5100	Fund 630 - Parks Improv.	QCL1001630	490,000	
<b>Parks &amp; Recreation</b>	<b>Donations</b>			
100 0000 - 461 0301	General/Donations			2,500
100 5120 - 630 2101	Other Professional Services		2,500	
<b>Municipal Court</b>	<b>Jail Bed Rental</b>			
100 1610 - 630 2101	Contracted Services		35,000	
100 1610 - 630 2101	Contingency			35,000
<b>PW Operations</b>	<b>Storm Drain Equipment</b>			
501 3122 - 640 4006	Capital Outlay		15,800	
501 3122 - 630 2552	Storm Drain Repair			15,800

Account Number	Description	Project Number	Debit	Credit
<b>City Manager's Office</b>	<b>Parking Revenue</b>			
701 0000 - 451 1607	Parking Violations Revenue			25,000
701 0000 - 441 1202	Pay & Display Revenue			30,000
701 1210 - 630 2101	Professional Services		40,000	
701 1210 - 630 2107	Bank Credit Card Fees		15,000	
<b>City Manager's Office</b>	<b>Continuum of Care Grant</b>			
100 6110 - 630 2704	Social Services Grant		30,000	
100 1110 - 630 2452	Opportunity Costs			10,000
100 1110 - 630 2101	Professional Services			20,000
<b>Planning</b>	<b>Affordable Housing</b>			
TBD	New Revenue Source - Housing Authority of Jackson County	DPL00371002214		30,000
100 1810 - 630 2101	Environmental Planning - NEPA Review Affordable Housing	DPL00371002214	30,000	
<b>Fire Department</b>	<b>Donations/Reimbursements</b>			
100 0000 - 461 0301	Donations			135,000
100 0000 - 431 0301	Grants			1,000
100 0000 - 431 0201	Conflagration			11,900
100 2220 - 610 1002	Operations/Overtime		135,000	
100 2221 - 630 2430	FLSD/Operating Tools		1,000	
100 2220 - 610 1002	Operations/Overtime		11,900	
<b>TOTALS</b>			<b>2,155,800</b>	<b>2,155,800</b>

  
 Ryan Mauter  
 Chief Financial Officer

Approved by

  
 Brian Smith  
 City Manager



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.2

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

**AGENDA SECTION:** Public Hearings  
**MEETING DATE:** December 20, 2018

## COUNCIL BILL 2018-139

An ordinance approving a minor amendment to the General Land Use Plan (GLUP) Map of the Medford Comprehensive Plan by changing the land use designation of 2.35 acres located at 2211, 2231, and 2251 Table Rock Road and 659 Berrydale Avenue from Urban High Density Residential (UH) to Service Commercial (SC).

## SUMMARY AND BACKGROUND

City Council is requested to consider a proposal to change the General Land Use Plan (GLUP) map designation from Urban High Density Residential (UH) to Service Commercial (SC) on four parcels of land totaling 2.35 acres located at 2211, 2231 and 2251 Table Rock Road and 659 Berrydale Avenue. The Housing Authority of Jackson County began their operational activities at the subject site and received approval for a Conditional Use Permit (CUP) in 2002. The CUP allowed the Housing Authority to operate their main office at this location. The subject site is currently developed with three multi-family residential structures, three office structures, one detached single-family residential building, as well as vehicular parking facilities and driveways serving the existing uses. Approval of this application will allow the Housing Authority to operate the office and the multi-family units as outright permitted uses instead of conditional uses.

The Planning Commission forwarded a favorable recommendation to City Council for the proposed GLUP amendment at a public hearing on November 29, 2018. At the same meeting, the Planning Commission approved the concurrent request to change the underlying zoning of the subject site from Multiple Family Residential (MFR-20) and Single Family Residential (SFR-6) to Service Commercial and Professional Office (C-S/P), which is consistent with the proposed Service Commercial GLUP designation. The zone change approval is contingent on approval of the subject request (File No. CP-18-133).

## PREVIOUS COUNCIL ACTIONS

None.

## ANALYSIS

Review of the proposed GLUP map designation change can be found to meet the applicable criteria for a Comprehensive Plan Amendment as found in the *Review and Amendments* chapter of the Comprehensive Plan, as the proposed change: 1) is consistent with relevant Comprehensive Plan policies and implementation strategies that seek to provide an adequate supply of commercial land; 2) does not decrease the amount of land available for high density residential development as the proposed zoning of Service Commercial and Professional Offices also permits for multi-family residential development; 3) can be found to have adequate facilities to serve the current and future development of the property; 4) and can be found to meet the applicable statewide planning goals.

## FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

## TIMING ISSUES

None.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 40.2

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**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 adopt the ordinance authorizing the change of the General Land Use Plan map designation from Urban High Density Residential (UH) to Service Commercial (SC) for the 2.35 acre property located at 2211, 2231 and 2251 Table Rock Road and 659 Berrydale Avenue as recommended by the Planning Commission.

**EXHIBITS**

Ordinance

Council Report, including Exhibits A-V

ORDINANCE NO. 2018-139

AN ORDINANCE approving a minor amendment to the General Land Use Plan (GLUP) Map of the *Medford Comprehensive Plan* by changing the land use designation of 2.35 acres located at 2211, 2231, and 2251 Table Rock Road and 659 Berrydale Avenue from Urban High Density Residential (UH) to Service Commercial (SC).

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That a minor amendment to the GLUP Map of the *Medford Comprehensive Plan* to change the land use designation of 2.35 acres located at 2211, 2231, and 2251 Table Rock Road and 659 Berrydale Avenue from Urban High Density Residential (UH) to Service Commercial (SC) is hereby approved.

Section 2. The approval is based upon the Findings of Fact and Conclusions of Law included in the Council Report dated November 29, 2018 attached as Exhibit A and incorporated herein.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor



City of Medford

# Planning Department

*Working with the community to shape a vibrant and exceptional city*

## COUNCIL REPORT

for a Type IV legislative decision: **Minor Comprehensive Plan (General Land Use Plan Map) Amendment**

Project Housing Authority of Jackson County  
Applicant: Housing Authority of Jackson County;  
Agent: Scott Sinner Consulting, Inc.

File no. CP-18-133

To City Council *for 12/20/2018 meeting*

From Steffen Roennfeldt, Planner III

Reviewer Matt Brinkley, Planning Director

Date November 29, 2018

## BACKGROUND

### Proposal

Request for consideration of a minor General Land Use Plan (GLUP) amendment to reclassify four parcels of land, totaling 2.35 acres located at 2211, 2231 & 2251 Table Rock Road and 659 Berrydale Avenue from Urban High Density (UH) to Service Commercial (SC) (372W13CA 2400, 4903, 4904 & 5000).

### Vicinity Map



Subject Site Characteristics

Zoning	SFR-6	Single Family Residential – 4 to 6 dwelling units per gross acre
	MFR-20	Multiple Family Residential – 15 to 20 dwelling units per gross acre
GLUP Use	UH	Urban High Density Residential Offices for the Housing Authority of Jackson County Multiple multi-family dwelling units

Surrounding Site Characteristics

<i>North</i>	Zone:	MFR-20 & MFR-30 (Multiple Family Residential – 20 to 30 dwelling units per gross acre)
	Use:	Multiple multi-family residential dwelling units
<i>South</i>	Zone:	SFR-6
	Use:	Detached single-family residential
<i>East</i>	Zone:	MFR-20
	Use:	Vacant & detached single-family residential
<i>West</i>	Zone:	SFR-6 & MFR-30
	Use:	Detached single-family residential & attached multi-family residential

Related Projects

CUP-95-017	Housing Authority of Jackson County; 4,000 square foot office building.
CUP-02-084	Housing Authority Office Expansion – Revision to a Conditional Use Permit to allow a 2,930 square-foot addition to an office building.
AC-02-101	Housing Authority Office Expansion Site Design Review
CUP-09-100	Revision to an existing CUP to allow for the conversion of an existing duplex to office space together with the addition of a vestibule as part of the Housing Authority of Jackson County facility.
PA-13-125	Pre-Application conference regarding conceptual plans for a CUP regarding the conversion of a duplex to an office and the paving of a parking area.

Applicable Criteria

**MINOR COMPREHENSIVE PLAN AMENDMENT CRITERIA – MEDFORD LAND DEVELOPMENT CODE SECTION 10.222**

*For the applicable criteria the Medford Land Development Code (MLDC) 10.222(B) redirects to the Review and Amendment section of the Comprehensive Plan. The applicable criteria in this action are those for map amendments, and are based on the following:*

1. *A significant change in one or more Goal, Policy, or Implementation Strategy.*
2. *Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*
3. *The orderly and economic provision of key public facilities.*
4. *Maximum efficiency of land uses within the current urbanizable area.*
5. *Environmental, energy, economic, and social consequences.*
6. *Compatibility of the proposed change with other elements of the City Comprehensive Plan.*
7. *All applicable Statewide Planning Goals.*

Corporate Names

Scott Sinner is the Registered Agent and President for Scott Sinner Consulting, Inc. according to the Oregon Secretary of State Business Registry. Colleen Sinner is listed as the Secretary.

Authority

The subject application is a Type IV legislative Comprehensive Plan amendment. The Planning Commission is authorized to act as an advisory agency, forwarding a recommendation to City Council for proposed amendments to the Comprehensive Plan.

At the November 29, 2018 Planning Commission meeting, the Planning Commission moved to forward a favorable recommendation for approval of CP-18-133 to the City Council per the staff report dated November 16, 2018 including all exhibits.

At the same meeting, the Planning Commission also conditionally approved a Zone Change (File Number ZC-18-132) for the subject properties provided the City Council will approve the GLUP amendment.

## ISSUES AND ANALYSIS

### Project Summary

Figure 1 depicts the subject site with its current zoning designations. A zone change was conditionally approved from SFR-6 (Tax Lots 4904 and 5000) and MFR-20 (Tax Lots 2400 and 4903) to C-S/P (Service Commercial and Professional Offices) by the Planning Commission on November 29, 2018.



Figure 1: Current Zoning



Figure 2: Current GLUP Map

As part of this Type 4, legislative application, City Council is being asked to consider a General Land Use Plan (GLUP) map designation change from UH (Urban High Density Residential) to SC (Service Commercial). The current General Land Use Plan designation map is shown in Figure 2.

The applicant, the Housing Authority of Jackson County, began their operational activities at the subject site in 2002. It has since operated under various Conditional Use Permits which allowed the Housing Authority to operate their main office at this location. The subject site is developed with three office buildings, three multiple-family residential buildings and one single-family residential building as well as parking and driveway facilities serving the existing uses.

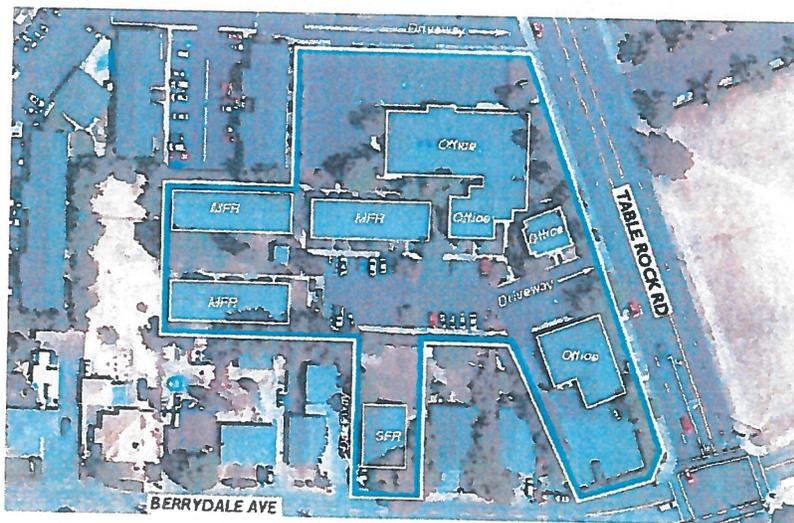


Figure 3: Current Layout and Uses

The conditionally approved zone change (from Single- and Multi-Family Residential to Service Commercial and Professional Office) in conjunction with this application (changing the GLUP Map from Urban High Density Residential to Service Commercial) will establish the existing office and multi-family uses as outright permitted uses instead of conditional uses.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
001	Business Offices, nec - no material or equipment storage	P	P	P	P	P	P	X	X
881	Dwelling Units	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps

**FINDINGS AND CONCLUSIONS**

Applicable Criteria – Minor Comprehensive Plan Amendment

For the applicable criteria for Minor Comprehensive Plan Amendments, MLDC Section 10.222(B) redirects to the criteria in the “Review and Amendments” chapter of the Comprehensive Plan. The applicable criteria in this action are those for map amendments. The criteria are set in *italics* below, findings and conclusions are in Roman type.

*Comprehensive Plan, Review and Amendments chapter: Amendments [to Map Designations] shall be based on the following [criteria 1-7]:*

1. *A significant change in one or more Goal, Policy, or Implementation Strategy.*

Findings:

The City recently completed an Urban Growth Boundary amendment which addressed future land needs of all types. The subject proposal includes less than 2.5 acres and would create only minimal changes resulting in an insignificant difference of residential and commercial inventories.

Conclusions:

The proposed change is consistent with pertinent Comprehensive Plan policies and implementation strategies that seek to provide an adequate supply of commercial land.

2. *Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*

Findings:

The Economic Element of the Comprehensive Plan identifies a projected need for Service Commercial land to provide employment opportunities. While the proposal is quite small in size and the changes would be minimal, it does provide an opportunity to provide a greater mix of uses. The proposal preserves current uses, one of which is multi-family. The zone change to Service Commercial and Professional Offices, as was

approved by the Planning Commission, included a restrictive zoning overlay. The restriction is due to sanitary sewer constraints in the area and will limit new multi-family development to a maximum of 20 dwelling units per acre.

Conclusions:

The proposal responds to a demonstrated need for adequate employment opportunities. The subject property's location near a major arterial, in close proximity to the North Medford I-5 Interchange and the Rogue Valley International Airport highlights the appropriateness of the SC (Service Commercial) designation.

3. *The orderly and economic provision of key public facilities.*

Findings:

Transportation, water, and sewer utilities are available to the site and are adequate to serve the changes without upgrading the facilities. A Traffic Impact Analysis (TIA) was included with this application. The conclusion of the analysis stated that *'the proposed comprehensive plan map amendment and concurrent zone change can be approved without significantly affecting any existing or planned transportation facility nor result in types of levels of travel or access that are inconsistent with the functional classification of any existing or planned transportation facility such that it would not meet the performance standard identified in the City's TSP or Comprehensive Plan.'*

Conclusions:

Public Works concurs with the report and levies no conditions of approval regarding facility adequacy. Sufficient facilities exist to accommodate the proposed classification change.

4. *Maximum efficiency of land uses within the current urbanizable area.*

Findings:

The Service Commercial GLUP designation allows for high-density residential in addition to permitted commercial uses. A change would allow the applicant to expand the current offices on-site and would also allow for the high density residential use of the site to continue.

Conclusions:

A designation change would mean the land could be used for both service commercial and high density residential uses.

5. *Environmental, energy, economic, and social consequences.*

Findings:

**Environmental:** The subject site is already within the UGB, thus has already met the test concerning environmental impact.

**Energy:** There are no energy consequences.

**Economic:** By addressing an employment land deficit, there is an economic benefit. Change of designation will also allow for the applicant to more efficiently manage their portfolio of dwelling units.

**Social:** The General Land Use Plan Element of the Comprehensive Plan states that the Service Commercial designation may be located adjacent to residential designations. Also, retaining the offices in the current location will have a positive social impact for clients. The location is also located adjacent to a RVTD bus stop and bus route.

Conclusions:

**Environmental:** Since the subject property is not in a natural state and has long been identified for urban development, there will be no adverse environmental impacts.

**Energy:** There are no energy consequences.

**Economic:** By addressing an employment land deficit, there is an economic benefit.

**Social:** The Service Commercial designation is appropriately located adjacent to the Urban High Density Residential designation.

6. *Compatibility of the proposed change with other elements of the City Comprehensive Plan.*

Findings:

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

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

Conclusions:

This proposed change does supply a small amount of the projected need for Service Commercial land.

7. *All applicable Statewide Planning Goals.*

**Goal 1 – Citizen Involvement**

Findings:

Goal 1 requires the City to have a citizen involvement program that sets the procedures by which affected citizens will be involved in the land use decision process, including participation in the quasi-judicial revision of the Comprehensive Plan. The City of Medford has an established citizen-involvement program consistent with Goal 1 that includes public review of proposed Comprehensive Plan amendments by the Planning Commission and City Council.

Conclusions:

By following the standard notification and comment procedure, the City provided adequate opportunities for citizen input.

**Goal 2 – Land Use Planning**

Findings:

The City has a land use planning process and policy framework in the form of a Comprehensive Plan and development regulations in Chapter 10 of the Municipal Code that comply with Goal 2. These are the bases for decisions and actions.

Conclusions:

There is an adequate factual basis for the proposed designation change.

**Goal 3 – Agricultural Lands** - does not apply

**Goal 4 – Forest Lands** – does not apply

**Goal 5 – Natural Resources, Scenic & Historic Areas and Open Spaces** – does not apply

**Goal 6 – Air, Water, and Land Resources Quality**

Findings:

The allowable uses in the Service Commercial designation do not generally produce discharges that are notably different from allowed uses in the Urban High Density Residential designation. There are no streams on the property that would be impacted. The land in question is not classified as a resource in terms of agriculture because it is classified as urbanizable.

Conclusions:

The proposed change will have no discernable effect on the production of pollutants. There are no water or land resource quality impacts.

**Goal 7 – Areas Subject to Natural Hazards** – does not apply

**Goal 8 – Recreation Needs** – does not apply

**Goal 9 – Economic Development**

Findings:

Goal 9 outlines that Comprehensive Plans shall “provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.”

Conclusions

Service Commercial allows for both commercial and high density residential uses. There is a benefit in retaining a housing potential on the subject property.

**Goal 10 – Housing**

Findings:

The goal requires that “plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.” The proposed change would partially remove the potential for a definite number of low-density housing units and replace it with a potential for a greater number of high-density housing units.

Conclusions:

The housing development potential is retained by the proposal.

**Goal 11 – Public Facilities and Services**

Findings:

Refer to findings under Criterion 3, above.

Conclusions:

Refer to conclusions under Criterion 3, above.

**Goal 12 – Transportation**

Findings:

The “Transportation Planning Rule” (OAR 660-012) requires cities to have plans to accommodate anticipated transportation system needs. A traffic impact analysis was provided with this proposal and the corresponding zone change.

Conclusions:

The submitted traffic impact analysis states that the potential development associated with the proposed GLUP designation change and subsequent zone change would generate 1,180 Average Daily Trips (ADT), which is 410 ADT more than they are currently generating. The report states that no higher order intersections will be significantly impacted by the 41 additional PM peak hour trips the property could potentially generate. The Traffic Engineering Section of the Public Works Department has reviewed the analysis and concluded that the proposed changes and corresponding trip generation would not significantly impact the surrounding system facilities.

**Goal 13 – Energy Conservation** – does not apply

**Goal 14 – Urbanization** – does not apply

**Goals 15 to 19** – do not apply to this part of the State

**RECOMMENDED ACTION**

Minor Comprehensive Plan (GLUP Map) Amendment

Adopt the ordinance authorizing the map change from Urban High Density Residential (UH) to Service Commercial (SC) for the four parcels of land, totaling 2.35 acres located at 2211, 2231 & 2251 Table Rock Road and 659 Berrydale Avenue.

**EXHIBITS**

- A Conditions of Approval, dated November 16, 2018
- B Tract Map, received September 17, 2018
- C Subject Site Assessor Map, received September 17, 2018
- D General Land Use Plan Map Excerpt, received September 17, 2018
- E Applicant's Findings of Fact re: Comprehensive Plan Amendment, received September 17, 2018
- F Applicant's Findings of Fact re: Zone Change, received September 17, 2018
- G Public Works Staff Report, dated October 31, 2018
- H Medford Water Commission Memo, revised November 9, 2018
- I Fire Department Report, dated October 31, 2018
- J Building Department Memo, dated October 29, 2018
- K Jackson County Roads Memo, received October 19, 2018
- L Traffic Impact Analysis Scoping Letter, dated September 10, 2018
- M Public Works Memo re: Traffic Impact Analysis, dated September 25, 2018
- N Traffic Impact Analysis Summary and Conclusion, received September 17, 2018
- O Legal Description, received September 17, 2018
- P City Surveyor Memo, dated October 25, 2018
- Q E-Mail from Scott Sinner re: Sewer Constraints, received November 15, 2018
- R 'Lawfully Created Parcels' letter from J. Hibbs, received November 15, 2018
- S E-Mail from Scott Sinner re: sewer constraints, received November 21, 2018
- T Applicant's Additional Findings re: sewer constraints, received November 26, 2018
- U E-Mail from Scott Sinner providing a stipulation re: sewer constraints, received November 26, 2018
- V Planning Commission Draft Minutes from November 29, 2018  
Vicinity map

**CITY COUNCIL AGENDA:**

**DECEMBER 20, 2018**

**EXHIBIT A**

Jackson County Housing Authority  
ZC-18-132 & CP-18-133  
Conditions of Approval  
November 16, 2018

**CODE REQUIRED CONDITIONS (Zone Change only)**

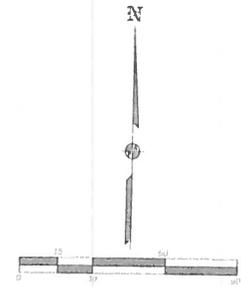
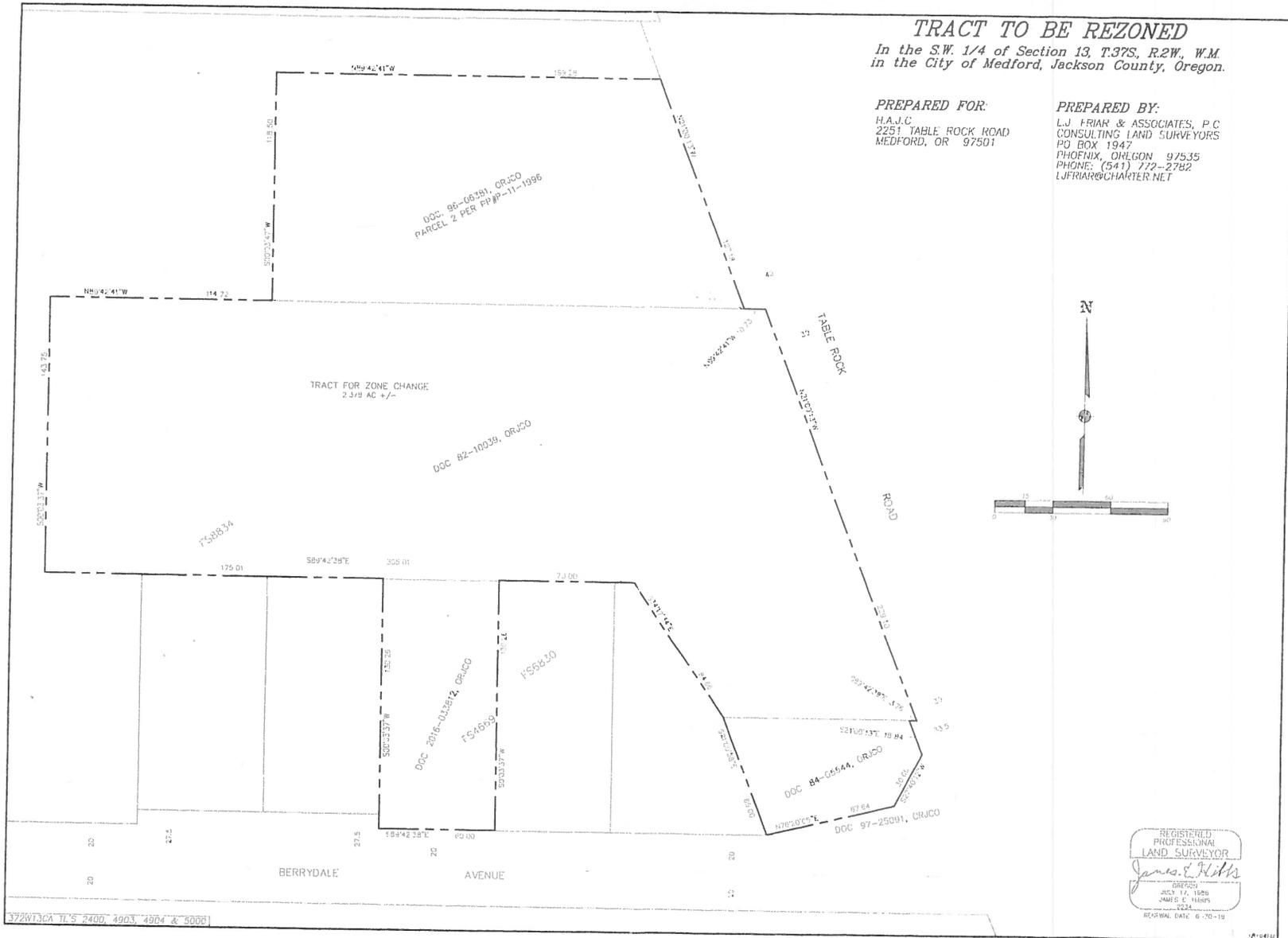
1. The change of zone (ZC-18-132) shall be effective upon City Council approval of the General Land Use Plan (GLUP) map amendment (CP-18-133).
2. The applicant shall comply with all requirements of the Public Works Report (Exhibit G).
3. The Restricted Zoning Overlay shall be established by deed restriction or covenant, and must be recorded at the County Recorder's office with proof of recordation returned to the Planning Department within 30 days of the zone change becoming effective.

RECEIVED  
SEP 17 2013  
PLANNING DEPT.

**TRACT TO BE REZONED**  
In the S.W. 1/4 of Section 13, T.37S, R.2W, W.M.  
in the City of Medford, Jackson County, Oregon.

**PREPARED FOR:**  
H.A.J.C.  
2251 TABLE ROCK ROAD  
MEDFORD, OR 97501

**PREPARED BY:**  
L.J. FRIAR & ASSOCIATES, P.C.  
CONSULTING LAND SURVEYORS  
PO BOX 1947  
PHOENIX, OREGON 97535  
PHONE: (541) 772-2782  
LJFRIAR@CHARTER.NET



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*James E. Friar*

OR 0255  
JULY 17, 1986  
JAMES E. FRIAR  
1224  
RENEWAL DATE: 6-30-19

CITY OF MEDFORD  
EXHIBIT # B  
FILE # ZC-18-132 18-133

12

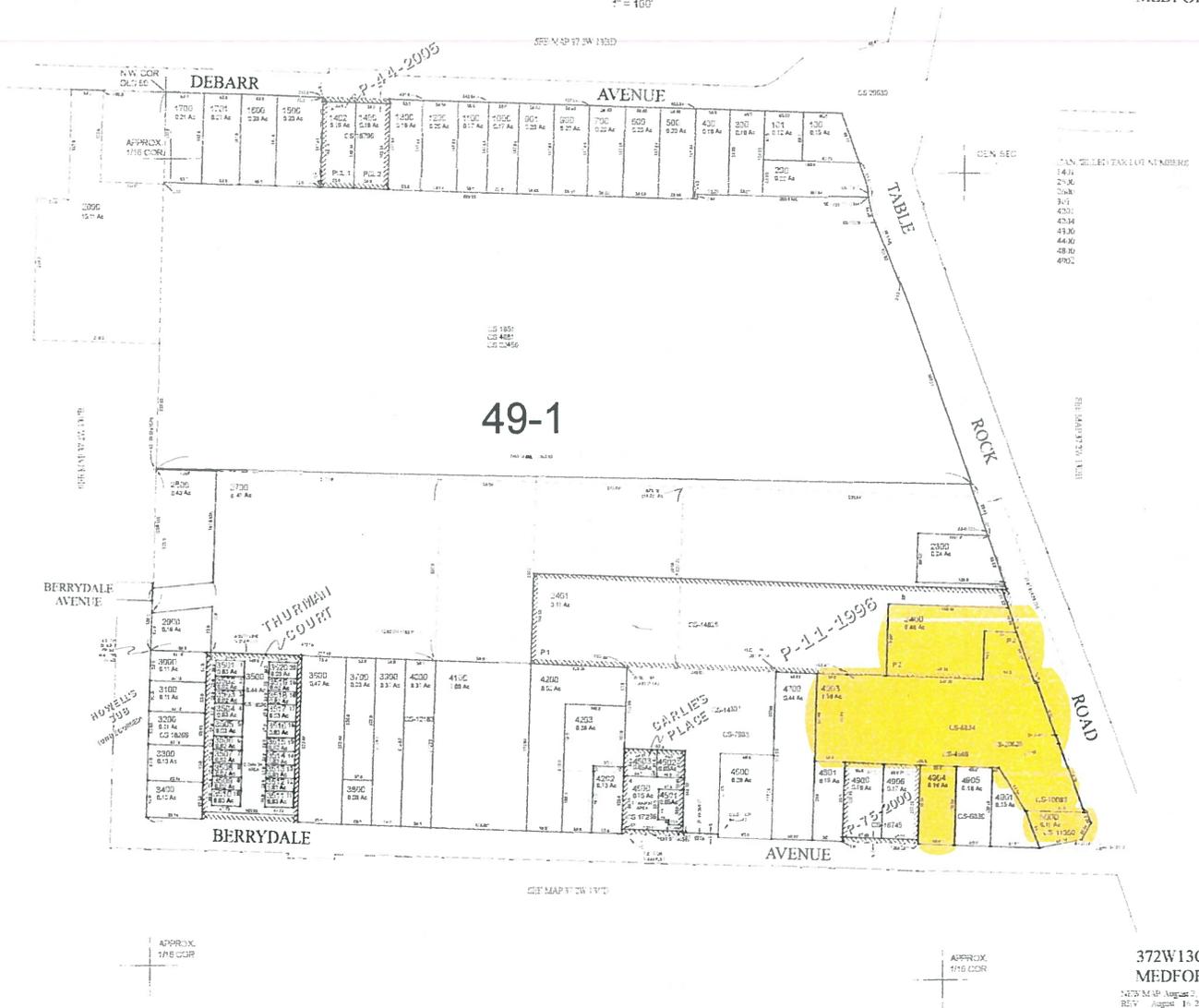
CITY OF MEDFORD  
EXHIBIT # B  
FILE # ZC-18-132  
CP-18-133

RECEIVED  
 SEP 17 2018  
 PLANNING DEPT.

N.E. 1/4 S.W. 1/4 SEC. 13 T. 37S. R. 2W. W.M.  
 JACKSON COUNTY  
 1" = 100'

372W13CA  
 MEDFORD

PL & ASSIGNMENT AND  
 TAXATION ONLY



GIS DATA  
 9/12/2018 7:39:14 AM barameth



FINDINGS OF FACT

RECEIVED

SEP 17 2018

PLANNING DEPT.

**BEFORE THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON**

**IN THE MATTER OF A COMPREHENSIVE PLAN AMENDMENT )  
OF THE PROPERTIES IDENTIFIED AS 372W13CA TAX LOTS 2400, )  
4903, 4904, AND 5000 )  
HOUSING AUTHORITY OF JACKSON COUNTY )  
SCOTT SINNER CONSULTING, INC. AGENT )**

**FINDINGS OF FACT  
AND  
CONCLUSIONS OF LAW**

**Applicant:**

Housing Authority of Jackson County  
2251 Table Rock Road  
Medford, OR 97501  
Ryan Haynes  
541-779-5785  
[ryan@haic.net](mailto:ryan@haic.net)

**Agent:**

Scott Sinner Consulting, Inc.  
4401 San Juan Dr. Suite G  
Medford, OR 97504  
Scott Sinner  
541-601-0917  
[scottsinner@yahoo.com](mailto:scottsinner@yahoo.com)

**Property 1:**

Housing Authority of Jackson County  
2251 Table Rock Road  
Medford, OR 97501  
  
372W13CA TL 2400  
.48 acre  
MFR-20 zoning district  
UH GLUP designation

**Property 2:**

Housing Authority of Jackson County  
2231 Table Rock Road

7

FINDINGS OF FACT

Medford, OR 97501

372W13CA TL 4903

1.58 acre

MFR-20 zoning district

UH GLUP designation

**Property 3:**

Housing Authority of Jackson County

2211 Table Rock Road

Medford, OR 97501

372W13CA TL 5000

.11 acre

MFR-20 zoning district

UH GLUP designation

**Property 4:**

Housing Authority of Jackson County

659 Berrydale Ave

Medford, OR 97501

372W13CATL 4904

.18 acre

SFR-6 zoning district

UH GLUP designation

**Project Summary:**

The subject properties are the current offices for the Housing Authority of Jackson County(HAJC).

HAJC is operating as a condition use under the Conditional Use Permit (CUP) approved as CUP-13-125.

The properties are currently developed with the HAJC offices and multiple multi-family dwelling units, and various parking lots and drive aisles.

## FINDINGS OF FACT

This application is a Comprehensive Plan Amendment (CPA) to change the General Land Use Plan Map (GLUP) designation for the subject properties from Urban High Density (UH) to the Service Commercial (SC) designation. Zone change findings of fact are submitted concurrently with this application to demonstrate the consistency with the approval criteria to the Commercial Service Professional (C/SP) zoning district.

The approval of both applications will allow the HAJC to operate the office and the multifamily units as outright permitted uses instead of conditional uses subject to the terms of the current CUP.

### Approval Criteria:

#### *10.222 Minor Type IV Amendments*

*(A) Minor Type IV Amendments typically focus on specific individual properties and are therefore considered quasi-judicial. Minor Type IV Amendments include:*

- (1) Minor Comprehensive Plan Amendment;*
- (2) Minor General Land Use Plan Map Amendment;*
- (3) Minor Urban Growth Boundary Amendment;*
- (4) Transportation Facility Development; or*
- (5) Vacation of Public Right-of-Way.*

*(B) Minor Type IV Amendment Approval Criteria. For minor amendments to the Comprehensive Plan, General Land Use Plan Map, or Urban Growth Boundary refer to the Review and Amendment section of the Comprehensive Plan. For Transportation Facility Development approval criteria refer to Section 10.226*

*(B). For the approval criteria for Vacation of Public Right-of-Way refer to Section 10.228 (D).*

### Findings of Fact

This application will amend the General Land USE Plan Map (GLUP) for the four contiguous properties. Medford Land Development Code (MLDO) section 10.222 identifies the requested GLUP amendment as a minor amendment subject to the review and amendment section of the Comprehensive Plan (Comp Plan).

## FINDINGS OF FACT

The Review and Amendment section of the Comp Plan identify a GLUP amendment as a Minor Amendment:

*Minor Amendments are those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established.*

The request for Map Designation amendment is based on the following basis:

*Map Designations – Amendments shall be based on the following:*

- 1. A significant change in one or more Goal, Policy, or Implementation strategy.*
- 2. Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*
- 3. The orderly and economic provision of key public facilities.*
- 4. Maximum efficiency of land uses within the current urbanizable area.*
- 5. Environmental, energy, economic and social consequences.*
- 6. Compatibility of the proposed change with other elements of the City Comprehensive Plan.*
- 7. All applicable Statewide Planning Goals.*

### Findings of Fact

- 1. A significant change in one or more Goal, Policy, or Implementation strategy.*

The General Land Use Plan (GLUP) Map Element of the Comprehensive Plan states the GLUP Map is dynamic. The subject property was designated as Urban High Density (UH).

The Housing Authority acquired the first of the subject parcels in 1982. The original development on any of the properties was multifamily dwellings. The Housing Authority began some operational activities at the site and received approval for a Conditional Use Permit (CUP) in 2002 with an amendment in 2009. The CUP allowed the Housing Authority to operate their main office at this location.

The need for affordable housing in the area has allowed the Housing Authority to grow the housing portfolio to over 850 dwelling units, and the development of 50-75 units per year for the foreseeable future.

The growth in both the operational need for the existing clients and the future development of projects has resulted in the demand for additional office space. With the

## FINDINGS OF FACT

significant investment in the existing facilities, the Housing Authority determined this Comprehensive Plan Amendment to change the Urban High Density (UH) designation to the Service Commercial (SC) designation with a zone change to the Commercial Service Professional (C-SP) zoning district will meet the needs of future growth better than multiple CUP amendments.

*2. Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*

The approval of this application will help satisfy urban housing needs. The SC GLUP Designation will allow the Housing Authority to expand office operations as a permitted use instead of revising a Conditional Use Permit as expansion is required.

The expansion of office space at the current location will allow Staff to better serve clients in the operational management of the existing portfolio, as well as the planning and development of new properties and dwelling units to better meet and serve the population and demand for affordable housing in the area.

The rental vacancy rates in Medford are trending at historically low levels indicating a continued strong demand for housing.

### Historical Rental Vacancy Rate data for Medford

Date	US	Oregon	Medford, OR
2016	5.89%	3.17%	—
2015	5.85%	3.64%	2.09%
2014	6.32%	3.57%	4.18%
2013	6.49%	4.45%	5.84%
2012	6.77%	4.75%	5.28%
2011	7.40%	5.06%	3.95%
2010	8.17%	5.60%	4.43%
2009	8.43%	6.30%	2.57%
2008	7.86%	5.71%	4.35%
2007	7.87%	5.08%	0.00%
2006	7.70%	5.57%	3.63%
2005	7.74%	6.39%	4.35%

*Census ACS Data 2017*

## Real Gross Rent History for Medford

Date	US Median	Oregon Median	Medford, OR Median	Medford, OR Average
2016	\$981	\$1,015	\$933	\$984
2015	\$972	\$955	\$894	\$931
2014	\$942	\$932	\$892	\$970
2013	\$910	\$892	\$892	\$951
2012	\$898	\$876	\$855	\$879
2011	\$898	\$866	\$879	\$906
2010	\$912	\$871	\$873	\$946
2009	\$916	\$891	\$879	\$981
2008	\$932	\$882	\$908	\$948
2007	\$885	\$834	\$870	\$929
2006	\$895	\$837	\$860	\$901
2005	\$869	\$823	\$823	\$866

*Census ACS Data 2017*

The low vacancy rates have resulted in the highest average rents in the last decade.

The requested map amendment will allow the Housing Authority to expand the operations at the existing site to both develop new dwelling units and meet the needs of the clients in a centralized, convenient location.

### *3. The orderly and economic provision of key public facilities.*

The site is currently served with the key public, Category A, facilities. The Category A facilities include domestic water, storm sewer, sanitary sewer and streets. Any future development will comply with all development standards in effect at the time of submittal.

#### Water

The Medford Water Commission (MWC) is responsible for the domestic water supply and the management of the distribution system. According to Rodney Grehn of the MWC, the subject properties are currently served as described below:

*MWC has the following water facilities which serve this existing development located on the west side of Table Rock Road:*

- 1. There is an existing 8-inch water line located in the public right-of-way along the east side of Table Rock Road.*

## FINDINGS OF FACT

2. *There is an existing 8-inch water line located in the easterly portion of the northerly access driveway within an existing 10-foot wide MWC Water Line easement per Jackson County Records easement document OR-14119. (This water line is "looped" through the remainder of this development out to Berrydale Avenue.*
3. *There is an existing 6-inch water line located in the westerly portion of the northerly driveway, and also in the westerly driveway within an existing 10-foot wide MWC Water Line easement per Jackson County Records, per easement document OR-99-39802.*
4. *There is an existing 6-inch water line located along the south side of Berrydale Avenue.*
5. *There is an existing 8-inch water line in the access drive/parking lot located on the west side of Table Rock Road which connects to the 8-inch water line on the east side of Table Rock Road. The "on-site" portion of this water line is located in a 10-wide easement per Jackson County Records easement document OR-82-15303.*
6. *There is an existing 2-inch water meter that currently serves the existing buildings located at 2211, 2231, 2235, 2239, 2243, 2247, and 2249 Table Rock Road.*
7. *There is an existing ¾-inch water meter that currently serves the existing building located at 2251 Table Rock Road.*
8. *There is an existing 3/4-inch water meter that currently serves the existing building located 659 Table Rock Road.*
9. *There is a "vacant" ¾-inch water meter located along the west side of Table Rock Road which is locate in front of the building located at 2231 Table Rock Road.*
10. *There is no water meter serving the parcel located at 2211 Table Rock Road.*
11. *Static water pressure in this area of the water distribution system is approximately 78 psi.*
12. *There are four (4) near-by fire hydrant which are available for fire protection.*
  - a. *There is one (1) fire hydrant located just west of the intersection of Table Rock Road and Berrydale Avenue.*
  - b. *There is one (1) fire hydrant located at the entrance off Table Rock Road next to the building located at 2231 Table Rock Road.*
  - c. *There is one (1) "on-site" fire hydrant located in front of the building located at 2235 Table Rock Road.*
  - d. *There is one (1) fire hydrant located on the south side of the northerly access driveway approximately 250-feet west of Table Rock Road.*

Any future expansion of the existing facility will comply with all standards for development in effect at the time of development.

## FINDINGS OF FACT

### Storm Sewer

The site is in the Medford service area. All existing development is currently connected to the public stormwater system.

Any new development or redevelopment will require compliance with the code and standards in effect at the time of submittal.

### Sanitary Sewer

The subject properties are currently connected to the public sanitary sewer system managed by the City of Medford.

There is no new development proposed with this application. Any new development will comply with the current City standards in effect at the time of development.

### Streets

This application includes a Traffic Impact Analysis (TIA) prepared by Southern Oregon Transportation Engineering, LLC. The TIA was completed as scoped by the City of Medford.

The conclusion of the analysis is as follows:

*Our analysis has shown that the proposed comprehensive plan map amendment and concurrent zone change can be approved without significantly affecting any existing or planned transportation facility nor result in types or levels of travel or access that are inconsistent with the functional classification of any existing or planned transportation facility such that it would not meet the performance standard identified in the City's TSP or Comprehensive Plan.*

*Additionally, the plan/zoning amendment will not degrade the performance of any existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan. Based upon this, it is concluded that the proposed plan/zoning amendment is in compliance with the TPR and City of Medford criteria. Uses permitted under proposed C-S/P zoning can be permitted without having a significant impact on streets or intersections that serve the site.*

*4. Maximum efficiency of land uses within the current urbanizable area.*

The request to amend the GLUP map to the SC designation will allow the applicant to expand the current offices on site to serve the growth and demand for additional housing in the service area.

## FINDINGS OF FACT

The SC designation allows for the C/SP zoning district. The C/SP zoning district allow for both office uses as well as multifamily uses for development at the current MFR-30 design standards. The site is currently developed with both offices and multifamily dwellings.

The existing development is also currently connected to all urban facilities. The access to the existing urban facilities and the ability to expand office space to serve the future demands and the ability to redevelop the entire site to multifamily housing in the event the offices are ever relocated is a highly efficient use of the available land as well as existing urban facilities.

### *5. Environmental, energy, economic and social consequences.*

The Housing Authority manages a current portfolio of over 850 dwelling units in the area and developing between 50 and 75 dwelling units per year for several years and is projecting similar growth for the foreseeable future as the demand for affordable housing is not diminishing.

The expansion of the existing facilities has a positive environmental impact by utilizing existing facilities with remodeling projects and extending the life cycle of these buildings rather than developing a completely new facility at a new location.

The expansion at this site utilizes existing Category A facilities and intensifies properties and uses within the Urban Growth Boundary without compromising the existing land for high density residential development.

Retaining the offices in the current location and allowing for the expansion of those offices where the Housing Authority has been operating under the CUP since 2002 is a centralized and familiar location for the clients. The central location in an area of many managed properties and the access to the existing facilities of RVTD represent a positive social element to the site.

### *6. Compatibility of the proposed change with other elements of the City Comprehensive Plan.*

This application is consistent with the goals, policies and implementation strategies of the Comprehensive Plan. The approval of this application with intensify the subject property for the committed use. The action will convert the existing conditional use to an outright permitted use. The intensification of property inside the Urban Growth Boundary reduces urban pressures on expanding the Urban Growth Boundary. This is consistent with the Urbanization Element.

## FINDINGS OF FACT

The amendment of the General Land Use Plan Map proposed with this application is based on a change in needs and trends in the City. The GLUP Map is intended to be flexible and a guide for development and growth. The need to for future expansion of both the development of new properties and management of the existing properties in the area justifies a change in the needs and trends in the City. This is consistent with the General Land Use Plan Element.

The conversion to the SC designation will not be a negative impact on the supply of high-density residential development as the SC designation with the compatible C-S/P zoning district allow for multifamily development at the MFR-30 standards.

The approval will allow the Housing Authority to expand on site to better serve the existing residents of Housing Authority properties as well as provide needed office space for the development staff of the organization. The ability to better utilized the site as an outright permitted use will simplify the development process on the site.

This is consistent with the Economic Element, Housing Element, and the Buildable Lands Element

The subject properties are currently connected to all Category A urban facilities and any further development will be subject the development standards in effect at the time of development. This is consistent with the Public Facilities Element.

The Applicant has submitted a Transportation Impact Analysis demonstrating the requested application will not have a significant impact to the Transportation System. This is consistent with the Transportation System Plan Element.

FINDINGS OF FACT

The Oregon Statewide Planning Goals are as follows:

*Goal 1 Citizen Involvement*

*Goal 2 Land Use Planning*

*Goal 3 Agricultural Lands*

*Goal 4 Forest Lands*

*Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces*

*Goal 6 Air, Water and Land Resources Quality*

*Goal 7 Areas Subject to Natural Hazards*

*Goal 8 Recreational Needs*

*Goal 9 Economic Development*

*Goal 10 Housing*

*Goal 11 Public Facilities and Services*

*Goal 12 Transportation*

*Goal 13 Energy Conservation*

*Goal 14 Urbanization [Old Goal 14]*

*Goal 15 Willamette River Greenway*

*Goal 16 Estuarine Resources*

*Goal 17 Coastal Shorelands*

*Goal 18 Beaches and Dunes*

*Goal 19 Ocean Resources*

## FINDINGS OF FACT

### *Goal 1 Citizen Involvement*

The procedures for the review a GLUP map amendment are contained in the Medford Land Development Ordinance and the Medford Comprehensive Plan. These documents were designed to be in conformance with all Statewide Planning Goals, including Goal 1 for Citizen involvement.

The City review for a GLUP map amendment includes multiple opportunities for citizen involvement and notification in the review process. An application will be subject to a public hearing at the Planning Commission. The Planning Commission will make a recommendation the City Council for approval, approval with conditions, or denial.

The City Council will conduct a public hearing for the application and will render a decision. Both public hearings will be publicized by the City to comply with the code requirements. The applicant will provide mailing labels for all property owners within 200 feet of the subject properties and those residents will receive notice of the proposed amendment.

### *Goal 2 Land Use Planning*

The State has adopted Statewide Planning Goals to assure jurisdictions provide land use actions follow specific guidelines.

The City of Medford has an adopted Comprehensive Plan, Land Development Code, and Transportation System Plan. These adopted plans are acknowledged by the State and found to be consistent with the Statewide Planning Goals and are utilized to implement these goals.

The Medford Land Development Code provides the criteria for a Minor Comprehensive Plan Amendment, and this application is prepared to address all the requirements for the approval of the application.

### *Goal 3 Agricultural Lands*

The subject properties are not agricultural lands or adjacent to any agricultural lands in City or County jurisdiction.

The approval of the requested CPA will have no impact on any agricultural lands or agricultural activities.

*Goal 4 Forest Lands*

The subject properties are not forest lands or adjacent to any forest lands in City or County jurisdiction.

The approval of the requested CPA will have no impact on any forest lands or forest activities.

*Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces*

The subject properties are not in an area impacted by Goal 5 resources including wetlands, riparian corridors, wildlife habitat, rivers, Wild and Scenic rivers, trails, natural or wilderness areas. The site is not in a designated historic area.

The City maintains inventories of Goal 5 resources and the site is not within an inventory area. The approval of the requested Comprehensive Plan Amendment will not have an impact of any Goal 5 resources.

*Goal 6 Air, Water and Land Resources Quality*

*Waste and Process Discharges --  
refers to solid waste, thermal, noise,  
atmospheric or water pollutants,  
contaminants, or products therefrom.  
Included here also are indirect sources  
of air pollution which result in emissions  
of air contaminants for which the state  
has established standards.*

The subject properties are within the City Limits of Medford. Development in the City is regulated to assure all waste and process discharges will confirm to current jurisdictional standards.

*Goal 7 Areas Subject to Natural Hazards*

*A. NATURAL HAZARD PLANNING  
1. Local governments shall adopt  
comprehensive plans (inventories, policies*

## FINDINGS OF FACT

*and implementing measures) to reduce risk to people and property from natural hazards.*  
*2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides,1 earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.*

The subject properties are not located within an area of natural hazards, the primary natural hazard relative to the Goal 7 would be flood hazard. The site is not within a flood plain or flood way.

Any new development will be required to comply with current building codes which includes seismic measures to minimize impacts associated with earthquakes.

### *Goal 8 Recreational Needs*

The site is developed with existing uses allowed with the current Conditional Use Permit. The approval of the requested Comprehensive Plan Amendment may allow for redevelopment however the site is not suited for recreation activities or a destination resort.

### *Goal 9 Economic Development*

The applicant is the Local Housing Authority. The applicant is currently operating at the site through a Conditional Use Permit in the MFR – 20 zoning district, TL 4904 is currently with in the SFR-6 zoning district, however it has the UH GLUP designation.

The current activities at the site include multifamily dwelling units, office space for the HAJC, and two vacant parcels. HAJC has a significant investment in office facilities and will likely require additional office in the near future.

The applicant has been developing an average of 50 dwelling units per year for the last 10 years. The development of the portfolio of the operational requirements of management of the tenants has required new hiring and requires the expansion of office spaces.

The applicant currently employs 42 people at this location. The growth over the last ten years and the projections for the future result in an average of two new employees and demand for 300 square feet of office space per year.

## FINDINGS OF FACT

Growth in employment and construction, both at this site and at the new residential projects have a positive economic impact of the area.

### *Goal 10 Housing*

*To provide for the housing needs of citizens of the state.*

*Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.*

The applicant currently manages over 800 dwelling units of affordable housing and will be breaking ground on an additional 114 units in the next 12 months. The approval of this application will allow for greater efficiency and growth to better serve the clients of the Housing Authority.

The properties are comprised of 2.6 acres of MFR-20 zoning allowing a total of 52 dwelling units, and .22 acres of SFR-6 allowing an additional 1 dwelling unit. The highest and best use of the properties with their current zoning are a maximum of 53 dwelling units.

The approval of the requested GLUP amendment to the Service Commercial SC and C/SP zoning would still allow for multifamily development and the MFR-30 standards. The properties would have the ability to redevelop at a maximum of 84 dwelling units.

While the purpose of the requested comprehensive plan map amendment is to allow the applicant to operate as an outright permitted use for the management of the Housing Authority. In the event the property was to redevelop as a multifamily development the approval would allow for an additional 31 dwelling units over the properties in their current zoning.

### *Goal 11 Public Facilities and Services*

*To plan and develop a timely, orderly and efficient arrangement of public*

## FINDINGS OF FACT

*facilities and services to serve as a framework for urban and rural development.*

The Category A urban services include domestic water, storm sewer, sanitary sewer and streets. The City of Medford addresses the access to and the capacity of these services at the time of a Comprehensive Plan Map amendment and the time of a zone change.

All parcels are inside the City of Medford Urban Growth Boundary and the City Limits. The properties are allowed to connect to urban services. The City has Master Plans for Transportation, Sewer, and Storm Drainage. The Medford Water Commission maintains a master plan for domestic water supply. All master plans are consistent with Statewide Planning Goals.

According to Rodney Grehn of the Medford Water Commission, the subject properties that are currently developed are connected to the water supply and future development allowed in the proposed zoning district will be able to connect to the supply and will be subject to the standards in effect at the time of submittal.

The subject properties are within the City of Medford service territory for both stormwater and sanitary sewer facilities. The existing facilities are currently connected to stormwater and sanitary sewer facilities.

The applicant does not propose any development at the time of submitting this application. Any new development proposed by the applicant will comply with all standards in the Code at the time of submittal for stormwater and sanitary sewer facilities.

The applicant has submitted a Traffic Impact Analysis based on a Scoping letter requested by Southern Oregon Transportation Engineers. The TIA has been submitted to the City for technical review.

### *Goal 12 Transportation*

The City has an Adopted Transportation System Plan (TSP). The TSP and the MLDC provide standards and classification for streets in the City. The HAJC is located on Table Rock Road. Table Rock Road is classified as a major arterial street at the subject properties and was developed to the current configuration in the 1970s.

The site is improved with 2 vehicle travel lanes northbound and southbound with a center turn lane.

## FINDINGS OF FACT

The Oregon Transportation Rule requires Land use actions consider multimodal transportation opportunities. Water and rail transportation mores are not available at the site. The site is located .9 miles from Interstate 5 and 2 miles from the Medford International Airport.

Rogue Valley Transit District has a bus stop on Route 40 directly in from of the Housing Authority office. Table Rock Road is also improved with a sidewalk on the Housing Authority frontage promoting pedestrian connectivity. Table Rock Road does not provide dedicated bicycle lanes in this segment.

Berrydale Avenue is a local street with County maintenance jurisdiction until improvements are preformed to City Standards. Once streets are improved to City standards, the City assumes maintenance responsibilities. Berrydale Avenue is classified as a Standard Residential Street. A standard residential street has sidewalks on both sides and does not include a bike lane.

### *Goal 13 Energy Conservation*

The subject property is within the UGB for the City of Medford and the site is currently developed. The location is convenient for the clients of the Housing Authority and has excellent access to mass transit, all contributing factors to energy conservation.

Any future development or redevelopment of existing facilities will conform to current energy code standards that are designed to promote energy conservation and efficiency.

While not located at the site, the Housing Authority has been developing energy efficient multifamily dwellings for decades and the philosophy is also embraces at this site for the offices and existing multifamily dwellings on site.

The requested SC GLUP designation and the C/SP zoning district allow for residential development at the MFR-30 standards which represent the ability for the property to develop or redevelop with an efficient use of available land.

### *Goal 14 Urbanization [Old Goal 14]*

The subject properties are currently within both the Medford Urban Growth Boundary (UGB) and the Medford City Limits. The development on site includes some multifamily housing, managed by the applicant, and the primary offices for the Housing Authority.

The current operations and uses are allowed under the Conditional Use Permit. The properties are currently served by urban facilities. This application represents an

## FINDINGS OF FACT

intensification of the permitted uses on the site, which reduces pressures on the UGB, however the impact is minimal due to the small size of the site.

The request for a Comprehensive Plan Amendment will allow more flexibility for the applicant in the current committed use on the properties as well as their future needs as their housing portfolio grows by 50 to 90 dwelling units annually.

### *Goal 15 Willamette River Greenway*

Goal 15 is not applicable to this application.

### *Goal 16 Estuarine Resources*

Goal 16 is not applicable to this application.

### *Goal 17 Coastal Shorelands*

Goal 17 is not applicable to this application.

### *Goal 18 Beaches and Dunes*

Goal 18 is not applicable to this application.

### *Goal 19 Ocean Resources*

Goal 19 is not applicable to this application.

### Application Summary and Conclusion:

These Findings of Fact demonstrate compliance with the request for a Comprehensive Plan Map Amendment for the subject properties from the Urban High-Density Residential designation to the Service Commercial designation.

The Medford Land Development Code section 10.222 provides the definition for a Minor General Land Use Plan Map Amendment. The requested amendment affects the four subject properties and has no significant impacts to surrounding properties.

The process and the approval criteria are found in the Review and Amendment section of the Comprehensive Plan. The General Land Use Plan Map is dynamic and can be amended when necessary to reflect changes in goals, policies and implementation strategies. The subject properties are currently committed to the uses associated with the Service Commercial

FINDINGS OF FACT

designation and the appropriate Commercial Service / Professional zoning district. This commercial zone allows for residential development at the high-density standards of the MFR-30 zoning district.

The Housing Authority of Jackson County has been operating at the site through a Conditional Use Permit. The growth and demand for affordable housing in the area has resulted in the need for the Housing Authority to expand. The requested change will result in the operations as an outright permitted use. The approval of the requested amendment will allow the organization to serve the needs residents in the City in the management of the existing properties as well as the development of additional affordable housing in the service territory.

The site is currently served with all Category A urban facilities and the facilities are currently in adequate supply. Future expansion of facilities on the site will be subject to the current standards of design for development.

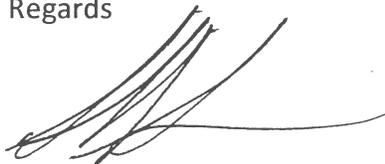
The site is currently developed with a mixture of offices and multifamily dwellings. The approval of the amendment will allow for both the expansion of offices on site as necessary and for the potential of high-density residential redevelopment at the MFR-30 standards, representing maximum efficiency of the land.

The utilization of the existing facilities is an environmentally responsible use of existing resources. New development will comply with all energy efficiency standards in effect at the time of development and the site is located at an existing RVTD stop frequently used by clients of the Housing Authority.

The requested amendment is consistent with all relative elements of the Comprehensive Plan and the Statewide Planning Goals.

On behalf of the applicant, I respectfully request the approval of this application for an amendment of the General Land Use Plan from the Urban High-Density Residential designation to the Service Commercial designation.

Regards



Scott Sinner

Scott Sinner Consulting, Inc.

RECEIVED

SEP 17 2019

PLANNING DEPT.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD, OREGON

IN THE MATTER OF A ZONE CHANGE )  
OF THE PROPERTIES IDENTIFIED AS 372W13CA TAX LOTS 2400, )  
4903, 4904, AND 5000 )  
HOUSING AUTHORITY OF JACKSON COUNTY )  
SCOTT SINNER CONSULTING, INC. AGENT )

FINDINGS OF FACT  
AND  
CONCLUSIONS OF LAW

Applicant:

Housing Authority of Jackson County  
2251 Table Rock Road  
Medford, OR 97501  
Ryan Haynes  
541-779-5785  
[ryan@hajc.net](mailto:ryan@hajc.net)

Agent:

Scott Sinner Consulting, Inc.  
4401 San Juan Dr. Suite G  
Medford, OR 97504

Scott Sinner  
541-601-0917  
[scottsinner@yahoo.com](mailto:scottsinner@yahoo.com)

Property 1:

Housing Authority of Jackson County  
2251 Table Rock Road  
Medford, OR 97501

372W13CA TL 2400  
.48 acre  
MFR-20 zoning district  
UH GLUP designation

Property 2:

Housing Authority of Jackson County

FINDINGS OF FACT

2231 Table Rock Road  
Medford, OR 97501

372W13CA TL 4903  
1.58 acre  
MFR-20 zoning district  
UH GLUP designation

**Property 3:**

Housing Authority of Jackson County  
2211 Table Rock Road  
Medford, OR 97501

372113CA TL 5000  
.11 acre  
MFR-20 zoning district  
UH GLUP designation

**Property 4:**

Housing Authority of Jackson County  
659 Berrydale Ave  
Medford, OR 97501

372W13CATL 4904  
.18 acre  
SFR-6 zoning district  
UH GLUP designation

**Project Summary:**

The subject properties are the current offices for the Housing Authority of Jackson County (HAJC). HAJC is operating as a condition use under the Conditional Use Permit (CUP) approved as CUP-13-125.

The properties are currently developed with the HAJC offices and multiple multi-family dwelling units, and various parking lots and drive aisles.

This application is submitted with a concurrent a Comprehensive Plan Amendment (CPA) to change the General Land Use Plan Map (GLUP) designation for the subject properties

## FINDINGS OF FACT

from Urban High Density (UH) to the Service Commercial (SC) designation. These zone change findings of fact are submitted to demonstrate the consistency with the approval criteria to the Commercial Service Professional (C/SP) zoning district.

The approval of both applications will allow the HAJC to operate the office and the multifamily units as outright permitted uses instead of conditional uses subject to the terms of the current CUP.

### Approval Criteria:

The applicable MLDC sections for a zone change initiation, approval criteria and the submittal requirements are referenced below:

#### *10.204 Zone Change*

##### *(A) Zone Change Initiation.*

*A zoning district boundary change may be initiated by the Planning Commission either on its own motion or at the request of the City Council, or by application of the property owner(s) in the area subject to the zone change.*

This application has been initiated by the applicant. The application is submitted concurrently with a minor Comprehensive Plan Map Amendment to amend the General Land Use Plan (GLUP) Map from the Urban High Density Residential (UH) designation to the Service Commercial (SC) designation. The requested Commercial Service Professional (C-S/P) zoning district is the appropriate zone for the requested GLUP designation.

##### *(B) Zone Change Approval Criteria.*

*The Planning Commission shall approve a quasi-judicial, minor zone change if it finds that the zone change complies with subsections (1) and (2) below:*

*(1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.*

*(2) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (2)(a), (2)(b), (2)(c), or (2)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.*

*(c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:*

## FINDINGS OF FACT

(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 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: 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 an applicant funds the improvement through a reimbursement district pursuant to the Section 10.432...*

### *10.326 Service Commercial and Professional Office, C-S/P*

*The C-S/P district provides land for professional offices, hospitals, and limited service commercial uses. This district is intended to be customer-oriented, however, retail uses are limited: Development in this zone is expected to be suitable for locations adjacent to residential neighborhoods.*

## FINDINGS OF FACT

*(1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.*

The City has an Adopted Transportation System Plan (TSP). The TSP and the MLDC provide standards and classification for streets in the City. The HAJC is located on Table Rock Road. Table Rock Road is classified as a major arterial street at the subject properties and was developed to the current configuration in the 1970s.

The Oregon Transportation Rule requires Land use actions consider multimodal transportation opportunities. Water and rail transportation mores are not available at the site. The site is located .9 miles from Interstate 5 and 2 miles from the Medford International Airport.

Rogue Valley Transit District has a bus stop on Route 40 directly in from of the Housing Authority office. Table Rock Road is also improved with a sidewalk on the Housing Authority frontage promoting pedestrian connectivity. Table Rock Road does not provide dedicated bicycle lanes in this segment.

Berrydale Avenue is a local street with County maintenance jurisdiction until improvements are preformed to City Standards. Once streets are improved to City standards, the City assumes maintenance responsibilities. Berrydale Avenue is classified as a Standard Residential Street. A standard residential street has sidewalks on both sides and does not include a bike lane. The Berrydale Table Rock Road intersection is signalized.

*(2) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (2)(a), (2)(b), (2)(c), or (2)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.*

*(c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:*

The MLDC does not provide locational standards for the requested C-S/P zoning district. The Code does describe the intent of the Zone:

### *10.326 Service Commercial and Professional Office, C-S/P*

*The C-S/P district provides land for professional offices, hospitals, and limited service commercial uses. This district is intended to be customer-oriented, however, retail uses are limited. Development in this zone is*

## FINDINGS OF FACT

*expected to be suitable for locations adjacent to residential neighborhoods.*

The subject property is adjacent to residential neighborhoods in the MFR-20 zoning district and as identified in the General Land Use Plan Element of the Medford Comprehensive Plan, the C-S/P zoning district is the appropriate zoning district for the SC GLUP designation.

***Service Commercial** This designation permits offices, medical facilities, and other limited service-oriented businesses as well as residential development under certain circumstances. It permits multiple-family dwellings meeting the density standards of the MFR-30 (Multiple-Family Residential - 30 units per gross acre) zoning district. In addition, the Southeast Plan authorizes an increase in the maximum permitted density in this designation from 30 to 36 units per acre. This designation may be located adjacent to residential designations. The corresponding zoning district permitted in this designation is the C-S/P (Service Commercial and Professional Office) zone which is intended to be customer oriented, while limiting the number of retail uses.*

*(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.*

The site is currently served with the key public, Category A, facilities. The Category A facilities include domestic water, storm sewer, sanitary sewer and streets.

### Water

The Medford Water Commission (MWC) is responsible for the domestic water supply and the management of the distribution system. According to Rodney Grehn of the MWC, the subject properties are currently served as described below:

*MWC has the following water facilities which serve this existing development located on the west side of Table Rock Road:*

- 1. There is an existing 8-inch water line located in the public right-of-way along the east side of Table Rock Road.*

## FINDINGS OF FACT

2. *There is an existing 8-inch water line located in the easterly portion of the northerly access driveway within an existing 10-foot wide MWC Water Line easement per Jackson County Records easement document OR-14119. (This water line is "looped" through the remainder of this development out to Berrydale Avenue.*
3. *There is an existing 6-inch water line located in the westerly portion of the northerly driveway, and also in the westerly driveway within an existing 10-foot wide MWC Water Line easement per Jackson County Records, per easement document OR-99-39802.*
4. *There is an existing 6-inch water line located along the south side of Berrydale Avenue.*
5. *There is an existing 8-inch water line in the access drive/parking lot located on the west side of Table Rock Road which connects to the 8-inch water line on the east side of Table Rock Road. The "on-site" portion of this water line is located in a 10-wide easement per Jackson County Records easement document OR-82-15303.*
6. *There is an existing 2-inch water meter that currently serves the existing buildings located at 2211, 2231, 2235, 2239, 2243, 2247, and 2249 Table Rock Road.*
7. *There is an existing ¾-inch water meter that currently serves the existing building located at 2251 Table Rock Road.*
8. *There is an existing 3/4-inch water meter that currently serves the existing building located 659 Table Rock Road.*
9. *There is a "vacant" ¾-inch water meter located along the west side of Table Rock Road which is locate in front of the building located at 2231 Table Rock Road.*
10. *There is no water meter serving the parcel located at 2211 Table Rock Road.*
11. *Static water pressure in this area of the water distribution system is approximately 78 psi.*
12. *There are four (4) near-by fire hydrant which are available for fire protection.*
  - a. *There is one (1) fire hydrant located just west of the intersection of Table Rock Road and Berrydale Avenue.*
  - b. *There is one (1) fire hydrant located at the entrance off Table Rock Road next to the building located at 2231 Table Rock Road.*
  - c. *There is one (1) "on-site" fire hydrant located in front of the building located at 2235 Table Rock Road.*
  - d. *There is one (1) fire hydrant located on the south side of the northerly access driveway approximately 250-feet west of Table Rock Road.*

Any future expansion of the existing facility will comply with all standards for development in effect at the time of development.

## FINDINGS OF FACT

### Storm Sewer

The site is in the Medford service area. All existing development is currently connected to the public stormwater system.

Any new development or redevelopment will require compliance with the code and standards in effect at the time of submittal.

### Sanitary Sewer

The subject properties are currently connected to the public sanitary sewer system managed by the City of Medford.

There is no new development proposed with this application. Any new development will comply with the current City standards in effect at the time of development.

### Streets

This application includes a Traffic Impact Analysis (TIA) prepared by Southern Oregon Transportation Engineering, LLC. The TIA was completed as scoped by the City of Medford.

The conclusion of the analysis is as follows:

*Our analysis has shown that the proposed comprehensive plan map amendment and concurrent zone change can be approved without significantly affecting any existing or planned transportation facility nor result in types or levels of travel or access that are inconsistent with the functional classification of any existing or planned transportation facility such that it would not meet the performance standard identified in the City's TSP or Comprehensive Plan.*

*Additionally, the plan/zoning amendment will not degrade the performance of any existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan. Based upon this, it is concluded that the proposed plan/zoning amendment is in compliance with the TPR and City of Medford criteria. Uses permitted under proposed C-S/P zoning can be permitted without having a significant impact on streets or intersections that serve the site.*

### Application Summary and Conclusion

This request for a zone change to the C-S/P zoning district has been initiated by the applicant, the Housing Authority of Jackson County.

The applicant has submitted a Comprehensive Plan Map Amendment to amend the General Land Use Plan Map designation for the subject properties from the Urban High Residential designation to the Service Commercial designation. The requested C-S/P

FINDINGS OF FACT

zoning district is compatible for the GLUP designation. Compatibility with the GLUP designation is the only locational standard for the requested C-S/P zoning district.

The subject properties are currently connected to the Category A facilities and any future development will comply with all current standards for development.

The application has submitted a Traffic Impact Analysis to determine the impact to the transportation system as a result of the requested zone change and the results are the impacts will not be significant.

These finding of fact and the traffic impact analysis indicate the request the requested zone change is consistent with the Oregon Transportation Planning Rule.

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

Regards,



Scott Sinner

Scott Sinner Consulting, Inc.



Medford – A fantastic place to live, work and play

## CITY OF MEDFORD

LD Date: 10/31/2018

File Number: CP-18-132/ZC-18-133

### PUBLIC WORKS DEPARTMENT STAFF REPORT

#### GLUP Amendment/Zone Change – Housing Authority of Jackson County 2211, 2331 & 2251 Table Rock Road & 659 Berrydale Avenue (TLs 2400, 4903, 4904, 5000)

**Project:** Request for concurrent consideration of a minor General Land Use Plan (GLUP) amendment to reclassify four parcels of land totaling 2.35 acres.

**Location:** Located at 2231 & 2251 Table Rock Road from Urban High Density (UH) to Service Commercial (SC), and a change of zone of the subject parcels from SFR\_6 (Single Family Residential -4 to 6 dwelling units per gross acre) to Service Commercial and Professional Offices (C-S/P) (372W12CA 2400, 4903, 4904 & 5000).

**Applicant:** Applicant Housing Authority of Jackson County; Agent, Scott Sinner Consulting, Inc.; Planner, Steffen Roennfeldt.

**Related Application(s):** CUP-09-100.

The Medford Land Development Code (MLDC), Section 10.227 (2) requires a zone change application demonstrate Category 'A' urban services and facilities are available or can and will be provided to adequately serve the subject property. The Public Works Department reviews zone change applications to assure the services and facilities under its jurisdiction meet those requirements. The services and facilities that Public Works Department manages are sanitary sewers within the City's service boundary, storm drains, and the transportation system.

#### I. Sanitary Sewer Facilities

The proposed zoning to Service Commercial has the potential to increase flows to the sanitary sewer system. The downstream sanitary sewer system currently has capacity constraints. Based on this information, the Public Works Department recommends this zone change be denied, or the applicant stipulate to only develop so the total sewer flows do not exceed current zoning limitation, or the Developer make improvements to the downstream sanitary sewer system to alleviate capacity constraints, or the Developer provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed zone change.

#### II. Storm Drainage Facilities

This site lies within the Little Elk Creek Drainage Basin. The City of Medford has existing storm drain facilities in the area.

P:\Staff Reports\CP, DCA, & ZC\ZC-18-132\_CP-18-133 2231 & 2251 Table Rock Rd (TLs 2400, 4903, 4904, 5000) Existing HAJC Offices & MFR Units\CP-18-132\_ZC-18-133 Staff Report-LD.docx Page 1 of 2

PUBLIC WORKS DEPARTMENT  
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET  
MEDFORD, OREGON 97501  
[www.ci.medford.or.us](http://www.ci.medford.or.us)

TELEPHONE (541) 774-2100  
FAX (541) 774-2552

**CITY OF MEDFORD**  
**EXHIBIT #**   
**FILE # ZC-18-132/CP-18-133**

### III. Transportation System

Public Works received a Traffic Impact Report from Southern Oregon Transportation Engineering, dated September 10, 2018, titled, "Comprehensive Plan Map Amendment / Zone Change Analysis".

The four lots are a mix of SFR-6 and MFR-20. The project as proposed changes all four lots to C-S/P and could potentially generate 1180 Average Daily Trips (ADT), which, is 410 ADT more than they are currently generating. The report states that no higher order intersections will be significantly impacted by the 41 additional PM peak hour trips the property could potentially generate.

Public Works concurs with the report and levies no conditions of approval regarding facility adequacy.

Prepared by: Jodi K Cope  
Review by: Doug Burroughs

The above report is based on the information provided with the GLUP Amendment/Zone Change Application submittal and is subject to change based on actual conditions, revised plans and documents or other conditions. A full report with additional details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection shall be provided with a Development Permit Application.

P:\Staff Reports\CP, DCA, & ZC\ZC-18-132\_CP-18-133 2231 & 2251 Table Rock Rd (TIs 2400, 4903, 4904, 5000) Existing HAJC Offices & MFR Units\CP-18-132\_ZC-18-133 Staff Report-LD.docx Page 2 of 2

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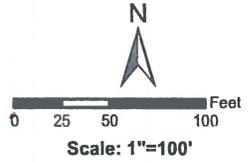




BOARD OF WATER COMMISSIONERS  
**Staff Memo**

*Continued from Previous Page*

- b. There is an existing 6-inch water line located in the westerly portion of the northerly driveway, and also in the westerly driveway within an existing 10-foot wide MWC Water Line easement per Jackson County Records, per easement document OR-99-39802.
- c. There is an existing 6-inch water line located along the south side of Berrydale Avenue.
- d. There is an existing 8-inch water line in the access drive/parking lot located on the west side of Table Rock Road which connects to the 8-inch water line on the east side of Table Rock Road. The "on-site" portion of this water line is located in a 10-wide easement per Jackson County Records easement document OR-82-15303.
- e. There is an existing 2-inch water meter that currently serves the existing buildings located at 2211, 2231, 2235, 2239, 2243, 2247, and 2249 Table Rock Road.
- f. There is an existing 3/4-inch water meter that currently serves the existing building located at 2251 Table Rock Road.
- g. There is an existing 3/4-inch water meter that currently serves the existing building located 659 Table Rock Road.
- h. There is a "vacant" 3/4-inch water meter located along the west side of Table Rock Road which is locate in front of the building located at 2231 Table Rock Road.
- i. There is no water meter serving the parcel located at 2211 Table Rock Road.
- j. Static water pressure in this area of the water distribution system is approximately 78 psi.
- k. There are four (4) near-by fire hydrant which are available for fire protection.
  - i. There is one (1) fire hydrant located just west of the intersection of Table Rock Road and Berrydale Avenue.
  - ii. There is one (1) fire hydrant located at the entrance off Table Rock Road next to the building located at 2231 Table Rock Road.
  - iii. There is one (1) "on-site" fire hydrant located in front of the building located at 2235 Table Rock Road.
  - iv. There is one (1) fire hydrant located on the south side of the northerly access driveway approximately 250-feet west of Table Rock Road.



**Water Facility Map**  
**City of Medford**  
**Planning Application:**  
**ZC-18-132 & CP-18-133**  
**October 31, 2018**

**Legend**

- Air Valve
- Sample Station
- Fire Service
- Hydrant
- Reducer
- Blow Off
- Plugs-Caps

**Water Meters:**

- Active Meter
- On Well
- Unknown
- Vacant

**Water Valves:**

- Butterfly Valve
- Gate Valve
- Tapping Valve

**Water Mains:**

- Active Main
- Abandoned Main
- Reservoir Drain Pipe
- Pressure Zone Line

**Boundaries:**

- Urban Growth Boundary
- City Limits
- Tax Lots

**MWC Facilities:**

- Control Station
- Pump Station
- Reservoir



This map is based on a digital database compiled by Medford Water Commission. It is a work of art. Medford Water Commission cannot accept any liability for errors, omissions, or misstatements. There are no warranties or guarantees.

Doc: 1022018  
 Part of MWC's Annual Development Map - Oct 31 2018.mxd

Page 63



## Medford Fire-Rescue Land Development Report

### Review/Project Information

**Reviewed By:** Kleinberg, Greg

**Review Date:** 10/29/2018  
**Meeting Date:** 10/31/2018

**LD #:** ZC18132 **Associated File #1:** CP18133

**Planner:** Steffen Roennfeldt

**Applicant:** Housing Authority of Jackson County; Agent, Scott Sinner Consulting, Inc.

**Project Location:** 2231 & 2251 Table Rock Road

**ProjectDescription:** Request for concurrent consideration of a minor General Land Use Plan (GLUP) amendment to reclassify four parcels of land totaling 2.35 acres located at 2231 & 2251 Table Rock Road from Urban High Density (UH) to Service Commercial (SC), and a change of zone of the subject parcels from SFR\_6 (Single Family Residential -4 to 6 dwelling units per gross acre) to Service Commercial and Professional Offices (C-S/P) (372W12CA 2400, 4903,4904 & 5000.

### Specific Development Requirements for Access & Water Supply

#### Conditions

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

### Construction General Information/Requirements

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

Specific fire protection systems may be required in accordance with the Oregon Fire Code.

This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only.

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

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

[www.medfordfirerescue.org](http://www.medfordfirerescue.org)

# Memo



**To:** Steffen Roennfeldt, Planning Department  
**From:** Mary Montague, Building Department  
**CC:** Scott Sinner Consulting, Inc., Agent; Housing Authority of Jackson County, Applicant  
**Date:** October 29, 2018  
**Re:** ZC-18-132/CP-18-133; HAJC Comp Plan & Zone Change, 2231 & 2251 Table Rock Road

---

## **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](http://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](http://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. All buildings are existing and should already meet the minimum fire separation distances.
4. Any new buildings or change of use to an existing building will require a permit and will verify fire separation distances.
5. Demo Permit is required for any buildings being demolished.



# 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

October 19, 2018

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

RE: A minor General Land Use Plan amendment and a zone change off  
Table Rock Road and Berrydale Avenue – city maintained roads.  
Planning File: ZC-18-132 / CP-18-133.

Dear Steffen:

Thank you for the opportunity to comment on the request for concurrent consideration of a minor General Land Use Plan (GLUP) amendment to reclassify four parcels of lane totaling 2.35 acres located at 2231 & 2251 Table Rock Road from Urban High Density (UH) to Service Commercial (SC); and change of zone of the subject parcels from SFR-6 (Single Family Residential-4 to 6 dwelling units per gross acre) and MFR-20 (Multiple Family Residential – 15 to 20 dwelling units per gross acre) to Service Commercial and Professional Offices (C-S/P) ( 37-2W-13CA 2400, 4903, 4904, & 5000). Jackson County Roads has no comment.

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

Sincerely,

Chuck DeJanvier  
Construction Engineer



Continuous Improvement Customer Service

CITY OF MEDFORD

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

September 10, 2018

Southern Oregon Transportation Engineering.
319 Eastwood Dr.
Medford, OR. 97504

RECEIVED

SEP 10 2018

PLANNING DEPT.

Changing the Comprehensive Plan Map from UH (Urban High Density Residential) to CM (Commercial) and zoning from SFR-6 to C-S/P on 372W13CA4904 and 5000 (0.29 acres net, 0.36 acres gross) and from MFR-20 to C-S/P on lots 2400 and 4903 (2.06 acres net, 2.35 acres gross) will require a traffic impact analysis (TIA) to determine project impacts to the transportation system. The existing SFR-6 zoning is expected to generate 19 ADT and changing it to C-S/P will potentially generate 145 ADT. The existing MFR-20 zone would generate 358 ADT and changing the zoning to C-S/P would potentially generate 1030 ADT. The difference between these two proposals is 798 ADT, which exceeds 250 ADT, which is the code standard beyond which a TIA is required. The analysis must be prepared by a licensed engineer in the State of Oregon and follow our current TIA methodology. The general format is as follows and pertains to City of Medford and Jackson County facilities that involve collector and arterial streets: (ODOT facilities should be addressed with ODOT using ODOT criteria.)

- 1. A TIA should always analyze the potential traffic generation of a parcel(s) with the following exceptions:
a. A Planned Unit Development (PUD) is being proposed with a site plan that the traffic analysis will be based on and stipulated to.
b. The potential traffic generation of the parcel(s) cannot be supported by the transportation facilities and a stipulation (trip cap) is being proposed.
2. 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 Director prior to first submittal of the TIA.
3. Any intersection where the proposed development can be expected to contribute 25 or more trips during the analysis peak period shall be analyzed. Intersections having less than 25 peak period trips are not substantially impacted and will not be included in the study area.
4. Pipeline traffic must be considered into the existing count data before the impacts of project traffic are evaluated. Once the study area is defined by the applicant's traffic engineer and a written request is received, Public Works will supply all necessary pipeline information within one week.
5. The TIA shall determine all improvements or mitigation measures necessary to maintain roadway adequacy at study area intersections. Mitigation measures may include...

construction of necessary transportation improvements and shall be required to bring transportation facilities to operate at an acceptable level of service (LOS) with the addition of project traffic.

6. Peak period turning movement counts must be at least two-hour minimums and capture the peak period. Counts must be less than two years old and adjusted to the design year of the project. A seasonal traffic adjustment is required on study area streets if counts were not prepared during the peak period of the year and count data shows a 10% increase in traffic volumes.
7. All LOS analyses shall follow operational procedures per the current Highway Capacity Manual. Ideal saturation flow rates greater than 1800 vehicles per hour per lane should not be used unless otherwise measured in the project vicinity. Queue lengths shall be calculated at the 95<sup>th</sup> percentile where feasible. Peak hour factors shall be assumed to be 1.00 for all analysis.
8. Unsignalized intersections shall be evaluated for signal warrants if the level of service (LOS) is determined to be below standard minimums. Channelization requirements, such as left and right turn lanes, shall also be evaluated where failing facilities are identified and none are currently provided.
9. Signalized intersection analyses shall be in accordance with the City's timing sheets. Analyses will follow either, pre-timed, actuated-coordinated, or actuated-uncoordinated timing plans, as applicable to each location. Once the study area is defined by the applicant's traffic engineer and a written request is received, Public Works will supply all timing information within one week.
10. Comprehensive Plan Amendment application, including a Zone Change, requires a Year 2023 analysis that includes an analysis of the TSP project list. If additional projects are required, then a financial analysis shall also be included. The application shall also include Year of Build analysis and mitigation.
11. This scoping letter shall be included as an appendix in the initial study and subsequent revisions.
12. This scoping letter and any traffic impact analysis will expire after 180 days. It is the applicant's responsibility to resubmit the scoping letter request if the traffic impact analysis is not submitted during 180 days period.

The City's complete TIA methodology can be found in the Medford Land Development Code, section 10.461. Any TIA that is not in accordance with this methodology will be returned to the applicant without review. If you have any questions, feel free to contact me at 774-2121

Sincerely,



Peter Mackprang  
Associate Traffic Engineer

Cc: Karl MacNair, Transportation Manager  
Planning Department



**MEMORANDUM**

Date: September 25, 2018

To: Doug Burroughs, Development Services Manager  
Kimberly Parducci, SOTE

RECEIVED

SEP 25 2018

PLANNING DEPT.

From: Peter Mackprang, Associate Traffic Engineer

Subject: Housing Authority of Jackson County 372W13AC2400, 4903, 4904, 5000

Public Works received a Traffic Impact Report from Southern Oregon Transportation Engineering, dated September 10, 2018, titled, "Comprehensive Plan Map Amendment / Zone Change Analysis" for the property Identified as 372W13AC2400, 4903, 4904, 5000 (2.35 acres).

The four lots are a mix of SFR-6 and MFR-20. The project as proposed changes all four lots to C-S/P and could potentially generate 1180 ADT, which, is 410 ADT more than they are currently generating. The report states that no higher order intersections will be significantly impacted by the 41 additional PM peak hour trips the property could potentially generate.

Public Works concurs with the report and levies no conditions of approval regarding street capacity.

RECEIVED

SEP 17 2018

CITY OF MEDFORD  
ENGINEERING

*SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC*

319 Eastwood Drive - Medford, Or. 97504 - Phone (541) 608-9923 - Email: Kim.parducci@gmail.com

September 10, 2018

Peter Mackprang, Assistant Traffic Engineer  
City of Medford  
Public Works/Engineering Division  
200 South Ivy Street, Lausmann Annex  
Medford, Oregon 97501

RE: Comprehensive Plan Map Amendment / Zone Change Analysis

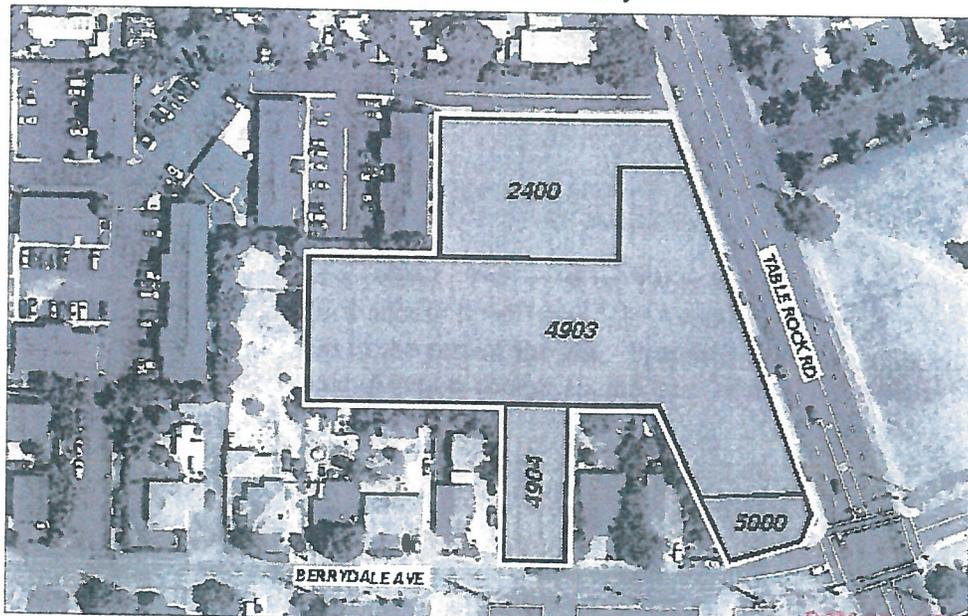
Dear Peter,

Southern Oregon Transportation Engineering, LLC requested a scoping letter for a proposed Comprehensive Plan Map amendment from Urban High Density Residential (UH) to Service Commercial (SC) and concurrent zone change from Multi-family Residential (MFR-20) and Single-family Residential (SFR-6) to Service Commercial and Professional Office (C-S/P) on property located on the northwest corner of Table Rock Road and Berrydale Avenue in Medford, Oregon. After receiving a scoping letter, we proceeded with the traffic analysis, but during the analysis it was determined that no intersections, involving collectors or arterials, were reached with 25 or more peak hour trips. Based on that, there were no study area intersections to evaluate. The conclusion for the proposed land use changes, therefore, is that there will be no substantial impact. Supporting evidence is provided below.

**Background**

The subject property includes 2.35 acres at Township 37S Range 2W Section 13CA, tax lots 2400, 4903, 4904, and 5000. See Figure 1 below.

Figure 1: Site Vicinity



CITY OF MEDFORD

EXHIBIT #   N  

File #   20-18-132  

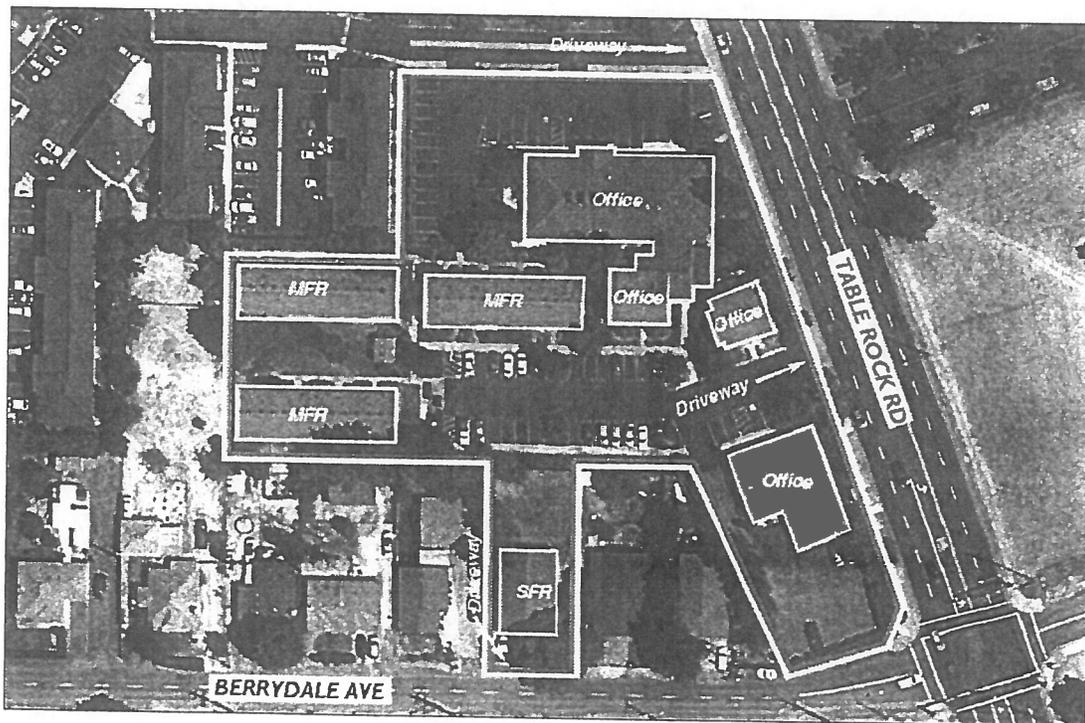
  CP-18-133

Existing and proposed comprehensive plan map and zoning designations are as follows:

Tax Lot	Acres	Comprehensive Plan Existing / Proposed	Zoning Existing / Proposed
2400	0.48	UH / SC	MFR-20 / C-S/P
4903	1.58	UH / SC	MFR-20 / C-S/P
4904	0.18	UH / SC	SFR-6 / C-S/P
5000	0.11	UH / SC	SFR-6 / C-S/P

The site is currently occupied by the Housing Authority of Jackson County, and includes multi-family housing, single-family housing, and offices. The offices are considered non-conforming uses. The proposed Comprehensive Plan Map amendment and zone change will bring the site into conformance, as well as provide more flexibility for moving offices around to create better traffic flow internally.

Figure 2: Existing Site Uses



The site currently has three access points. Two exist on Table Rock Road and serve all but a single family residence. The third access is on Berrydale Avenue and serves a single family residence without any connection to the rest of the site. Proposed improvements in the future include connecting the Berrydale Avenue access to the rest of the site for better on-site circulation.

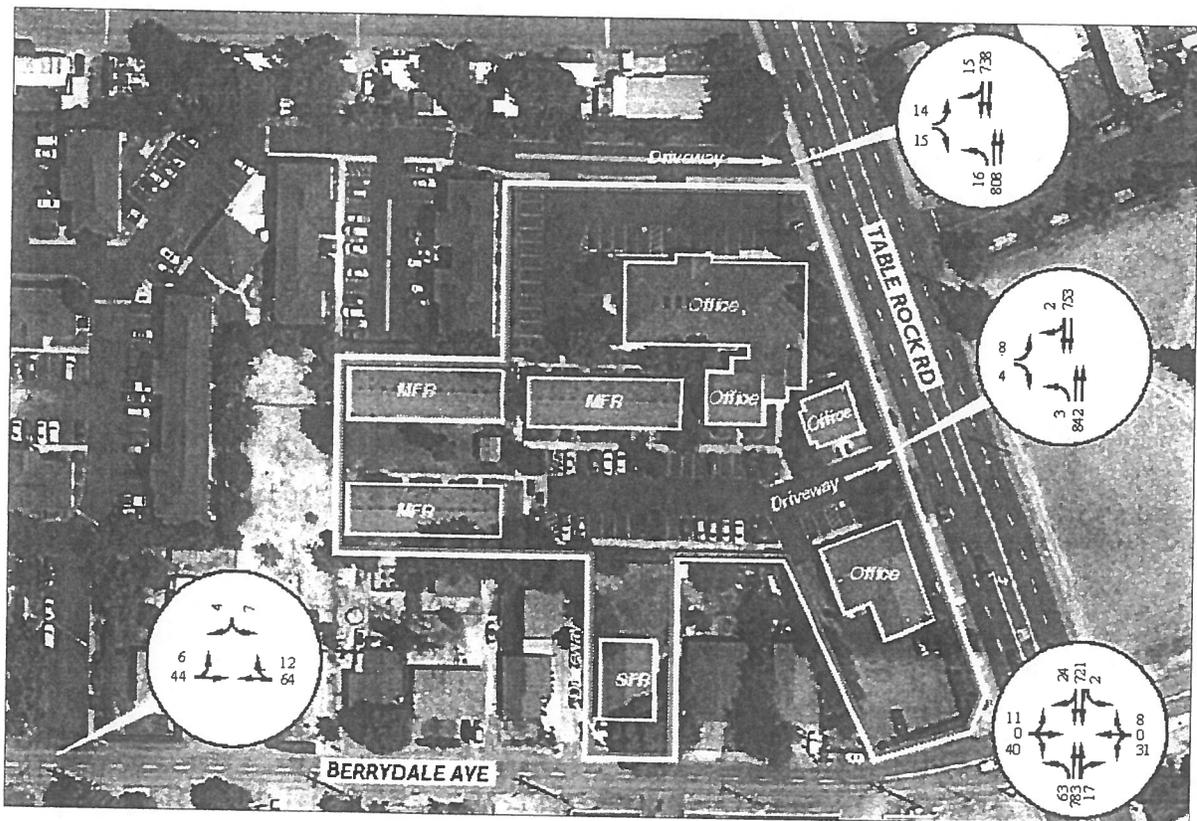
Berrydale Avenue is classified as a local street in the City of Medford Transportation System Plan (TSP). It was estimated in 2016 to carry 1,100 average daily trips (ADT). Table Rock

Road is classified as a major arterial and carries approximately 15,900 ADT. The intersection of Table Rock Road and Berrydale Avenue is currently signalized and operates at a level of service LOS "A".

### Analysis

The site was counted in May of 2018 during the p.m. peak period. A City of Medford traffic count at the intersection of Berrydale Avenue and Table Rock Road showed the p.m. peak hour of 4:30-5:30 p.m. being the peak hour of the day in the site vicinity. This was also determined to be the p.m. peak hour at site driveways. Counts were conducted at both Table Rock Road driveways and a Berrydale Avenue driveway that does not serve the site, but was counted to determine splits to/from Berrydale Avenue. Raw count data is shown below in Figure 3.

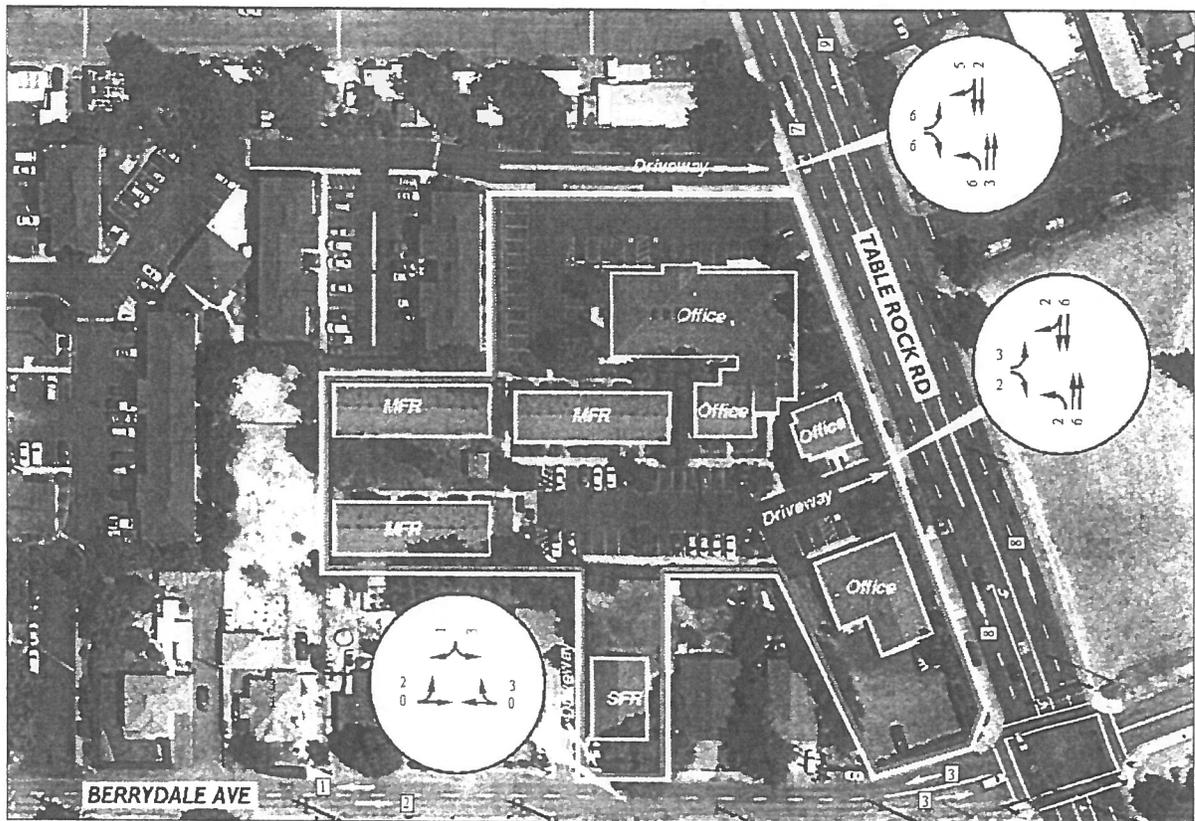
Figure 3: Year 2018 Raw Traffic Volumes, PM Peak Hour



The two driveway counts on Table Rock Road were used to establish how many trips are currently being generated by the site. The single-family residence on Berrydale Avenue was not counted because it doesn't currently connect to the site and most likely only generates a single trip during the p.m. peak hour. A driveway on Berrydale Avenue west of the single-family residence was counted for distribution purposes because it serves a larger apartment complex. It should be noted that the Housing Authority of Jackson County north driveway is shared with an apartment complex to the west but, when this driveway was counted, only trips from the Housing Authority were included.

Driveway counts on Table Rock Road showed a total of 77 trips during the p.m. peak hour with 36 inbound and 41 outbound. Proposed C-S/P zoning is estimated to generate 118 p.m. peak hour trips, based on the City of Medford trip generation for C-S/P zoning (500 ADT / acre or equivalent of 50 p.m. / acre). The net number of p.m. peak hour trips to the transportation system is, therefore, shown to be 41 p.m. trips (118 - 77 = 41). Distributing 41 p.m. peak hour trips to the transportation system, using existing traffic splits, resulted in less than 25 p.m. trips at any intersection of higher order streets. This is shown in Figure 4 below.

Figure 4: Proposed Net Development Trip Assignments



## Summary and Conclusions

The purpose of the proposed plan amendment and concurrent zone change is to bring the Housing Authority of Jackson County site into compliance and allow more flexibility for site layout changes such as positioning of office buildings and multi-family housing. The site is currently built out and generating trips to the transportation system, but our analysis considered potential traffic generations using the proposed C-S/P zoning designation to satisfy requirements of the Transportation Planning Rule (TPR) and comply with the Medford Comprehensive Plan pursuant to Medford Land development Code 10.227(1) and Goal No. 3, Policy 1 of the Public Facilities Element.

Our analysis has shown that the proposed Comprehensive Plan Map amendment and concurrent zone change can be approved without significantly affecting any existing or planned transportation facility nor result in types or levels of travel or access that are inconsistent with the functional classification of any existing or planned transportation facility such that it would not meet the performance standard identified in the City's TSP or Comprehensive Plan. Additionally, the plan/zoning amendment will not degrade the performance of any existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan. Based upon this, it is concluded that the proposed plan/zoning amendment is in compliance with the TPR and City of Medford. Uses permitted under proposed C-S/P zoning can be permitted without having a significant impact on streets or intersections that serve the site.

This concludes our analysis. Please feel free to contact me if you have any questions or require additional information.

Sincerely,



Kimberly Parducci PE, PTOE  
SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

Attachments: Count Data  
Tax Lot Map  
Scoping Letter



RECEIVED

TELEPHONE  
541-772-2782



L.J. FRIAR & ASSOCIATES P.C.

SEP 17 2018

CONSULTING LAND SURVEYORS

PLANNING  
FAX  
541-772-8465

JAMES E. HIBBS, PLS

P.O. BOX 1947  
PHOENIX, OR 97535

ljfriar@charter.net

LEGAL DESCRIPTION

Beginning at the Southeast corner of Parcel 2 per Partition Plat No. P-11-1996, according to the official plat thereof, now of record, in Volume 7, Page 11 of "Record of Partition Plats" of Jackson County, Oregon and filed as Survey No. 14825 in the Office of the Jackson County Surveyor; thence North 21°00'13" West, 127.18 feet to the Northeast corner thereof; thence North 89°42'41" West, 199.28 feet to the Northwest corner thereof; thence South 00°03'47" West, 118.50 feet to the North line of that tract described in Document No. 82-10039, Official Records of Jackson County, Oregon; thence North 89°42'41" West, 114.72 feet to the Northwest corner thereof; thence South 00°03'37" West, 143.75 feet to the West Southwest corner thereof; thence along the South line thereof, South 89°42'38" East, 175.01 feet to the Northwest corner of that tract described in Document No. 2016-033812, said Official Records; thence South 00°03'37" West, 130.26 feet to the North line of Berrydale Avenue; thence along said North line, South 89°42'38" East, 60.00 feet to the Southeast corner of that tract described in Document No. 2016-033812, said Official Records; thence North 00°03'37" East, 130.26 feet to the South line of that tract described in Document No. 82-10039, said Official Records; thence along said South line, South 89°42'38" East, 70.00 feet to an angle point thereof; thence along the Westerly line thereof, South 34°17'34" East, 84.66 feet to the Northwest corner of that tract described in Document No. 84-05544, said Official Records; thence South 21°00'58" East, 65.00 feet to the Southwest corner thereof; thence along the Northerly and Westerly lines of that tract described in Document No. 97-25091, said Official Records the following three courses: North 76°20'05" East, 67.64 feet to an angle point; thence North 27°40'12" East, 30.06 feet; thence North 21°00'13" West, 18.84 feet to the South line of that tract described in Document No. 82-10039, said Official Records; thence along said South line, South 89°42'38" East, 3.76 feet to the Westerly line of Table Rock Road; thence along said Westerly line, North 21°00'13" West, 229.10 feet to the Northeast corner of that tract described in Document No. 82-10039, said Official Records; thence North 89°42'41" West, 10.73 feet to the point of beginning. Containing 2.378 acres, more or less.

TRACT TO BE REZONED  
372W13CA TL'S 2400, 4903, 4904 & 5000  
HAJC  
18-194  
September 12, 2018

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*James E. Hibbs*

OREGON  
JULY 17, 1986  
JAMES E. HIBBS  
2234

RENEWAL DATE : 6-30-19

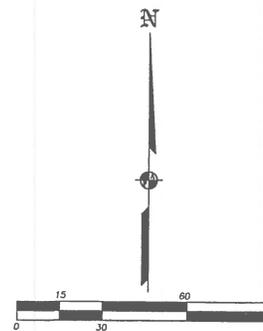
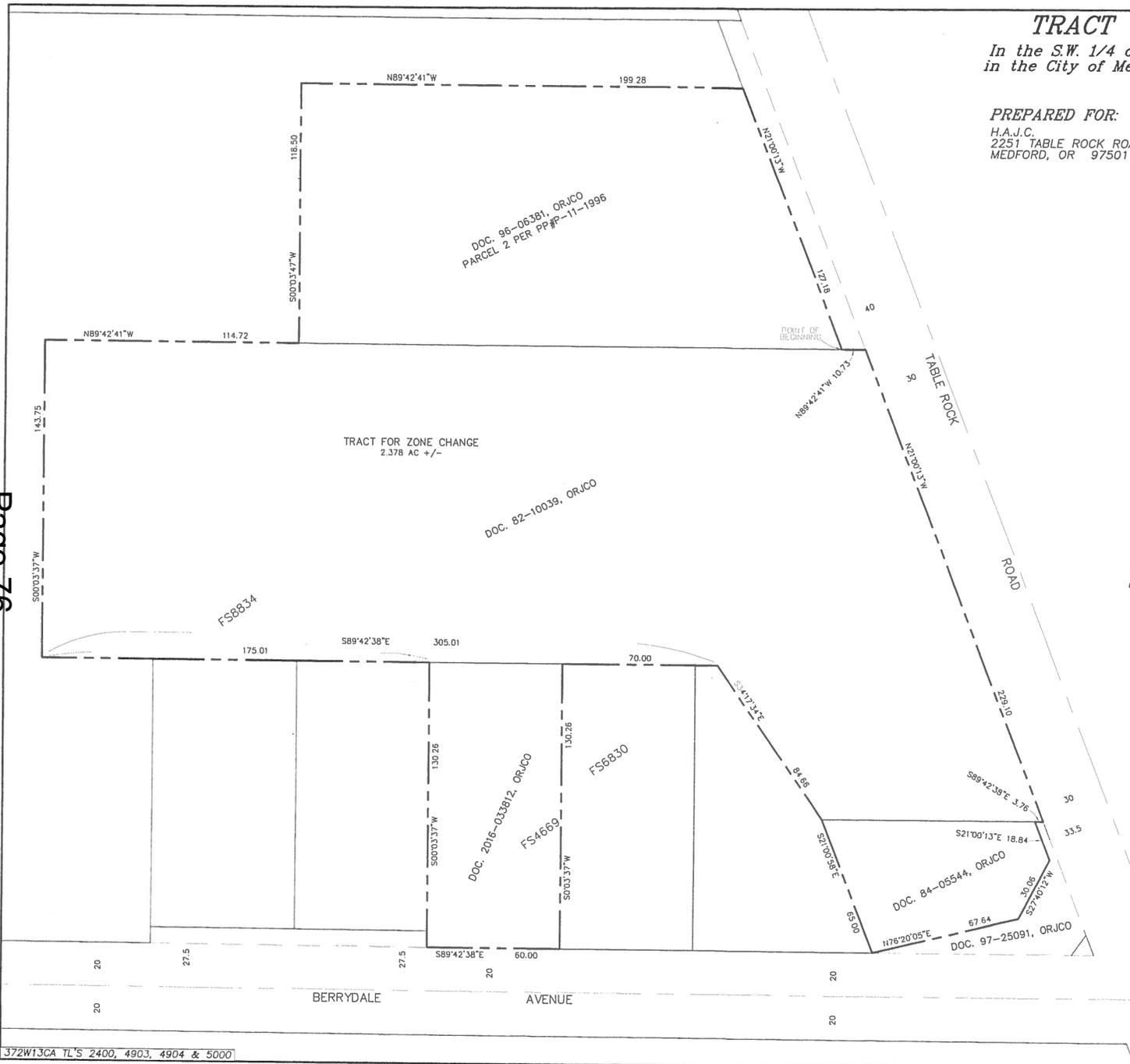
# TRACT TO BE REZONED

In the S.W. 1/4 of Section 13, T.37S., R.2W., W.M.  
in the City of Medford, Jackson County, Oregon.

PREPARED FOR:  
H.A.J.C.  
2251 TABLE ROCK ROAD  
MEDFORD, OR 97501

PREPARED BY:  
L.J. FRIAR & ASSOCIATES, P.C.  
CONSULTING LAND SURVEYORS  
PO BOX 1947  
PHOENIX, OREGON 97535  
PHONE: (541) 772-2782  
LJFRIAR@CHARTER.NET

Page 76



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*James E. Hibbs*  
OREGON  
JULY 17, 1986  
JAMES E. HIBBS  
2224  
RENEWAL DATE: 6-30-19



# Planning Department

*Working with the community to shape a vibrant and exceptional city*

## MEMORANDUM

Subject     Legal Description  
 File no.    ZC-18-132/CP-18-133  
 To           Jon Proud, Engineering  
 From        Steffen Roennfeldt, Planning Department  
 Date        October 17, 2018

Please verify the attached legal description covering the below subject at your earliest convenience. See attached map.

1. ZC-18-132/CP-18-133  
 Applicant: Housing Authority of Jackson County  
 Agent: Scott Sinner

STEFFEN,

THE ATTACHED DESCRIPTION DESCRIBES  
THE AREA DEPICTED ON ATTACHED VICINITY MAP.

IT SHOULD ALSO BE NOTED THAT TAX LOTS  
4901, 4903 & 4904 WERE "DEED SPLIT" IN THE  
1970'S WITHOUT BENEFIT OF A LAND DIVISION  
PLAT AS MAY OF BEEN REQUIRED BY STATE  
CP OR LOCAL LAWS OF THE TIME.

Attachments:

Vicinity Map, Legal description

THANKS, Jon  
10/25/18

4669

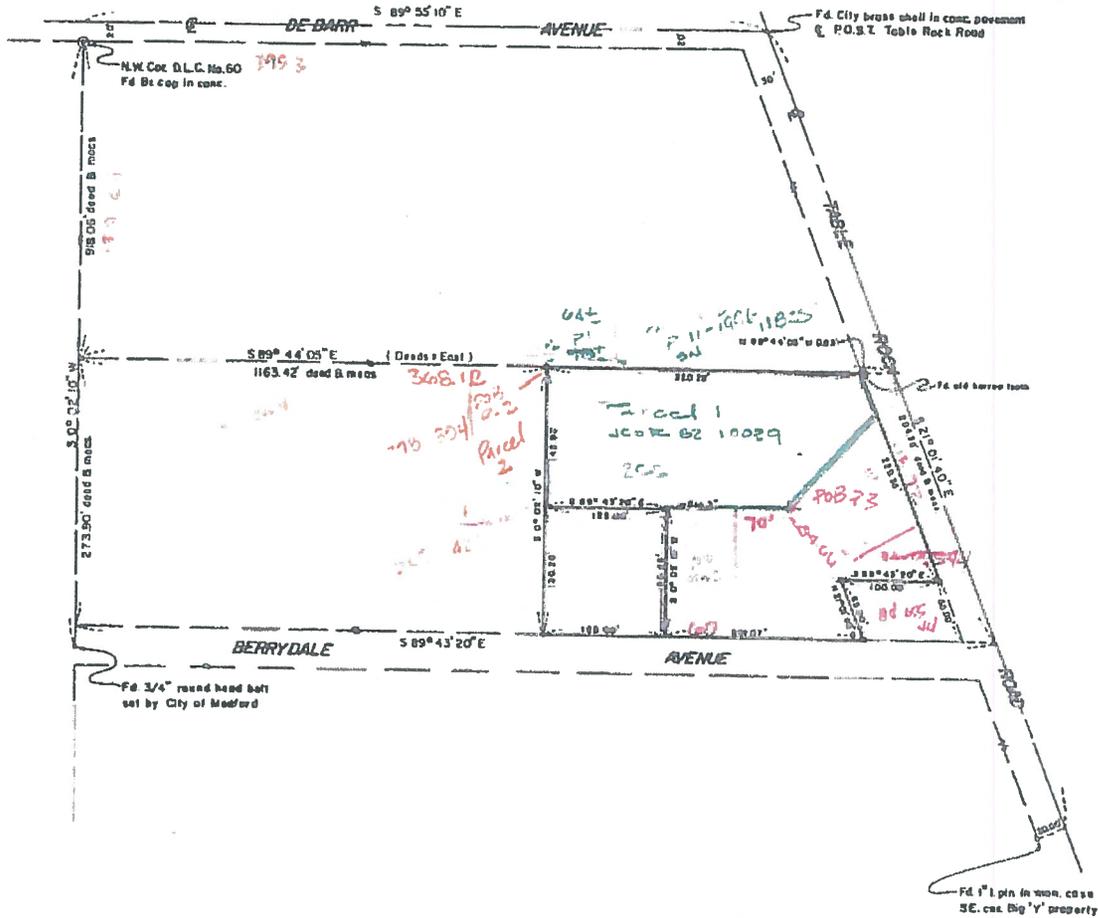
Survey For:  
**VIRGINIA PLUMMER**

Located in D.L.C. No. 60  
in the S. 1/2, Sec. 13,  
T 37 S. R 2 W, W.M.  
By: Mark E. Boyden  
Nov. 8, 1971



SCALE  
1"=100'

Basis of Bearings  
Recorded Survey No. 4281  
© Fd Govt cor. Re-established by CS  
• Set 3/4" x 24" 1 pin flush unless  
otherwise indicated  
• Fd man as directed



4669

4669

**Steffen K. Roennfeldt**

---

**From:** scottsinner@yahoo.com  
**Sent:** Wednesday, November 14, 2018 5:11 PM  
**To:** Steffen K. Roennfeldt; Douglas E. Burroughs  
**Subject:** FW: Housing Authority Zone Change

Hello all,

I received a reply from Roger on the Sanitary sewer issue identified in the original Public Works Comments. It looks like the sanitary sewer capacity issues is not an impact to the requested CPA and zone change for the Housing Authority.

Thank you

Scott

***Scott Sinner Consulting, Inc.***  
***4401 San Juan Dr. Suite G***  
***Medford, OR 97504***  
***541-601-0917***

**From:** Roger E. Thom <Roger.Thom@cityofmedford.org>  
**Sent:** Wednesday, November 14, 2018 2:39 PM  
**To:** 'scottsinner@yahoo.com' <scottsinner@yahoo.com>  
**Subject:** RE: Housing Authority Zone Change

Scott:

2005 SSMP is 180 gal/day/unit for SFR-20, and commercial is 1700 gal/day/acre.

2018 SSMP (likely to get adopted December 5<sup>th</sup>) Urban High Density Residential is 1800 gal/day/acre. Service Commercial is 840 gal/day/acre.

So, no problem going from MFR -20 to Service Commercial, but pretty tough to go the other way if there is SS capacity issues.

Hope that helps,

Thanks,

Roger

**From:** [scottsinner@yahoo.com](mailto:scottsinner@yahoo.com) [<mailto:scottsinner@yahoo.com>]  
**Sent:** Tuesday, November 13, 2018 4:37 PM  
**To:** Roger E. Thom <[Roger.Thom@cityofmedford.org](mailto:Roger.Thom@cityofmedford.org)>  
**Subject:** Housing Authority Zone Change

Hello Roger,

Could you please confirm the Sanitary Sewer impacts the City uses for the MFR-20 zoning district and the C-SP zoning district.

Thanks

TELEPHONE  
541-772-2782

JAMES E. HIBBS, PLS



**L.J. FRIAR & ASSOCIATES P.C.**

CONSULTING LAND SURVEYORS

P.O. BOX 1947  
PHOENIX, OR 97535

RECEIVED

FAX  
541-772-8465  
NOV 15 2018

lfriar@charter.net  
PLANNING DEPT.

LAWFULLY CREATED PARCELS

Medford Code 10.012:

Lawfully established unit of land. A lot or parcel created pursuant to ORS 92.010 to 92.192 or another unit of land created in compliance with all applicable planning, zoning, and subdivision or partition ordinances and regulations or by deed or land sales contract, if there were no applicable planning, zoning, subdivision, or partition ordinances or regulations. Lawfully established unit of land does not mean a unit of land created solely to establish a separate tax account.

TL2400:

The original configuration was via Partition P-11-1996. The configuration as shown on the current assessor map was done through an approved property line adjustment in 2003, recorded as Document No. 2003-007357, ORJCO and a street right of way dedication recorded as Document No. 2010-008766, ORJCO. Therefore TL2400 is a lawfully created tract as defined in Medford Code 10.012.

TL'S 4901, 4903, 4904 & 4905:

The original properties was conveyed via Document 71-15800, ORJCO as shown on Survey No. 4669. In 1977, Survey No. 6830 was filed and in conjunction with the Survey, legal descriptions were prepared and segregation requests processed through the Jackson County Assessors Office. The result of the segregation requests were TL'S 4901, 4904 & 4905 being lawfully created tracts of land as defined in Medford Code 10.012. By default the remainder of TL4903 was also lawfully created. In 1979, the property set forth in Vol. 278, Pg. 354, JCDR was added to TL4903 via Document 79-21140, ORJCO. This added 50' to the Westerly portion of TL4903. The property configuration remained the same until 2003 when the SE'ly portion of TL2400 was added to TL4903 via an approved property line adjustment, recorded as Document No. 2003-007356, ORJCO. A street right of way dedication recorded as Document No. 2010-008766, ORJCO brings the configuration of TL4903 to what is shown on the current assessor's map. Therefore TL4903 is a lawfully created tract as defined in Medford Code 10.012.

TL5000:

The original configuration of TL5000 goes back at least to 1949 as Vol. 313, P.221, JCDR. The configuration as shown on the current assessor map is a combination of the above deed and street right of way takes per Doc. 73-13929 & 97-25091, ORJCO. Therefore TL5000 is a lawfully created tract as defined in Medford Code 10.012.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*James E. Hibbs*

OREGON  
JULY 17, 1986  
JAMES E. HIBBS  
2234

RENEWAL DATE : 6-30-19

CITY OF MEDFORD

ENCLOSURE 2

File # 2C-18-132

CP-18-133

**Steffen K. Roennfeldt**

---

**From:** scottsinner@yahoo.com  
**Sent:** Wednesday, November 21, 2018 11:31 AM  
**To:** Steffen K. Roennfeldt  
**Subject:** FW: FW: Housing Authority Zone Change

Steffen,

I just read the staff report for the Housing Authority Comp Plan Amendment and zone change. Please review the email below.

I believe the comments from Roger Thom and also the independent findings of our civil engineer indicate the zone change sanitary sewer stipulation indicated in the staff report is no longer warranted and the sanitary sewer capacity is adequate for an unrestricted zone change approval.

Please add this email to the record and distribute to the commission for their consideration.

Thank you

Scott

**Scott Sinner Consulting, Inc.**  
**4401 San Juan Dr. Suite G**  
**Medford, OR 97504**  
**541-601-0917**

**From:** Brandon Hall <brandon@cecengineering.com>  
**Sent:** Thursday, November 15, 2018 8:32 AM  
**To:** Scott Sinner <scottsinner@yahoo.com>  
**Cc:** Mark Kamrath <mark@cecengineering.com>; ryan@hajc.net; Trinity@hajc.net; Tony Bakke <tony@cecengineering.com>  
**Subject:** Re: FW: Housing Authority Zone Change

Hi Scott,

We also ran the preliminary calculations and found that there should be no increase in flows, to confirm Roger's statement. I was just a little late getting the email out until this morning.

Thanks,

--  
Brandon Hall, EIT  
CEC Engineering  
(541) 779-5268, ext. 115

On Wed, Nov 14, 2018 at 5:09 PM <scottsinner@yahoo.com> wrote:

Hello all,

CITY OF MEDFORD  
EXHIBIT # 5  
File # 2C-18-132  
CP-18-133

See below, it looks like we are good on the Sanitary sewer issue.

Scott

***Scott Sinner Consulting, Inc.***

***4401 San Juan Dr. Suite G***

***Medford, OR 97504***

***541-601-0917***

**From:** Roger E. Thom <[Roger.Thom@cityofmedford.org](mailto:Roger.Thom@cityofmedford.org)>  
**Sent:** Wednesday, November 14, 2018 2:39 PM  
**To:** '[scottsinner@yahoo.com](mailto:scottsinner@yahoo.com)' <[scottsinner@yahoo.com](mailto:scottsinner@yahoo.com)>  
**Subject:** RE: Housing Authority Zone Change

Scott:

2005 SSMP is 180 gal/day/unit for SFR-20, and commercial is 1700 gal/day/acre.

2018 SSMP (likely to get adopted December 5<sup>th</sup>) Urban High Density Residential is 1800 gal/day/acre. Service Commercial is 840 gal/day/acre.

So, no problem going from MFR -20 to Service Commercial, but pretty tough to go the other way if there is SS capacity issues.

Hope that helps,

Thanks,

Roger

**From:** [scottsinner@yahoo.com](mailto:scottsinner@yahoo.com) [<mailto:scottsinner@yahoo.com>]  
**Sent:** Tuesday, November 13, 2018 4:37 PM  
**To:** Roger E. Thom <[Roger.Thom@cityofmedford.org](mailto:Roger.Thom@cityofmedford.org)>  
**Subject:** Housing Authority Zone Change

Hello Roger,

---

Could you please confirm the Sanitary Sewer impacts the City uses for the MFR-20 zoning district and the C-SP zoning district.

---

Thanks

---

Scott

***Scott Sinner Consulting, Inc.***

***4401 San Juan Dr. Suite G***

***Medford, OR 97504***

***541-601-0917***



# Scott Sinner Consulting, Inc.

Land Use Planning, Conservation Consulting

RECEIVED

NOV 2 2018

PLANNING DEPT.

November 26, 2018

RECEIVED

NOV 26 2018

PLANNING DEPT.

Steffen Roennfeldt  
City of Medford  
200 S Ivy  
Medford, OR 97501

Re: Housing Authority Zone Change ZC-18-132

Steffen,

I would like to provide additional findings supporting the sanitary sewer capacity for an unrestricted zone change to C/SP for ZC-18-132. Roger Thom from Public Works provided sanitary sewer values relevant to the proposed zone change as included below, the SSMP reference is Sanitary Sewer Master Plan:

Scott:

2005 SSMP is 180 gal/day/unit for SFR-20, and commercial is 1700 gal/day/acre.

2018 SSMP (likely to get adopted December 5th) Urban High Density Residential is 1800 gal/day/acre. Service Commercial is 840 gal/day/acre.

So, no problem going from MFR -20 to Service Commercial, but pretty tough to go the other way if there is SS capacity issues.

Hope that helps,

Thanks,

Roger

The majority of the property is currently in the MFR-20 zoning district, one .18 acre parcel is within the SFR-6 zoning district and does not materially affect the following calculations. The site is currently 3.0 gross acres within the MFR-20 zoning district.

Using the adopted 2005 Sanitary Sewer Master Plan values of 180 gallons per day (GPD)per dwelling unit, the gross acreage of 3 acres of the site is currently zoned to allow 60 dwelling units for a total impact of 60 dwelling units x 180 GPD for a total of 10,800 GPD.

Using the current adopted 2005 Sanitary Sewer Master Plan values for commercial zoning of 1,700 GPD x 3 acres results in a sanitary sewer impact of 5,100 GPD. The net result of the approval of the proposed zone change is a reduction of 5,700 GPD to the sanitary sewer system.



4401 San Juan Drive, Suite G  
Medford, Oregon 97504

Phone and Fax 541-772-1494  
Cell 541-601-0917  
Email scott@sinner.com

CITY OF MEDFORD

EXHIBIT # T

File # ZC-18-132

18-18-122



## Scott Sinner Consulting, Inc.

*Land Use Planning, Conservation Consulting*

Roger also provided the sanitary sewer values contained within the Proposed 2018 Sanitary Sewer Master Plan that is likely to be adopted by Council on December 5<sup>th</sup>.

The proposed master plan uses 1,800 GPD for the Urban High Density Residential classification for a total of 3 acres x 1,800 totaling 5,400 GPD for the subject property. The proposed plan also adds a Service Commercial category with a value of 840 GPD per acre resulting in a sanitary sewer impact of 3 acres x 840 GPD for a total of 2,520 GPD. Assuming the proposed Sanitary Sewer Master Plan the impact of the proposed zone change is a reduction of 2,880 GPD reduction.

The application was submitted with the 2005 Sanitary Sewer Master plan in effect and those values result in a reduction of 5,700 GPD in the sanitary sewer impacts of the subject property with respect to the proposed zone change.

The proposed Sanitary Sewer Master Plan, while not adopted or in effect for this application, also demonstrates a reduction in impacts to the sanitary sewer facilities as a result of the approval of this application.

The Planning Commission can conclude the requested can conclude this application meets re criteria for the Category A facilities for sanitary sewer since the approval of the zone change will result in a reduction in allowable sanitary sewer discharge into the public sanitary sewer facilities.

On behalf of the applicant, I request approval of the zone change without any restrictions or stipulations with respect to sanitary sewer capacity issues.

Regards,

Scott Sinner, President  
Scott Sinner Consulting, Inc.



4401 San Juan Drive, Suite G  
Medford, Oregon 97504

Phone and Fax 541-772-1494  
Cell 541-601-0917  
Email [scottsinner@yahoo.com](mailto:scottsinner@yahoo.com)

**Steffen K. Roennfeldt**

---

**From:** scottsinner@yahoo.com  
**Sent:** Thursday, November 29, 2018 10:27 AM  
**To:** Steffen K. Roennfeldt; Kelly A. Akin; Alex T. Georgevitch; 'Ryan Haynes'  
**Subject:** Sanitary Sewer stipulation

Steffen,

After a discussion with staff and my Client with respect to the Sanitary sewer capacity issues for the proposed zone change, We would like provide the following stipulation.

Any new multifamily development on the subject properties will be developed at 20 dwelling units per acre. The stipulation only applies to new residential development and there are no constraints for the other permitted uses in the C/SP zoning district.

Thank you

Scott

***Scott Sinner Consulting, Inc.***  
***4401 San Juan Dr. Suite G***  
***Medford, OR 97504***  
***541-601-0917***

CITY OF MEDFORD  
EXHIBIT # 4  
File # 20-18-132  
CP-18-133

Roll Call Vote: Motion passed, 8-0.

**New Business**

**50.2 ZC-18-132 / CP-18-133** Request for concurrent consideration of a minor General Land Use Plan (GLUP) amendment to reclassify four parcels of land, totaling 2.35 acres located at 2231 & 2251 Table Rock Road from Urban High Density (UH) to Service Commercial (SC); and a change of zone of the subject parcels from SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre) and MFR-20 (Multiple Family Residential – 15 to 20 dwelling units per gross acre) to Service Commercial and Professional Offices (C-S/P) (372W13CA 2400, 4903, 4904 & 5000); Applicant: Housing Authority of Jackson County; Agent: Scott Sinner Consulting, Inc.; Planner: Steffen Roennfeldt.

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner McKechnie disclosed that the agent, Scott Sinner, is his neighbor but it would not affect his decision. His firm has also done work for the Housing Authority of Jackson County in the past. He thinks they have worked on the parcel but has no involvement with this application. This will not affect his judgement.

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

Steffen Roennfeldt, Planner III stated that the Zone Change approval criteria can be found in the Medford Land Development Code Section 10.204. The Minor Comprehensive Plan Amendment approval criterial can be found in the Medford Land Development Code Section 10.222. The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Roennfeldt gave a staff report.

Commissioner McKechnie asked, is the way the Housing Authority of Jackson County has stated they would handle the potential increase in sewer flow is to limit the amount of development to no more than 20 units per acre? Mr. Roennfeldt reported that as far as he knows there are no plans for any kind of redevelopment. If there will be new residential development there, it will be kept to 20 units.

Commissioner McKechnie thought that the way the Public Works report was written the commercial development is what is going to kick the potential of the sewer beyond what is capable. Mr. Roennfeldt deferred the remark to the City Engineer.

Commissioner McKechnie asked, if there is a residential development on commercial property does it, in order to meet the minimum of MFR-30, have 20 units per acre to meet that minimum? Mr. Roennfeldt replied yes.

Vice Chair McFadden stated that when Mr. Roennfeldt was going through the sewer related exhibits that it was not only Exhibit G but Exhibits S, T and U. Mr. Roennfeldt stated that Exhibit G is the Public Works staff report. The additional new exhibits are Exhibits S, T and U. Exhibit U is the applicant stipulating to the sewer flow.

Vice Chair McFadden commented that this cannot move forward unless the City Council approves it. He is wondering if it should be approved in the opposite with the Comprehensive Plan amendment first and then the Zone Change. Is it being done because of Type III and Type IV?

Kelly Evans, Assistant Planning Director clarified that it is the Type III and Type IV. Included in the Conditions of Approval stating that the Zone Change will become effective upon the City Council's action.

Alex Georgevitch, City Engineer reported that the question in regard to commercial is that commercial is sort of unique. Standard commercial generates less sewage per acre than multifamily. The dilemma is that commercial allows for unlimited multifamily. The only limitation is that it has to be at least MFR-20 and under the height restriction. Because it is an unknown it is a hard time stating that it has adequate sewer because commercial allows for unlimited multifamily. The stipulation is as long as it stays at least MFR-20 minimum there are no issues. The applicant has agreed to that stipulation.

The public hearing was opened.

a. Scott Sinner, Scott Sinner Consulting, Inc., 4401 San Juan Drive, Suite G, Medford, Oregon, 97504-9343. Mr. Sinner reported that the current zoning MFR-20 allows for 20 units per acre. It was an unrestricted zone change when originally approved. The request to go to Commercial Service Professional allows for development at 20 units per acre minimum with no maximum. It is driven by site conditions, height restrictions, parking requirements, etc. as far as how many units can be built. The multifamily zoning districts are higher generators of sanitary discharge than the permitted uses in the Commercial Service Professional which are offices. With the outright permitted use today of producing 20 units per acre for their maximum is what the site allows. The minimum for the commercial development multifamily is 20 units. The applicant is stipulating to that and will not impact the sanitary sewer facility more than what has already been planned.

The purpose the applicant is doing this because they have been operating under Conditional Use Permits. Every change they want to do as they grow is to come back to the Planning Commission for a Conditional Use Permit amendment. Then to Site Plan and Architectural Commission for the development project. This makes it outright permitted uses. They foresee Jackson County Housing Authority offices at this site for the conceivable future.

Commissioner McKechnie stated that the lot on Berrydale is going to land lock the two lots next to it. Mr. Sinner reported that the applicant contacted those property owners and they were not interested in participating. Those lots are in the SFR-6 zone in the urban high density designation. Any development or redevelopment of those properties will have to go through a zone change first.

Mr. Sinner reserved rebuttal time.

The public hearing was closed.

Motion for the Zone Change: The Planning Commission adopted the findings as recommended by staff and directed staff to prepare the Final Order for approval of ZC-18-132 per the staff report dated November 16, 2018, including Exhibits A through R, adding Exhibit S, Exhibit T and Exhibit U, provided the City Council approved the GLUP amendment.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Roll Call Vote for the Zone Change: Motion passed: 8-0.

Motion for the Minor Comprehensive Plan (GLUP Map) Amendment: The Planning Commission forwarded a favorable recommendation for approval of CP-18-133 to the City Council per the staff report dated November 16, 2018, including Exhibits A through R, adding Exhibit S, Exhibit T and Exhibit U.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Roll Call Vote for the Minor Comprehensive Plan (GLUP Map) Amendment: Motion passed: 8-0.

**50.3 LDP-18-140 / ZC-18-141** Consideration of a request for tentative plat approval of a proposed two-lot partition, along with a request for a change of zone from C-C (Community Commercial) to, in part, MFR-30 (Multi Family Residential, 20 to 30 dwelling units per gross acre) on a 4.31-acre parcel located at 59, 75 & 101 Lozier Lane and 2267 & 2287 W Main Street within the C-C zoning district (372W26DA1000); Applicant: Manjoh LLC; Agent: Scott Sinner Consulting; Planner: Steffen Roennfeldt.

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner McKechnie disclosed that the agent, Scott Sinner, is his neighbor but it would not affect his decision.

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



Project Name:

**HAJC**  
**Comp Plan & Zone Change**

Map/Taxlot:

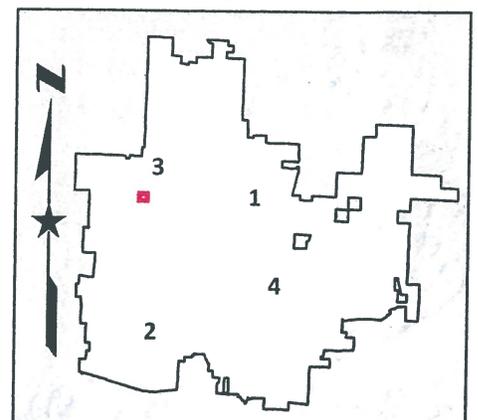
**372W13CA**  
**TL 2400, 4903, 4904, 5000**



09/21/2018

**Legend**

-  Subject Area
-  Zoning Districts
-  Tax Lots





**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

**Item No: 40.3**

www.ci.medford.or.us

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

**AGENDA SECTION:** Public Hearings  
**MEETING DATE:** December 20, 2018

**COUNCIL BILL 2018-140**

An ordinance approving a legislative amendment to the Environmental Element of the Medford Comprehensive Plan to incorporate the 2016 Urban Reserve Local Wetlands Inventory.

**SUMMARY AND BACKGROUND**

The City Council is requested to consider a legislative amendment to modify the Environmental Element of the Comprehensive Plan. The amendment modifies the wetland section by summarizing the 2016 Urban Reserve Local Wetlands Inventory (LWI) findings and the Economic, Social, Environmental, and Energy (ESEE) analysis. The full document of the 2016 LWI is proposed to be incorporated into the Comprehensive Plan by reference.

The City hired SWCA Environmental Consultants in 2015 to conduct a local wetlands inventory for the lands within the Urban Reserve. The inventory characterizes and locates the approximate boundaries of wetlands and surface bodies of water. It also describes the function and relevance of the wetlands identified and makes a determination about whether a wetland is significant or not based on unique characteristics outlined in the state administrative rules. A local wetlands inventory is required in order to comply with the wetlands portion of Statewide Planning Goal 5 for the new Urban Growth Boundary (UGB) expansion areas. (CP-17-117)

**PREVIOUS COUNCIL ACTIONS**

On March 5, 2015, the City Council adopted Council Bill 2015-20, awarding a contract in the amount of \$118,570 to SWCA Environmental Consultants to conduct a local wetlands inventory on land within the City's Urban Reserve.

On September 13, 2018, the amendment was presented and discussed during a City Council study session.

On November 29, 2018, the City Council was updated on the amendment during a study session. The Council was informed about the Planning Commission's recommendation on the proposal. The Planning Commission voted to forward a favorable recommendation of the Comprehensive Plan Amendment with revisions to the Council and tabled the Development Code Amendment related to wetland regulations.

**ANALYSIS**

Based on Statewide Planning Goal 5 and the applicable administrative rules (OAR 660-023-0000 through 660-023-0070; 0090 and 0100), jurisdictions are required to conduct a Local Wetlands Inventory for land inside Urban Growth Boundaries. The inventory must be adopted into the Comprehensive Plan or as a land use regulation, and the identified significant wetlands listed. This is the City's third Local Wetlands Inventory with prior ones occurring in 1995 and 2002. The 2002 inventory covers the existing City limits and 1993 UGB expansion. The 2016 LWI covers the new expansion areas and lands within the Urban Reserve.

In preparation of expanding the City's UGB, the City hired consultant SWCA in 2015 to identify wetlands within the entire Urban Reserve. Public information meetings and field work were completed in the spring and summer of 2015. The inventory report was submitted to the Department of State Lands (DSL) in November 2015. The City received an approval letter from the Department of State Lands in January 2017.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.3

[www.ci.medford.or.us](http://www.ci.medford.or.us)

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As the new expansion areas annex into the City, the 2016 LWI will provide information for property owners and the City regarding the presence of wetlands on property.

Of the 6,400 acres evaluated, 195 acres were identified as having wetlands. Significant wetlands are found in MD-1 through MD-6 with other wetlands identified throughout all of the MD areas. The amendment summarizes the findings of the LWI report and lists the significant wetlands by assessment code, unique identification number, size (in acres), and provides any known DSL wetland delineation file numbers. Maps also are included showing the wetland boundaries.

In addition, an Economic, Social, Environmental, and Energy (ESEE) analysis was completed for the locally significant wetlands identified within the inventory. The analysis recognizes impacts too many of the identified wetlands will occur based on street and utility extensions within the new expansion areas. It concludes that impacts to the wetlands should be allowed but minimized to the extent possible. Four wetlands are identified as being worthy of protection. Two of these are within MD-1 which is under the jurisdiction of Jackson County. The other two are adjacent to Bear Creek along the greenway and are County-owned parcels.

The LWI covers the entire Urban Reserve but the City will have jurisdiction only for the expansion areas. The County, however, can use the inventory as it is the best available data and is included in the Statewide Wetland Inventory database.

The Planning Commission voted 8-0 in favor of the Comprehensive Plan Amendment. The Commission recommended amending the ESEE analysis and summary by removing reference to minimum buffer buffers/setbacks.

## **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

None.

## **TIMING ISSUES**

The adoption of a Local Wetlands Inventory for lands within the expanded Urban Growth Boundary is one of the necessary actions required before these lands can be annexed and developed.

## **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 the Major Comprehensive Plan Amendment as described in the Council Report dated December 13, 2018, and as recommended by the Planning Commission.

## **EXHIBITS**

Ordinance

City Council Report, including Exhibits A through I

ORDINANCE NO. 2018-140

AN ORDINANCE approving a legislative amendment to the Environmental Element of the *Medford Comprehensive Plan* to incorporate the 2016 Urban Reserve Local Wetlands Inventory.

WHEREAS, the City Council has determined that the 2016 Urban Reserve Local Wetlands Inventory satisfied the applicable criteria as demonstrated by the Findings and Conclusions which are on file in the City of Medford Planning Department and incorporated herein by reference and which are hereby adopted as the findings and conclusions of the City Council; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That the 2016 Urban Reserve Local Wetlands Inventory, by reference, is hereby adopted as part of the *Medford Comprehensive Plan*.

Section 2. The approval is based upon the Findings and Conclusions included in the Council Report dated December 13, 2018, attached as Exhibit A and incorporated herein.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor



City of Medford

# Planning Department

*Working with the community to shape a vibrant and exceptional city*

## **COUNCIL REPORT** for a Type IV legislative decision: Major Comprehensive Plan Amendment

Project Urban Reserve Local Wetlands Inventory (2016)  
Applicant City of Medford  
File no. CP-17-117  
To Mayor and City Council *for 12/20/2018 hearing*  
From Planning Commission *via* Carla Angeli Paladino, Principal Planner  
Reviewer Matt Brinkley, Planning Director  
Date December 13, 2018

### **BACKGROUND**

#### Proposal

A legislative amendment to incorporate by reference the 2016 Urban Reserve Local Wetlands Inventory report (*Exhibit C*) into the Comprehensive Plan and amend applicable sections of the Environmental Element related to wetlands (*Exhibit A*). The changes to the Environmental Element also include an Economic, Social, Environmental, and Energy (ESEE) analysis related to the 2016 inventory (*See Exhibit B*). (CP-17-117)

The 2016 Urban Reserve Local Wetlands Inventory can be found at the following link: <https://docs.dsl.state.or.us/PublicReview/ElectronicFile.aspx?docid=3117200&&dbid=0>

NOTE: The associated Development Code Amendment to revise Chapter 10 to incorporate wetlands regulations was tabled by the Planning Commission at their November 29, 2018, hearing. They instructed staff to revise the proposal and bring back changes during a future study session. (DCA-17-118).

#### Authority

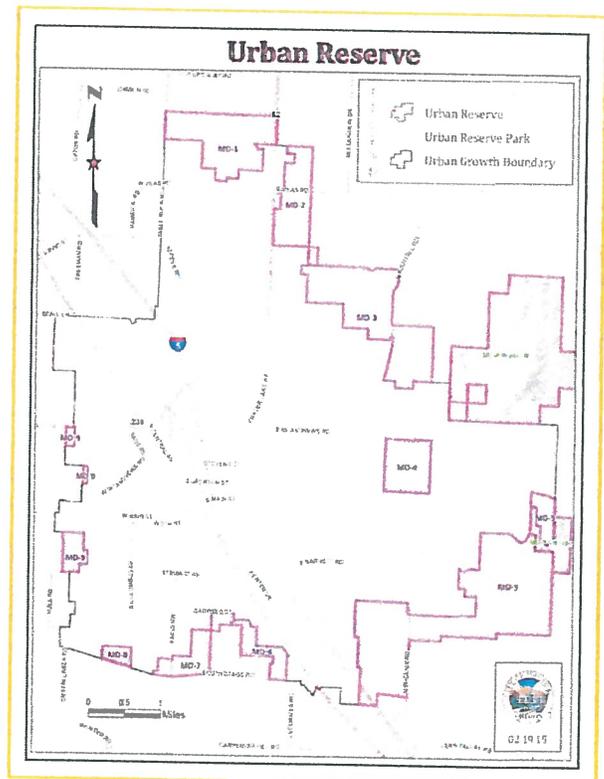
The amendment is reviewed as a Type IV Legislative Major Comprehensive Plan Amendment. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to the Comprehensive Plan under Medford Municipal Code §§10.214 and 10.220.

### History and Analysis

As noted in the Comprehensive Plan, the City completed its first Local Wetlands Inventory in 1995 and updated the information in 2002 with adoption of the inventory in 2003. Since that time, the City established an Urban Reserve in 2012. In 2015, in anticipation of expanding the Urban Growth Boundary (UGB), the City hired SWCA Environmental Consultants to conduct a Local Wetlands Inventory (LWI) within the Urban Reserve area noted on the map below (approximately 6,400 acres). In 2018, the City successfully completed the land use process to expand its UGB. Subsequently, the City is responsible for ensuring implementation of the Comprehensive Plan and necessary land use regulations are updated to comply with State law and prepare for future urbanization of these lands. The adoption of a Local Wetlands Inventory is one of the supplemental tasks in this process to comply with Goal 5 of the Statewide Planning Goals.

A Local Wetlands Inventory is a comprehensive survey of a geographic area. In this case, the entire Urban Reserve was studied to identify, characterize, and locate the approximate boundaries of wetlands and other waterways. The information gathered is a resource tool that provides property owners, future property owners, and local jurisdictions with data to help inform future decisions affecting the usage of a property. The inventory is a preliminary assessment to help describe the function and relevance of the wetlands identified (significant wetlands versus other wetlands).

An informational meeting about the project was held on March 18, 2015. Notices of the meeting were mailed to over 200 property owners. Fourteen people attended the meeting which kicked-off the project and informed the public about the field work to be conducted. The consultants conducted field work at the end of March and April. The preliminary findings were presented to the public at a second informational meeting held on July 1, 2015. The same number of notices were mailed and attendance was the same as the prior meeting.



The consultants drafted the inventory report by October 2015 and submitted the findings to the Department of State Lands (DSL) in November of the same year. The City received a letter from the Department of State Lands approving the Local Wetland Inventory and Assessment for the Urban Reserve in January 2017 (*See Exhibit D*).

The report identifies 85 wetlands totaling 195 acres within the study area, with 58 wetlands identified as locally significant. The locally significant wetlands are found in the northern, eastern, and southern extents of the Urban Reserve (MD-1 through MD-6).

Recognizing new development will occur within the expanded Urban Growth Boundary, the City has chosen to develop its wetland regulations based upon an Economic, Social, Environmental, and Energy (ESEE) analysis, as allowed by state law, rather than follow the Safe Harbor provisions described within the statute. The analysis proposed a 50 foot buffer be required around locally significant wetlands. The Planning Commission recommended the buffer language in the analysis be removed from the amendment.

#### Related Planning Commission & City Council Review & Actions

The Planning Commission reviewed the project at several study sessions on the following dates:

- May 23, 2016
- August 22, 2016
- November 26, 2018 (*See Exhibit H* for minutes)

City Council held a study session on September 13, 2018, and was updated on the amendment on November 29, 2018.

#### Planning Commission Hearing

On November 29, 2018, the Planning Commission voted 8-0 in favor of the Comprehensive Plan Amendment. The Commission recommended amending the ESEE analysis and summary by removing reference to the 50 foot buffer/setback. (*See Exhibit I*)

## FINDINGS AND CONCLUSIONS

### Applicable criteria

For the applicable criteria for a Comprehensive Plan Amendment the Medford Municipal Code §10.218 redirects to the criteria in the "Review and Amendments" chapter of the Comprehensive Plan. The applicable criteria in this action are those for conclusions, goals and policies, and implementation strategies.

*Comprehensive Plan, Review and Amendments chapter: Amendments [to Conclusions] shall be based on the following:*

1. *A change or addition to the text, data, inventories, or graphics which substantially affects the nature of one or more conclusions.*

### Findings

The Department of State Lands (DSL) approved the 2016 Local Wetland Inventory (LWI) report submitted by the City that identifies the location of wetlands within the Urban Reserve (covering approximately 6,400 acres). This LWI was conducted in order to understand where wetlands are located and to categorize their significance within this geographic region. The wetlands were evaluated using the *Oregon Freshwater Wetland Assessment Methodology (OFWAM)* and grouped into units. A total of 85 wetlands were identified with 58 designated as locally significant. Wetlands are evaluated for significance based on whether certain conditions are met such as water quality features, the presence of rare plants or inhabited by species listed as threatened or endangered, its hydrologic control function, and other criteria.

The Comprehensive Plan includes a set of Conclusions for topics related to Natural Resources, Air Quality, Wetlands, and Wildlife Habitat. Conclusion #5 was expanded upon in order to recognize the 2016 LWI. The wetland section of the plan was also updated in order to summarize the inventory and list the significant wetlands and provide maps with their locations.

### Conclusions

The City has a DSL approved Local Wetland Inventory for the Urban Reserve areas. A summary of the inventory has been provided in the Comprehensive Plan and the Conclusions of the plan have been updated to reflect this new information. This criterion is found to be satisfied.

*Comprehensive Plan, Review and Amendments chapter: Amendments [to Goals and Policies] shall be based on the following [criteria 1–6]:*

1. *A significant change in one or more Conclusion.*

Findings

Please see explanation under the *Amendments to Conclusions* criterion above.

Conclusions

Based on the discussion under the *Amendments to Conclusions* criterion cited above this criterion is found to be satisfied.

2. *Information reflecting new or previously undisclosed public need.*

Findings

The Comprehensive Plan helps guide and inform how and where the City will grow in the future. The adoption of the Urban Growth Boundary expansion provides new opportunities for urban-level development and requires the City to recognize and evaluate the potential impacts to the environment that accompanies such growth. The City took steps in 2015 to hire a consultant to identify the location of wetlands within the City's designated Urban Reserve. This information helps provide a starting point for both property owners and the City to understand generally where these resources are present and what their significance is, thereby enabling more informed decision-making related to development and public infrastructure projects.

Conclusions

The 2016 Local Wetland Inventory provides new information about an environmentally sensitive natural feature (wetlands) that was previously unknown and is being incorporated into the City's Comprehensive Plan. This criterion is found to be satisfied.

3. *A significant change in community attitudes or priorities.*

Findings

The City worked on expanding its Urban Growth Boundary (UGB) for nearly two decades starting with the Regional Problem Solving process. As of 2018, the State had acknowledged the City's proposal to expand its UGB which will provide new and additional opportunities for the development of residential and employment lands.

New development will transition rural lands to intensive urban uses. With that come changes to the natural environment and impacts to identified resources. The City has developed a Local Wetlands Inventory for the Urban Reserve and new expansion

areas and is responsible for maintaining and protecting valuable natural assets in a manner that balances the City's need to accommodate urban land uses with the need and responsibility to ensure adequate ecological functions of environmentally sensitive lands.

#### Conclusions

The approval to expand the City's Urban Growth Boundary provides a shift in community priorities which requires the relevant elements of the Comprehensive Plan be updated and new regulations be implemented before development can take place. The adoption of the 2016 Local Wetlands Inventory is one of the necessary steps the City must take in order to ensure future development of these areas is consistent with the City's Comprehensive Plan and State law. This criterion is found to be satisfied.

4. *Demonstrable inconsistency with another Plan provision.*

#### Findings

The proposal to amend and incorporate the 2016 Local Wetlands Inventory into the Environmental Element of the Comprehensive Plan is necessary to reflect new information and resources identified within the Urban Reserve and specifically within the 2018 Urban Growth Boundary expansion areas. The Plan already recognizes natural resources including wetlands and the new inventory is being integrated accordingly. The data is not found to be inconsistent with other plan provisions.

#### Conclusions

This criterion is found to be not applicable as no inconsistencies have been identified among the elements in the Comprehensive Plan.

5. *Statutory changes affecting the Plan.*

#### Findings

Oregon Administrative Rules, Division 23, establish procedures and criteria for inventorying and evaluating Goal 5 resources and developing land use programs to conserve and protect significant resources. Medford is updating the Comprehensive Plan to address one of the Goal 5 resources, wetlands. The statutory requirements have not been amended and the City is following the guidance in the OAR.

#### Conclusions

There are no known statutory changes that impact the proposal. This criterion is not applicable.

6. *All applicable Statewide Planning Goals.*

**Goal 1—Citizen Involvement**

Findings

The City has an adopted Citizen Involvement Element in compliance with Statewide Planning Goal 1. Notice of the amendment was provided to the Department of Land Conservation and Development for review and comment.

The development of the Local Wetlands Inventory included involvement and discussions with property owners and property owners' representatives. Informational meetings were held at the start of the inventory process and once preliminary findings were available. The information was provided on the City's UGB webpage for review and comment. Additional relevant information in the form of an approved wetland delineation for one of the properties was provided during this comment period and incorporated into the inventory.

Property owners have been invited to attend the upcoming hearing with the Planning Commission and have been provided notice of the City Council meeting in December. These public hearings provide additional forums for public comment and feedback on the amendments.

Conclusions

Based on information noted above, it is found that Goal 1 is satisfied.

**Goal 2—Land-use Planning**

Findings

The proposed amendment has been coordinated with applicable agencies and affected property owners. The changes ensure that future development and potential impacts to the natural environment within the expanded UGB will be consistent with the relevant documents and requirements outlined in the City's Comprehensive Plan.

Conclusions

The proposal is found to comply with Goal 2.

**Goal 3—Agricultural Lands does not apply in this case.**

**Goal 4—Forest Lands does not apply in this case.**

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

### Findings

The proposal is directly related to Goal 5 and the presence of natural resources in the form of wetlands. The City has inventoried wetlands in compliance with applicable administrative rules and statutes that govern how these resources are identified and evaluated within the Urban Reserve areas. The report was approved by the Department of State Lands in 2017 and is proposed to be incorporated into the Comprehensive Plan for use as future development occurs within the Urban Growth Boundary expansion areas. In addition, the City undertook evaluating each of the significant wetland units through an Economic, Social, Environmental, and Energy (ESEE) analysis in order to make a decision on whether to allow, limit, or prohibit conflicting uses that may impact the resource. The analysis recognizes that proposed streets, utilities, and uses within these expansion areas may impact wetlands and prevent the preservation of these wetlands in their current state. In many instances, the ESEE analysis determined that conflicting uses will be allowed but need to be reduced as much as possible through implementation of alternatives, minimizing intrusion, and where impacts are unavoidable through mitigation.

Buffers are commonly used to protect environmentally sensitive features such as wetlands and riparian habitat surrounding surface bodies of waters (streams, lakes, etc.), and are ubiquitous in wetland regulations. The Planning Commission recommended removing the proposed 50 foot buffer identified in the ESEE analysis.

### Conclusions

The City has taken necessary steps to identify and evaluate the wetland resources within the Urban Reserve and expanded Urban Growth Boundary. The Local Wetlands Inventory provides the basis for managing and protecting these resources over time through the ESEE analysis. Goal 5 is found to be satisfied.

## **Goal 6—Air, Water, and Land Resources Quality**

### Findings

As the City urbanizes within the Urban Growth Boundary, the exposure to different types of pollutants and contaminants will be introduced into these areas. Research has shown that the use of buffers surrounding a wetland can aid in protecting water quality and act as a filter to help process pollutants that may impact water and land. The City proposes to minimize disruption of these natural areas and help reduce potential contamination and degradation of local water resources by using the wetlands for their water quality benefits.

### Conclusions

Wetlands are a resource to aid in the reduction of pollution to land and water. The City is taking steps to identify and manage these resources as development occurs. Goal 6 is found to be satisfied.

**Goal 7**—Areas Subject to Natural Hazards is not applicable in this case.

**Goal 8**—Recreation Needs

### Findings

Wetland resources can provide opportunities for open space amenities, natural and educational experiences, and locations for trail connections. Per the Regional Plan, a certain percentage of open space will be required as land develops within the Urban Growth Boundary. These natural resources will count towards meeting the open space requirements.

### Conclusions

The Regional Plan includes the preservation of land for recreational and open space needs. Wetlands within these new expansion areas can help accomplish that goal. Goal 8 is found to be satisfied.

**Goal 9**—Economic Development

### Findings

The Urban Growth Boundary amendment detailed the need for additional economic opportunities and employment land to serve Medford and the region. The balance between preserving the natural environment and accommodating growth has been reviewed in part through evaluation of the ESEE analysis and potential impacts to wetlands. Understanding where the wetlands exist will aid in designing and approving sites that balance development needs with environmental stewardship responsibilities.

Wetlands identified in the inventory are able to be used by developers to meet Regional Plan open space requirements, thereby reducing the need to allocate land that is better suited for development to satisfy this requirement of the Regional Plan.

### Conclusions

The City must consider a number of factors as development occurs in the Urban Growth Boundary. The 2016 Local Wetland Inventory provides information about the location of wetland resources and how they may be impacted and preserved over time. Goal 9 is found to be satisfied.

## **Goal 10—Housing**

### Findings

The Urban Growth Boundary amendment detailed the need for additional housing to serve Medford. The wetland resources can serve as amenities to proposed new residential developments, and are increasingly integrated into the built environment along with stormwater management methods (bioswales, raingardens, etc.). Wetlands also represent an opportunity for developers to meet Regional Plan open space requirements without using land that is more suitable for residential development to meet that obligation.

### Conclusions

Housing will be developed within the expansion areas and the wetland resources can serve as complimentary amenities for such developments ensuring the protection and use of the wetlands. Goal 10 is found to be satisfied.

## **Goal 11—Public Facilities and Services**

### Findings

It is understood that future urban services and infrastructure will be constructed in the expansion areas and that impacts to the natural environment will occur. The proposed changes to the Comprehensive Plan include an ESEE analysis to help evaluate conflicting uses and impacts that most frequently are related to providing and extending public facilities. The analysis tries to balance an allowance for necessary services with minimizing and reducing impacts to the wetlands.

### Conclusions

Goal 11 is found to be satisfied.

## **Goal 12—Transportation**

### Findings

As noted under Goal 11 above, transportation infrastructure will be constructed in the expansion areas and will cause impacts to the natural environment. The proposed changes to the Comprehensive Plan include an ESEE analysis to help evaluate conflicting uses and impacts that include the extension and construction of streets and pathways. The analysis tries to balance an allowance for necessary services with minimizing and reducing impacts to the wetlands.

### Conclusions

The 2016 Local Wetland Inventory helps identify the conflict points between proposed street extensions and the presence of wetlands. Considering alternatives and

minimizing impacts to the wetlands as development occurs will be evaluated. Goal 12 is found to be satisfied.

Goal 13—Energy Conservation is not applicable in this case.

**Goal 14—Urbanization**

Findings

The City has adopted an Urban Growth Management Agreement with the County that outlines the orderly development and transition of rural lands to urban lands. The Local Wetlands Inventory (LWI) proposal contemplates this transition based on the environmental impacts of development. It recognizes a balance is needed in order to preserve the wetland resources identified in the inventory while strategically and consciously balancing development impacts with maintaining these natural systems and the environmental and health benefits they provide.

Conclusions

It is the City's responsibility to ensure the efficient and orderly development of these new areas is consistent with the City's Comprehensive Plan and State Law. The transition from rural land uses to urban land uses must be considered from an environmental, natural functions, and water quality standpoint. The adoption of the 2016 Local Wetlands Inventory is one mechanism to manage these resources. Goal 14 is found to be satisfied.

Goals 15–19 are not applicable to this part of the State.

*Comprehensive Plan, Review and Amendments chapter: Amendments [to Implementation Strategies] shall be based on the following [criteria 1–6]:*

1. *A significant change in one or more Goal or Policy.*

Findings

The proposed ordinance does not “significantly change” any Goals or Policies; rather, it provides a process for ensuring compliance with existing Goals and Policies, particularly those found in the Environmental Element.

Conclusions

The proposed ordinance is found to be consistent with the goals and policies of the Comprehensive Plan. This criterion is found to be satisfied.

- 2. Availability of new and better strategies such as may result from technological or economic changes.*

Findings

The criterion is not applicable.

Conclusions

This criterion is found to be not applicable to the proposal.

- 3. Demonstrable ineffectiveness of present strategy(s).*

Findings

Currently, the City is relying on the adopted 2002 Local Wetlands Inventory to provide information about the presence of wetlands on property. As the City expands into the new Urban Growth Boundary locations, it proposes to adopt the 2016 Local Wetlands Inventory to be used for these areas, maintaining the 2002 Inventory for the existing City limits and 1993 UGB expansion areas. The adoption of the inventory is a critical first step in locating wetland resources on properties. To date, however, the current (2002) inventory has stood alone in managing wetlands and is not coupled with code regulations in the Land Development Code. Projects that contain wetlands are provided to the Department of State Lands to provide comments and direction to determine next steps for an applicant or property owner. Comments may include surveying the extent of the wetlands on the property through a delineation and receiving concurrence from the state on the boundaries. In other circumstances, it may also require an applicant to obtain a permit in order to impact or modify a wetland. There are no local regulations that dictate on how these wetlands are managed.

In addition to the existing and proposed inventories, the City is drafting wetland regulations to incorporate into the Land Development Code. The Comprehensive Plan Policy 6-B and Implementation Strategy 6-B(1) direct the City to regulate land use that may affect wetlands and develop code language in the Land Development Code to adopt protections for locally significant wetlands.

Conclusions

The current reliance on State and Federal agencies to address wetlands has been effective, and the City is taking the first step in regulating these resources through adoption of the Local Wetlands Inventory. The review of specific regulations within the Land Development Code will follow. This criterion is found to be satisfied.

4. *Statutory changes affecting the Plan.*

Findings

Oregon Administrative Rules, Division 23, establish procedures and criteria for inventorying and evaluating Goal 5 resources and developing land use programs to conserve and protect significant resources. Medford is updating the Comprehensive Plan to address one of the Goal 5 resources, wetlands. The statutory requirements have not been amended and the City is following the existing guidance in the OAR.

Conclusions

There are no known statutory changes that impact the proposal. This criterion is not applicable.

5. *Demonstrable budgetary constraints in association with at least one of the above criteria.*

Findings

There are no identified budgetary constraints related to the proposal.

Conclusions

This criterion is not applicable.

6. *All applicable Statewide Planning Goals.*

Findings

The relevant Statewide Planning Goals have been addressed in detail under Criterion 6 above. The plan is found to be in compliance with the applicable goals.

Conclusions

The Statewide Planning Goals have been addressed above. This criterion is found to be satisfied.

**RECOMMENDED ACTION**

The Planning Commission recommends adopting the proposed amendments based on the analyses, findings, and conclusions in the Council Report dated December 13, 2018, including Exhibits A through G.

**EXHIBITS**

- A Comprehensive Plan Amendments (Environmental Element)
- B ESEE analysis for the 2016 Local Wetland Inventory
- C 2016 Local Wetland Inventory report
- D Letter from the Department of State Lands approving the 2016 LWI

- E Comments from the Medford Fire Department
- F Comments from the Medford Public Works Department
- G Comments from the Medford Public Works Department
- H Planning Commission Study Session Minutes, November 26, 2018
- I Draft Planning Commission Hearing Minutes, November 29, 2018

**CITY COUNCIL AGENDA:      DECEMBER 20, 2018**

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## ENVIRONMENTAL ELEMENT

## WETLANDS

In the past, few standards regulated the planning, development, or preservation of wetlands in Oregon's urban areas. Further, variations from one locale to another across the state resulted in inconsistent policies for preservation or development. More recently, a renewed appreciation of wetlands has led to the development and enforcement of greater federal and state regulations to guide wetland planning in urban areas. There has been increased recognition of wetlands as:

- Important habitats necessary for the survival of many aquatic and terrestrial species
- Integral parts of the hydrologic system necessary for the maintenance of water supplies and water quality

## FEDERAL AND STATE REGULATIONS

The principal federal law that regulates activities in wetlands is Section 404 of the Clean Water Act. Section 404 restricts the discharge of wastes, including fill material, into the waters of the United States, which are broadly defined as coastal waters, rivers, streams, estuaries, and wetlands. The U.S. Army Corps of Engineers is responsible for administering Section 404. Wetlands are defined as "those areas that are inundated or saturated with surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions."<sup>24</sup>

To be considered a jurisdictional wetland, or one regulated by Clean Water Act regulations, the wetland must contain wetland plants, hydric soils, and saturated or inundated substrate. Permits are required from the U.S. Army Corps of Engineers and the Oregon [Division-Department](#) of State Lands (DSL) to fill or drain a jurisdictional wetland. If the activity cannot be justified, permits are not issued. If the activity is justified, the permits are likely to require compensatory mitigation, to replace the acreage and values of the wetland area lost.<sup>25</sup>



Planning efforts to satisfy federal and state wetland regulations are shifting to the local level. The Oregon Department of Land Conservation and Development (DLCD) has established the responsibilities that cities and counties have regarding wetlands under Goal 5. To comply with the wetlands requirements of Goal 5, local governments must conduct a Local Wetland Inventory (LWI) and adopt a "safe harbor" or similar [regulations ordinance](#) that protects locally significant wetlands, and/or develop protections through an ESEE analysis process as described in the previous section.

<sup>24</sup>*Comprehensive Medford Area Drainage Master Plan*, September 1996.

<sup>25</sup>*West Eugene Wetlands Plan*, City of Eugene and Lane Council of Governments, December 1992.

## ENVIRONMENTAL ELEMENT

In 1995, the City of Medford completed its first “*Local Wetlands Inventory (LWI) and Oregon Fresh Water Wetland Assessment Method Analysis*,” which documented the presence, location and size of the wetlands in the UGB. The LWI and OFWAM analyses were updated and approved by DSL in 2002 (*Medford Local Wetland Inventory and Locally Significant Wetland Determinations*, 2002 by Wetland Consulting). See **Figure 6** for a general vicinity map of Medford area wetlands. The official LWI maps are available in the Medford Planning Department. A qualitative assessment of the wetlands was conducted according to the Oregon Freshwater Wetland Assessment Method (OFWAM)<sup>26</sup>. DSL is required to be notified of all applications ~~to the City of Medford~~ for development activities, including applications for plan ~~authorizations~~ approvals, development permits, or building permits, and of development proposals by the City of Medford, that may affect any wetlands, streams, or waterways identified and/or mapped in the *Local Wetlands Inventory*.

The 2002 LWI inventoried and mapped 134 wetland sites in the UGB, and mapped, but did not inventory the waterways. The waterways were inventoried, mapped, and assessed in a separate process. See the *Medford Riparian Inventory and Assessment Bear Creek Tributaries*, 2002 by Wetland Consulting. There was a total of 293 acres of wetlands inventoried, including created ponds ~~in addition to the~~ and natural wetlands. *Palustrine forested* and *scrub-shrub* wetland plant communities are common along stream corridors, typically confined to a narrow strip along steeply banked watercourses. Dominant tree species include black cottonwood, white alder, and Oregon ash. Understory shrubs include willow, choke cherry, wild rose, and snowberry. Himalayan blackberry vines, an invasive introduced species, often dominate understory areas, especially those that have been disturbed. The *palustrine emergent* wetlands are dominated by herbaceous plants such as cattails, rushes, sedges, and reed-canary grass in inundated areas, and teasel, tall fescue, buttercup, and velvet grass adjacent to the water.

Vernal pools, which are rare rain-fed seasonal wetlands, have been found in the Agate Desert area north of the Medford UGB and in the northern portion of the UGB in and near the Airport in areas having Agate-Winslo soils. The hard pan underlying the soil restricts infiltration, causing prolonged inundation. An inventory and assessment of the vernal pools in the Agate Desert area was completed by DSL in 1997. Most historic vernal pools located within the Medford UGB have been severely altered or obliterated due to grading and vegetation alterations, although some may still be identified as wetlands.

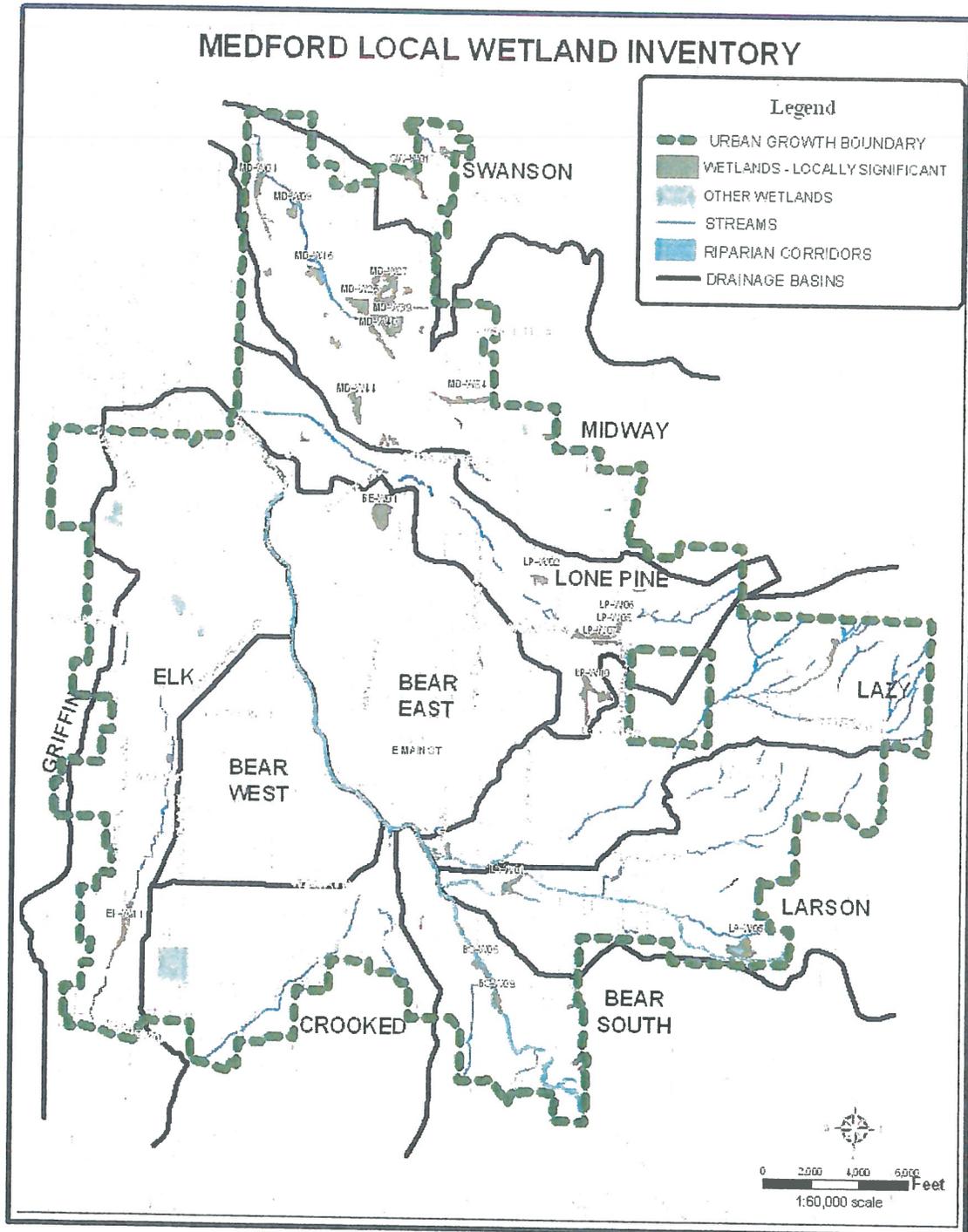
Some threatened or endangered plant species are known to occur in conjunction with vernal pools in Jackson County, including Cooks (Agate Desert) lomatium and large-flowered wooly meadowfoam. Both are listed as Endangered Species by the state of Oregon and Candidate Species under the federal *Endangered Species Act*. Agate Desert lomatium (*loamtium cookii*), which is known to occur only in Jackson and Josephine Counties, has been identified on the grounds of the Rogue Valley International-Medford Airport, which is within the UGB.<sup>27</sup> The RVCOG is managing a cooperative effort, the Agate Desert Vernal Pools Project, initiated to develop a wetland conservation plan for the Agate Desert vernal pool area. Jackson County, the City of Medford, the Nature Conservancy, DSL, ODFW, the U.S. Army Corps, and the U.S. EPA are among the participating agencies.

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<sup>26</sup>Statewide methodology used in the *Local Wetlands Inventory* for assessing and determining the significance of the wetlands in Medford.

<sup>27</sup>*Draft Environmental Assessment, Rogue Valley International-Medford Airport, Proposed Improvements*, March 1999, David Evans and Associates, Inc.

Figure 6: Medford Area Wetlands



## ENVIRONMENTAL ELEMENT

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The City of Medford owns property in the vicinity of the Water Reclamation Facility and Whetstone Creek, located outside the UGB near Antelope Road, that contains vernal pools and other wetlands. Some of this land is potentially suitable as mitigation sites for wetland impacts caused by City infrastructure projects.

### **Determination of Local Significance**

The LWI/OFWAM is a “first layer” planning tool for identifying the most valuable wetlands in the Medford UGB. OFWAM assessments of the wetlands are used in making a determination of *significance* according to state standards (OAR 141-086-0350). In addition, other wetlands may be adopted by the City Council as *locally significant*. Using the OFWAM criteria, 45 of the inventoried wetlands in the Medford UGB were determined to be locally significant. —Nearly half are locally significant due to having a water quality function and being located within one-quarter mile of a “water-quality-limited stream”. Several significant wetlands have direct surface water connections to Bear Creek and Larson Creek, which are habitat for “indigenous anadromous salmonids”. See **Appendix C** for the inventory of locally significant wetlands.

### **Uses Conflicting with Wetland Protection**

Occasionally, the protection of a locally significant wetland may conflict with other important community goals. After a sound ESEE analysis, the City Council may make a finding that a particular “conflicting use” is more important to the long-term needs of the citizens than preservation of the wetland area. The most common conflicting uses have been critical links in the City’s arterial and collector street system. In many cases, a street crossing can be accomplished without serious disruption of a wetland, such as along a riparian corridor. In other cases, fill and compensatory mitigation may be required if an alternative location is not available. The ESEE analysis will result in a determination that the identified conflicting use will be permitted, limited, or prohibited.

### **Wetland Mitigation**

Under current federal and state laws, any wetland losses must be compensated through creation of new wetlands, restoration of former wetlands, and/or enhancement of existing wetlands. Mitigation efforts not only satisfy federal and state laws, but attempt to achieve a balance between competing land uses. The 1995 LWI recommended that “*an active land acquisition plan and schedule are required to acquire key locations for future wetlands mitigation. Without such a plan, many potential sites may be permanently lost.*” A *Wetlands Mitigation Concept Plan* prepared for the City of Medford in 1996, presented methods for mitigating wetland losses. The 2002 LWI identified some potential mitigation sites within the UGB.

One means to achieve wetland preservation objectives is through the establishment of a regional wetland mitigation bank. Freshwater mitigation banking is addressed in the *Oregon Mitigation Bank Act of 1987*. Often, wetland loss compensation is conducted on a piecemeal basis as individual development projects are completed. As a result, many newly created wetlands are small, isolated, and of marginal value as wildlife habitat, a primary intent of wetland mitigation. In some circumstances, development is slowed by a lack of suitable wetland mitigation sites. As noted in the 2002 LWI, the most appropriate mitigation sites in the Medford UGB are those that are made up of dewatered hydric soils over five acres in size. They are often located near existing drainageways, including one in the undeveloped Southeast Medford area near Larson Creek, a primary tributary of Bear Creek, that could serve several functions, including water quality control and open space connections, possibly through the designation of conservation areas and greenways. The Bear Creek corridor is also being evaluated to determine if suitable mitigation sites are located along the waterway.

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Refer to the *Wetlands Mitigation Concept Plan* for a more detailed description of the suggested wetland mitigation strategies.

### **WETLAND FUNCTIONS IN AN URBAN ENVIRONMENT**

Wetlands in urban areas serve a variety of roles in achieving community needs and objectives, including the provision of educational and recreational opportunities. Locally significant wetlands are those that have been determined to serve one or more of the following functions: preservation/diversification of wildlife, maintenance of fish habitat, improvement of water quality, or hydrologic control.

The critical functions wetlands can provide within urban areas include, but are not limited to:

#### **Stormwater Management**

The use of open channels and wetlands in an integrated storm drainage system provides a better balance between stormwater conveyance and flood control needs, and environmental and community needs. The *Drainage Master Plan* recommends the development and implementation of a local wetlands management plan that incorporates flood control, water quality control, and principles of natural resource management. Such efforts, in the long term, will assist in reducing stormwater pollution, improving water quality, and creating pleasant urban open spaces and waterways.

#### **Water Quality Improvements**

Wetlands can contribute to the improvement of water quality. The vegetation in both natural and constructed wetlands functions as a biological filter in removing sediments, excessive nutrients, and other water pollutants from stormwater runoff resulting in cleaner surface water and improved aquatic habitat.

#### **Improved Flood Control**

Additional flood storage capacity can be gained by protecting existing wetlands, by creating new wetlands, and by widening and returning channels to their natural meandering patterns. Design conventions, such as widened channel bottoms, allow the resulting low flow channels to meander among wetlands, re-establishing the original stream bank habitat, and reducing the downstream impacts of stormwater runoff that originates in urban areas. Other flood storage improvements such as on-site detention ponds can provide multiple benefits, for example, provision of flood control, open space, and wildlife habitat.

#### **Improved Plant and Animal Habitat**

Greater protection of wildlife habitat is a priority of Goal 5, and wetland areas provide critical wildlife habitat. By protecting and restoring a variety of wetland types, and buffering them from the impacts of nearby development, diversity of habitats can be sustained and improved.

#### **Recreation, Education, and Research**

Trails, multi-use paths, and wildlife observation areas within a diverse system of wetlands and stream corridors can provide opportunities for public enjoyment of the natural environment. Wetland environments provide excellent opportunities for education and recreation, particularly if utilized by elementary and secondary schools. The completion of the Bear Creek Greenway from Ashland to Central Point and beyond is progressing, and encompasses many habitat types along Bear Creek, including wetlands. The Greenway is already used for educational purposes, combining classroom learning with field experience in environmental programs, such as those where students

## ENVIRONMENTAL ELEMENT

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adopt creek sections, plant trees, and release salmon fry. The Bear Creek Watershed Education Partners, a committee of the Bear Creek Watershed Council, is currently overseeing such programs.

### **Corridors and Connections**

By providing greenways and open space along existing waterways and wetlands, a connected system could be established throughout the UGB, and ultimately linking communities in the Bear Creek Valley. Greenways provide corridors for wildlife movement and species interchange, as well as connections for human use. One example is the riparian corridor and proposed multi-use path along Larson Creek, which would connect the Southeast area with the Bear Creek Greenway.

## **WETLAND PROTECTION ORDINANCE**

As noted above, to comply with Goal 5 requirements for wetland protection, specific regulations must be adopted in the Medford Municipal Code Land-Development Code. Medford's proposed Wetland Protection Ordinance regulations would address locally significant wetlands and other identified wetlands that are not locally significant, could address other wetlands. In the case of some wetlands, a "safe harbor ordinance regulation" may be adopted, which forbids prohibits disturbance of the wetland, but does not include buffer areas. In other cases, after the ESEE (Energy, Social, Environmental, and Energy) analysis is completed, regulations ordinances that address allowing, prohibiting, or limiting permitting, limiting, or allowing conflicting uses would be adopted. These may include required buffers. When reviewing development permits or plan authorization-land use applications for properties containing a wetland-Wetland Protection Area, the approving authority would consider how well the proposal satisfies the objectives of the ordinance regulations. The objectives of Medford's proposed Wetland Protection Ordinance regulations include:

- To implement the goals and policies of the "Environmental Element" of the Medford *Comprehensive Plan* and achieve their purposes.
- To protect and restore Medford's wetland areas, thereby protecting and restoring the hydrologic, ecologic, and land conservation functions these areas provide for the community.
- To protect fish and wildlife habitat, enhance water quality, control erosion and sedimentation, preserve native vegetation, and reduce the effects of flooding.
- To protect and restore the natural beauty and distinctive character of Medford's wetlands as community assets.
- To enhance the value of properties near wetlands by utilizing the wetland as a visual amenity.
- To enhance coordination among local, state, and federal agencies regarding development activities near wetlands.
- To implement state and federal law with respect to protecting Medford's significant wetlands and the protection of clean water, pollution and flood control, and preservation of endangered species.

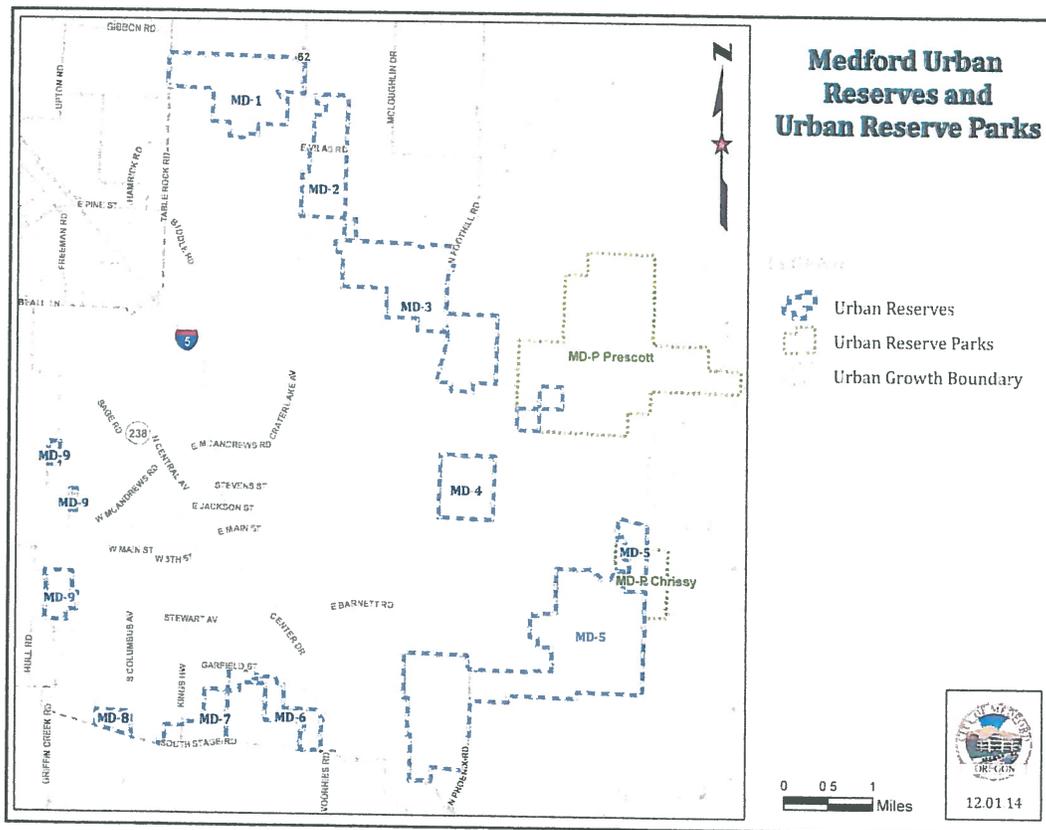
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- To improve public awareness and appreciation of wetlands for their unique ecological functions and the visual and environmental benefits they provide.

### URBAN RESERVE LOCAL WETLANDS INVENTORY (2016)

In 2015, the City of Medford hired SWCA Environmental Consultants to conduct a Local Wetlands Inventory (LWI) for the areas in the City's Urban Reserve (UR). This inventory was started to follow the external study area portion of the Urban Growth Boundary project and address Goal 5 requirements related to wetlands. The entire UR was studied to cover all possible areas considered for inclusion in the UGB. Each of the 11 UR areas is labeled with a "MD" number starting at 1 through 9 (See Figure 16). The study area encompassed roughly 6,400 acres including Prescott and Chrissy Parks within four identified drainage basins.

Figure 16: Study Area - Medford Urban Reserves and Urban Reserve Parks



The consultants followed the approach outlined in the Oregon Administrative Rules (OAR) using a combination of on-site and off-site inventory methods to identify the resources. Wetlands were evaluated using the Oregon Freshwater Wetland Assessment Methodology (OFWAM) and grouped into units. These results were in turn used to identify Locally Significant Wetlands (LSW) within the study area. The report identifies 85 wetlands (58 identified as locally significant) totaling 195 acres (not including rivers, streams, or artificially created waters). The list and maps of the 58

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Locally Significant Wetlands are provided below for each applicable MD area. The remaining wetlands identified are dispersed throughout the MD locations. All wetlands are subject to review by the applicable state and federal agencies.

<u>MD-1</u>				
	<u>OFWAM</u>	<u>Unique</u>	<u>Size</u>	
	<u>Grouping*</u>	<u>Identifier</u>	<u>(acres)</u>	
			<u>DSL File Number</u>	
1.	<u>MWC-1</u>	<u>W04-A</u>	<u>1.67</u>	<u>None</u>
2.	<u>MWC-1</u>	<u>W04-B</u>	<u>0.15</u>	<u>None</u>
3.	<u>MWC-1</u>	<u>W04-</u>	<u>6.20</u>	<u>None</u>
		<u>Mosaic</u>		
4.	<u>MWC-2</u>	<u>W06</u>	<u>0.30</u>	<u>WD2012-0181</u>
5.	<u>MWC-3</u>	<u>W07</u>	<u>1.35</u>	<u>WD2005-0692</u>
6.	<u>MWC-2</u>	<u>W23</u>	<u>6.41</u>	<u>None</u>
7.	<u>MWC-2</u>	<u>W24</u>	<u>0.19</u>	<u>None</u>
8.	<u>MWC-8</u>	<u>W25</u>	<u>7.71</u>	<u>None</u>
9.	<u>MWC-2</u>	<u>W34</u>	<u>0.41</u>	<u>None</u>
10.	<u>MWC-2</u>	<u>W35</u>	<u>0.66</u>	<u>None</u>
11.	<u>MWC-1</u>	<u>W36</u>	<u>0.28</u>	<u>None</u>
12.	<u>MWC-3</u>	<u>W38</u>	<u>5.90</u>	<u>WD-2012-0181</u>
13.	<u>MWC-7</u>	<u>W82</u>	<u>37.15</u>	<u>None</u>
14.	<u>MWC-2</u>	<u>W83</u>	<u>0.04</u>	<u>None</u>
15.	<u>MWC-2</u>	<u>W84</u>	<u>0.47</u>	<u>None</u>
16.	<u>MWC-2</u>	<u>W85</u>	<u>0.71</u>	<u>None</u>
17.	<u>MWC-2</u>	<u>W86</u>	<u>1.87</u>	<u>None</u>
18.	<u>MWC-2</u>	<u>W87</u>	<u>0.42</u>	<u>WD2002-0010</u>
19.	<u>MWC-2</u>	<u>W88</u>	<u>0.35</u>	<u>None</u>

\*OFWAM assessment code: MWC = Midway Creek Drainage

Figure 17 – MD-1



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**MD-2**

	<u>OFWAM Grouping</u>	<u>Unique Identifier</u>	<u>Size (acres)</u>	<u>DSL File Number</u>
1.	<u>MWC-4</u>	<u>W08</u>	<u>1.76</u>	<u>None</u>
2.	<u>MWC-4</u>	<u>W09</u>	<u>11.52</u>	<u>WD2009-0470</u>
3.	<u>MWC-5</u>	<u>W10-A</u>	<u>3.06</u>	<u>WD2007-0106</u>
4.	<u>MWC-5</u>	<u>W10-D</u>	<u>0.60</u>	<u>WD2007-0106</u>
5.	<u>MWC-5</u>	<u>W10-E</u>	<u>0.61</u>	<u>WD2007-0106</u>
6.	<u>MWC-5</u>	<u>W10-F</u>	<u>3.80</u>	<u>WD2007-0106</u>
7.	<u>MWC-5</u>	<u>W10-G</u>	<u>1.84</u>	<u>WD2007-0106</u>
8.	<u>MWC-5</u>	<u>W22</u>	<u>1.49</u>	<u>None</u>
9.	<u>MWC-4</u>	<u>W39-A</u>	<u>3.61</u>	<u>WD2009-0470</u>
10.	<u>MWC-4</u>	<u>W39-B</u>	<u>0.97</u>	<u>None</u>
11.	<u>MWC-4</u>	<u>W40</u>	<u>0.29</u>	<u>WD2009-0470</u>
12.	<u>MWC-4</u>	<u>W41</u>	<u>1.80</u>	<u>None</u>
13.	<u>MWC-4</u>	<u>W42</u>	<u>0.58</u>	<u>None</u>
14.	<u>MWC-4</u>	<u>W43</u>	<u>0.63</u>	<u>None</u>

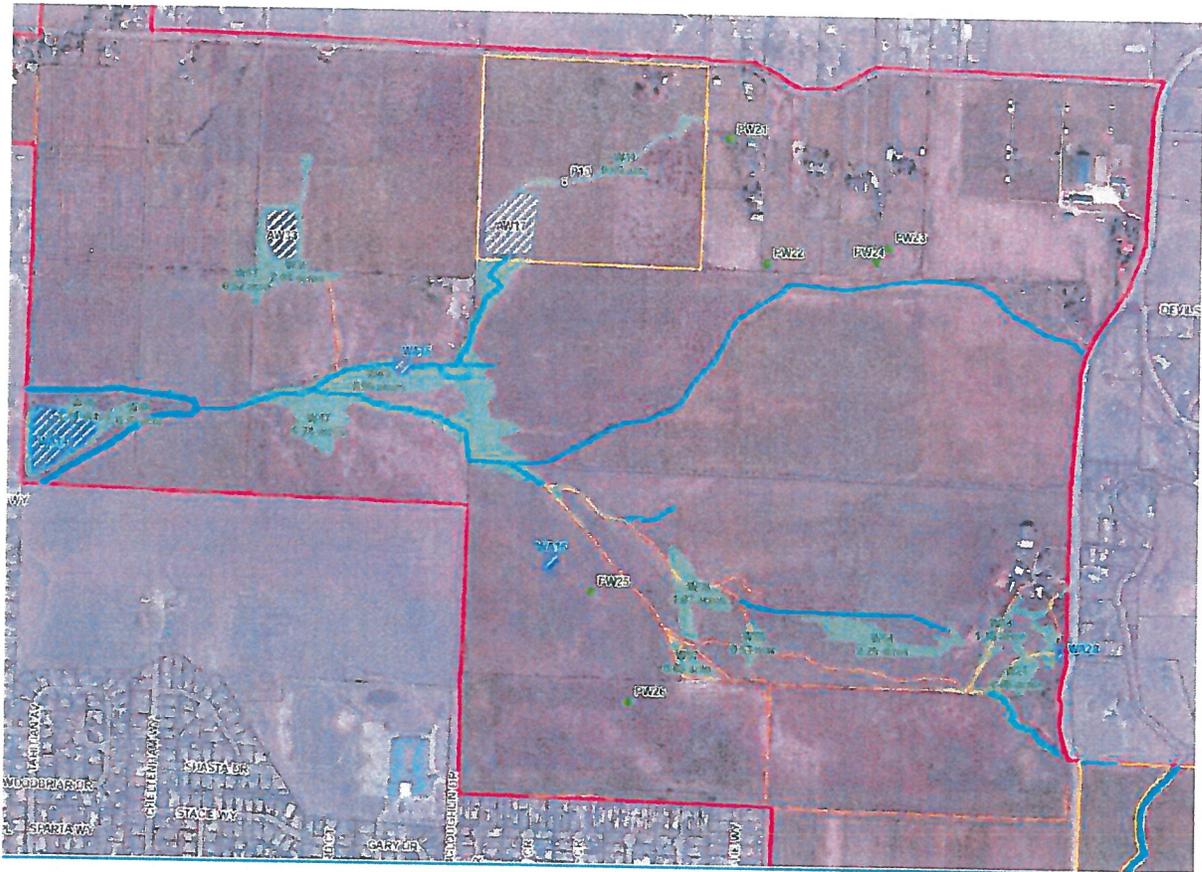
**Figure 18 – MD-2**



**ENVIRONMENTAL ELEMENT**

<b>MD-3</b>			
	<b>OFWAM</b>	<b>Unique</b>	<b>Size</b>
	<b>Grouping</b>	<b>Identifier</b>	<b>(acres)</b>
1.	<u>MWC-6</u>	<u>W11</u>	<u>0.98</u>
2.	<u>MWC-6</u>	<u>W21</u>	<u>2.06</u>
3.	<u>MWC-6</u>	<u>W46</u>	<u>1.34</u>
4.	<u>MWC-6</u>	<u>W47</u>	<u>5.74</u>
5.	<u>MWC-6</u>	<u>W48</u>	<u>0.39</u>
6.	<u>MWC-6</u>	<u>W49</u>	<u>6.96</u>
7.	<u>MWC-6</u>	<u>W50</u>	<u>2.04</u>
8.	<u>MWC-6</u>	<u>W51</u>	<u>0.52</u>
9.	<u>MWC-6</u>	<u>W53</u>	<u>1.18</u>
10.	<u>MWC-6</u>	<u>W54</u>	<u>2.25</u>
11.	<u>MWC-6</u>	<u>W55</u>	<u>0.51</u>
12.	<u>MWC-6</u>	<u>W56</u>	<u>1.87</u>
13.	<u>MWC-6</u>	<u>W57</u>	<u>0.65</u>

**Figure 19 - MD-3**



## ENVIRONMENTAL ELEMENT

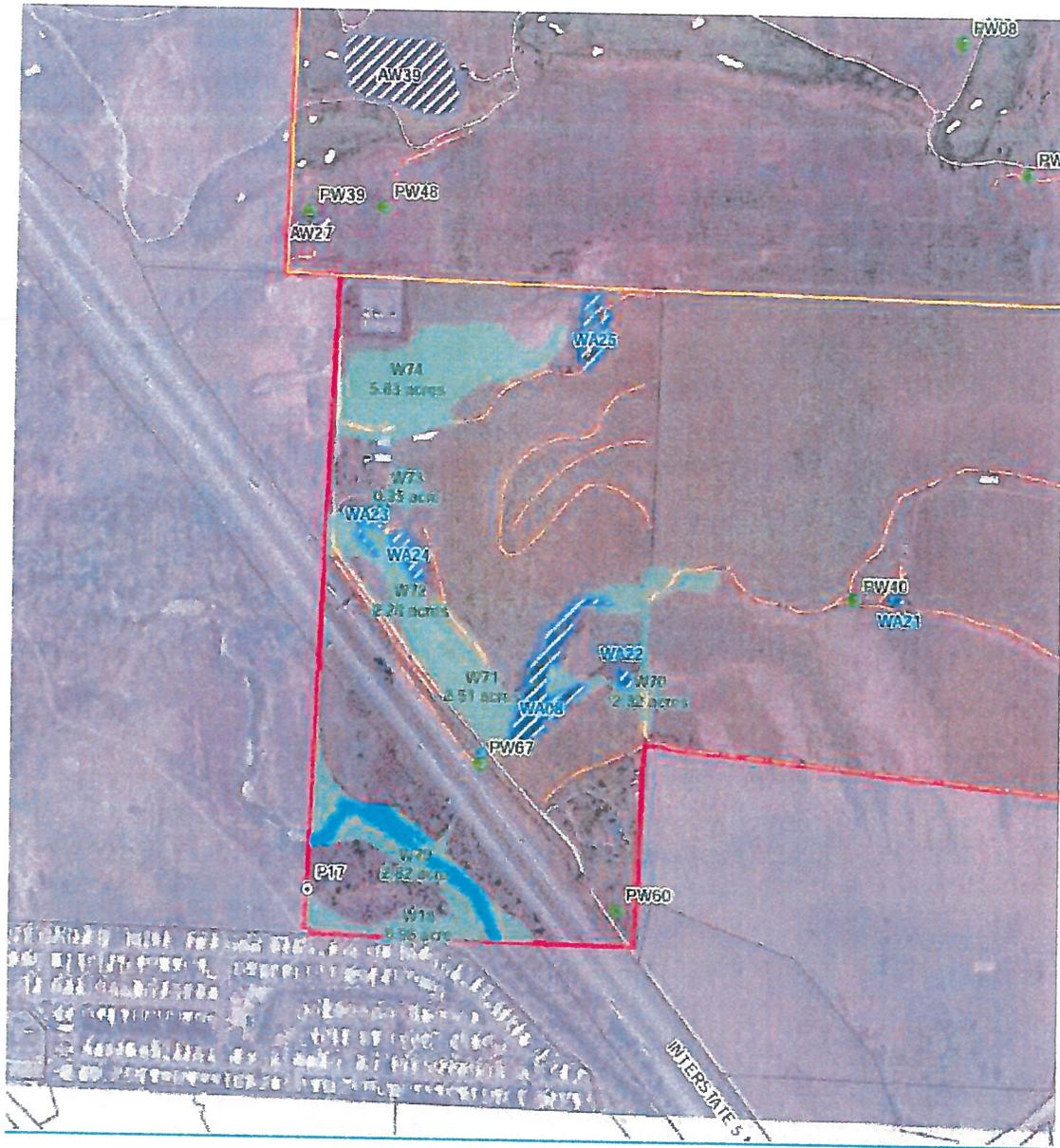
	<u>MD-5</u>		
	<u>OFWAM</u>	<u>Unique</u>	<u>Size</u>
	<u>Grouping*</u>	<u>Identifier</u>	<u>(acres)</u>
1.	<u>BCS-2</u>	<u>W13</u>	<u>0.96</u>
2.	<u>LSC-1</u>	<u>W14</u>	<u>0.59</u>
3.	<u>LSC-2</u>	<u>W15</u>	<u>2.05</u>
4.	<u>BCS-5</u>	<u>W18</u>	<u>0.96</u>
5.	<u>BCS-2</u>	<u>W66</u>	<u>0.79</u>
6.	<u>BCS-4</u>	<u>W70</u>	<u>2.32</u>
7.	<u>BCS-4</u>	<u>W71</u>	<u>2.51</u>
8.	<u>BCS-4</u>	<u>W72</u>	<u>2.28</u>
9.	<u>BCS-4</u>	<u>W74</u>	<u>5.83</u>
10.	<u>BCS-5</u>	<u>W79</u>	<u>2.82</u>

\*OFWAM assessment codes: BCS= Bear Creek South Drainage, LSC = Larson Creek Drainage

Figure 20 – MD-5



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### MD-6

	<u>OFWAM</u>	<u>Unique</u>	<u>Size</u>
	<u>Grouping</u>	<u>Identifier</u>	<u>(acres)</u>
1.	BCS-7	W19-A	6.75
2.	BCS-7	W19-B	0.49

Figure 21 – MD-6



### WETLAND REGULATIONS

The Urban Reserve was established by adoption of the Regional Plan in 2012. The City approved an Urban Growth Boundary expansion in 2016 and received State acknowledgement in 2018. Existing agreements with the County and other elements of the City's Comprehensive Plan identify how development will occur in these expansion areas.

Standards are needed to address how the goals of the wetland regulations above are being met. Wetlands (either significant or not) have been identified in almost all of the study areas. The City seeks to protect and manage these wetlands over time as land is annexed to the City.

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As noted above, the State outlines two paths for regulating wetlands, the safe harbor and standard (ESEE analysis) approaches. The City has conducted an ESEE analysis for the locally significant wetlands identified within the 2016 inventory (See full analysis in Appendix F). A summary of the conclusions follows.

<u>Site</u>	<u>MD Location</u>	<u>Wetland IDs</u>	<u>Quality Determination</u>	<u>Goal 5 Recommendation</u>
<u>1</u>	<u>MD-6</u>	<u>W19-A</u> <u>W19-B</u>	<u>Moderate</u>	<u>Allow but reduce impacts</u>
<u>2</u>	<u>MD-5</u>	<u>W18</u> <u>W79</u>	<u>High</u>	<u>Protect; Extend Riparian Corridor</u>
<u>3</u>	<u>MD-5</u>	<u>W70</u> <u>W71</u> <u>W72</u> <u>W74</u>	<u>High</u>	<u>Allow but reduce impacts</u>
<u>4</u>	<u>MD-5</u>	<u>W13</u> <u>W66</u>	<u>Moderate</u>	<u>Allow but reduce impacts</u>
<u>5</u>	<u>MD-5</u>	<u>W14</u> <u>W15</u> <u>W63 (not significant)</u>	<u>Moderate</u>	<u>Allow but reduce impacts; Extend riparian corridor</u>
<u>6</u>	<u>MD-3</u>	<u>W11</u> <u>W21</u> <u>W46</u> <u>W47</u> <u>W48</u> <u>W49</u> <u>W50</u> <u>W51</u> <u>W53</u> <u>W54</u> <u>W55</u> <u>W56</u>	<u>Moderate</u>	<u>Allow but reduce impacts</u>
<u>7</u>	<u>MD-2</u>	<u>W10-A</u> <u>W10-D</u> <u>W10-E</u> <u>W10-F</u> <u>W10-G</u> <u>W22</u>	<u>Moderate</u>	<u>Allow but reduce impacts</u>
<u>8</u>	<u>MD-2</u>	<u>W08</u> <u>W09</u> <u>W39-A</u> <u>W39-B</u> <u>W40</u> <u>W41</u> <u>W42</u> <u>W43</u>	<u>High</u>	<u>Allow but reduce impacts; Extend riparian corridor</u>
<u>9</u>	<u>MD-1</u>	<u>W82</u>	<u>High- Wetland of</u>	<u>Protect</u>

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			<u>Special Interest</u>	
<u>10</u>	<u>MD-1</u>	<u>W25</u>	<u>High – Wetland of Special Interest</u>	<u>Protect</u>
<u>11</u>	<u>MD-1</u>	<u>W06</u> <u>W23</u> <u>W24</u> <u>W34</u> <u>W35</u> <u>W83</u> <u>W84</u> <u>W85</u> <u>W86</u> <u>W87</u> <u>W88</u>	<u>High</u>	<u>Allow but reduce impacts. Extend riparian corridor</u>
<u>12</u>	<u>MD-1</u>	<u>W07</u> <u>W38</u>	<u>Moderate</u>	<u>Allow but reduce impacts</u>
<u>13</u>	<u>MD-1</u>	<u>W04-A</u> <u>W04-B</u> <u>W04-mosaic</u> <u>W36</u>	<u>High;</u> <u>W04-Mosaic</u> <u>(Wetland of Special Interest)</u>	<u>Allow but reduce impacts;</u> <u>Minimize impacts to the wetland mosaic</u>

The adoption of the 2016 Local Wetlands Inventory (LWI) to identify the existing wetlands (significant or not) is an important step in meeting State requirements as land is developed in the 2018 Urban Growth Boundary. The 2016 LWI represents best available data for use by Jackson County and the City to identify the location of wetlands until a more detailed delineation is conducted by property owners.

The 2016 Urban Reserve Local Wetlands Inventory report and appendices are adopted by reference.

*The Conclusions and Goals, Policies, and Implementation Measures for the Natural Resources - Wetlands section are listed below in conjunction with those for the Water Quality and Wildlife Habitat sections.*

## Site-Specific Wetland ESEE Analysis for Locally Significant Wetlands Identified in the 2016 Local Wetland Inventory

The following site-specific Economic, Social, Environmental, and Energy (ESEE) analysis has been conducted addressing how conflicting uses, if allowed, could adversely impact each significant wetland resource and how the wetland may impact proposed uses. The wetlands are located in both proposed Urban Growth Boundary expansion areas as well as Urban Reserves. A partnership and agreement with Jackson County on how to manage the protection or impacts of these wetlands will be very important over the long term. Information below is based on wetland summary sheets found in the 2016 Medford Urban Reserve Local Wetland Inventory report, the 2018 Urban Growth Boundary amendment comprehensive plan designations, proposed and conceptual transportation plans, the 2016 Leisure Services Plan, floodplain and riparian corridor data, and County zoning.

### Locally Significant Wetlands

The 2016 Local Wetland Inventory provides information on the locally significant wetland criteria found for each wetland. Wetlands within the Medford Urban Reserves and 2018 Urban Growth Boundary are considered *significant* if, through the Oregon Freshwater Wetland Assessment Methodology (OFWAM) evaluation yes is the answer to any of the following questions:

1. Does the wetland provide diverse wildlife habitat?
2. Is the wetland's fish habitat function intact?
3. Is the wetland's water quality function intact?
4. Is the wetland's hydrologic control function intact?
5. Is the wetland less than ¼ mile from a water body listed by DEQ as a water quality limited water body (303(d) list) and is the wetland's water quality function intact, or impacted or degraded?
6. Does the wetland contain a rare plant community?
7. Is the wetland inhabited by any species listed federally as threatened or endangered, or state listed as sensitive, threatened or endangered?
8. Does the wetland have a direct surface water connection to a stream segment mapped by ODFW as habitat for indigenous anadromous salmonids and is the wetland's fish habitat function intact, or impacted or degraded?

**High and Moderate Quality Wetlands**

The analysis further designates a quality ranking of either High or Moderate to the locally significant wetlands. High quality wetlands are designated using a combination of key assessment variables (functions and values) used to determine wetland significance. High Quality Wetlands are locally significant wetlands that provide highly rated ecological functions and have at least one of the following characteristics:

1. Have at least two "high" OFWAM function ratings (i.e., diverse wildlife habitat, intact fish habitat, intact water quality function, or intact hydrologic control function); or
2. Contain one or more rare plant communities; or
3. Provide habitat for listed species; or
4. Connect directly to a salmon-bearing stream.

Moderate quality wetlands are categorized as those locally significant wetlands that do not meet the above criteria.

The ESEE analysis starts in reverse MD order starting in MD-6 and ending in MD-1.

**Site 1: MD-6 (Bear Creek South - South Stage Road)**

The Bear Creek South site contains two significant wetlands, W-19A and W-19B. These wetlands are located in MD-6 southeast, west of South Pacific Highway and north of South Stage Road. These wetlands have the following characteristics:

Wetland IDs: W19-A & W19-B  
 OFWAM Grouping Code: BCS-7  
 Watershed Boundary: Larson Creek-Bear Creek  
 Wetland Size: 7.24 acres  
 Number of Parcels Affected: 7  
 Combined Parcel Area: 111.78 acres  
 Key Assessment Variable: Hydrologic Control  
 Quality Determination: **Moderate**

Summary of Affected Parcels

Wetland/ Tax Lot	Parcel (acres)	UGB or UR	Medford GLUP Map	County Zoning/ Overlay	Flood-plain	Current Use(s)
W19-A						
381W05 4800	22.62	UGB	Commercial	Exclusive Farm Use	N/A	Vacant
381W05B 2000	2.55	UR	N/A	Rural Residential (RR-5)	N/A	Partially Improved

381W05 1300	2.38	UR	N/A	Rural Residential (RR-5)	N/A	Vacant
381W05 2400	81.70	UGB	Heavy Industrial	Light Industrial	N/A	Improved
<b>W19-B</b>						
381W05 4800	22.62	UGB	Commercial	Exclusive Farm Use	N/A	Vacant
381W05B 2100	1.37	UGB	Commercial	Rural Residential (RR-5)	N/A	Improved
381W05B 2200	0.50	UGB	Commercial	Rural Residential (RR-5)	N/A	Vacant
381W05C 800	0.66	UGB	Commercial	Rural Residential (RR-5)	N/A	Improved

**Distinguishing Site Characteristics**

W19-A is located over a large area with varying topography. It is fed by groundwater and ditches in some portions. Both wetlands are connected to each other by a culvert under Reed Lane. Additional wetlands that are not locally significant also are present in the southeast portion of tax lot 4800 and extend into the Urban Reserve properties along Starlite Lane.

**Conflicting Uses**

The following conflicting uses apply within this resource site and its impact area.

Urban Residential	
Urban Medium Residential	
Urban High Residential	
<b>Commercial</b>	<b>X</b>
Service Commercial	
<b>Heavy Industrial</b>	<b>X</b>
General Industrial	
Parks and Schools	
<b>Public Facilities</b>	<b>X</b>
Greenway Corridor	
<b>Vegetation removal and grading</b>	<b>X</b>

Economic Consequences

The proposed General Land Use Plan designations for these areas include Heavy Industrial and Commercial. Development of these properties is intended to meet future land needs that will

accommodate industrial and commercial uses. Fully protecting these wetlands could have adverse economic impacts on adequately developing these properties. Although no higher order streets are proposed in this location, the extension of local streets and utilities may be required in order to serve future development causing disturbance to the wetlands. Impacts to the wetlands shall be minimized to the extent possible.

#### Social Consequences

The wetlands could provide a green space or buffer between the proposed commercial and industrial developments and the existing residential properties that surround them. The wetlands could be incorporated to serve as a connection between the different types of development.

#### Environmental Consequences

By allowing conflicting uses fully within the wetlands would mean the loss of wetlands ranked moderate for hydrologic control. Development plans that identify ways to limit conflicts or use low impact development strategies could protect some of the wetland functions but there are inherent conflicts between the location of the wetlands and opportunities to develop the properties that will result in the loss of wetlands to some degree.

#### Energy Consequences

There are no energy consequences identified.

#### **Goal 5 Recommendation**

Allow but reduce, to the extent possible, impacts to the wetlands.

#### **Site 2: MD-5 (Bear Creek South – South of Interstate 5)**

This site contains two significant wetlands, W-18 and W-79. These wetlands are located in MD-5 southwest, south of Interstate 5. These wetlands have the following characteristics:

Wetland IDs:	W18 & W79
OFWAM Grouping Code:	BCS-5
Watershed Boundary:	Larson Creek-Bear Creek
Wetland Size:	3.78 acres
Number of Parcels Affected:	1
Combined Parcel Area:	11.62 acres
Key Assessment Variable:	Wildlife Habitat, Fish Habitat, Connects to Bear Creek
Quality Determination:	<b>High</b>

Summary of Affected Parcels

Wetland/ Tax lot	Parcel (acres)	UGB or UR	Medford GLUP Map	County Zoning/Overlay	Floodplain	Current use(s)
W18 & W79						
381W04 401	11.62	UGB	Parks and Schools	Exclusive Farm Use (EFU)	Yes	Vacant (Adjacent to the Bear Creek Greenway)

**Distinguishing Site Characteristics**

W18 is a Bear Creek Greenway wetland from ODOT Salmon Resource and Sensitive Area Mapping survey (SRSAM) in 2004. This wetland extends offsite and connects to wetland W79, a riparian wetland along the creek also. The wetlands are located on property owned by Jackson County and located north and east of the greenway trail. The City’s riparian corridor along Bear Creek terminates at this tax lot and could be extended to encapsulate the identified wetlands. The property to the south is developed with the Medford Estates Mobile Home Park.

**Conflicting Uses**

The following conflicting uses apply within this resource site and its impact area.

Urban Residential	
Urban Medium Residential	
Urban High Residential	
Commercial	
Service Commercial	
Heavy Industrial	
General Industrial	
Parks and Schools	
Public Facilities	
<b>Greenway Corridor</b>	<b>X</b>
<b>Vegetation removal and grading</b>	<b>X</b>

Economic Consequences

Fully protecting these wetlands in this location is optimal. The site is publicly owned by Jackson County and is part of the Bear Creek Greenway network. The location provides opportunities to extend the City’s riparian corridor, Parks and Schools General Land Use Plan designations and Greenway overlay to ensure public benefit and wetland protection in the long term.

### Social Consequences

The site is vacant and not impacted by development. It includes a portion of the Bear Creek Greenway trail which serves regionally as a transportation and recreational corridor. Its continued use as a greenway and as a natural area are important to the livability of the citizens and visitors of Medford and surrounding communities.

### Environmental Consequences

The site contains a section of Bear Creek and its associated mapped floodplain which extends to the majority of the property. The site is bordered by Interstate 5 to the east and limited emergency vehicle access from the Bear Creek Greenway trail. The location and existing site constraints limit future development beyond its use as a greenway corridor making it a likely candidate for protection of the wetlands and an extension of the riparian corridor.

### Energy Consequences

Maintaining this site in its current conditions to the extent possible enhances and protects the functions of the Creek, the existing vegetation, and wetlands. It maintains flood storage capacity by retaining the natural floodplain boundaries of the creek. The vegetation provides shade and protection to wildlife within and surrounding the creek.

### **Goal 5 Recommendation**

Protect the wetlands and extend the existing riparian corridor overlay within this parcel to encompass the wetland areas and natural functions of the creek.

### **Site 3: MD-5 (Bear Creek South – North of Interstate 5)**

This site contains four significant wetlands, W70, W71, W72, and W74. These wetlands are located in MD-5 southwest, north of Interstate 5. These wetlands have the following characteristics:

Wetland IDs:	W70, W71, W72, & W74
OFWAM Grouping Code:	BCS-4
Watershed Boundary:	Larson Creek-Bear Creek
Wetland Size:	12.94 acres
Number of Parcels Affected:	2
Combined Parcel Area:	149.08 acres
Key Assessment Variable:	Water Quality, Hydrologic Control
Quality Determination:	<b>High</b>

Summary of Affected Parcels

Wetland/ Tax lot	Parcel (acres)	UGB or UR	Medford GLUP Map	County Zoning/Overlay	Floodplain	Current use(s)
W70						
381W04 400	56.76	UGB	General Industrial	Exclusive Farm Use (EFU)	N/A	Structures on site, Mostly undeveloped
381W04 501	92.32	UGB	Service Commercial	Exclusive Farm Use (EFU)	N/A	Structure on site, Mostly undeveloped
W71, W72, and W74						
381W04 400	56.76	UGB	General Industrial and Service Commercial	Exclusive Farm Use (EFU)	N/A	Structures on site, Mostly undeveloped

**Distinguishing Site Characteristics**

W70 is a National Wetland Inventory (NWI) mapped wetland located east of I-5 in flood irrigated pasture with extensive ditching throughout. It connects to two water bodies identified as WA08 and WA22. W71 is located on the southwest edge of a flood irrigated field which also has extensive ditching throughout. There are limited outlets due to I-5 bordering on the western edge and is connected to wetland W72. Wetland W72 is also from NWI map data and is located in a pasture and is connected to a ditch that runs along the southern edge of the parcel. It has potential for connection to waterbody WA25 to the east and has outflow to the west via a ditch. There are mapped significant wetlands from the 2002 inventory on the adjacent tax lot to the west (t.l. 300). Bear Creek Orchards hired Montero, Cafferata Consulting LLC, and Schott and Assoc. to delineate the wetlands on tax lot 501. The delineation was submitted to DSL for review and approval. The delineation was included as an attachment in the Local Wetland Inventory document. (Permit #WD2015-0492 (approved with revisions))

**Conflicting Uses**

The following conflicting uses apply within this resource site and its impact area.

Urban Residential	
Urban Medium Residential	
Urban High Residential	
Commercial	
<b>Service Commercial</b>	<b>X</b>

Heavy Industrial	
<b>General Industrial</b>	<b>X</b>
Parks and Schools	
<b>Public Facilities</b>	<b>X</b>
Greenway Corridor	
<b>Vegetation removal and grading</b>	<b>X</b>

Economic Consequences

Future transportation networks and utility extensions are proposed along the northern property line of tax lot 400 with the extension of South Stage Road from the west as well as the north-south street extension of Golf View Drive that crosses both tax lots. Adjustments to shift Golf View Drive to the east could lessen the impact to wetland W70 and should be considered as an alternative. There is potential to maintain the high quality wetlands along the I-5 edge (W71 and W72) as future street connections are not anticipated and access to the site from I-5 is unlikely. Impacts due to future street locations may affect the wetlands and shall be permitted but reduced as much as possible.

Social Consequences

The wetlands have recreational and aesthetic values providing opportunities for open space and potential walking and biking amenities that could connect to the Bear Creek Greenway and development within the residential lands to the north. Limiting conflicting uses and using the wetlands as assets to balance the social values versus the development opportunities are important.

Environmental Consequences

The wetlands are determined to be high quality so completely permitting the conflicting industrial and commercial uses would result in a loss to these wetlands and the functions of water quality and hydrologic control they provide. These wetlands were identified as unbuildable in the evaluation of the Urban Growth Boundary expansion however considerations for street and utility connections need to be evaluated to allow these uses but reduce their impact on the wetlands.

Energy Consequences

On balance with the natural functions of the wetlands, future street connectivity between the east and west side of I-5 and north-south routes are important in creating more direct routes for vehicles and more opportunities for walking and biking.

**Goal 5 Recommendation**

Allow but reduce, to the extent possible, impacts to the wetlands. Impacts are likely to occur with wetlands W71 and W74. Opportunities to protect wetlands W71 and W72 are more probable.

### Site 4: MD-5 (Larson Creek South – East of Santa Barbara Drive)

This site contains two wetlands W13 and W66 located northeast of the intersection of Coal Mine Road and Santa Barbara Drive. These wetlands have the following characteristics:

Wetland IDs: W13 and W66  
 OFWAM Grouping Code: BS-2  
 Watershed Boundary: Larson Creek- Bear Creek  
 Wetland Size: 1.75 acres  
 Number of Parcels Affected: 1  
 Combined Parcel Area: 166.21 acres  
 Key Assessment Variable: Within ¼ mile of Larson Creek  
 Quality Determination: **Moderate**

#### Summary of Affected Parcels

Wetland/ Tax lot	Parcel (acres)	UGB or UR	Medford GLUP Map	County Zoning/Overlay	Floodplain	Current use(s)
W13 & W66						
371W35 126	166.21	UR	N/A	Exclusive Farm Use (EFU)	Not Mapped	Vacant

#### Distinguishing Site Characteristics

Both wetlands are located in a valley and boundaries were copied from the National Wetland Inventory (NWI) mapping data. The wetlands are connected to Larson Reservoir (AW21). The property is not proposed to be included in the 2016 Urban Growth Boundary expansion.

#### Conflicting Uses

The following conflicting uses apply within this resource site and its impact area.

Urban Residential	
Urban Medium Residential	
Urban High Residential	
Commercial	
Service Commercial	
Heavy Industrial	
General Industrial	
Parks and Schools	
<b>Public Facilities</b>	<b>X</b>
Greenway Corridor	
<b>Vegetation removal and grading</b>	<b>X</b>

### Economic Consequences

The property is currently zoned Exclusive Farm use and will be under County jurisdiction well into the future. The impacts of urban development are not yet anticipated as the site will remain in the Urban Reserve and subject to County regulations. Higher order streets are planned along Santa Barbara Drive and Coal Mine Road. Wetland W66 crosses an access road to a residence to the east. The grading, graveling, or paving of this existing access road is likely to occur as necessary. The street and utility facilities could impact these wetlands in the future but protecting them until those improvements happen is possible.

### Social Consequences

A fork of Larson Creek is north of the wetlands and an extension of planned pedestrian and bike paths along its bank are likely, providing educational, recreational, and aesthetic benefits by limiting conflicting uses at this site.

### Environmental Consequences

There is opportunity to protect the majority of these wetlands identified. Allowing but reducing conflicting uses for these moderate quality wetlands in the location of the access road and protecting the other can conserve the wetland functions.

### Energy Consequences

There are no energy consequences identified.

### **Goal 5 Recommendation**

Allow but reduce impacts to the wetlands. It is recommended the two wetlands be protected in the long term except in the areas of the existing private access road. Transportation and utility extensions in the future may necessitate further impacts to these wetlands.

### **Site 5: MD-5 (Larson Creek North– South of Cherry Lane)**

This site contains two wetlands W14 and W15 located southeast of Cherry Lane. These wetlands have the following characteristics:

Wetland IDs:	W14 and W15
OFWAM Grouping Code:	LSC-1 and LSC-2
Watershed Boundary:	Larson Creek – Bear Creek
Wetland Size:	2.64 acres
Number of Parcels Affected:	1
Combined Parcel Area:	163.63 acres
Key Assessment Variable:	Water Quality
Quality Determination:	<b>Moderate</b>

### Summary of Affected Parcels

Wetland/ Tax lot	Parcel (acres)	UGB or UR	Medford GLUP Map	County Zoning/Overlay	Floodplain	Current use(s)
W14 & W15						
371W26 104	163.63	UGB and UR	Urban Residential (UR)	Exclusive Farm Use	Not mapped	Residence

### Distinguishing Site Characteristics

Wetland W15 connects to Larson Creek, a spur from the North Fork of Larson Creek. Wetland W14 is separated by W15 by a road. The site is grazed and impacted by cattle. Other not locally significant wetlands (W63 and W64) are identified. W15 and W63 were determined to be connected based on the riparian corridor of Larson Creek.

### Conflicting Uses

The following conflicting uses apply within this resource site and its impact area.

Urban Residential	X
Urban Medium Residential	
Urban High Residential	
<b>Commercial</b>	<b>X</b>
Service Commercial	
Heavy Industrial	
General Industrial	
Parks and Schools	
Public Facilities	
Greenway Corridor	
<b>Vegetation removal and grading</b>	<b>X</b>

### Economic Consequences

Higher order streets are proposed to the west of the significant wetlands impacting W64 (not locally significant). The existing access road (driveway) into the property will be maintained over time or converted into street and utility access in the future potentially impacting the wetlands. Extension of the riparian corridor is proposed to include the wetlands along Larson Creek and the North Fork of Larson Creek (W14, W15, and W63 (not locally significant)).

### Social Consequences

A pedestrian and bike path intended to connect to Chrissy Park is proposed along the North Fork of Larson Creek which provides recreational and aesthetic benefits. Limiting the conflicting uses of these wetlands will help maintain the integrity of these wetlands.

Environmental Consequences

Some impacts are likely to these wetlands due to conflicting uses with urban development (transportation, utility and recreational purposes). There are opportunities to limit these conflicts through extension of the riparian corridor protections.

Energy Consequences

Transportation benefits may be seen both for vehicular and bike/pedestrian users with the addition of new street and trail connections.

**Goal 5 Recommendation**

It is recommended the wetlands be protected to the extent possible by allowing but reducing conflicting uses. The riparian corridor shall be extended to include W14, W15, and W63.

**Site 6: MD-3 (Whetstone Creek – Rogue River)**

This site contains twelve wetlands located south of Coker Butte Road and west of N. Foothill Road. These wetlands have the following characteristics:

Wetland IDs: W11, W21, W46, W47, W48, W49, W50, W51, W53, W54, W55, W56  
 OFWAM Grouping Code: MWC-6  
 Watershed Boundary: Whetstone Creek – Rogue River  
 Wetland Size: 26.49 acres  
 Number of Parcels Affected: 8  
 Combined Parcel Area: 429.22 acres  
 Key Assessment Variable: Hydrologic Control  
 Quality Determination: **Moderate**

Summary of Affected Parcels

Wetland/ Tax lot	Parcel (acres)	UGB or UR	Medford GLUP Map	County Zoning/Overlay	Floodplain	Current use(s)
W11						
371W09 800	36.35	UR	N/A	Exclusive Farm Use (EFU)	Not Mapped	Residence; Farming
W21						
371W09 2600	99.35	UGB	Urban Residential, Urban High Density Residential, and Commercial	Exclusive Farm Use (EFU)	Not Mapped	Residence; plus additional structures

371W09 2700	58.96	UGB	Urban residential, Urban High Density Residential	Exclusive Farm Use (EFU)	Not Mapped	Vacant
W46						
371W08 800	20.01	UGB	Urban Medium Residential & Urban High Density Residential	Exclusive Farm Use (EFU)	Not Mapped	Farming
W47						
371W08 1000	40.27	UGB	Urban High Density Residential, Service Commercial, and Commercial	Exclusive Farm Use (EFU)	Not Mapped	Vacant
371W09 2600	99.35	UGB	Urban Residential	Exclusive Farm Use (EFU)	Not Mapped	Residence; plus additional structures
371W09 900	99.54	UR	N/A	Exclusive Farm Use (EFU)	Not Mapped	Vacant
W48						
371W08 900	35.13	UGB and UR	Urban High Density Residential	Exclusive Farm Use (EFU)	Not Mapped	Vacant
W49						
371W08 900	35.13	UGB and UR	Urban High Density Residential	Exclusive Farm Use (EFU)	Not Mapped	Vacant
371W08 1000	40.27	UGB	Urban High Density Residential, Service Commercial, and	Exclusive Farm Use (EFU)	Not Mapped	Vacant

			Commercial			
371W09 800	36.35	UR	N/A	Exclusive Farm Use (EFU)	Not Mapped	Residence; Farming
371W09 900	99.54	UR	N/A	Exclusive Farm Use (EFU)	Not Mapped	Vacant
W50						
371W08 100	39.61	UR	N/A	Exclusive Farm Use	Not Mapped	Farming
371W08 1000	40.27	UGB	Urban High Density Residential, Service Commercial, and Commercial	Exclusive Farm Use (EFU)	Not Mapped	Vacant
W51						
371W08 1000	40.27	UGB	Urban High Density Residential, Service Commercial, and Commercial	Exclusive Farm Use (EFU)	Not Mapped	Vacant
371W08 100	39.61	UR	N/A	Exclusive Farm Use	Not Mapped	Farming
371W08 900	35.13	UGB and UR	Urban High Density Residential	Exclusive Farm Use (EFU)	Not Mapped	Vacant
W53, W54, W55, W56, and W57						
371W09 2600	99.35	UGB	Urban Residential, Urban High Density Residential, and Commercial	Exclusive Farm Use (EFU)	Not Mapped	Residence; plus additional structures

### **Distinguishing Site Characteristics**

Starting on the west side of MD-3, wetland W46 is located at the headwaters of Midway Creek (Upton Slough) and Swanson Creek, on the banks of a pond located within converging arms of Hopkins Canal. This wetland connects to wetland W48. Wetlands W47 and W49 are connected and located at the headwaters of Midway Creek and Swanson Creek. Wetlands W50 and W51 are adjacent to each other and surrounded by an irrigation pond. Wetland W11 is located within a former orchard and is connected to a man-made pond (AW17). Wetlands W21, W53-W57 are located west of N. Foothill Road and interwoven among mapped ditches.

### **Conflicting Uses**

The following conflicting uses apply within this resource site and its impact area.

<b>Urban Residential</b>	X
<b>Urban Medium Residential</b>	X
<b>Urban High Residential</b>	X
<b>Commercial</b>	X
<b>Service Commercial</b>	X
Heavy Industrial	
General Industrial	
Parks and Schools	
<b>Public Facilities</b>	X
Greenway Corridor	
<b>Vegetation removal and grading</b>	X

### Economic Consequences

The property is proposed to include a mix of residential and commercial uses as well as a pattern of higher order streets. Fully protecting these wetlands as land develops would preclude orderly development of these areas over time. Protection of some of these wetlands until development occurs is achievable especially in the areas that will remain in the Urban Reserves. Allowing but reducing impacts is reasonable to balance development needs with the retention of natural resources.

### Social Consequences

There are opportunities for the construction of a recreational trail within MD-3 as identified in the Leisure Services Plan (2005). A trail location adjacent to the wetlands enhances the aesthetic value of the wetland and may reduce the degradation or loss of all of it. Allowing but reducing impacts is important.

### Environmental Consequences

Fully allowing impacts to these wetlands will degrade their hydrologic control function. Higher order street connections and other road improvements will affect the functions of these wetlands. Impacts could be minimized by considering realignments that avoid large portions of

the wetlands and by fully analyzing the location of the street from where its extension starts to where it ends.

Energy Consequences

A well planned street network, a mix of residential and commercial services as well as an identified trail system within this MD can have positive energy benefits on travel time and varied travel modes such as walking and biking that result in less fuel consumption.

**Goal 5 Recommendation**

Allow but reduce impacts to the extent possible.

**Site 7: MD-2 (Whetstone Creek – Rogue River - South of E. Vilas Road)**

This site contains six wetlands located south of E. Vilas Road. These wetlands have the following characteristics:

Wetland IDs: W10-A, W10-D, W10-E, W10-F, W10-G, W22  
 OFWAM Grouping Code: MWC-5  
 Watershed Boundary: Whetstone Creek – Rogue River  
 Wetland Size: 11.4 acres  
 Number of Parcels Affected: 5  
 Combined Parcel Area: 210.81 acres  
 Key Assessment Variable: Hydrologic Control  
 Quality Determination: **Moderate**

Summary of Affected Parcels

Wetland/ Tax lot	Parcel (acres)	UGB or UR	Medford GLUP Map	County Zoning/Overlay	Floodplain	Current use(s)
W10-A, W10-D, W10-E						
371W05 300	53.34	UGB	Commercial, Service Commercial, and Urban Residential	Exclusive Farm Use (EFU)	No	Structures on site, Mostly undeveloped
371W05 313	3.99	UGB	Commercial	Exclusive Farm Use (EFU)	No	Utility station; South half undeveloped
W10-F						
371W05 900	76.45	UGB	Commercial and Urban Residential	Exclusive Farm Use (EFU)	No	Vacant

W10-G						
371W05 300	53.34	UGB	Commercial, Service Commercial, and Urban Residential	Exclusive Farm Use (EFU)	No	Structures on site, Mostly undeveloped
371W05 600	77.03	UGB	Commercial, Service Commercial, and Urban Residential	Exclusive Farm Use (EFU)	No	Vacant
W22						
371W05 300	53.34	UGB	Commercial, Service Commercial, and Urban Residential	Exclusive Farm Use (EFU)	No	Structures on site, Mostly undeveloped

#### Distinguishing Site Characteristics

All these wetlands were identified in a 2007 wetland delineation approved by the Department of State Lands. Wetland W10-F was a former pond that no longer exists due to decommissioning of orchard and associated irrigation.

#### Conflicting Uses

The following conflicting uses apply within this resource site and its impact area.

<b>Urban Residential</b>	<b>X</b>
Urban Medium Residential	
Urban High Residential	
<b>Commercial</b>	<b>X</b>
<b>Service Commercial</b>	<b>X</b>
Heavy Industrial	
General Industrial	
Parks and Schools	
<b>Public Facilities</b>	<b>X</b>
Greenway Corridor	
<b>Vegetation removal and grading</b>	<b>X</b>

### Economic Consequences

The property is proposed to include a mix of residential and commercial uses as well as a pattern of higher order streets. Fully protecting these wetlands as land develops would preclude orderly development of these areas over time. Protecting and incorporating wetlands into the commercial developments that include wetlands W10-D, W10-E, W22 are feasible as well as incorporating wetland W10-F into the residential plans. Allowing but reducing impacts to the wetlands is reasonable to balance development needs with the retention of natural resources.

### Social Consequences

Fully impacting these wetlands will degrade or eliminate their hydrologic function. Limiting conflicting uses and incorporating the wetlands into the development of these properties will preserve some of their value and allow development to occur.

### Environmental Consequences

Development in or near the wetlands may degrade the value and function of the wetlands. Limiting conflicting uses as much as possible could retain some of their function.

### Energy Consequences

Energy benefits may be seen with future road connections and proximity of different land uses together in one area potentially reducing vehicular trips and increasing walking and biking trips.

### **Goal 5 Recommendation**

Allow but reduce impacts to the extent possible.

## **Site 8: MD-2 (Whetstone Creek – Rogue River - North of E. Vilas Road)**

This site contains eight wetlands located north of E. Vilas Road. These wetlands have the following characteristics:

Wetland IDs:	W08, W09, W39-A, W39-B, W40, W41, W42, & W43
OFWAM Grouping Code:	MWC-4
Watershed Boundary:	Whetstone Creek – Rogue River
Wetland Size:	20.53 acres
Number of Parcels Affected:	3
Combined Parcel Area:	90.12 acres
Key Assessment Variable:	Wildlife Habitat, Water Quality, Hydrologic Control
Quality Determination:	<b>High</b>

Summary of Affected Parcels

Wetland/ Tax lot	Parcel (acres)	UGB or UR	Medford GLUP Map	County Zoning/Overlay	Floodplain	Current use(s)
W08 & W41						
361W32C 500	10.11	UR	N/A	Exclusive Farm Use (EFU)	Yes, Swanson Creek	Vacant
361W32C 100	40.33	UR	N/A	Exclusive Farm Use (EFU)	Yes, Swanson Creek	Structures in NW corner; remaining site undeveloped
W09 & W39-B						
361W32C 2400	39.68	UGB	General Industrial	Exclusive Farm Use (EFU)	Yes, Swanson Creek	Development on the southern portion of the property; remaining is undeveloped
361W32C 100	40.33	UR	N/A	Exclusive Farm Use (EFU)	Yes, Swanson Creek	Structures in NW corner; remaining site undeveloped
W39-A & W40						
361W32C 100	40.33	UR	N/A	Exclusive Farm Use (EFU)	Yes, Swanson Creek	Structures in NW corner; remaining site undeveloped
W42 & W43						
361W32C 500	10.11	UR	N/A	Exclusive Farm Use (EFU)	Yes, Swanson Creek	Vacant

**Distinguishing Site Characteristics**

Wetlands are adjacent to or north of Swanson Creek.

### Conflicting Uses

The following conflicting uses apply within this resource site and its impact area.

Urban Residential	
Urban Medium Residential	
Urban High Residential	
Commercial	
Service Commercial	
Heavy Industrial	
<b>General Industrial</b>	<b>X</b>
Parks and Schools	
<b>Public Facilities</b>	<b>X</b>
Greenway Corridor	
<b>Vegetation removal and grading</b>	<b>X</b>

### Economic Consequences

Urban development is proposed on tax lot 2400 where the wetlands are located in the northeast corner of the property. Wetlands on this property can be protected fully. The majority of the wetlands in this group are located in the Urban Reserve along Swanson Creek providing an opportunity to protect these resources until future urban development is allowed. Future higher order streets are planned within the UR areas so future creek crossings and impacts to the wetlands will be seen unless alternative alignments are proposed.

### Social Consequences

Opportunities for trail connectivity along Swanson Creek is identified in the Leisure Services Plan within this MD. Impacting these wetlands will result in loss of functions as well as impacts to recreational, aesthetic, and educational benefits. Protecting these wetlands until future urban development is possible and then evaluating how to minimize impacts as development occurs will conserve the functions and values of these wetlands.

### Environmental Consequences

Fully allowing conflicting uses within these sites would degrade and potentially cause the loss of wetlands that rank high for wildlife habitat, water quality, and hydrologic control. Due to the longevity of urban development occurring, limiting conflicting uses and protecting the functions of these wetlands is achievable. Future urban impacts including higher order street connectivity are issues that will need to be addressed when construction is contemplated.

### Energy Consequences

Protecting the wetlands near Swanson Creek will have positive energy benefits for the existing wildlife and support the vegetation, temperature, and surrounding habitat along the creek.

**Goal 5 Recommendation**

Allow but reduce impacts to these wetlands. Extend the riparian corridor protections along Swanson Creek and encapsulate the adjacent wetlands.

**Site 9: MD-1 (Whetstone Creek – Rogue River – North – Northwest corner)**

This site contains one wetland located east of Table Rock Road. This wetland has the following characteristics:

Wetland IDs: W82  
 OFWAM Grouping Code: MWC-7  
 Watershed Boundary: Whetstone Creek – Rogue River  
 Wetland Size: 37.15 acres  
 Number of Parcels Affected: 4  
 Combined Parcel Area: 77.58 acres  
 Key Assessment Variable: Wildlife Habitat, Fish Habitat, Water Quality, Hydrologic Control  
 Quality Determination: **High – Wetland of Special Interest for Protection**

Summary of Affected Parcels

Wetland/ Tax lot	Parcel (acres)	UGB or UR	Medford GLUP Map	County Zoning/Overlay	Floodplain	Current use(s)
W82						
362W36A 102	63.04	UR	N/A	Open Space Reserve (OSR) and Exclusive Farm Use (EFU)	Yes, Swanson Creek	Vacant
362W36A 103	4.81	UR	N/A	Open Space Reserve (OSR)	No	Residence
362W36A 100	4.86	UR	N/A	Open Space Reserve (OSR)	No	Vacant
362W36A 104	4.87	UR	N/A	Open Space Reserve (OSR)	No	Residence

**Distinguishing Site Characteristics**

This wetland is a vernal pool/wetland mosaic mapped from the Agate Desert Vernal Pool Planning Technical Advisory Committee in 2000. The approximate percentage of vernal pool is unknown. The feature crosses into the 100-year floodplain of Swanson Creek. There are two small water bodies present within the mapped mosaic (AW10 – a man-made pond) and WA11 (potentially natural water).

### **Conflicting Uses**

The following conflicting uses apply within this resource site and its impact area.

Urban Residential	
Urban Medium Residential	
Urban High Residential	
Commercial	
Service Commercial	
Heavy Industrial	
General Industrial	
Parks and Schools	
Public Facilities	
Greenway Corridor	
<b>Vegetation removal and grading</b>	<b>X</b>

### Economic Consequences

Fully protecting this wetland may be possible. The site is in the Urban Reserve and will not be impacted by urban development in the immediate future. This site has County Comprehensive Plan designations of farm and forest and zoning designations of Open Space Reserve and Exclusive Farm Use. The wetland area is not currently impacted by structures. It is unknown if the site is being farmed. Development of these properties will be processed through the County for many years so protection and/or limits on impacts will fall to them to enforce.

### Social Consequences

This wetland is rated high quality and of special interest. If conflicting uses are allowed to the maximum extent, this wetland of special interest would be lost or degraded. Protecting and/or limiting the conflicts would preserve this wetland for its educational and social values.

### Environmental Consequences

Protecting and limiting conflicting uses for this high quality wetland are possible. The County zoning designations in place help support protection of this wetland.

### Energy Consequences

There are no energy consequences of note.

### **Goal 5 Recommendation**

Protect this wetland.

## Site 10: MD-1 (Whetstone Creek – Rogue River – South – Northwest corner)

This site contains one wetland located east of Table Rock Road and is south of wetland W82. This wetland has the following characteristics:

Wetland IDs: W25  
 OFWAM Grouping Code: WMC-8  
 Watershed Boundary: Whetstone Creek – Rogue River  
 Wetland Size: 7.71 acres  
 Number of Parcels Affected: 2  
 Combined Parcel Area: 20.2 acres  
 Key Assessment Variable: Hydrologic Control  
 Quality Determination: **Moderate – Wetland of Special Interest for Protection**

### Summary of Affected Parcels

Wetland/ Tax lot	Parcel (acres)	UGB or UR	Medford GLUP Map	County Zoning/Overlay	Floodplain	Current use(s)
W25						
362W36A 600	10.2	UR	N/A	Exclusive Farm Use (EFU)	No	Structures on site
362W36A 700	10	UR	N/A	Exclusive Farm Use (EFU)	No	Structures on site; mostly vacant

### Distinguishing Site Characteristics

This wetland is a vernal pool/wetland mosaic.

### Conflicting Uses

The following conflicting uses apply within this resource site and its impact area.

Urban Residential	
Urban Medium Residential	
Urban High Residential	
Commercial	
Service Commercial	
Heavy Industrial	
General Industrial	
Parks and Schools	
Public Facilities	
Greenway Corridor	

Vegetation removal and grading	X
--------------------------------	---

Economic Consequences

Fully protecting this wetland is not expected to have significant economic consequences. Development on the site is along the wetland edges so impacts have already been limited. The property is in the Urban Reserve and will not develop with urban uses for many years.

Social Consequences

This wetland is rated moderate but of special interest. If conflicting uses are allowed to the maximum extent, this wetland of special interest would be lost or degraded. Protecting and/or limiting the conflicts would preserve this wetland for its educational and natural values.

Environmental Consequences

Fully allowing conflicting uses within this wetland would mean the loss of a moderate but wetland of special interest and its associated functions and values. Prohibiting or limiting conflicting uses would preserve this wetland.

Energy Consequences

There are no energy consequences of note.

**Goal 5 Recommendation**

Protect this wetland.

**Site 11: MD-1 (Whetstone Creek – Rogue River – Along Swanson Creek)**

This site contains eleven wetlands located north and northwest of Justice Road. This wetland has the following characteristics:

Wetland IDs:	W06, W23, W24, W34, W35, W83, W84, W85, W86, W87, W88
OFWAM Grouping Code:	WMC-2
Watershed Boundary:	Whetstone Creek – Rogue River
Wetland Size:	11.83 acres
Number of Parcels Affected:	18
Combined Parcel Area:	135.47 acres
Key Assessment Variable:	Wildlife Habitat, Fish Habitat, Water Quality, Hydrologic Control
Quality Determination:	<b>High</b>

Summary of Affected Parcels

Wetland/ Tax lot	Parcel (acres)	UGB or UR	Medford GLUP Map	County Zoning/Overlay	Floodplain	Current use(s)
W06						
361W31A 2800	3.04	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Vacant
361W31D 1400	1.95	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
361W31A 800	2.75	UR	N/A	Rural Residential land (RR-5)	Yes, Swanson Creek	Jackson County owned; Highway 62 Expressway future right-of-way
W23						
361W31B 500	4.94	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
362W36A 102	63.04	UR	N/A	Open Space Reserve (OSR) and Exclusive Farm Use (EFU)	Yes, Swanson Creek	Vacant
W24						
362W36A 102	63.04	UR	N/A	Open Space Reserve (OSR) and Exclusive Farm Use (EFU)	Yes, Swanson Creek	Vacant
W34						
361W31B 2600	5.68	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
W35						
361W31B 2500	5	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
W83						
361W31B 2300	4.01	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson	Residence

					Creek	
W84						
361W31B 1700	5	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
361W31B 2000	5.61	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
361W31B 2300	4.01	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
W85						
361W31B 1600	4.93	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
361W31B 1300	4.93	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
361W31B 700	4.94	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
W86						
361W31B 1300	4.93	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
361W31B 700	4.94	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
361W31B 1400	4.94	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
361W31B 1500	4.92	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
361W31B 600	4.94	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
362W36A 102	63.04	UR	N/A	Open Space Reserve (OSR) and Exclusive Farm Use (EFU)	Yes, Swanson Creek	Vacant

W87						
361W31D 1200	2.98	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
361W31D 1300	2.4	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
W88						
361W31D 1000	2.54	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
361W31D 900	4.27	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence

### Distinguishing Site Characteristics

These wetlands are located along Swanson Creek.

### Conflicting Uses

The following conflicting uses apply within this resource site and its impact area.

Urban Residential	
Urban Medium Residential	
Urban High Residential	
Commercial	
Service Commercial	
Heavy Industrial	
General Industrial	
Parks and Schools	
<b>Public Facilities</b>	<b>X</b>
Greenway Corridor	
<b>Vegetation removal and grading</b>	<b>X</b>

### Economic Consequences

There are two higher order streets plus the Highway 62 Expressway project proposed to impact portions of the wetlands along Swanson Creek. The Highway 62 Expressway project has been in review for several years and is proposed for construction. The Oregon Department of Transportation (ODOT) has conducted its own environmental assessments of the impacts of this project. Planning staff has also provided the Local Wetland Inventory findings to ODOT. Portions of wetlands along the Highway 62 Expressway route will be impacted. Other north-south streets identified are likely decades away from construction but impacts may occur. Fully protecting the wetlands would preclude planned road improvements. Limiting impacts to the

wetlands in the locations of future roads minimizes the extent of damage to the wetlands. Extending the riparian corridor and encapsulating the wetlands that surround it along Swanson Creek will help protect the wetlands and provide a means to extend street and utility infrastructure in the future.

#### Social Consequences

The wetlands along Swanson Creek have been identified as high quality providing all four of the key assessment values regarding water quality and habitat benefits. Limiting conflicting uses to the wetlands to the extent possible, understanding impacts near the road crossings will occur, provides the best scenario for maintaining segments of the wetlands and providing the road connections.

#### Environmental Consequences

Allowing conflicting uses fully within the wetlands would mean the loss of high quality wetlands and their functions. Imminent impacts due to the Highway 62 Expressway project will occur to portions of the wetlands along the road corridor. Other parallel road connections are identified but would not occur for many years providing opportunities to maintain and protect those wetlands. By allowing but limiting the future street connections, the wetland functions and values could be maintained.

#### Energy Consequences

Understanding there are impacts to the wetlands, the Highway 62 Expressway project could have positive energy consequences as the project is anticipated to reduce congestion and collisions along the commercial corridor of Highway 62.

#### **Goal 5 Recommendation**

Allow but reduce conflicting uses related to the planned road projects. Extend the riparian corridor along Swanson Creek to incorporate the wetlands.

### **Site 12: MD-1 Northeast (Whetstone Creek – Rogue River)**

This site contains two wetlands located west of Crater Lake Highway. These wetlands have the following characteristics:

Wetland IDs:	W07 & W38
OFWAM Grouping Code:	MWC-3
Watershed Boundary:	Whetstone Creek- Rogue River
Wetland Size:	7.25 acres
Number of Parcels Affected:	2
Combined Parcel Area:	62.19 acres
Key Assessment Variable:	Water Quality
Quality Determination:	<b>Moderate</b>

Summary of Affected Parcels

Wetland/ Tax lot	Parcel (acres)	UGB or UR	Medford GLUP Map	County Zoning/Overlay	Floodplain	Current use(s)
<b>W07</b>						
361W31A 200	55.47	UR	N/A	Exclusive Farm Use (EFU)	No	Vacant
361W31A 100	6.72	UR	N/A	Light Industrial	No	Structure on site
<b>W38</b>						
361W31A 200	55.47	UR	N/A	Exclusive Farm Use (EFU)	No	Vacant

**Distinguishing Site Characteristics**

These wetlands were delineated separately in 2005 and 2012 respectively. The mapped area incorporates the DSL wetland delineation data with the City of Medford data.

**Conflicting Uses**

The following conflicting uses apply within this resource site and its impact area.

Urban Residential	
Urban Medium Residential	
Urban High Residential	
Commercial	
Service Commercial	
Heavy Industrial	
General Industrial	
Parks and Schools	
<b>Public Facilities</b>	<b>X</b>
Greenway Corridor	
<b>Vegetation removal and grading</b>	<b>X</b>
<b>County Light Industrial</b>	<b>X</b>

Economic Consequences

Fully protecting these wetlands would preclude planned street improvements such as the Highway 62 Expressway project underway, future street connections as MD-1 is urbanized, and potentially County industrial uses on tax lot 100. The western extent of W38 will be impacted by the Highway 62 Expressway project. Future street connections may impact segments of wetland W38 along its eastern extensions. Wetland W07 may also be impacted as MD-1 urbanizes due to street connections to Highway 62 and the build out of industrial uses on the site.

Interim protection of W38 (except for areas near the Expressway project) and W07 are possible by limiting conflicting uses until urbanization occurs.

#### Social Consequences

These wetlands are rated moderate based on their water quality values. By limiting the conflicting uses (street connections) until future urbanization occurs will help to retain their values over time. Industrial uses on tax lot 100 are still possible as the wetlands are found along the southern property line also providing an opportunity for protection.

#### Environmental Consequences

Fully allowing conflicting uses within the wetlands would mean the loss of a moderate quality wetland. Allowing but reducing impacts would help to conserve these wetlands to the extent possible recognizing urban development is in the distant future and development of the industrial lot can still be accomplished with little to no impacts.

#### Energy Consequences

As noted in Site 10, energy benefits are likely to be achieved with the Highway 62 Expressway project. Other street connections in the distant future are also likely to see benefits through reduced travel times and new alternate routes.

#### **Goal 5 Recommendation**

Allow but reduce conflicting uses. Minimize impacts to the majority of wetlands W38 and W07 until future urbanization occurs.

### **Site 13: MD-1 Southeast (Whetstone Creek – Rogue River)**

This site contains four wetlands located south of Justice Road. These wetlands have the following characteristics:

Wetland IDs:	W04-A, W04-B, W04-Mosaic, W36
OFWAM Grouping Code:	MWC-1
Watershed Boundary:	Whetstone Creek – Rogue River
Wetland Size:	8.3 acres
Number of Parcels Affected:	3
Combined Parcel Area:	20 acres
Key Assessment Variable:	Hydrologic Control
Quality Determination:	<b>Moderate except W04-Mosaic is noted as a wetland of special interest for protection (rare/unique)</b>

Summary of Affected Parcels

Wetland/ Tax lot	Parcel (acres)	UGB or UR	Medford GLUP Map	County Zoning/Overlay	Floodplain	Current use(s)
W04-A						
361W31D 1700	5	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Structures on site
361W31D 1800	5.01	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Vacant
W04-B						
361W31D 1900	9.99	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Vacant
W04-Mosaic						
361W31D 1800	5.01	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Vacant
361W31D 1900	9.99	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Vacant
W36						
361W31D 1800	5.01	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Vacant
361W31D 1700	5	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Structures on site

**Distinguishing Site Characteristics**

Wetland W04-A connects to Wetland W04-B by a ditch line, and is likely connected hydrologically to W04-mosaic. Wetland W04-B is depressional and fed by ditch inflow and distinct from the mosaic complex. Wetland W04-mosaic appears to be a vernal pool/wetland mosaic. The northeast corner of the feature has been graded and has a selection of flowering vernal pool herbs.

### Conflicting Uses

The following conflicting uses apply within this resource site and its impact area.

Urban Residential	
Urban Medium Residential	
Urban High Residential	
Commercial	
Service Commercial	
Heavy Industrial	
General Industrial	
Parks and Schools	
<b>Public Facilities</b>	<b>X</b>
Greenway Corridor	
<b>Vegetation removal and grading</b>	<b>X</b>

### Economic Consequences

Fully protecting these wetlands may preclude an identified higher order street proposed to connect Justice Road to E. Vilas Road through MD-1 in the future. Review of alternative routes that minimize the impact to the rare wetland need to be considered. Future urban uses may result in industrial zoning further impacting the wetlands. Allowing but reducing the impacts to these wetlands to the extent possible will help ensure future street connectivity and urban uses.

### Social Consequences

The wetlands are rated as moderate and one is rated as rare of special interest. The Leisure Services Plan (2005) identifies a trail network bisecting the properties providing recreational and educational opportunities. A future, higher order north-south street is proposed to cross the rare wetland. By considering alternate routes, the rare wetland could see reduced impacts that will help preserve a larger portion of it into the future.

### Environmental Consequences

Fully allowing the conflicting uses would impact a rare wetland of special interest identified on the properties and degrade or lose its significance. Future urban industrial uses on the properties also will cause impacts that would result in loss of the wetlands. Shifting the future street connection around the perimeter of the rare wetland could protect it. This action however may result in additional impacts to Wetlands W04-A and W-04B just west of the rare wetland (W04-mosaic). Interim protection of these wetlands until urban development occurs is possible.

### Energy Consequences

There are no energy consequences of note.

**Goal 5 Recommendation**

Allow but reduce impacts to the wetlands. Identify alternate routes for street connection to avoid the rare wetland and limit its impact.

**Summary of Analysis**

Site	MD Location	Wetland IDs	Quality Determination	Goal 5 Recommendation
1	MD-6	W19-A W19-B	Moderate	Allow but reduce impacts
2	MD-5	W18 W79	High	Protect; Extend Riparian Corridor
3	MD-5	W70 W71 W72 W74	High	Allow but reduce impacts
4	MD-5	W13 W66	Moderate	Allow but reduce impacts
5	MD-5	W14 W15 W63 (not significant)	Moderate	Allow but reduce impacts; Extend riparian corridor
6	MD-3	W11 W21 W46 W47 W48 W49 W50 W51 W53 W54 W55 W56	Moderate	Allow but reduce impacts
7	MD-2	W10-A W10-D W10-E W10-F W10-G W22	Moderate	Allow but reduce impacts

8	MD-2	W08 W09 W39-A W39-B W40 W41 W42 W43	High	Allow but reduce impacts; Extend riparian corridor
9	MD-1	W82	High- Wetland of Special Interest	Protect
10	MD-1	W25	High – Wetland of Special Interest	Protect
11	MD-1	W06 W23 W24 W34 W35 W83 W84 W85 W86 W87 W88	High	Allow but reduce impacts, Extend riparian corridor
12	MD-1	W07 W38	Moderate	Allow but reduce impacts
13	MD-1	W04-A W04-B W04-mosaic W36	High; W04-Mosaic (Wetland of Special Interest)	Allow but reduce impacts; Minimize impacts to the wetland mosaic

## EXHIBIT C

### **Comprehensive Plan 2016 City of Medford Urban Reserve Local Wetland Inventory (LWI) Report**

The 2016 City of Medford Urban Reserve Local Wetland Inventory Report is being adopted into the Environmental Element by reference.

The 2016 LWI contains the following information:

- Introduction**
- General Description of the Study Area**
- Wetland Inventory Process and Methodology**
- Local Wetland Inventory Results**
- Literature Cited**
- Appendices A through I**
- Tables 1 through 12**

The above document can be found on the State's website at the link below:

<https://docs.dsl.state.or.us/PublicReview/ElectronicFile.aspx?docid=3117200&dbid=0>



Oregon

Kate Brown, Governor

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

[www.oregon.gov/dsl](http://www.oregon.gov/dsl)

State Land Board

January 18, 2017

The Honorable Gary Wheeler  
411 West 8<sup>th</sup> St.  
Medford, OR 97501

Kate Brown  
Governor

Re: Approval of the City of Medford Urban Reserves and Urban Growth  
Boundary Local Wetlands Inventory and Assessment

Dennis Richardson  
Secretary of State

Tobias Read  
State Treasurer

Dear Mayor Wheeler:

I am pleased to notify you that the Department of State Lands (DSL) has approved your Local Wetlands Inventory (LWI) and assessment. We appreciate your planning staff and the wetland consultant, SWCA Environmental Consultants, working with our staff to ensure that the inventory meets state LWI requirements (OAR 141-86-0180 through -0240) and the city's needs. The DSL-approved report and maps can be viewed and downloaded from our website at [http://www.oregonstatelands.us/DSL/WETLAND/lwi\\_disclaimer\\_agreed.shtml?](http://www.oregonstatelands.us/DSL/WETLAND/lwi_disclaimer_agreed.shtml?)

The DSL-approved GIS datasets are available for download from the Department's dropbox site at: [https://www.dropbox.com/sh/0jkzo8933hvh257/AADsHKekco63UPbg-XYkPggFa/Website/lwi?dl=0&preview=Medford\\_UGB\\_UR\\_LWI\\_2017\\_01.gdb.7z](https://www.dropbox.com/sh/0jkzo8933hvh257/AADsHKekco63UPbg-XYkPggFa/Website/lwi?dl=0&preview=Medford_UGB_UR_LWI_2017_01.gdb.7z)

The final inventory requirement is for the City to notify property owners with wetlands mapped on their property within 120 days of this approval. Please provide us with a copy of the landowner notification, indicating the date when notification was completed.

Approval by DSL means that the LWI becomes part of the Statewide Wetlands Inventory. The LWI must now be used by the city instead of the National Wetlands Inventory for the Wetland Land Use Notification Process (ORS 215.350). Please note that mapped wetlands, "probable wetlands" (PW), and waterways may initiate a Wetland Land Use Notification to DSL. To submit a wetland land use notice, please use the online form available on the DSL website at: [http://www.oregon.gov/dsl/PERMITS/Pages/forms.aspx#Wetland\\_Planning](http://www.oregon.gov/dsl/PERMITS/Pages/forms.aspx#Wetland_Planning)

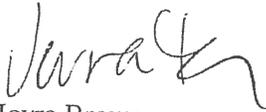
The LWI and functional assessment also form the foundation for your wetland planning under Statewide Planning Goal 5, and the LWI must be adopted by the city per the Goal 5 requirements. Please note when significant wetlands are designated by the city, "non-significant" wetlands may be coded to distinguish them from "significant wetlands" but must not be removed from the approved LWI maps. These wetlands are still subject to state and federal permit requirements.

While considerable effort has been made to identify accurately most wetlands within the study area, DSL's approval does not guarantee that all regulated wetlands have been mapped. The mapped wetland boundaries are estimated boundaries, they have not been surveyed, and there are inherent limitations in mapping accuracy. DSL advises persons proposing land alteration on parcels containing mapped wetlands first to contact DSL or to obtain a wetland boundary delineation by a qualified consultant and submit it to DSL for approval prior to the land alteration.

It will be important to keep your LWI updated as new wetland delineations are completed and approved by DSL. One method is to annotate the LWI map with the DSL file number(s) on the affected tax lots. This may also be accomplished by creating a separate "refinement layer" within the digital dataset, per 141-085-0230(5). A few delineations may have been approved since the LWI review draft(s). Please contact us if you need copies of the delineation approval documents. Additionally, previous approval letters for delineations within the study area were sent to the County planning office and are noted in the LWI. If your office would like copies of these approval letters for your files, please let DSL know. Future wetland delineation approval documents will be provided to the Medford planning department for updating the LWI mapping.

We are pleased that the City of Medford has conducted a thorough wetlands inventory and has made wetland planning a high priority. We look forward to working with you and your staff as you continue on the Goal 5 wetland planning effort. Please feel free to contact Jevra Brown at 503-986-5297 with any questions you may have about the LWI or its use.

Sincerely,



Jevra Brown  
Aquatic Resource Planner  
Aquatic Resource Management Program

ec: Carla Angeli Paladino, City of Medford  
Kelly Madding, Jackson County Development Services Director  
Josh LeBombard, DLCD  
Amanda Punton, Natural Resource Specialist, DLCD  
C. Mirth Walker, SWCA Environmental Consultants  
Yvonne Vallette, EPA  
Heidi Firstencel & Omar Ortiz, Corps of Engineers  
Shauna Ginger, Ecosystem Services Biologist, USFWS  
Bill Kirchner, USFWS NWI  
Joy Vaughan, Land & Water Use Coordinator, ODFW  
Sara Christensen, 401 WQC Coordinator, DEQ  
John Christy, Oregon Biodiversity Information Center  
Bob Lobdell, Aquatic Resource Coordinator, DSL



Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 11/16/2018  
Meeting Date: 11/28/2018

LD File #: CP17117 Associated File DCA17118  
#1:

Planner: Carla Paladino

Applicant: City of Medford

Project Location: Wetlands

Project Description: A comprehensive plan amendment to incorporate by reference the 2016 Urban Reserve Local Wetlands Inventory report into the Comprehensive Plan and amend applicable sections of the Environmental Element. This is filed in conjunction with a Development Code amendment to revise definitions, amend portions of the riparian corridor sections, and add regulations for wetlands.

Specific Development Requirements for Access & Water Supply

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

Construction General Information/Requirements

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

Specific fire protection systems may be required in accordance with the Oregon Fire Code.

This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only.

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

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

www.medfordfirerescue.org



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

**CITY OF MEDFORD**

LD Date: 11/28/2018

File Number: CP-17-117/DCA-17-118

**PUBLIC WORKS DEPARTMENT STAFF REPORT**

**Comprehensive Plan Amendment  
Environmental Element Update – Wetlands**

**Project:** A comprehensive plan amendment to incorporate by reference the 2016 Urban Reserve Local Wetlands Inventory report into the Comprehensive Plan and amend applicable sections of the Environmental Element. This is filed in conjunction with a Development Code amendment to revise definitions, amend portions of the riparian corridor sections, and add regulations for wetlands.

**Applicant:** City of Medford

**Planner:** Carla Paladino, Principle Planner, Long Range Division

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

Prepared by: Jodi K Cope  
Reviewed by: Doug Burroughs

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P:\Staff Reports\CP, DCA, & ZC\CP-17-117\_DCA-17-118 Environmental Element Update\_Wetlands\CP-17-117\_DCA-17-118 Staff Report.docx Page 1 of 1

PUBLIC WORKS DEPARTMENT  
ENGINEERING & DEVELOPMENT DIVISION  
200 S. IVY STREET  
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FAX (541) 774-2552

## Carla G. Paladino

---

**From:** Roger E. Thom  
**Sent:** Thursday, November 29, 2018 2:34 PM  
**To:** Carla G. Paladino  
**Cc:** 'craig.harper@medfordwater.org'; gstabach@rvcog.org  
**Subject:** RE: Wetland regulations

Carla:

I did a cursory review and have a couple of comments:

In the Locally Significant Wetlands Analysis, there is a few references to "Mud Creek", we have discontinued using this term for Larson Creek – please change Mud Creek references to Larson Creek or the more specific branch of Larson Creek.

The addition to the riparian code 10.926 (2), adding removal of hazardous trees is good. Can you verify that "hazardous" would apply to any tree with the potential to cause damage to private or public property?

The addition to the riparian code 10.926 (6), "Discharge or direct runoff of untreated stormwater" – We need to be clear that existing outfalls fall under 10.924, Permitted Activities within Riparian Corridor.

Thanks,  
Roger

**From:** Carla G. Paladino  
**Sent:** Friday, November 16, 2018 3:41 PM  
**To:** gstabach@rvcog.org; 'craig.harper@medfordwater.org' ; Roger E. Thom  
**Subject:** Wetland regulations

Hi Greg, Craig, and Thom,

I am working on updates to the City's Comprehensive Plan and Development Code related to adoption of a new LWI and wetland regulations. The LWI was conducted for the City's Urban Reserve area and is needed as we develop lands within the expanded UGB areas. The City does not have wetland regulations and so this is completely new and will apply city wide.

If you have a chance, please review and provide any comments.

Thank you,  
Carla

Carla G. Angeli Paladino  
Principal Planner - Long Range Division  
City of Medford Planning Department  
Lausmann Annex  
200 South Ivy Street, Medford, Oregon 97501  
541-774-2395 (direct)

Office Line: 541-774-2380



# Minutes

From Study Session on **November 26, 2018**

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**

David McFadden, Vice Chair  
David Culbertson  
Joe Foley  
Bill Mansfield  
Mark McKechnie  
E. J. McManus  
Jared Pulver

**Staff Present**

Matt Brinkley, Planning Director  
Kelly Evans, Assistant Planning Director  
Carla Paladino, Principal Planner  
Eric Mitton, Deputy City Attorney

**Commissioners Absent**

Patrick Miranda, Chair, Excused Absence  
Alex Poythress, Unexcused Absence

**Guests**

Mike Montero  
Raul Woerner

**Subject:**

**20.1 CP-17-117 and DCA-17-118 2016 Local Wetland Inventory (LWI) and Wetland Regulations**

Carla Paladino, Principal Planner reported that the proposal will be for changes to both the Comprehensive Plan and Chapter 10 of the Land Development Code. Specifically in the Comprehensive Plan, changes are proposed to the Environmental Element related to wetlands. The new information outlines the locally significant wetlands in the 2016 Local Wetlands Inventory and summarizes the results to the Economic, Social, Environmental, and Energy (ESEE) analysis. Amend Chapter 10 of the Land Development Code to include wetlands regulations that will apply citywide.

The City has been working on supplemental tasks related to the recently expanded Urban Growth Boundary. This work is being conducted so these new lands are ready for annexation and development. Annexation policies were amended as part of the Urban Growth Boundary process. The City Council must find that a Local Wetland Inventory has been adopted for these new lands. Wetlands are regulated through Statewide Planning Goal 5 which establishes the procedures and criteria for inventorying and evaluation resources and for developing land use programs to conserve and protect significant resources identified. The City's Comprehensive Plan supports protecting wetlands and establishing wetland regulations through Policy 6-B and Implementation Strategy 6-B (1).

Goal 5 provides guidance on how to determine and regulate wetlands. The statute outlines that a Local Wetland Inventory must be completed and adopted into the

Comprehensive Plan and determine and identify the wetlands that are noted as locally significant. Jurisdictions determines which path to follow in order to protect the wetland resource. Safe Harbor limits grading, filling and impacts around the identified wetlands. Economic, Social, Environmental and Social (ESEE) analysis can be conducted that weighs development impacts that may occur to the wetlands. The City has followed the ESSE path for the 2016 Local Wetland Inventory knowing impacts with roads and utilities will apply in these expansion areas.

#### Oregon Administrative Rules

For areas inside Urban Growth Boundaries:

- Conduct a LWI and adopt into Comprehensive Plan or as a land use regulation, and
- Determine the significant wetlands and adopt the list

For significant wetlands inside Urban Growth Boundaries:

- Adopt a Safe Harbor ordinance to protect, or
- Complete Goal 5 process and adopt a program following Oregon Administrative Rules (ESEE analysis)

#### Wetland Regulations

- Modify and add new definitions
- Update land use procedure types
- Added new uses under riparian corridor section
- Added Wetland Regulations

The purpose section describes the intent of the section and why we are regulating wetlands. Some of the statements include tying back to the Environmental Element of the Comprehensive Plan protecting the benefits wetlands provide such as water quality, erosion control, preserving native vegetation, and reduce flooding and enhancing these resources as a community amenity.

Definitions refer back to the general section at the beginning of the Chapter and also refer back to the definitions in the riparian corridor sections.

Wetland regulations will apply citywide. State and Federal regulations apply no matter what our inventories say or do not say. The City will continue to notify the Department of State Lands when land use action is proposed on property. Property owners are ultimately responsible to comply with the code. Wetlands are to be protected unless exempt or permitted use is identified.

The inventory of wetlands discusses 2002 and 2016 Local Wetland Inventories as they apply to city limits, Urban Growth Boundary and Urban Reserve.

Wetland Protection Areas applies to wetlands identified in the 2002 and 2016 Local Wetland Inventory. It requires a 50 foot buffer around locally significant wetlands and 25 foot buffer around all other wetlands.

Exempt activities from local permit:

- Vegetation Maintenance, planting and removal of non-native, noxious vegetation
- Site Investigation and Maintenance of Storm Water Facilities
- Fire Hazard protection
- Maintenance of existing public and private streets, paths, driveways
- Open wire fencing

Permitted Uses:

- New Public Access and Utilities
- Wetland Restoration and Enhancement
- Public and Private Utility Maintenance
- Airport

Permit and Criteria seek to minimize impacts, Mitigation Plan required and Management Plan.

Allowances in the Code:

- Wetland protection buffer may be reduced by up to 50% through approval of the Director
- Site layout is designed to avoid intrusions by varying a setback standard or other applicable dimensional standard to avoid impact to the wetland
- No separate exception application required
- Alternation is minimum necessary to provide the use/building
- Restoration, mitigation or enhancement proposed
- Management plan provided

Hardship Exception:

- Type III procedure with approval through PC/SPAC/LHPC
- Wetland regulations unduly restrict development or use of the lot, making it unbuildable
- Other alternatives to find relief have been explored
- Mitigation and management plans provided

Application Submittal:

- Lists the submittal requirements for Permitted Uses, Wetland Reductions, or Hardship Exceptions

Management Plan:

- Applicant is responsible for identifying how the wetlands will be maintained and managed over time
- Management practices
- Removal and oversight of noxious and invasive vegetation

- Recording of CC&Rs or conservation easement or transfer of ownership to willing public agency, non-profit, or private conservation organization

Performance Guarantee:

- Mitigation measures should be completed prior to final plat or Certificate of Occupancy, cases may warrant additional time
- Installation may be deferred up to six months with 125% surety bond or cash

Map Errors and Adjustments:

- When delineations are conducted and approved by Department of State Lands, they shall supersede the maps on the LWIs without a need to modify the Comprehensive Plan to do so

Raul Woerner, CSA Planning Ltd., stated that once wetlands show up on a property the state will want a delineation.

Matt Brinkley, Planning Director reported that he does not think the State can provide the City with the authority to say that a locally recognized boundary is the same thing as a delineation. Staff thought by providing a prescriptive way of doing things would be beneficial without doing a delineation.

Mr. Woerner asked, if someone got a fill permit approved by the State or Federal permitting agency is there a local way to recognize that in this ordinance? Ms. Paladino reported if there are other Federal or State information, please make staff aware.

Vice Chair McFadden stated that the City is pushing for more bio swales along property frontages in our development areas. He hopes they are temporary water collection points. Given enough time, is that policy going to be classified as a wetland? Ms. Paladino reported that they do not want to prohibit bio swales. They are not intentionally trying to create wetlands but that their classification is not determined by the City.

Mr. Woerner noted that DSL and Administrative Rules specifically has exemptions for manmade water treatment storage facilities.

Commissioner McKechnie suggested that Corvallis has a feature called Minimum Assure Development Area. It allows a mechanism for dealing with properties with wetlands. It is so many square feet of developable area on a site whether it is covered 100% by wetlands or covered with less. After the calculations if there is more wetland than development area you are allowed to encroach into the wetlands.

Changes to be made. It was pointed out that a diagram during the presentation showed 20 feet instead of 25 feet. The provision language regarding the Local Wetland Inventory states there is a wetland on site a buffer can be put around it without any delineation needed to be done. Is the Planning Commission comfortable with how staff has laid out the procedure types in terms of the hardship reduction? Look at Corvallis feature. Make

sure there is a clear path that if the property owner has done there due diligence to the State that staff accepts that and moves on.

Commissioner McKechnie asked, what qualifies for the 50 feet versus 25 feet? Ms. Paladino reported that 50 feet would be those determined to be locally significant as outlined in the wetland inventory 25 feet for everything else.

Commissioner McKechnie asked, the City is not going to get into monetary argument with a land owner that finds three quarters of his land is unusable and sues for the taking? Ms. Paladino stated that regardless of what the regulations state if they have a wetland on site they have to deal with it. Taking the City out of the equation the State is still involved. If they want to impact something that is a wetland they will have to identify it and do something about it.

Eric Mitton, Deputy City Attorney stated that regulatory takings cases are fact specific. He does not know if this can be crafted where no one would be upset and want to sue the City whether or not they would have a valid claim. It would depend on the circumstances.

Ms. Paladino reported that staff has tried to build in some safety nets for the property owners that they can apply for something and get the relief if they feel like they need it. There is criteria built in.

Mr. Brinkley commented that they can still develop if they get a fill permit.

Mr. Woerner reported that when getting a wetland permit and have a mitigation plan there is a complicated and rigorous management plan that the State and Federal governments monitor. They require the wetlands consultant to sign off on a bond and inspect every five years. He would like to see if there is one of those then the City could tie into that and will be a Safe Harbor.

Mr. Brinkley stated that it only happens when one disturbs the wetland.

Mike Montero reported that one other unintended consequence can occur with this is if there is a structure and want to rebuild does in become an unlawful nonconforming use language would be important. Ms. Paladino reported that under the exempt section it talks about nonconforming uses and development.

Mr. Brinkley commented that the wetlands regulations and how the City deals with riparian buffer are similar.

Commissioner Foley stated that this came up at a meeting where there was a house on a property that was in the riparian zone. The discussion was if the house goes away can they rebuild? The issue came up because there was no foundation for the house, it was

on blocks. It was an open question that did not get resolved because it was not germane to what was being discussed that evening.

Mr. Mitton reported that he was there and could speculate having done zero research since then but he would be guessing. He has concerns even if the two dimensional footprint stays the same when building down more than previously he has questions as to whether that is really just replacing what was there.

Commissioner Foley asked, is that something that needs to be incorporated into this as staff is rewriting the entire regulations? Put the correct language in to answer that question. Mr. Mitton will look into it.

Ms. Paladino stated that this will be presented to the Planning Commission Thursday, November 29, 2018. Changes will be made on what she heard today. There will be a City Council study session right after she presents this to the Planning Commission Thursday evening. It is anticipated to go to the City Council public hearing December 20, 2018.

Mr. Woerner reported that in 2002 a LWI was adopted. Why is there being an LWI outside the Urban Growth Boundary when the rule specifies Urban Growth Boundary only? Anything beyond that is the County's responsibility and they are not required to adopt one under the rule. Is there consideration for adjustment changes that goes into another property?

The only buffer specified, in the land use rules is, it is 50 foot if it is adjacent to a riparian area. DSL rule reads to adopt something that address "buffers". It does not specify what the number has to be. Why 25 feet, 50 feet everywhere else but riparian? Mr. Brinkley reported that is the recommended practice. 50 feet is on the low end.

Mr. Montero thinks it would be helpful in the buffer discussion adding links of any potential mitigation efforts that advises buyers that if they choose to seek mitigation for wetlands they will need to contact the Planning Department or somebody to find out how any potential buffer would affect neighboring property owners.

Commissioner Pulver stated that ones that were created seems simpler than an existing one that was moved on a property line. He does not know how common that is.

Vice Chair McFadden suggested to simplify Section 10.950. Do they really need an aerial photograph of something having to be mapped with 2 foot contours? There seems to be overlapping requirements that will make this erroneous for people to deal with.

Ms. Paladino stated that she would send the revisions out to the Planning Commission before Thursday night's meeting.

**30. Adjournment**

The meeting was adjourned at 12:54 p.m.



Submitted by:

Terri L. Richards

Recording Secretary

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# Minutes

DRAFT From Public Hearing on **November 29, 2018**

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**

Patrick Miranda, Chair  
David McFadden, Vice Chair  
David Culbertson  
Joe Foley  
Bill Mansfield  
Mark McKechnie  
E.J. McManus  
Alex Poythress

**Staff Present**

Matt Brinkley, Planning Director  
Kelly Evans, Assistant Planning Director  
Madison Simmons, Senior Assistant City Attorney  
Alex Georgevitch, City Engineer  
Carla Paladino, Principal Planner  
Terri Richards, Recording Secretary  
Steffen Roennfeldt, Planner III

**Commissioner Absent**

Jared Pulver, Excused Absence

**New Business**

**50.4 CP-17-117 / DCA-17-118** A Comprehensive Plan Amendment to incorporate by reference the 2016 Urban Reserve Local Wetlands Inventory report into the Comprehensive Plan and amend applicable sections of the Environmental Element. This is filed in conjunction with a Development Code Amendment to revise applicable sections of Chapter 10 of the Municipal Code related to wetlands. Applicant: City of Medford; Planner: Carla Paladino.

Carla Paladino, Principal Planner, stated that she received an email this afternoon from Commissioner McKechnie. He mentioned that he had concerns with the Development Code Amendment portion of the wetlands regulations. He may be requesting that it get sent back to staff for more work. If the Planning Commission would like staff to go back and do more work they could do that. Staff would like to present the Comprehensive Plan portion to the Planning Commission this evening and see if they can get a recommendation from the Planning

Commission on that portion. Staff is prepared to present both if the Planning Commission would like to hear both.

Commissioner Foley concurs with Commissioner McKechnie that the regulations need more work.

Consensus of the Planning Commission was that the Development Code Amendment portion of the application be deferred back to staff.

Motion: The Planning Commission tabled DCA-17-118 from consideration requesting staff to revise and bring back to the Planning Commission in a future study session or public hearing.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Roll Call Vote: Motion passed: 7-0.

The Major Type IV Amendment approval criteria can be found in the Medford Land Development Code Section 10.220(B). The applicable criteria were addressed in the staff report, included in property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Paladino gave a staff report on the Comprehensive Plan.

Commissioner McKechnie returned at 6:30 p.m.

Commissioner McKechnie disclosed that he had conversations with some people from the advisory committee. He does not think it will affect what he has to say.

Commissioner McKechnie has concerns with the 50 foot buffer especially in urban areas. He feels that it is arbitrary and there needs to be a better mechanism for determining what that buffer should be. There are other jurisdictions that deal with this and better ways that what the City has. He is not sure this is ready for "prime time".

Chair Miranda reported that the Planning Commission is considering the Comprehensive Plan amendment and has deferred the Development Code amendment back to staff for further consideration.

Vice Chair McFadden asked, are the references to the 50 foot buffer, within the Comprehensive Plan that is being considered this evening, specific enough that wording can be changed to indicate it will be decided at a later date as far as the actual size or type of buffer? Ms. Paladino stated that staff could strike it and come back and change it when they know there is going to be a buffer. Once it gets adopted it should say what it needs to say. If the Planning Commission is not comfortable with the 50 feet it should be stricken.

The recommended buffer/setback area is in the table on page 214 of the agenda packet.

Vice Chair McFadden asked, can the column of the recommended buffer/setback area be deleted and state that it will be revised later? Ms. Paladino replied yes. The other thing that identifies the buffer is the actual ESEE analysis. This is just the table that summarizes the analysis part. The buffer language can also be changed in the analysis part.

Commissioner Mansfield asked Commissioner McKechnie to give the Planning Commission input as to what his issue is with the 50 foot setback. Commissioner McKechnie stated that at 50 feet on every side in an urban area seems to him to be extensive. Depending on the slope of the land 50 feet is appropriate. If it is steeper than 20 feet it would be plenty depending on the kind of wetlands. He does not know arbitrarily stating 50 feet is a blanket case is okay.

The public hearing was opened.

a. Jay Harland, CSA Planning Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon 97504. Mr. Harland objects to the wetland buffer. It is not a requirement under any State land use regulations for doing a wetland buffer except for when it extends the riparian corridor; when the wetland is next to part of a stream. There are specific rules on those. Medford has those in their code in the riparian ordinance. There is no need to do anything new on that. The 50 foot buffer is a lot of land. The 50 feet is going to impact the buildable land supply. That analysis has not been done at this point. There is a deficiency issue that would have to be addressed.

The extraterritoriality issue that the areas outside Medford's Urban Growth Boundary this does not apply to. If any maps are going to be adopted on those there should be a hatch that states "For Information Only". He would like to see the extraterritoriality stricken.

b. Clark Stevens, Richard Stevens & Associates, Inc., P. O. Box 4368, Medford, Oregon, 97501. Mr. Stevens agrees with Mr. Harland in regards to elimination of the buffer in both the Comprehensive Plan amendment and the ESEE documents. There are two different buffers. There is a 50 foot for significant wetlands and also 25 foot which he thinks is also up for discussion purposes. He would like to ensure that both buffer measurements for both wetland types be eliminated from the Comprehensive Plan amendment and the ESEE documents. In the past the wetlands expert would submit a plan or mitigation plan to DSL and they would come up with a buffer standard based on slope, soil, conditions, amount of water feeding it and discharging from it. That dictates a buffer area for those locations.

c. Scott Sinner, Scott Sinner Consulting, Inc., 4401 San Juan Drive, Suite G, Medford, Oregon, 97504. Mr. Sinner agrees with the other two previous testimonies. It is difficult to work with wetlands in development. To have a 50 foot buffer in urban settings is not appropriate as far as he is concerned. Where they are doing specific delineations and protection plans should be adequate. He supports removing all references to the 50 foot buffer.

d. Mike Montero, 4497 Brownridge Terrace, Suite 202, Medford, Oregon, 97504. Mr. Montero concurs with the previous testimony and explained why. Throughout the process of establishing Urban Growth Boundaries to meet the future urban needs of the City of Medford has been a

balancing act. Trying to balance intensification of the density of the land that has been selected, identified and brought in would appear to be counter to this issue of having buffers that put arbitrary standards that defeat the objective. The State and Federal regulations that are associated with the management of wetlands is robust and comprehensive. The agencies an applicant will have to deal with would include the Division of State Lands, Oregon Department of Environmental Quality, US Army Corps of Engineers and the National Marine Fisheries Board. With those four agencies there is protection that one cannot imagine. The Urban Growth Management Agreement provides language that states the most restrictive of the standards that are adopted are the ones that prevail with the applications of the wetlands. There needs to be the concern of unintended and adverse consequences. Unless the Planning Commission believes that those State and Federal agencies are somehow deficient in their management of wetlands they can rely on those for that.

In many cases the mitigations standards presents opportunities for applicants to not only increase the scope of wetland but also to intensify or enhance the quality of the wetlands. That opportunity needs to be available for the applicants. He echoed and encouraged the Planning Commission to remove the buffers.

Ms. Paladino reported that a letter was sent to property owners within the Urban Reserve this past summer stating there would be a committee to meet on this issue. It was not intentional that there was not a meeting. Staff was running out of time and this project was supposed to be done by the end of the year. It was an attempt to get regulations and the Comprehensive Plan finished. The committee was emailed but there were issues with the email that was sent. Staff is happy to continue and meet with the committee.

Matt Brinkley, Planning Director reported that the 50 foot buffer is not arbitrary. It is the minimum buffer that is recommended by wetland biologists and the scientific community for protecting wetlands. It is the lower end and the basis for the 50 feet. Whether it is kept in the language or not there are other protections, as Mr. Montero mentioned. In the Development Code amendment there is a provision for reducing the buffer to 25 feet and further if encroaching into the wetlands.

An interesting point that Mr. Harland brought up about the effect the buffer would have on the buildable lands inventory. Staff has begun that analysis because a lot of the wetlands occur or around the riparian zones and buffers. As it turns out, a lot of the wetlands are within unbuildable lands.

The issue of the wetlands outside the urban growth boundary that are in the County; the City has an Urban Growth Boundary and Urban Reserve Management Agreement with the County that addresses some of the issues. The City does not have wetlands jurisdiction in the County.

The public hearing was closed.

Motion: The Planning Commission based on the findings and conclusions that all of the applicable criteria are either satisfied or not applicable, forwarded a favorable recommendation for approval of CP-17-117 to the City Council per the staff report dated November 15, 2018, including Exhibits A through E, adding Exhibit F, Exhibit G, Exhibit H, deleting buffering requirements and amend information on pages 206 and 207 of the agenda packet.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Vice Chair McFadden commented that the more they discuss this he has a tendency to think there is not a need for the land development code. If there are all these other requirements by the State, Federal and everybody else, why is the City trying wade into the water? It is just going to muddy everything up.

Commissioner McKechnie stated that it is important to understand that the wetlands are already regulated by the State and Federal regulations. If anyone wants to do anything with them they have to pass muster with those agencies. He is not sure, unless doing a feel good clause, that there needs additional regulations at the City level for the wetlands. One of the testifiers is correct that the strictest rules apply which is usually DSL or US Army Corps of Engineers.

Commissioner Culbertson agrees with Vice Chair McFadden and Commissioner McKechnie. At this point, do we want to remand it back to staff to revise or is it something they can say stop the work?

Commissioner Mansfield asked, is Commissioner McKechnie suggesting a no vote on this motion? Commissioner McKechnie stated that he thinks he is. It would be nice to flush it out a little. It sounds like this is a more of a feel good thing. Everything that has been discussed needs to be in the Comprehensive Plan. If it is already addressed in some other regulation that needs to be followed there may be a simpler way to address this stating that wetlands are important and one needs to follow Federal regulations.

Chair Miranda reported that the overall CP-17-117 deals with more than just that. It was just the buffering discussion to be set aside. The rest of it is still relevant.

Commissioner McKechnie he is fuzzy on the details. Are they doing this because they are required to by the State or is it to have everything covered?

Ms. Paladino reported that the City needs to cover Goal 5. Goal 5 requires that the City does a local wetland inventory for the new lands. Staff has done that work. The State has approved that document and now the City needs to incorporate that into the Comprehensive Plan. It is finishing that project. The wetlands regulations are something different.

Roll Call Vote: Motion passed: 8-0.

Commissioner Foley asked, does Commissioner McKechnie want to do something about whether the Planning Commission consider more regulations or not? Right now it is going back to staff to do more work. Does he want the Planning Commission to send to the City Council that states it is not necessary? Commissioner McKechnie state that it sounds like the Planning Commission is not interested in producing duplicate regulations and not make it harder for people if not necessary.

Chair Miranda commented that since it has been sent back to staff that the Planning Commission indicates to have a study session prior to hearing.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item 80.1

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**DEPARTMENT:** Planning **AGENDA SECTION:** Ordinances and Resolutions  
**PHONE:** (541) 774-2380 **MEETING DATE:** December 20, 2018  
**STAFF CONTACT:** Matt Brinkley, AICP CFM, Planning Director

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## **COUNCIL BILL 2018-132**

SECOND READING – An ordinance amending sections 10.012, 10.314, 10.337, 10.821, and 10.826 of the Medford Municipal Code to modify standards to Accessory Dwelling Units.

## **SUMMARY AND BACKGROUND**

Council is requested to consider a legislative amendment (DCA-18-113) to Chapter 10, Article V, specifically the Special Use Regulations contained within Section 10.821, of the Medford Land Development Code (MLDC). The purpose of the amendment is to modify standards for Accessory Dwelling Units (ADUs) in order to achieve compliance with State statute and administrative rules, as well as encourage construction of accessory dwelling units by reducing or removing cost prohibitive requirements.

The Planning Commission recommends adopting DCA-18-113 based on the analysis, findings and conclusions per the Council Report dated November 29, 2018, including Exhibits A through J.

## **PREVIOUS COUNCIL ACTIONS**

On February 15, 2018, City Council approved the Housing Advisory Committee's policy recommendations to address Medford's housing supply and affordability for all income levels. Two of these recommendations pertained to ADUs and include:

- Incentivize construction of Accessory Dwelling Units (ADU) – High Priority
- Expand where Accessory Dwelling Units are permitted – Medium Priority

The focus of DCA-18-113 is to expand where ADUs are permitted, subsequently proposed changes to the standards of 10.821 may lower cost of constructing an ADU potentially encouraging ADU construction.

Additionally, Council reviewed the proposed language at a joint Study Session with the Planning Commission on September 24, 2018. Staff received direction to remove the allowance for two ADUs per dwelling unit and to proceed with amending the ADU standards to remove potential barriers to ADU development and to expand where ADUs are permitted.

Lastly, Council reviewed DCA-18-113 at a public hearing on December 6, 2018. Council Bill 2018-132 was placed for a second reading as it received two no votes and six yes votes. A proposed amendment was approved to change the parking exemption criteria [10.821(B)(6)(c)] to expand the radius in considering the proximity to bicycle facilities from a quarter-mile (1/4) to a half-mile (1/2) to better reflect the ability to bike further than walk. This change has been reflected in the most recent ordinance and Council Report.

## **ANALYSIS**

ADUs have been a longstanding form of residential development in urban areas taking the form of granny-flats, alley apartments, etc. With more than 19,000 single-family lots in the City limits of Medford, ADUs present an extensive opportunity for infill development that is appropriately scaled to lower density residential neighborhoods.

The changes proposed in DCA-18-113 are intended to promote the construction of ADUs, expand where ADUs are permitted, provide a prescriptive process for legalizing illegal ADUs under certain circumstances, and updating standards to be consistent with SB 1051. Allowing for the development of an ADU with townhouses and duplexes (when divided by a lot line) and allowing for ADUs by dwelling type, not zone, would further expand where ADUs are permitted. Allowing for a reduction in parking needs can lower



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item 80.1

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development cost, thus incentivizing ADU construction. For further analysis of the proposed changes refer to the analysis portion of the Council report.

The major changes proposed in DCA-18-113 include:

- Allowing for an ADU per dwelling unit, not per lot (required per SB 1051)
- Expanding the permitted dwelling types for ADUs to include (currently permitted with detached single-family manufactured or stick built homes):
  - Duplexes divided by a lot line
  - Townhouses divided by a lot line
- Allowing for ADUs in all zones when permitted dwelling types are present
- Allowing for a 10% lot coverage increase for ADU construction only
- Increasing ADU size to 75% of main dwelling (rather than 50%) and maintaining 900 sq. ft. maximum currently within MMC 10.281
- Adding a standard to permit the reduction of one off street parking when existing primary dwellings do not meet the required parking standards of MMC 10.743-1 if the following criteria are met:
  - Parcel is within Central Business (CB) or Transit Oriented District (TOD) Overlay;
  - Parcel is within a quarter (1/4) mile of a transit stop;
  - Parcel is within a quarter (1/4) mile of a bicycle facility;
  - Parcel has 24 feet of lot frontage where on-street parking is available;
  - Parcel is unable to meet off-street parking due to structures built before January 1, 2019
- Adding a standard requiring alley access be used when available (does not force ally paving)
- Adding the allowance for ADUs in Multi-Family and Commercial zones when legal nonconforming single-family housing is the primary use on the property
- Adding standards for the conversion of illegal ADUs to legal nonconforming structures or legal ADUs under certain circumstances

## FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

## TIMING ISSUES

None.

## COUNCIL OPTIONS

- Approve the ordinance as presented
- Modify the ordinance as presented by adopting alternatives as presented or as offered by Council
- Deny the ordinance as presented and direct staff regarding further action

## STAFF RECOMMENDATION

Staff recommends approval of the ordinance as presented.

## SUGGESTED MOTION

I move to approve the ordinance authorizing the Land Development Code Amendment as described in the Commission Report dated November 29, 2018.

## EXHIBITS

Ordinance

ORDINANCE NO. 2018-132

AN ORDINANCE amending sections 10.012, 10.314, 10.337, 10.821, and 10.826 of the Medford Municipal Code to modify standards for Accessory Dwelling Units.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

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

10.012 Definitions, Specific.

When used in this chapter, the following terms shall have the meanings as herein ascribed:

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Accessory dwelling unit (ADU). A detached or attached dwelling unit that is additional and auxiliary to ~~an existing~~ a single-family dwelling, and is on the same tax lot. ~~A single family dwelling with an ADU can be distinguished from a duplex through its continuing appearance as a single family dwelling structure.~~

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~~Floor, habitable, means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".~~

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**Footprint. The total flat surface area a building covers on land, excluding unenclosed areas and items not considered structures.**

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**Gross Habitable Floor Area. The cumulative floor area of space for living purposes including, working, sleeping, eating, cooking, or recreation, or a combination thereof.**

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Section 2. Section 10.314 of the Medford Municipal Code is amended to read as follows:

10.314 Permitted Uses in Residential Land Use Classification.

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PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section(s)
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1. SINGLE-FAMILY RESIDENTIAL

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(c) Manufactured Home on Individual Lot	Ps	10.710, <b>10.821 (with ADU),</b> 10.826 & 10.900							
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2. MULTIPLE-FAMILY RESIDENTIAL

(a) Duplex Dwelling - Interior Lot	X	X	X	P	Ps	Ps	Ps	Ps	10.713, & 10.820 & <b>10.821 (ADUs only)</b>
(b) Duplex Dwelling - Corner Lot	X	X	P	P	Ps	Ps	Ps	Ps	10.713, & 10.820 & <b>10.821 (ADUs only)</b>
(c) Multiple-Family, Multiplex, or Apartment Dwelling	X	X	X	X	P	P	P	P	10.714
(d) Townhouse/Rowhouse Dwelling	X	X	X	X	P	P	P	X	10.712 & <b>10.821 (ADUs only)</b>

\*\*\*

4. ACCESSORY USES

(a) Accessory Dwelling Unit (ADU)	Ps	Ps	Ps	Ps	Ps	<del>X Ps</del>	<del>X Ps</del>	<del>X Ps</del>	10.821 & <b>10.826</b>
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Section 3. Section 10.337 of the Medford Municipal Code is amended to read as follows:

10.337 Uses Permitted in Commercial and Industrial Zoning Districts.

\*\*\*

88 DWELLING UNITS

	C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
881 Dwelling Units	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps

The special use ~~reference~~ **regulations** for commercial zones corresponds with special use section 10.837 and the special use ~~reference~~ **regulations** for industrial zones corresponds with special use section 10.835. **The special use regulations for Accessory Dwelling Units (ADUs) in commercial and industrial zones correspond with special use section 10.821.**

Section 4. Section 10.821 of the Medford Municipal Code is amended to read as follows:

10.821 Accessory Dwelling Unit (ADU).

For the purposes of this Chapter, a single-family dwelling with an accessory dwelling unit (ADU), as defined herein, ~~located within a single family residential zone~~ shall not be considered

a duplex or multiple-family dwelling. ADUs are defined as either:

**Accessory Dwelling Unit - Attached (ADU-A).** An ADU-A is attached to the primary dwelling unit by a shared wall or as an additional story above the primary dwelling unit.

**Accessory Dwelling Unit - Detached (ADU-D).** An ADU-D shares no common walls with the primary dwelling or the ADU-A.

**(A) ADU General Standards**

The following standards apply to all ADUs and shall be required. They are as follows:

- (1) ADUs shall not be counted in residential density calculations.
- (2) An ADU within the Historic Preservation Overlay shall be subject to applicable reviews as identified in this Code.
- (3) A development's Conditions, Covenants, and Restrictions (CC&Rs) or similar legal instrument recorded subsequent to the effective date of this ordinance shall not prohibit or limit the construction and use of ADUs meeting the standards and requirements of the City of Medford.

~~In addition to other standards of this code, ADUs shall comply with the following development standards:~~

**(B) ADU Development Standards.** In addition to other applicable standards of this code, ADUs shall comply with the following development standards:

- (1) ADUs shall comply with maximum lot coverage and setback requirements applicable to the parcel containing the primary dwelling.
  - (a) Lot coverage, as determined by the subject's parcel's zoning may be exceeded by up to 10%. The additional coverage allowance is exclusively for the ADU and shall not be used for any other structures.
- (2) ~~One~~ ADUs shall be allowed per dwelling unit and only in conjunction with parcels containing one detached single-family dwelling (the "primary dwelling"); the following dwelling unit type(s):
  - (a) A detached single-family dwelling
  - (b) An attached single-family dwelling, divided by a lot line, including:
    - (i) duplexes
    - (ii) townhouses
  - (c) A manufactured dwelling located on an individual lot

The dwelling unit types identified shall be considered the "primary dwelling." Under no circumstance will more than one ADU associated with each primary dwelling be permitted.

~~Only one ADU per parcel is permitted.~~

- (3) The ADU may be created through conversion of an existing structure, or construction of a new structure that is either attached to the primary dwelling or detached. Existing structures may be nonconforming, meeting the standards of 10.032-10.037 and subject to approval by the Building Official and the Planning Director.
- (4) The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 50 75 percent of the GHFA of the primary dwelling on the lot, or shall not exceed a maximum of 900 square feet, whichever is less. ~~The floor area of any garage shall not be included in the total GHFA.~~
- (5) Conversion of existing habitable space within the primary dwelling to an Attached ADU (ADU-A) may not be subject to the provision of 10.821(B)(4). When deviating from 10.821(B)(4) the ADU-A shall be 50 percent or less in GHFA than the primary dwelling.

~~(5) Only one entrance may be located on the front of the existing dwelling unless the existing dwelling contained more than one entrance before the addition of the ADU.~~

~~(6) In order to maintain a consistent architectural character, it is recommended that similar building materials, architectural design and colors be used so that the ADU blends with the general appearance of the primary dwelling.~~

~~(7) A parcel containing a primary dwelling unit and an ADU shall provide a minimum of two off street parking spaces designed in accordance with City of Medford standards.~~

**(6) A primary dwelling shall adhere to the parking standards in Table 10.743-1. No additional parking shall be required for an ADU. When existing primary dwellings do not meet the standards of Table 10.743-1 a reduction of the required off-street parking shall not exceed one space if one of the below conditions is met:**

**(a) The subject parcel is within the Central Business (CB) Overlay or other established Transit Oriented Districts (TODs) as established by the Transportation System Plan (TSP); or**

**(b) The subject parcel is within a quarter (1/4) mile radius of a transit stop; or**

**(c) The subject parcel is within a half (1/2) mile radius of an existing bicycle facility including a bicycle lane, multi-use/shared-use path or a neighborhood bikeway; or**

**(d) The subject parcel has at least 24 feet of lot frontage with on-street parking available, excluding any area considered to be a part of the driveway width/throat; or**

**(e) The subject parcel is unable to comply with off-street parking standards due to existing structures built prior to January 1, 2019.**

**(7) When alley access is available, the ADU shall take vehicle access from the alleyway, unless off-street parking need not be constructed to comply with other provisions of this Code.**

~~(8) ADUs shall not be counted in residential density calculations.~~

~~(9) A development's Conditions, Covenants, and Restrictions (CC&Rs) or similar legal instrument recorded subsequent to the effective date of this ordinance shall not prohibit or limit the construction and use of ADUs meeting the standards and requirements of the City of Medford.~~

#### **(C) Siting ADUs in Multi-Family and Commercial Zones**

**ADUs shall be permitted in multi-family and commercial zones when the following apply:**

**(1) The primary use on the property is a primary dwelling as provided for in 10.821(B)(2).**

**(2) A primary dwelling, as provided for in 10.821(B)(2), in the multi-family zones that meets the standards of Section 10.826 shall be permitted an ADU meeting the standards of this Section.**

#### **(D) Illegal ADUs**

**It is the intent of subsection 10.821(D) to offer a land use review process to convert illegal ADUs to a nonconforming structure or use. Any such ADU shall adhere to the following:**

**(1) Illegal ADUs seeking conversion to a nonconforming structure or use shall have been constructed prior to January 1, 2019. The owner, not the City, has the burden of proving that any illegal ADU structure or use was occupied, constructed and/or used prior to January 1, 2019.**

**(2) All applicable permits and utility connections required by Medford Municipal Code for the illegal ADU shall be obtained prior to the issuance of any Certificate of Occupancy or other required licensed for occupancy of the ADU.**

(3) All building, fire, life and safety codes shall be met.

(4) If the standards of Article V of the Medford Land Development Code otherwise cannot be met, the land use approval for an illegal ADU shall be subject to the land use review procedures of the Type III, Exception land use review (Section 10.186). The applicable Exception criteria for converting an illegal ADU shall be 10.186(B)(1-3).

(5) An illegal ADU converted to a legal structure or use per 10.821(D)(4) in this subsection shall be considered a nonconforming ADU once all standards of 10.821(D)(1-4) have been met.

Section 5. Section 10.826 of the Medford Municipal Code is amended to read as follows:

10.826 Single-Family Dwelling in Multiple-Family Residential Zones.

A single-family dwelling may be constructed in an **MFR-15**, MFR-20 or MFR-30 zone when ~~either~~ any of the following ~~two~~ conditions exist:

- (1) The existing tax lot is nonconforming because it has less than the minimum lot area, lot width or lot depth.
- (2) The existing tax lot would be made nonconforming as a result of a required street dedication that would come from review of a multi-family project on the site.
- (3) **Accessory Dwelling Units may be constructed on lots that have a primary dwelling(s) meeting the standards of Section 10.821.**

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

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



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.2

www.ci.medford.or.us

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<b>DEPARTMENT:</b>	Finance Department	<b>AGENDA SECTION:</b>	Ordinances and Resolutions
<b>PHONE:</b>	541-774-2030	<b>MEETING DATE:</b>	December 20, 2018
<b>STAFF CONTACT:</b>	Ryan Martin, Chief Financial Officer; Denise Bostwick, Municipal Court Clerk		

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## COUNCIL BILL 2018-141

An ordinance awarding a one-year contract with an option of four one-year renewals to Pedemonte Law in a total amount of \$306,260 to perform public defender services for the City of Medford.

## SUMMARY AND BACKGROUND

Council is requested to consider a contract with Pedemonte Law for public defender services.

The City of Medford requires the services of a public defender to represent indigent defendants with criminal cases who appear before the Municipal Court of the City of Medford. The public defender is assigned approximately 40 cases per month for the City, which involves approximately 100 hours of work per month. Larry Workman, who is the City's current public defender and has been the public defender for approximately the last 14 years, is retiring on December 31, 2018.

## PREVIOUS COUNCIL ACTIONS

On December 18, 2008, Council approved Council Bill 2008-255 awarding a three year personal services contract to Larry Workman in an amount of \$143,640 to perform public defender services for the City.

On January 5, 2012, Council approved Council Bill 2012-01 authorizing a renewal of a two year personal services contract with Larry Workman in an amount of \$100,560 to perform public defender services for the City.

On January 2, 2014, Council approved Council Bill 2014-04 awarding a three year personal services contract to Larry Workman in an amount of \$154,800 to perform public defender services for the City, with a two-year option to renew.

On December 15, 2016, the City Manager signed a two-year personal services contract with Larry Workman in the amount of \$108,000 to perform public defender services for the City.

## ANALYSIS

Oregon statute requires that the City provide representation for indigent defendants. A selection committee consisting of Ryan Martin, Lori Cooper, and Denise Bostwick reviewed the proposals. The criteria used to evaluate the respondents were cost, qualifications, demonstrated experience, and bilingual skills. The average total scores (out of 100) were 85 for Pedemonte Law and 83 for Michael Kellington.

Based on the scoring, it is the committee's recommendation to award a one-year contract, with the option of four one-year renewals to Pedemonte Law. The cost of the contract is an average of \$61,452 per year or total contract cost of \$307,260. The one-year renewals will be based off mutual agreeance between Pedemonte Law and City staff.

## FINANCIAL AND/OR RESOURCE CONSIDERATIONS

An average of \$61,452 per year or \$307,260 over a five-year period. Currently the City pays Larry Workman \$54,000 per year for public defender services. The difference in costs between Larry Workman and Pedemonte Law for January to June 2019 (approximately \$3,725) will require an appropriation transfer. The current budget for public defender services can be found on page 13-13 of the 2017-2019 budget under Professional & Contract Services.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 80.2

[www.ci.medford.or.us](http://www.ci.medford.or.us)

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**TIMING ISSUES**

Timely consideration is required as the current contract expires December 31, 2018.

**COUNCIL OPTIONS**

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

**STAFF RECOMMENDATION**

Staff recommends approval of the ordinance.

**SUGGESTED MOTION**

I move to approve the ordinance awarding a five year contract with Pedemonte Law for public defender services.

**EXHIBITS**

Ordinance

ORDINANCE NO. 2018-141

AN ORDINANCE awarding a one-year contract with an option of four one-year renewals to Pedemonte Law in a total amount of \$306,260 to perform public defender services for the City of Medford.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a one-year contract with an option of four one-year renewals to perform public defender services for the City of Medford in a total amount of \$307,260, which is on file in the City Recorder's office, is hereby awarded to Pedemonte Law.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor





**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 80.3

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**TIMING ISSUES**

None

**COUNCIL OPTIONS**

Approve the ordinance.

Modify the ordinance and provide direction to staff.

Deny 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 execution of a Second Extension to the Solid Waste Disposal and Landfill Capacity Agreement

**EXHIBITS**

Ordinance

Second Extension to Solid Waste Disposal and Landfill Capacity Guarantee Agreement

Solid Waste Disposal and Landfill Capacity Guarantee Agreement

ORDINANCE NO. 2018-142

AN ORDINANCE authorizing execution of an amendment to the Solid Waste Disposal and Landfill Capacity Guarantee Agreement between the City of Medford and Dry Creek Landfill, Inc., extending the existing agreement to January 1, 2049.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of an amendment to the Solid Waste Disposal and Landfill Capacity Guarantee Agreement between the City of Medford and Dry Creek Landfill, Inc., extending the existing agreement to January 1, 2049, 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 \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

SECOND EXTENSION TO SOLID WASTE DISPOSAL AND  
LANDFILL CAPACITY GUARANTEE AGREEMENT

This SECOND EXTENSION is made and entered into this 20 day of December, 2018 between the City of Medford, an Oregon municipal corporation, hereinafter called the "City" and DRY CREEK LANDFILL, INC., an Oregon corporation, hereinafter called "DCL."

WHEREAS the parties entered into a Solid Waste Disposal Landfill Capacity Guarantee Agreement on February 24, 1997 ("Agreement"); and

WHEREAS under the terms of the Agreement in Paragraph 2.1, Page 6, the parties by agreement can extend the termination date of the Agreement; and

WHEREAS on December 8, 2008 the parties agreed to extend the termination date from January 1, 2029 to January 1, 2039; and

WHEREAS the parties desire to extend the termination date from January 1, 2039 to January 1, 2049; and

WHEREAS the parties agree to extend the termination date of the Agreement to that date;

NOW THEREFORE, the parties hereby agree as follows:

1. The term of the Solid Waste Disposal Landfill Company Guarantee Agreement referred to above is extended from January 1, 2039 to January 1, 2049.
2. The remaining Terms of the Solid Waste Disposal and Landfill Company Guarantee Agreement remain in full force and effect.

EXCECUTED as the day and year first above written.

CITY OF MEDFORD

By: \_\_\_\_\_  
Gary Wheeler, Mayor

Attest By: \_\_\_\_\_  
Karen Spoons, City Recorder

DRY CREEK LANDFILL

By: \_\_\_\_\_  
Stephen M. Gambee  
Chief Executive Officer

420 2/18/97 017 219

AGREEMENT OR CONTRACT PROCESSING RECORD  
CITY OF MEDFORD

INITIATING DEPARTMENT COMPLETE SECTIONS I & II

INITIATING DEPARTMENT City Manager

PREPARED BY Eugene F. Hart, Jr. City Attorney 2-18-97  
NAME TITLE DATE

AGREEMENT OR CONTRACT TITLE Solid Waste Disposal & Landfill Capacity Guarantee Agreement

AGREEMENT OR CONTRACT PURPOSE Guarantee landfill capacity for solid waste from the City of Medford

CONTRACT PARTIES City of Medford and Dry Creek Landfill, Inc.

CONTRACT TERM Date of signing to 1/1/2029 or date Dry Creek Landfill is no longer licensed or upon 10 years written notice by City

DATE OF PROPOSED COUNCIL ACTION 2-6-97

OTHER AFFECTED CITY DEPARTMENT(S) None

OTHER GOVERNMENT(S) AFFECTED Jackson County

WHO PREPARED THE AGREEMENT OR CONTRACT Dry Creek landfill, Inc.

FINANCIAL IMPACT No impact on city budget

II

	YES	NO	N/A
IS FUNDING BUDGETED?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
WERE BIDS LET?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HAS THE OTHER PARTY EXECUTED YET?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HAS PERFORMANCE BOND OR OTHER SECURITY BEEN RECEIVED	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HAS INSURANCE CERTIFICATE BEEN RECEIVED?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HAVE LEGAL DESCRIPTIONS BEEN RECEIVED AND CHECKED?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
OTHER COMMENTS	<input type="text"/>		

ATTACH AGREEMENTS OR CONTRACTS TO BE SIGNED AND FORWARD TO THE CITY RECORDER

III

CITY RECORDER

DATE RECEIVED 2/18/97 A/CPR No 97-12 DATE ROUTED 2/18/97

IV

APPROVALS

NAME TITLE DATE

FINANCE DEPT [Signature] Finance Director 2/18/97

LAW DEPT [Signature] City Attorney 2/18/97

RETURN TO CITY RECORDER

V

APPROVAL

CITY MANAGER [Signature] DATE 2-20-97

RETURN TO CITY RECORDER

VI

ACTION RECORD

CITY COUNCIL ACTION DATE 2/6/97 ORDINANCE NO 8274  
MAYOR/CITY MANAGER/RECORDER EXECUTION DATE 2/24/97 DATE COMPLETED 2-26-97

DISTRIBUTION Recorder Page 190

**SOLID WASTE DISPOSAL AND  
LANDFILL CAPACITY  
GUARANTEE AGREEMENT**

**BETWEEN**

**CITY OF MEDFORD, OREGON**

**AND**

**DRY CREEK LANDFILL, INC.**

# SOLID WASTE DISPOSAL AND LANDFILL CAPACITY GUARANTEE AGREEMENT

THIS SOLID WASTE DISPOSAL AND LANDFILL CAPACITY GUARANTEE AGREEMENT (this "Agreement") is made and entered into this 24 day of February, 1997 between THE CITY OF MEDFORD, a political subdivision of the state of Oregon (the "City") and DRY CREEK LANDFILL, INC., an Oregon corporation ("DCL")

## RECITALS

A DCL is the owner and operator of a solid waste disposal facility in Jackson County (the "Disposal Site") which holds all required permits, including an Oregon State Department of Environmental Quality ("DEQ") solid waste disposal facility permit, and complies with the requirements of all applicable governmental agencies and meets all current and reasonably anticipated state and federal design and performance standards DCL operates the Disposal Site pursuant to a Solid Waste Disposal Franchise Agreement dated October 25, 1996 entered into with Jackson County, Oregon (the "County") (the "Franchise Agreement")

C In order to insure long term disposal capacity for Covered Waste (as herein defined) at the least cost, DCL requires a predictable and optimum waste stream, and the City desires to have the agreements set forth herein in order to obtain the benefits of a guarantee of disposal capacity availability at the Disposal Site at an agreed upon tip fee

NOW THEREFORE, under the terms and conditions set forth herein, the City and DCL hereby enter into to this Solid Waste Disposal and Capacity Guarantee Agreement

A "Acceptable Waste" means any and all waste that is "Solid Waste" as defined herein (but is not Unacceptable Waste as defined herein) and which, in compliance with governmental licenses and permits in effect, may be disposed of at the Disposal Site

B "Beneficial Use Waste" shall mean any Solid Waste that is used or reused in lieu of other materials in the construction or operation of the Disposal Site or any ancillary facilities, including but not limited to road construction, landscaping, soil amendment, disposal cell construction, leachate or landfill gas management, daily, interim or final landfill cover material, all as may be approved by DEQ Solid Waste beneficially used or reused as described above shall not be considered "disposed" at the Disposal Site for purposes of this Agreement

C "Cell Two" means the first lined cell to be constructed at the Disposal Site

D **"Covered Waste"** means any Acceptable Waste that is generated within the jurisdictional boundaries of the City and that is collected by any Commercial Hauler

E **"Commercial Hauler"** means an entity that is licensed, permitted or franchised by the City to collect and transport to the Disposal Site City Waste

F **"County"** means the municipal corporation for the geographical area comprising the County of Jackson, Oregon

G **"County Disposal Agreement"** means the Solid Waste Disposal and Landfill Capacity Guarantee Agreement dated as of October 25, 1996 entered into by and among DCL and the County, as the same may be amended, modified or supplemented from time to time

H **"County Franchise Agreement"** means the Solid Waste Disposal Franchise Agreement dated as of October 25, 1996 entered into by and among DCL and the County, as the same may be amended, modified or supplemented from time to time

I **"County Tipping Fee"** shall have the meaning assigned thereto in the County Disposal Agreement

J **"CPC Surcharge"** shall have the meaning assigned thereto in the County Disposal Agreement

K **"DEQ"** shall mean the Oregon Department of Environmental Quality

L **"Disposal Site"** shall mean the Dry Creek Landfill operated by DCL and located within Section 1, Township 37 South, Range 1 West, Jackson County, Oregon

M **"Disposal Site Permit"** shall mean the Solid Waste Disposal Permit No 190 issued for the Disposal Site by DEQ dated July 11, 1995, as may be renewed or revised from time to time

N **"Effective Date"** shall mean the date of the duly authorized execution and delivery of this Agreement by DCL and the City, on which date this Agreement becomes effective

O **"Force majeure"** means acts of God, landslides, lightning, forest fires, storms, floods, freezing, earthquakes, civil disturbances, strikes, lockouts or other industrial disturbances, acts of the public enemy, wars, blockades, public riots, breakage, explosions, materials or equipment shortage (but not including a shortage of Solid Waste), or damage to or destruction of the Disposal Site or Facilities as a result of events described herein or other similar causes which are not reasonably within the control of the party whose ability to perform under this Agreement is impaired, prevented, hindered or delayed by the Force Majeure event A Force Majeure event

shall not include damage to or destruction of the Disposal Site or Facilities when the damage or destruction is caused by any of the following events operational error, design defects in the facilities, lack of preventative maintenance, or negligent operation

P **"Hazardous Waste"** shall have the meaning set forth in ORS 466 005(7), or any successor thereto, and/or matter that is required to be accompanied by a written manifest or shipping document describing the waste as "hazardous waste" or "dangerous waste," pursuant to any state or federal law, including but not limited to, the Resource Conservation and Recovery Act, 42 U S C § 6901, et seq , and the Hazardous Waste Management Act, Chapter 466 ORS, as amended, and the regulations promulgated thereunder Hazardous Waste shall not include incidental Household Hazardous Waste or Small Quantity Generator Waste which is commingled with Solid Waste

Q **"Initial Site Improvements"** means the various improvements to the Disposal Site (other than Cell Two) to be made at the same time as the construction and development of Cell Two

R **"Household Hazardous Waste"** means Household Hazardous Waste as such term is defined in 40 CFR 261 5

S **"Load"** shall mean the Acceptable Waste delivered to the Disposal Site in a single shipment by a single vehicle

T **"Minimum Charge"** shall mean a per Load charge established from time to time by DCL and approved by the County pursuant to the County Disposal Agreement as the minimum charge for Acceptable Waste (other than Special Waste) delivered to the Disposal Site

U **"Solid Waste"** means all putrescible and non-putrescible wastes, whether in solid or semi-solid form, including but not limited to garbage, trash, rubbish, refuse, ashes, paper, cardboard, commercial and industrial wastes, demolition and construction wastes, manure, vegetable or animal solid or semi-solid wastes including yard debris, and dead animals, medical and infectious waste as defined in ORS 459 386 and OAR 340-93-030(42) and (52), all wastes capable of being recycled that are commingled with other wastes, incidental Household Hazardous Waste or Small Quantity Generator Hazardous Waste, and Special Waste, as defined herein The term "Solid Waste" shall not include Hazardous Waste

V **"Small Quantity Generator Waste"** means Small Quantity Generator Waste as such term is defined in 40 CFR 261 5

W **"Special Waste"** shall mean (i) Beneficial Use Waste, and (ii) Acceptable Waste resulting from an industrial, agricultural, manufacturing, demolition or construction operation or process, or waste which requires special handling or extraordinary management at the Disposal Site, including, without limitation, asbestos, contaminated soil, non-hazardous contaminated

materials, sewage sludge, septic tank and cesspool pumpings or other sludge, containerized ash, box springs, mattresses, stumps, wire, tires, or bulk tanker waste, waste from pollution control processes, waste containing free liquids and other wastes that may be covered by a Special Waste Handling Plan for the Disposal Site as approved by DEQ in accordance with the Disposal Site Permit, or any other waste of a character that is significantly different from general mixed residential Solid Waste and that is produced by the commercial, industrial or agricultural operations of a single generator in sufficient quantities to be handled or disposed of by DCL under a specially negotiated contract

X "Term" shall mean the term of this Agreement as set forth in, and as the same may be extended from time to time as provided in, Section 2 hereof

Y "Unacceptable Waste" shall mean any and all waste that is either

1 Waste which is prohibited from being received at the Disposal Site by state, federal or local law, regulation, rule, code, ordinance, order, permit or permit condition, or

2 Hazardous Waste as defined above

Z "Uncontrollable Circumstances" shall mean (a) any event reasonably beyond the control of DCL that restricts or substantially affects the ability of DCL to treat landfill leachate by means of evaporation at the Disposal Site, (b) an unanticipated decrease or increase of more than 15% in the annual volume of Acceptable Waste delivered to the Disposal Site for disposal, which causes a substantial distortion in DCL's operating or capital costs, or (c) a Force Majeure event

## **1. Disposal and Capacity Guarantee; Flow Reports; Reserved Capacity Reports.**

### **1.1.1 Disposal and Capacity Guarantee.** During the Term of this Agreement

(A) the City agrees that, to the full extent it is within its lawful powers to do so, it will cause all Covered Waste to be disposed at the Disposal Site, and

(B) DCL agrees that it will maintain sufficient capacity at the Disposal Site for all Covered Waste

**1.2 Reserved Capacity Reports.** On a periodic basis not to exceed every other year during the Term, DCL shall provide to the City engineering reports, computer data or photographic mapping materials as necessary to verify that remaining capacity is available at the Disposal Site to meet the requirements of Section 1.1 of this Agreement

## **2. Term; Right To Suspend If Cell Two Financing Not Available.**

**2.1** The term of this Agreement shall commence on the Effective Date and, unless sooner terminated in accordance with the provisions of this Agreement, shall continue in full force and effect until the earlier to occur of (i) January 1, 2029 (as the same may be extended from time to time as provided herein, the "Scheduled Termination Date"), or (ii) DCL is no longer licensed or permitted to operate as a Solid Waste landfill by the DEQ or any successor regulatory agency with jurisdiction over the permitting or licensing of Solid Waste landfills for the State of Oregon, or (iii) the City, upon ten years' prior written notice to DCL, elects to terminate this Agreement. During the sixty (60) day period prior to each Extension Date (as hereinafter defined), DCL and the City shall have the option to extend the Scheduled Termination Date for an additional ten (10) year period beyond the then current Scheduled Termination Date, which option shall be set forth in a letter agreement signed by the City and DCL. As used herein, the term "Extension Date" shall mean (a) January 1, 2009, and (b) each tenth (10th) anniversary of January 1, 2009.

Notwithstanding anything expressed or implied herein to the contrary, DCL shall have the right to suspend the effectiveness of this Agreement if, by March 1, 1998, DCL is unable to secure financing on reasonable terms for the costs of Cell Two and the Initial Site Improvements following a good faith effort to secure such financing. Such right of suspension shall be exercised by DCL giving written notice thereof to the City. Upon exercise of such right of suspension and until such suspension is ended as provided below, this Agreement and all obligations hereunder shall be of no force or effect. Any such suspension shall cease at such time as Cell Two is developed and capable of receiving Solid Waste for disposal, whereupon this Agreement shall be reinstated and shall thereafter be in full force and effect as if such suspension had not occurred.

During any period of suspension under the terms of this Section 2.1

(i) DCL shall guarantee capacity for the disposal of Covered Waste at its Dry Creek Landfill Cell 1, or South Stage Landfill, so long as such disposal is permitted in accordance with law, and

(ii) the Tipping Fee for Solid Waste disposed during the suspension period as described in (i) above shall be the Tipping Fee established in accordance with Section 3.1.1 A of the County Disposal Agreement.

## **3. Disposal Fees.**

**3.1 Tipping Fees.** During the Term of this Agreement, DCL shall charge the Commercial Haulers the County Tipping Fee for the disposal of Covered Waste (other than Special Waste) at the Disposal Site. In addition, during the Term of this Agreement, DCL shall charge the Commercial Haulers a Tipping Fee for Special Waste in accordance with the County Disposal Agreement.

DCL and the City acknowledge and agree that the County Tipping Fee has been established pursuant to, and shall be adjusted and revised from time to time in accordance with, the terms and conditions of the County Disposal Agreement. The County Tipping Fee applicable at any time for purposes of this Agreement shall be the County Tipping Fee applicable at that time under the County Disposal Agreement and shall automatically change as and when the County Tipping Fee is adjusted or revised pursuant to and in accordance with the County Disposal Agreement.

In addition to the County Tipping Fees, for all Covered Waste disposed of at the Disposal Site, DCL shall also collect, for and on behalf of the County, the CPC Surcharge. The CPC Surcharge shall be in the amount established from time to time by the County in accordance with the terms and provisions of the County Disposal Agreement.

#### **4. Allocation of Risk/Uncontrollable Circumstances.**

**4.1 Uncontrollable Circumstances.** The obligations of DCL and the City under this Agreement are subject to Uncontrollable Circumstances that necessarily and unavoidably may prevent performance of disposal obligations hereunder. Provided that the requirements of this Section 4 are met, neither party hereto shall be considered in default in the performance of its obligations under this Agreement to the extent that such performance is prevented, hindered or delayed by the occurrence of an event of Uncontrollable Circumstances. DCL and the City agree that no other events however catastrophic or uncontrollable shall excuse nonperformance of either party of its obligations under this Agreement and no events within the control of the parties, including breakage or accidents to machinery, equipment or other facilities, shall excuse nonperformance of the parties' obligations under this Agreement.

**4.2 Notice of Uncontrollable Circumstances; Suspension of Performance.** If, as a result of an event of Uncontrollable Circumstances, either DCL or the City is wholly or partially unable to meet its obligations under this Agreement, then the affected party shall give the other party prompt notice of such event, describing it in reasonable detail.

The obligations under this Agreement of the party giving the notice of the event of Uncontrollable Circumstances shall be suspended, other than for payment of monies due, but only with respect to the particular component of obligations affected by the event and only for the period during which the event of Uncontrollable Circumstances exists. The affected party shall use due diligence to resume performance at the earliest practicable time and shall notify the other party when the effect of the event has ceased.

**4.3 Right to Resolve Certain Force Majeure Events.** Notwithstanding anything to the contrary expressed or implied herein, the parties agree that the settlement of strikes, lockouts or other industrial disturbances, and litigation, including appeals, shall be entirely within the discretion of the particular party involved therein, and such party may make settlement thereof at such time, and on such terms and conditions as it may deem to be advisable, and no delay in

making such settlement shall deprive such party of the benefit of this Section 4 3

**5. Amendments.**

This Agreement may only be amended by a written agreement executed by the City and DCL

**6. Events of Default.**

Except as otherwise provided in this Agreement, each of the following shall constitute an event of default ("Event of Default") hereunder

**6.1 Noncompliance with Covenants.** The failure of DCL or the City to comply with any of their respective covenants contained herein after sufficient notice from the other party and the expiration of opportunity to cure as provided in this Section For purposes of this Agreement, DCL shall not be considered in breach or default if it is in timely compliance with any regulatory order, including but not limited to any preliminary assessment, remedial investigation, remedial action or corrective action or any legal appeal or review of such orders or requirements

**6.2 Insufficient Capacity.** Except as may arise or result from an occurrence of an Uncontrollable Circumstance, the failure to provide disposal capacity pursuant to Section 1 1 1(B) of this Agreement

**6.4 Seizure or Attachment.** Seizure or attachment (other than a prejudgment attachment) of, or levy affecting possession on, the operating equipment of DCL at the Disposal Site, including without limit its vehicles, maintenance or office facilities, or any part thereof of such proportion as to impair DCL's ability to perform under this Agreement and which cannot be released, bonded, or otherwise lifted within forty-eight (48) hours excluding weekends and holidays

**6.5 Insolvency.** The occurrence of any of the following

(a) The filing by DCL or the City of a voluntary petition for debt relief under any applicable bankruptcy, insolvency, debtor relief, or other similar law now or hereafter in effect, or if DCL or the City shall consent to the appointment of or taking of possession by a receiver, liquidator, assignee (other than as a party of a transfer of equipment no longer useful), trustee (other than as security for an obligation under a deed of trust), custodian, sequestrator (or similar official) of DCL or the City for any substantial part of DCL's or the City's property, or the making of any general assignment for the benefit of DCL's or the City's creditors, or the failure of DCL or the City generally to pay their respective debts as they become due or the taking of any action in furtherance of any of the foregoing, or

(b) The entry of a decree or order by a court have jurisdiction for relief in respect

of DCL or the City, in any involuntary case brought under any bankruptcy, insolvency, debtor relief, or similar law now or hereafter in effect, or consent by DCL or the City to or failure by DCL or the City to oppose any such proceeding, or the entry of a decree or order appointing a receiver, liquidator, assignee, custodian, trustee, sequestrator (or similar official) of DCL or for any part of DCL's or the City's assets, or order the winding up or liquidation of the affairs of DCL or the City

**6.6 Failure to Deliver Covered Waste.** The failure by the City to use its full legal powers and authority to cause to be delivered to the Disposal Site all Covered Waste as contemplated by Section 1 1 1(A) of this Agreement

**7. Notice of Default and Opportunity to Cure.**

If at any time either party determines or becomes aware that the other party is in default of any of the terms or provisions of this Agreement, the non-defaulting party shall transmit a written notice to the other party as to the nature of such default. Unless the default involves the failure to pay any amounts due under this Agreement (for which the defaulting party shall have ten (10) days to cure such default), the defaulting party shall have thirty (30) days from the receipt of said notice to commence actions to cure said default and a reasonable period of time to cure. If the defaulting party fails to cure the default within a reasonable period of time the non-defaulting party may pursue all remedies set forth in Section 8. Notwithstanding the foregoing, either party hereto may submit to arbitration any dispute or alleged default hereunder pursuant to the provisions of Section 15 of this Agreement.

**8. Remedies.**

Upon the occurrence of an Event of Default and following notice and an opportunity to cure under Section 7, the non-defaulting party shall be entitled to one of the following remedies:

**8.1 Termination of this Agreement.** In addition to any other remedies the non-defaulting party may have hereunder or at law or in equity, the non-defaulting party shall have the right, upon the occurrence of an Event of Default hereunder, to terminate this Agreement upon ninety (90) days written notice, subject only to the right to submit the matter to arbitration for resolution pursuant to Section 15.

**8.2 Other Remedies.** Pursue such other remedies as may be available at law or in equity, including but not limited to specific enforcement of the defaulting parties covenants and undertakings as set forth herein.

**9. Assignment; Successors and Assigns.**

This Agreement shall be binding upon the successors and assigns of the parties hereto, provided that no assignment of this Agreement by either party shall be binding upon the other.

party unless such other party consents to the assignment, which consent shall not be unreasonably withheld. The party seeking to assign this Agreement shall provide the other party with written notice and a true copy of the assignment. No assignment shall be valid and binding which endeavors to relieve the assigning party of any obligations to make payments hereunder which accrued prior to the date of assignment or in which the assignee does not affirmatively agree, in writing, to assume all obligations of the assignor under this Agreement.

**10. Intended Beneficiaries.**

This Agreement is made by and intended for the benefit of DCL and the City (together, with their legal successors and assignees, the "Express Parties"). No person other than the Express Parties shall be considered to be an intended beneficiary or third-party beneficiary of this Agreement, or entitled by virtue of this Agreement to bring any claim, action or suit for damages hereunder or for the enforcement of any of the provisions hereof against either of the Express Parties, or their agents, officers, directors or employees.

**11. Waiver.**

No waiver by either party of any one or more defaults or breaches by the other in the performance of this Agreement shall operate or be construed as a waiver of any future defaults or breaches, whether of a like or different character.

**12. Entire Agreement.**

This Agreement shall represent the entire understanding between the parties and, unless set forth in this Agreement, no representations, statements or agreements, unless agreed to by the parties in writing, shall modify, change, amend or otherwise affect the obligations undertaken in this Agreement.

**13. Change in Law/Regulations; County Solid Waste Code.**

This Agreement is subject to all present and future valid laws and lawful orders of all regulatory bodies. Should either of the parties, by force of any such law or regulation, at any time during the term hereof, be ordered or required to do any act relative to this Agreement which substantially impairs or materially changes the party's ability to perform under this Agreement, then the affected party shall notify the other party of this condition. The parties shall negotiate in good faith in order to determine how this Agreement may be amended or modified in order to enable the parties to perform their respective obligations. If the parties are unable to agree upon such modifications or amendments, the matter shall be submitted to arbitration for resolution in accordance with Section 15 of this Agreement. Nothing in this Agreement shall prohibit either

party from obtaining or seeking to obtain modification or repeal of such law or regulation or restrict either party's right to legally contest the validity of such law or regulation DCL shall not be considered in breach of this Agreement during such time as DCL is contesting or appealing any notice of violation, ordinance, rule, regulation or law

**14. Notices.** All notices required under this Agreement shall be personally delivered, or delivered by facsimile transmission or telecopy confirmed by phone followed by first-class mail, postage prepaid, or delivered by certified or registered mail, postage prepaid as follows

If to the City, address to

City Manager  
City of Medford  
City Hall  
411 W 8th Street  
Medford, OR 97501  
**FAX Number:** (541) 770-4444

If to DCL, address to

Dry Creek Landfill, Inc  
Attention President  
135 West Main Street  
Medford, OR 97501  
**FAX Number:** (541) 779-4366

or to such other address as any party shall specify by written notice so given, and shall be deemed to have been given as of the date so delivered personally, or by facsimile or telecopy if confirmed by phone and mailing as provided above, or three (3) days after the date that a certified or registered transmission is deposited in the U S mail

**15. Dispute Resolution.**

**15.1 Continued Performance.** In the event of a dispute arising under this Agreement the parties shall continue performance of their respective obligations under this Agreement and shall attempt to resolve such dispute in a cooperative manner

**15.2 Arbitration.**

**15.2.1 Scope of Arbitration.** Any dispute between the parties relating to this Agreement shall be decided by arbitration and not by lawsuit, *provided that* in the event of a lawsuit involving the City or DCL and a third party concerning the subject matter of this Agreement, or any provision hereof, nothing in this Agreement shall prevent joinder of the

absent party (that is, the City or DCL, as the case may be) as a party to such lawsuit if such joinder would be needed for just adjudication under the civil procedure rules of the court before which such lawsuit is pending, and in the event of any such joinder any dispute between the City and DCL arising under this Agreement as a result of such lawsuit may be finally decided therein

**15.2.2 Bound Parties.** As used in this Agreement, "Bound Parties" means DCL, the City, all persons claiming to be third-party beneficiaries of this Agreement, and all successors, heirs, assigns or legal representatives of the foregoing This Section 15 shall be binding upon all Bound Parties and, except as set forth in the *proviso* in Section 15 2 1 above, all disputes between Bound Parties shall be arbitrable among the Bound Parties even if other people are involved in the disputes

**15.2.3 Venue and Jurisdiction.** Unless all the parties to an arbitration consent in writing to a different place, the arbitration hearings and the place of entry of the award shall be Jackson County, Oregon The parties to this Agreement consent to exclusive jurisdiction in the state and federal courts in Jackson County, Oregon for any allowable judicial proceeding relating to any arbitration under this Agreement

**15.2.4 AAA Administration and Rules.** The arbitration shall be administered by the American Arbitration Association ("AAA") under the Rules for Commercial Arbitration of the AAA as modified by this Agreement

**15.2.5 Joinder and Consolidation.** Except as stated below in Section 15 2 6, the arbitrators may allow any Bound Party against whom an arbitration claim is brought under this Agreement to join any other Bound Party in that arbitration and arbitrations may be consolidated for any or all purposes

**15.2.6 Exceptions to Joinder and Consolidation.** No Bound Party may, without its consent, be made a party to an arbitration in which, because of the agreement of the other parties to the arbitration, venue has been varied from that required by Section 15 2 3

**15.2.7 Arbitrators; Hearing by Arbitrators.** The arbitration shall be conducted by a panel of three neutral arbitrators selected as follows Within ten days from the date upon which either party invokes the right to arbitration under this section, the City and DCL shall each select one arbitrator, and within ten days of such selections the two arbitrators so selected shall select the third arbitrator The panel of arbitrators shall hear the matter within 30 days of the selection of the third arbitrator and shall render their decision within thirty days of the close of such hearing

**15.2.8 Interest.** All monetary awards bear post-award and post-judgment interest on the award at the Oregon statutory rate for post-judgment interest The arbitrator may, in the arbitrator's sole discretion, include pre-award interest at that rate for any award

**15.2.9 Finality.** The arbitration award shall be final and binding, and shall not be reviewable in any court on any grounds except corruption or fraud of a party, or for evident partiality or corruption of the arbitrator. The parties intend to eliminate all other court review of the award and arbitration proceedings.

**15.2.10 Entry of Judgment.** Judgment on the award may be entered in any court with jurisdiction.

**15.2.11 Litigation as a Breach.** Except for a proceeding to enforce, confirm, vacate or modify any award, the initiation of any suit relating to a dispute that is arbitrable under this Agreement is a material breach of this Agreement.

**15.2.12 Confidentiality.** Except as necessary in a judicial proceeding allowable under this Section or otherwise required by law or legal process, the parties shall keep all matters relating to any arbitration confidential.

## **16. Indemnity.**

**16.1 Indemnity by DCL.** DCL shall defend, indemnify and hold harmless the City and its employees, agents, appointed and elected officials, from and against any and all liabilities, penalties, fines, forfeitures, demands, claims, causes of action, suits, judgments and costs and expenses incidental thereto, including attorneys' fees, which any or all of them may hereafter suffer, incur, be responsible for or pay out as a result of personal injuries, property damage, or contamination of or adverse effects on the environment, to the extent directly or indirectly caused by, or arising from or in connection with the breach of any representations and warranties of DCL set forth in this Agreement, or any actions or omission of DCL, its employees, officers, owners, directors, agents or subcontractors, in the performance of this Agreement, or the operation, closure and/or post-closure of the Disposal Site. Such indemnity shall be limited to exclude liabilities, penalties, fines, forfeitures, demands, claims, causes of action, suits, judgments and costs and expenses or attorney fees to the extent that they arise as a result of any negligent or intentional actions or omissions of the City or its employees, agents, subcontractors or appointed or elected officials.

**16.2 Indemnity by City.** The City shall defend, indemnify and hold harmless DCL, its employees, officers, owners, directors, agents and subcontractors, from and against any and all liabilities, penalties, fines, forfeitures, demands, claims, causes of action, suits, judgments and costs and expenses incidental thereto, including attorneys' fees, which any or all of them may hereafter suffer, incur, be responsible for or pay out with respect to claims by third parties for personal injury, property damage or other loss not caused by pollution, contamination or release of chemicals or landfill gas arising from operations of the Disposal Site, to the extent directly or indirectly caused by, or arising from or in connection with the actions or omissions of the City, or its agents, employees, subcontractors, appointed and elected officials. Such indemnity shall

be limited to exclude liabilities, penalties, fines, forfeitures, demands, claims, causes of action, suits, judgments and costs and expenses or attorney fees to the extent they arise as a result of any negligent or intentional actions or omissions of DCL or its employees, agents, subcontractors, officers, owners or directors, nor shall such indemnity include claims arising as a result of any regulatory oversight responsibility of the City or its agents, employees, subcontractors or appointed and elected officials

**16.3 Defense.** In the event of any suit against any party indemnified under this section, the indemnifying party shall appear and defend such suit provided that the indemnifying party is notified in a timely manner of the suit. The indemnified party shall have the right to approve counsel chosen by the indemnifying party to litigate such suit which approval shall not be unreasonably withheld. In the event a dispute exists over whether a party is entitled to indemnification, each party shall defend itself until the dispute is resolved. Upon resolution of the indemnification dispute, the prevailing party shall be entitled to indemnification for its defense costs incurred prior to resolution.

**16.4 Application of Insurance.** If any claims indemnified against under this Section 16 have the potential for coverage under any insurance, then the indemnities set forth in this Agreement shall be limited as follows:

(a) The indemnity under this Section 16 shall apply only to the extent the amount of any indemnified claim exceeds all amounts collectable under any insurance covering such claim. Before pursuing recovery under this indemnity, the indemnified party shall exhaust all recovery available for such claim from insurance.

(b) The indemnifying party shall not be obligated to pay for the defense of any claim or suit that any insurer has a duty to defend. If no insurer defends, then the indemnifying party shall, to the extent obligated to do so by this Agreement, pay for the defense, but shall be entitled to the insured's rights against all insurers with a potential for coverage of such claim.

Once the indemnified party has exhausted all recovery under all available insurance, the indemnifying party shall pay only the amount of the loss, if any, that exceeds the total amount that all insurance has paid for the loss.

For all costs and expenses related to third-party claims arising out of transportation and disposal of solid waste under this Agreement, DCL and the City shall first make and pursue claims against any available insurance coverage. Nothing in this Agreement shall constitute a waiver or relinquishment of any claims which the parties may have against insurers, nor shall any provision of this Agreement waive or relinquish any subrogation or contribution rights that the parties or their insurers may have against another insurer or other potentially liable party. Any monies received from the insurers shall be used to pay any claims covered by such insurance and reimburse the insured for all reasonable costs and expenses, including attorneys' fees, expended

by it to seek recovery of sums from its insurers

**17. Liability Insurance.**

DCL shall at all times maintain commercial policies of insurance against liability for bodily injury and property damages arising out of, or in connection with its ownership and operation of the landfill (exclusive of environmental impairment coverage) in such amounts and subject to such deductibles as are customarily maintained by landfill owners/operators of landfills comparable to the Disposal Site Coverage shall include, but not be limited to operations (exclusive of environmental impairment) of DCL and such insurance shall have limits of not less than

COVERAGE	LIMITS OF LIABILITY
Bodily Injury and/or Property Damage	\$2,000,000 each person or occurrence
Policy Aggregate	\$5,000,000

Such insurance shall be without prejudice to coverage otherwise existing and shall name as an additional insureds the City (and its officers, agents and employees) Notwithstanding the naming of the City as an additional insured, the insurance shall protect each insured in the same manner as though a separate policy had been issued to each, but nothing herein shall operate to increase the insurer's liability as set forth elsewhere in the policy beyond the amount or amounts for which the insurer would have been liable if only one person or interest had been named as insured

The insurance policy(s) shall provide that the insurance coverage provided thereby shall not be canceled or materially altered without thirty (30) days' written notice first being given to the City DCL shall maintain on file with the City a certificate of insurance certifying the coverage required above

**18. Severability.**

If any provision of this Agreement is declared invalid or unenforceable, then such portion shall be deemed to be severable from this Agreement and shall not affect the remainder hereof

**19. Governing Law.**

This Agreement shall be governed by and construed in accordance with the laws of the state of Oregon including any regulation, ordinance, or other requirements of any governmental agency having jurisdiction over the Disposal Site

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CITY OF MEDFORD  
RECORDER'S OFFICE

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LAW DEPARTMENT  
411 WEST 8TH STREET  
MEDFORD OR 97501

TELEPHONE  
(541) 770-4447  
FAX 770-5567

E-MAIL GENEH@CI MEDFORD OR US

March 14, 1997

Mr Richard A Stark  
STARK and HAMMACK, P C  
201 West Main Street, Suite 1B  
Medford, Oregon 97501

RE Solid Waste Disposal and Landfill Capacity Guarantee Agreement  
Your File No Ret II 122

Dear Dick

I agree with the corrections you made in Paragraph 17, Page 15, as described in your letter of March 13, 1997 We have substituted the corrected pages you provided

Thank you for bringing this to my attention

Sincerely yours,

Eugene F Hart, Jr  
City Attorney

Enclosure

cc Kathy Ishiara  
Cathie Davis

RECEIVED  
CITY OF MEDFORD  
RECORDERS OFFICE

MAR 14 1997  
A.M. 7 18 19 20 21 22 23 24 25 26 P.M.

**STARK AND HAMMACK, P.C.**

ATTORNEYS AT LAW

201 WEST MAIN STREET, SUITE 1B  
MEDFORD, OREGON 97501

RICHARD A STARK  
LARRY C HAMMACK  
ERIC R STARK

(541) 773-2213  
(541) 779-2133  
FAX (541) 773-2084  
E mail SandH@mind.net

March 13, 1997

**RECEIVED**  
CITY ATTORNEY'S OFFICE

Mr Eugene F Hart, Jr  
City Attorney  
Medford City Hall  
Medford, OR 97501

MAR 14 1997

AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

Re Medford City Agreement  
Our File No Ret II 122

Dear Gene

As I told you over the phone, I discovered some more typographical errors on the Solid Waste Disposal and Landfill Capacity Guarantee Agreement

In Paragraph 17, Page 15, there were several references to "County" and all of those references should read "City"

Enclosed please find the original and two copies of Page 15, making those corrections On behalf of Dry Creek Landfill, Inc you are authorized to substitute those pages in the agreements that you have

Would you please write me a similar letter so that we can correct those typographical errors.

Thanks again for your cooperation in this matter

Very truly yours,

STARK and HAMMACK, P C



Richard A Stark

RAS lmd  
Enclosure  
cc Stephen Gambee

**RECEIVED**  
CITY OF MEDFORD  
RECORDERS OFFICE

MAR 14 1997

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by  
corrected page*

by it to seek recovery of sums from its insurers

**17. Liability Insurance.**

DCL shall at all times maintain commercial policies of insurance against liability for bodily injury and property damages arising out of, or in connection with its ownership and operation of the landfill (exclusive of environmental impairment coverage) in such amounts and subject to such deductibles as are customarily maintained by landfill owners/operators of landfills comparable to the Disposal Site Coverage shall include, but not be limited to operations (exclusive of environmental impairment) of DCL and such insurance shall have limits of not less than

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Policy Aggregate	\$5,000,000

Such insurance shall be without prejudice to coverage otherwise existing and shall name as an additional insureds the County (and its officers, agents and employees) Notwithstanding the naming of the County as an additional insured, the insurance shall protect each insured in the same manner as though a separate policy had been issued to each, but nothing herein shall operate to increase the insurer's liability as set forth elsewhere in the policy beyond the amount or amounts for which the insurer would have been liable if only one person or interest had been named as insured

The insurance policy(s) shall provide that the insurance coverage provided thereby shall not be canceled or materially altered without thirty (30) days' written notice first being given to the County DCL shall maintain on file with the County a certificate of insurance certifying the coverage required above

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**19. Governing Law.**

This Agreement shall be governed by and construed in accordance with the laws of the state of Oregon including any regulation, ordinance, or other requirements of any governmental agency having jurisdiction over the Disposal Site

EXECUTED as of the day and year first above written

## CITY OF MEDFORD

By   
Its Mayor

ATTEST:

By   
Its City Recorder

## DRY CREEK LANDFILL, INC.

By   
Its C.E.O.

STARK AND HAMMACK, P.C.

ATTORNEYS AT LAW  
201 WEST MAIN STREET, SUITE 1B  
MEDFORD, OREGON 97501

RECEIVED  
CITY OF MEDFORD  
RECORDERS OFFICE

(541) 773-2213  
(541) 779-2133  
FAX (541) 773-2084  
E-mail SandH@mind.net

RICHARD A STARK  
LARRY C HAMMACK  
ERIC R STARK

OCT 23 1997

AM. 7 8 9 10 11 12 1 2 3 4 5 6  
P.M.

October 21, 1997

Ms Kathleen Ishiara  
City Recorder  
Medford City Hall  
Medford, OR 97501

Mr Eugene F Hart, Jr  
City Attorney  
Medford City Hall  
Medford, OR 97501

Re Medford City Agreement  
Our File No Ret II 122

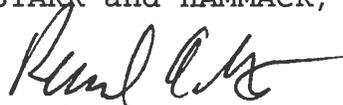
Dear Kathy and Gene

Enclosed please find a copy of my letter to Gene of March 13, 1997 enclosing two copies of corrected Page 15 in connection with the Landfill Capacity Guarantee Agreement Those pages that I sent to you had erroneous spacing and enclosed with each of your letters are new Page 15's which correspond to the spacing from the original agreement

Please call me if you have any questions but I would suggest that we substitute these Page 15's in the original agreement, dated February 24, 1997 and then all of us will have copies of the documents that are identical

Very truly yours,

STARK and HAMMACK, P C



Richard A Stark

RAS lmd  
Enclosures  
cc Client



*alter*

by it to seek recovery of sums from its insurers

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DCL shall at all times maintain commercial policies of insurance against liability for bodily injury and property damages arising out of, or in connection with its ownership and operation of the landfill (exclusive of environmental impairment coverage) in such amounts and subject to such deductibles as are customarily maintained by landfill owners/operators of landfills comparable to the Disposal Site Coverage shall include, but not be limited to operations (exclusive of environmental impairment) of DCL and such insurance shall have limits of not less than

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Policy Aggregate	\$5,000,000

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If any provision of this Agreement is declared invalid or unenforceable, then such portion shall be deemed to be severable from this Agreement and shall not affect the remainder hereof

**19. Governing Law.**

This Agreement shall be governed by and construed in accordance with the laws of the state of Oregon including any regulation, ordinance, or other requirements of any governmental agency having jurisdiction over the Disposal Site

comparable to the Disposal Site Coverage shall include, but not be limited to operations (exclusive of environmental impairment) of DCL and such insurance shall have limits of not less than

COVERAGE	LIMITS OF LIABILITY
Bodily Injury and/or Property Damage	\$2,000,000 each person or occurrence
Policy Aggregate	\$5,000,000

Such insurance shall be without prejudice to coverage otherwise existing and shall name as an additional insureds the City (and its officers, agents and employees) Notwithstanding the naming of the City as an additional insured, the insurance shall protect each insured in the same manner as though a separate policy had been issued to each, but nothing herein shall operate to increase the insurer's liability as set forth elsewhere in the policy beyond the amount or amounts for which the insurer would have been liable if only one person or interest had been named as insured

The insurance policy(s) shall provide that the insurance coverage provided thereby shall not be canceled or materially altered without thirty (30) days' written notice first being given to the City DCL shall maintain on file with the City a certificate of insurance certifying the coverage required above

**18. Severability.**

If any provision of this Agreement is declared invalid or unenforceable, then such portion shall be deemed to be severable from this Agreement and shall not affect the remainder hereof

**19. Governing Law.**

This Agreement shall be governed by and construed in accordance with the laws of the state of Oregon including any regulation, ordinance, or other requirements of any governmental agency having jurisdiction over the Disposal Site



FILE

60.5

ORDINANCE NO 8274

AN ORDINANCE authorizing the Mayor and City Recorder to execute a Solid Waste Disposal and Landfill Capacity Guarantee Agreement between the City of Medford and Dry Creek Landfill, Inc

THE CITY OF MEDFORD ORDAINS AS FOLLOWS

That the Mayor and City Recorder are authorized to execute a Solid Waste Disposal and Landfill Capacity Guarantee Agreement between the City of Medford and Dry Creek Landfill, Inc , a copy of said agreement being attached hereto as Exhibit A and by this reference incorporated herein

PASSED by the Council and signed by me in authentication of its passage this 6th day of February, 1997

ATTEST [Signature]  
City Recorder

[Signature]  
Mayor

APPROVED Feb. 7, 1997

[Signature]  
Mayor

Ordinance No 8274

P\W\O\R\D\S\L\A\N\D\F\I\L\L

STARK AND HAMMACK, P.C.

ATTORNEYS AT LAW  
201 WEST MAIN STREET, SUITE 1B  
MEDFORD, OREGON 97501

(541) 773-2213  
(541) 779-2133  
FAX (541) 773-2084  
E-mail SandH@mind.net

RICHARD A STARK  
LARRY C HAMMACK  
ERIC R STARK

October 14, 1997

Ms Kathleen Ishiara  
City Recorder  
Medford City Hall  
411 W 8th, Room 320  
Medford, OR 97501

Re Dry Creek Landfill, Inc  
Rate Increase September 18, 1997  
Our File Ret II 122

Dear Kathy

Enclosed please find a copy of Gene Hart's letter to me of March 14, 1997 involving the "Solid Waste Disposal and Landfill Capacity Guarantee Agreement" between the City of Medford and Dry Creek Landfill, Inc. So that I can have a copy of the final version exactly as it is contained in your records, would you please send me a copy of that agreement

Thank you for your attention to this matter. Please call if you have any questions

Very truly yours,

STARK and HAMMACK, P C



Richard A Stark

RAS lmd = Lori  
Enclosure  
cc Client

RECEIVED  
CITY OF MEDFORD  
RECORDERS OFFICE

OCT 16 1997  
A.M. 7 18 19  
11 11 12 13 14 15 16  
P.M.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.4

[www.ci.medford.or.us](http://www.ci.medford.or.us)

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**DEPARTMENT:** Building Safety; Legal      **AGENDA SECTION:** Ordinances and Resolutions  
**PHONE:** (541) 774-2350; (541) 774-2020      **MEETING DATE:** December 20, 2018  
**STAFF CONTACT:** Sam Barnum, Building Safety Director; Eric Mitton, Deputy City Attorney

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## **COUNCIL BILL 2018-143**

An ordinance authorizing the City Manager to apply to the Jackson County Circuit Court to appoint the City of Medford as the receiver for Tax Maplot 372W36BB 2700 known as 1039 Cherry Street.

## **COUNCIL BILL 2018-144**

An ordinance authorizing the City Manager to apply to the Jackson County Circuit Court to appoint the City of Medford as the receiver for Tax Maplot 372W25BD 7900 known as 1530 West Main Street.

## **SUMMARY AND BACKGROUND**

Council is requested to consider approval to file a court action to appoint a Receiver for two uninhabited residential properties—1530 West Main Street and 1039 Cherry Street - to abate building code violations and, if the owners do not pay the Receiver's liens, to foreclose upon the properties. Vacant, boarded-up homes suffering from unaddressed Building Code violations are unsanitary and unsafe, and are harmful to the health, safety and welfare of citizens of Medford. In addition, such structures pose a particular danger to public safety officers and firefighters responding to calls at these properties.

## **PREVIOUS COUNCIL ACTIONS**

On December 1, 2016, Council adopted Ord. No. 2016-142, creating the Receivership section in the Medford Municipal Code. That section was amended on March 2, 2017 with Ord. No. 2017-19.

On December 1, 2016, Council directed staff to prepare a supplemental budget recognizing revenue from the sale of a property and appropriating certain funds from that sale to the Receivership Program.

On June 1, 2017, Council Bill 2017-25 approving the Building Director's selection of eligible properties for abatement pursuant to the Receivership Program for 1530 West Main Street and Council Bill 2017-84 for 1039 Cherry Street.

On October 19, 2017, Council adopted Ord. No. 2017-127, authorizing the filing of an application for appointment of a Receiver over the property at 205 Chestnut Street.

## **ANALYSIS**

Medford Municipal Code section 9.425 states that various entities are eligible to be appointed as a Receiver; Jackson County Housing Authority, a City agency or department designated by the City as being responsible for the rehabilitation of property, an urban renewal agency, or a private not-for-profit corporation. As was the case with 205 Chestnut Street, there do not appear to be any private entities interested in being appointed Receiver for either of these properties. Thus, City staff is proposing that the City itself be appointed Receiver for each of these properties, as was previously the case with 205 Chestnut Street.

The property at 1530 West Main has been uninhabitable for at least eight years. The roof is sagging and rotted, and parts of the roof have come down. City staff does not have authority to inspect the inside of the property at this time, but given the condition of the roof, there is likely significant damage from exposure to the elements. The owners, who are local (but do not reside at the property), have recently removed boards and cleared up the exterior of the property to some degree. The owners did register the property on April 26, 2017 (Exhibit A). Furthermore, the owners also provided the Medford Municipal Court a letter regarding this property on November 2, 2018 (Exhibit B). However, given the full history of the property and the



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.4

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apparent state of the physical structure, Staff is still supportive of a Receivership action for this property. It is within Council's discretion to authorize a Receivership on this property under these facts; it is also within Council's discretion to instruct Staff to revisit this property at a later date, to see what the owners accomplish in the interim in terms of abating code violations and making the property habitable.

The property at 1039 Cherry Street has been uninhabitable for at least one year, when it was badly damaged in a fire. Based upon Jackson County records, the fee owner resides out of state. Staff recommends abatement in the form of demolition of the burned structure; there is no realistic likelihood that the existing structure can be rehabilitated.

## **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

Funds for the receivership program in the amount of \$50,000 per year may be found at Mayor & Council budget 1001110-6302101, page 13-4. Moving forward with a Receivership action could temporarily utilize up to \$20,000 per property of that fund, but those monies would ultimately be recovered at a foreclosure sale (or by payment from the owner to avoid foreclosure). Approximately \$10,000 of those funds have been used to demolish the burned-out residence at 205 Chestnut Street, and a lien has been placed against that property. Funds remaining in this account total \$85,541.00.

## **TIMING ISSUES**

The City's Receivership notice provides sixty days for owners or interested parties to respond. In the case of 1530 West Main Street, the notices to the owner and other interested parties were sent on March 30, 2017 and September 27, 2018. In the case of 1039 Cherry Street, the notices to the owner and other interested parties were sent on July 20, 2017.

## **COUNCIL OPTIONS**

Approve the ordinance(s) as presented to file court actions to appoint the City of Medford as a receiver for 1530 West Main Street and 1039 Cherry Street.

Modify the ordinance(s).

Deny the ordinance(s) and provide direction to staff.

## **STAFF RECOMMENDATION**

Staff recommends that the City Council approve the ordinance(s).

## **SUGGESTED MOTION**

I move to approve the ordinances authorizing filing of receivership actions regarding 1530 West Main Street and 1039 Cherry Street, nominating the City of Medford as the proposed receiver.

## **EXHIBITS**

Exhibit A - Ordinance

Exhibit B - 1530 West Main Street: Derelict Property Registration Form

Exhibit C - Letter from the owners of 1530 West Main Street

Exhibit D - Police Activity Report 1530 W. Main Street

Exhibit E - Photographs of 1530 West Main Street

Exhibit F - Police Activity Report 1039 Cherry Street

Exhibit G - Photographs of 1039 Cherry Street

Exhibit H - Receivership Ordinance

Exhibit I - Medford Property Maintenance Code/Receivership Process/Jackson County Circuit Court

ORDINANCE NO. 2018-143

AN ORDINANCE authorizing the City Manager to apply to the Jackson County Circuit Court to appoint the City of Medford as the receiver for Tax Maplot 372W36BB 2700 known as 1039 Cherry Street.

WHEREAS, the notice of the City's intention to file an application for appointment of a receiver was sent to the owner and other interested parties on November 8, 2017 and again on October 15, 2018, pursuant to Medford Municipal Code section 9.420; and

WHEREAS, the owner or other interested parties of Tax Maplot 372W36BB 2700 known as 1039 Cherry Street have not taken any action to correct the property's code violations; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That the City Manager is hereby authorized to apply to the Jackson County Circuit Court for appointment of the City of Medford as the receiver for Tax Maplot 372W36BB 2700 known as 1039 Cherry Street.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

ORDINANCE NO. 2018-144

AN ORDINANCE authorizing the City Manager to apply to the Jackson County Circuit Court to appoint the City of Medford as the receiver for Tax Maplot 372W25BD 7900 known as 1530 West Main Street.

WHEREAS, the notice of the City's intention to file an application for appointment of a receiver was sent to the owner and other interested parties on March 30, 2017, and again on October 1, 2018, pursuant to Medford Municipal Code section 9.420; and,

WHEREAS, the owner or other interested parties of Tax Maplot 372W25BD 7900 known as 1530 West Main Street have not corrected the property's code violations; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That the City Manager is hereby authorized to apply to the Jackson County Circuit Court for appointment of the City of Medford as the receiver for Tax Maplot 372W25BD 7900 known as 1530 West Main Street.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

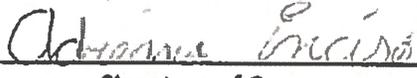
APPROVED \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor



**CITY OF MEDFORD**  
**DERELICT PROPERTY REGISTRATION FORM**



<b>PROPERTY INFORMATION</b>	
Property Address:	1530 W Main St
Property Owner:	Adriana Enciso
Address:	9761 Blackwell Rd, Central Point OR, 97502
Phone #:	541-292-7630
Email:	ezyy2323@live.com
<b>PROPERTY MANAGEMENT INFORMATION</b>	
Expected period of vacancy time for property:	
Schedule for inspection & maintenance of property during vacancy period:	
Agent responsible for inspection/maintenance:	
Address:	
Phone #:	Email:
Plan for re-occupancy & use of structure, or its demolition:	
Habitable home	
As the owner of this property, I indemnify, defend & hold the City harmless from any and all claims asserted against the City by third parties stemming from injuries to persons or to property as a result of the condition or accessibility of the property.	
 _____ Signature of Owner	4-21-17 _____ Date
<b>DO NOT WRITE BELOW THIS LINE – FOR OFFICE USE ONLY</b>	
Date rec'd PD:	

Please return form to:  
 Suzi Gish – Medford Police Department  
 Or – [suzi.gish@cityofmedford.org](mailto:suzi.gish@cityofmedford.org)  
 219 S. Ivy Street  
 Medford, OR 97501

**EXHIBIT B**

NOVEMBER 2<sup>nd</sup>, 2018.

DEAR JUDGE.

MY NAME IS SAMUEL ENCUO CERVANTES  
MY ADDRESS IS 9751 BLACKWELL R  
CENTRAL POINT OR 97502.

MY PHONE # IS (541) 622-9416

I HAD TWO TICKETS (CITATIONS) FOR  
BOARDING VIOLATION AND ONE FOR  
GRASS VIOLATION ON A PROPERTY LOCATED  
ON: # 1530 WEST MAIN ST MEDFORD OR.

THIS PROPERTY WAS GOING TO GO TO  
THE PROCESS OF FORECLOSURE ON MARCH  
THIS YEAR. I TRIED TO RECOVER THE  
HOUSE AND THE BANK TOLD ME THAT  
IT WASN'T POSSIBLE. AT THAT MOMENT  
AND I COULDN'T DO ANYTHING.

FOR THAT REASON I THOUGHT I HAD  
LOST THE HOUSE. THEN LATER I  
RECEIVE A LETTER SAYING THAT THE  
BANK HAD FORGIVEN THE DEBT. I THOUGHT  
AT THAT MOMENT THAT THE BANK WAS  
THE OWNER OF THE HOUSE. THEN I  
STARTED RECEIVING CITATIONS FOR  
THE BONDS I ONCE PUT ON SOME OF THE  
WINDOWS OF THE HOUSE, THAT I PUT TO  
PROTECTED FROM HOMELESS PEOPLE THAT  
WAS GOING INTO THE HOUSE THROUGH THE WINDOWS  
AND ALSO FOR THE ~~GRASS~~<sup>GRASS</sup>.

THATS WHEN I STARTED ASKING THE

BANK TO TAKE CARE OF THOSE THINGS. AND A CHASE BANK EMPLOYEE TOLD ME THAT I MIGHT BE STILL THE OWNER, SO I CONTINUED INVESTIGATING. I HAD TO GO TO THE COUNTY OFFICE TO GET INFORMATION, ALSO TO THE TAXES OFFICE AND TO THE TITLE COMPANY. AND I FINALLY FOUND THAT THE BANK FORGAVE MY DEBT AND RELEASED THE HOUSE TITLE.

NOW I WANT TO TAKE CARE OF MY OBLIGATIONS.

THANK YOU

Samuel Emeo C



**CITY OF MEDFORD  
411 W. 8<sup>TH</sup> ST  
MEDFORD, OR 97501**



Medford Police Dept.

PHONE: (541) 774-2200  
Web Page: [police@ci.medford.or.us](mailto:police@ci.medford.or.us)

**1530 W Main Street**

**POLICE ACTIVITY/  
CALLS FOR SERVICE 11/2013 THRU 11/2018**

**Property has been boarded since before 2013**

ORDINANCE X 14

911 UNKNOWN X 1

There have been 15 calls for service in the past 5 years (11/30/13 thru 11/30/18) which pretty much solely consisted of ordinance calls but didn't even begin until 9/28/15. There was an Accumulation of Junk case (there was formerly a landscaping business run from this location and the back yard had a large accumulation of large landscaping rocks in the back yard which they were made to remove), as well as 2 weed cases since 2015 that the City was forced to abate due to lack of cooperation from the local property owner.



City of <b>Medford</b>	RECEIVERSHIP PROGRAM	<b>1530 W. Main St.</b>
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Date: 12/5/2018



**CITY OF MEDFORD  
411 W. 8<sup>TH</sup> ST  
MEDFORD, OR 97501**



**Medford Police Dept.**

**PHONE: (541) 774-2200  
Web Page: [police@ci.medford.or.us](mailto:police@ci.medford.or.us)**

**1039 Cherry Street**

**POLICE ACTIVITY/  
CALLS FOR SERVICE 11/2013 THRU 11/2018**

**ORDINANCE X 7**

**SUSPICIOUS X 4**

**TRESPASS X 2**

**BURGLARY/FOLLOW-UP X 4**

**CUSTODY ISSUE X 1**

**MISSING CHILD X 1**

**CIVIL ISSUE X 1**

**THEFT X 1**

**AGENCY ASSIST X 2 (ONE OF THESE WAS THE STRUCTURE FIRE 2/13/16)**

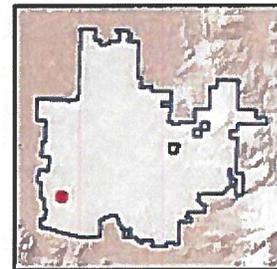
**There have been 23 calls for service in the past 5 years (11/30/13 thru 11/30/18).**



City of Medford

RECEIVERSHIP PROGRAM

1039 Cherry St.



Date: 12/5/2018

ORDINANCE NO. 2016-142

AN ORDINANCE adding sections 9.400, 9.405, 9.410, 9.415, 9.420, 9.425, 9.430, 9.435, 9.440, 9.445 and 9.450 of the Medford Code pertaining to housing receivership.

Section 1. Section 9.400 of the Medford Code is hereby added to read as follows:

**9.400 Title, Purpose, and Scope; Findings.**

This ordinance shall be known and may be cited as the “Housing Receivership Ordinance of the City of Medford.” The purpose of the ordinance is to establish authority and procedures for the use of the Oregon Housing Receivership Act (ORS 105.420 to 105.455), and shall apply to all residential property. The remedies provided for in this ordinance shall be in addition to any other remedy set out in the Code.

In addition to the Oregon Legislature’s findings set out at ORS 105.420, the Council specifically finds that properties in violation of the Act create an undue risk of harm to the City’s public safety officers and firefighters responding to calls at these properties, as well as neighboring citizens. The Council declares that the health, safety and welfare of citizens, public safety officers and firefighters are promoted by adopting and implementing the Housing Receivership Ordinance of the City of Medford.

Section 2. Section 9.405 of the Medford Code is hereby added to read as follows:

**9.405 Definitions.**

(1) “Abatement” means the removal or correction of any condition at a property including demolition that violates a provision of a City building or housing code, as well as the making of other such improvements or corrections as are needed to effect the rehabilitation of the property or structure, but not including the closing or physical securing of the structure.

(2) “Building or housing code” means any City law, ordinance or regulation concerning habitability or the construction, maintenance, operation, occupancy, use or appearance of any property.

(3) “Interested party” means any person or entity that possesses any legal or equitable interest of record in the property, including but not limited to the holder of any lien or encumbrance of record on the property.

(4) “Property” means any real property and all improvements thereon including edifices, structures, buildings, unit or part thereof used or intended to be used for residential purposes including single-family, duplex, multifamily, and mixed-use structures which have one or more residential units.

Section 3. Section 9.410 of the Medford Code is hereby added to read as follows:

**9.410 Authority.**

(1) Subject to Council approval, when the Manager finds that a property is in violation of a building or housing code,

and in the exercise of reasonable discretion believes that violation is a threat to the public's health, safety, or welfare, the Manager may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement.

(2) In administering the provisions of this ordinance, the Manager's authority shall include, but is not limited to:

- (a) The selection of properties, subject to Council approval;
- (b) The selection of appropriate receivers, subject to Council approval; and
- (c) The establishment of written rules and procedures as are deemed necessary for the administration of this ordinance.

Section 4. Section 9.415 of the Medford Code is hereby added to read as follows:

**9.415 Selection of Properties.**

In selecting properties where the City may seek appointment of a receiver, the Manager shall consider those properties that have, at a minimum, the following characteristics:

- (1) A violation of a building or housing code that threatens the public health, safety, or welfare; and
- (2) The interested parties have not acted in a timely manner to correct the violations.

Section 5. Section 9.420 of the Medford Code is hereby added to read as follows:

**9.420 Notice to Interested Parties and Application.**

(1) At least 60 days prior to the filing of an application for appointment of a receiver, the Manager shall cause a notice to be sent by certified mail to all interested parties.

(2) The notice shall give the date upon which the City has the right to file with the court for the receiver, and in addition shall:

- (a) State the address and legal description of the property;
- (b) List the building or housing code violations which give rise to the proposed application; and
- (c) Give the name, address, and telephone number of a person who can provide additional information concerning the violations and their remedy.

Section 6. Section 9.425 of the Medford Code is hereby added to read as follows:

**9.425 Selection of Receivers.**

In selecting specific receivers, the Manager shall choose the Jackson County Housing Authority, a City agency or department designated by the City as being responsible for the rehabilitation of property, an urban renewal agency, or a private not-for-profit corporation, the primary purpose of which is the improvement of housing conditions within the City. In making the selection, the Manager shall consider, at a minimum, the following:

- (1) The receiver's experience in rehabilitating and managing this type of property; and

**(2) The receiver's capacity to take on additional property management responsibilities.**

Section 7. Section 9.430 of the Medford Code is hereby added to read as follows:

**9.430 Powers of a Receiver.**

**A receiver appointed by the court shall have the authority to take any of the actions provided for in ORS 105.435.**

Section 8. Section 9.435 of the Medford Code is hereby added to read as follows:

**9.435 Plan and Estimate.**

**Within 30 days after appointment by the court, a receiver shall submit to the Manager a written plan for the abatement. The Manager shall approve the plan before the receiver commences work on the abatement.**

Section 9. Section 9.440 of the Medford Code is hereby added to read as follows:

**9.440 Record Keeping.**

**The receiver shall keep a record of all moneys received and expended and all costs and obligations incurred in performing the abatement and managing the property. Records shall be kept in a form as shall be agreed upon by the receiver and the Manager, and copies shall be provided to the Manager upon request.**

Section 10. Section 9.445 of the Medford Code is hereby added to read as follows:

**9.445 Purchasing.**

**Excepting Medford Code section 2.507, all abatement work done pursuant to this ordinance is exempt from the provisions of the City's contracting and purchasing code.**

Section 11. Section 9.450 of the Medford Code is hereby added to read as follows:

**9.450 Lien Enforcement; City Agency or Department as Receiver; Foreclosure.**

**In accordance with ORS 105.440(2), if the costs and obligations incurred due to the abatement have not been paid, the order of the court shall be filed with the county recorder within 60 days of its filing with the court and shall thereafter constitute a lien on the property. In addition, unpaid liens shall be entered into the docket of City liens, and shall bear interest at the rate specified in section 3.470(2) of the Medford Code. Thereafter, the City may cause the property to be sold as provided for by ORS 223.505 to 223.590, or any other method provided by law.**

///  
///  
///  
///

**PASSED by the Council and signed by me in authentication of its passage this 1 day of  
December, 2016.**

**ATTEST: s/Winnie Shepard  
City Recorder**

**s/Gary H. Wheeler  
Mayor**

**APPROVED December 1, 2016.**

**s/Gary H. Wheeler  
Mayor**

ORDINANCE NO. 2017-19

AN ORDINANCE amending section 9.415 of the Medford Municipal Code pertaining to selection of properties for receivership.

Section 1. Section 9.415 of the Medford Municipal Code is hereby amended:

9.415 Selection of Properties.

In selecting properties where the City may seek appointment of a receiver, the Manager shall consider those properties that have, at a minimum, the following characteristics:

- (1) A violation of a building or housing code that threatens the public health, safety, or welfare; and
- (2) The ~~interested parties have~~ **owner has** not acted in a timely manner to correct the violations.

PASSED by the Council and signed by me in authentication of its passage this 2 day of March, 2017.

ATTEST: s/Karen M Spoons  
City Recorder

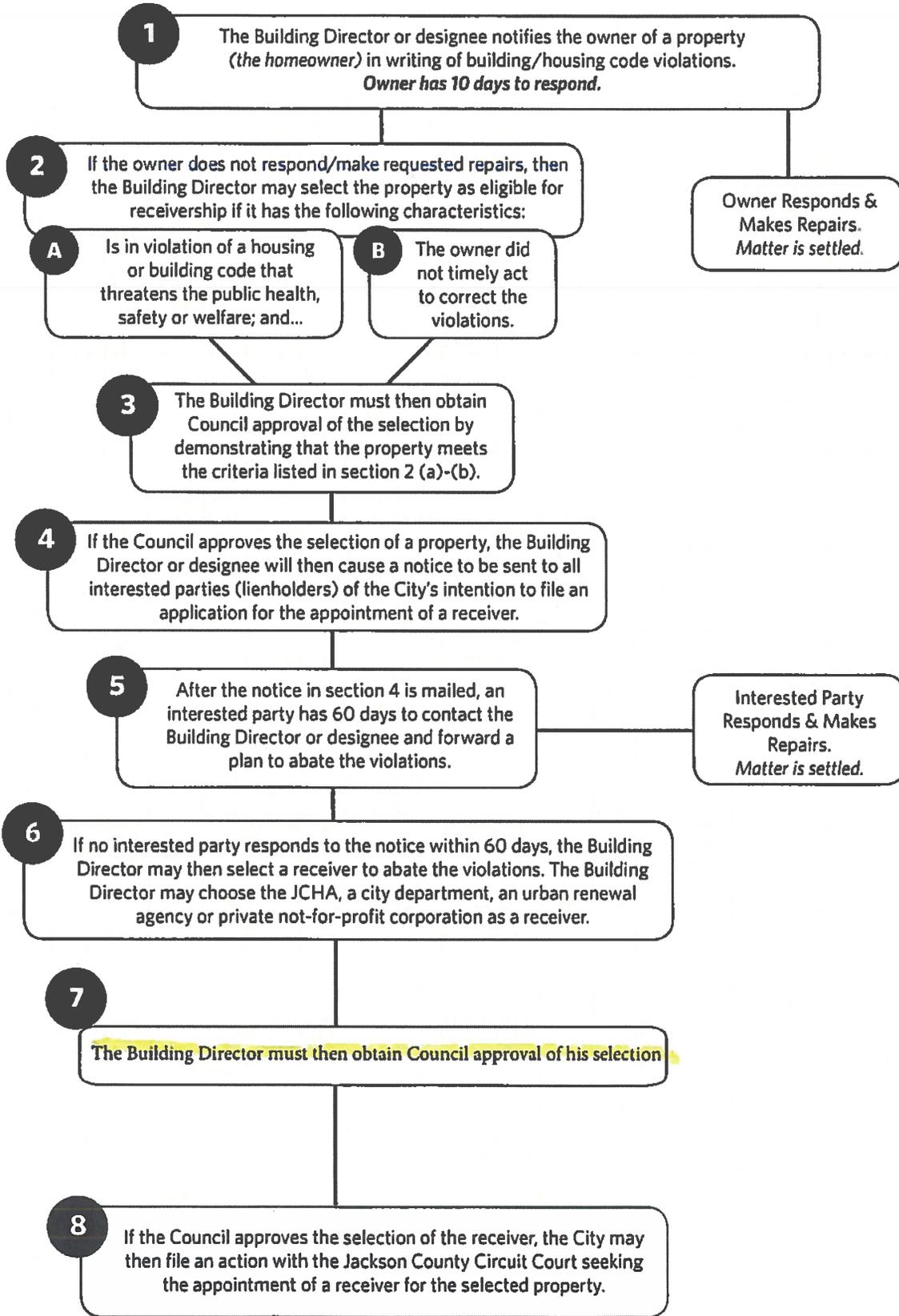
s/Gary H Wheeler  
Mayor

APPROVED March 2, 2017.

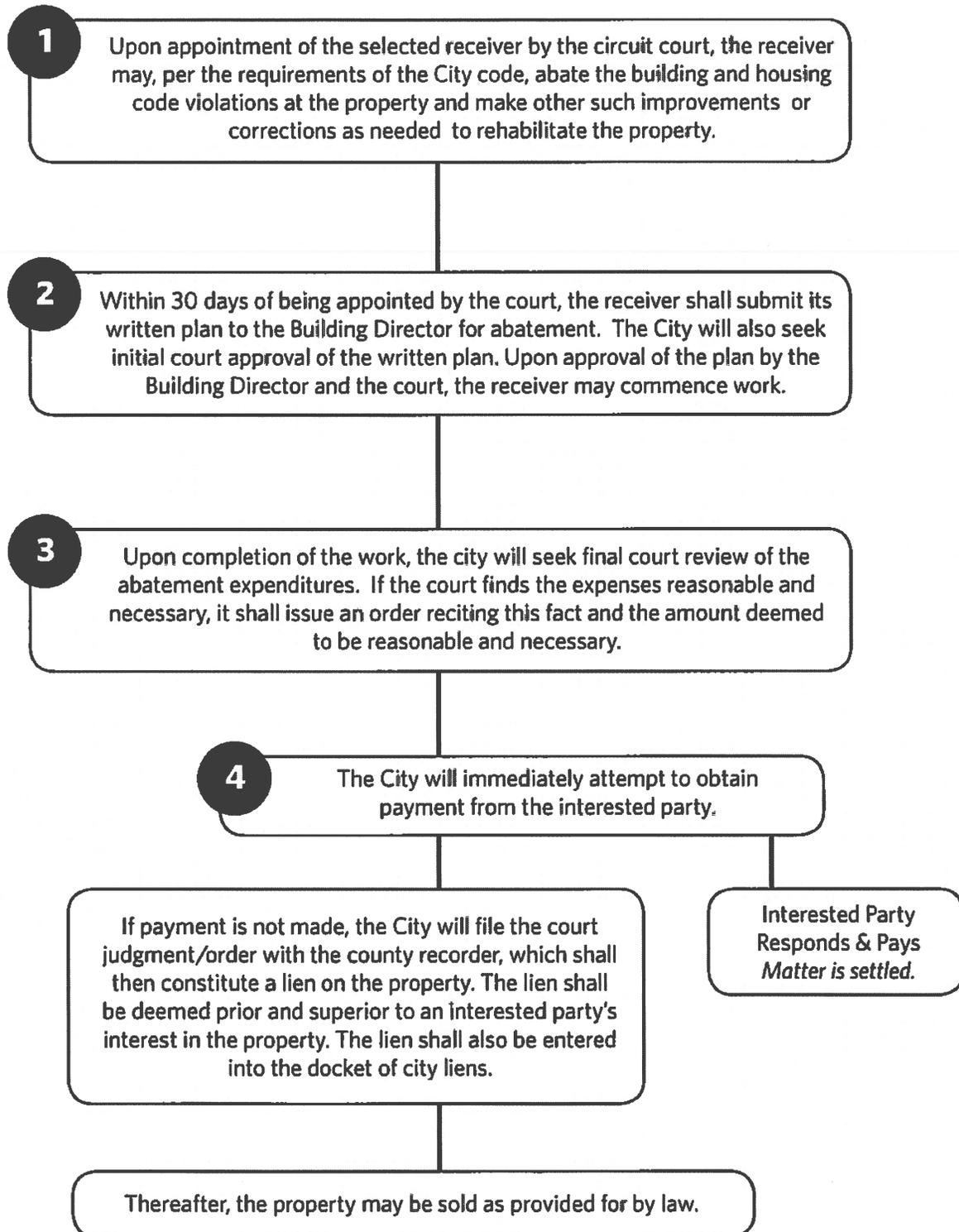
s/Gary H Wheeler  
Mayor

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 PROPERTY MAINTENANCE CODE/RECEIVERSHIP PROCESS | CITY LEVEL



SEE PAGE 2





# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.5

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<b>DEPARTMENT:</b>	Building Safety	<b>AGENDA SECTION:</b>	Ordinances and Resolutions
<b>PHONE:</b>	(541) 774-2350	<b>MEETING DATE:</b>	December 20, 2018
<b>STAFF CONTACT:</b>	Sam Barnum, Building Safety Director		

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## **COUNCIL BILL 2018-145**

A resolution approving the Building Director's selection of eligible properties for abatement pursuant to the Housing Receivership Ordinance of the City of Medford.

## **SUMMARY AND BACKGROUND**

Council is requested to consider a resolution approving the Building Director's selection of eligible properties for abatement pursuant to the Housing Receivership Ordinance of the City of Medford ("the Ordinance"):

- (1) 12 Lewis Avenue
- (2) 2633 Howard Street

The Building Director ("the Manager") has determined that each property listed above is in violation of Building or housing code(s) and that the violations constitute a threat to the public's health, safety, or welfare. If the Council approves the selection of properties, the Manager shall deliver a notice of the City's intention to file an application for the appointment of a Receiver to all interested parties for each property. If the interested parties fail to respond to the notice within 60 days or fail to correct the violations as agreed, the Manager may come back before Council and request approval for the selection of a Receiver to perform an abatement.

## **PREVIOUS COUNCIL ACTIONS**

Council approved Ordinance 2016-142 pertaining to Receivership and Ordinance 2016-56 to adopt the International Property Maintenance Code on December 1, 2016.

Council passed Resolution 2017-25 on March 16, 2017, Resolution 2017-53 on June 1, 2017, and Resolution 2017-84 approving the Building Director's selection of eligible properties for abatement pursuant to the Housing Receivership Ordinance.

Council passes Ordinance 2017-127 authorizing the City Manager to apply to the Jackson County Circuit Court to appoint the City of Medford as the Receiver the Tax Maplot 372W25CD 9200 known as 205 Chestnut.

## **ANALYSIS**

If the Manager determines that a property is in violation of Building or housing code(s) and, in exercising reasonable discretion, determines that the violation is a threat to the public health, safety, or welfare, the Manager may apply to the Jackson County Circuit Court for the appointment of a Receiver to abate the violation and rehabilitate the property. Before doing so, the Manager must obtain the Council's approval for the selection of a property and notify all interested parties of the City's intent to file an application for the appointment of a Receiver. A Receiver may be a city department, urban renewal agency, or entity such as a non-profit corporation whose primary purpose is improvement of housing conditions within the City.

If a party with an interest in the property fails to correct the Code violations in the time provided by law, the court will appoint the Receiver. A Receiver's authority is very broad under the Ordinance and the Oregon Housing Receivership Act. A Receiver may, among other things, take possession and control of the property, modify or terminate tenancies, charge and collect rents, pay expenses to maintain property, dispose of abandoned property, enter into contracts to abate & rehabilitate the property, and enter into



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.5

[www.ci.medford.or.us](http://www.ci.medford.or.us)

financing agreements with public or private lenders to obtain funding to abate the property. If the costs of abatement are not paid, the court's Receivership order constitutes a lien on the property. Thereafter, the lien may be foreclosed in accordance with state law or City ordinance.

The Manager has determined that the following properties listed below are in violation of a Building or housing code that threatens the public health, safety, and welfare. The Manager's detailed reports and summaries of Code Enforcement and Police activities are listed as Exhibits A and B.

## (1) 12 Lewis Avenue

*The Manager's detailed report and summary of Code Enforcement and Police activity is attached as Exhibit A.*

### Building/Housing Code Violations

Multiple broken and boarded windows; building is not secure. Signs of vagrant habitation in auxiliary structure. Foundation and walls show signs of deterioration.

Violation #1    Emergency Measures  
IPMC 109.2    Temporary Safeguards

Violation #2    Exterior Structure  
IPMC 304.1.1    Unsafe Conditions  
IPMC 304.5    Foundation Walls

Violation #3    Exterior Structure  
IPMC 304.7    Roofs and Drainage

### Summary of Code Enforcement & Police Activity from November 2013 through November 2018

25 calls for service

Calls for service are mostly attributed to ordinance violations and unsecured property issues.

## (2) 2633 Howard Avenue

*The Manager's detailed report and summary of Code Enforcement and Police activity is attached as Exhibit B*

### Building/Housing Code Violations

Signs of rodent habitation. Structural members on eaves and roof truss are sagging. Foundation shows some deterioration. Overhangs are absent or rotting off. Windows and doors are boarded up.

Violation #1                    Exterior Property Areas  
IPMC 302.5                    Rodent Harborage

Violation #2                    Exterior Structure  
IPMC 304.1.1                    Unsafe Conditions

Violation #3                    Exterior Structure  
IPMC 304.1.1(6)                    Foundation Systems

Violation #4                    Exterior Structure  
IPMC 304.9                    Flooring and Flooring Components



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.5

[www.ci.medford.or.us](http://www.ci.medford.or.us)

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## Summary of Code Enforcement & Police Activity from November 2013 through November 2018

37 calls for service

Property was boarded up prior to 2013.

Calls for service are mostly attributed to ordinance violations and unsecured property issues.

The City anticipates that the use of this Ordinance will compel owners and/or lienholders that have routinely ignored Building and housing code violation citations to complete required repairs, therefore increasing the chance that these properties will then be offered for sale.

### **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

The financial impact at this time is anticipated to be under \$500.00 for the title searches and the mailing of the 60 day letters via First Class Mail and Certified Mail as per the established procedure. Upon Council approval of the Manager's selection of a property, the Manager will deliver a notice of the City's intention to file an application for the appointment of a Receiver to all interested parties for each property and await a response. If compliance is not established, the Manger may come back before Council and request approval for the selection of a Receiver to perform an abatement.

The Mayor & Council Receivership budget (1001110-6302101) currently has a balance of \$85,541.00.

### **TIMING ISSUES**

None.

### **COUNCIL OPTIONS**

Approve the resolution as presented.

Modify the resolution as presented.

Deny the resolution and provide direction to staff.

### **STAFF RECOMMENDATION**

Staff recommends approval of the resolution.

### **SUGGESTED MOTION**

I move to approve the resolution of the Manager's selection of properties eligible for abatement pursuant to the Housing Receivership Ordinance and further direct the Manager to deliver a notice of the City's intention to file an application for the appointment of a Receiver to all interested parties for each property.

### **EXHIBITS**

Exhibit A – Resolution

Exhibit B – Notice of Violations and Manager's Report/Summary of Code Enforcement and Police Activity – 12 Lewis Avenue

Exhibit C – Notice of Violations and Manager's Report/Summary of Code Enforcement and Police Activity – 2633 Howard Avenue

Exhibit D – Property location map and picture: 12 Lewis Avenue

Exhibit E – Property location map and picture: 2633 Howard Avenue

Exhibit F – Medford Property Code/Receivership Process Flow Chart

Exhibit G – Ordinance No. 2016-142

RESOLUTION NO. 2018-145

A RESOLUTION approving the Building Director's selection of eligible properties for abatement pursuant to the Housing Receivership Ordinance of the City of Medford.

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

Section 1. The Building Director's selection of eligible properties located at 12 Lewis Avenue and 2633 Howard Avenue for abatement pursuant to the Housing Receivership Ordinance is hereby approved.

Section 2. The Building Director shall deliver a notice of the City's intention to file an application for the appointment of a receiver to all interested parties for each property pursuant to Medford Municipal Code section 9.420.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor



**BUILDING SAFETY DEPARTMENT**

**CITY OF MEDFORD**  
LAUSMANN ANNEX  
200 SOUTH IVY STREET  
MEDFORD, OREGON 97501

TELEPHONE: (541) 774-2025  
FAX: (541) 618-1726  
E-MAIL: [building@cityofmedford.org](mailto:building@cityofmedford.org)

**Property Address:** 12 Lewis Ave.  
Medford, OR 97501

**Map & Taxlot:** 372W25CB5201

**Property Owner  
&/or Responsible:** Glenn L Hobbs  
1884 Old Military Road  
Central Point, OR 97502

The City of Medford Building Safety Department has identified the following violations of the Property Maintenance Code which must be addressed. This is only a list of what is currently known to the City of Medford and is based upon only an external visible inspection. If other violations of the Property Maintenance Code are discovered, including but not limited to inside of the structure, the City of Medford does not waive its right to pursue correction of those defects at that time.

**Violation #1: Emergency Measures**

Big back window is open, building is not secure.

**IPMC 109.2 Temporary Safeguards**

Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

**Violation #2: Exterior Structure**

Foundation is starting to crumble in areas.

**IPMC 304.1.1 Unsafe Conditions**

(6) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

**EXHIBIT B**

**IPMC 304.5 Foundation walls**

All foundation walls shall be maintained plumb free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pets.

**Violation #3: Exterior Structure**

Roof showing wear, probably leaks

**IPMC 304.7 Roofs and Drainage.**

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.



**CITY OF MEDFORD  
411 W. 8<sup>TH</sup> ST  
MEDFORD, OR 97501**



Medford Police Dept.

PHONE: (541) 774-2200  
Web Page: [police@ci.medford.or.us](mailto:police@ci.medford.or.us)

**12 LEWIS AVENUE**

**POLICE ACTIVITY/  
CALLS FOR SERVICE 11/2013 THRU 11/2018**

**PROPERTY HAS BEEN BOARDED-UP SINCE BEFORE 11/2013**

ORDINANCE X 19

TRESPASS X 5

UNLAWFUL USE OF MOTOR VEHICLE X 1

The ordinance violations at this property since 2013 have consisted of unwanted transient access into the vacant property. Property owner has consistently re-secured it and it has continued to be breached. Junk accumulations have been dealt with directly with the local property owner.

There have been 25 calls for service in the past 5 years (11/30/13 thru 11/30/18) which have mostly been the ordinance violations and the unsecured property issues and follow-up to check to make sure it was still secure.

*Your Department – Our Community*



BUILDING SAFETY DEPARTMENT

**CITY OF MEDFORD**  
LAUSMANN ANNEX  
200 SOUTH IVY STREET  
MEDFORD, OREGON 97501

TELEPHONE: (541) 774-2025  
FAX: (541) 618-1726  
E-MAIL: [building@cityofmedford.org](mailto:building@cityofmedford.org)

**Property Address:** 2633 Howard Ave.  
Medford, OR 97501-1214

**Map & Taxlot:** 372W13BC3000

**Property Owner  
&/or Responsible:** Melecio Valdez  
Pam Valdez  
636 West 4<sup>th</sup> St.  
Medford, Oregon 97501

The City of Medford Building Safety Department has identified the following violations of the Property Maintenance Code which must be addressed. This is only a list of what is currently known to the City of Medford and is based upon only an external visible inspection. If other violations of the Property Maintenance Code are discovered, including but not limited to inside of the structure, the City of Medford does not waive its right to pursue correction of those defects at that time.

**Violation #1: Unsafe Conditions**  
Signs of rodent harborage

**IPMC 302.5**

Rodent harborage: All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

**Violation #2: Exterior Structure**

Structural members on eaves and roof truss appear to be sagging

**IPMC 304.1**

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

**EXHIBIT C**

**Violation #3: Exterior Structure**

Foundation reflects deterioration

**IPMC 304.1.1.6**

Foundations System(s) are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

**Violation #4: Exterior Structure**

Overhangs are gone or rotting off in several locations

**IPMC 304.9**

Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**ORSC R105 Permits**

A permit shall be obtained through application to the Building Official when constructing a system regulated by this code.



**CITY OF MEDFORD  
411 W. 8<sup>TH</sup> ST  
MEDFORD, OR 97501**



Medford Police Dept.

PHONE: (541) 774-2200

Web Page: [police@ci.medford.or.us](mailto:police@ci.medford.or.us)

**2633 Howard Avenue**

**POLICE ACTIVITY/  
CALLS FOR SERVICE 11/2013 THRU 11/2018**

**Property has been boarded since before 2013**

ORDINANCE X 25

TRESPASS X 9

UTIL X 1

SUSPICIOUS X 2

The ordinance violations at this property since 2013 have consisted of unwanted transient access into the vacant home and outbuilding, tall weed violations, junk accumulations, and an occupied RV. Issues have been dealt with directly with the local property owner.

There have been 37 calls for service in the past 5 years (11/30/13 thru 11/30/18) which have mostly been the ordinance violations and the unsecured property issues and follow-up to check to make sure it was still secure. Patrol also responded to 9 Trespass calls, 2 Suspicious calls, and 1 Utility type call of street signs that had been removed and found to be abandoned at this address.

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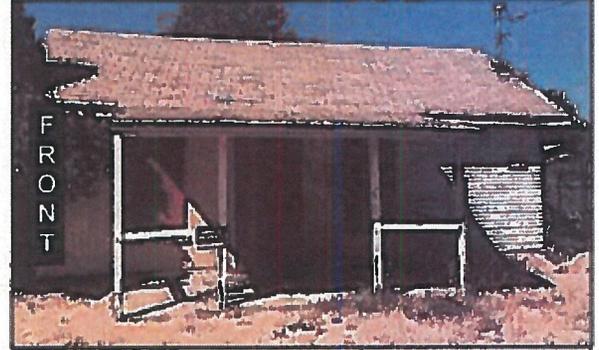
City of Medford RECEIVERSHIP PROGRAM 12 Lewis Ave.



Date: 12/5/2018

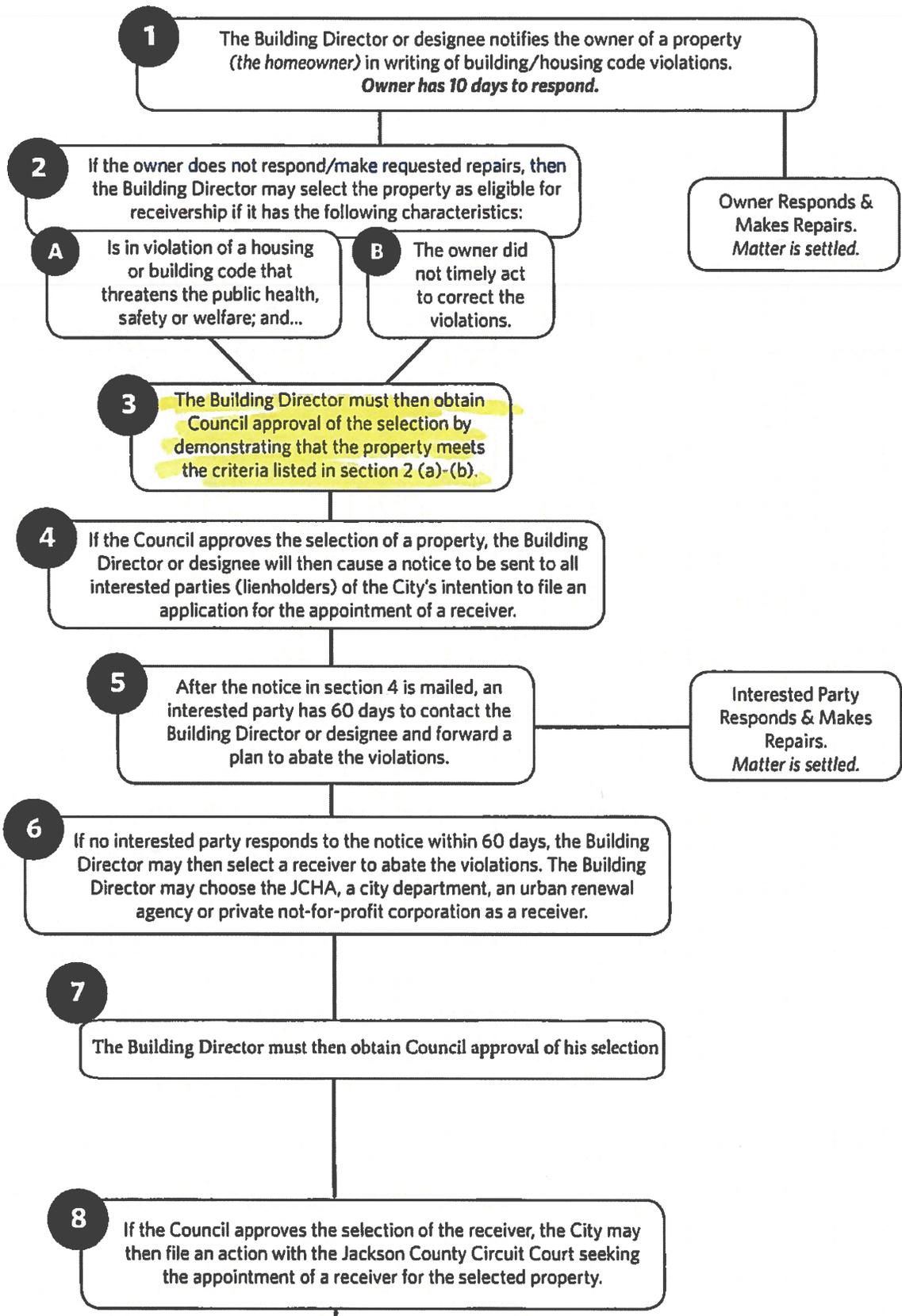


City of **Medford** RECEIVERSHIP PROGRAM **2633 Howard Ave.**

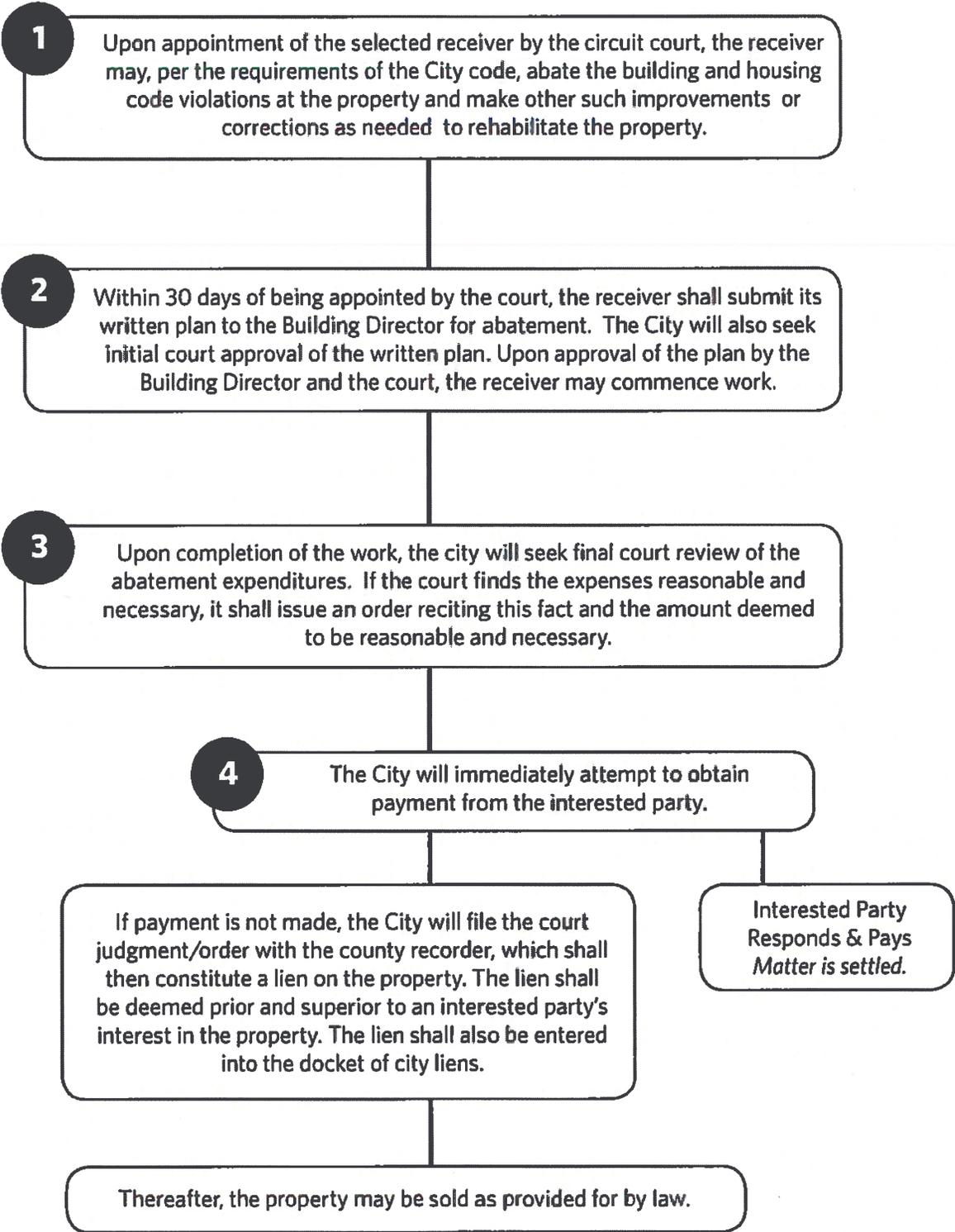


Date: 12/5/2018

MEDFORD PROPERTY MAINTENANCE CODE/RECEIVERSHIP PROCESS | CITY LEVEL



SEE PAGE 2



ORDINANCE NO. 2016-142

AN ORDINANCE adding sections 9.400, 9.405, 9.410, 9.415, 9.420, 9.425, 9.430, 9.435, 9.440, 9.445 and 9.450 of the Medford Code pertaining to housing receivership.

Section 1. Section 9.400 of the Medford Code is hereby added to read as follows:

**9.400 Title, Purpose, and Scope; Findings.**

**This ordinance shall be known and may be cited as the “Housing Receivership Ordinance of the City of Medford.” The purpose of the ordinance is to establish authority and procedures for the use of the Oregon Housing Receivership Act (ORS 105.420 to 105.455), and shall apply to all residential property. The remedies provided for in this ordinance shall be in addition to any other remedy set out in the Code.**

**In addition to the Oregon Legislature’s findings set out at ORS 105.420, the Council specifically finds that properties in violation of the Act create an undue risk of harm to the City’s public safety officers and firefighters responding to calls at these properties, as well as neighboring citizens. The Council declares that the health, safety and welfare of citizens, public safety officers and firefighters are promoted by adopting and implementing the Housing Receivership Ordinance of the City of Medford.**

Section 2. Section 9.405 of the Medford Code is hereby added to read as follows:

**9.405 Definitions.**

**(1) “Abatement” means the removal or correction of any condition at a property including demolition that violates a provision of a City building or housing code, as well as the making of other such improvements or corrections as are needed to effect the rehabilitation of the property or structure, but not including the closing or physical securing of the structure.**

**(2) “Building or housing code” means any City law, ordinance or regulation concerning habitability or the construction, maintenance, operation, occupancy, use or appearance of any property.**

**(3) “Interested party” means any person or entity that possesses any legal or equitable interest of record in the property, including but not limited to the holder of any lien or encumbrance of record on the property.**

**(4) “Property” means any real property and all improvements thereon including edifices, structures, buildings, unit or part thereof used or intended to be used for residential purposes including single-family, duplex, multifamily, and mixed-use structures which have one or more residential units.**

Section 3. Section 9.410 of the Medford Code is hereby added to read as follows:

**9.410 Authority.**

**(1) Subject to Council approval, when the Manager finds that a property is in violation of a building or housing code,**

and in the exercise of reasonable discretion believes that violation is a threat to the public's health, safety, or welfare, the Manager may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement.

(2) In administering the provisions of this ordinance, the Manager's authority shall include, but is not limited to:

- (a) The selection of properties, subject to Council approval;
- (b) The selection of appropriate receivers, subject to Council approval; and
- (c) The establishment of written rules and procedures as are deemed necessary for the administration of this ordinance.

Section 4. Section 9.415 of the Medford Code is hereby added to read as follows:

**9.415 Selection of Properties.**

In selecting properties where the City may seek appointment of a receiver, the Manager shall consider those properties that have, at a minimum, the following characteristics:

- (1) A violation of a building or housing code that threatens the public health, safety, or welfare; and
- (2) The interested parties have not acted in a timely manner to correct the violations.

Section 5. Section 9.420 of the Medford Code is hereby added to read as follows:

**9.420 Notice to Interested Parties and Application.**

(1) At least 60 days prior to the filing of an application for appointment of a receiver, the Manager shall cause a notice to be sent by certified mail to all interested parties.

(2) The notice shall give the date upon which the City has the right to file with the court for the receiver, and in addition shall:

- (a) State the address and legal description of the property;
- (b) List the building or housing code violations which give rise to the proposed application; and
- (c) Give the name, address, and telephone number of a person who can provide additional information concerning the violations and their remedy.

Section 6. Section 9.425 of the Medford Code is hereby added to read as follows:

**9.425 Selection of Receivers.**

In selecting specific receivers, the Manager shall choose the Jackson County Housing Authority, a City agency or department designated by the City as being responsible for the rehabilitation of property, an urban renewal agency, or a private not-for-profit corporation, the primary purpose of which is the improvement of housing conditions within the City. In making the selection, the Manager shall consider, at a minimum, the following:

- (1) The receiver's experience in rehabilitating and managing this type of property; and

**(2) The receiver's capacity to take on additional property management responsibilities.**

Section 7. Section 9.430 of the Medford Code is hereby added to read as follows:

**9.430 Powers of a Receiver.**

**A receiver appointed by the court shall have the authority to take any of the actions provided for in ORS 105.435.**

Section 8. Section 9.435 of the Medford Code is hereby added to read as follows:

**9.435 Plan and Estimate.**

**Within 30 days after appointment by the court, a receiver shall submit to the Manager a written plan for the abatement. The Manager shall approve the plan before the receiver commences work on the abatement.**

Section 9. Section 9.440 of the Medford Code is hereby added to read as follows:

**9.440 Record Keeping.**

**The receiver shall keep a record of all moneys received and expended and all costs and obligations incurred in performing the abatement and managing the property. Records shall be kept in a form as shall be agreed upon by the receiver and the Manager, and copies shall be provided to the Manager upon request.**

Section 10. Section 9.445 of the Medford Code is hereby added to read as follows:

**9.445 Purchasing.**

**Excepting Medford Code section 2.507, all abatement work done pursuant to this ordinance is exempt from the provisions of the City's contracting and purchasing code.**

Section 11. Section 9.450 of the Medford Code is hereby added to read as follows:

**9.450 Lien Enforcement; City Agency or Department as Receiver; Foreclosure.**

**In accordance with ORS 105.440(2), if the costs and obligations incurred due to the abatement have not been paid, the order of the court shall be filed with the county recorder within 60 days of its filing with the court and shall thereafter constitute a lien on the property. In addition, unpaid liens shall be entered into the docket of City liens, and shall bear interest at the rate specified in section 3.470(2) of the Medford Code. Thereafter, the City may cause the property to be sold as provided for by ORS 223.505 to 223.590, or any other method provided by law.**

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**PASSED by the Council and signed by me in authentication of its passage this 1 day of  
December, 2016.**

**ATTEST: s/Winnie Shepard  
City Recorder**

**s/Gary H. Wheeler  
Mayor**

**APPROVED December 1, 2016.**

**s/Gary H. Wheeler  
Mayor**

ORDINANCE NO. 2017-19

AN ORDINANCE amending section 9.415 of the Medford Municipal Code pertaining to selection of properties for receivership.

Section 1. Section 9.415 of the Medford Municipal Code is hereby amended:

**9.415 Selection of Properties.**

In selecting properties where the City may seek appointment of a receiver, the Manager shall consider those properties that have, at a minimum, the following characteristics:

- (1) A violation of a building or housing code that threatens the public health, safety, or welfare; and
- (2) ~~The interested parties have~~ **owner has** not acted in a timely manner to correct the violations.

PASSED by the Council and signed by me in authentication of its passage this 2 day of March, 2017.

ATTEST: s/Karen M Spoonts  
City Recorder

s/Gary H Wheeler  
Mayor

APPROVED March 2, 2017.

s/Gary H Wheeler  
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.