



## City Council Study Session

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# Agenda

**September 13, 2018**

**7:00 p.m.**

**City Hall, Medford Room**

**411 W. 8<sup>th</sup> Street, Medford, Oregon**

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1. Urbanization Comp Plan Element Amendment
2. Wetland Inventory Code Amendments



**MEMORANDUM**

Subject Urbanization Plans and Local Wetland Inventory (LWI)/Wetland Regulations  
File no. CP-16-075 & DCA-18-120 (Urbanization Plans)  
CP-17-117 & DCA-17-118 (LWI and Wetland Regulations)  
To Mayor and City Council  
From Carla Angeli Paladino CFM, Principal Planner  
Date September 6, 2018 *for 09/13/2018 Study Session*

**COUNCIL DIRECTION**

Staff is providing Council an overview of two new projects: Urbanization Plans and Wetlands. Both are supplemental tasks to complete in order to annex and develop land in the City’s Urban Growth Boundary expansion areas. Staff is seeking general comments from the City Council related to the topics above.

**PRESENTATION OUTLINE**

Introduction and Presentation – Carla Angeli Paladino  
Discussion and Direction - Mayor and City Council

**OVERVIEW**

On June 8, 2018, the City’s proposal to expand its Urban Growth Boundary by 4,046 acres was finalized at the State level. Just like adoption of the Regional Plan in 2012 and the Internal Study Areas project in 2014 were needed as part of the foundational work to justify expanding the City’s Urban Growth Boundary, the adoption of new procedures and updated utility and facility master plans are necessary prior to annexation and future development of these new areas. Two of the needed plans, the sanitary sewer master plan and the transportation system plan have been discussed between staff and the City Council over the past several years.

In conjunction with those plans, the City must also adopt a process staff is referring to as Urbanization Plans and an updated Local Wetland Inventory along with wetland regulations that not only will apply to the expansion areas but also within existing City limits. Urbanization Plans are needed in order to ensure future development is consistent with requirements outlined in the Regional Plan. The adoption of a Local Wetland Inventory and wetland regulations are

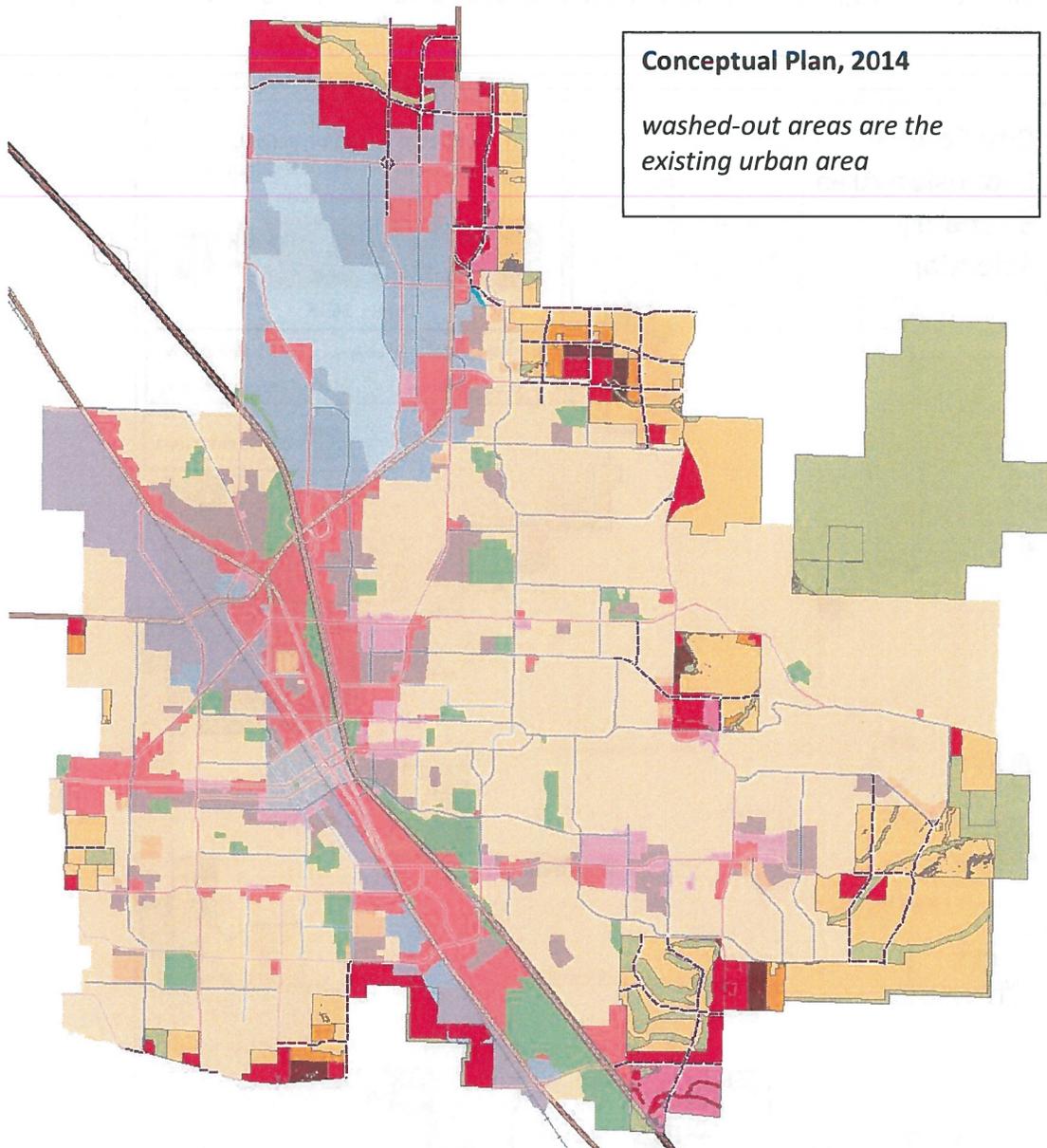
required to show compliance with Statewide Planning Goal 5 which relates to Natural Resources, Scenic and Historic Areas, and Open Spaces.

**Urbanization Element**

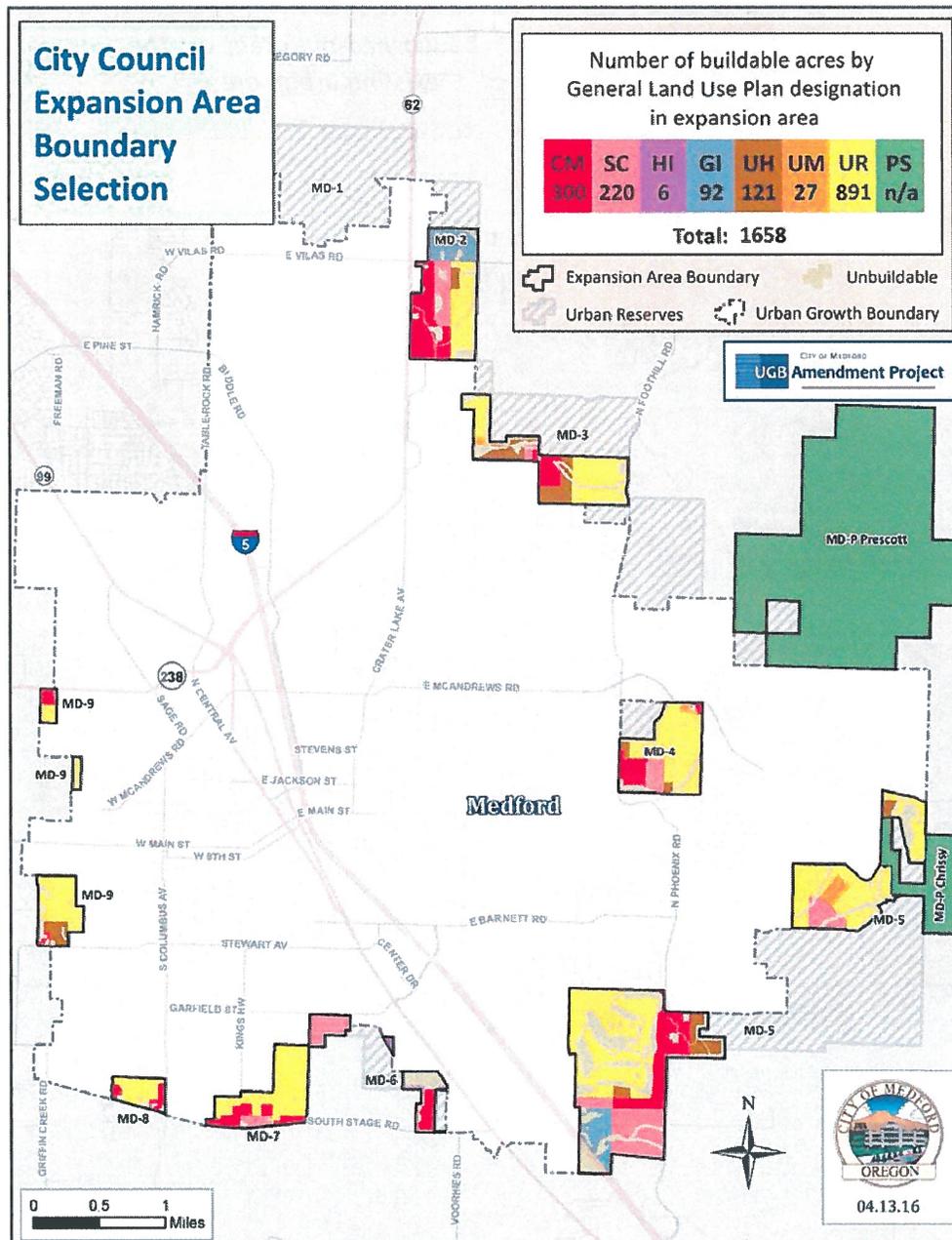
As part of the Urban Growth Boundary expansion process, updates were made to the Urbanization Element of the Comprehensive Plan. This element of the document identifies the policies and procedures agreed upon by the City and County to help transition development from rural land uses to urban land uses. The Urbanization Element includes items such as the Urban Growth Management Agreement (UGMA), a document used by both the City and County to administer regulations for land within the unincorporated portion of the Urban Growth Boundary, and the City's policies on annexation. As part of the Urban Growth Boundary expansion process and as included in the findings of fact adopted by the City Council, the annexation policy was amended to specifically address the conditions needed to be met in order (for Council) to approve an annexation of property in these new expansion areas. The list of conditions specifically includes reference to compliance with a revised Transportation System Plan, Local Wetland Inventory, and urbanization plan (*see Exhibit 1 for full text*). These documents and procedures must be adopted before annexation can occur in the new expansion areas.

**Neighborhood Element - Urbanization Plans**

The Regional Plan includes a requirement that cities create conceptual plans for their urban reserves before they amend their urban growth boundaries. The Planning Commission and staff created a conceptual plan in 2014 based on the land use distribution table in the Regional Plan (see next page). The conceptual plan identified the location of future residential, employment, and open space uses.



This concept plan became the basis for the General Land Use Plan (GLUP) designations proposed and ultimately adopted as part of the UGB expansion (see below).



The Urbanization Plans would take this concept plan a step further to identify how these new areas will meet the additional requirements of the Regional Plan. Such requirements include meeting the minimum density requirement of 6.6 dwelling units per acre, planning for mixed-use, pedestrian friendly areas, identifying open space and agricultural buffers, and laying out transportation systems in more detail than what is currently approved as part of the UGB expansion.

The Urbanization Plans are proposed to be approved and adopted as major comprehensive plan amendments (Type IV applications), with each plan being incorporated into the neighborhood element as its own “neighborhood plan” or “special area plan”. The proposed language outlines the submittal requirements, the applicable criteria for Council approval, and includes a map that separates each of the expansion areas into planning units (*see Exhibit 2*). Each planning unit will require an urbanization plan unless it is noted as exempt. A unit is exempt if it is entirely within an industrial or open space designation. The urbanization plans are considered high level concept documents and will not show details like access points or individual lot configurations. However, these plans will be used as the foundation for future development upon annexation and as a basis for showing compliance with the Regional Plan.

The initial draft of this amendment was created in 2016 and was presented to the Planning Commission. The proposal has since been amended based on comments received from staff, other referral agencies, and land use consultants who represent property owners in these expansion areas. In May 2018, staff conducted a test run of the proposed regulations with a willing property owner in one of the expansion areas. The test run provided an opportunity for property owners, their representatives, and staff to put the language into action and make modifications as necessary to ensure clear instruction in the text and a workable product. The track change version of the Urbanization Plan document shows the changes made since the test run was conducted. In addition, Chapter 10 of the municipal code has been amended to incorporate this new land use procedure (*see Exhibits 3 & 4*), as well as minor changes to the Review and Amendment section of the comprehensive plan (*see Exhibit 5*).

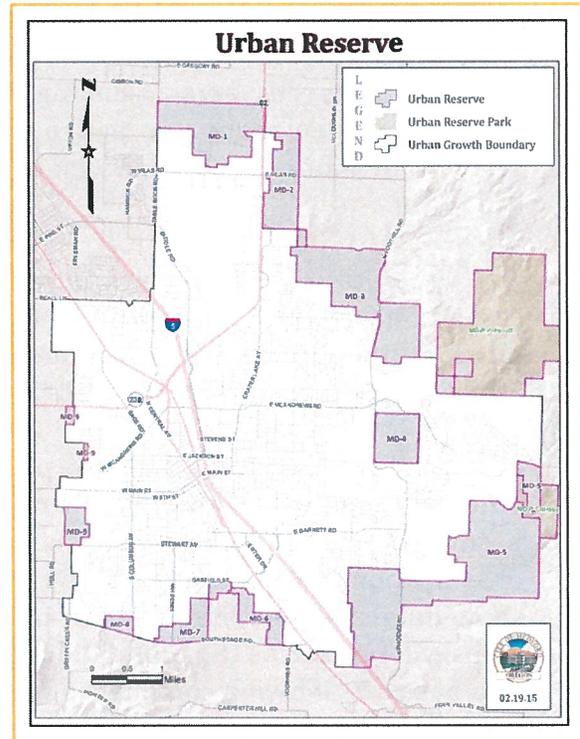
The Planning Commission will review the proposed language at a study session on Monday, September 10, 2018. The amended language has also been e-mailed to property owners and their land use representatives for review and comment.

The proposal is tentatively scheduled for Planning Commission hearing on October 11, 2018, and a City Council hearing on November 15, 2018.

### Environmental Element – Local Wetland Inventory & Wetland Regulations

In 2015, the City hired SWCA Environmental Consultants to conduct a Local Wetland Inventory (LWI) for the land located in the City's entire Urban Reserve area (approximately 6,400 acres).

A Local Wetland 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 on a property. The inventory is a preliminary assessment to help describe the function and relevance of the wetlands identified (significant wetlands versus typical wetlands).



An informational meeting about the project was held on March 18, 2015. Notices of the meeting were mailed to 210 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 the same number of people attended the meeting. The consultants drafted the inventory by October 2015 and submitted the findings to the Department of State Lands (DSL) in November.

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. The LWI can be found at the following link:

<https://docs.dsl.state.or.us/PublicReview/ElectronicFile.aspx?docid=3117200&&dbid=0>

To date, the Planning Commission has held three study sessions on this topic beginning in November 2015, May 2016, and August 2016. Currently, staff has drafted language to incorporate into the Comprehensive Plan and Municipal Code related to this updated inventory.

The proposal is to incorporate the latest LWI into the Environmental Element of Comprehensive Plan, update the information in the Environmental Element (*see Exhibit 6*), and adopt wetland regulations into Chapter 10 of the Municipal Code (*see Exhibit 7*). Staff has also written a site-specific wetland ESEE (Economic, Social, Environmental, and Energy) analysis of the wetlands for the 2015 inventory (*see Exhibit 8*) to be incorporated by reference.

Staff received comments from the Department of Land Conservation and Development related to the draft language in October 2017.

In July 2018, a letter was mailed to nearly 300 property owners letting them know that the City will be considering amendments to the Comprehensive Plan and Land Development Code related to wetlands. The letter invited property owners to participate in a wetland stakeholder group to review and comment on the draft language. Staff received 17 phone calls or e-mails from those who received the letter, and 14 people have agreed to participate in the stakeholder group.

The goal is to amend the current draft language and review the materials with the stakeholder group in September and October before entering the hearing process in November.

## **EXHIBITS**

### **Urbanization plans**

1. Annexation Policy language adopted as part of the UGB Findings
2. Urbanization Planning amendment to Neighborhood Element
3. Municipal Code Chapter 10 amendments to Article I
4. Municipal Code Chapter 10 amendments to Article II
5. Amendments to the Review and Amendment section of the Comprehensive Plan

### **Local Wetland Inventory & Regulations**

6. Amendments to the Environmental Element, incorporating 2015 LWI
7. Amendments to Chapter 10 of the Municipal Code
8. ESEE analysis for the 2015 LWI

## Excerpt from UGB Findings – 2.1.7 Annexation Policies

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

The City Council must find that the following conditions are met in order to approve an annexation of land that was added to the urban area from the Urban Reserve:

1. A revised Transportation System Plan (TSP), which includes the area to be annexed, has been adopted by the City.
2. A Local Wetlands Inventory (LWI), which includes the area to be annexed, has been adopted by the City.
3. For the area to be annexed, all Goal 5 resources, including riparian corridors, historic structures/properties, deer and elk habitat, wetlands, and scenic views have been identified and protected in accordance with Goal 5. In particular, the properties north of Chrissy Park and south of Hillcrest Road will comply with the mitigation process outlined by Oregon Department of Fish and Wildlife: [derived from Council Exhibit GGG]
  - a. A mitigation site shall be proposed by the private property owner and presented to ODFW for evaluation. The site proposed shall be approximately 60 acres. The identified site shall be located within the existing Big Game Winter Range Habitat in either the Lake Creek or Grizzly habitat units. Upon request of the property owner, ODFW will provide guidance to help identify potential mitigation site characteristics desired by the Department.
  - b. ODFW will complete the evaluation within 45 days of receipt of a letter requesting a mitigation site evaluation. ODFW will conduct a site visit of the proposed mitigation site. ODFW will provide a letter to the property owner that determines the suitability of the proposed site to meet the mitigation requirements in this condition. The letter shall also detail the habitat restoration efforts that will be required for the site.
  - c. If the property owner accepts the habitat restoration recommendations in 2 above then the restoration shall be completed and the site placed under permanent conservation easement (or other acceptable legal mechanism). Any conservation easement would need to be held by a third party with experience in managing these kinds of agreements, such as the Nature Conservancy or Southern Oregon Land Conservancy.
  - d. If the property owner does not accept the habitat restoration recommendations, the property owner may propose an alternative site or may propose alternative restoration measures in an attempt to reach agreement on a habitat restoration plan.
  - e. Upon completion of the agreed upon restoration for an approved mitigation site and evidence of the recorded conservation easement (or other adequate

legal mechanism), ODFW will conduct another site visit. If mitigation is adequate, ODFW will provide the property owner a letter verifying the mitigation has been completed. ODFW will provide a copy of the letter to the Jackson County Development Services Department and the City of Medford Planning Department.

4. An urbanization plan has been submitted, and adopted into the Neighborhood Element, for the area to be annexed which demonstrates compliance with the Regional Plan by showing the following details:

- a. Compliance with the minimum residential density required by Regional Plan Element item 4.1.5. The urbanization plan must demonstrate how the planned residential development will meet the minimum density requirement of 6.6 units per gross acre assuming all areas within the development will build out to the minimum allowed densities. The following are acceptable methods for meeting the density standard:
  - i. Committing areas to higher density zones within a General Land Use Plan (GLUP) designation. For example, an area within the UR GLUP designation could be designated as SFR-10 (Single Family Residential – 10 units per acre) which would insure a minimum density of 6 units per acre; and/or
  - ii. Requesting residential GLUP map changes—from a lower density designation to a higher-density designation—as part of the master plan approval process. This will allow for additional areas for medium-density and high-density development within the areas added to the UGB. Although this process may cause slight deviation from the Housing Element it is necessary to ensure success in meeting the Regional Plan obligations.
- b. Compliance with the requirements of Regional Plan Element item 4.1.6. for mixed-use/pedestrian-friendly development.
- c. Compliance with the land use distribution requirements of Regional Plan Element item 4.1.8.(b).
- d. Coordination with applicable irrigation district(s).

5. The Centennial golf course must receive an open space assessment from Jackson County for approximately 120 acres of land prior to the annexation of any of the 417 acres that make up the following tax lots:

38-1W-04-100

38-1W-04-101

37-1W-33-700

37-1W-33-801

37-1W-33-900

37-1W-33-1000

37-1W-33-1100

37-1W-33-1200

37-1W-33CA-2000

37-1W-33CD-47006.

6. To substantiate the rationales for including properties that were included at least in part for environmental, social, economic, energy (ESEE) reasons even if they received lower facility adequacy scores, or if they were included for other ESEE reasons, the following commitments offered by land owners during testimony will be binding obligations on the properties to substantiate the rationales for inclusion:
- a. MD-2 shall include an obligation to reserve land for a school be made to extend for a period of 20 years following final approval of the amendment.
  - b. MD-5 shall provide donation of land for trails per the approved master plan, with the commitment to construct trails that are built concurrent with private development.
  - c. MD-5 East shall provide easements for utilities to allow for the development of adjacent lands currently within the urban growth boundary without ability to provide service in accordance with current municipal code.
  - d. MD-5 East, in the area commonly referred to as the "Hansen Property," shall provide a commitment to improving the existing Cherry Lane adjacent and along the property frontage by direct construction, local improvement district, system development surcharge, or other method as determined as acceptable by the City.
  - e. MD-5 West shall provide a deed restriction for open space areas.

# Urbanization Planning

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## 1. OBJECTIVE

To adopt land use and circulation maps that assure that the Regional Plan Element (RPE) requirements under section 4.1.8 are being met for all areas added to the urban area from the urban reserve before the land can be annexed. Urbanization plans must show compliance with the minimum residential density standard of RPE 4.1.5, the requirement for mixed-use, pedestrian-friendly development of RPE 4.1.6, and compliance with the land use distribution requirements of RPE 4.1.8 (b).

Urbanization plans will encompass cohesive “planning units” within the expansion area. In this context “planning unit” means an area that is bounded by streets, natural features, and/or existing property lines in such a way that it is logical to plan as a unit. The cohesive units are mapped at the end of this division.

## 2. LEGAL EFFECT

An urbanization plan is a “Special Area Plan” as defined in the General Land Use Plan Element, a “conversion plan” as termed in the Urban Growth Management Agreement, and a neighborhood “circulation plan” as used in Chapter 10 of the Municipal Code. As such, an urbanization plan specifies zoning and development patterns in greater detail than the General Land Use Plan (GLUP) and Transportation System Plan maps.

Adopted urbanization plans become appendixes to this division.

### 3. HISTORY

The City of Medford adopted its portion of the Greater Bear Creek Valley Regional Plan as the Regional Plan Element of the Comprehensive Plan in 2012. Through this adoption the City established an urban reserve, from which land will be selected for inclusion into the UGB. The Regional Plan Element established a set of “performance indicators” (standards) that must be met as land is brought into the UGB from the urban reserve. These performance indicators played a role in determining where the UGB would be expanded to meet the City’s land need at the time of UGB expansion. However, further detail is needed in order to ensure that these areas will meet all applicable performance indicators as they are developed. The urbanization plans adopted into this division of the Neighborhood Element demonstrate that all applicable performance indicators from the Regional Plan Element will be addressed as areas develop.

### 4. PROCEDURE

Prior to or concurrently with annexation, urbanization plans must be submitted for each cohesive planning unit added to the UGB from the urban reserve. An urbanization plan shall be submitted for, and include all of the properties in, the added portions only of the planning units within the expansion area. Contiguous units may plan in conjunction and submit their plans together for consideration.

- 4.1 A pre-application meeting is required. The purpose of the meeting is for staff of various departments and agencies to convey objectives and warn of obstacles or concerns before applicant has begun significant work on plans. The property owners within the planning unit shall be notified of the pre-application conference date, time, and location.
- 4.2 Submittal of an urbanization plan is a Major Comprehensive Plan amendment application.
  - 4.2.1 An urbanization plan is a special area plan that refines the existing GLUP map, therefore it is not subject to the General Land Use Plan map amendment criteria in the Review & Amendments chapter. The applicable criteria are the provisions of sections 5 and 6, below.
  - 4.2.2 Application must contain the written consent of at least 50 percent of the property owners, representing at least 50 percent of the total property area, ~~and at least 50 percent of the assessed land value for the unit.~~
  - 4.2.3 The urbanization plans will be adopted as appendixes to the Neighborhood Element of the Comprehensive Plan.
- 4.3 The plans will contain sufficient detail to demonstrate compliance with the applicable portions of the Regional Plan. The adopted plans will also be limited to maps, plan policies, and standards needed to demonstrate compliance with ap-

plicable portions of the Regional Plan Element. Changes to the General Land Use Plan map, as allowed by the Annexation Policies of the Urbanization Element, and changes to the Functional Classification Map in the Transportation System Plan will be considered under the same application when the urbanization plans are submitted.

4.4 Exemptions. Areas that have only industrial or open space designations are not required to develop urbanization plans. In the 2016 expansion those areas are MD-2a, MD-5h, ~~and MD-6b~~, and Prescott and Chrissy Parks.

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

## 5. PLAN CONTENTS

In order to adopt an urbanization plan, the City Council shall be satisfied that the submitted plan adequately demonstrates each of the following:

- 5.1 Compliance with the minimum gross density requirement by pre-zoning areas according to General Land Use Plan designation. For example, if an area contains only low-density urban residential (UR), the zoning districts must be allocated in such a way that if each area built out to the minimum allowed gross density of each district the requirement will be met. For the purposes of calculation, gross density comprises only the land for buildable lots and for public rights-of-way.
- 5.2 A transportation circulation plan map showing:
  - 5.2.1 Locations of higher-order streets.
  - 5.2.2 A highly connected pattern of local residential or private streets, alleyways, and paths. Obstacles to connections will be shown and explained. A high density of intersections is desirable both for efficient utilization of land in the urban reserve and to serve the transportation needs of all modes. Off-street paths count as components of the transportation system, trails (i.e., designed only for recreation) do not. Different types of streets shall be differentiated graphically.
  - 5.2.3 Locations of streets are intended to be accurate. If locations/connections have to be moved or eliminated during subsequent development, resulting connectivity must be demonstrably as good or better as determined by the approving authority for that development action.
- 5.3 Compliance with the open space allocation for an urban reserve area (see land use distribution table in RPE). The allocation shall be proportioned to the size of

the cohesive “planning unit” with respect to the whole area<sup>1</sup>. Units that contain only Industrial GLUP designations are exempt from this requirement. The following classifications count as open space for purposes of fulfilling the RPE requirements:

- 5.3.1 Parks, both public and private
  - 5.3.2 Agricultural buffers
  - 5.3.3 Riparian corridors
  - 5.3.4 Areas under an “open space” tax assessment
  - 5.3.5 Locally significant wetlands
  - 5.3.6 Slopes greater than 25 percent
- 5.4 Compliance with the requirements of Regional Plan Element, section 4.1.6, for mixed-use/pedestrian-friendly development. Planning units containing only one type of classification are exempt from this requirement.
- 5.5 General high-level coordination and comments with public utility providers, including water, sewer, transportation, and irrigation districts.
- 5.5.5.1 Coordination may include identifying any existing infrastructure on or adjacent to the site and whether it can be maintained or needs to be moved, and the ability or limitations to serve the site.
- 5.6 Location or extensions of riparian corridors, wetlands protections, historic buildings or resources, and habitat protections and the proposed status of these elements.
- 5.7 Compliance with applicable provisions of the Urban Growth Management Agreement.
- 5.8 Compliance with the terms of special agreements between the landowners and other public entities that were part of the basis for including an area in the urban growth boundary, as detailed in the Urban Growth Management Agreement.
- 5.85.9 Coordination with the Parks and Recreation Department for adherence to the Leisure Service Plan related to open space acquisition and proposed trail and path locations in the MD areas.
- 5.95.10 In the interest of maintaining clarity and flexibility for both the City of Medford and for landowners, **no urbanization plan may contain the following items**, which are only appropriate at the time of development:

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<sup>1</sup> For example, if the planning unit “MD-1a” is 40 percent of area “MD-1,” then it has to contain no less than 40 percent of the open space allocation for the “MD-1” area.

- 5.9.15.10.1 Deviations from Municipal Code provisions, including exceptions to Chapter 10.
- 5.9.25.10.2 Limitations on development due to facility capacity shortfalls.
- 5.9.35.10.3 Architectural details.
- 5.9.45.10.4 Specifics about building types and building placement.
- 5.9.55.10.5 Access and internal circulation on prospective lots or development sites.

## 6. ALLOWANCES

The Regional Plan Element allocates land use categories—residential, employment, open space—in specific proportions to each area of the urban reserve. Since those RPE allocations were independent of particular determinations of land needs, there has to be some leeway for the Council and landowners in reconciling current land needs with the prescribed allocations. The following deviations may be considered by the Council when adopting an urbanization plan:

- 6.1 Rearrangement of the GLUP designations within the unit.
- 6.2 Changes within a class of GLUP designations, but only from less intense to more intense. For example, a change from low-density residential to medium-density residential is permitted, but not the reverse.

## 7. AMENDMENTS

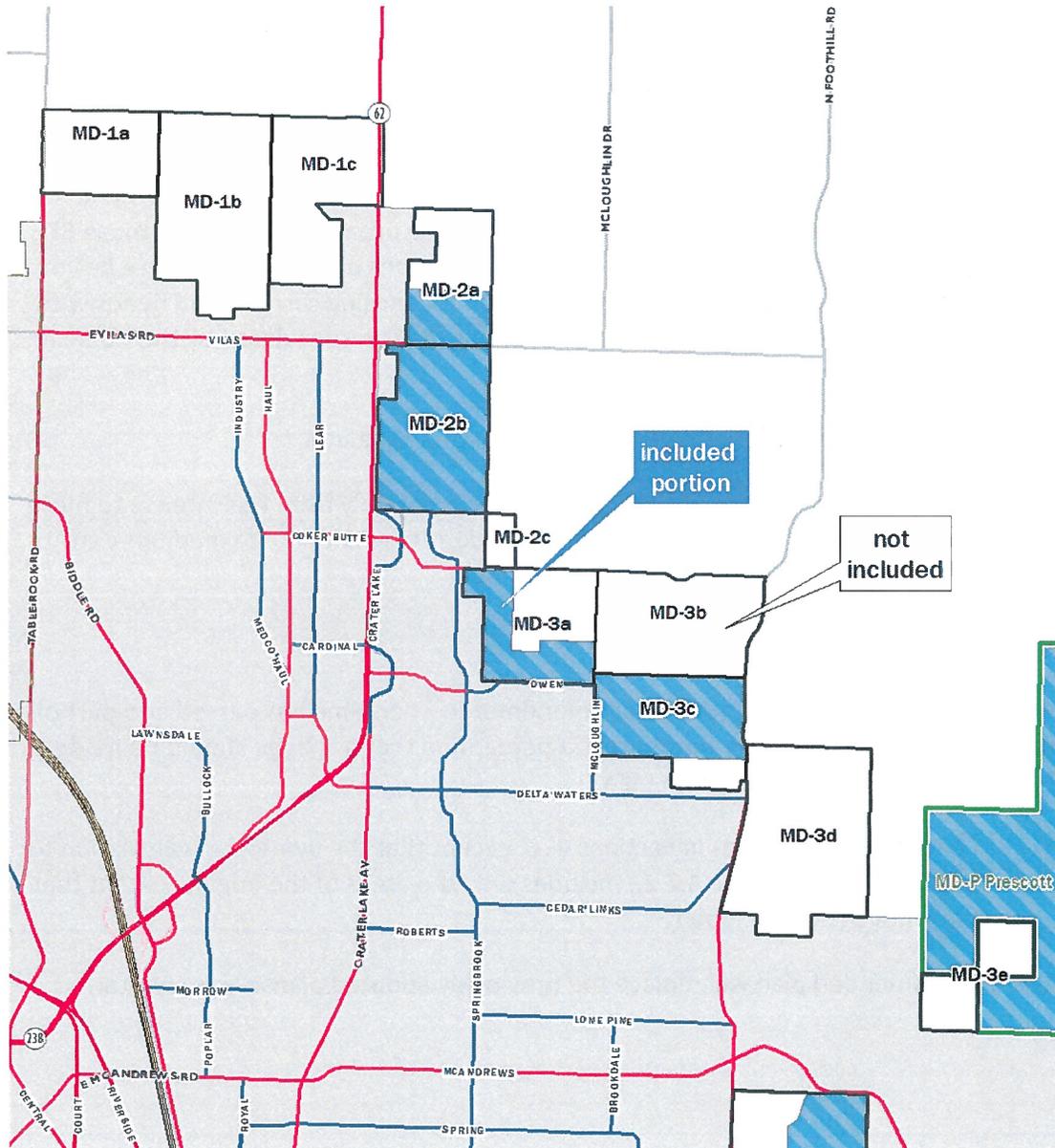
This section prescribes the process for amendments when time has passed and part of a planning unit has developed, but there is a perception that a change should be made to the remainder of the urbanization plan.

- 7.1 Follow the procedures in Sections 4–6, except that the ownership calculation for eligible applicants (see 4.2.2.) includes only the areas of the original extent that have not been developed.
- 7.2 The amended plan will replace the previously adopted plan in this chapter.

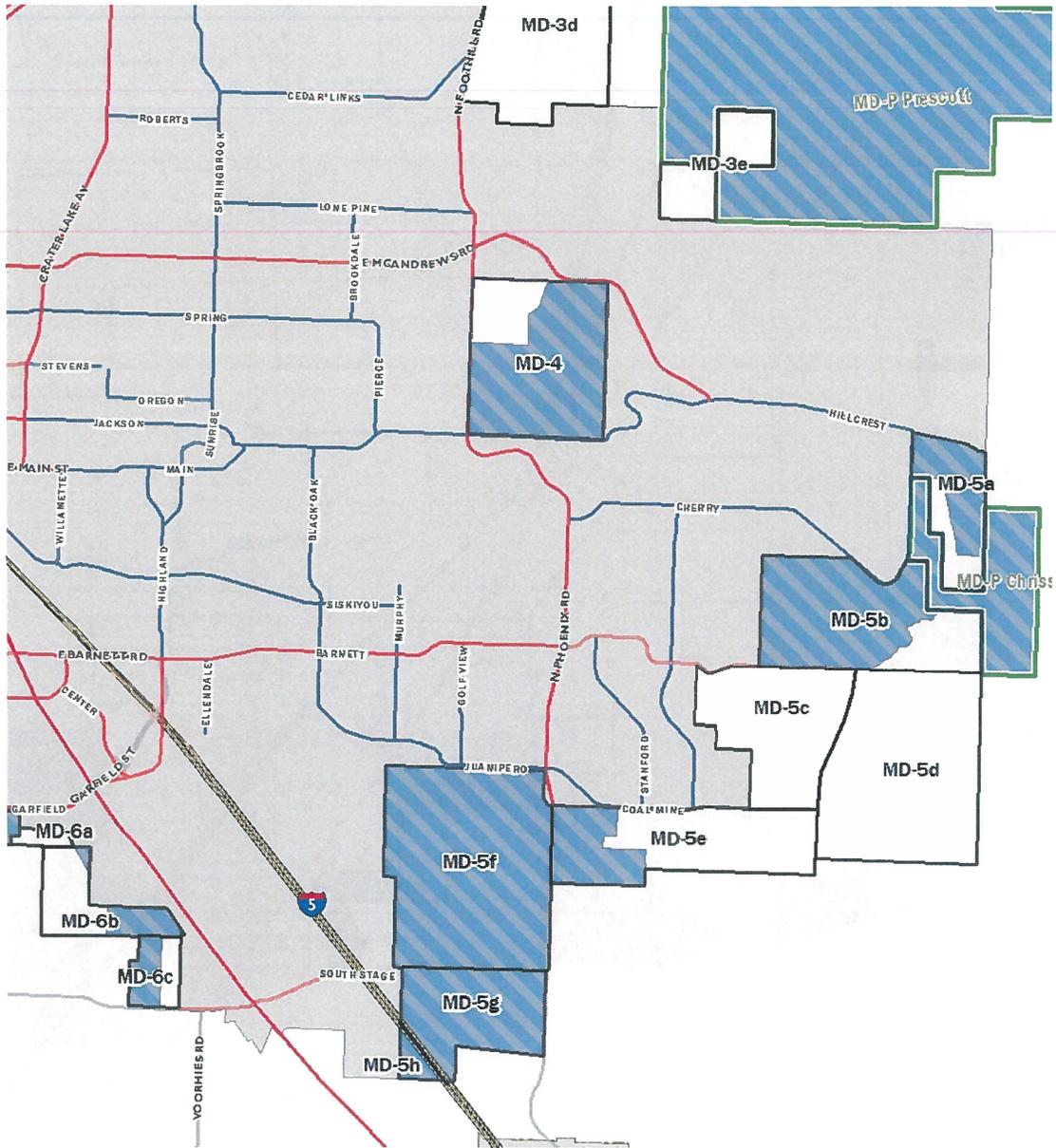
## 8. PLANNING UNIT MAPS

The following maps identify the cohesive planning units for the purposes of administering this chapter. The dark striped areas show the latest UGB expansion.

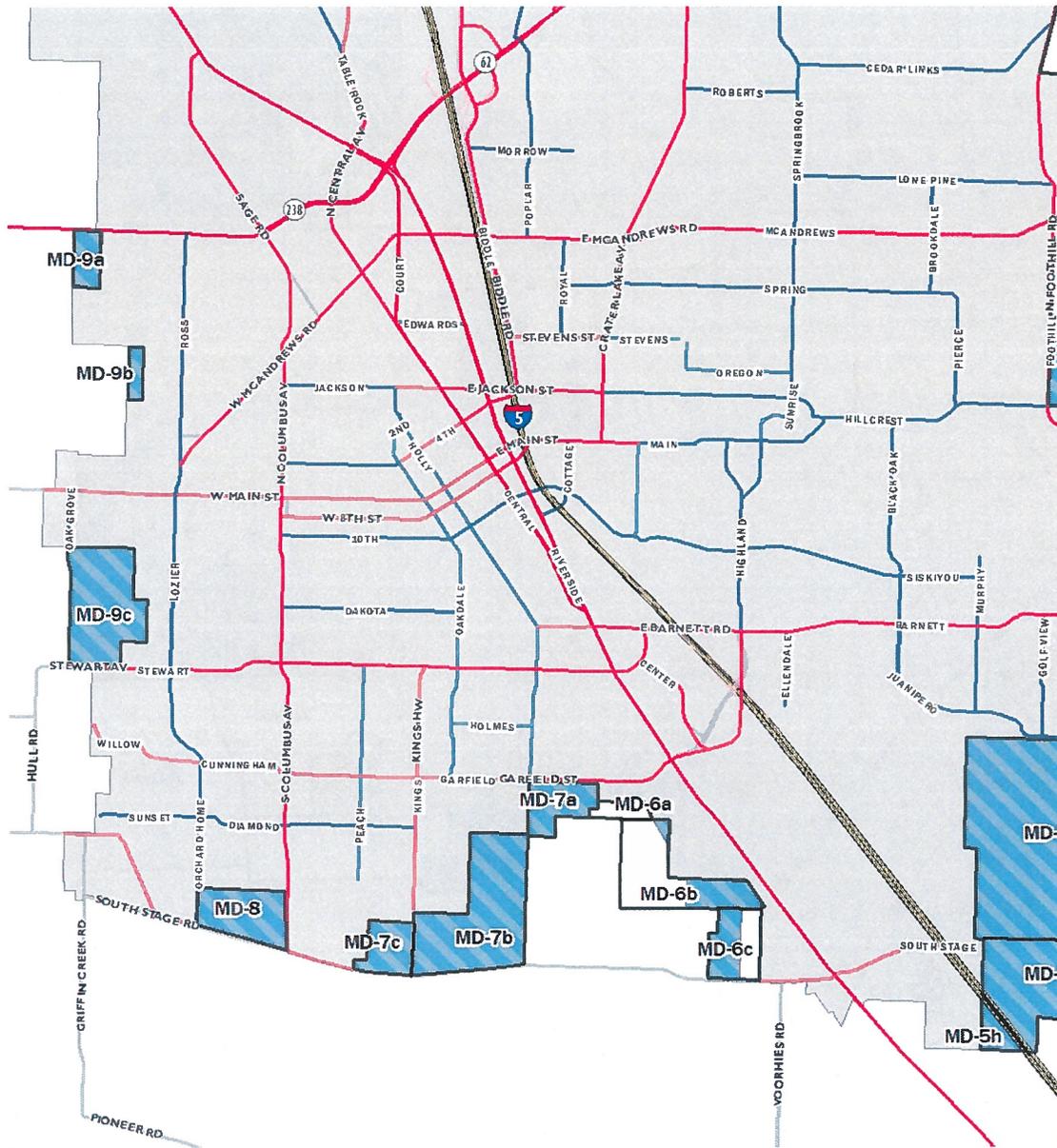
### 8.1 Areas MD-1 through MD-3 (north and northeast)



### 8.2 Areas MD-4 through MD-5 (southeast)



### 8.3 Areas MD-6 through MD-9 (south and southwest)



## 9. OPEN SPACE REQUIREMENTS BY PLANNING UNIT

The open space requirements for each of the designated MD areas is identified in the Regional Plan. The percentages have been applied to each of the planning units and the number of acres of open space required. These are baseline numbers and some planning units may exceed the number of acres based on special conditions agreed upon as part of the Urban Growth Boundary hearing process.

Planning Unit Number	Regional Plan Open Space Percentage	Required Open Space Acres Needed
MD-1 a	6%	7.44
MD-1 b		16.39
MD-1 c		11.90
MD-2 a	0%	0%
MD-2 b	11%	27.01
MD-3 a	16%	40.21
MD-3 b		33.85
MD-3 c		30.07
MD-3 d		48.23
MD-4	15%	41.13
MD-5 a		20.21
MD-5 b		52.53

MD-5 c	19%	39.88
MD-5 d		69.85
MD-5 e		44.71
MD-5 f		80.10
MD-5 g		29.64
MD-5 h	0%	0
MD-6 a		0
MD-6 b		0
MD-6 c		0
MD-7 a		0
MD-7 b	22%	31.31
MD-7 c	13%	3.92
MD-8	29%	16.03
MD-9 a	18%	3.50
MD-9 b		1.69
MD-9 c		18.50

**ARTICLE I - GENERAL PROVISIONS****10.012 Definitions, Specific.**

When used in this chapter, the following terms shall have the meanings as herein ascribed:

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**Urbanization Plan.** An adopted land use and circulation plan showing compliance with the Regional Plan Element for each of the established planning units identified in the Comprehensive Plan. An urbanization plan is a “Special Area Plan” as defined in the General Land Use Plan Element, a “conversion plan” as termed in the Urban Growth Management Agreement, and a neighborhood “circulation plan” as used in this chapter of the Municipal Code. Urbanization plans are required prior to or in conjunction with annexation requests for all areas adopted as part of the 2016 Urban Growth Boundary expansion or future Urban Growth Boundary expansions.

## ARTICLE II - PROCEDURAL REQUIREMENTS

### 10.106 Procedural Types.

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#### (D) Type IV Legislative Procedures.

(1) Legislative decisions that involve the greatest degree of discretion as they establish by law the general policies and regulations for future land use decisions and have either widespread and significant impact beyond the immediate area or change the character of the land use, or affect large areas or many different ownerships.

(2) The Planning Commission shall review Type IV land use permit applications and forward a recommendation to City Council to approve, approve with modifications, approve with conditions, deny, or to adopt an alternative. City Council shall consider and address the recommendation, but shall not be bound by it. The City Council is the approving authority and, if it so determines that a Type IV land use permit application has satisfied the standards and criteria for approval, shall approve Type IV land use applications by ordinance.

(3) Public notice(s), public comment period(s) and public hearing(s) are required according to Section 10.124 of this Chapter

(4) Requested action may be initiated by City Council and Planning Commission (except annexations). ~~or for m~~ Minor amendments or Urbanization Plans may be initiated; by an applicant(s).

(5) Appeals of Type IV decisions are made to the Land Use Board of Appeals (LUBA) per Section 10.140(I).

[Added Sec. 12, Ord. No. 2018-64, Ord. No. 2018-64, June 21, 2018 (effective July 23, 2018.)]

### 10.108 Land Use Review Procedure Types.

Table 10.108-1 identifies the procedural type, applicable standards, and approving authority for each type of land use review as well as whether the 120-day rule in Section 10.104(D) is applicable. Each procedural type is subject to specific due process and administrative requirements of this chapter.

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Table 10.108-1. Land Use Review Procedures				
Land Use Review Type	Procedural Type	Applicable Standards	Approving Authority	Subject to 120 Day Rule (ORS 227.178)?
Minor Modification to a Site Plan & Architectural Review Approval	I	10.200(H)(2)	Planning Director	No
Major Modification to an Approved Conditional Use Permit	III	10.184(D)(1)	Planning Commission	Yes
Minor Modification to an Approved Conditional Use Permit	I	10.814(D)(2)	Planning Director	No
Nonconformities	I	10.032 – 10.036	Planning Director	No
Portable Storage Container	II	10.840(D)(6)	Planning Director	Yes
Park Development Review	III	10.185	Planning Commission	Yes
Pre-Application	I	10.156	Not Applicable	No
Preliminary PUD Plan	III	10.190 – 10.198	Planning Commission	Yes
Property Line Adjustment	I	10.158	Planning Director	No
PUD Plan Revision(s)	III	10.198	Planning Commission	Yes
PUD Plan Termination	III	10.198	Planning Commission	Yes
Riparian Corridors, Reduction or Deviation	I	10.927	Planning Director	No
Sign Permit	I	10.1000 – 10.1810	Planning Director	No
Site Plan and Architectural Review	III	10.200	SPAC	Yes
Tentative Plat, Partition	II	10.170	Planning Director	Yes
Tentative Plat, Subdivision	III	10.202	Planning Commission	Yes
Transportation Facility Development	IV	10.226	City Council	No
Urban Growth Boundary Amendment, Major	IV	Urbanization, 10.220	City Council	No
Urban Growth Boundary Amendment, Minor	IV	Urbanization, 10.222	City Council	No
<a href="#">Urbanization Plan</a>	<a href="#">IV</a>	<a href="#">10.200(B)(4)</a>	<a href="#">City Council</a>	<a href="#">No</a>
Vacation of Public Right-of-Way	IV	10.226	City Council	No
Zone Change, Major	IV	Review & Amendment, 10.220	City Council	No
Zone Change, Minor	III	10.204	Planning Commission	Yes

[Added Sec. 13, Ord. No. 2018-64, June 21, 2018 (effective July 23, 2018); Amd. Sec. 1, Ord. No. 2018-86, July 19, 2018.]

**10.110 Designation and Duties of Approving Authorities.**

\*\*\*

(C) City Council Authority. The City Council is hereby designated as the approving authority for all the following land use reviews:

Land Use Review

Annexation

Appeals (See Section 10.140)

Comprehensive Plan Amendment (Major or Minor)

General Land Use Plan Map Amendment (Major or Minor)

Land Development Code Amendment

Transportation Facility Development

Urban Growth Boundary Amendment (Major or Minor)

Urbanization Plan

Vacation of Public Right-of-Way

Zoning Map Amendment (Major)

**10.124 Due Process Element 2: Notification**

\*\*\*

(D) Publication. Unless otherwise indicated, public hearing notices for all proposed land use actions shall be published in a newspaper of general circulation prior to the scheduled public hearing date before the approving authority. The schedule of publication for each procedure type shall be as specified in Table 10.124-1.

Table 10.124-1: Notice of Public Hearing Schedule by Procedure Type			
Procedure Type	Newspaper Publication	On-Site Public Hearing Sign	Affected Property Owners Notice
Type I	None	None	None
Type II	None	None	
Type IV: Land Development Code Amendment,	Notice shall be published no later than 10 days prior to the public hearing date before the Planning Commission		Generally not applicable to a legislative action unless it

Table 10.124-1: Notice of Public Hearing Schedule by Procedure Type			
Procedure Type	Newspaper Publication	On-Site Public Hearing Sign	Affected Property Owners Notice
Major Comprehensive Plan Amendment, Major Zone Change, <a href="#">Urbanization Plan</a>	(the advisory body), AND No later than 10 days prior to the public hearing date before the City Council (the approving authority).	None	meets ORS 227.186 criteria ( <i>i.e.</i> , the change effectively rezones property). <a href="#">For Urbanization Plans, the public hearing date notice will be sent to all property owners within the project boundaries plus all property owners within 200 feet of the project boundaries.</a>

[Replaced Sec. 22, Ord. No. 2018-64, June 21, 2018 (effective July 23, 2018); Amd. Sec. 4, Ord. No. 2018-86, July 19, 2018.]

**10.156 Pre-application Conference.**

Prior to submitting a land use permit application, the applicant may apply for a preapplication conference with the Planning Department. [In the case of an Urbanization Plan, the applicant shall apply for a pre-application conference with the Planning Department prior to submitting a formal application.](#) Upon receipt of an application the pre-application conference shall be scheduled. At the conference there shall an exchange of information regarding procedural requirements, required land use applications, consistency with the Comprehensive Plan and this Chapter, scheduling and such other technical and design assistance as will aid the applicant in preparing a complete application. Upon conclusion of the conference the Planning Department shall provide the applicant with a written summary of the conference.

[Amd. Sec. 1, Ord. No. 5986, Oct. 1, 1987; Amd. Sec. 9, Ord. No. 7659, June 2, 1994; Amd. Sec. 4, Ord. No. 2015-90, Sept. 3, 2015; Replaced Sec. 43, Ord. No. 2018-64, June 21, 2018 (effective July 23, 2018).]

#### 10.214 Type IV Land Use Actions.

##### (A) Type IV Actions.

Type IV actions comprise the following land use reviews:

##### Type IV Land Use Application

Annexation, except as provided in Section 10.216

Land Development Code Amendment

Major Comprehensive Plan Amendment

Major General Land Use Plan Map Amendment

Major Urban Growth Boundary Amendment

Major Zoning Map Amendment

Minor Comprehensive Plan Amendment

Minor General Land Use Plan Map Amendment

Minor Urban Growth Boundary Amendment

Transportation Facility Development

##### Urbanization Plan

Vacation of Public Right-of-Way

(B) Major Type IV land use reviews including amendments to the Land Development Code are legislative actions and may only be initiated by the Planning Commission or City Council. An Urbanization Plan is a Major Comprehensive Plan Amendment that may be initiated by the property owners representing the subject area. See Review & Amendments chapter of the Comprehensive Plan for definitions of “major” and “minor.”

(C) Minor Type IV land use reviews including Annexations, Transportation Facility Developments and Vacations are quasi-judicial actions and may be initiated by the Planning Commission, City Council, or property owners representing the subject area. An exception to the preceding rule is that the Planning Commission does not initiate annexations.

(D) Type IV Approving Authorities. For Type IV actions the City Council is the approving authority and the Planning Commission acts as an advisory body to City Council. At a public hearing the Planning Commission will consider the request and make a recommendation to City Council to approve or deny the request. For annexations, the City Council makes a decision without a recommendation from the Planning Commission. Following completion of a recommendation by the Planning Commission, it shall be scheduled for a public hearing before the City Council. The decision of the City Council shall be based upon the application, the evidence, comments from referral agencies, comments from affected property owners (if any), the Planning Commission’s recommendation (if applicable), compliance with the Statewide Planning Goals and Guidelines, this code and the Comprehensive Plan.

[Add Sec. 86, Ord. No. 2018-64, June 21, 2018 (effective July 23, 2018).]

#### 10.220 Major Type IV Amendments.

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

- (1) Major Comprehensive Plan, including separate plans adopted by reference;
- (2) Major General Land Use Plan Map;
- (3) Major Urban Growth Boundary;
- (4) Major Zoning Map Amendment;
- (5) Urban Reserves;
- (6) Urban Growth Management Agreement; ~~or~~
- (7) Urban Reserve Management Agreement; or
- (8) Urbanization Plan.

(B) Major Type IV Amendment Approval Criteria.

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

- (1) Major Zoning Map Amendment. Refer to the approval criteria for Land Development Code Amendments in Section 10.218.
- (2) Urban Growth Boundary Amendment. Refer to Urbanization Element of the Comprehensive Plan.
- (3) Urban Reserve Adoption/Amendment. Refer to ORS 195.137–145 and OAR 660-021.
- (4) Urbanization Plan. Refer to Sections 5 and 6 in the Urbanization Planning Chapter in the Neighborhood Element

(C) Urbanization Plan Application Form.

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

- (1) Written consent of owner(s) within the planning unit per the Urbanization Planning requirements in the Comprehensive Plan.
- (2) Urbanization Plan map drawn to scale (20 copies).
- (3) One reduced copy of each size plan (8.5" x 11" and 11"x 17").
- (4) Electronic files in dwg format or shapefiles.
- (5) Vicinity map including other adjacent planning units and their General Land Use Plan designations.
- (6) Property lines for the subject planning unit and adjacent properties, particularly where new streets are proposed.
- (7) Existing easements of record, irrigation canals, and structures.
- (8) Areas designated as unbuildable per the Urban Growth Boundary hearing process and the status of those areas including agricultural buffers.
- (9) Written or graphical representation of compliance with the Plan Contents found in Section 5 in the Urbanization Planning Chapter in the Neighborhood Element.
- (10) Written findings showing compliance with the Regional Plan requirements
- (11) Contour lines and topography
- (12) Property owner's names, addresses, and map and tax lot numbers within 200 feet of the project boundaries, typed on mailing labels.

[Amd. Sec. 29, Ord. No. 7659, June 2, 1994; Amd. Sec. 11, Ord. No. 2007-100, May 17, 2007; Replaced Sec. 89, Ord. No. 2018-64, June 21, 2018 (effective July 23, 2018).]

# REVIEW AND AMENDMENTS

Amended July 1, 2010, Ordinance No. 2010-159; Amended June 21, 2018, Ordinance No. 2018-77

## INTRODUCTION

Planning is a process; it is naïve to assume that a single document can answer all the questions or resolve all the problems for all times. Conditions change, resources are shifted, and community goals are revised.

For these reasons it is essential that means exist to keep the Plan dynamic. Oregon's statewide planning program addresses this need in two ways. First, a *post-acknowledgement plan amendment* review process exists to assure that local amendments to a state-acknowledged Plan or its implementing codes and ordinances are consistent with the statewide planning goals and with the plans of other affected agencies. The second statewide approach to assuring the maintenance of local comprehensive plans is by means of a more thorough *periodic review* program which will occur cyclically beginning at least five years after Plan acknowledgment. The *periodic review* program emphasizes internal plan consistency as well as overall compliance with new and revised state rules and statutes.

In addition to these state-administered programs, a well-defined local process to review and revise the *Comprehensive Plan* is essential. The local Plan amendment process should reflect a balance between the desire for maintaining a dynamic and locally responsive plan and the need to provide a reasonable degree of certainty and stability in the rules and processes governing land use. Such a plan amendment process is presented below.

## TYPES OF AMENDMENTS

Because of the diverse structural nature of the *Comprehensive Plan*, it is necessary to categorize plan amendments in several different ways (bearing in mind that all plan amendments are land use actions as defined by state statutes). This Plan contains a variety of components: Data; Conclusions; Goals and Policies; Implementation Strategies; a General Land Use Plan Map; a City-County adopted Urban Growth Boundary and Urbanization Policies; and several other components. Specific procedural requirements for all land use actions are codified in Article II of the *Land Development Code*. Two different procedural classifications will apply to *Comprehensive Plan* amendments as follows:

Procedural Classifications for *Comprehensive Plan* Amendments

Type IV

Conclusions	Urban Reserve
Goals and Policies	Urban Growth Management Agreement
Implementation Strategies	Urban Reserve Management Agreement
General Land Use Plan Map (minor)	Review and Amendment Procedures
General Land Use Plan Map (major)	Citizen Involvement Program
Urban Growth Boundary (minor)	<u>Urbanization Plan</u>
Urban Growth Boundary (major)	

The distinction between major and minor plan amendments is based on the following definitions which were derived from the Guidelines associated with Statewide Goal 2:

Major Amendments are those land use changes that have widespread and significant impact beyond the immediate area, such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or many different ownerships.

Minor Amendments are those land use changes that do not have significant effect beyond the immediate area of the change and 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.

Disputes. When there is a question or dispute over the type of amendment, the director of the Planning Department shall issue a written decision.

## CRITERIA FOR PLAN AMENDMENTS

Because of the important functional differences among the various Plan components, no common set of criteria can be used to assess all proposed Plan amendments. Below are listed the criteria which must be considered when evaluating proposed amendments to each of the specified Plan components. While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not.

Conclusions. Amendments 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.

Goals and Policies. Amendments shall be based on the following:

1. A significant change in one or more Conclusion.
2. Information reflecting new or previously undisclosed public needs.
3. A significant change in community attitude or priorities.
4. Demonstrable inconsistency with another Plan provision.
5. Statutory changes affecting the Plan.
6. All applicable Statewide Planning Goals.

Implementation Strategies. Amendments shall be based on the following:

1. A significant change in one or more Goal or Policy.
2. Availability of new and better strategies such as may result from technological or economic changes.
3. Demonstrable ineffectiveness of present strategy(s).
4. Statutory changes affecting the Plan.
5. Demonstrable budgetary constraints in association with at least one of the above criteria.
6. All applicable Statewide Planning Goals.

Street Re-classifications, including the re-classification of a lower order street to either a collector or arterial street, or when re-classifying a collector street to an arterial street, and when the re-classification is not a part of a major (Type IV) legislative amendment. Amendments shall be based on the following:

1. A demonstrated change in need for capacity which is consistent with other plan provisions.
2. Consideration of alternatives to the proposed revision which includes alternative vehicle routes and alternative travel modes that would better preserve the livability of affected residential neighborhoods.
3. A significant change in one or more Goal or Policy.
4. Statutory changes affecting the Plan.
5. Demonstrable budgetary constraints in carrying out the existing plan.

6. All applicable Statewide Planning Goals.

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.

Urban Growth Boundary. *See Urbanization Element.*

Urban Reserve. *See Urbanization Element.*

Urban Growth Management Agreement. *See Urbanization Element.*

Urban Reserve Management Agreement. *See Urbanization Element.*

Citizen Involvement Program. Amendments shall be based on recommendations from the Committee for Citizen Involvement (CCI) and on Statewide Goal 1 and any other applicable Statewide Goals.

Review and Amendment Procedure. Amendments shall be based on Statewide Goal 2 and any other applicable Statewide Goals.

Urbanization Plan. [See Urbanization Planning Chapter in the Neighborhood Element \(Sections 5 and 6\)](#)

## **REVISIONS OF DATA, INVENTORIES AND GRAPHICS**

Revisions of those portions of the Plan document which do not affect a Plan Conclusion, Goal, Policy, Implementation Strategy, General Land Use Plan Map designation, Urban Growth Boundary, Citizen Involvement Program or Review and Amendment Procedures may be made when needed by order of the Planning Director. Such revision shall be transmitted to the Planning Commission, City Council, and all other recorded holders of the *Comprehensive Plan*.

## ENVIRONMENTAL ELEMENT

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### 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 (DLCDC) 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.

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<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

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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, 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.

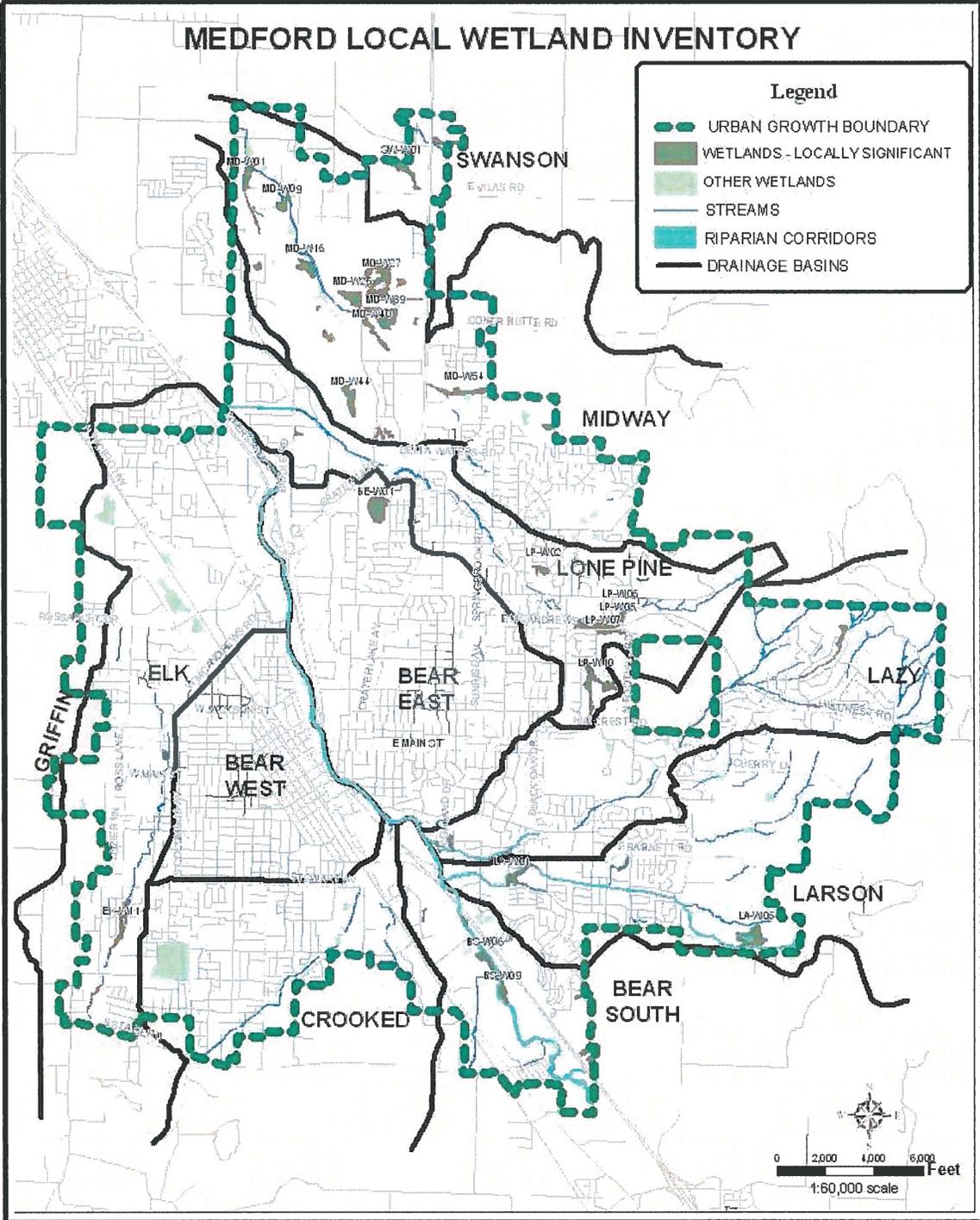
Some threatened or endangered plant species are known to occur in conjunction with vernal pools in Jackson County, including Cooks (Agate Desert) lomatium and large-flowered wooly meadowfoam. Both are listed as Endangered Species by the state of Oregon and Candidate Species under the federal *Endangered 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~~ city limits.<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-a~~ 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.

## **ENVIRONMENTAL ELEMENT**

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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 ~~W~~wetland ~~P~~rotection ~~ordinances~~ 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 permit or plan authorization 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 ~~W~~wetland ~~P~~rotection ~~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 find a balance between our responsibility to the natural environment and development rights.



**ENVIRONMENTAL ELEMENT**

<b>MD-1</b>				
	<u>OFWAM</u>	<u>Unique</u>	<u>Size</u>	<u>DSL File Number</u>
	<u>Grouping*</u>	<u>Identifier</u>	<u>(acres)</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

**ENVIRONMENTAL ELEMENT**

**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>

**MD-3**

	<u>OFWAM Grouping</u>	<u>Unique Identifier</u>	<u>Size (acres)</u>
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>



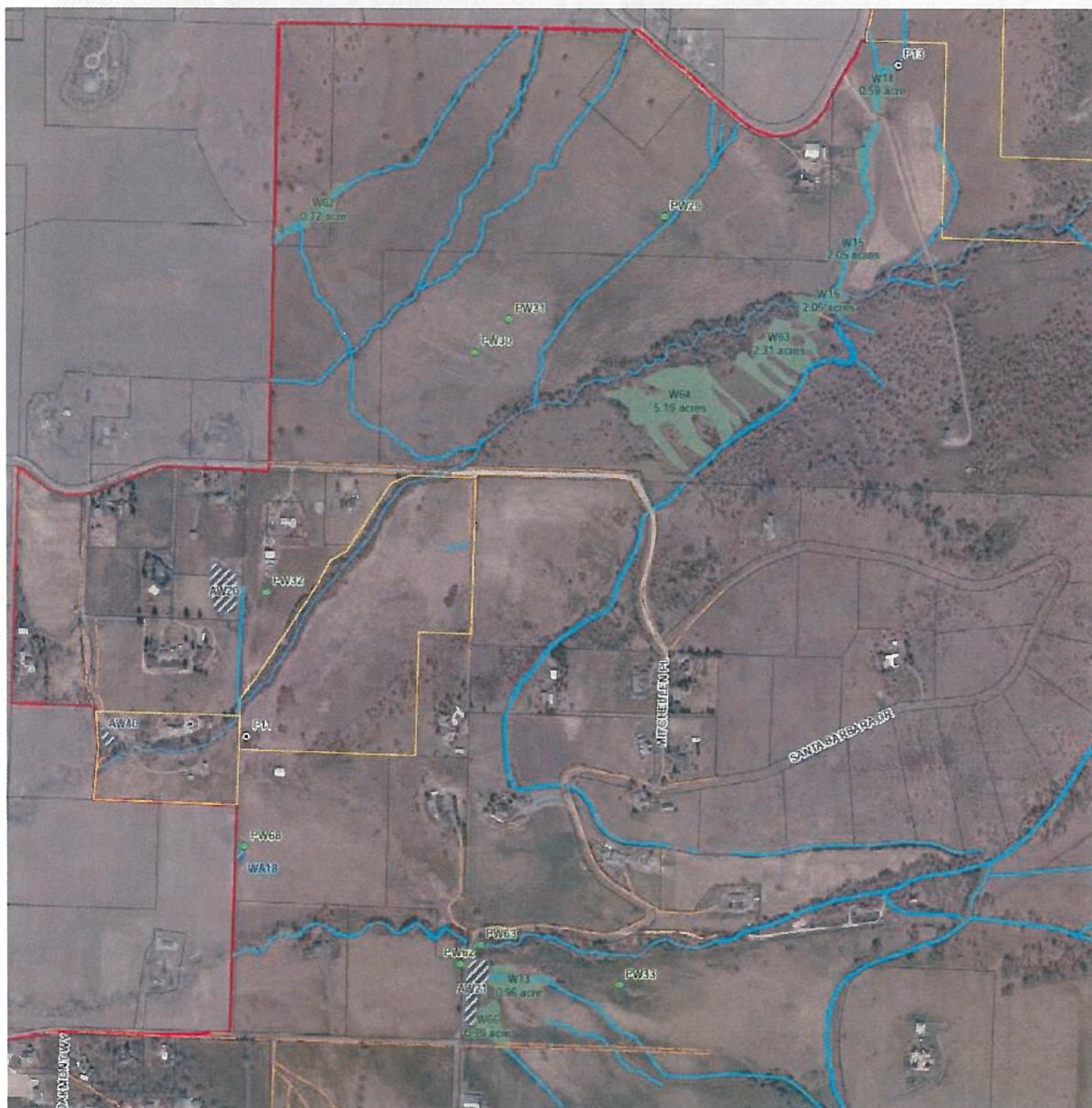
Figure 19 - MD-3

## ENVIRONMENTAL ELEMENT

### MD-5

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

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



ENVIRONMENTAL ELEMENT

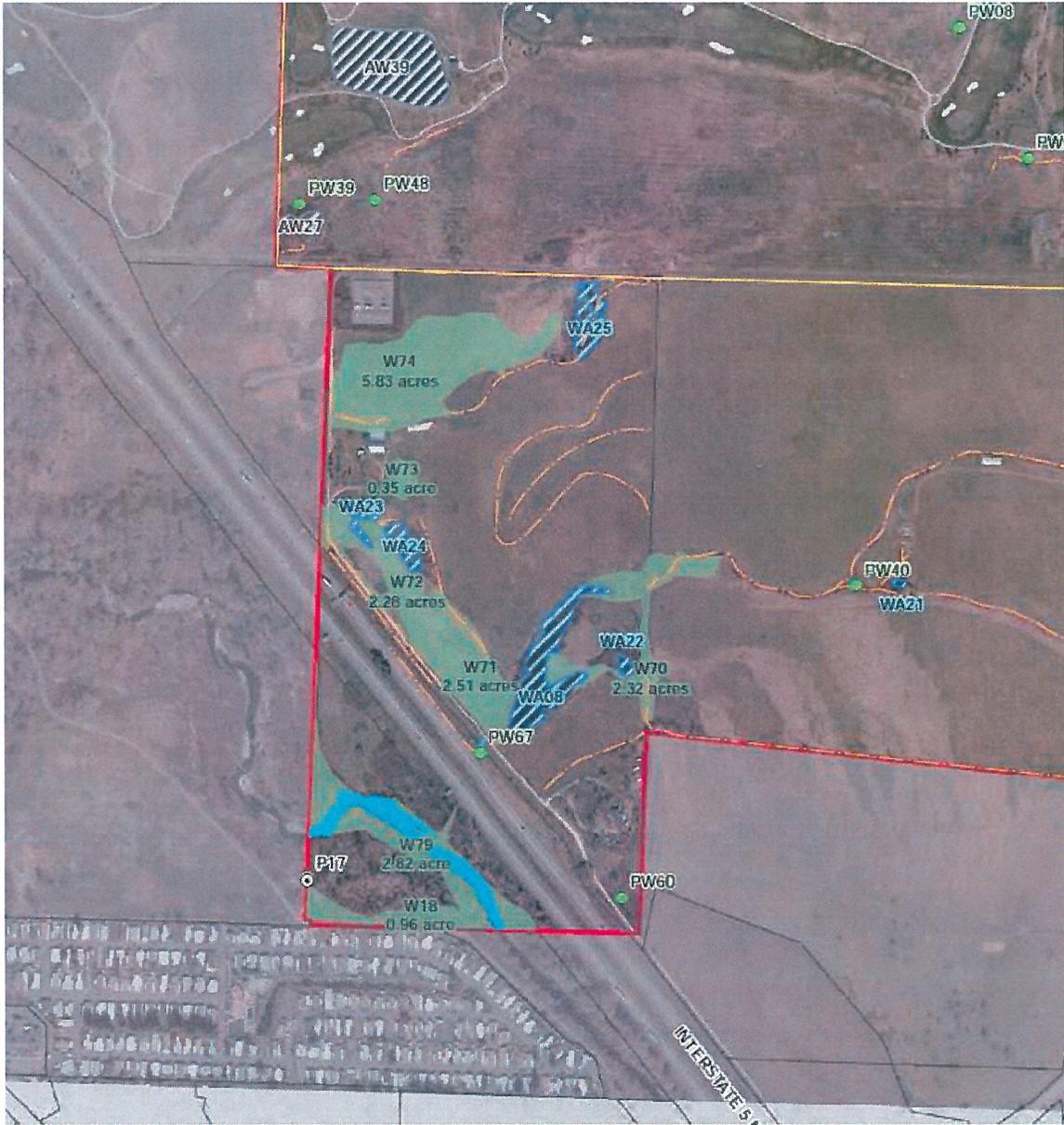


Figure 20 – MD-5

	<u>MD-6</u>		
	<u>OFWAM</u>	<u>Unique</u>	<u>Size</u>
	<u>Grouping</u>	<u>Identifier</u>	<u>(acres)</u>
1.	<u>BCS-7</u>	<u>W19-A</u>	<u>6.75</u>
2.	<u>BCS-7</u>	<u>W19-B</u>	<u>0.49</u>



**ENVIRONMENTAL ELEMENT**

**WETLAND REGULATIONS**

The Urban Reserve was established by adoption of the Regional Plan in 2012. The City plans to expand into portions of these areas as part of an Urban Growth Boundary amendment process. Existing agreements with the County and other elements of the City’s Comprehensive Plan identify how development will occur in these locations.

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 developed in the County and annexed to the City.

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 2015 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>Recommended Buffer/Setback Area</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>25 feet</u>	<u>Allow but limit impacts</u>
<u>2</u>	<u>MD-5</u>	<u>W18</u> <u>W79</u>	<u>High</u>	<u>50 feet</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>50 feet</u>	<u>Allow but limit impacts</u>
<u>4</u>	<u>MD-5</u>	<u>W13</u> <u>W66</u>	<u>Moderate</u>	<u>25 feet</u>	<u>Allow but limit impacts</u>
<u>5</u>	<u>MD-5</u>	<u>W14</u> <u>W15</u> <u>W63 (not significant)</u>	<u>Moderate</u>	<u>25 feet</u>	<u>Allow but limit 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>Moderate</u>	<u>25 feet</u>	<u>Allow but limit impacts</u>

**ENVIRONMENTAL ELEMENT**

		<u>W56</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>25 feet</u>	<u>Allow but limit 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>50 feet</u>	<u>Allow but limit impacts; Extend riparian corridor</u>
<u>9</u>	<u>MD-1</u>	<u>W82</u>	<u>High- Wetland of Special Interest</u>	<u>50 feet</u>	<u>Protect</u>
<u>10</u>	<u>MD-1</u>	<u>W25</u>	<u>Moderate – Wetland of Special Interest</u>	<u>50 feet</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>50 feet</u>	<u>Allow but limit impacts, Extend riparian corridor</u>
<u>12</u>	<u>MD-1</u>	<u>W07</u> <u>W38</u>	<u>Moderate</u>	<u>25 feet</u>	<u>Allow but limit 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>Moderate; W04-Mosaic (Wetland of Special Interest)</u>	<u>25 feet (W04A, W04-B, W36)</u> <u>50 feet (W04-Mosaic)</u>	<u>Allow but limit impacts; Minimize impacts to the wetland mosaic</u>

The adoption of the 2015 Local Wetland Inventory (LWI) and associated regulations to protect the wetlands (significant or not) are an important step in meeting State requirements as a new Urban Growth Boundary is established.

The 2015 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.*

**NATURAL RESOURCES  
WATER QUALITY, WETLANDS, AND WILDLIFE HABITAT  
CONCLUSIONS**

1. While the groundwater beneath the valley floor is not the domestic water source for the Medford planning area, it is a regionally important natural resource primarily due to its use as a domestic water source for individual wells.
2. Bear Creek and its tributaries are critically important natural resources, yet suffer from poor water quality due to forest and agricultural practices and urban point and non-point discharges.
3. The poor water quality of Bear Creek and its tributaries is partially attributable to non-point pollution from diffuse sources, such as stormwater, agricultural runoff, and septic system seepage. Non-point pollution sources can significantly damage water quality, yet are more difficult to pinpoint and treat than conventional point sources of water pollution.
4. Natural resource cleanup programs involving local schools, clubs, and civic organizations, such as those sponsored by the Bear Creek Watershed Council, are excellent means to engage the public in environmental education. The presence of waterways such as Bear Creek and Larson Creek, and various wetlands in Medford provides a platform for such programs.
5. The City of Medford recognizes wetlands as valuable urban resources that can provide water quality maintenance, stormwater detention, wildlife habitat, and open space. Medford's 2002 *Medford Local Wetlands Inventory and Locally Significant Wetland Determinations* by Wetland Consulting identified and assessed most of the wetlands, in the Urban Growth Boundary. The 2002 *Medford Riparian Inventory and Assessment Bear Creek Tributaries* by Wetland Consulting inventoried and assessed the waterways that are tributary to Bear Creek. [The City of Medford hired SWCA Environmental to conduct a Local Wetland Inventory for the Urban Reserve in 2015. Locally significant wetlands were identified in five of the MD areas.](#)
6. Occasionally, the protection of a locally significant wetland (one that has been determined to have significant value according to state criteria) must be balanced against other important community goals. An exceptional "conflicting use" may be more important to the long-term needs of the citizens than preservation of the wetland area.
7. The Medford UGB has been evaluated for potential wetland mitigation sites. Wetland mitigation involves the restoration, enhancement, or creation of wetlands to compensate for permitted wetland losses elsewhere. Restoration and enhancement of existing wetlands is the wetland mitigation most likely to be successful in Medford due to its ecologic and climatic characteristics.
8. Although Bear Creek and the Bear Creek Greenway contain Medford's most valuable fish and wildlife habitat, fish and wildlife habitat exists elsewhere within the Urban Growth Boundary. As of June 8, 2005, portions of the following streams have been identified by ODFW as fish bearing streams, and should be protected per Statewide Planning Goal 5

**DEFINITIONS.****10.012 Definitions, Specific.**

**Jurisdictional delineation** – A delineation of the wetland boundary, approved by the Oregon Department of State Lands, and the U.S. Army Corps of Engineers if required, ~~of the wetland boundary.~~ A delineation is a precise map and documentation of actual wetland boundaries on a parcel, whereas a determination may only be a rough map or a presence/absence finding.

**Local Wetland Inventory (LWI)** – Maps and report and any subsequent revisions approved by the Oregon Department of State Lands and adopted by the City and when applicable adopted by the County. The LWI is a comprehensive survey of all wetlands over one-half acre in size within the urbanizing area or study area. LWI Reports include: ~~entitled~~ *Local Wetlands Inventory and Oregon Freshwater Assessment Method Analysis, City of Medford, October 1995, Medford Local Wetland Inventory and Locally Significant Wetland Determination, 2002, and City of Medford Urban Reserve Local Wetlands Inventory Report Jackson County, Oregon, 2015. and any subsequent revisions.*

**Locally significant wetland** – ~~Wetland sites that provide functions or exhibit characteristics that are pertinent to community planning decisions made at the local level. Locally significant wetlands are as determined by OAR 141-86-350. The Medford Comprehensive Plan specifies the optional wetlands, if any, determined to be locally significant. A wetland that is determined to be significant under the criteria of OAR 141-86-0300 et seq. These criteria include those wetlands that score a high rating for fish or wildlife habitat, hydrologic control, or water quality improvement functions. The Medford Comprehensive Plan specifies the wetlands determined to be locally significant.~~

**Oregon Freshwater Wetland Assessment Methodology (OFWAM)** – A wetland function and quality assessment methodology developed by the Oregon Department of State Lands.

**Wetland** - An area inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and which, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

**Wetland buffer area** – An area surrounding or adjacent to a locally significant wetland that serves to reduce the adverse effects of adjacent land uses on water quality and habitat functions of the wetland. Sometimes called a setback.

**RIPARIAN CORRIDORS AND WETLANDS (10.920 – 10.928)****10.920 Riparian Corridors and Wetlands, Purposes.**

The purposes of establishing riparian corridors and protecting wetlands are:

- (1) To implement the goals and policies of the “Environmental Element” and the “Greenway” General Land Use Plan (GLUP) designation of the *Medford Comprehensive Plan* and achieve their purposes.
- (2) To protect and restore Medford’s wetlands and waterways and associated riparian areas, thereby protecting and restoring the hydrologic, ecologic, and land conservation functions these

areas provide for the community.

(3) To protect fish and wildlife habitat, enhance water quality, control erosion and sedimentation, preserve native vegetation, and reduce the effects of flooding.

(4) To protect and restore the natural beauty and distinctive character of Medford's wetlands and waterways as community assets.

(5) To provide a means for coordinating the implementation of the Bear Creek Greenway and other greenways or creek restoration projects within the City of Medford.

(6) To enhance the value of properties near waterways and wetlands by utilizing the wetlands and the riparian corridor as a visual amenity.

(7) To enhance coordination among local, state, and federal agencies regarding development activities near wetlands and waterways.

(8) To find a balance between our responsibility to the natural environment and development rights.

[Added, Sec. 1, Ord. No. 1999-215, June 1, 2000.]

#### 10.921 Riparian Corridors and Wetlands, Definitions.

The following definitions shall apply to Sections 10.920 through 10.928, "Riparian Corridors and Wetlands":

***Fish-bearing stream*** - A stream inhabited at any time of the year by anadromous or game fish species, or fish that are listed as threatened or endangered species under the federal or state Endangered Species Act.

***Jurisdictional delineation*** – A delineation of the wetland boundary, approved by the Oregon Department of State Lands, and the U.S. Army Corps of Engineers if required, ~~of the wetland boundary.~~ A delineation is a precise map and documentation of actual wetland boundaries on a parcel, whereas a determination may only be a rough map or a presence/absence finding.

***Locally significant wetland*** – ~~Wetland sites that provide functions or exhibit characteristics that are pertinent to community planning decisions made at the local level. Locally significant wetlands are as determined by OAR 141-86-350. The Medford Comprehensive Plan specifies the optional wetlands, if any, determined to be locally significant. A wetland that is determined to be significant under the criteria of OAR 141-86-0300 et seq. These criteria include those wetlands that score a high rating for fish or wildlife habitat, hydrologic control, or water quality improvement functions. The Medford Comprehensive Plan specifies the wetlands determined to be locally significant.~~

***Local Wetland Inventory (LWI)*** – ~~Maps and report and any subsequent revisions approved by the Oregon Department of State Lands and adopted by the City and when applicable adopted by the County. The LWI is a comprehensive survey of all wetlands over one-half acre in size within the urbanizing area or study area. LWI Reports include: entitled Local Wetlands Inventory and Oregon Freshwater Assessment Method Analysis, City of Medford, October 1995, Medford Local Wetland Inventory and Locally Significant Wetland Determination, 2002, and City of Medford Urban Reserve Local Wetlands Inventory Report Jackson County, Oregon, 2015. and any subsequent revisions.~~

*Oregon Freshwater Wetland Assessment Methodology (OFWAM) – A wetland function and quality assessment methodology developed by the Oregon Department of State Lands.*

**Riparian area** - The area adjacent to a stream consisting of the area of transition from the aquatic ecosystem to a terrestrial ecosystem.

**Riparian vegetation** - Native ground cover, shrubs, trees, and other vegetation predominately influenced by their association with water.

**Top-of-bank** - The two-year recurrence interval flood elevation.

*Wetland – An area inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and which, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.*

*Wetland buffer area – An area surrounding or adjacent to a locally significant wetland that serves to reduce the adverse effects of adjacent land uses on water quality and habitat functions of the wetland. Sometimes called a setback.*

[Added, Sec. 1, Ord. No. 1999-215, June 1, 2000; Amd. Sec. 1, Ord. No. 2011-124, Oct. 6, 2011.]

#### 10.922 **Riparian Corridors and Wetlands, Applicability.**

A. The provisions of Sections 10.920 through 10.928, “Riparian Corridors and Wetlands,” shall be applied to:

(1) Those waterways, or portions thereof, identified by the *Medford Comprehensive Plan* as being fish-bearing streams, and any other waterways, or portions thereof, specified in the *Medford Comprehensive Plan* as having riparian areas or wetlands determined to be significant.

(a) Those portions of streams designated fish-bearing in the *Comprehensive Plan* include: Bear, Elk, Swanson, Lone Pine, Lazy, Larson, Gore, and Crooked Creeks. Specifically:

- i. Bear Creek: all of Bear Creek in the city limits of Medford and within the southwest portion of MD-5 in the Urban Reserve.
- ii. Elk Creek: from Beall Lane south 0.05 miles.
- iii. Swanson Creek: from Crater Lake Highway west to the northern and eastern boundaries of the Urban Reserve (MD-1 and MD-2). 0.38 miles.
- iv. Lone Pine Creek: from Bear Creek east 1.8 miles to Temple Drive.
- v. Lazy Creek: from Bear Creek east 1.68 miles.
- vi. Larson Creek: from Bear Creek east 3.9 miles to North Phoenix Road, and the north, middle, and south forks of Larson Creek from North Phoenix Road east through the Urban Growth Boundary and Urban Reserve boundaries. 1.2 miles.
- vii. Gore Creek: from Bear Creek southwest 0.82 miles.
- viii. Crooked Creek: from Bear Creek southwest 2.08 miles.

(b) Those portions of streams that contain significant wetlands including:

- i. Gore Creek: located in MD-5 (Wetlands W14, W15, and W63)

(2) The provisions shall apply regardless of whether or not a building permit, development permit, or plan authorization is required, and do not provide any exemption from state or federal

regulations.

(3) Where riparian corridors are located within the Southeast (S-E) overlay zoning district, the provisions of Sections 10.920 through 10.928, “Riparian Corridors and Wetlands,” shall take precedence.

(4) When a locally significant wetland is located within or adjacent to a riparian corridor, the riparian corridor setback will be applied, and shall be measured from the boundary of the wetland.

(5) The locally significant wetlands identified in the adopted 2015 LWI.

B. Applications for plan authorizations (except Annexations), development permits, or building permits, and plans for proposed public facilities on parcels containing a riparian corridor, or a portion thereof, shall contain a to-scale drawing that clearly delineates the top-of-bank and riparian corridor boundary on the entire parcel or parcels. For applications containing a wetland, the following shall be included with the submittal materials:

(1) A delineation of the wetland boundary completed by a professional wetland scientist, or similar expert, qualified to delineate wetlands in accordance with Oregon Department of State Lands rules. If the proposed project is designed to avoid wetlands, a wetland determination report may be provided in place of the delineation.

(2) A scaled drawing clearly depicting the wetland boundary, any wetland buffer area (if applicable), the surface water source, existing trees and vegetation, property boundaries, and proposed site alterations including proposed excavation, fill, structures, and paved areas.

(3) Verification the application packet has been submitted to the Oregon Department of Fish and Wildlife for review and comment.

(4) No delineation is required under (B)(1) above if the proposed development is located 25 feet or more from a wetland identified and depicted on the LWI map. Note: Compliance with state and federal regulations on wetlands, whether they are mapped or unmapped, remains the legal responsibility of the landowner.

(5) A habitat assessment has been conducted to ensure compliance with the Endangered Species Act.

C. When reviewing plan authorization or development permit applications for properties containing a riparian corridor, or portion thereof, or wetland the approving authority should consider the purpose statements in section 10.920, “Riparian Corridors and Wetlands, Purposes” in determining the extent of the impact on the riparian corridor or wetland(s). In addition, an applicant seeking a permit for development in a wetland shall meet the following criteria:

(1) Alternative designs have been considered to reduce the impacts to the wetland.

(2) The proposed project is consistent with the ESEE decision set forth in the Comprehensive Plan under the Environmental Element.

(3) Mitigation measures are proposed on site or off site in order to replace or replicate natural wetland functions, control erosion and sedimentation, reduce the effects of flooding, and minimize impacts to habitat and endangered species.

D. The Planning Commission shall be the approving authority for applications for exceptions to the provisions herein pertaining to Riparian Corridors and Wetlands. In addition to the provisions of Sections 10.251 through 10.254 “Exception Application,” such a request shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to O.A.R. 635-415 “Fish and Wildlife Habitat Mitigation Policy.”

E. In lieu of the provisions of this section, the significance of individual stream reaches may be

determined per the provisions in OAR 660-023-0090. Such a proposal shall be pursued through a Comprehensive Plan Amendment, consistent with Sections 10.181-10.184.

[Added, Sec. 1, Ord. No. 1999-215, June 1, 2000; Amd. Sec. 2, Ord. No. 2011-124, Oct. 6, 2011.]

#### 10.923 **Riparian Corridors and Wetlands, Location.**

A. The riparian corridor of 50 feet shall be measured horizontally from the top-of-bank, as defined herein, on both sides of those waterways meeting the following criteria:

- (1) Identified in Section 10.922A. “Riparian Corridors and Wetlands, Applicability,” and in the *Comprehensive Plan* as being fish-bearing; and
- (2) Having an average annual stream flow of less than 1,000 cubic feet per second (cfs); and
- (3) Waterways having riparian areas determined to be significant in the *Comprehensive Plan*.

~~B. The 50-foot riparian corridor may be reduced if a request to reduce the setback has been approved according to section 10.927, “Riparian Corridors, Reduction or Deviation.”~~

~~C.B.~~ Where the top-of-bank has been relocated as part of an approved waterway restoration project, at the request of affected property owners, the riparian corridor shall extend 50 feet from the original top-of-bank.

~~D.C.~~ In lieu of the provisions of Sections 10.924 through 10.928, the degree of protection for significant riparian corridor reaches may be determined per the provisions of OAR 660-023-0050. Such a proposal shall be pursued through a Comprehensive Plan Amendment, consistent with Sections 10.181-10.184.

D. Significant wetlands as identified in the 2015 LWI report and their respective buffer areas. Wetland buffers shall be provided around all or portions of the identified significant wetlands.

[Added, Sec. 1, Ord. No. 1999-215, June 1, 2000; Amd. Sec. 3, Ord. No. 2011-124, Oct. 6, 2011.]

#### 10.924 **Permitted Activities within Riparian Corridors, Wetlands, and Wetland Buffers.**

A. Any use, sign, or structure, and the maintenance thereof, lawfully existing on the date of adoption of the provisions herein, is permitted within a riparian corridor or wetland. Such use, sign, or structure may continue at a similar level and manner as existed on the date of adoption of the provisions herein. The maintenance and alteration of pre-existing ornamental landscaping is permitted within a riparian corridor or wetland as long as no additional riparian vegetation is disturbed. The provisions of this section shall not be affected by any change in ownership of properties containing a riparian corridor or wetland.

B. The following activities, and maintenance thereof, are permitted within a riparian corridor or wetland, subject to obtaining applicable permits, if any, from the Oregon Department of State Lands, and the U.S. Army Corps of Engineers, or other applicable state or federal agencies. All plans for development and/or improvements within a riparian corridor, wetland, or wetland buffer shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to O.A.R. 635-415 “Fish and Wildlife Habitat Mitigation Policy.”

- (1) Wetland restoration, ~~W~~waterway restoration and rehabilitation activities such as channel widening, realignment to add meanders, bank grading, terracing, reconstruction

of road crossings, or water flow improvements.

(2) Restoration and enhancement of native vegetation, including the addition of canopy trees; cutting of trees which pose a hazard due to threat of falling if the tree is left in the riparian area after felling; or removal of non-native vegetation if replaced with native plant species at the same amount of coverage or density so that native species dominate.

(3) Normal farm practices, other than structures, in existence at the date of adoption of the provisions herein, on land zoned for Exclusive Farm Use.

(4) Normal flood control channel maintenance practices within a waterway, other than structures, necessary to maintain flow.

(5) Replacement of a permanent legal nonconforming structure in existence at the date of adoption of the provisions herein with a structure in the same location, if it does not disturb additional riparian or wetland area, and in accordance with the provisions of Sections 10.032 through 10.037 "Non-Conformities."

(6) Expansion of a permanent legal nonconforming structure in existence at the date of adoption of the provisions herein, if the area of the expansion is not within the riparian corridor or wetland, and in accordance with the provisions of Sections 10.032 through 10.037 "Non-Conformities."

(7) Perimeter mowing and other cutting necessary for hazard prevention.

(8) Improvements to, and maintenance of, the Medford International Airport and its runway protection zone, to meet the Federal Aviation Administration's regulations, advisory circulars, and guidelines.

(9) Maintenance and repair of existing driveways, roads and streets, including repaving and repair of existing bridges, and culverts, provided such practices avoid sedimentation and other discharges into the wetland or waterway.

(10) Emergency stream bank stabilization to protect threats to life or property. (State or Federal emergency authorization may be required for in-stream work).

C. New fencing may be permitted subject to consideration by the Planning Director or designee in consultation with the Director of Public Works and applicable state and federal agencies. An application for new fencing within a riparian corridor shall contain a to-scale drawing that clearly delineates the top-of-bank and riparian corridor boundary on the entire parcel or parcels, and shall indicate why the proposal is necessary and how it minimizes intrusion into the riparian corridor. An application for new fencing within a wetland shall contain a scaled drawing that clearly shows the wetland and wetland buffer area boundary. Approval for new fencing in a wetland may be allowed if the applicant demonstrates the following criteria are satisfied:

(1) The fencing does not affect the hydrology of the site;

(2) The fencing does not present an obstruction that would increase flood velocity or intensity;

(3) Fish habitat is not adversely affected by the fencing;

(4) The fencing is the minimum necessary to achieve the applicant's purpose.

[Added, Sec. 1, Ord. No. 1999-215, June 1, 2000; Amd. Sec. 4, Ord. No. 2011-124, Oct. 6, 2011.]

#### 10.925 **Conditional Uses within Riparian Corridors, Wetlands and Wetland Buffers.**

The following activities, and maintenance thereof, are allowed within a riparian corridor,

wetland, or wetland buffer if compatible with Section 10.920, “Riparian Corridors and Wetlands, Purposes,” and if designed to minimize intrusion. Such activities shall be subject to approval of a Conditional Use Permit, which may be considered separately or in conjunction with another plan authorization review. The approving authority must determine that the proposal complies with at least one of the Conditional Use Permit criteria and the standards noted below. Applicable permits, if any, from the Oregon Department of State Lands and the U.S. Army Corps of Engineers shall subsequently be obtained. All development and improvement plans shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to O.A.R. 635-415 “Fish and Wildlife Habitat Mitigation Policy.”

- (1) Water-related or water-dependent uses, such as drainage facilities and irrigation pumps.
- (2) Utilities or other public improvements.
- (3) Streets, roads, or bridges where necessary for access or crossings.
- (4) Multi-use paths, access ways, trails, picnic areas, or interpretive and educational displays and overlooks, including benches and outdoor furniture.

A. Transportation Facilities and Structures Development Standards

- (1) Wetlands and wetland buffers shall be crossed only where there are no practicable alternatives to avoid the resource as described in the ESEE analysis in the Comprehensive Plan;
- (2) Transportation facilities and structures crossing wetlands shall be no wider than necessary to serve their intended purposes.

B. Utility Development Standards for Underground Utilities

- (1) Boring under the waterway, directional drilling, or aerial crossing is preferable to trenching. If trenching is the only alternative, it shall be conducted in a dry or dewatered area with stream flow diverted around the construction area to prevent turbidity;
- (2) Common trenches, to the extent allowed by the building code, shall be required in order to minimize disturbance of the protected resource;
- (3) Materials removed or excavated during trenching, boring, or drilling shall be deposited away from the protected resource, and either returned to the trench as back-fill, or if other material is to be used in the trench, excess materials shall be immediately removed from the resource;
- (4) The ground elevation of a resource shall not be altered as a result of utility trench construction or maintenance. The finish elevation shall be the same as the starting elevation;

[Added, Sec. 1, Ord. No. 1999-215, June 1, 2000.]

**10.926 Prohibited Activities within Riparian Corridors, Wetlands and Wetland Buffers.**

The following activities are prohibited within a riparian corridor, wetlands, and wetland buffers, except as permitted in Sections 10.924 “Permitted Activities within Riparian Corridors, Wetlands, and Wetland Buffers” and 10.925 “Conditional Uses within Riparian Corridors, Wetlands, and Wetland Buffers.”

- (1) Placement of new structures or impervious surfaces.
- (2) Excavation, grading, fill, stream alteration or diversion, or removal of vegetation except ~~for perimeter mowing~~ for fire protection purposes or removing hazardous trees.
- (3) Expansion of areas of pre-existing non-native ornamental landscaping such as lawn, gardens,

etc.

(4) Dumping, piling, or disposal of refuse, yard debris, or other material.

(5) Wireless communication facilities.

(6) Parcelization or creation of new lot lines through the wetland creating a segmented wetland with potentially multiple owners.

(7) Discharge or direct runoff of untreated stormwater.

[Added, Sec. 1, Ord. No. 1999-215, June 1, 2000; Amd. Sec. 7, Ord. No. 2008-04, Jan. 3, 2008.]

#### **~~10.927 Riparian Corridors, Reduction or Deviation.~~**

~~A request to reduce or deviate from the riparian corridor boundary provisions of this section may be submitted to the Planning Director or designee for consideration. A deviation request may be approved as long as equal or better protection of the riparian area will be ensured through a plan for restoration, enhancement, or similar means. Such a plan shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to O.A.R. 635-415 "Fish and Wildlife Habitat Mitigation Policy." In no case shall activities prohibited in Section 10.926 (1) through (3), "Prohibited Activities within Riparian Corridors" be located any closer than 25 feet from the top of bank. The Planning Commission shall be kept advised of the outcome of deviation or reduction requests. Any decision of the Planning Director may be appealed to the City Council as provided in Chapter 10 of the Code of Medford.~~

~~[Added, Sec. 1, Ord. No. 1999-215, June 1, 2000.]~~

10.927 Notification and Coordination with State Agencies regarding wetlands. The Oregon Department of State Lands will be notified in writing of all applications to the City of Medford (and Jackson County within the MD areas) for development activities including development applications, building permits, and other development proposals that may affect any wetland identified in the Local Wetlands Inventory. This applies to both significant and nonsignificant wetlands. The precise location of significant wetlands may be refined and amended through a delineation process accepted by the Department of State Lands and other state or federal agencies. Where such changes are accepted by the appropriate state and/or federal agencies, the Planning Director and County Planning Director or designees shall cause such changes to be updated on the 2015 LWI and adopted map.

#### **10.928 Conservation and Maintenance of Riparian Corridors.**

When approving applications for the following plan authorizations: Land Divisions, Planned Unit Developments, Conditional Use Permits, and Exceptions, or for development for properties containing a riparian corridor, or portion thereof, or wetlands the approving authority shall assure long term conservation and maintenance of the riparian corridor and/or wetlands through one of the following methods:

(1) The area shall be protected in perpetuity by a conservation easement recorded on deeds and plats prescribing the conditions and restrictions set forth in Sections 10.920 through 10.928, "Riparian Corridors and Wetlands," and any imposed by state or federal permits; or,

(2) The area shall be protected in perpetuity through ownership and maintenance by a private non-profit association by conditions, covenants, and restrictions (CC&Rs) prescribing the conditions and restrictions set forth in Sections 10.920 through 10.928, "Riparian Corridors and Wetlands," and any imposed by state or federal permits; or,

(3) The area shall be transferred by deed to a willing public agency or private conservation

organization with a recorded conservation easement prescribing the conditions and restrictions set forth in Sections 10.920 through 10.928, “Riparian Corridors and Wetlands,” and any imposed by state or federal permits; or,

(4) The area shall be protected through other appropriate mechanisms acceptable to the City of Medford which ensure long-term protection and maintenance.

[Added, Sec. 1, Ord. No. 1999-215, June 1, 2000.]

10.929 thru 10.932 [Repealed - Sec. 1, Ord. No. 5918, July 16, 1987.]

## Site-Specific Wetland ESEE Analysis for Locally Significant Wetlands identified in the 2015 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 2015 Medford Urban Reserve Local Wetland Inventory report, the 2015 Urban Growth Boundary amendment comprehensive plan designations, proposed and conceptual transportation plans, the 2005 Leisure Services Plan, floodplain and riparian corridor data, and County zoning.

### Locally Significant Wetlands

The 2015 Local Wetland Inventory provides information on the locally significant wetland criteria found for each wetland. Wetlands within the Medford Urban Reserves and future 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[CGP1].

### 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	N/A	Vacant

				Residential (RR-5)		
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 limit, to the extent possible, impacts to the wetlands. Add 25 ft. buffer to retained 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: **High**

Summary of Affected Parcels

Wetland/ Tax lot	Parcel (acres)	UGB or	Medford GLUP	County Zoning/Overlay	Floodplain	Current use(s)
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		UR	Map			
<b>W18 &amp; W79</b>						
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. Add a 50 foot buffer.

### **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)
<b>W70</b>						
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
<b>W71, W72, and W74</b>						
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 limited 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 limit their impact on the wetlands. A 50-foot buffer is needed around the perimeter of the wetlands retained on site.

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 limit, 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. Add a 50 feet buffer to the wetlands.

## 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 limiting 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 limit 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. Wetlands shall be protected by a 25 foot buffer to reduce impacts.

**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 Mud 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 Mud Creek.

**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>
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 Mud<sup>[CGP2]</sup> 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 limiting conflicting uses. The riparian corridor shall be extended to include W14, W15, and W63 and an additional 25 foot buffer added.

**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	Exclusive Farm Use (EFU)	Not Mapped	Residence; plus additional structures

			Commercial			
371W09 2700	58.96	UGB	Urban residential, Urban High Density Residential	Exclusive Farm Use (EFU)	Not Mapped	Vacant
<b>W46</b>						
371W08 800	20.01	UGB	Urban Medium Residential & Urban High Density Residential	Exclusive Farm Use (EFU)	Not Mapped	Farming
<b>W47</b>						
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
<b>W48</b>						
371W08 900	35.13	UGB and UR	Urban High Density Residential	Exclusive Farm Use (EFU)	Not Mapped	Vacant
<b>W49</b>						
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,	Exclusive Farm Use (EFU)	Not Mapped	Vacant

			and 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
<b>W50</b>						
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
<b>W51</b>						
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
<b>W53, W54, W55, W56, and W57</b>						
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>	<b>X</b>
<b>Urban Medium Residential</b>	<b>X</b>
<b>Urban High Residential</b>	<b>X</b>
<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. Protection of some of these wetlands until development occurs is achievable especially in the areas that will remain in the Urban Reserves. Allowing but limiting 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 lose of all of it. Allowing but limiting 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 limit impacts to the extent possible. Include a 25 foot buffer around wetlands that are retained.

**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	Exclusive Farm Use (EFU)	No	Vacant

			Residential			
<b>W10-G</b>						
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
<b>W22</b>						
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 limiting 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 limit impacts to the extent possible. Include a 25 foot buffer around wetlands that are retained.

## **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)
<b>W08 &amp; W41</b>						
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
<b>W09 &amp; W39-B</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
<b>W39-A &amp; W40</b>						
361W32C 100	40.33	UR	N/A	Exclusive Farm Use (EFU)	Yes, Swanson Creek	Structures in NW corner; remaining site undeveloped
<b>W42 &amp; W43</b>						
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 limit impacts to these wetlands. Extend the riparian corridor protections along Swanson Creek and encapsulate the adjacent wetlands. Include a 50 foot buffer along the 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 and apply a 50 foot buffer to it.

**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	

<b>Vegetation removal and grading</b>	<b>X</b>
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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 and apply a 50 foot buffer to it.

**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)
<b>W06</b>						
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
<b>W23</b>						
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
<b>W24</b>						
362W36A 102	63.04	UR	N/A	Open Space Reserve (OSR) and Exclusive Farm Use (EFU)	Yes, Swanson Creek	Vacant
<b>W34</b>						
361W31B 2600	5.68	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
<b>W35</b>						
361W31B 2500	5	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
<b>W83</b>						
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 limit conflicting uses related to the planned road projects. Extend the riparian corridor along Swanson Creek to incorporate the wetlands. Add a 50 foot buffer to the wetlands that remain.

### **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 limiting 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 limit conflicting uses. Minimize impacts to the majority of wetlands W38 and W07 until future urbanization occurs. Add a 25 foot buffer to the wetlands.

**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)
<b>W04-A</b>						
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
<b>W04-B</b>						
361W31D 1900	9.99	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Vacant
<b>W04-Mosaic</b>						
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
<b>W36</b>						
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 limiting 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 limit impacts to the wetlands. Identify alternate routes for street connection to avoid the rare wetland and limit its impact. Add a 25 foot buffer around the wetlands (W04-A, W04-B, W36). Add a 50 foot buffer around wetland W04-mosaic.

**Summary of Analysis**

Site	MD Location	Wetland IDs	Quality Determination	Recommended Buffer/Setback Area	Goal 5 Recommendation
1	MD-6	W19-A W19-B	Moderate	25 feet	Allow but limit impacts
2	MD-5	W18 W79	High	50 feet	Protect; Extend Riparian Corridor
3	MD-5	W70 W71 W72 W74	High	50 feet	Allow but limit impacts
4	MD-5	W13 W66	Moderate	25 feet	Allow but limit impacts
5	MD-5	W14 W15 W63 (not significant)	Moderate	25 feet	Allow but limit impacts; Extend riparian corridor
6	MD-3	W11 W21 W46 W47 W48 W49 W50 W51 W53 W54 W55 W56	Moderate	25 feet	Allow but limit impacts
7	MD-2	W10-A W10-D W10-E W10-F W10-G W22	Moderate	25 feet	Allow but limit impacts

8	MD-2	W08 W09 W39-A W39-B W40 W41 W42 W43	High	50 feet	Allow but limit impacts; Extend riparian corridor
9	MD-1	W82	High- Wetland of Special Interest	50 feet	Protect
10	MD-1	W25	Moderate – Wetland of Special Interest	50 feet	Protect
11	MD-1	W06 W23 W24 W34 W35 W83 W84 W85 W86 W87 W88	High	50 feet	Allow but limit impacts, Extend riparian corridor
12	MD-1	W07 W38	Moderate	25 feet	Allow but limit impacts
13	MD-1	W04-A W04-B W04-mosaic W36	Moderate; W04-Mosaic (Wetland of Special Interest)	25 feet (W04A, W04-B, W36) 50 feet (W04-Mosaic)	Allow but limit impacts; Minimize impacts to the wetland mosaic