

ORDINANCE NO. 2010-159

AN ORDINANCE approving a major amendment to the *Medford Comprehensive Plan* amending the Urbanization Element and Review and Amendments chapters.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. A major amendment to the *Medford Comprehensive Plan* amending the Urbanization Element and Review & Amendments chapters to (1) update references to the state Statutes, Rules, and Goal 14 for urban growth boundary amendments, (2) add a new introduction to the Urbanization Element, (3) move the City/County urban growth management agreement from the body of the Urbanization Element to an appendix, (4) eliminate urban growth boundary amendment criteria from the Review & Amendments chapter and replace with a reference to their location in the Urbanization Element is hereby approved and adopted.

Section 2. This major amendment to the *Medford Comprehensive Plan*, text attached as Exhibit A and incorporated herein, as contained in the Staff Report to Council dated July 1, 2010, is hereby approved and adopted.

Section 3. This major amendment to the *Medford Comprehensive Plan* is supported by the Findings of Fact and Conclusions of Law, attached as Exhibit B and incorporated herein, and contained in the Staff Report to Council dated July 1, 2010.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2010.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2010.

Mayor

EXHIBIT A

STATEWIDE PLANNING GOAL 14: URBANIZATION

The purpose of the Urbanization Element of the *Comprehensive Plan* is to identify the policies and procedures that the City of Medford, in cooperation with Jackson County, has adopted to comply with Statewide Planning Goal 14: Urbanization, the purpose of which is:

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

~~STATEWIDE PLANNING GOAL 14: URBANIZATION: TO PROVIDE FOR AN ORDERLY AND EFFICIENT TRANSITION FROM RURAL TO URBAN LAND USE~~

To accomplish this ~~goal~~Goal, the City of Medford and Jackson County have adopted: ~~1)~~

- An Urban Growth Boundary; ~~2)~~Policies
- A set of policies concerning the regulation of ~~the~~ land within the Urban Growth Boundary, collectively referred to as the ~~Urbanization Policies~~; ~~3)~~Urban Growth Management Agreement; and
- Annexation Policies concerning ~~annexation of unincorporated~~the incorporation of urbanizable land to the City of Medford, ~~collectively referred to as the Annexation Policies~~; and, ~~4)~~An intergovernmental agreement allowing unincorporated urbanizable land to be developed with urban-level development prior to annexation, referred to as the Intergovernmental Agreement on Contract Annexation.

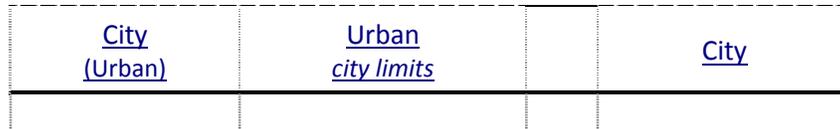
Urbanization Element—Context

It is useful to understand the intersections of jurisdictional authority as they relate to land categories in the State statutory system. Because long-range planning responsibilities overlap, there is a demonstrable need for management agreements. The following table shows the various categorizations of land and the types of authority counties and cities typically exercise.

Table 1. Classifications and Jurisdictional Authorities applied to Land

<u>Government Services</u>	<u>Land Classification</u>	<u>Planning Authority</u>
<u>County (Rural)</u>	<u>Rural</u>	<u>County</u>
<u>[Some overlap exists]</u>	<u>Urban Reserve</u>	<u>Mixed County & City</u>
	<u>UGB</u>	<u>Mixed County & City</u>

non-urbanizable (between Rural and Urban Reserve)
urbanizable (between Urban Reserve and UGB)



1. URBAN GROWTH BOUNDARY

The Medford Urban Growth Boundary (UGB) includes land within the city, and selected land surrounding the city that is committed to ~~and/or~~ planned for future city growth, the development of which is likely to require the extension of urban services. Land ~~surrounding around~~ the city and within the UGB is called the unincorporated urbanizable area in this element. ~~In Chapter 253 of the Jackson County Land Development Ordinance, it is called the Medford Urban Overlay (MUO) District.~~ The Medford UGB was ~~last~~ amended in 1990 through a cooperative process between the City of Medford and Jackson County. It is officially delineated on the Jackson County and City of Medford Comprehensive Plan and ~~Zoning zoning~~ maps.

The Medford UGB was established to comply with the ~~state law requiring statutory requirement for~~ Urban Growth Boundaries around urbanized areas to identify and separate urbanizable land from rural land.

~~Establishment and amendment of UGBs are based upon the following Goal 14 factors:~~

- ~~1. A demonstrated need to accommodate long-range urban population growth requirements consistent with Land Conservation and Development Commission (LCDC) goals;~~
- ~~2. A need for housing, employment opportunities, and livability;~~
- ~~3. The orderly and economic provision of public facilities and services;~~
- ~~4. The maximum efficiency of land uses within, and on the fringe of the existing urban area;~~
- ~~5. The environmental, energy, economic, and social consequences;~~
- ~~6. The retention of agricultural land as defined, with Class I having the highest priority for retention, and Class VI having the lowest priority; and,~~
- ~~7. The compatibility of proposed urban uses with nearby agricultural activities.~~

1.1 URBAN GROWTH AREA MANAGEMENT

~~Appendix 1 contains the Urban Growth Management Agreement (UGMA) between the City of Medford and Jackson County. The following policies in the intergovernmental agreement guide the administration of the urbanizable area. the Medford Urban Growth Boundary:~~

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

- ~~1. An Urban Growth Boundary adopted herein, or hereinafter amended, for the Medford area will establish the limits of urban growth to the year 2010.~~
 - ~~a. Annexation to the City of Medford shall occur only within the officially adopted UGB.~~
 - ~~b. Specific annexation decisions shall be governed by the official annexation policies of the City of Medford. The city shall provide an opportunity for Jackson County to respond to pending requests for annexation.~~

- ~~2. The City of Medford General Land Use Plan (GLUP) Map and zoning designations for unincorporated urbanizable land, and all other city development and building safety standards, shall apply only after annexation to the city; or through a contract of annexation between the city, Jackson County, and other involved parties; or after proclamation of an annexation having a delayed effective date pursuant to ORS 222.180 (2).
 - ~~a. Urban development shall be encouraged to occur on undeveloped and underdeveloped land within city limits prior to the annexation and conversion of other land within the UGB.~~~~
- ~~3. Except in cases where a contract for annexation has been executed, or after proclamation of an annexation having a delayed effective date pursuant to ORS 222.180 (2), Jackson County shall retain jurisdiction over land use decisions within the unincorporated urbanizable area, and such decisions shall conform to these adopted policies:
 - ~~a. Prior to annexation, no land divisions shall be approved by the county which create lots of less than forty (40) acres in size.~~
 - ~~b. Recognizing that unincorporated areas within the UGB could ultimately become part of Medford, the city's recommendations will be given due consideration. It is the intent of the county to administer mutually adopted city/county policies in the unincorporated urbanizable area until the area is annexed to the city.~~
 - ~~c. The city will be requested to respond to pending applications for all land use actions in the unincorporated urbanizable area. If no response is received within 14 days, the county may assume that the city has no objections to the request.~~
 - ~~d. The county will be requested to respond to pending applications for all land use actions within the incorporated area that may affect land under county jurisdiction. If no response is received within 14 days, the city may assume that the county has no objections to the request.~~
 - ~~e. If the city and county have mutually approved, and the city has adopted, conversion plan regulations for the orderly conversion of property from county to city jurisdiction, the county will require that applications for subdivisions, partitions, or other land divisions within the UGB be consistent with the city's *Comprehensive Plan*. Once developed, the mutually agreed upon conversion plan shall be the paramount document, until incorporation occurs.~~~~
- ~~4. Any land use actions within the unincorporated urbanizable area shall conform to urban standards and public improvement requirements as contained in the city and county Land Development Codes, except that in the case of a conflict between the two, the more restrictive shall apply.~~
- ~~5. Within the unincorporated urbanizable area, execution and recording of an Irrevocable Consent to Annex to the City, pursuant to ORS 222.115, shall be required for:
 - ~~a. Single family residential permits~~
 - ~~b. Sanitary sewer and water hook-up permits*~~~~

~~c. All land use actions subject to county Site Plan Review~~

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

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

~~a. Urban facilities and services shall be planned in a manner which limits duplication to provide greater efficiency and economy of operation.~~

~~b. A proposed single urban facility or service extension within the unincorporated urbanizable area must be coordinated with the planned future development of all other urban facilities and services appropriate to that area prior to approval, and shall be provided at levels necessary for expected uses as designated on the Medford *Comprehensive Plan*.~~

~~c. The city shall be responsible for adopting and maintaining a public facilities plan for the city and unincorporated urbanizable area pursuant to OAR 660-11.~~

~~d. When development occurs within an unincorporated urbanizable area subject to a contract for annexation, or after proclamation of an annexation having a delayed effective date pursuant to ORS 222.180 (2), any or all city services may be extended to these areas. All associated fees and charges which are applicable within the city shall be applicable to these areas, and shall be paid to the city pursuant to city regulations.~~

~~7. Provision of sewer and water services may only occur beyond the UGB after approval by the provider agency and Jackson County, and when a danger to public health as defined by ORS 431.705 (5) exists. The services thus authorized shall serve only the area in which the danger exists, and shall provide a level of service consistent with the Jackson County *Comprehensive Plan* designation.~~

~~8. All county road construction and reconstruction resulting from new development, redevelopment, or land divisions in the urbanizable area shall be built to urban standards, except that the term reconstruction does not include normal road maintenance by the county.~~

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

~~10. Land within the urbanizable area which currently supports a farm use, as defined by ORS 215.203, shall be encouraged, through zoning and appropriate tax incentives, to remain in that use for as long as is economically feasible for the property owner.~~

~~a. Economically feasible, as used in this policy, is interpreted to mean feasible from the standpoint of the property owner. Implementation of this policy will be done on a voluntary basis. Exclusive Farm Use (EFU) zoning may be applied to qualifying land by the county, with the understanding that such land is considered available over a period of time for urban uses.~~

- b. ~~This policy applies only to areas in the UGB identified by the city or county Comprehensive Plans as agricultural land, and shall not be used as a standard to review other land use applications within the urbanizable area.~~
 - c. ~~This policy is not intended to preclude the use of EFU land for essential public facilities and services to serve the urban and urbanizable areas.~~
11. ~~Proposed land use changes immediately inside the UGB shall be considered in light of their impact on, and compatibility with, existing agricultural and other rural uses outside the UGB. To the extent that it is consistent with state land use law, proposed land use changes outside the UGB shall be considered in light of their impact on, and compatibility with, existing urban uses within the UGB.~~
12. ~~The city and county acknowledge the importance of permanently protecting agricultural land outside the UGB zoned EFU, and acknowledge that both jurisdictions maintain, and will continue to maintain, policies regarding the buffering of said lands. Urban development will be allowed to occur on land adjacent to land zoned EFU when the controlling jurisdiction determines that such development will be compatible with the adjacent farm use. Buffering shall occur on the urbanizable land adjacent to the UGB. The amount and type of buffering required will be considered in light of the urban growth and development policies of the city, and circumstances particular to the agricultural land. The controlling jurisdiction will request and give standing to the non-controlling jurisdiction for recommendations concerning buffering of urban development proposals adjacent to lands zoned EFU. Buffering options may include:~~
- a. ~~Physical separation through special setbacks for new urban structures adjacent to the UGB;~~
 - b. ~~Acquisition by public agencies;~~
 - c. ~~Lower densities at the periphery of the UGB than those allowed elsewhere in the city;~~
 - d. ~~Strategic location of roads, golf courses, or other visible public or semi-public open spaces;~~
 - e. ~~Use of vegetative screens, earthen berms, and fences of sufficient height and substance to help reduce the trespass of people, animals, and vehicles;~~
 - f. ~~Orientation of structures and fencing relative to usable exterior space, such as patios, rear yards, and courts, so that the potential impacts from spray drift, dust, odors, and noise intrusion are minimized;~~
 - g. ~~Design and construction of all habitable buildings, including window and door locations, so that the potential impacts of spray drift, dust, odors, and noise intrusion are minimized;~~
- ~~In addition, a deed declaration recognizing common, customary, and accepted farming practices shall be required for all development occurring within 300 feet of EFU zoned land.~~

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

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

1.2 BOUNDARY AMENDMENT PROCEDURES

The procedures for joint city/county review and amendment of the Urban Growth Boundary and ~~Urbanization Policies~~ Urban Growth Management Agreement are as follows:

1.2.1 Major RevisionsAmendments

~~Any amendment of the urban growth boundary greater than 50 acres is a major amendment. Major revision amendments in the UGB or Urbanization Policies will be considered any change to the UGMA are amendments to both the City and County Comprehensive Plans, and, as such, are each is subject to a legislative review process. A major revision shall include any UGB change that would necessitate revisions to the intent of city or county Comprehensive Plan goals, policies, or text, or that has widespread and significant impact beyond the immediate area, such as quantitative changes allowing for substantial changes in population, or significant increases in resource impacts, qualitative changes in the land use itself, such as conversion of residential land to industrial use, or spatial changes that affect large areas, or many different ownerships.~~

~~Any change in the Urbanization Policies is considered a major revision.~~

Major ~~revisions~~ amendments will be considered by the city and county at five-year intervals from the date of adoption or amendment of the UGB and ~~Urbanization Policies~~ UGMA. If the city and county governing bodies find that circumstances that have a significant effect on the public health, safety, or general welfare of the community prevail, a major ~~revision~~ amendment can be considered at intervals of less than five years. ~~A request for a major revision can be initiated by an~~ An individual or group, citizen advisory committees, affected agencies, ~~and or~~ governing bodies may petition the City Council to initiate a major amendment. The party who seeks the ~~revision~~ amendment shall be responsible for filing adequate written documentation with the City and County governing bodies and paying processing fees. ~~The final legislative action on major revision requests shall be based on the following factors:~~

- a. ~~The demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities;~~

- ~~b. The orderly and economic provision of key urban public facilities and services;~~
- ~~c. The maximum efficiency of land uses within the current urbanizable area;~~
- ~~d. Environmental, energy, economic, and social consequences;~~
- ~~e. The compatibility of the proposed change with other elements of the city and county Comprehensive Plans;~~
- ~~f. The other Statewide Planning Goals.~~

Major ~~revision~~amendment proposals shall be subject to a mutual city and county review and agreement process involving affected agencies, citizen advisory committees, and the general public. If the city and county cannot agree on a major ~~revision~~amendment, or until an acceptable ~~revision~~amendment is mutually agreed upon and adopted, both jurisdictions will continue to administer the existing UGB, Areas of Mutual Planning Concern~~boundaries~~1, and ~~Urbanization Policies~~Urban Growth Management Agreement.

~~21.2.2. Minor Urban Growth Boundary Adjustments~~Amendments

~~Minor adjustments to the UGB may be considered subject to similar procedures used by the city and county in hearing zoning requests. A minor revision~~amendment is defined as ~~one focusing on specific individual properties, and not having significant impact beyond the immediate area of the change.~~an amendment involving 50 acres or fewer. An application for a minor UGB adjustment can be made only by property owners, their authorized agents, or by ~~a city or county~~the City governing body. ~~Written application for an adjustment may be filed with the Jackson County Department of Planning and Development on forms prescribed by the county.~~ The standards for processing an application are as follows:

- a. Final action on minor UGB adjustments shall be based on the same ~~six factors~~approval criteria (1.2.4 below) required for major ~~revision~~amendment requests~~as listed in the preceding section, Major Revisions.~~
- b. Applications shall be reviewed by the affected city and county Citizens Planning Advisory Committees annually.
- c. Applications shall be reviewed at joint city/county Planning Commissions meetings held annually for the express purpose of considering minor UGB adjustments.
- d. The Planning Commissions shall forward a recommendation and findings on each application to the city and county governing bodies for final consideration.
- e. Adjustments cannot be made to the UGB unless mutually agreed upon by a majority from each governing body. ~~The county governing body shall be responsible for the preparation of the actual legal instrument that officially amends the UGB.~~

~~3. Determination of Major and Minor Amendments~~

~~The Planning Directors for the county and city are responsible for determining whether an amendment is to be considered through a major or a minor amendment process. In the event that the Planning Directors cannot agree, the proposal will be forwarded to the city~~

1 Areas of Mutual Planning Concern are described in the Jackson County Comprehensive Plan and provide for protection of land a mile beyond the current UGB from development that could hinder future urbanization.

~~and county Planning Commissions, and, if necessary, to the governing bodies or other appropriate body, until mutual agreement is reached.~~

1.2.3.4. Approval Criteria

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

- a. The standards and criteria in Goal 142, OAR 660, Division 24, and other applicable State Goals, Statutes, and Rules.
- b. Compliance with Medford Comprehensive Plan policies and development code procedures.
- c. Compliance with Jackson County's development ordinance standards for urban growth boundary amendment. Many of the findings made to satisfy subparagraph (a), preceding, will also satisfy this criterion.
- d. Consistency with any pertinent terms and requirements of the current Urban Growth Management Agreement between the City and Jackson County.

41.2.4. Correction of Errors

- a. An error is generally considered to be a cartographic mistake, or a misprint, omission, or duplication in the text. It is technical in nature, and not the result of new information or changing attitudes or policies.
- b. If the City Council and County Board of Commissioners become aware of an error in

2 In summary, the Goal 14 factors (as of 2010) are:

Land Need

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

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

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

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

Boundary Location

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

1. Efficient accommodation of identified land needs;
2. Orderly and economic provision of public facilities and services;
3. Comparative environmental, social, economic, and energy (ESEE) consequences; and
4. Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

the map(s) or text of ~~this mutually adopted urbanization program~~ the urban growth management agreement, both bodies may cause an immediate amendment to correct the error, after mutual agreement is reached.

- c. Corrections shall be made by ordinance, following a public hearing conducted by both governing bodies. Public hearings before the Planning Commissions shall not be required when an amendment ~~is intended~~ specifically ~~to correct~~ and solely corrects an error.

51.2.5. Definitions ~~Glossary~~

Urban Growth Boundary:- A site-specific line imposed on the Official Comprehensive Plan and Zoning Map of Jackson County and the General Land Use Plan Map and Zoning Map of the City of Medford which identifies and encompasses urban and urbanizable lands within Jackson County according to the following definitions:

Urban Land Land inside an urban growth boundary.

Urbanizable Land:- Areas within an officially adopted urban growth boundary outside the city limits which are needed for expansion of an urban area, and which have been determined to be necessary and suitable for development as future urban land, and which can be served with supporting urban facilities and services.

~~*Urban Land*: Residential areas generally comprised of parcels less than one acre in size, or highly developed commercial and industrial areas which are contained within incorporated cities, or which contain concentrations of persons who generally reside or work in the area, including lands adjacent to, and outside of, incorporated cities, and which have supporting urban facilities and services.~~

Urban Facilities and Services:- Basic facilities that are primarily planned by local government, but which also may be provided by private enterprise, and are essential to the support of development in accordance with the city Comprehensive Plan. Urban facilities and services include: police protection; fire protection; sanitary facilities; public water facilities; storm drainage facilities; planning, zoning and subdivision controls; health services; recreation facilities and services; energy and communication services; and community governmental services (including schools and transportation).

2 . ANNEXATION

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

~~State law also requires~~ Statewide Planning Goal 14 also recommends that the City consider the following when converting urbanizable land to urban uses:

1. The orderly, economic provision of public facilities and services;

2. The availability of sufficient land for the various uses to ensure choices in the market place;
3. The Land Conservation Development Commission (LCDC) Statewide Planning Goals or the acknowledged Comprehensive Plan; and,
4. The encouragement of development within urban areas before conversion of urbanizable areas.

2.1 ANNEXATION POLICIES

The following ~~shall be~~ are the policies of the City of Medford with ~~regards~~ respect to ~~future annexations~~ annexation:

2.1.1. ~~1.~~ General Policy

The City of Medford has planned to provide areas within the Urban Growth Boundary ~~as defined in the Comprehensive Plan,~~ with public sewer and water ~~supply facilities~~ service, zoning ~~and development services~~, police and fire protection, and with all other municipal services required to support urban ~~levels of development.~~ places. Therefore, the City does hereby encourage such areas to annex and receive the benefits offered by the City, and shall facilitate the process whereby such areas may become a part of the City.

2.1.2. ~~2.~~ City Services Outside City Limits

The City of Medford has acquired and holds its various service facilities for the benefit of residents and taxpayers within the city, and owes them a basic and primary duty to preserve the capacity of the facilities for their benefit, and to refrain from any excess use which would unnecessarily impose upon the residents and taxpayers; the financial burden of increases in such capacity. Therefore, the City shall not extend or furnish municipal services to areas beyond the city limits, except in the performance of contracts with other incorporated cities. The City will honor presently existing contracts with special districts, but only to the extent of their present boundaries. However, because fire and emergency medical services are a critical need for all citizens, when, in the opinion of the Fire Chief, other satisfactory means are not available to non-city taxpayers for this service, the City shall continue to allow the Medford Rural Fire District No. 2 to annex beyond their present boundaries.

2.1.3. ~~3.~~ City's Participation in the Annexation Proposal

The City of Medford shall continue to require that residents of the area initiate, and assume the task of promoting, any annexation proposal, except ~~that~~ in areas that have been surrounded by the ~~City~~ city limits, the City may initiate and promote the annexation.

2.1.4. ~~4.~~ Annexations shall comply with the requirements of the Oregon Revised Statutes, Chapter 222 ~~and Statewide Planning Goal 14, Urbanization.~~

The City Council must find that the following State requirements are met in order to

approve an annexation:

- a. The land is within the City's Urban Growth Boundary;
- b. The land is contiguous ~~to~~ with the current City limits, ~~and~~;
- c. The land is accessible via a public street right-of-way; and
- ~~d.~~ Unless the land being considered for annexation is ~~enclaved by the City~~ unincorporated territory surrounded by the incorporated boundary under ORS 222.750 or the City chooses to hold an election, a majority of the land-owners and/or electors have consented in writing to the annexation per ORS 222.125 or ORS 222.170.

2.1.5. ~~5.~~ Zoning District Change Required

Upon annexation, the City will assign a city zoning district designation to the annexed area according to the following rules:

- a. There is a city district that is comparable to the area's former county designation and corresponds to the General Land Use Plan map designation; or
- b. If there is no comparable designation, the SFR-00 zone or I-00 overlay district will be applied, which will act as a holding zone until the area receives urban zoning; or
- c. The landowner has requested a designation that has the approval of the City. This typically occurs when the owner has made an application for a zone change concurrently with the annexation application.

Formerly, the City of Medford permitted lands to retain County zoning until they developed. This meant that the City had to administer two sets of development codes: Medford zoning for most lots and Jackson County zoning for annexed lots that had not developed or redeveloped. Because such work is an inefficient use of staff time—and thereby public funds—the City amended its code to require rezoning contemporaneously with annexation (2003) and undertook a broad zone change of most of the County-zoned land in the city limits (2009).

2.1.6. Withdrawal from Special Districts

For any areas hereafter annexed to the City of Medford and withdrawn from the Rogue Valley Sewer ~~Service~~Services³ (RVS), ~~previously called the Bear Creek Valley Sanitary Authority~~, or from any sanitary, rural fire protection, domestic water, or other special service district with existing general obligation indebtedness, the city shall, pursuant to ORS 222.520, assume and agree to pay the bonded indebtedness attributable to such area in the manner provided by ORS 222.520, and will thereby relieve the real property in such areas from further district taxation for such bonded indebtedness.

³ Formerly called the Bear Creek Valley Sanitary Authority

APPENDIX 1—URBAN GROWTH MANAGEMENT AGREEMENT

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

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

1. An Urban Growth Boundary adopted herein, or hereinafter amended, for the Medford area will establish the limits of urban growth to the year 2010.
 - a. Annexation to the City of Medford shall occur only within the officially adopted UGB.
 - b. Specific annexation decisions shall be governed by the official annexation policies of the City of Medford. The city shall provide an opportunity for Jackson County to respond to pending requests for annexation.
2. The City of Medford General Land Use Plan (GLUP) Map and zoning designations for unincorporated urbanizable land, and all other city development and building safety standards, shall apply only after annexation to the city; or through a contract of annexation between the city, Jackson County, and other involved parties; or after proclamation of an annexation having a delayed effective date pursuant to ORS 222.180 (2).
 - a. Urban development shall be encouraged to occur on undeveloped and underdeveloped land within city limits prior to the annexation and conversion of other land within the UGB.
3. Except in cases where a contract for annexation has been executed, or after proclamation of an annexation having a delayed effective date pursuant to ORS 222.180 (2), Jackson County shall retain jurisdiction over land use decisions within the unincorporated urbanizable area, and such decisions shall conform to these adopted policies:
 - a. Prior to annexation, no land divisions shall be approved by the county which create lots of less than forty (40) acres in size.
 - b. Recognizing that unincorporated areas within the UGB could ultimately become part of Medford, the city's recommendations will be given due consideration. It is the intent of the county to administer mutually adopted city/county policies in the unincorporated urbanizable area until the area is annexed to the city.
 - c. The city will be requested to respond to pending applications for all land use actions in the unincorporated urbanizable area. If no response is received within 14 days, the county may assume that the city has no objections to the request.
 - d. The county will be requested to respond to pending applications for all land use actions within the incorporated area that may affect land under county jurisdiction. If no response is received within 14 days, the city may assume that the county has no objections to the request.
 - e. If the city and county have mutually approved, and the city has adopted, conversion plan regulations for the orderly conversion of property from county to city jurisdiction, the county will require that applications for subdivisions, partitions, or

other land divisions within the UGB be consistent with the city's *Comprehensive Plan*. Once developed, the mutually agreed upon conversion plan shall be the paramount document, until incorporation occurs.

4. Any land use actions within the unincorporated urbanizable area shall conform to urban standards and public improvement requirements as contained in the city and county Land Development Codes, except that in the case of a conflict between the two, the more restrictive shall apply.
 5. Within the unincorporated urbanizable area, execution and recording of an Irrevocable Consent to Annex to the City, pursuant to ORS 222.115, shall be required for:
 - a. Single-family residential permits
 - b. Sanitary sewer and water hook-up permits *
 - c. All land use actions subject to county Site Plan Review
- * This policy, with reference to sewer hook-ups provided by Bear Creek Valley Sanitary Authority (BCVSA), has been disallowed by the Oregon Court of Appeals.
6. The city, county and affected agencies shall coordinate the expansion and development of all urban facilities and services within the urbanizable area.
 - a. Urban facilities and services shall be planned in a manner which limits duplication to provide greater efficiency and economy of operation.
 - b. A proposed single urban facility or service extension within the unincorporated urbanizable area must be coordinated with the planned future development of all other urban facilities and services appropriate to that area prior to approval, and shall be provided at levels necessary for expected uses as designated on the Medford *Comprehensive Plan*.
 - c. The city shall be responsible for adopting and maintaining a public facilities plan for the city and unincorporated urbanizable area pursuant to OAR 660-11.
 - d. When development occurs within an unincorporated urbanizable area subject to a contract for annexation, or after proclamation of an annexation having a delayed effective date pursuant to ORS 222.180 (2), any or all city services may be extended to these areas. All associated fees and charges which are applicable within the city shall be applicable to these areas, and shall be paid to the city pursuant to city regulations.
 7. Provision of sewer and water services may only occur beyond the UGB after approval by the provider agency and Jackson County, and when a danger to public health as defined by ORS 431.705 (5) exists. The services thus authorized shall serve only the area in which the danger exists, and shall provide a level of service consistent with the Jackson County *Comprehensive Plan* designation.
 8. All county road construction and reconstruction resulting from new development, redevelopment, or land divisions in the urbanizable area shall be built to urban standards.

except that the term reconstruction does not include normal road maintenance by the county.

9. Long range transportation and air quality planning for the urbanizable area shall be a joint city/county process coordinated with all affected agencies.
10. Land within the urbanizable area which currently supports a farm use, as defined by ORS 215.203, shall be encouraged, through zoning and appropriate tax incentives, to remain in that use for as long as is economically feasible for the property owner.
 - a. Economically feasible, as used in this policy, is interpreted to mean feasible from the standpoint of the property owner. Implementation of this policy will be done on a voluntary basis. Exclusive Farm Use (EFU) zoning may be applied to qualifying land by the county, with the understanding that such land is considered available over a period of time for urban uses.
 - b. This policy applies only to areas in the UGB identified by the city or county Comprehensive Plans as agricultural land, and shall not be used as a standard to review other land use applications within the urbanizable area.
 - c. This policy is not intended to preclude the use of EFU land for essential public facilities and services to serve the urban and urbanizable areas.
11. Proposed land use changes immediately inside the UGB shall be considered in light of their impact on, and compatibility with, existing agricultural and other rural uses outside the UGB. To the extent that it is consistent with state land use law, proposed land use changes outside the UGB shall be considered in light of their impact on, and compatibility with, existing urban uses within the UGB.
12. The city and county acknowledge the importance of permanently protecting agricultural land outside the UGB zoned EFU, and acknowledge that both jurisdictions maintain, and will continue to maintain, policies regarding the buffering of said lands. Urban development will be allowed to occur on land adjacent to land zoned EFU when the controlling jurisdiction determines that such development will be compatible with the adjacent farm use. Buffering shall occur on the urbanizable land adjacent to the UGB. The amount and type of buffering required will be considered in light of the urban growth and development policies of the city, and circumstances particular to the agricultural land. The controlling jurisdiction will request and give standing to the non-controlling jurisdiction for recommendations concerning buffering of urban development proposals adjacent to lands zoned EFU. Buffering options may include:
 - a. Physical separation through special setbacks for new urban structures adjacent to the UGB;
 - b. Acquisition by public agencies;
 - c. Lower densities at the periphery of the UGB than those allowed elsewhere in the city;
 - d. Strategic location of roads, golf courses, or other visible public or semi-public open spaces;

- e. Use of vegetative screens, earthen berms, and fences of sufficient height and substance to help reduce the trespass of people, animals, and vehicles;
- f. Orientation of structures and fencing relative to usable exterior space, such as patios, rear yards, and courts, so that the potential impacts from spray drift, dust, odors, and noise intrusion are minimized;
- g. Design and construction of all habitable buildings, including window and door locations, so that the potential impacts of spray drift, dust, odors, and noise intrusion are minimized;

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

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

REVIEW AND AMENDMENTS

INTRODUCTION

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

For ~~this~~ these reasons it is essential that ~~the~~ 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~~ 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). ~~It is apparent that~~ This Plan contains a variety of components; ~~i.e.~~, Data; ~~i~~ Conclusions; ~~i~~ Goals and Policies; ~~i~~ Implementation Strategies; ~~i~~ a General Land Use Plan Map; ~~i~~ 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 ~~categories~~ classifications will apply to *Comprehensive Plan* amendments as follows:

Procedural ~~Requirements~~ Classifications for *Comprehensive Plan* Amendments

Class A

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

Class B

- Urban Growth Boundary (minor)
- General Land Use Plan Map (minor)

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 ~~which~~ [land use changes that](#) do not have significant effect beyond the immediate area of the change, ~~and~~ [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 ~~with 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, ~~that include~~ 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 (Class A) 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. ~~Amendments should be based on the following:~~ [See Urbanization Element.](#)

- ~~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.~~

~~It should be noted that amendments to the Urban Growth Boundary and Urbanization Policies must also be approved by a majority vote of the Jackson County Board of Commissioners pursuant to applicable County procedures and the joint Urban Area Management Agreement.~~

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.

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~~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*.

EXHIBIT B

FINDINGS

Findings address the four factors in 10.085 and the directive in 10.164. Each factor is shown italicized and is followed by findings.

Section 10.085:

- (1) *Identification of all applicable Statewide Goals, if any.*

Finding: The applicable Statewide Goals are Goal 2, Land Use Planning, and Goal 14, Urbanization. Goal 2 recommends that plans and codes are consistent across Federal, State, and local levels. The Land Conservation and Development Commission adopted a new version of Goal 14 that became effective in April 2006 and which contains a purpose statement and “boundary location” criteria different from those currently in Medford’s *Urbanization Element*.

Conclusion: The proposed amendments will correct the discrepancies and satisfy the Goal 2 guidelines. The proposed amendments will bring the Medford Comprehensive Plan into conformance with Goal 14 rules and laws.

- (2) *Identification and explanation of the goals and policies of the Comprehensive Plan considered relevant to the decision.*

Finding: The recommended changes have the primary objective of correcting references and criteria in the Comprehensive Plan and Development Code and were not motivated by any goal or policy expressed in the Comprehensive Plan. Neither do the changes conflict with goals or policies.

Conclusion: There are no goals or policies relevant to the decision.

- (3) *Statement of the facts relied upon in rendering the decision, if any.*

Findings:

- A. The current Urbanization Element states that establishment and amendment of the urban growth boundary are based on Goal 14 factors; the current Goal 14 factors are different.
- B. The Urbanization Element cites the “purpose” statement of the former version of Goal 14.
- C. The Urbanization Element, the Review & Amendments chapter, and Chapter 10 each have different criteria for UGB amendments.
- D. The subsection of the Urbanization Element titled “Urbanization Policies” is the type of intergovernmental agreement called “Urban Growth Management Agreement” in Statute and Rules.

Conclusion: The recommendation to update criteria and rectify discrepancies originates from recognition of the above facts.

- (4) *Explanation of the justification for the decision based on the criteria, standards, and facts.*

Finding: The City of Medford's Urbanization Element is out of date with respect to Statewide Planning Goal 14, the source document for urban growth boundary amendments. The City utilizes the criteria in that element to evaluate UGB amendment proposals.

Conclusion: It is in the City's best interests to adopt current statutory and regulatory references prior to amending the urban growth boundary.

Finding: The criteria for urban growth boundary amendments are located in three different places: two in the Comprehensive Plan, one in the development code. The three sets do not entirely agree. Such a condition is likely to cause confusion and dispute if the criteria are applied to a boundary amendment process.

Conclusion: Consolidation of the criteria in one location is required.

Section 10.164:

.... The decision...shall be based upon the application, the evidence, comments from the referral agencies, and compliance with the Statewide Planning Goals and Guidelines and with this code and the Comprehensive Plan.

Finding: [re Application; Evidence] The "application" is a proposal that was recommended by the list of facts under the findings for 10.085(3), above. The facts also comprise the "evidence" of this proposal.

Conclusion: The same conclusion made for 10.085(3), above, applies.

Finding: [re Comments from referral agencies] Department of Land Conservation and Development (DLCD) submitted a letter recommending a number of editorial changes. Most of the suggestions helped to better connect the City's Plan to State law, which is what the proposed amendments are meant to achieve. The letter had no substantive comments about the purpose of the proposed amendments.

Conclusion: Many of the editorial recommendations by DLDC improved the proposed draft. DLDC does not oppose the changes being proposed.

Finding: [re Statewide Goals compliance] The finding for 10.085(1), above, identifies Goals 2 and 14 as being pertinent to this proposal and demonstrates compliance with them.

Conclusion: The same conclusion made for 10.085(1), above, applies.

Finding: [re Code compliance] Staff published notice as prescribed in 10.156-157; prepared materials and submitted them for referral and review as per 10.182-183; and the public hearing process is proceeding per 10.155-169.

Conclusion: The proposed changes were prepared and reviewed in compliance with procedures for Class-A actions prescribed in MLDC Article II.

Finding: [re *Comprehensive Plan compliance*] The finding for 10.085(2), above, identifies pertinent goals and policies of the Comprehensive Plan and demonstrates compliance with them.

Conclusion: The same conclusion made for 10.085(2), above, applies.

CONCLUSION

The Planning Commission concludes that the findings of this staff report support the proposed amendments to the Comprehensive Plan and the development code.