



Planning Commission

Agenda

Study Session

August 22, 2016

Noon

City Hall, Medford Room 330
411 West Eighth Street, Medford, Oregon

10. Introductions

20. Discussion item

20.1 National Hazards Mitigation Plan

20.2 Wetland Regulations

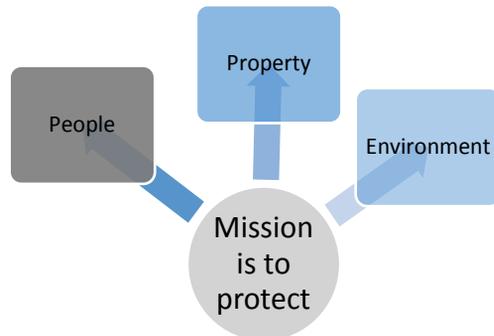
30. Adjournment

Medford Natural Hazards Mitigation Plan Update

August 2016

The overarching mission and purpose is to protect people, property, and the environment from the impact of natural disasters.

**City of Medford
2010 Natural Hazards Mitigation Plan**



The City of Medford first completed a Natural Hazards Mitigation Plan (NHMP) in November 2004 and updated it in August 2010.

Now, the City of Medford is collaborating with the Oregon Department of Land Conservation and Development (DLCD) to update the NHMP again. It will result in an updated NHMP and continued eligibility for state and federal funding.

These planning efforts are a prerequisite to be able to receive pre- and post- disaster funds from FEMA for mitigation projects and planning. Also, for keeping the flood insurance provided through the Community Rating System.

A Steering Committee, lead by the Emergency Management Coordinator and the Planning Director, is working with the DLCD staff. The updated NHMP is targeted for completion by June 30, 2017.

The NHMP is part of Medford’s emergency preparedness and hazard mitigation planning efforts. Integration of the NHMP with Medford’s plans, programs, and policies helps ensure that hazard management will be considered in emergency management and land use planning decisions; thus the NHMP makes the Medford community safer and more resilient.

Medford’s natural hazards: severe weather, floods, earthquakes, wildland urban interface fires, landslides, volcanic eruptions, air quality, and epidemics.



Oregon Department of
Land Conservation
and Development

Website: <http://readymedford.org>
Email: naturalhazards@cityofmedford.org



Agend Item 20.1

Hazard mitigation is any action taken to eliminate or reduce the vulnerability of people, property, and the environment to hazards.

The NHMP looks at the hazards facing the City of Medford and defines the vulnerability of people, property, and the environment to those hazards.

The NHMP identifies a set of actions or mitigation measures that may be taken proactively to reduce the impact of natural hazards on the people, property, and environment.

The NHMP process kicked off with a Steering Committee meeting on June 22, 2016 in Medford. DLCDD staff and Medford’s Emergency Management Coordinator led the meeting.

On July 20, 2016, the City of Medford website was updated in two locations to include information about the NHMP.

The Emergency Management home page, <http://www.ci.medford.or.us/SectionIndex.asp?SectionID=584>, alerts the reader to the Natural Hazards Mitigation Plan and directs them to click on the link to <http://readymedford.org> where additional details are provided.

The Memorandum of Agreement and Scope of Work is in the signature process. Both the City of Medford and DLCDD have signed it as of August x, 2016.

The next Steering Committee meeting is September 23, 2016.

The project schedule will be provided to Planning Commission and City Council members.

Goals of the Medford NHMP

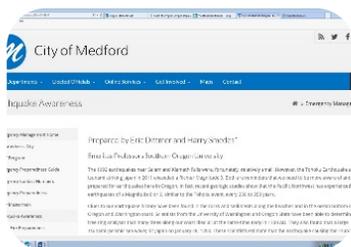


City of Medford's Departments of Emergency Management and Planning are partnering as leads on the Medford Natural Hazards Mitigation Plan update. Planning for natural hazards is related to lessening and preventing impacts from them to people, property, and the environment.

Prevention



Enhancing Emergency Services



Promoting Public Awareness



Forming Private -Public Sector Partnerships for Mitigation

City of Medford

Natural Hazards Mitigation Plan Steering Committee

2017 Update

Name	Position	Specialty
Barnum, Sam	Medford Building Safety Dir.	Building safety
Bearnson, Clay	Elected official	Medford City Council
Buck, Jim	US Army Corps of Engineers	Dam & inundation issues
Carver, Jenny	Disaster Program Mgr.	American Red Cross
DePew, Tracy	Cow Creek Band of Umpqua	Director of Emergency Mgt.
Dittmer, Eric	SME/community member	Earth sciences/seismology
Fish, Brian	Chief, Medford Fire-Rescue	Fire, Rescue, & EMS
Hoke, Bill	Medford Deputy City Mgr.	City administration
Huber, Jim	Medford Planning Director	Planning
Johnson, Brett	Deputy Chief, Medford PD	Medford Police
Masterman, Larry	Medford Emergency Mgr.	Emergency management
Phillips, Tanya	Jackson Co. Public Health	Public/enviro. health
Prechtel, Carrie	211Info Coordinator	Emergency info./referral
Robinson, Paul	Rogue Valley COAD	Community groups
Rubrecht, Sara	Jackson County Emergency Mgr.	Emergency management
Sanderson-Taylor, Jan	United Way of Jackson County	Community engagement
Sandler, Ryan	NWS Warning Meteorologist	National Weather Service
Simas, Jeff	Maintenance Supervisor	Medford Public Works



Planning Department

Working with the community to shape a vibrant and exceptional city

MEMORANDUM

Subject Development Code Amendment – Wetland Regulations
To Planning Commission *for 8/22/2016 study session*
From Carla Angeli Paladino, Planner IV
Date August 17, 2016

WETLAND REGULATIONS

In May 2016, the Planning Commission reviewed changes to the Environmental Element of the Comprehensive Plan regarding wetlands. The City has been working with SWCA Environmental Consultants and the Department of State Lands to approve a Local Wetland Inventory for the entire Medford Urban Reserve. This document is still pending approval with the State.

Staff proposes modifying Chapter 10 of the Municipal Code to include regulations that address development in or near wetlands and extend riparian corridors where appropriate in the future Urban Growth Boundary and within the remaining Urban Reserve.

The existing riparian corridor regulations have been modified to include wetlands. A draft of the proposed language is attached for the Commission's review. The changes include:

- Updated definitions
- Revisions to the purpose statements
- Extensions of riparian corridors along identified creeks
- Additional submittal requirements when wetlands are identified on property
- Removal of the ability to reduce the 50-foot riparian corridor setback
- Submittal requirements and criteria for approval of a fence in a wetland
- Development standards for transportation and utility facilities
- A new section explaining the notification and coordination process with state agencies

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.”~~ (Up for Discussion)

~~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 and any applicable buffers are identified in the Environmental Element of the Comprehensive Plan. Wetland buffers shall be provided as identified in the Comprehensive Plan.

[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.

D. 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.

A. 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.

B. Additional Approval Criteria

(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;

C. Development Standards for Transportation Facilities

(1) Transportation facilities and structures crossing wetlands shall be no wider than necessary to serve their intended purposes.

D. Development Standards for 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. (May need to move to land division criteria)
 - (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 and Wetlands.**

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.]