

PLANNING COMMISSION STUDY SESSION AGENDA AUGUST 12, 2019



MEDFORD
OREGON

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Planning Commission study sessions are held on the second and fourth Mondays of every month

Study Sessions begin at noon

City of Medford

Lausmann Annex Room 151

200 S. Ivy Street, First Floor

Medford, OR 97501

541-774-2380

PLANNING COMMISSION STUDY SESSION AGENDA



MEDFORD
OREGON

August 12, 2019

Noon

Lausmann Annex, Room 151

200 South Ivy Street, Medford, Oregon

10. Introductions

20. Discussion Item

20.1 DCA-18-180 - Concurrency

30. Adjournment



MEMORANDUM

To: Planning Commission
From: Kyle Kearns, Planner II – Long Range Division
Date: August 5, 2019 *for 08/12/2019 study session*
Subject: Concurrency, DCA-18-180 Revisions after June 27, 2019 Hearing

BACKGROUND

On June 27, 2019 the Planning Commission unanimously approved a continuance request for the development code amendment as it relates to amending the City's concurrency standards (DCA-18-180). Using direction from the City Council and the recently adopted Transportation System Plan (TSP), staff had prepared amendments to the Medford Land Development Code to implement the following TSP action item:

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

(City of Medford Transportation System Plan, 2018)

At the public hearing testimony was received from CSA Planning, Ltd. from Principal Planner Jay Harland. Staff was given the comments the afternoon of the hearing and was made aware of CSA's request to continue DCA-18-180 to a future Planning Commission hearing; with a cursory review of the comments staff had amended the recommendation for the Planning Commission to continue DCA-18-180 as the comments were substantive. Comments were also received from Transportation Commissioner Kim Parducci. A summary of the comments, staff's responses and the comments can be found in Exhibit A.

The comments received provide an in-depth review of the proposed amendment as well a review of the specific portions of TPR that had not been directly addressed in the initial amendment considered at the June 27 hearing. This memorandum will briefly review the essential changes to DCA-18-180, provide the upcoming hearing and commission schedule where the amendment will be reviewed as well as the amended language (Exhibit B, B-1).

CHANGES TO DCA-18-180 FROM CONTINUANCE REQUEST ON JUNE 27, 2019

Below is brief review of the changes that were produced in response to the comments in Exhibit A. This list intends to highlight large shifts from the original proposed amendment, not items related to syntax or “wordsmithing.” The list includes:

- Prohibiting Subsection (9) of TPR
- Allowance for Approving Authority to approve failing facilities
- Adding Average Daily Trips (ADT) for roadway functional classification
- Removing pipeline trips
- Added functional classification to 10.461
- New Public Works policy for ADT based on zones

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

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

Staff interpreted the direction from the TSP and City Council to be to remove concurrency and allow for the use of planned TSP projects in project analysis, but not to remove the requirement to study facility adequacy for the majority of zone changes. Amending DCA-18-180 to add this provision requires further direction from policy makers.

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

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

10.427(B) – Added Average Daily Trip (ADT) Rates for Roadway Functional Classifications

The ADT of the City’s street functional classification system were added to provide for additional clarity. Comments were received regarding the lack of process and clarity for

changing roadway functional classification and the values used for trip generation rates used in zone change. Although this addition does not address trip rates used for specific zones (addressed below) it does aid in providing clarity for the values used in determining roadway functional classification. Additionally, a line was added stating that changes in roadway functional classification are a comprehensive plan amendment (Type IV); the analysis for functional classification was added to 10.461 (addressed below).

Removed Pipeline Trips

One of the more substantial changes to occur since June 27 is the removal of pipeline trips from the TIA criteria. Questions and comments received during previous study sessions and comments received from Commissioner Parducci and Mr. Harland suggested that continuing to use pipeline trips in zone changes and TIA analysis was burdensome. Pipeline trips have proven to limit subdivision potential, especially in the short-term (e.g. Summerfield subdivision trip-cap example from June 10 study session), and these same limitations can be found on commercial and industrial properties as well. Pipeline trips represented past “guaranteed trips,” to City intersections, from previous zone changes, but many of these lots have not come to development fruition.

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

10.461(E) Elements of Analysis:

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

(a) Background conditions

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

(b) Proposed conditions

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

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

Justification for removing pipeline trips is in large part due to the newly adopted TSP. This new policy direction will require more frequent analysis and updates in regards to the TSP, but will enable a more consistent form of analysis for all development in the City. Removal of pipeline trips will not remove previous restricted zoning without a land use action.

Added a Functional Classification Analysis 10.461(E)(11-12)

Portions of the Transportation Planning Rule reference changes to a roadway's functional classification as a potential impact to transportation facilities. However, 10.461 did not require an analysis of roadway functional classification. TIAs and conditions imposed from zone changes are often related to impacts to roadway intersections, but the possibility that development could cause a roadway to exceed a roadway's designed Average Daily Trips is present. Therefore, the addition of a functional classification analysis is necessary to allow for analysis in this regard.

Creation of "Trip Generation Rates for Various Zones" Policy – Exhibit C

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

FURTHER POLICY DIRECTION NEEDED

In order to make additional changes to the proposed language of DCA-18-180, staff will require further policy direction from the City Council. Staff's recommendation is based on the original direction from the Council in January of 2019 and the adopted TSP. Planning Commission may recommend policy direction on these items, but staff is not recommending changes to the below items without further direction or subsequent amendments to the MLDC. The following policy items include:

- **Creating a "one map" land use system** – One of the provisions of TPR, specifically subsection (9) that is prohibited in the updated proposal (Exhibit B, B-1), would alter land use practice in Medford. Simply put, if proposed zone changes were consistent with the General Land Use Plan (GLUP) a TIA analysis would not be needed; Bend has implemented this type of approach. Without additional provisions to require mitigation outside of conditions of approval, determined through a TIA analysis, staff does not recommend this provision.
- **Partial mitigation for industrial or traded-sector jobs** – Developments, according to TPR, may be permitted partial mitigation of a transportation facility if they provide industrial/traded-sector jobs. This provision of TPR is not prohibited by the Medford Municipal Code, thus making the use of this provision

possible. This is a larger discussion that would require City Council approval, ultimately, and is still an available provision to development per TPR. Training to policy makers on how to leverage this provision or development of a local process is possible, staff would welcome this recommendation outside of DCA-18-180 to allow for proper development of policy.

- **Removal of Mega Corridor exemptions (10.461(E)(17))** – One of the provisions of the proposed language in DCA-18-180 allows for the use of Tier 1 projects in a TIA proposed conditions (future year) analysis. However, staff has had to exempt the use of the N. Phoenix, Foothill and S. Stage Corridor projects due to lack of secure funding in the TSP. Comments received from Commissioner Parducci and Mr. Harland suggest that the use of the aforementioned projects in the proposed conditions would still provide some benefit and since the City identified them as Tier 1 projects, we should allow for their use. Staff disagrees with this allowance given the lack of funding, and this was how previous direction from City Council and Planning Commission was perceived. Without further direction from policy makers, staff is not recommending changes to this item.

NEXT STEPS

After the August 12 Planning Commission study session staff will be providing the Transportation Commission with another forum for recommendation on August 28. The Planning Commission hearing will be on September 12 and the City Council hearing on October 3. Barring no substantial changes, staff is confident this timeline will be kept.

EXHIBITS

- A Public Comments and Staff Responses
- B Amended Proposal for DCA-18-180
- B-1 Amended Proposal, clean no edits
- C Trip Generation Rate, Public Works Policy

Exhibit A

Public Comments and Staff Responses

MEMORANDUM

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

BACKGROUND

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

The intent of this memorandum is to provide review of the aforementioned comments and possible additions to the proposal to address the comments received from both Mr. Harland and Ms. Parducci. Mr. Harland's comments serve as a review of the Transportation Planning Rule (TPR) as it pertains to the proposal (Exhibit C) with suggestions on how to implement certain provisions from his professional perspective. Each comment is summarized in the memo and contained as an Exhibit; sections pertinent to DCA-18-180 are provided in sequential order as the code language would appear in the Medford Land Development Code (MLDC). Exhibit C contains the proposed language that was reviewed at the Planning Commissions Hearing on June 27, 2019.

COMMENTS AND PROPOSED ACTIONS FOR DCA-18-180

The following sections contain the various sections of DCA-18-180 that are referenced by both Ms. Parducci and Mr. Harland in the comments (Exhibits B & A, respectively). Kim Parducci's

comments are shown as KP, Jay Harland's as JH. A preliminary review of how these comments can be addressed is provided in each individual section; comments that are broader in nature have been addressed at the beginning of the memo.

10.204(3)(B) – KP, Exhibit B (page 25)

Concerned with vagueness of the language regarding Public Works ability to require improvements "...for reasons of public safety." Suggested to provide an example of public safety.

Staff Response: Staff is not recommending any changes in regards to this comment. Staff acknowledges the vagueness of this language but would not want to be locked in to an exclusive list as it pertains to public safety. Leaving the discretion of what constitutes "public safety" to the Public Works Director can be important as there will be instances when data or a prescriptive process cannot account for unforeseen safety concerns of the future. Staff would also like to point out that section 10.461(E)(19)(b) does provide further detail about what types of issues are considered safety issues.

Section 10.461 TIA Applicability and Methodology

10.461 Broad Comments – JH; Exhibit A

Mr. Harland had several broad-based comments regarding the TIA applications and methods. He raises many valid points; however, the understanding of staff was that adopting TPR by reference in 10.204 would allow for many of these provisions to be used. Many of his comments below respond as if we were to add provisions explicitly into the MLDC. The following are his comments summarized:

- Stated that the current proposal has no allowance regarding an analysis process for changing roadway functional classification (pages 16-17).
 - **Staff response:** Add a section to 10.461 stating that when the maximum allowed Annual Average Daily Trips (AADT) for local and collector streets are exceeded, a comprehensive plan amendment is required and add the maximum allowed AADT for those classes to 10.462. Additionally, staff will amend the proposal to include a provision that lowering a classification (i.e. collector to local street) may not be approved without a comprehensive plan amendment.
- Concerns regarding the current TIA standards require that developments first find failing intersection prior to reducing trips (pages 16-17).
 - **Staff response:** Staff respectfully disagrees with this comment and believes that the code requiring developments to find a failing intersection is already consistent with the TPR. The TPR language states that the *significant effect* can be reduced or eliminated by

reducing trips; this implies that a significant effect has already been identified. Staff believes this provision is intended to allow development to avoid costly infrastructure improvements, not to simply stipulate to avoid the requirement to do a TIA.

- Subsection (3) of TPR has not been provided for in DCA-18-180 (pages 18-19).
 - **Staff Response:** This portion of TPR is a "...may approve..." as opposed to a "shall approve." Staff believes that the option for approval in these cases is in the code as currently proposed. However, it would be a good idea to provide some guidance on how this would work should it ever come up. Staff recommends inserting language into 10.461 stating that when an applicant is proposing approval under this section of the TPR, the Public Works Director (or designee) shall submit a recommendation to the approving authority stating whether the proposed mitigation provides enough benefit in the near term to outweigh additional delay in the future, in their professional opinion. If the Public Works Director (or designee) supports it, then the approving authority will approve it. If the Public Works Director (or designee) does not support it, then the approving will review competing testimony by the professional engineers with expertise in transportation and will approve or deny the proposed development with the proposed mitigation.

- Subsection (6) of TPR addressing reductions in mixed-use, pedestrian-friendly centers, and neighborhoods is not directly addressed in the code language. Mr. Harland suggest that the trip rates for zoning should be brought into the MLDC and the process for updating them. Additionally, it is requested that these rates follow the 10% trip reduction allowed within TPR (pages 20-21).
 - **Staff Response:** Adding the trip rates, into the MLDC or as a department policy available to the public, used for zone changes will resolve this. Additionally, the 10% reduction for mixed-use, pedestrian-friendly centers and neighborhoods is already explicitly stated in the TPR, therefore it is not needed in the MLDC.

- Subsection (8) of TPR outlines standards for what "mixed-use, pedestrian – friendly center or neighborhood" shall mean in reference to TPR. Mr. Harland points that these standards could be brought into code (pages 21-22).
 - **Staff response:** Staff will rely on the provisions explicitly stated in TPR to ensure the benefits of this section are provided for. Language

accompanying the trip rates will be incorporated siting the TPR definitions of “mixed-use, pedestrian –friendly center or neighborhood.”

- Mr. Harland notes that Subsection (9) of TPR, would in theory, apply to all zone changes given the lack of direction in DCA-18-180. Subsection (9) states that a zone change does not affect a transportation facility if zoning is consistent with the comprehensive plan, the local government has an adopted TSP and the subject property wasn’t exempt from this rule prior to annexation (page 22).
 - **Staff Response:** Inclusion of this provision would in effect remove all TIA analysis for a zone change if there was no proposed change to the comprehensive plan designation. The language in TPR states that “...a local government may find...” making this an optional requirement. Working with the provisions of subsection (9) could streamline many of the City’s zone changes and development proposals. However, it could also create problems where development will build without key local street connections and the city has no way to require mitigation for issues created by this. This provision was discussed in Council Study Sessions during the TSP update. Staff’s understanding is that Council intended to remove concurrency and allow planned projects to be included in the analysis but not to remove the requirement to study facility adequacy for most zone changes. Staff will add language stating that approval under TPR subsection (9) is not allowed to clarify.
- Subsection (10) of TPR outlines provisions for a local government to deviate from applying performance standards related to vehicles in the case of land use proposals in a multimodal mixed-use areas (MMA). Mr. Harland states that there is no process for this addition (pages 22-23).
 - **Staff response:** Again, this is an optional provision of TPR. The City currently has no MMA established and to do so would require a comprehensive plan process. There may be reason to incorporate this, but this is outside of the scope of DCA-18-180 unless directed otherwise by Council. This allowance does present some potential benefits when applied in the right areas (e.g. Downtown, West Main, S-E Plan Area, or Liberty Park).
- Subsection (11) outlines processes for partial mitigation of transportation facilities when industrial or traded-sector jobs are used and certain uses are restricted (retail or auto-oriented businesses). Mr. Harland points out the potential economic development tools this provision provides (pages 23-24).

- **Staff response:** The allowance to use this section could be more explicitly outlined, however the provisions are still applicable for those seeking to use this exception. However, this is a policy decision that would need Council approval. Research into how other cities are handling this is needed prior to implementation.

10.461 "TIA Applicability" – KP, Exhibit B (page 25)

Disagrees to allow for the modification of a scoping letter due to "...significant development," approvals.

Staff response: Staff recommends removal of this language from the code.

10.461(B)(2) – KP, Exhibit B (page 25)

Would like clarification that facility adequacy standards only apply to collectors and arterial roadways.

Staff response: Add language to 10.461(B)(2) that says, "Any collector or arterial intersection with another collector or arterial where the...."

Additional comments were regarding the vague language that states "This volume may be adjusted, at the discretion of the Public Works Department, for safety or unusual situation." Additions clarifying instances of a need to adjust for safety or unusual situations is desired.

Staff response: This provision is rarely, if ever, used and is intended to address situations where staff is aware of existing problems that need to be looked at. Staff respectfully disagrees with this comment.

10.461(E)(9) – KP, Exhibit B (page 26)

Concerns around what is considered to be "off-peak season" and "peak season." Ultimately it is recognized that this may be hard to define within the comment.

Staff response: Leave language as is to allow for flexibility in determining when the "peak season" is based on area (e.g. schools aren't in session during summer).

10.461(E)(12) – KP, Exhibit B (page 26)

Voicing opinion that a pass-by cap of 25% is not necessary. "The ITE may use studies that show bigger cities and the pass-by rates might be a little higher in some situations but the City of Medford doesn't have any better information to show that 25% is more accurate. Not allowing consultants to use the ITE pass-by

rate is like not allowing consultants to use ITE land use trip rates because those studies were also prepared using large cities.”

Staff response: Staff believes that removing this language is problematic and is not proposing any changes. An example of staff’s concern is that per Table E.18 of the ITE Trip Generation Handbook, a Costco could claim a pass-by percentage of 37% based on studies done on the east coast. This percentage is not realistic given the Costco in the Rogue Valley draws customers from hundreds of miles away. The existing code language already allows for higher pass-by percentages to be when request in advance and approved Public Works Director. Additionally, pass-by is not considered when using the zone change trip rates.

10.461(E)(14) – KP, Exhibit B (page 26)

Questioning the need to continue to track pipeline trips as it front-loads analyses and can cause exiting conditions to be almost as high as future 2038 conditions. The adopted TSP should account for previous zone changes, especially if adopted prior to the TSP being adopted. Suggested moving towards a proportionate share (“pro-rata share”) for developers as opposed to tracking pipeline trips.

Staff response: Staff considered a proportionate share contribution with DCA-18-180 originally but removed it due to the politics of adding such a fee to development, as well as the amount of research needed to implement a project like this in an expedient time frame. The TSP also directs the addition of a “pro-rata share” contribution for intersections in the Key Code and Policy Amendments, which is a proportionate share. This project will need to be revisited with focus specific to this amendment.

In reference to pipeline trips, they account for trips from approved zone changes that have not built out. Pipeline trips are added to the existing counts to establish the current day background conditions. Under the analysis required by the TPR, existing counts are grown to future volumes using growth rates derived from the regional model to establish the future background conditions. The constrained growth in the regional model includes growth in areas where that are also included as pipeline trips. Including pipeline in the future year analysis double counts these trips. Including pipeline in the current year analysis ensures that already approved developments are accounted for in the current year.

In order to be consistent with the direction to apply the TPR as the determinant of facility adequacy, pipeline trips should be abandoned. Since the future year is the determining year for mitigation under the TPR, this will not impact TPR required mitigation. Therefore, the only impact to the City’s ability to require mitigation would be in the projected build year of the project, which is already limited to

“reasons of public safety” by 10.204. Reasons of public safety will generally be related to existing safety concerns, not pipeline trips.

Staff will consider removing references to pipeline trips from the code.

10.461(E)(15) – JH; Exhibit A (page 20)

States that the city should include the Regional Transportation Plan (RTP) in the list of methods to become “...reasonably likely to be funded...”

Staff response: Add the RTP Fiscally Constrained Project List to the list in accordance with the list provided in the TPR.

10.461(E)(15) – KP, Exhibit B (page 26)

Disagrees with exempting the Mega Corridor projects from the Tier 1 allowances proposed in DCA-18-180. Projects along N. Phoenix, Foothill and S. Stage should not have been identified as Tier 1 projects if they did not have secure funding.

Staff response: These points had been raised by staff during the onset of the drafting of DCA-18-180. However, the Oregon Department of Transportation (ODOT) had not supported the consideration of the Mega Corridor projects (primarily the South Stage Overcrossing) as Tier 1, fiscally constrained projects, due to lack of funding identified in the TSP. At the time of preparing the TSP for adoption by the City Council, Staff was directed to include the Mega Corridor projects in the Tier 1 list but to only allocate \$15 million to the group of projects. These projects are called out as not being considered fiscally constrained in order to address ODOT’s concerns about development proceeding without a funding plan for these projects being in place, and degrading the operations of the South Medford interchange. This is why these projects are not considered fiscally constrained, even though they were included in the analysis performed for the future year in the TSP. Medford is committed to finding funding for these projects but is not considering them fiscally constrained until that funding is more certain.

Please note that the intersections along the Mega Corridor needing mitigation are identified as separate Tier 1 projects and will be considered as funded in analysis.

Additionally, TPR provides guidance on how a transportation facility may be considered “...reasonably likely to be provided...” with the following language:

“(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or

comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.”
(TPR - OAR 660-012-0060 (4)(b)(E))

Efforts to determine a funding package for the Mega Corridor are underway and it is likely that the need to exempt these projects will be removed. This decision will ultimately need additional direction from the City Council. Staff recommends adding, until the City Council issues a statement directing otherwise to the end of the sentence in section 10.461(E)(15)(a) . The language can be removed when additional funding is identified.

10.461(E)(18) – KP, Exhibit B (page 26)

Similar concerns as above in reference to the term “safety review,” there appear to be issues with the potential for subjectivity.

Staff response: Staff respectfully disagrees that this language is subjective. The elements of the safety review are defined in 10.461(F)(8) and mitigation requirements are spelled out in 10.461(E)(19). Staff is not recommending changes based on these comments, see above comments as it relates to 10.204(3)(B) for additional clarity.

10.461(E)(19) – KP, Exhibit B (page 26)

Feels this proposed language is not consistent with the allowances in TPR to allow for a no further degradation target. Additional comments regarding a pro-rata share were reiterated in this comment.

Staff response: Staff believes that the proposed code allows for a “No Further Degradation” target in Section 10.462. The language in question references section 10.462, which includes both the adopted mobility targets (acceptable LOS) and the “No Further Degradation” target.

10.461(F)(2-3) – KP, Exhibit B (pages 26-27)

Comments pertain to using a common peak hour in TIAs.

Staff response: Staff recommends replacing “peak period” with “peak hour” throughout section 10.461.

10.461(G) – JH; Exhibit A (page 18)

Within the Transportation Planning Rule there are several remedies that divert from the traditional methods of providing for transportation facility adequacy (i.e. improving roadways for vehicles). Mr. Harland has identified a lack of process stating "...there is not much in the way of process description for how someone would apply for any of the above options under TPR." These options include amending the TSP project list or functional classification, conditioning TDM for developments, providing alternative modes of transportation and allowing for minor transportation improvements to aid in alleviating level-of-service failures.

Staff response: In terms of process, staff is proposing that these remedies be conditions of approval of land use reviews similar to how other transportation facilities are required for development and it is directly stated in Subsection (G). Additionally, changes to the TSP identified in this portion of TPR identified above would be subject to the Comprehensive Plan Amendment criteria and the Type IV land use review standards. Staff disagrees with this comment and feels the process for implementation is already in place.

NEXT STEPS

Revisions to the proposed language will be made to DCA-18-180 once staff has received appropriate direction on the comments contained with this memo and its exhibits. The Planning Commission hearing is scheduled for August 22 and City Council on September 19. Given the likelihood of substantial changes coming from these comments, Planning staff would recommend the inclusion of another Planning Commission study session to review the changes. If taken back to Planning Commission in a study session, the hearing dates would need to be pushed back in order to reflect this new timeline.

EXHIBITS

- A-A DCA-18-180 Comments – CSA Planning via Jay Harland
- A-B DCA-18-180 Comments – Transportation Commissioner, Kim Parducci

Exhibit A-A

DCA-18-180 Comments - CSA Planning via Jay Harland

June 27, 2019
Medford Planning Commission
200 South Ivy Street, Lausmann Annex, Room 240 Medford, Oregon 97501

RE: **DCA-18-180**

Dear Commissioners:

This letter provides CSA Planning's comments on the proposed code amendments in Planning File No. DCA-18-180. We request this letter be entered into the record for this land use proceeding. As a matter of Comprehensive Plan policy implementation, our opinion is that this code amendment is as important as any code amendment the Planning Commission has considered in recent memory. Given the gravity of these changes, this letter includes extensive comments. We respectfully request the Planning Commission continue this hearing so that our comments can be given thorough consideration by the Commission. We believe this continuance request is appropriate given that we received a copy of the proposed amendments only 10 days ago which was a full week after the Planning Commission's study session.

POLICY CONSISTENCY WITH THE TSP:

The proposed code amendments continue much of the current process and approach to traffic analyses and demonstration of transportation facility adequacy for zone changes. If the prior regulations were working well, then language refinement and minor adjustments are an appropriate approach. The proposed code changes include beneficial flexibility that does not exist in the current code language- to be sure. However, the Medford City Council has already directed a major change in policy. The new TSP includes specific policy direction to fundamentally change the approach. This language is called out in the staff report and is as follows:

TSP Goal 1, Objective 4, Action Item a:

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

The TSP policy direction is crystal clear. Where the Comprehensive Plan includes language that is this clear, the code language implementing it must be consistent with the plan language. Development codes implement the Comprehensive Plan, not the other way around. Unfortunately, this code amendment falls short of fully implementing the policy set forth in the TSP. The staff report includes no analysis of the applicable section of TPR nor does it explain how the code amendment is implementing the adopted policy direction in Action Item 4-a.

Moreover, some of the definitional changes appear to indicate a departure from the policy precedent set in the Wal-Mart/Siporen decision that transportation facility

adequacy is determined at the time of zone change. This would be a major policy change from current policy. Moreover, applying TPR as ***the determinant of facility adequacy*** provides no basis to impose extensive capacity analysis requirements at the time of the development when TPR does not even apply.

TRANSPORTATION PLANNING RULE (TPR)_ANALYSIS:

There are many proposed code provisions where detailed technical comments may be appropriate in the future. However, given the issue of policy consistency with the TSP described above, such detailed technical comments about specific code provisions is not appropriate at this juncture. A comparative analysis of TPR and the proposed language is the more pressing matter. Accordingly, the below comments provide an analysis of TPR and these comments seek to illustrate where code changes are needed to fully implement the TSP's policy direction.

TPR Facility Adequacy Policy Overview- The proposed new MLDC zone change criteria for transportation facility adequacy cites directly to OAR 660-012-0060. This is consistent with the policy set forth in Action Item 4-a in the TSP. As a primary matter, an overview of the policy context contained in OAR 660-012-0060 may help the Commission understand the more detailed TPR analysis that follows.

OAR 660-012-0060 is a "planning level analysis". Some traffic engineering may be performed as part of a TPR analysis. However, it is not, fundamentally, a traffic engineering exercise. The "test" in OAR 660-012-0060 occurs at the end of the planning period that is 20-years in the future. The test includes the financially constrained planned transportation projects. The point of the analysis is to evaluate if adequate transportation planning has been done to support the land use change or if there are land use planning benefits to be realized that justify the acceptance of higher levels of congestion.

TPR uses the language of "significant effects" on a transportation facility resulting from a land use change. If no changes to the functional classification of any streets will occur and all the performance standards of all transportation facilities in the future year will either meet the adopted standard or will not be made worse than there is "no significant effect" and the facility adequacy exercise ends at that point. If the initial analysis shows there is a significant effect, TPR includes a number of planning options to obtain compliance and eliminate the "significant effect".

The underlying policy assumption embedded in TPR is that allowing development to occur that is consistent with transportation planning for the area and the Comp Planned land uses will, ultimately, result a transportation system that balances congestion with the other requirements of the statewide land use planning program for cities (efficient urban land use G14, housing G10, economic development G9). TPR recognizes that incremental development-by-development traffic performance criteria that seeks to avoid any localized congestion may not actually result in a better performing transportation system in the long-run- especially in medium and larger urban areas. TPR recognizes that development is encouraged to spread out geographically under this type of policy regime causing trip lengths to increase and limiting the ability of transit and alternative modes to capture transportation demands in medium and larger urban areas.

Detailed TPR Review-

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

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.
 - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
 - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

COMMENT: Nothing in the City's code amendments explain what is expected for the functional classification analysis. All the language is focused on (c) (B and C), which is typically where the issues are. However, some language explaining what is expected for functional class analysis, and associated access analysis, is appropriate because TPR requires a finding to that effect. Much of the TIA language can be used to address the performance standards analysis.

The other concern is that TPR specifically provides that significant effects can be eliminated through enforceable requirements to limit trips. The existing Medford code and the proposed code carry forward a requirement to first find a failing facility and then reduce the trips. TPR includes no such requirement. It is often a waste of time and energy because a developer knows the use they want to do is allowed in a different zone but it will not produce more trips than the trip generation rates of the existing zone. For example, this evening's agenda has a zone change that was stipulated on traffic generation to allow a hotel on property that was previously zoned I-L and we were only able to stipulate because a prior TIA had already found a failing facility, or otherwise that project would have had to go looking for one. TPR does not require this needless step and it should be eliminated.

The new City language does include the "no degradation standard" which is reflected in TPR and this is a welcome addition to the code.

- (2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.
 - (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
 - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.
 - (c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

- (d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.
- (e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:
 - (A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;
 - (B) The providers of facilities being improved at other locations provide written statements of approval; and
 - (C) The local jurisdictions where facilities are being improved provide written statements of approval.

COMMENT: The staff report suggests that the above flexibility will be available under the new code. However, there is not much in the way of process description for how someone would apply for any of the above options under TPR. If the request is broad in scope, then it is clearly legislative and so the City can process it in a flexible manner the City sees fit.

However, there may be instances where quasi-judicial requests would be appropriate but it seems like the City would want some sideboards on that and also some criteria. The TIA is only one component of the submittal that would appear to be required.

The subsection "(G) enhancements" seems to allow for some of the above TPR components but it is in the TIA section of the code.

There is a planning process piece that seems to be missing.

- (3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:
 - (a) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;
 - (b) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;
 - (c) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and
 - (d) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.

COMMENT: Essentially, this section of TPR deals with a specific circumstance where facilities are projected to fail in the future, and even with some mitigation, will be made worse in the future year, but can be improved in the build year. This is an unusual circumstance. CSA has used it on a project one time in the last 10 years since it has been in existence. Nevertheless, there is nothing in the

revised code, as I read it, that provides a mechanism for this process. Maybe there does not need to be, but some findings that explain how the new code works under this section would provide informative legislative intent.

- (4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.
 - (a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.
 - (b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:
 - (A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.
 - (B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.
 - (C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.
 - (D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.
 - (E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.
 - (c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are considered planned facilities, improvements and services, except where:
 - (A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or
 - (B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.
 - (d) As used in this section and section (3):
 - (A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;
 - (B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and
 - (C) Interstate interchange area means:
 - (i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or
 - (ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.
 - (e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)–(C) to

determine whether there is a significant effect that requires application of the remedies in section (2).

COMMENT: The proposed MLDC 10.461(E)(15) code language is prohibiting the use of certain TSP Tier 1 improvements in the TPR facility adequacy analysis. The proposed code language indicates they can be included based upon certain actions in subsection (b). TPR provides that if they are included in the RTP financially constrained list then you “shall rely” on those improvements. Inclusion in the RTP list is not one of the listed “actions” for those projects to be considered funded. For example, Foothill Road McAndrews to Delta Waters is in the RTP, and therefore, may be relied upon under the express language of TPR.

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

COMMENT: This section of TPR is not relevant.

- (6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in sections (1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in subsections (a)–(d) below;
- (a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;
 - (b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in subsection (a) above;
 - (c) Where a local government assumes or estimates lower vehicle trip generation as provided in subsection (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 660-012-0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and
 - (d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to subsection (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

COMMENT: The proposed code refers to the zone trip rates that are on file with the Public Works Department. These rates are critical to zone changes. These should arguably be in the code itself. At a minimum the code should specify how

they get approved (Council Resolution???), how frequently they should be re-evaluated, and some math should be provided that demonstrates there is an adequate factual base. These trip rates function as a foundational element to implement the City's Comprehensive Plan for transportation so they are not some minor administrative function.

With respect to the particular language in TPR above, the base rate needs to reflect these TPR requirements. There should be separate rates that are at least 10% lower for zone changes in mixed-use pedestrian friendly neighborhoods. Proposed section 10.461(E)(11) should tie to this section of TPR and expressly allow for the required reductions.

- (7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in subsections (a)–(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3):
 - (a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;
 - (b) The local government has not adopted a TSP or local street plan which complies with OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and
 - (c) The proposed amendment would significantly affect a transportation facility as provided in section (1).

COMMENT: Medford has an adopted TSP so subsection (7) does not apply.

- (8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:
 - (a) Any one of the following:
 - (A) An existing central business district or downtown;
 - (B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;
 - (C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or
 - (D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.
 - (b) An area other than those listed in subsection (a) above which includes or is planned to include the following characteristics:
 - (A) A concentration of a variety of land uses in a well-defined area, including the following:
 - (i) Medium to high density residential development (12 or more units per acre);
 - (ii) Offices or office buildings;
 - (iii) Retail stores and services;
 - (iv) Restaurants; and
 - (v) Public open space or private open space which is available for public use, such as a park or plaza.
 - (B) Generally include civic or cultural uses;
 - (C) A core commercial area where multi-story buildings are permitted;
 - (D) Buildings and building entrances oriented to streets;
 - (E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;
 - (F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;
 - (G) One or more transit stops (in urban areas with fixed route transit service); and
 - (H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

COMMENT: While not required, some connection to this TPR provision seems to make sense?

- (9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.
 - (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;
 - (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and
 - (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

COMMENT: Nothing in the code explains how this section of TPR is implemented¹.

- (10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.
 - (a) A proposed amendment qualifies for this section if it:
 - (A) Is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and
 - (B) Is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.
 - (b) For the purpose of this rule, “multimodal mixed-use area” or “MMA” means an area:
 - (A) With a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;
 - (B) Entirely within an urban growth boundary;
 - (C) With adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;
 - (D) With land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and
 - (E) Located in one or more of the categories below:
 - (i) At least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;
 - (ii) Within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or
 - (iii) Within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.
 - (c) When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.
 - (A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:

¹ Given the language in the proposed zone change criteria and the silence on how this is to be applied, it would appear this option would be available to any zone change application.

- (i) Whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;
 - (ii) Whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and
 - (iii) Whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.
- (B) If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.
- (d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.
- (e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.

COMMENT: Again, there is not much in the way of process description for how someone would apply for any of the above options under TPR. If the request is broad in scope, then it is clearly legislative and so the City can sort of process it in a flexible manner. However, there may be instances where quasi-judicial requests would be appropriate, but it seems like the City would want some sideboards on that and also some criteria. Again, there is a planning process piece that seems to be missing.

- (11) A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with subsection (a) of this section, the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.
- (a) The amendment must meet paragraphs (A) and (B) of this subsection or meet paragraph (D) of this subsection.
- (A) Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.
- (B) Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.
- (C) For the purpose of this section:
- (i) "Industrial" means employment activities generating income from the production, handling or distribution of goods including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development.
 - (ii) "Traded-sector" means industries in which member firms sell their goods or services into markets for which national or international competition exists.
- (D) Notwithstanding paragraphs (A) and (B) of this subsection, an amendment complies with subsection (a) if all of the following conditions are met:
- (i) The amendment is within a city with a population less than 10,000 and outside of a Metropolitan Planning Organization.
 - (ii) The amendment would provide land for "Other Employment Use" or "Prime Industrial Land" as those terms are defined in OAR 660-009-0005.
 - (iii) The amendment is located outside of the Willamette Valley as defined in ORS 215.010.
- (E) The provisions of paragraph (D) of this subsection are repealed on January 1, 2017.
- (b) A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives from the provider of any transportation facility that would be significantly

affected written concurrence that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT must coordinate with the Oregon Business Development Department regarding the economic and job creation benefits of the proposed amendment as defined in subsection (a) of this section. The requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by subsection (c) of this section and the provider does not respond in writing (either concurring or non-concurring) within forty-five days.

- (c) A local government that proposes to use this section must coordinate with Oregon Business Development Department, Department of Land Conservation and Development, area commission on transportation, metropolitan planning organization, and transportation providers and local governments directly impacted by the proposal to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect transportation facilities and the adequacy of proposed mitigation. Informal consultation is encouraged throughout the process starting with pre-application meetings. Coordination has the meaning given in ORS 197.015 and Goal 2 and must include notice at least 45 days before the first evidentiary hearing. Notice must include the following:
 - (A) Proposed amendment.
 - (B) Proposed mitigating actions from section (2) of this rule.
 - (C) Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions would fall short of being consistent with the function, capacity, and performance standards of transportation facilities.
 - (D) Findings showing how the proposed amendment meets the requirements of subsection (a) of this section.
 - (E) Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities.

COMMENT: This is a potentially significant economic development tool available under TPR. No guidance whatsoever is provided by the proposed code language on any local procedures to implement this part of the rule. Potentially significant Goal 9 opportunities could be advanced by having a solid local procedure in place to implement this part of the rule.

CONCLUDING COMMENTS:

Ultimately, the policy direction in the TSP is straightforward. The amendments move the City towards this policy objective, but not nearly there. The stated reason for the code amendments is to implement action item 4-a in the staff report. The City should be completing code amendments to fully implement the TSP action item as part of this code amendment.

We are certainly willing and able to work with the City on code language as the project moves forward. However, it is not realistic for us to provide an entire battery of specific code changes to address all the issues pointed up in this letter. We do not want to hold the project up for an extended period. We are anxious, as are others, to see the new TSP reflected in the code. However, we also believe this in an instance where doing it right once the first time will be the most beneficial.

Exhibit A-B

DCA-18-180 Comments - Transportation Commissioner Kim Parducci

From: [Kim Parducci](#)
To: [Karl H. MacNair](#); [Kyle W. Kearns](#)
Subject: Concurrency and code changes review
Date: Tuesday, June 25, 2019 10:01:46 AM

Hi Karl and Kyle,

I know this is coming late but I missed the TC meeting when we discussed the proposed concurrency language and code revisions and have finally had time to read through it and give it thought. For what it's worth, these are my comments.

10.204(3)(b) "Adequate streets and street capacities must be provided.....The Public Works Department may require that planned improvements be constructed prior to issuance of building permits for reasons of public safety." I think this is too vague and will ultimately lead to issues / battles over what is "public safety". Maybe an example or some guidelines would be helpful to narrow this down a little.

10.461 "TIA Applicability.....Scoping letters may require modification if significant development is approved during the 180 days." I disagree with this. Once a traffic consultant starts an analysis and is preparing it per the scoping letter I don't think Public Works should add a development to be considered. That requires a full revision to every analysis scenario and wouldn't allow the consultant to adequately plan for it or provide it within an estimate.

(B)(2) "Any intersection....." This is the same language that's in the current code but when I was reading through it I was wondering why it doesn't state that facility adequacy standards don't apply to intersections involving local streets. Should this section state intersection of collectors and arterials to be consistent with the scoping letter provided by Public Works?

(B)(2) " This volume may be adjusted, at the discretion of the Public Works Department, for safety or unusual situations; and" I think this is too vague and again will lead to issues/disagreements. If Public Works wants to have discretion for safety then it would be helpful if they quantify a more narrow description of what kinds of things would be considered because safety can cover a long list of subjective criteria.

(E)(9) " An appropriate adjustment factor shall be applied to existing count data if counts were taken during the off-season" What is appropriate and what is considered off-peak because depending on the area summer could be off-peak if school traffic has a big impact. I've always thought this language in the current code should have been more specific but it's difficult because most seasonal adjustment methods just assume summer is the peak. I don't disagree with an adjustment factor but I feel like the language is unclear as to what should be used.

(E)(12) I want to continue to voice my opinion that a pass-by cap of 25% is not necessary. The ITE may use studies that show bigger cities and the pass-by rates might be a little higher in some situations but the City of Medford doesn't have any better information to show that 25% is more accurate. Not allowing consultants to use the ITE pass-by rate is like not allowing consultants to use ITE land use trip rates because those studies were also prepared using large cities. It's no different in my view.

(E)(14) I don't have any good alternative (yet) but I feel like having to continue to count pipeline trips is a mistake because I see how it front-loads analyses and makes it very confusing when existing conditions are almost as high as future 2038 conditions. There has to be a better way to consider zone changes that haven't built out. The current TSP should already account for past zone changes that haven't built out and any new zone change from this point forward could possibly be considered by larger growth rates or something in areas where the City sees a lot of zone changes occurring. I'd be more open to developers having to pay a pro-rata share more often or some other mechanism than tracking pipeline trips. I don't think it's even an accurate way of dealing with zone changes since it's based on potential conditions and sites often don't develop to that level. Overall, pipeline trips are just a tracking disaster.

(C)(15) I'm struggling with not allowing Tier 1 projects that were included as Tier 1 projects in the TSP and used in that analysis, specifically with the South Stage crossing. I'm not sure where the breakdown occurred but if we weren't going to allow it to be included in 20 years then we shouldn't have included it in the model runs that were used to determine future conditions. And, if it was decided that it should be included as a Tier 1 project so that it makes it easier to go after grants and such, then it should be treated like any other Tier 1 project.

(E)(18) The term "safety review" of study area intersections is too vague even if it's followed up that it's based on ODOT or City criteria because it encompasses too many possibilities. A crash analysis used to be required to address safety. Now the language is stating that a "safety review" of intersections is required, and that will end up being very subjective.

(E)(19) Mitigation measures are still being required such that an acceptable LOS is achieved? The State allows a developer to address their impacts and not make conditions worse. I thought we were revising the language to make it consistent with the TPR and allow developers to mitigate their impact. This is where a pro-rata share or small improvement could be proposed to mitigate an impact but not necessarily have to bring an intersection to an acceptable level.

(F)(2) I don't think the language has changed here but "peak period" refers to a longer duration than a peak hour. The intent of this paragraph I think is to state that coordinated systems use

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the same snapshot in time or same "peak hour". Stating peak period or that a common peak period should be used or not used suggests, for instance, 4:00-6:00 pm. Similarly, in (F)(3) the statement that counts should be a minimum of two hours and include the peak period should say should include the "peak hour" because the point is that you don't want to have a peak hour from 4:00-5:00 pm that could have been 3:45-4:45 pm had you been required to show that the peak hour was indeed within the peak period counted. As a caveat to this, I think a common peak hour or global peak hour is much more appropriate in analyses because using a different peak hour for each intersection is inaccurate and then causes large imbalances that consultants have to then balance....making the data even more inaccurate. A common peak hour can be determined based on the most critical intersection.

Sorry that these comments are so late in coming. Feel free to correct me if I made any erroneous assumptions or call me if you have any questions. I just wanted you to have my thoughts since I might be the only person within the TC group with traffic background knowledge as it pertains to the technical side of things.

Kim

Exhibit B

Amended Proposal Text DCA-18-180

~~Deleted Text~~ New Text

~~Moved Text~~, Moved Text

New Text since 6.27.19

* * *

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

* * *

ARTICLE I - GENERAL PROVISIONS

10.012 Definitions, Specific.

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

* * *

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

* * *

Development. The improvement of a parcel of land; including changing the parcels zoning, partitioning or subdividing of any improved or unimproved real property, for any purpose, and by any person, association, or other entity.

* * *

Mixed-use building. A building containings one or more residential dwelling unit(s) and a commercial, institutional, or industrial use(s) in the same building. Mixed-use buildings may be vertical (uses above ground floor) or horizontal (single story, mixed-use building). When vertically mixed, the non-residential use must occupy at least 80-65 percent of the building's ground floor area. When horizontally mixed, residential uses shall be subordinate to the commercial/industrial uses.

* * *

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

* * *

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

* * *

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

* * *

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

* * *

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

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

* * *

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

* * *

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

* * *

ARTICLE II - PROCEDURAL REQUIREMENTS

* * *

10.204 Zone Change.

* * *

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

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

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

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

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

~~(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated land use, the Planning Commission may find the street to be adequate when the~~

~~improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:~~

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

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

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

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

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

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

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

* * *

(D) Approval of Failing Transportation Facilities

The approving authority may approve a land use application, without assuring that the allowed

land uses are consistent with the roadway functional classification, the identified mobility targets in 10.462 or the Average Daily Trips in 10.427.

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

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

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

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

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

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

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

~~(E)~~ Zone Change Application Form

A zone change application shall contain the following items:

- (1) Vicinity map drawn at a scale of 1" = 1,000' identifying the proposed area of change.
- (2) Assessor's map with proposed zone change area identified.
- (3) Legal description of area to be changed. Legal description shall be prepared by a licensed surveyor or title company.
- (4) Property owner's names, addresses, and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.
- (5) Findings prepared by the applicant or his representative addressing the criteria for zone changes as per Section 10.204(B) Zone Change Criteria.

ARTICLE IV - PUBLIC IMPROVEMENT STANDARDS AND CRITERIA

10.427 Street Classification System.

(A) **Purpose.** This chapter establishes a street classification system, as determined in the Transportation System Plan (TSP), applicable to all streets within the City and used to determine right-of-way improvement design standards unless alternative standards are provided by an adopted Neighborhood Circulation Plan or other special area plan. It is the intent of the street classification system to:

- (1) Promote the safety and convenience of vehicular, pedestrian, and bicycle traffic;
- (2) Protect the safety of neighborhood residents;
- (3) Protect the residential character of neighborhoods by limiting traffic volume, speed, noise and fumes; and
- (4) Encourage the efficient use of land.

(B) **Applicability.** All existing and proposed streets within the City shall be identified by classification as follows below. The classification of higher-order streets shall be determined by the Functional Classification Map in the City of Medford Transportation System Plan (TSP), as amended. ~~Street Functional Classification Plan Map, as amended.~~—All streets (existing or proposed) intended to be within the City of Medford’s jurisdiction shall adhere to the street classifications identified below unless alternative standards are provided by an adopted Zoning Overlay, Neighborhood Circulation Plan, the legacy street standards as established per 10.427(D-E) or other special area plan(s), including, but not limited to, plans contained in the Comprehensive Plan. The classification of lower-order streets shall be consistent with any adopted Neighborhood Circulation Plan or other special area plan, and based upon adjacent zoning, and, in the case of residential streets, the number of dwelling units utilizing the street for vehicular access. Any proposed change to a roadway functional classification is considered a Type IV Comprehensive Plan amendment and will require a TIA analysis per Section 10.461.

Table 10.427 – B Street Functional Classification

<u>Street Functional Classification</u>	<u>Annual-Average Daily Trip (AADT) Ranges</u>
Higher Order Street System	
<u>Highway (County or State Facility)</u>	<u>> 30,000</u>
<u>Arterial, Regional or Major</u>	<u>15,000 – 30,000</u>
<u>Arterial, Minor</u>	<u>10,000 – 20,000</u>
<u>Collector, Major</u>	<u>5,000 – 15,000</u>
<u>Collector, Minor</u>	<u>2,000 – 6,000</u>
Lower-Order Street System – Commercial/Industrial	
<u>Commercial</u>	<u>1 – 3,000</u>
<u>Industrial</u>	<u>1 – 3,000</u>
Lower-Order Street System - Residential	
<u>Standard Residential</u>	<u>1 – 3,000</u>
<u>Minor Residential</u>	

Residential Lane	
Non-Street Alternatives	
Minimum Access Easement	N/A
Alley	N/A

Street Classification

- ~~_____ Highway~~
- ~~_____ County, or state facility~~

- ~~_____ Higher Order Street System~~
- ~~_____ Arterial, Regional, Major or Minor~~
- ~~_____ Collector, Major, or Minor~~

- ~~_____ Lower Order Street System — Commercial/Industrial~~
- ~~_____ Commercial~~
- ~~_____ Industrial~~

- ~~_____ Lower Order Street System — Residential~~
- ~~_____ Standard Residential~~
- ~~_____ Minor Residential~~
- ~~_____ Residential Lane~~

- ~~_____ Non-Street Alternatives~~
- ~~_____ Minimum Access Easement~~
- ~~_____ Alley~~

* * *

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

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

10.461 TIA Applicability and Methodology.

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

(2B) Extent of Study Area:

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

- (a1) All proposed development site access points;
- (b2) Any intersection of a collector or arterial roadway with another collector or arterial roadway, where the proposed development can be expected to contribute 25 or more trips during the analysis peak period/peak hour. Impacts of less than 25 peak period/peak hour trips are not substantial and will not be included in the study area. This volume may be adjusted, at the discretion of the Public Works Department, for safety or unusual situations; and
- (c3) Any intersections directly adjacent to the subject property.

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

(3C) When required:

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

(4D) Submittals:

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

(5E) Elements of Analysis:

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

~~Incomplete reports shall be returned to the applicant for completion without review:~~

- (a1) The scoping letter, as provided by the Public Works Department;
- (b2) The Final TIA shall be signed and stamped by a Professional Civil or Traffic Engineer registered in the State of Oregon;
- (c3) An executive summary, discussing the development and/or use, the major findings of the analysis, and the mitigation measures proposed;
- (d4) A vicinity map of the proposed site and study area;
- (e5) Project characteristics such as current zoning, proposed zoning, potential trip generations (unless stipulated to less than potential), proposed access(s), and other pertinent factors;
- (f6) Street characteristics within the study area including roadway functional classification (as established in the most recent Transportation System Plan (TSP)), number of travel lanes, lane width, shoulder treatment, bicycle path corridors, and traffic control at intersections;
- (g7) Description of existing transportation conditions including transit accessibility, ~~accident history~~, pedestrian facilities, bicycle facilities, traffic signals, and overall traffic operations and circulation;

(h8) ~~Peak period~~ Peak hour turning movement counts of at least two-hour minimums at study area intersections, less than ~~2-two~~ years old. These counts shall be adjusted to the ~~design study~~ year(s) of the project as defined in the scoping letter and consider seasonal traffic adjustments when required by the scoping letter;

(i9) A ~~“Figures”~~ showing existing ~~peak period~~ peak hour (AM, noon, or PM, whichever is largest) turning movement volumes at study area intersections, ~~as shown in Example 1~~. An appropriate adjustment factor shall be applied to existing count data if counts were taken during the off-peak season;

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

~~(11) A figure showing the Annual Average Daily Trips (ADT) for all roadways a project’s study area under the following conditions:~~

~~(a) Existing conditions. Current roadway ADT, without proposed development.~~

~~(b) Background conditions. Future roadway ADT, without proposed development.~~

~~(b) Proposed conditions. Future ADT with proposed development.~~

~~(12) When a TIA finds in the proposed conditions, as identified in 10.461(E)(11)(b), of the A ADT of a roadway to be above the thresholds identified in 10.427 for a specific functional classification it shall be required that the applicant:~~

~~(a) Apply for a comprehensive plan amendment to amend the functional classification of the affected roadway; or~~

~~(b) Impose conditions of approval on future development that reduce overall trip generation using methods identified in 10.461(G). The approving authority shall approve, deny or amend the conditions of approval in 10.461(E)(12)(b).~~

~~(c) Proposed mitigations, such as street connection or traffic diversion, that re-route from the significantly affected roadway.~~

~~(j13) Potential “Project” trip generation using either the potential trip generation rates kept on file by the Public Works Department for City zoning districts or the most current edition of the ITE Trip Generation Manual, as required identified by the Public Works Department at the time of scoping in the scoping letter. Variations of trip rates will require the approval of the Public Works Department; S such approval will require submission of adequate supporting data prior to first submittal of the TIA;~~

~~(k14) A “Figures” illustrating project turning movement volumes at study area intersections for peak period peak hours, as shown in Example 2. Adjustments made for pass-by traffic volumes shall follow the methodology outlined in the latest edition of the ITE Trip Generation Handbook Manual, and shall not exceed 25% unless approved by the Public Works Director;~~

~~(l15) A “Figures” illustrating the combined traffic of existing, background, and project turning movement volumes at study area intersections for peak period peak hours, as shown in Example 3;~~

~~(m16) Level of Service (LOS) analysis at study area intersections under the following conditions:~~

~~(a) Background conditions~~

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

~~(b) Proposed conditions~~

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

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

~~(17) Tier 1 projects as identified in the Transportation System Plan, except for those listed below in 10.461(E)(17)(a), shall be considered reasonably likely to be provided by the end of the planning period. Tier 2 projects, as identified in the Transportation System Plan, shall not be considered to be reasonably likely to be provided by the end of the planning period.~~

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

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

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

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

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

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

~~(b) Projects listed in 10.461(E)(17)(a) shall be considered reasonably likely to be funded when either they are constructed, in progress of construction, and/or identified for funding within the City's Capital Improvement Plan (CIP), System Development Charge (SDC) fiscally constrained project list, or the federally approved local Regional Transportation Plan (RTP) Financially Constrained Project List, or is programmed in the State's current State Transportation Improvement Plan (STIP).~~

~~(17) A queuing and blocking report, based on a microsimulation software such as SimTraffic, which lists the 95th-percentile queues and any blocked facilities or exceeded storage lengths for the existing and proposed conditions described in subsection 10.461(E)(16) above;~~

~~(18) A left and right turn lane assessment where they do not currently exist for proposed conditions described in subsection 10.461(E)(15) above;~~

~~(19) Safety review of study area intersections based on the most recent available data from the Oregon Department of Transportation (ODOT) or the City of Medford;~~

~~(20) A mitigation plan if: impacts to the study area~~

~~(a) Reduce level of service (LOS) is determined to be below minimum the mobility target identified in Section 10.462, per the analysis required of Section 10.461(E)(15);~~

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

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

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

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

~~(21) Intersections under jurisdiction of another agency, but still within the City limits, shall be evaluated by either the City's criteria or the other jurisdiction's criteria, or both, whichever~~

is considered applicable by the Public Works Department. If any peak hour trips leave the City limits it shall be the responsibility of the applicant to coordinate with the applicable jurisdictions.

~~(22)~~ If the TIA is not consistent with the scoping letter (including any amendments), or is incomplete, then the TIA will be returned to the applicant without review.

(6F) Analysis criteria:

~~(a1)~~ All trip distributions into and out of the transportation system must reflect existing traffic count data for consistency or follow the current transportation model used by the City. If alternate splits are used to distribute traffic then justification must be provided and approved by the Public Works Department prior to first submittal of the TIA.

~~(b2)~~ If progression analysis is being evaluated, or queuing between intersections is a concern, the ~~peak period~~peak hour used in the analysis must be the same for every intersection along the street and reflect that of the most critical intersection being evaluated. If a common ~~peak period~~peak hour is not requested by the Public Works Department, then the actual ~~peak period~~peak hour of every intersection shall be used.

~~(c3)~~ -Counts performed must be a minimum of two hours and include the ~~peak period~~peak hour for analysis purposes. All documentation shall be included in the TIA.

~~(d4)~~ -Any assumptions used in the TIA, including but not limited too, All supporting count data, LOS analyses, pass-by deductions, growth rates, traffic distributions, or other engineering assumptions must be clearly defined and attached to the TIA when submitted in report form to the City for review.

~~(e5)~~ All LOS analyses shall follow operational procedures per the current Highway Capacity Manual. Ideal saturation flow rates greater than 1,800 vehicles per hour, per lane should not be used unless otherwise measured in the project vicinity. Queue lengths shall be calculated at the 95th percentile where feasible. ~~Actual peak hour factors should be used for each movement or lane grouping in the analysis.~~ The peak hour factor shall be 1.0.

~~(f6)~~ Signal timing used in capacity or progression analysis shall follow City timing plans and account for pedestrian crossing times, unless otherwise noted in the scoping letter.

~~(g7)~~ Arrival Type 3 (random arrivals) shall be used unless a coordinated plan is in place during the ~~peak period~~peak hour.

(8) The safety review (per 10.461(E)(18)) shall include:

(a) Total number of crashes

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

(c) Discussion of crash patterns

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

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

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

(G) Other Enhancements Required

If through the TIA analysis it is determined that transportation capacity increasing improvements will not be sufficient to meet the mobility targets, then the approving authority may require that

the applicant implement other performance improving actions sufficient to meet the mobility target. Potential performance improving actions may include, but are not limited to:

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

10.462 Maintenance of Level of Service & Mobility Targets.

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

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

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

- (1) When the LOS is shown to be below the mobility target identified in 10.462(A), under the TIA's background conditions, then no further degradation of the transportation facility shall be the mobility target. Further degradation shall be measured in volume-to-capacity (v/c) ratio, not LOS. V/c ratio criteria shall be based on the latest edition of the Highway Capacity Manual for the motorized vehicle mode.
- (2) Once reasonable levels of mitigation have been identified, calculated v/c ratios that are within 0.03 of the target are considered in compliance with the target. The adopted mobility target still applies for determining significant affect.

Exhibit B-1

Amended Proposal, Text DCA-18-180

Clean No Edits, **New Text Since 6.27.19**

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10.460 Transportation Impact Analysis (TIA)

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

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Development. The improvement of a parcel of land; including changing the parcels zoning, partitioning or subdividing of any improved or unimproved real property, for any purpose, and by any person, association, or other entity.

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

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

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

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

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

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

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

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

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ARTICLE II - PROCEDURAL REQUIREMENTS

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10.204 Zone Change.

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

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

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

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

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

minimum density standards;

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

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

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(D) Approval of Failing Transportation Facilities

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

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

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

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

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

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

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

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

(E) Zone Change Application Form

A zone change application shall contain the following items:

- (1) Vicinity map drawn at a scale of 1" = 1,000' identifying the proposed area of change.
- (2) Assessor's map with proposed zone change area identified.
- (3) Legal description of area to be changed. Legal description shall be prepared by a licensed surveyor or title company.
- (4) Property owner's names, addresses, and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.
- (5) Findings prepared by the applicant or his representative addressing the criteria for zone changes as per Section 10.204(B) Zone Change Criteria.

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ARTICLE IV - PUBLIC IMPROVEMENT STANDARDS AND CRITERIA

10.427 Street Classification System.

(A) **Purpose.** This chapter establishes a street classification system, as determined in the Transportation System Plan (TSP), applicable to all streets within the City and used to determine right-of-way improvement design standards unless alternative standards are provided by an adopted Neighborhood Circulation Plan or other special area plan. It is the intent of the street classification system to:

- (1) Promote the safety and convenience of vehicular, pedestrian, and bicycle traffic;
- (2) Protect the safety of neighborhood residents;
- (3) Protect the residential character of neighborhoods by limiting traffic volume, speed, noise and fumes; and
- (4) Encourage the efficient use of land.

(B) **Applicability.** All existing and proposed streets within the City shall be identified by classification as follows below. The classification of higher-order streets shall be determined by the Functional Classification Map in the City of Medford Transportation System Plan (TSP), as amended. All streets (existing or proposed) intended to be within the City of Medford's jurisdiction shall adhere to the street classifications identified below unless alternative standards are provided by an adopted Zoning Overlay, Neighborhood Circulation Plan, the legacy street standards as established per 10.427(D-E) or other special area plan(s), including, but not limited to, plans contained in the Comprehensive Plan. The classification of lower-order streets shall be consistent with any adopted Neighborhood Circulation Plan or other special area plan, and based upon adjacent zoning, and, in the case of residential streets, the number of dwelling units utilizing the street for vehicular access. Any proposed change to a roadway functional classification is considered a Type IV Comprehensive Plan amendment and will require a TIA analysis per Section 10.461.

Table 10.427 – B Street Functional Classification

Street Functional Classification	Average Daily Trip (ADT) Ranges
Higher Order Street System	
Highway (County or State Facility)	> 30,000
Arterial, Regional or Major	15,000 – 30,000
Arterial, Minor	10,000 – 20,000
Collector, Major	5,000 – 15,000
Collector, Minor	2,000 – 6,000
Lower-Order Street System – Commercial/Industrial	
Commercial	1 – 3,000
Industrial	1 – 3,000
Lower-Order Street System - Residential	
Standard Residential	1 – 3,000
Minor Residential	
Residential Lane	
Non-Street Alternatives	
Minimum Access Easement	N/A
Alley	N/A

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10.460 Transportation Impact Analysis (TIA) Purpose.

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

10.461 TIA Applicability and Methodology.

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

(B) Extent of Study Area:

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

- (1) All proposed development site access points;
- (2) Any intersection of a collector or arterial roadway with another collector or arterial roadway where the proposed development can be expected to contribute 25 or more trips during the analysis peak hour. Impacts of less than 25 peak hour trips are not substantial

and will not be included in the study area. This volume may be adjusted, at the discretion of the Public Works Department, for safety or unusual situations; and

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

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

(C) When required:

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

(D) Submittals:

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

(E) Elements of Analysis:

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

- (1) The scoping letter, as provided by the Public Works Department;
- (2) The Final TIA shall be signed and stamped by a Professional Civil or Traffic Engineer registered in the State of Oregon;
- (3) An executive summary discussing the development and/or use, the major findings of the analysis, and the mitigation measures proposed;
- (4) A vicinity map of the proposed site and study area;
- (5) Project characteristics such as current zoning, proposed zoning, potential trip generations (unless stipulated to less than potential), proposed access(s), and other pertinent factors;
- (6) Street characteristics within the study area including roadway functional classification (as established in the most recent Transportation System Plan (TSP)), number of travel lanes, lane width, shoulder treatment, bicycle path corridors, and traffic control at intersections;
- (7) Description of existing transportation conditions including transit accessibility, pedestrian facilities, bicycle facilities, traffic signals, and overall traffic operations and circulation;
- (8) Peak hour turning movement counts of at least two-hour minimums at study area intersections, less than two years old. These counts shall be adjusted to the study year(s) of the project as defined in the scoping letter and consider seasonal traffic adjustments when required by the scoping letter;
- (9) Figures showing existing peak hour (AM, noon, or PM, whichever is largest) turning movement volumes at study area intersections. An appropriate adjustment factor shall be applied to existing count data if counts were taken during the off-peak season;
- (10) Figures showing existing peak hour turning movement volumes at study area intersections for the project study year(s).
- (11) A figure showing the Average Daily Trips (ADT) for all roadways a project's study area

under the following conditions:

- (a) Existing conditions. Current roadway ADT, without proposed development.
- (b) Background conditions. Future roadway ADT, without proposed development.
- (b) Proposed conditions. Future ADT with proposed development.

(12) When a TIA finds in the proposed conditions, as identified in 10.461(E)(11)(b), of the ADT of a roadway to be above the thresholds identified in 10.427 for a specific functional classification it shall be required that the applicant:

- (a) Apply for a comprehensive plan amendment to amend the functional classification of the affected roadway; or
- (b) Impose conditions of approval on future development that reduce overall trip generation using methods identified in 10.461(G). The approving authority shall approve, deny or amend the conditions of approval in 10.461(E)(12)(b).
- (c) Proposed mitigations, such as street connection or traffic diversion, that re-route from the significantly affected roadway.

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

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

(15) Figures illustrating the combined traffic of existing, background, and project turning movement volumes at study area intersections for peak hours;

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

- (a) Background conditions
Background traffic (Existing traffic counts + traffic count growth rates) for the existing year and project study year(s)
- (b) Proposed conditions
Background traffic (Existing traffic counts + traffic count growth rates) and project traffic in the project study year(s)

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

(17) Tier 1 projects as identified in the Transportation System Plan, except for those listed below in 10.461(E)(17)(a), shall be considered reasonably likely to be provided by the end of the planning period. Tier 2 projects, as identified in the Transportation System Plan, shall not be considered to be reasonably likely to be provided by the end of the planning period.

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

- (i) Project #537b South Stage Road (South Pacific Highway to North Phoenix Road)
- (ii) Project #609 Foothill Road (McAndrews to Delta Waters Road)
- (iii) Project #610 Foothill Road (Delta Waters Road to North UGB)

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

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

(b) Projects listed in 10.461(E)(17)(a) shall be considered reasonably likely to be funded when either they are constructed, in progress of construction, and/or identified for funding within the City's Capital Improvement Plan (CIP), System Development Charge (SDC) fiscally constrained project list, or the federally approved local Regional Transportation Plan (RTP) Financially Constrained Project List, or is programmed in the State's current State Transportation Improvement Plan (STIP).

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

(18) A left and right turn lane assessment where they do not currently exist for proposed conditions described in subsection 10.461(E)(15) above;

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

(20) A mitigation plan if:

(a) Level of service (LOS) is determined to be below the mobility target identified in Section 10.462, per the analysis required of Section 10.461(E)(15);

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

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

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

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

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

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

(F) Analysis criteria:

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

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

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

- (4) Any assumptions used in the TIA, including but not limited to, all supporting count data, LOS analyses, pass-by deductions, growth rates, traffic distributions, or other engineering assumptions must be clearly defined and attached to the TIA when submitted in report form to the City for review.
- (5) All LOS analyses shall follow operational procedures per the current Highway Capacity Manual. Ideal saturation flow rates greater than 1,800 vehicles per hour, per lane should not be used unless otherwise measured in the project vicinity. Queue lengths shall be calculated at the 95th percentile where feasible. The peak hour factor shall be 1.0.
- (6) Signal timing used in capacity or progression analysis shall follow City timing plans and account for pedestrian crossing times, unless otherwise noted in the scoping letter.
- (7) Arrival Type 3 (random arrivals) shall be used unless a coordinated plan is in place during the peak hour.
- (8) The safety review (per 10.461(E)(18)) shall include:
 - (a) Total number of crashes
 - (b) The calculated crash rate compared to the Critical Crash Rate
 - (c) Discussion of crash patterns
 - (d) Discussion of whether the location is included within a published safety study such as, but not limited to, ODOT Safety Priority Index System (SPIS). Other published safety studies may be used, at the City's discretion, for all study intersections.
- (9) When mitigation is needed at an intersection, roundabouts shall be evaluated as an alternative to traffic signals according to the current procedures of the Public Works department.
- (10) Residential dwelling units when within a vertically, mixed-use building, shall not be considered in trip generation calculations.

(G) Other Enhancements Required

- (1) If through the TIA analysis it is determined that transportation capacity increasing improvements will not be sufficient to meet the mobility targets, then the approving authority may require that the applicant implement other performance improving actions sufficient to meet the mobility target. Potential performance improving actions may include, but are not limited to: Transportation system connectivity improvements for vehicles, bicycles and pedestrians
- (2) Transportation demand management (TDM) methods to reduce the need for additional capacity, such as mandatory carsharing programs, alternative work schedules, employer provided transit passes or other measures that incentivize transportation options other than single-occupancy vehicles.
- (3) Multi-modal (bicycle, pedestrian, transit) improvements to reduce vehicle demand.
- (4) Operational improvements to maximize use of the existing system.
- (5) Land use techniques (e.g. restricted zones, trip caps/budgets to manage trip generation).

10.462 Mobility Targets.

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

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

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

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

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

Exhibit C

Trip Generation Rate, Public Works Policy

PURPOSE

The purpose of this policy is to provide documentation of the vehicle trip generation rates to be used in Transportation Impact Analyses for zone changes.

POLICY

Trip generation rates shall be calculated per the below table. Trip generation rates are given in Average Daily Trips per acre (ADT/acre). “ITE rate” refers to the trip generation rate provided in the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. Where the ITE rates are not used, the peak hour trip generation is assumed to be 10% of the ADT. Consult with the Planning Department to determine if gross acreage or net acreage is used to determine density for a specific zone.

Zoning District	ADT/acre
SFR-00	ITE Rate for Single-Family Detached Housing
SFR-2	(ITE Rate for Single-Family Detached Housing) * 2
SFR-4	(ITE Rate for Single-Family Detached Housing) * 4
SFR-6	(ITE Rate for Single-Family Detached Housing) * 6
SFR-10	(ITE Rate for Single-Family Detached Housing) * 10
MFR-15	(ITE Rate for Low Rise Multifamily Housing) * 15
MFR-20	(ITE Rate for Low Rise Multifamily Housing) * 20
MFR-30	(ITE Rate for Mid Rise Multifamily Housing) * 30
I-G	200
I-H	200
I-L	300
C-S/P	500
C-R	1500
C-C	1500
C-H	1500
C-N	1500

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Concurrency
DCA-18-180
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If a property wishes to remove the I-00 overlay, the existing trip credit shall be based on the County zoning prior to annexation in accordance with the below table.

County Zoning	ADT/acre
Light Industrial	100
AD-MU	200

The above rates may be reduced by 10% in mixed-use, pedestrian-friendly developments in accordance with the rules and definitions outlined in Oregon Administrative Rule 660-012-060.

This Policy will remain in effect until superseded or cancelled.

Approved: Cory Crebbin
Public Works Director

Date: **TBD**