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STATEWIDE PLANNING GOAL 14: URBANIZATION

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

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

To accomplish this goal, the City of Medford and Jackson County have adopted: 1) An Urban Growth Boundary; 2) Policies concerning the regulation of the land within the Urban Growth Boundary, collectively referred to as the AUrbanization Policies; 3) Policies concerning annexation of unincorporated urbanizable land to the City of Medford, collectively referred to as the AAnnexation Policies; and, 4) An intergovernmental agreement allowing unincorporated urbanizable land to be developed with urban-level development prior to annexation, referred to as the AIntergovernmental Agreement on Contract Annexation.
URBANIZATION ELEMENT

URBAN GROWTH BOUNDARY

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

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

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

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

URBANIZATION POLICIES

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

1. An Urban Growth Boundary adopted herein, or hereinafter amended, for the Medford area will establish the limits of urban growth to the year 2010.
   a. Annexation to the City of Medford shall occur only within the officially adopted UGB.
   b. Specific annexation decisions shall be governed by the official annexation policies of the City of Medford. The city shall provide an opportunity for Jackson County to respond to pending requests for annexation.
2. The City of Medford General Land Use Plan (GLUP) Map and zoning designations for unincorporated urbanizable land, and all other city development and building safety standards, shall apply only after annexation to the city; or through a contract of annexation between the city, Jackson County, and other involved parties; or after proclamation of an annexation having a delayed effective date pursuant to ORS 222.180 (2).

   a. Urban development shall be encouraged to occur on undeveloped and underdeveloped land within city limits prior to the annexation and conversion of other land within the UGB.

3. Except in cases where a contract for annexation has been executed, or after proclamation of an annexation having a delayed effective date pursuant to ORS 222.180 (2), Jackson County shall retain jurisdiction over land use decisions within the unincorporated urbanizable area, and such decisions shall conform to these adopted policies:

   a. Prior to annexation, no land divisions shall be approved by the county which create lots of less than forty (40) acres in size.

   b. Recognizing that unincorporated areas within the UGB could ultimately become part of Medford, the city’s recommendations will be given due consideration. It is the intent of the county to administer mutually adopted city/county policies in the unincorporated urbanizable area until the area is annexed to the city.

   c. The city will be requested to respond to pending applications for all land use actions in the unincorporated urbanizable area. If no response is received within 14 days, the county may assume that the city has no objections to the request.

   d. The county will be requested to respond to pending applications for all land use actions within the incorporated area that may affect land under county jurisdiction. If no response is received within 14 days, the city may assume that the county has no objections to the request.

   e. If the city and county have mutually approved, and the city has adopted, a conversion plan regulations for the orderly conversion of property from county to city jurisdiction, the county will require that applications for subdivisions, partitions, or other land divisions within the UGB be consistent with the city’s Comprehensive Plan. Once developed, the mutually agreed upon conversion plan shall be the paramount document, until incorporation occurs.

4. Any land use actions within the unincorporated urbanizable area shall conform to urban standards and public improvement requirements as contained in the city and county Land Development Codes, except that in the case of a conflict between the two, the more restrictive shall apply.
5. Within the unincorporated urbanizable area, execution and recording of an Irrevocable Consent to Annex to the City, pursuant to ORS 222.115, shall be required for:

a. Single-family residential permits

b. Sanitary sewer and water hook-up permits *

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

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

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

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

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

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

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

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

8. All county road construction and reconstruction resulting from new development, redevelopment, or land divisions in the urbanizable area shall be built to urban standards, except that the term Reconstruction does not include normal road maintenance by the county.
9. Long range transportation and air quality planning for the urbanizable area shall be a joint city/county process coordinated with all affected agencies.

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

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

   b. This policy applies only to areas in the UGB identified by the city or county Comprehensive Plans as agricultural land, and shall not be used as a standard to review other land use applications within the urbanizable area.

   c. This policy is not intended to preclude the use of EFU land for essential public facilities and services to serve the urban and urbanizable areas.

11. Proposed land use changes immediately inside the UGB shall be considered in light of their impact on, and compatibility with, existing agricultural and other rural uses outside the UGB. To the extent that it is consistent with state land use law, proposed land use changes outside the UGB shall be considered in light of their impact on, and compatibility with, existing urban uses within the UGB.

12. The city and county acknowledge the importance of permanently protecting agricultural land outside the UGB zoned EFU, and acknowledge that both jurisdictions maintain, and will continue to maintain, policies regarding the buffering of said lands. Urban development will be allowed to occur on land adjacent to land zoned EFU when the controlling jurisdiction determines that such development will be compatible with the adjacent farm use. Buffering shall occur on the urbanizable land adjacent to the UGB. The amount and type of buffering required will be considered in light of the urban growth and development policies of the city, and circumstances particular to the agricultural land. The controlling jurisdiction will request and give standing to the non-controlling jurisdiction for recommendations concerning buffering of urban development proposals adjacent to lands zoned EFU. Buffering options may include:

   a. Physical separation through special setbacks for new urban structures adjacent to the UGB;

   b. Acquisition by public agencies;

   c. Lower densities at the periphery of the UGB than those allowed elsewhere in the city;
d. Strategic location of roads, golf courses, or other visible public or semi-public open spaces;

e. Use of vegetative screens, earthen berms, and fences of sufficient height and substance to help reduce the trespass of people, animals, and vehicles;

f. Orientation of structures and fencing relative to usable exterior space, such as patios, rear yards, and courts, so that the potential impacts from spray drift, dust, odors, and noise intrusion are minimized;

g. Design and construction of all habitable buildings, including window and door locations, so that the potential impacts of spray drift, dust, odors, and noise intrusion are minimized;

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

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

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

AMENDMENT PROCEDURES

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

1. Major Revisions

Major revisions in the UGB or Urbanization Policies will be considered amendments to both the city and county Comprehensive Plans, and, as such, are subject to a legislative review process. A major revision shall include any UGB change that would necessitate revisions to the intent of city or county Comprehensive Plan goals, policies, or text, or that has widespread and significant impact beyond the immediate area, such as quantitative changes allowing for substantial changes in population, or significant increases in resource impacts, qualitative changes in the land use itself, such as conversion of residential land to industrial use, or spatial changes that affect large areas, or many different ownerships. Any change in the Urbanization Policies is considered a major revision.
Major revisions will be considered by the city and county at five year intervals from the date of adoption of the UGB and Urbanization Policies. If the city and county governing bodies find that circumstances that have a significant effect on the public health, safety, or general welfare of the community prevail, a major revision can be considered at intervals of less than five years. A request for a major revision can be initiated by an individual or group, citizen advisory committees, affected agencies, and governing bodies. The party who seeks the revision shall be responsible for filing adequate written documentation with the city and county governing bodies. The final legislative action on major revision requests shall be based on the following factors:

- a. The demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities;
- b. The orderly and economic provision of key urban public facilities and services;
- c. The maximum efficiency of land uses within the current urbanizable area;
- d. Environmental, energy, economic, and social consequences;
- e. The compatibility of the proposed change with other elements of the city and county Comprehensive Plans;
- f. The other Statewide Planning Goals.

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

2. Minor Urban Growth Boundary Adjustments

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

- a. Final action on minor UGB adjustments shall be based on the same six factors required for major revision requests as listed in the preceding section, AMajor Revisions.
- b. Applications shall be reviewed by the affected city and county Citizens Planning Advisory Committees annually.
c. Applications shall be reviewed at joint city/county Planning Commissions meetings held annually for the express purpose of considering minor UGB adjustments.

d. The Planning Commissions shall forward a recommendation and findings on each application to the city and county governing bodies for final consideration.

e. Adjustments cannot be made to the UGB unless mutually agreed upon by a majority from each governing body. The county governing body shall be responsible for the preparation of the actual legal instrument that officially amends the UGB.

3. Determination of Major and Minor Amendments

The Planning Directors for the county and city are responsible for determining whether an amendment is to be considered through a major or a minor amendment process. In the event that the Planning Directors cannot agree, the proposal will be forwarded to the city and county Planning Commissions, and, if necessary, to the governing bodies or other appropriate body, until mutual agreement is reached.

4. Correction of Errors

a. An error is generally considered to be a cartographic mistake, or a misprint, omission, or duplication in the text. It is technical in nature, and not the result of new information or changing attitudes or policies.

b. If the City Council and County Board of Commissioners become aware of an error in the map(s) or text of this mutually-adopted urbanization program, both bodies may cause an immediate amendment to correct the error, after mutual agreement is reached.

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

5. Definitions

_Urban Growth Boundary_: A site specific line imposed on the Official Comprehensive Plan and Zoning Map of Jackson County which identifies and encompasses urban and urbanizable lands within Jackson County according to the following definitions:

_Urban Land_: Residential areas generally comprised of parcels less than one acre in size, or highly developed commercial and industrial areas which are contained within incorporated cities, or which contain concentrations of persons who generally reside or work in the area, including lands adjacent to, and outside of, incorporated cities, and which have supporting urban facilities and services.
Urbanizable Land: Areas within an officially adopted Urban Growth Boundary which are needed for expansion of an urban area, and which have been determined to be necessary and suitable for development as future urban land, and which can be served with supporting urban facilities and services.

Urban Facilities and Services: Basic facilities that are primarily planned by local government, but which also may be provided by private enterprise, and are essential to the support of development in accordance with the city Comprehensive Plan. Urban facilities and services include: police protection; fire protection; sanitary facilities; public water facilities; storm drainage facilities; planning, zoning and subdivision controls; health services; recreation facilities and services; energy and communication services; and community governmental services (including schools and transportation).
The transfer of urbanizable land under county jurisdiction to city jurisdiction is called annexation. Chapter 222 of the *Oregon Revised Statutes* governs annexation in Oregon. According to state law, land may be annexed to a city only if it is within the Urban Growth Boundary, and is contiguous to the city limits. A majority of the registered voters and/or property owners within the area to be annexed must agree to the annexation, except in cases where the area is surrounded by land already under city jurisdiction.

State law also requires that the City consider the following when converting urbanizable land to urban uses:

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

**ANNEXATION POLICIES**

The following shall be the policies of the City of Medford with regards to future annexations:

1. **General Policy**

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

2. **City Services Outside City Limits**

   The City of Medford has acquired and holds its various service facilities for the benefit of residents and taxpayers within the city, and owes them a basic and primary duty to preserve the capacity of the facilities for their benefit, and to refrain from any excess use which would unnecessarily impose upon the residents and taxpayers, the financial burden of increases in such capacity. Therefore, the city shall not extend or furnish municipal services to areas beyond the city limits, except in the performance of contracts with other incorporated cities. The city will honor presently existing contracts with special districts, but only to the extent of their present boundaries. However, because fire and emergency medical services are a critical need for all citizens, when, in the opinion of the Fire Chief, other satisfactory means are not available to non-
city taxpayers for this service, the City shall continue to allow the Medford Rural Fire District #2 to annex beyond their present boundaries.

3. City's Participation in the Annexation Proposal

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

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

The City Council must find that the following State requirements are met in order to approve an annexation:

   a. The land is within the City’s Urban Growth Boundary,
   b. The land is contiguous to the current City limits, and
   c. Unless the land being considered for annexation is enclaved by the City or the City chooses to hold an election, a majority of the land-owners and/or electors have consented in writing to the annexation per ORS 222.125 or ORS 222.170.

5. Withdrawal from Special Districts

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