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AUG 13 2015

Planning Dept.

**Memorandum**

To: Medford City Council  
 Date: August 13, 2015  
 Subject: UGB Amendment Project (File No. CP-14-114)  
 Land Supply - Agricultural Buffering

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Attached is Exhibit LL as submitted into the record which raised the matter of the estimated land area that would be committed to Agricultural Buffering if the urban growth boundary expansion scenario recommended by the Medford Planning Commission were to be adopted.

In most cases where an expansion area will be adjacent to EFU zoned land to remain outside the urban growth boundary, the agricultural buffering requirements of the Regional Plan<sup>1</sup> will necessitate that at least 100-feet of land be devoted to vegetative buffering and setback rather than for urban housing or employment land needs. Based on the Planning Commission's recommended UGB expansion, 121 acres of land would be devoted to agricultural buffering. The land need for buffering was not considered in the calculations adopted by the City for needed housing or employment land to accommodate population growth over the 20 year planning horizon. That is because the additional buffering requirements were adopted after the Housing and Economy Elements of the Medford Comprehensive Plan were last updated.

The acreage breakdown by recommended expansion area is as follows:

Urban Reserve Area	100ft Acres*	Buffer
MD-2		16.54
MD-3		12.35
MD-4		**7.32
MD-5		38.98
MD-6		11.84
MD-7mid		11.72
MD-7n		7.82
MD-8		4.32
MD-9		9.79

\* Only includes buffer acreage adjacent to EFU zoned lands based upon Planning Commission recommended UGBA

\*\*The 7.32 acres is eliminated if all of MD-4 is included in the UGB

<sup>1</sup> now codified at MLDC Section 10.802 (Urban-Agricultural Conflict Mitigation in Urban Reserve)



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MD-4 is the only urban reserve area that, when fully included, will have zero acres required to be devoted to agricultural buffering and setbacks. If only partially included, a 7.3 acre agricultural buffer will be required which will not be available to accommodate urban needs until the such time as the growth boundary in that area amended to eventually eliminate the enclave and the related acute urban/agricultural interface conflicts that presently exist.

The Regional Plan presumes some level of urban/rural agricultural land conflicts will exist for all urban areas located within 1,000 feet of rural lands - and more so for lands within 500 feet. No part of MD-4 is located within 1,000 feet of the exterior urban growth boundary and rural lands beyond.

Other inclusion areas as recommended by the Planning Commission which extend to the outer boundaries of designated urban reserve areas (being, MD-2, MD-6, MD-7n, MD-7mid, MD-7s, MD-8, and the three MD-9 areas) will require permanent setback and buffering mitigation to be established in the very first urban growth boundary amendment to follow adoption of the Regional Plan.

MD-3 and MD-5 would require mid-term mitigation designed for eventual conversion to urban uses because those areas do not extend to the urban reserve perimeters where agricultural land is outside any urban reserve. The portion of MD-5 north of MD-P (Chrissy Park) would not require any agricultural buffering if it were to be included because there would be no adjacent agricultural land outside the UGB in that area.

All of the agricultural lands to be buffered are predominately comprised of Agricultural Land Class I - IV soils and, accordingly, are by definition classified as Intensive Use (I) agricultural lands in the Regional Plan and as codified by the City of Medford at MLDC 10.802(B)(2). That is the case whether the lands are in active agricultural use or fallow. The Regional Plan presumes that land comprised of Class I - IV soils may be put into active production at any time and therefore does not distinguish buffering requirements by current use. Accordingly, all of the interface areas will be Intensive use agricultural land (I) adjacent to either Higher-sensitivity (H) or Lower-sensitivity (L) urban receptors.

Higher-sensitivity urban receptors, as defined at MLDC 10.802(B)(6), include all residential use, motels/hotels/hostels, places of worship or public meeting, childcare/kindergarten/school/university/education institute, medical center or hospital, public/quasi-public use such as library/park, and other similar uses.

Given that the Regional Plan generally requires mixed-use neighborhoods that typically would be comprised predominately of these higher-sensitivity urban receptors, and given the proposed concept plans in evidence appear to confirm that the same is generally the intent of the property owners, it is reasonably assumed that an I/H setback/buffering combination will be required. Industrial areas in MD-2 north of Vilas Road and in MD-6 (Harry & David) are likely the only areas that would qualify for the less intensive I/L



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buffering combinations<sup>2</sup> for Lower-sensitivity urban receptors adjacent to Intensive agricultural land.

Agricultural buffer areas adjacent to Intensive agriculture are not allowable locations for linear trail systems or new roadways in the manner that some of the proposed concept plans show. MLDC 10.802(N)(3) allows a road to bisect buffers only if the road is unavoidable. However, even road connections shown required by the Regional Plan can generally be aligned in a manner to accommodate full buffering while still providing the needed level of connectivity. Consequently, it will be very difficult to demonstrate that bisecting a buffer with a road is unavoidable. According to the code, locating roads alongside agricultural lands would facilitate trespass and would expose those utilizing the roadways to spray drift and other impacts from adjacent farm use. Trails and linear parks, which are designed to attract people, are themselves defined as Higher-sensitivity urban receptors. Consequently, an H/I buffer combination is required to buffer parks/trails from intensive agricultural land. See, MLDC 10.802(B)(6).

Mitigation for Passive agriculture without tree buffers may include man-made or natural features such as infrastructure right-of-way pursuant to MLDC 10.802(G)(5)(a). However, there is no evidence that any agricultural land that would be adjacent to proposed growth areas can be classified as "Passive" pursuant to the codified definition and as defined in the Regional Plan.

Compatibility of proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB is one of the four boundary location factors enumerated by Statewide Planning Goal 14, and compatibility is demonstrably not uniform throughout all urban reserve areas. This factor must be considered and balanced on the whole with the other factors. Including all of MD-4 is a growth alternative that would result in full utilization of the entire urban reserve area for urban land needs over the planning period. That is because no land would need to be set aside for agricultural buffering. Also, existing buffers that were required for the adjacent Bella Vista PUD to the north and the Vista Point PUD to the east could then be made available for urban uses. Such areas, for example, could then be used for urban trails. No part of MD-4 would be located within 1,000 feet of agriculture and forest activities located outside the UGB, and the existing situation of urban residential encroachment immediately adjacent to the Hillcrest District would be fully eliminated over the planning period. Buffering mitigates but does not completely eliminate conflicts. Only distance can fully eliminate conflicts.

As this analysis shows, the acreage needed for agricultural buffering was not accounted for in the City's adopted land need studies because the buffering was not required when those studies were completed. The buffering requirements result from the Regional Plan which was subsequently adopted. Failure to account for required agricultural buffers causes the City to overstate the buildable land supply within the proposed urban growth

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<sup>2</sup> I/H mitigation requires either a 200-foot setback or a 100-foot setback combined with vegetative buffering. I/L mitigation requires either a 100-foot setback or a 50-foot setback combined with vegetative buffering.



boundary amendment. If the City does not address this issue, the City risks not providing a sufficient supply of land to meet its 20-year need.

Very truly yours,

CSA Planning, Ltd.

A handwritten signature in blue ink, appearing to read 'R. Woerner', is written over a horizontal line.

Raul G. Woerner  
Principal

RGW/m

Attachment: Letter and Map regarding Agricultural Buffering dated 8/6/2015 from Mike Savage of CSA Planning, Ltd. to Medford City Council

EXHIBIT LL



August 6, 2015

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**RE: UGB Amendment / Agricultural Buffering**

Dear Mayor and City Council:

It appears the effects of Agricultural Buffering on land supply were not taken into consideration in the context of the proposed Urban Growth Boundary Amendment (UGBA). Considering the large volume of details that must be considered, it is understandable how such a component may be inadvertently left out. Nonetheless, there are significant potential impacts on availability of land supply as a result of mandatory agricultural buffering that must be taken into consideration.

Medford Land Development Code (MLDC) Sections 10.801 through 10.802 include mandatory buffering provisions for urban lands adjacent to farm lands that the City must consider. This letter is not intended to provide the details necessary for evaluating the relative impacts that agricultural buffering may have on the supply of urban land. Rather, the intent is to point out that the City is obligated to do so.

MLDC 10.8 requires under most circumstances, a minimum agricultural buffer of 100 feet for urban lands next to farm lands. The attached map illustrates a 100-foot buffer for all Planning Commission Recommended lands adjacent to County EFU zoned properties. This area of buffer totals approximately 121 acres. This is likely a conservative number for the MDLC under certain circumstances requires a 200-foot buffer.

Because the acreages of land need being relied upon in the Planning Commission Report are based on gross acreages, the 121 acre estimate noted above is not a direct addition to the total land need. They should instead be factored into the net to the buildable vs unbuildable land supply calculations.

Because some proposed urban lands are adjacent to farm zoned lands and some are not, one must conduct an actual inventory of required buffering on all lands proposed for inclusion. Further, the analysis must not only consider the total areas in proximity to farm land, it must also consider the types of proposed urban land, for different types of lands have different agricultural buffering needs.

It is important to note that buffering requirements for urban lands adjacent to farm zoned lands that remain within Urban Reserves are different than the requirements relevant to urban lands adjacent to farm zoned lands beyond or at the outer limits of the 50-year urban reserve boundaries.

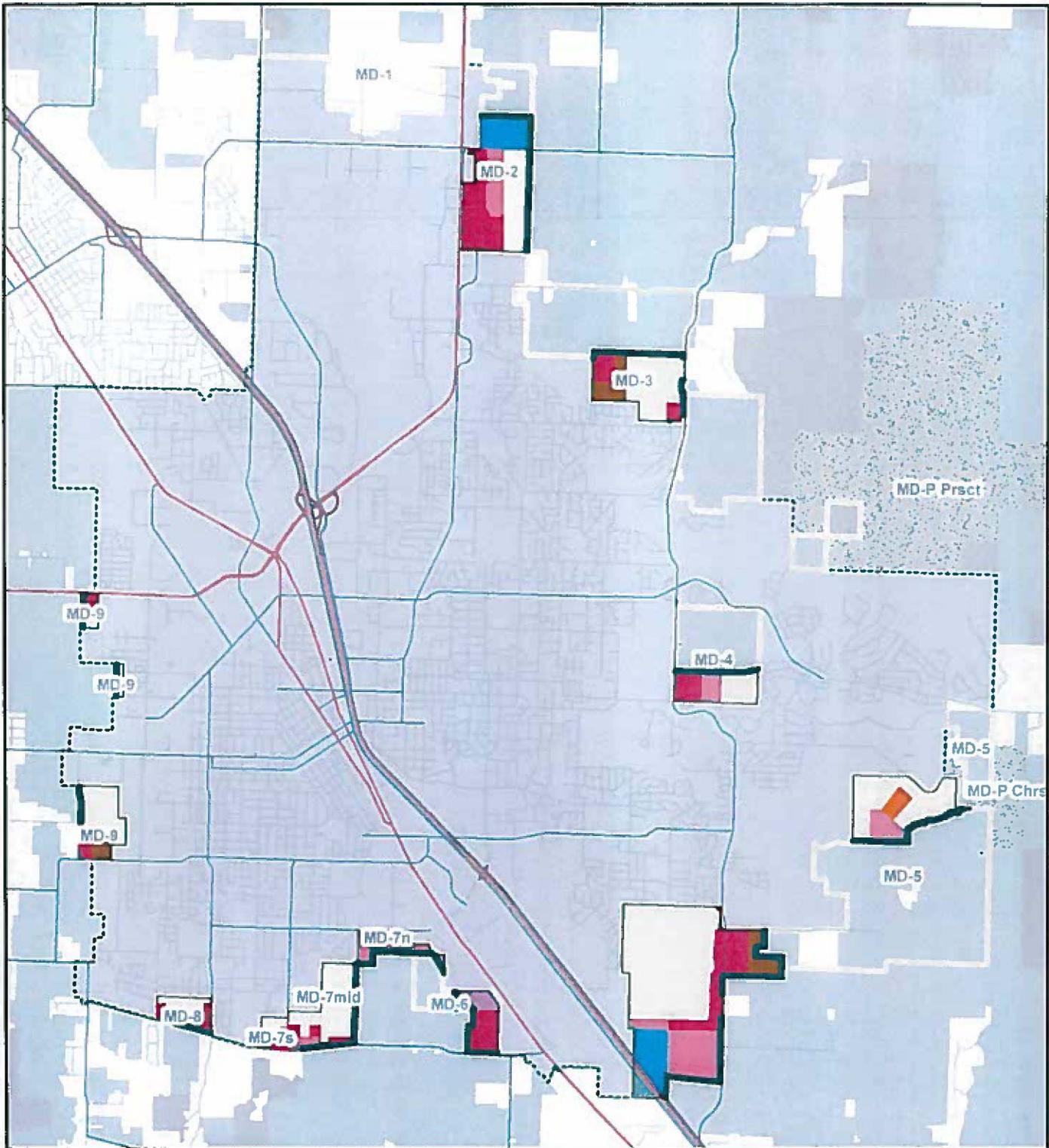
Your consideration of this matter is appreciated.

Very truly yours,

CSA Planning, Ltd.

A handwritten signature in blue ink, appearing to read 'Michael Savage', is written over the typed name.

Michael Savage  
Associate



# Minimum Ag Buffering



URA	<b>PC Recommendation</b>	GI
Urban Growth Boundary	<b>Proposed GLUP</b>	UH
100 ft buffer (121 acres*)	CM	UM
Exclusive Farm Use (EFU)	SC	UR
FR; WR; OSR	HI	PS

\* May Require 200-foot Buffer