10.780-10.802 LANDSCAPING, SCREENING AND BUFFERING ORDINANCES

10.780 Landscape and Irrigation Requirements.

A. Purpose.
The purpose of this section is to help ensure the aesthetic environment of the entire community, and to enhance the quality of life for all citizens.

B. General Provisions.
(1) Landscaping shall provide a variety of plant sizes, shapes, texture and color while being horticulturally compatible and minimizing irrigation reliance, thus conserving the public water supply.
(2) Landscaping shall be maintained in good health by the property owner in conformance with approved landscaping plans and shall not be reduced in area or number.
(3) Noncompliance with this section or approved plans is a violation of the Medford Land Development Code and is subject to a maximum fine of $250 per day.

C. Applicability.
(1) The provisions of this section are applicable to all landscaping areas within commercial, industrial, institutional, or multiple-family developments and open space/landscaping tracts within all subdivisions, including single family residential.
a. Except as provided in subsection 10.780C.(1)b., provisions of this section are not applicable to:
1. Single-family lots.
2. Duplex lots.
3. Individual townhome lots.
4. Future development sites, unless irrigated landscaping is placed thereon. When irrigated landscaping is provided upon a future development site, all provisions of this section shall apply.
b. Covenants, Conditions and Restrictions (CC&Rs) recorded for private regulation of any development or subdivision, regardless of development type or zoning district, shall not establish any restriction inhibiting the use of water-conserving landscaping design, or require the installation of high water use landscape elements, as defined herein, upon property governed by the CC&Rs.
(2) The approving authority may approve landscape plans or irrigation plans not in full compliance with provisions of the Medford Land Development Code Chapter 10, without the need for a separate Exception application, subject to the following:
a. The approving authority shall make one of the following findings to grant relief from a provision:
1. Due to a unique circumstance of the site, strict application of the standards requires an improvement that does not further the intent of this chapter, and granting relief does not:
i. Diminish the quality of life;
ii. Diminish the aesthetic environment of the site and its surroundings;

iii. Increase reliance on irrigation water;
iv. Allow landscaping that is horticultural incompatible with the surroundings or climate.

2. A particular public benefit will be achieved by not complying with a provision of this section.

b. If an application proposes a landscaping area to be left in a natural condition with undisturbed soil for purposes of protecting natural features, such as native trees, riparian vegetation, or similar attributes, the approving authority may grant relief from landscaping and/or irrigation design standards in accordance with this subsection.

c. Relief from a provision shall not be used to cure a self-imposed condition.

d. Granting relief from provisions is a discretionary decision and shall be sparingly exercised. Other landscaping or irrigation measures may be imposed by the approving authority in lieu of relieved provisions.

e. The applicant shall provide findings supporting the request for relief within the project narrative submitted with the application. The project narrative shall provide the following information:

1. The specific provision(s) and site location(s) for which relief is sought; and,
2. How the strict application of this section results in an improvement that does not further the intent of this chapter and meets the criteria of subsection 10.780 C.(2)a.1. or, how a public benefit is achieved by granting relief from the provision(s).

D. Definitions.

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

1. **Bubblers:** A range of irrigation devices that are pressure-compensating and dispense water as a trickle down the riser, in a short umbrella, or in a fixed and non-misting short stream.
2. **Certified Irrigation Professional (CIP):** A person possessing one of the following credentials: Irrigation Association Certified Irrigation Designer, State of Oregon Registered Landscape Architect, or, State of Oregon Licensed Irrigation Contractor.
3. **Drip Irrigation:** Devices that apply water at or below the soil surface. Spray or misting emitters are not drip irrigation devices.
4. **ET (Evapotranspiration):** The quantity of water transpired from plants and evaporated from adjacent soil during a specified time, which is an indicator of how much water needs to be replaced to maintain healthy plants.
5. **ETo (Reference Evapotranspiration):** The evapotranspiration rate for a standardized cool-season grass crop that is well-watered. The ETo is considered to be the maximum evapotranspiration rate under a given set of parameters, and is used as the basis for comparing water needs of specific plants (see Plant Factor) under the same conditions.
6. **High Water Use Landscape Elements:** The wetted surface area of water features, and plants with a plant factor that is 0.70 (70%) or greater of the reference Evapotranspiration (ETo).
7. **Irrigation Zone:** The portion of an irrigation system served by a single control valve, typically operated by a unique station on the irrigation controller.
8. **Landscaping Area:** Any portion of a site not occupied by buildings or under pervious or impervious surfaces associated with parking lots, drive aisles, utility boxes, trash enclosures,

or sidewalks, and any area of a planter strip adjacent to the site within the public right-of-way.

9. **Mature Compost:** A stable organic amendment characterized by raw materials (yard trimmings, vegetative food waste, feedstock manures, etc.) that have been sufficiently decomposed under controlled moisture and aeration conditions. Mature Compost is a well-cured product in which viable seed and pathogens have been eliminated through the application of high temperatures. For purposes of this code, mature compost is a product certified by the US Composting Council Seal of Testing Assurance Program.
10. **Mulch:** A permeable protective covering of organic material such as bark, pine needles or compost spread over soil and around plants to reduce evaporation, maintain even soil temperature, prevent soil erosion, and prevent weeds.
11. **Open Space/Landscaping Tract:** An area reserved on a subdivision final plat dedicated to a property owners' association or reserved for future public acquisition for the purposes of open space, landscaping, conservation, active or passive recreation, stormwater detention, floodplain protection, etc., and may include ancillary buildings and structures such as play equipment, restrooms, ramadas, and gazebos.
12. **Overhead Sprinklers:** Irrigation devices that deliver water through the air (e.g. spray heads and rotors). A bubbler is not an overhead sprinkler.
13. **Plant factor:** The ratio of the evapotranspiration rate for a specific plant compared to the reference evapotranspiration (ETo) under the same conditions. Appropriate water use landscape materials are referenced in the Species Evaluation List -1999, under the Region 2 classification within the publication *entitled A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California*, a copy of which is on file in the Planning Department.
14. **Parking Area Planters:** Landscape planters interior to and dispersed throughout a parking lot intended to create shade and visual relief for expanses of parking.
15. **Structural Soil:** An artificially engineered stone/soil mix that meets or exceeds road bearing load requirements for structurally sound pavement design and installation, while supporting tree growth, remaining root penetrable, and encouraging deep root growth away from pavement surfaces.
16. **Tree:** A woody perennial plant having one or a few main stems or trunks, and which grows to a height of at least fifteen feet. Non-coniferous trees typically do not develop and/or retain branches on their lower parts.
17. **Tree Caliper:** Diameter of the tree trunk at a height of six (6) inches above grade.
18. **Undisturbed Soil:** Topsoil that is in good health, has been successfully protected from disturbance, compaction and contamination, and is characterized by a water intake (percolation) rate consistent with the optimal percolation rate typical of its soil classification.
19. **Water Feature:** Site elements such as swimming pools, spas, ponds, fountains, artificial streams and other design elements where open water performs an aesthetic or recreational function.

E. Landscape Plan and Irrigation Plan Review.

All development and building permit applications that include landscaping areas, as defined herein, with the exception of development types provided within Section 10.780 C.(1)a., shall include a Landscape Plan and Irrigation Plan in accordance with the provisions of this section. Landscaping and irrigation improvements shall be installed in accordance with approved plans.

(1) Landscape Plan Review Process.
   a. Landscape plan documents complying with Subsections 10.780 F and 10.780 G, and prepared by a State of Oregon Registered Landscape Architect or State of Oregon Licensed All-Phase Landscape Contractor for developments containing more than 1,500 square feet of landscaping area, unless exempted by ORS 671.540(a), shall be submitted for review and approval by the Approving Authority. Subsequent to the approval of the landscape plan, the applicant shall file an irrigation plan in accordance with Subsection 10.780 E.(2).
   b. The plan submittal shall include the quantity and size of landscape plan documents specified on the application form.

(2) Irrigation Plan Review Process.
   a. After approval of the landscape plan by the Approving Authority, and concurrently with submittal of plans for building permits, irrigation plan documents complying with Subsections 10.780 F and 10.780 H shall be submitted for staff review and approval. No permit for building, paving, utilities, or other onsite construction improvement, other than grading, shall be issued until irrigation plans for the landscaping have been approved.
   b. The applicant shall submit two sets of the irrigation plan at a scale matching the approved landscape plan or submit an electronic copy of the irrigation plan at scale matching the landscape plan with the building permit construction plan set.
   c. A full-sized copy of the approved landscape plan shall be submitted with the irrigation plan.
   d. The irrigation plan submitted for review shall be prepared by a Certified Irrigation Professional (CIP), as defined herein for developments containing more than 1,500 square feet of landscaping area, unless exempted by ORS 671.540(a).

F. Landscape Plan and Irrigation Plan Requirements.

(1) Plan Title Block. The landscape or irrigation plan title block shall include:
   a. Project name and address.
   b. Applicant's or agent's name, address, phone number, fax number, and email address.
   c. Designer's name, address, phone number, fax number, and email address.
   d. Sheet numbers, if more than a single sheet.
   e. Date of plan preparation and all revision dates subsequent to initial submittal.
   f. Scale of plan in accordance with Subsection 10.780 F(2).

(2) Plan Scale. The landscape or irrigation plan shall be drawn at one of the scales below:
   a. One-inch equals ten feet.
   b. One-inch equals twenty feet.
   c. One-inch equals thirty feet.
   d. 1/16 Architectural scale.
   e. 1/32 Architectural scale.

(3) Plan Information. The landscape or irrigation plan shall include the following:
   a. North arrow.
   b. Designer credentials:
      1. Landscape Plans. A State of Oregon Registered Landscape Architect's seal with signature, or State of Oregon Licensed All-Phased Landscape Contractor number.

2. Irrigation Plans. A State of Oregon Registered Landscape Architect's seal with signature, State of Oregon Licensed Irrigation Contractor number, or attached copy of Irrigation Association Certificate for Irrigation Designers.

c. Site information:
   1. Property lines, existing and proposed.
   2. Structures, existing and proposed.
   3. Existing natural features, including:
      i. Trees with a trunk six (6) inches in diameter or greater, measured at four feet above ground, with location, species type, canopy edge, and notation of whether they are to be preserved or removed.
      ii. The canopy of any tree on adjacent property that extends over the property line.
      ii. Streams, riparian corridors and wetlands, including bank and/or wetland edge.
   4. Impervious surfaces, existing and proposed, including parking lots, plazas, concrete walkways, and other hardscape areas.
   5. On a separate plan sheet, a utilities plan showing all aboveground and underground utilities, including, sewer, water, communications, and electricity.
   6. Easements.
   7. Clear vision areas in accordance with Section 10.735, Clear View of Intersecting Streets.
   8. Stormwater management facilities.
   9. Any other site improvements.
   10. Total square footage of landscaping areas noted on the cover page.
   11. Total square footage of parking area planters noted on the cover page.
   12. Existing topography at two (2) foot intervals, or direction of slopes, notated with arrows and slope percentage.

(4) Landscape Plan Details. The landscape plan shall include the following additional information:

a. All proposed landscaping materials and location, including:
   1. Landscaping required by this chapter, including street frontage, parking area planter, and bufferyard landscaping.
   2. Location of all plant materials, landscaping features, fences, retaining walls, hardscape elements, accent landscape lighting, and ground coverage materials (e.g., mulch, native grasses, shale, or other rock materials).

b. Legend that includes botanical and common names and sizes of plant materials, and ground coverage material.

c. Total square footage of all landscaping areas and total percentage of landscaping areas containing high water use landscape elements, as defined herein.

d. Details and specifications for tree planting, soil preparation, other applicable planting work, retaining walls, fences, landscaping headers, tree grates, and other landscaping improvements.

e. Location of all areas to be provided with protective fencing for soil and/or existing tree protection.

f. On the cover page, a note stating the required soil preparation procedures outlined in Subsection 10.780 G.(9)b.

(5) Irrigation Plan Details. The irrigation plan shall include the following additional information:

a. Water meter(s) size, location, static water pressure, and anticipated friction loss at the highest flow sprinkler design flow.

b. Backflow prevention device(s) location, model, and manufacturer.

c. Irrigation system layout identifying all components, including model and manufacturer.

d. Installation details for irrigation components.

e. Calculations, submitted on a separate worksheet provided by the City, providing data identifying the system's design parameters, hydraulics, and irrigation schedule.

f. An irrigation legend containing:

1. A summary of the manufacturer's stated flow rates and pressure losses, and recommended operation pressures and sizes (e.g., nozzle sizes, pipe diameter sizes, and pop-up heights) for all system components.

2. Identification of each unique irrigation component, with the manufacturer's recommended flow rates and pressure losses, and the manufacturer's recommended operating pressure and size.

g. A note in a conspicuous location on the cover page:

1. Stating that the irrigation system is designed to operate within the manufacturer's recommendations.

2. Directing the installer to verify proper operation of the irrigation system.

3. Directing the installer to adjust pressure reducing valve(s) as necessary to ensure that all components operate within the manufacturer's recommendations.

h. An irrigation schedule.

1. The irrigation schedule shall be based on:

i. Medford area historical peak week ETo of 2.3 inches of water.

ii. The water needs of the plants on the approved landscape plan.

iii. The soil type of the site.

iv. The proposed slopes.

2. For drip irrigation systems, the irrigation schedule shall provide instructions for adjustment of the system to accommodate the maturing plant water needs, and adding and/or resizing drip emitters at three-year increments until plant reaches maturity.

G. Landscaping Design Standards.

(1) Other Applicable Code Sections. In addition to meeting the landscaping design requirements of this Section, the landscape plan shall also meet landscaping design requirements of the following Sections where applicable:

a. Street Frontage Landscaping Requirements. Private property abutting streets shall meet the landscaping provisions of Section 10.797.

b. Parking Area Planter Landscaping Requirements. Parking lots shall meet the landscaping provisions of Section 10.746 (3).

c. Bufferyard Landscaping Requirements. Bufferyards shall meet the landscaping provisions of Section 10.790.

d. Southeast Overlay District Landscaping Requirements. Development occurring within the Southeast Overlay District shall meet the landscaping provisions of Sections 10.370 through 10.385.
e. Stormwater Facilities Landscaping Requirements. Stormwater quality and detention facilities shall be landscaped in accordance with the current adopted version of the Rogue Valley Stormwater Quality Design Manual.
f. Large Retail Structure Landscaping Requirements. Development subject to the provisions of Section 10.724 shall meet the landscaping provisions of Section 10.725.

(2) Plant Size Requirements.

The following minimum plant sizes shall apply at the time of planting to all landscaping required by this Chapter unless otherwise stated:

a. Deciduous trees shall be a minimum of 1¾-inch caliper as defined herein.
b. Evergreen trees shall be a minimum of eight (8) feet in height.
c. Shrubs shall be a minimum of one (1) gallon in size.
d. Groundcovers shall be in flats or a minimum size of four (4) inch pots.

(3) Living Groundcover Requirements.

All landscaping areas, including right-of-way planter strips adjacent to the site, shall include sufficient shrubs, turf grass, and/or other living groundcover to spread over 85% of each area within eight years.

a. An area without living groundcover within a three (3) foot radius centered at the base of each new tree may be counted toward this requirement.
b. For existing trees to be preserved, an area without living groundcover within a ten-foot radius centered at the base of each existing tree or 50% of the canopy area, whichever is less, may be counted toward this requirement.
c. In lieu of living groundcover, up to ten percent (10%) of the total landscaped area may be covered with rock, brick, or decorative pavers, and may be counted toward this requirement.
d. In no circumstance shall the sum of ground cover credit provided in Subsections a, b, and c above cause the living ground cover percentage to be reduced to less than 50% of the total landscape area.

(4) Non-Living Groundcover Requirements.

Landscaping areas not covered with turf grass shall be covered with a minimum of three (3) inches of unsettled mulch. Subject to approval by the approving authority, a limited application of rock or similar non-living groundcover material may be utilized. Bark mulch applied within public right-of-way medians or planter strips shall be of shredded texture. Bark nuggets or chips may not be applied.

(5) High Water Use Landscape Element Limitations.

a. The total landscaping area of a development site, including areas located within adjacent public right-of-way planter strips, shall not exceed the following percentage of high water use landscape elements, as defined herein:
   1. Single-family residential open space/landscaping tract = 40%
   2. Multiple-family residential = 40%
   3. Commercial/office = 30%
   4. Institutional = 30%
   5. Industrial = 20%
b. Water features shall use recirculating water systems.

(6) Turf Grass Limitations.

a. Turf grass area shall have a minimum average width of eight (8) feet and shall be no less than six (6) feet in width at any point, except for stormwater facilities constructed in accordance with the current adopted version of the Rogue Valley Stormwater Quality Design Manual.

b. Slopes exceeding 15% shall not be landscaped with turf grass.

c. Where on-street parking is located adjacent to a public right-of-way planter strip, minimum turf width requirements of Subsection 10.780 G.(6)a. are not applicable to the adjoining planter strip. Turf grass applied in the planter strip shall be included and counted toward the High Water Use Landscape Element limitation identified in Section 10.780 G.(5).

(7) Slope Limitation in Landscaping Areas.

The maximum finished slope for landscaping areas is 33% (3 to 1). Slopes steeper than 33% shall be terraced. This provision is not applicable to landscaping areas intended to remain in their natural vegetated and soil condition.

(8) Irrigated Landscaping Adjacent to Impervious Surfaces.

Landscaping areas located adjacent to an impervious surface shall have a finished grade that is one (1) inch lower than the impervious surface where they adjoin.

a. If there is a retaining wall or curb adjacent to the impervious surface, for areas uphill of the wall, the referenced grade for this provision shall be the top of the retaining wall or curb.

b. Finished grade of the irrigated landscaping area is the top surface elevation after application of the required non-living groundcover material specified by Subsection 10.780 G.(4), or turf grass.

(9) Soil Quality/Restoration/Preparation.

a. Required Organic Content:

Mature compost, as defined herein, shall be added to the soil of landscaping areas at a rate of three cubic yards of compost per 1,000 square feet of landscaping area to be planted. This requirement is not applicable in the following circumstances:

1. In areas fully secured by fencing for the purpose of protecting undisturbed soil from damage and compaction during construction.
2. In stormwater quality and detention facilities constructed in accordance with the current adopted version of the Rogue Valley Stormwater Quality Design Manual.
3. In landscaped areas where a soil test demonstrates an organic content of at least three percent based upon core samples taken at one test per 20,000 square feet, with a minimum of three samples per test. Samples shall be taken at least 40 feet apart to a depth of six (6) inches following completion of rough grading.

b. Required Soil Preparation Procedures:

1. Assure that soil is suitably dry before beginning.
2. Spread desired topsoil. (Optional)
3. Open/rip soil to a depth of eight (8) inches.
4. Assure organic content as required by Subsection 10.780 G.(9)a.
5. Cultivate soil and amendment(s) to a depth of four (4) to six (6) inches.

(10) Tree Requirements.

a. Soil Volume:
Each new or existing tree shall have sufficient soil volume to establish and maintain a root system that will support the tree at maturity. For each tree, at least two cubic feet of soil volume is required for each one square foot of tree canopy at maturity.

1. Soil volume is calculated as the landscaping area under the tree canopy, free of impervious surface or paving, and measured at a depth of three (3) feet.
2. For trees within parking area planters or sidewalk planters, in lieu of the soil volume provisions above, structural soil may be utilized as an alternative material under impervious surfaces to meet the required soil volume calculation.

b. Root Barriers:
Commercially-engineered root barriers shall be installed for all new trees located within three feet of any public right-of-way impervious surface, and shall consist of six lineal feet of 24-inch barrier, running parallel to the impervious surface, centered on the tree.

c. Fencing:
Existing trees to be preserved shall be fully secured by fencing at the canopy edge for the purpose of protecting the tree from disturbance and soil compaction during construction.

H. Irrigation System Design Standards.

All landscaping areas shall be irrigated with an irrigation system having an automatic controller in accordance with the specifications provided in this Subsection.

(1) Water Needs. Plants in the same irrigation zone shall have similar watering needs unless irrigated by drip irrigation having emitters sized for individual plant water needs.

(2) Overhead Irrigation.

a. A landscaping area irrigated by overhead irrigation shall have a minimum average width of eight (8) feet and shall be no less than six (6) feet in width at any point; if less than eight (8) feet in average width, it shall be irrigated by drip irrigation components or bubblers.

b. The minimum pop-up sprinkler height shall be four (4) inches. All pop-up sprinklers within one valve zone shall have matched precipitation rates.

c. Overhead irrigation systems shall be designed to maximize uniformity in water application, such as providing overlapping sprinkler spacing as appropriate for the planted area.

d. Overhead irrigation shall not be utilized in parking area planters.

(3) Irrigation Flow.

a. Irrigation systems designed for a flow of greater than 50 gallons per minute (GPM) shall have a master valve at the point of connection.

b. Irrigation systems designed for a flow of greater than 80 GPM shall have a high flow sensor.

(4) Irrigation Controllers. Automatic irrigation controllers shall be, at a minimum:

a. Capable of storing at least three (3) complete programs, with each program providing three (3) or more start times, station run times in minutes to hours, and water days by interval, day of the week and even/odd days.

b. Equipped with a percent adjust (water budget) feature unless utilizing weather-based sensors or soil moisture sensors.
c. Equipped with non-volatile memory and/or a self-charging battery circuit.
d. Capable of accepting an external rain or soil moisture sensor.
e. Equipped with master valve capability for systems with any designed flow having a flow rate of 50 GPM or greater.
f. Equipped with high flow sensor capability for systems with any designed flow having a flow rate of 80 GPM or greater.

(5) Pressure Regulation. All irrigation zones shall be equipped with pressure reduction valves when needed to meet the manufacturer's recommended operating pressure for the components of each zone. Where needed, pressure regulation shall be located at the meter or solenoid valve. Use of pressure-regulating sprinklers does not satisfy the requirement for a pressure reduction valve.

(6) Isolation Valves. Isolation valves are required on the mainline:
a. At the irrigation system point of connection.
b. At each valve box.
c. At paved crossings of 20 feet or greater, such as streets, driveways or other impervious surfaces.

(7) Swing Joints. Swing joints are required on all sprinkler head risers.

I. Landscaping and Irrigation Installation Certification, and Inspection.

(1) Landscaping and Irrigation Installation Certification.
Upon installation of landscaping and irrigation improvements, the State of Oregon Registered Landscape Architect or the State of Oregon Licensed Landscape Contractor, responsible for the installation of the landscaping and/or irrigation shall certify that such improvements were installed in accordance with approved plans and specifications by preparing, signing and submitting a Landscaping and Irrigation Certification form provided by the City.
a. The completed and signed certification form shall be submitted to the City prior to the issuance of Certificate of Occupancy for any portion of the project, unless landscaping and irrigation improvements have been deferred in accordance with Subsection 10.780 I.(2).
b. The submittal of the certification form serves as the applicant's notice of completion of the landscaping and irrigation improvement and shall be submitted a minimum of two (2) full business days prior to the final building inspection.
c. If installation is found by the City to be deficient based upon the approved plans and the requirements of this code, the Building Official shall be provided a list of deficiencies to be satisfied prior to the issuance of a Certificate of Occupancy. The City shall also forward the list of the landscaping and irrigation deficiencies to the certifier at the addresses provided on the certification form.
d. If a Deferred Landscaping Improvement Agreement is utilized in accordance with Subsection 10.780 I.(2), the City shall authorize the release of the financial assurance upon confirmation of competed landscaping and irrigation improvement.
e. If landscaping or irrigation installation is incorrectly certified:
1. The property owner is not relieved of the responsibility for installing the landscaping and/or irrigation required by approved plans.

2. The City may notify the regulatory or certification body with which the installation certifier is licensed.

(2) Deferred Landscaping and Improvement Agreement

a. If landscaping and irrigation installation must be delayed for seasonal reasons, such as excess soil moisture, or additional time is required to complete the installation of required landscape improvements, installation may be deferred for up to six (6) months following the issuance of a Certificate of Occupancy through the execution of a Deferred Landscaping Improvement Agreement. The written agreement, in a form acceptable to the City Attorney, shall specify:
   1. That within six (6) months of the date of issuance of the Certificate of Occupancy, all landscaping and irrigation improvements shall be completed in accordance with approved plans.
   2. That, if the property owner fails to complete said landscaping and irrigation improvements in accordance with the terms of the agreement, the City may have access to landscaping areas, complete the same as specified on the approved plans, and recover the full cost and expense thereof from the financial assurance, developer, and/or property owner.
   3. The indemnification of the City, its councilmembers, officers, board members, commissioners, and employees from claims of any nature arising or resulting from the performance of any acts required by the City to be done in accordance therewith.
   4. That, to secure full and faithful performance thereof, the applicant shall file with the City, either:
      i. A surety bond, in an amount equal to 125% of the estimated cost of completing the landscaping and irrigation improvements, executed by a surety company authorized to transact business in the State of Oregon; or,
      ii. Cash in an amount equal to 125% of the estimated cost of completing the landscaping and irrigation improvements.

[Added, Sec. 5, Ord. No. 7786, Dec. 15, 1994; Amd. Sec. 3. Ord. No. 1998-75, Apr. 16, 1998; Amd. Sec. 1, Ord. No. 1999-211, Dec. 16, 1999; Amd. Sec. 8, Ord. No. 2000-55, Apr. 6, 2000; Amd. Sec. 12, Ord. No. 2013-31, Feb. 21, 2013; Amd. Sec. 5, Ord. No. 2013-84, June 6, 2013, (effective Dec. 1, 2013).]

10.781 Concealment of Trash Receptacles.

Trash receptacles shall be kept in enclosures made of solid wood, metal, brick, or masonry block which conceal them from view. Access doors shall be made of solid wood or metal. When possible, enclosures should be incorporated into the building (i.e., wing walls, alcoves). If free standing, the enclosures shall be constructed of materials which are compatible with other structures on the site. Chain link fencing, with or without slats, for this purpose is prohibited.

[Added, Sec. 2, Ord. No. 1999-211, Dec. 16, 1999.]

10.782 Concealment of Heating, Ventilation, Air Conditioning (HVAC) Equipment and Roof- Mounted Wireless Communication Facilities.

All HVAC equipment and roof-mounted wireless communication facilities shall be concealed from view. Where possible, such concealment should be accomplished using the architectural elements of the buildings (i.e., roof forms, parapets, wing walls, alcoves, etc.). Free standing

walls or fences may also serve as sight-obscuring concealment devices. Chain link fencing, with or without slats, for this purpose is prohibited.
[Added, Sec. 2, Ord. No. 1999-211, Dec. 16, 1999; Amd. Sec. 4, Ord. No. 2008-04, Jan. 3, 2008.]

10.783 Location of Wall Mounted Utility Services.
Wall mounted utility devices, such as meters and television cable boxes, shall be mounted on the side of the building not facing a street unless they are concealed from view. Where possible, concealment should be accomplished using architectural elements of the building (i.e., wing walls, alcoves, etc.).
[Added, Sec. 2, Ord. No. 1999-211, Dec. 16, 1999.]

10.790 Bufferyards.
A. Purpose.
Bufferyards are utilized in order to minimize potential conflicts caused by in types and intensity of uses on adjacent properties. Factors to be mitigated include nuisances, such as visual impacts of buildings or parking areas, glare, views from upper story windows, dirt, litter, noise and signs.
B. Location.
Bufferyards shall be located along property lines which define the boundary between one zoning district and another, or along the boundary between a zoning district and a General Land Use Plan Map (GLUP) designation where there is not yet city zoning. The specific location of the bufferyard, relative to the property line, is governed by Subsections C-E. Bufferyards are not required along any portion of a public right-of-way or private street.
[Amd. Sec. 7, Ord. No. 7776, Dec. 1, 1994; Amd. Sec. 8, Ord. No. 7776, Dec. 1, 1994; Amd. Sec. 6, Ord. No. 2013-84, June 6, 2013, (effective Dec. 1, 2013).]

C. Determination of Bufferyard Requirements.
(1) To determine the type of bufferyard required between two adjacent lots, the following procedure shall be followed:
  (a) Identify the zoning district within which the subject lot with its proposed use is located.
  (b) Identify the zoning district(s) or, absent city zoning, the GLUP designation(s) within which the abutting lot(s) are located.
  (c) Determine the bufferyard required along each boundary, or segment thereof, of the subject lot by referring to Subsection D, Tables of Bufferyard Standards, which specify the bufferyard types required between zones or GLUP designations.
  (d) A standard bufferyard shall be provided in addition to any agricultural buffering required by Section 10.801.
(2) Responsibility for bufferyard installation. In the case of two abutting vacant lots, the first lot to develop shall provide the buffer required by Subsection D, Tables of Bufferyard Standards. The second use to develop shall, at the time it develops, provide all additional material/land necessary to provide the total bufferyard required of Subsection D, Tables of Bufferyard Standards.
[Amd. Sec. 9, Ord. No. 7776, Dec. 1, 1994.]

D. Tables of Bufferyard Standards.

The letter designations contained in these tables refer to the bufferyard standards contained in Subsection E, Bufferyard Standards.

Table 10.790-1. **Bufferyard Standards—Zone to Zone**

Subject Site Zoning	Zoning on Abutting Land										
	Vac	SFR	MFR	CS/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
SFR	–	–	–	–	–	–	–	–	–	–	–
MFR	1	A	–	–	–	–	–	–	–	–	–
C-S/P	1	A	A	–	–	–	–	–	–	–	–
C-N	1	A	A	–	–	–	–	–	–	–	–
C-C	1	A	A	–	–	–	–	–	–	–	–
C-R	1	A	A	A	–	–	–	–	–	–	–
C-H	1	A	A	A	–	–	–	–	–	–	–
I-L	1	A	A	A	A	–	–	–	–	–	–
I-G	2	B	B	B	B	A	A	A	A	–	–
I-H	2	B	B	B	B	A	A	A	A	–	–

Table 10.790–2. **Bufferyard Standards—Zone to GLUP**

Subject Site Zoning	GLUP Designation on Abutting Land					
	UR	UH	SC	C	GI	HI
SFR	–	–	–	–	–	–
MFR	A	–	–	–	–	–
C-S/P	A	A	–	–	–	–
C-N	A	A	–	–	–	–
C-C	A	A	–	–	–	–
C-R	A	A	A	–	–	–
C-H	A	A	A	–	–	–
I-L	A	A	A	A	–	–
I-G	3	3	A	A	–	–
I-H	3	3	3	A	–	–

1 A type-A bufferyard shall be provided at the time of development of the site in the more intensive zone.

2 Where the bufferyard will be a type A, based on the current zoning, the entire bufferyard shall be installed. Where the bufferyard will be a type B, based on the current zoning, only the 8-foot wall of the bufferyard shall be installed.

3 Only the 8-foot wall of the type-B bufferyard shall be installed.

- Signifies no buffering requirement.

[Amd. Sec. 10, Ord. No. 7776, Dec. 1, 1994.]

E. Bufferyard Standards.

(1) This Subsection provides the width of the bufferyard, type of fence or wall required, and the required planting scheme to provide effective screening between adjacent properties having dissimilar land use. For an administratively approved bufferyard, the Standard Planting Scheme as required by 10.790 (E)(1)(b) shall be used unless the applicant wishes to submit a Site Plan and Architectural Review application to have the Commission consider modifying the requirement.

(a) Planting Scheme: In addition to compliance with other landscaping provisions in this chapter, bufferyards shall include a variety of plant sizes and shapes and provide effective visual screening between the adjacent properties having dissimilar land uses. The bufferyard shall be planted with trees and shrubs of the appropriate size, shape and spacing to provide a continuous canopy between the top of the fence/wall and a height of 20 feet within ten (10) years. A minimum of 60 percent of the trees used to provide visual screening shall be non-deciduous species. The planting plan shall take into account the nature of the impacts specific to the two sites, particularly building height and locations of windows and lighting.

***Table 10.790-3.* Bufferyard Types**

Type	Width	Wall / Fence
A	10 feet	Six (6) foot concrete or masonry wall.
B	20 feet	Eight (8) foot concrete or masonry wall

(2) The fence or wall shall typically be placed on the property line between the two uses; however, the approving authority may authorize its location anywhere within the bufferyard. Fences and walls shall be constructed of a material and design that is sight-obstructing, compatible with adjacent uses, and accepted by the approving authority.

(3) Any part of the bufferyard may be located on the adjoining property provided it is planted with a proportionate share of the required plants and, for any part located outside of the standard setback, a perpetual bufferyard easement is recorded by the property owner. The easement shall allow for the installation and perpetual maintenance of the bufferyard and restrict use of the area to only the bufferyard.

(4) Encroachments into bufferyards: The bufferyard is intended to provide a minimum amount of space for the required plants to grow and for aesthetic separation between uses. Therefore, this area shall be reserved exclusively for such use. Encroachment of driveways, parking and maneuvering areas, sidewalks, patios, or structures (other than the required fence or wall) are prohibited in the bufferyard area.

(5) Bufferyard credits: Existing plant materials within the bufferyard area may be counted toward the bufferyard requirement.

(6) Adjustments to bufferyards: The approving authority shall have the discretion to make adjustments to the bufferyard requirements if an unusual circumstance exists and a finding is made that adequate buffering will be provided to avoid significant adverse impacts to the livability or value of the adjoining properties. Adjustments shall not be

made simply for the convenience of site design. Adjustments to the bufferyard requirements may include, but are not limited to, the following:

(a) Where a building wall with no openings below eight (8) feet abuts the bufferyard, the building wall may be counted in place of a required wall or fence.

(b) Where there is existing development on the site, such as paving or a building, which affects or precludes implementation of the bufferyard standard.

(c) Where a proposed project abuts existing development, and the adjacent uses are the same (i.e., apartment parking lot adjacent to commercial parking lot) or are sufficiently compatible that the full buffering, otherwise required, is not necessary and the uses are not expected to change significantly over time.

(d) Where a project abuts an irrigation canal, natural waterway, railroad right-of-way, or other such element.

[Amd. Sec. 11, Ord. No. 7776, Dec. 1, 1994; Amd. Sec. 6, Ord. No. 2013-84, June 6, 2013, (effective Dec. 1, 2013).]

F. Ownership of Bufferyards.

Bufferyards shall remain in the ownership of the original developer (successors and assigns) of the lot on which the buffer is located.

[Section 10.790 amended and Sections 10.792, 10.793, 10.794, 10.795, and 10.796 consolidated into Section 10.790 by Sec. 15, Ord. No. 2012-137, Sept. 6, 2012; Amd. Sec. 6, Ord. No. 2013-84, June 6, 2013 (effective Dec. 1, 2013.]

10.797 Street Frontage Landscaping Requirements.

A. This section establishes the minimum landscaping requirements along all street frontages outside of the public right-of-way. Plans submitted to comply with this section shall be approved by the approving authority.

(1) For land divisions with houses that do not face an arterial street, an arterial street frontage landscape plan shall be submitted showing a vertical separation feature that is a minimum of eight (8) feet in height. The separation feature shall create a solid visual screen. A fence or wall shall be engineered to stand straight. The separation feature shall be reduced in height where otherwise required in a front or side yard or clear vision triangle. The Planning Commission may allow adjustments to the above requirement in response to topography.

(2) For all other street frontages the number of plants required for distances above or below one hundred (100) feet shall be prorated with the resulting numbers of plants rounded so that one-half or more shall be deemed to require a full plant. All required planting shall be located in the required yard area adjacent to the street unless otherwise approved by the approving authority.

(3) Existing plant materials which meet the requirements of this code may be counted as contributing to the total landscaping required by this section. Interstate 5 and other highway frontages shall be treated the same as city street frontage.

(4) The following table specifies the type and number of plants required by this section.

Table 797-1. **Frontage Landscaping—Materials and Quantities**

Zoning District	Number of plants required per 100 feet of street frontage less driveways	
	Trees	Shrubs
SFR (nonresidential uses), MFR, C-N, C-S/P, C-C, C-R, C-H	4	25
I-L, I-G, I-H	3	15

[Amd. Ord. No. 6749, Oct. 18, 1990; Amd. Sec. 6, Ord. No. 7786, Dec. 15, 1994; Amd. Sec. 4, Ord. No. 7970, Oct. 5, 1995; Amd. Sec. 13, Ord. No. 8013, Jan. 4, 1996; Amd. Sec. 15, Ord. No. 8285, Feb. 6. 1997; Amd. Sec. 25, Ord. No. 2009-207, Sept. 17, 2009; Amd. Sec. 15, Ord. No. 2012-137, Sept. 6, 2012; Amd. Sec. 7, Ord. No. 2013-84, June 6, 2013 (effective Dec. 1, 2013).]

AGRICULTURAL BUFFERING. (10.801 - 10.802)

10.801 Agricultural Buffering in Non-Urban Reserve Areas.

A. Purpose.

The provisions of this Section related to agricultural buffering implement a policy that was mutually adopted by the City and Jackson County as part of the Urban Growth Boundary Management Agreement as amended. Moreover, the purpose of these provisions is to minimize or mitigate:

(1) Trespass upon and vandalism of agricultural land which is located in near proximity to urban development.

(2) Potential adverse impacts on urban development associated with noise, dust, spray drift and surface waters.

[Amd. Sec. 1, Ord. No. 8014, Jan. 4, 1996.]

B. Applicability.

The provisions of this Section apply to the development permit applications listed below in this subsection where land proposed for urban development is not in an urban reserve (see Regional Plan Element) and abuts and has a common lot line with other land which is zoned Exclusive Farm Use (EFU) or Exclusive Agriculture (EA). However, development which requires City approval for more than one of the below development permit applications for the same development shall be required to demonstrate compliance with the provisions of this Section only in the first such application.

(1) Land Divisions.

(2) Planned Unit Developments.

(3) Conditional Use Permits.

(4) Site Plan and Architectural Review or Historic Review where the action being sought will result in the construction of one or more buildings intended for human occupancy as dwellings or for business purposes.

[Amd. Sec. 2, Ord. No. 8014, Jan. 4, 1996; Amd. Sec. 22, Ord. No. 2013-131, Sept. 5, 2013, effective Dec. 1, 2013.]

C. Information Required: Agricultural Impact Assessment Report.

As part of any land use or development application listed in Subsection 10.801.B where the agricultural buffering provisions in Subsections 10.801.A through E apply, an applicant for such application shall supply the Planning Department with the following information in a report entitled "Agricultural Impact Assessment Report":

(1) An excerpt of a City of Medford and/or Jackson County zoning map showing the zoning of land adjacent and within two hundred (200) feet of the property proposed for urban development.

(2) A description of the type and nature of agricultural uses and farming practices, if any, which presently occur on adjacent lands zoned EFU or EA and sources of such information. The information thus required, if applicable, shall include:

(a) Method of irrigation.

(b) Type of agricultural product produced.

(c) Method of frost protection.

(d) Type of agricultural equipment customarily used on the property.

(3) Detailed information obtained from the Natural Resources Conservation Service (NCRS) concerning soils which occur on adjacent lands zoned EFU or EA, and whether the land has access to water for irrigation.

(4) Wind pattern information.

(5) A description of the measures proposed to comply with the requirements of Subsections 10.801.A through E.

(6) The persons who prepared said report and all persons, agencies, and organizations contacted during preparation of the report.

(7) All statements shall be documented, sources given as reference, and any other detailed information needed to substantiate conclusions should be provided in the appendices.

[Amd. Sec. 3, Ord. No. 8014, Jan. 4, 1996.]

D. Mitigation and Impact Management.

(1) Agricultural Classification (Intensive or Passive). For the purposes of this Section, agricultural land is hereby classified as either intensive or passive. Intensive agriculture is defined as farming which is under intensive day-to-day management, and includes fruit orchards and the intensive raising and harvesting of crops or, notwithstanding its current use, has soils of which a majority are class I through IV as determined by the NRCS, has irrigation water available and is outside of the Urban Growth Boundary. Passive agriculture is defined as farming that is not under intensive day-to-day management, and includes land used as pasture for the raising of livestock. The approving authority shall determine whether adjacent agricultural uses are intensive or passive based upon the specific circumstances of each case and the nature of agriculture which exists on the adjacent land zoned EFU or EA at the time the urban development application is filed and accepted by the City.

(2) Mitigation - Intensive Agriculture. To minimize or mitigate the adverse potential impacts associated with the proximity of urban and agricultural land uses, the following measures shall be undertaken by the developer when urban development is proposed adjacent to land which is in intensive agricultural use:

(a) Fencing. A wood fence, chain link fence, masonry wall, or other comparable fence, as approved by the approving authority not less than six (6) feet in height or such

greater height as may be required, shall be installed at the rear or side property boundary where the urban development property adjoins and has a common property line with land zoned EFU or EA. In no case shall a fence or wall be required within a front yard area. The fence or wall used to buffer agricultural land shall comply with the regulations regarding fencing, Sections 10.731 through 10.735. Information shall be provided regarding the long term maintenance responsibility for the fence.

(b) Landscaping. On the property proposed for urban development there shall be a landscaped strip adjoining the fence or wall required in subsection 10.801.D(2)(a) which shall have a width of not less than eight (8) feet within which there shall be planted a row of evergreen trees spaced not more than eight (8) feet apart. The species and variety of evergreen trees proposed shall be approved by the approving authority and shall be selected on the basis of fast growth and vegetation density. The City may compile and adopt a list of trees suitable for agricultural buffering and once adopted, only trees from the approved list may be selected to satisfy the requirements of this section. The trees shall be served by an underground irrigation system. Information shall be provided regarding the long-term responsibility for care and maintenance of the landscaping.

(c) Deed Declaration. All urban land proposed for development which lies within two hundred (200) feet of an EFU or EA zoning district boundary shall be subject to a deed declaration that requires the owner and all successors in interest to recognize and accept common, customary and accepted farming practices. The declaration shall also provide that the perpetual maintenance of fencing, the horticultural care for and maintenance of landscaping, and the maintenance of other buffering features installed to comply with this Section shall be the sole responsibility of the owners of property subject to the deed declaration. The deed declaration shall be in a form approved by the City. After the deed declaration is signed it shall be recorded in the official records of Jackson County, and copies shall be mailed to the owners of adjacent agricultural lands zoned EFU or EA.

(d) Irrigation Runoff. Measures appropriate to the circumstances present shall be undertaken by the urban developer to mitigate adverse impacts which occur from periodic naturally occurring runoff and inadvertent agricultural irrigation runoff.

(3) Mitigation - Passive Agriculture. To minimize or mitigate the adverse potential impacts associated with the proximity of urban and agricultural land uses, the following measures shall be undertaken by the developer when urban development is proposed adjacent to land in passive agricultural use:

(a) Fencing. A wood fence, chain link fence, or masonry wall, not less then six (6) feet in height shall be installed at the property boundary where the development property adjoins and has a common property line with land zoned EFU or EA. In no case shall a fence or wall be required within a front yard area. The fence or wall used to buffer agricultural land shall comply with the regulations regarding fencing, Sections 10.731 through 10.735. Information shall be provided regarding the long-term maintenance responsibility for the fence or wall.

(b) Deed Declaration. The deed declaration required in subsection 10.801.D(2)(c) shall be required.

(c) Irrigation Runoff. Measures appropriate to the circumstances present shall be undertaken by the urban developer to mitigate adverse impacts which occur from periodic naturally occurring runoff and inadvertent agricultural irrigation runoff.

(4) Discretionary Mitigation Measures/Design Considerations. In addition to the specific mitigation measures required in Subsections 10.801.D(2) and 10.801.D(3), an applicant shall also consider the following design items and the approving authority may, in its sole discretion, impose conditions which do any of the following:

(a) Increase the rear or side yard setback to afford greater spatial separation between agriculture and urban development.

(b) Regulate the location of garages and parking areas to place them between dwellings and other buildings intended for human occupancy and agricultural land.

(c) Require the placement of streets, driveways, open space or common areas between urban development and agricultural land.

(d) Require fencing and landscaping, including the use of berms, in excess of that required in Subsection 10.801.D.

(e) Regulate or require other mitigation measures or features deemed reasonably necessary and appropriate by the approving authority to protect the public health, safety and general welfare, and to make urban development compatible with agricultural uses which exist on adjacent lands zoned EFU or EA.

[Amd. Sec. 4, Ord. No. 8014, Jan. 4, 1996.]

E. Alteration or Removal of Buffering Measures.

The measures required by the approving authority to buffer agricultural land from urban uses and development may be altered or removed entirely when the zoning of an adjacent and touching agricultural land is changed from EFU or EA to a city zoning district other than EA. No alteration or removal of the agricultural land buffering features shall cause the removal of fencing or landscaping which is required to meet the Bufferyard requirements of Sections 10.790 through 10.796.

[Sections 10.801, 10.802, 10.803, 10.804 and 10.805 consolidated into Section 10.801, Sec. 2, Ord. No. 2012-128, Aug. 16, 2012; Amd. Sec. 22, Ord. No. 2013-131, Sept. 5, 2013, effective Dec. 1, 2013.]

10.802 Urban-Agricultural Conflict Mitigation in Urban Reserve.

The regulations in this section apply only to urban land in the urban growth boundary that was added from the urban reserve shown in the Regional Plan Element of the Comprehensive Plan. For other land in the City, development is subject to the agricultural buffering standards in Section 10.801. The basis for these regulations can be found in the Greater Bear Creek Valley Regional Problem-Solving Plan (Regional Plan), Volume II, Appendix III.

A. Purpose.

The purpose of these standards is to mitigate the potential for conflict between farming activities and urban uses. These provisions implement a policy mutually adopted by the City and Jackson County in the Regional Plan Element of the Comprehensive Plan. The mitigation provisions of this Section seek to achieve the following objectives:

1. Minimize the impacts of urban development on agricultural production activities.
2. Minimize the potential for complaints about agricultural practices and activities.
3. Ensure the continued use of agricultural land for agricultural uses.

4. Minimize potential conflict by developing a well-defined boundary between agricultural and urban uses. The best boundary will be one that minimizes conflict in both directions.

B. Definitions.

The following definitions apply only to this Section.

1. Agricultural land uses. The use of land for the cultivation and husbandry of plant and animal products, including agricultural activities permitted on land zoned Exclusive Farm Use (EFU).
2. Classification, Agricultural
   (a) Intensive Use (I). The agricultural lands in this category:
      (1) Are composed of Class I–IV agricultural soils; or
      (2) Support existing or scheduled plantings of long-term crops with a height at maturity exceeding four (4) feet.
   (b) Passive Use (P). The agricultural lands in this category:
      (1) Are composed of predominately Class IV soils, can demonstrate an unbroken or essentially unbroken 25-year history of agricultural inactivity or grazing use, and which have either of the following: (i) greater than 50% hydric soils or (ii) greater than 50% shallow soils (surface to bedrock) of less than two feet in depth; or
      (2) Are composed of greater than 50% of Class VI or poorer soil; or
      (3) Are outside of an irrigation district's boundary and outside of areas suitable for future expansion of a district, as determined by the district.
3. Mitigation area. A management zone of varying size, shape, and characteristics between the two land uses that utilizes combinations of mitigation elements to buffer between agricultural land and urban land uses.
4. Mitigation element. A physical or legal feature within a mitigation area that mitigates an adverse impact. A mitigation element may consist of vegetation, transportation and utility corridors, natural barriers, deed restrictions, or other natural or man-made features.
5. Spray drift. Airborne movement of agricultural chemicals onto a non-target area.
6. Urban Receptor, Sensitivity of:
   (a) Urban receptor, Higher-sensitivity (H):
      (1) Residential use.
      (2) Motel, hotel, or hostel.
      (3) Place of worship; public meeting facility.
      (4) Childcare center, kindergarten, school, university, or other educational institution.
      (5) Medical center or hospital.
      (6) Public or quasi-public use, such as library, park, etc.
      (7) Other similar uses.
   (b) Urban receptor, Lower-sensitivity (L):
      (1) Commercial use, except for any defined as higher-sensitivity urban receptor.
      (2) Industrial use.
      (3) All other uses not classified here.

C. Description of Impacts Requiring Mitigation.

1. Spray Drift. Principally, spray drift is caused by agricultural chemical use, but may be caused by urban use of agrochemicals. Separation between urban and agricultural uses is

the preferred tool to mitigate the impact of the spray drift, employing either large setbacks or a combination of smaller setbacks and a tree buffer.

2. Trespass and Vandalism. Trespass and vandalism are often considered by farmers to be the most serious adverse potential impact to agricultural operations in proximity to urban areas. Climb-resistant, trespass-inhibiting fences and/or hedges in the mitigation area are the means of reducing these impacts.
3. Odor. Odor is one of the less important agriculture-related adverse impacts. Unless there are site-specific reasons why mitigation of odor is critical (such as the presence of a livestock feed lot), issues with odor are sufficiently addressed by requiring that owners of new urban development within 1,000 feet of the applicable agricultural land receive notice through an explicitly worded deed declaration of the potential adverse impacts to which they will likely be exposed.
4. Dust, Smoke, and Ash. Like odor, this grouping potential adverse impacts is one of the least important agriculture-related issues in the region, and, like odor, can be addressed by requiring a deed declaration.
5. Run-off. Stormwater and irrigation run-off arise from both urban and agricultural uses, and can adversely impact agricultural operations as well as urban health and livability. Impacts may be avoided or significantly reduced by employing erosion-prevention and erosion-control measures.
6. Noise. Noise is an impact arising from agricultural operations. This Section contains no noise mitigation requirements, but applicants are encouraged to consider community design and construction practices that provide some level of noise mitigation. Recommended methods may be found in Appendix III of the Greater Bear Creek Valley Regional Plan.

D. Applicability.

1. The provisions in this Section apply to the development permit applications listed below where proposed urban development abuts land zoned EFU at the outer edge of the urban growth boundary and was part of the urban reserve established in the Regional Plan Element. Refer to Regional Plan Element of the Comprehensive Plan for a map of the urban reserve.
   (a) Land Division;
   (b) Planned Unit Development;
   (c) Conditional Use Permit;
   (d) Site Plan and Architectural review.
2. A pre-application conference is required for all applications subject to the provisions of this Section.
3. Different degrees of mitigation are required of the applicant based on the following factors: the sensitivity of the proposed urban use to agricultural impacts; the impact being buffered; the intensity of uses on the adjacent EFU land; and whether the mitigation area is to be mid- or long-term.
4. Mitigation elements established under this Section shall not be removed or reduced unless the applicable adjacent EFU land changes to a non-agricultural zoning district.

E. Application: Agricultural Impact Assessment Report.

As part of any land use or development application listed in Subsection D where the agricultural mitigation standards in Subsections H–M apply, an applicant shall supply the Planning Department with a report entitled "Agricultural Impact Assessment Report" (AIAR). The purpose of the AIAR is to provide the approving authority with sufficient evidence to determine agricultural intensity (active or passive) and to evaluate the applicant's proposed method of complying with the provisions of this Section. The AIAR shall contain:

1. Map showing the zoning of land adjacent and within two hundred (200) feet of the property proposed for urban development.
2. A description of the type and nature of agricultural uses and farming practices, if any, which presently occur on adjacent lands zoned EFU and sources of such information. The information thus required, if applicable, shall include:
   (a) Method of irrigation.
   (b) Type of existing agricultural product produced or scheduled plantings within one year of projected development completion date.
   (c) Types of agricultural production and practices for the five preceding years.
   (d) Method of frost protection.
   (e) Type of agricultural equipment customarily used on the property.
3. Detailed information obtained from the U.S. Natural Resources Conservation Service (NRCS) concerning soils which occur on the applicable adjacent lands zoned EFU, and whether the land has access to water for irrigation.
4. Wind pattern information.
5. A mitigation plan which includes a description of the measures proposed to comply with the requirements of this Section, a detailed landscaping and irrigation plan for the mitigation area, and a copy of the proposed deed declarations, maintenance covenants, and property owners' association covenants, conditions and restrictions (CC&Rs).
6. The persons who prepared said report and all persons, agencies, and organizations contacted during preparation of the report.
7. All statements shall be documented, sources given as reference, and any other detailed information needed to substantiate conclusions should be provided in the AIAR appendices.
8. If the applicant is requesting a deviation from the standards of this Section, the Agricultural Impact Assessment Report shall not be deemed to be complete unless accompanied by the Conflict Assessment and Mitigation Study described in Subsection O and the recommendation of Jackson County's Agricultural Buffering Committee, or a letter from Jackson County indicating that no such recommendation is forthcoming.

F. Review Process.

1. Using the definitions of the urban and agricultural classifications herein and the evidence of the AIAR, the approving authority shall determine:
   (a) Whether adjacent agricultural uses are intensive or passive at the time the urban development application is filed and accepted by the City; and
   (b) Whether the applicant's proposed mitigation plan meets the standards of this Section.
2. The approving authority shall approve, approve with conditions, or deny the application based on the AIAR and its proposals and conclusions.

G. Mitigation Requirements.

1. All mitigation elements will be sited on urban land unless arrangements have been made with the adjacent agricultural land owner to site some or all elements on agricultural land.
2. When development results in the creation of new lots, all mitigation areas shall be located in a separate tract or tracts under common ownership, not divided among separate lots.
3. Mitigation for Intensive Agriculture. To minimize or mitigate the potential adverse impacts associated with the proximity of urban and agricultural land uses, the following measures shall be required when the proposed urban development is adjacent to land which is in intensive agricultural use:
   (a) Setbacks as illustrated in subsection I, Figure 10.802-1, either alone or in conjunction with a tree buffer;
   (b) Tree Buffer as illustrated in Figure 10.802-1 and described in subsections J and K;
   (c) Screening Shrubs (only in conjunction with a tree buffer) as described in subsection L;
   (d) Trespass-Inhibiting Hedges/Fencing as described in subsection M;
   (e) Deed Declaration. Any portion of the site which lies within one thousand (1,000) feet of an applicable EFU zoning district boundary shall be subject to a deed declaration that requires the owners and all successors in interest to recognize and accept common, customary and accepted farming practices which may produce noise, dust, odors, and other impacts. The deed declaration shall be in a form approved by the City. After the deed declaration is signed it shall be recorded in the official records of Jackson County, and copies shall be mailed to the owners of adjacent agricultural lands zoned EFU.
   (f) Maintenance Program. Mitigation areas shall be subject to a restrictive covenant that provides that the perpetual maintenance of mitigation-related fencing, the perpetual horticultural care and maintenance of trees, shrubs, and hedges that are used for mitigation, and the maintenance of other mitigation elements shall be solely the responsibility of the owners and all successors in interest of property subject to the covenant. The covenant shall be in a form approved by the City. After the covenant is signed it shall be recorded in the official records of Jackson County.
   (g) Runoff. Measures appropriate to the circumstances present shall be required to mitigate adverse impacts by employing erosion-prevention and erosion-control measures during construction, and by an adequate stormwater plan for urban development that takes into account impacts from and on the adjacent agricultural land. Any part of the mitigation may be used for stormwater management.
4. Mitigation for Passive Agriculture. To minimize or mitigate the potential adverse impacts associated with the proximity of urban and agricultural land uses, the following measures shall be required when urban development is proposed adjacent to land in passive agricultural use:
   (a) Setbacks as illustrated in subsection I, Figure 10.802-1, either alone or in conjunction with a tree buffer;
   (b) Tree Buffer as illustrated in Figure 10.802-1 and described in subsections J and K;
   (c) Screening Shrubs (only in conjunction with a tree buffer) as described in subsection L;
   (d) Trespass-Inhibiting Hedges/Fencing as described in subsection M;
   (e) Deed Declaration. A deed declaration as described in subparagraph G.2 (e).

(f) Maintenance Program. A restrictive covenant guaranteeing perpetual maintenance as described in subparagraph G.2 (f).
(g) Runoff. Measures as described in subparagraph G.2 (g).

5. Existing elements that are consistent with the purpose of the buffer may be incorporated in the mitigation design, as described following:
   (a) For mitigation <u>without</u> tree buffers, the requirements of linear distance can be achieved by elements such as the following:
      (1) Man-made or natural features such as infrastructure rights-of-way, roads, watercourses, wetlands, rock outcrops, forested areas, and steep slopes;
      (2) Non-farmable areas of the agricultural land being buffered (including yards, storage areas, roads, and all structures);
      (3) Publicly owned land without consistent present or projected public use (as determined by the public entity owner);
      (4) An easement on agricultural land purchased by the applicant;
      (5) Other open areas (except undeveloped land zoned for rural residential, commercial, or industrial use) that are considered appropriate to the purpose of the buffer.
   (b) For mitigation <u>with</u> tree buffers the approving authority may allow the requirements to be partially or fully satisfied by existing areas of trees and shrubs, as long as their mitigation effect is essentially the same as that intended by the requirements in this Subsection. If the characteristics of the existing vegetation do not meet the requirements in this Subsection, and cannot substitute in full or in part for an adequate tree buffer, then the area can either be incorporated into the design at half its mitigation value (for example, a 20-foot-wide riparian area would be calculated as 10 feet of tree buffer) or it can be left out of the tree buffer and be calculated at its original width (20 feet of existing vegetation would be considered as 20 feet of bare land).

H. Alteration or Removal of Mitigation Measures.

The mitigation measures required by the approving authority may be altered or removed entirely when the zoning of the applicable adjacent agricultural land is changed from EFU zoning. No alteration or removal of the mitigation elements shall cause the removal of fencing or landscaping which is required to meet other buffering or landscaping requirements.

I. Illustration of Tree Buffer/Setback Combination Options.

1. Figure 10.082-1 illustrates the tree buffer/setback combination options.
   (a) The ‘tree’ symbol illustrates the number of rows required under each option.
   (b) Minimum structure setbacks are represented by the ‘structure’ symbol ranged along a linear scale showing distance from the urban/agricultural boundary. Setbacks apply to any structure. Setbacks do not apply to eaves or similar structural elements.
2. Figure 10.802-1 does not depict screening shrubs; however, that element is required when a tree buffer is used and the tree species in the first row on the agricultural side will not provide sufficient foliage cover to ground level.

3. Key to abbreviations used in the Figure:
   I Intensive use agricultural land
   P Passive use agricultural land
   H Higher-sensitivity urban receptor
   L Lower-sensitivity urban receptor
4. The letter pairs “I/H”, “I/L”, “P/H”, and “P/L” indicate the types of agricultural/urban adjacencies that determine the extent and make-up of the tree buffer and setback elements. The options shown under each adjacency type may be used at the discretion of the applicant.
5. Where there is a mix of urban uses, the buffer design shall protect the most sensitive use among them.

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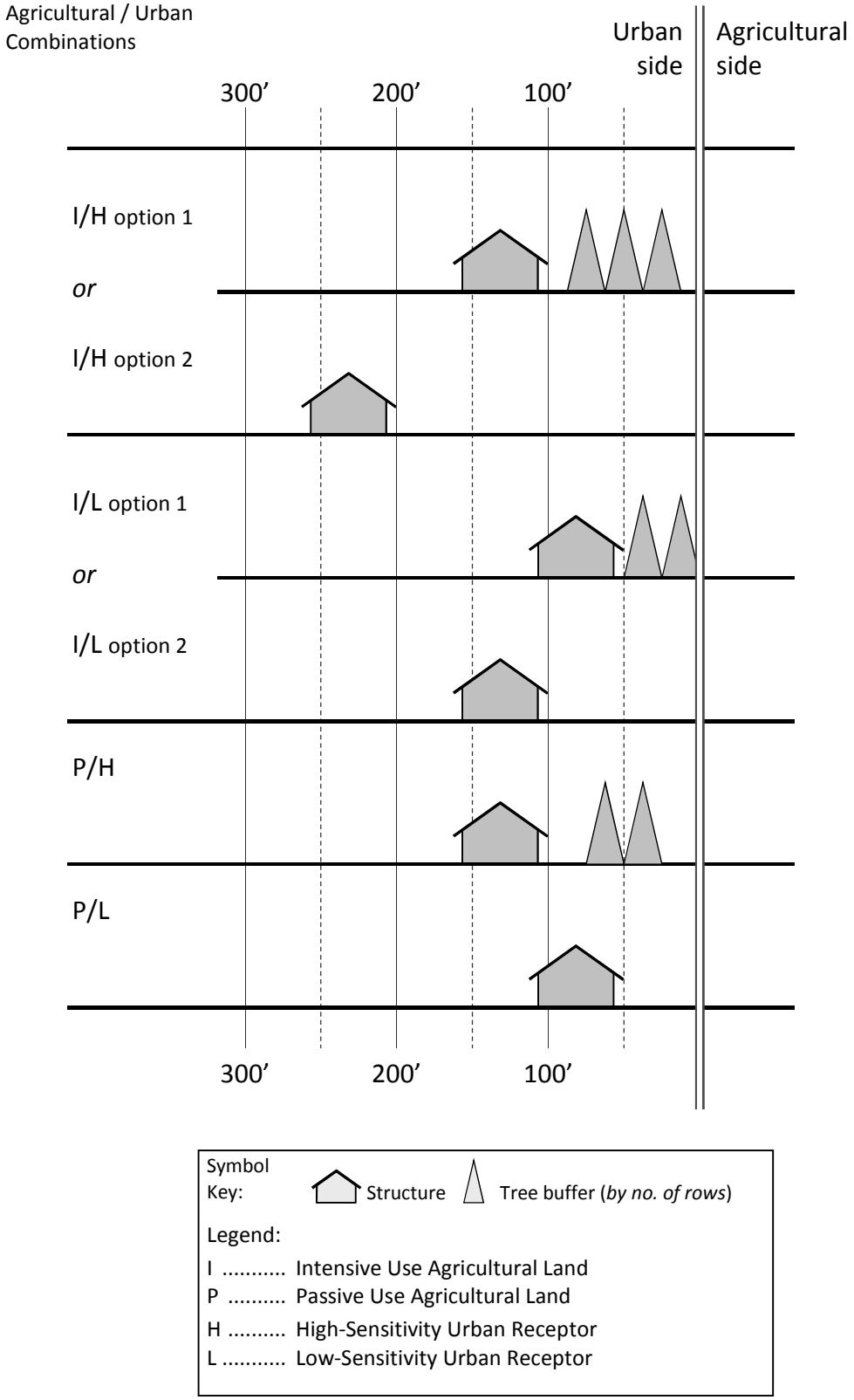
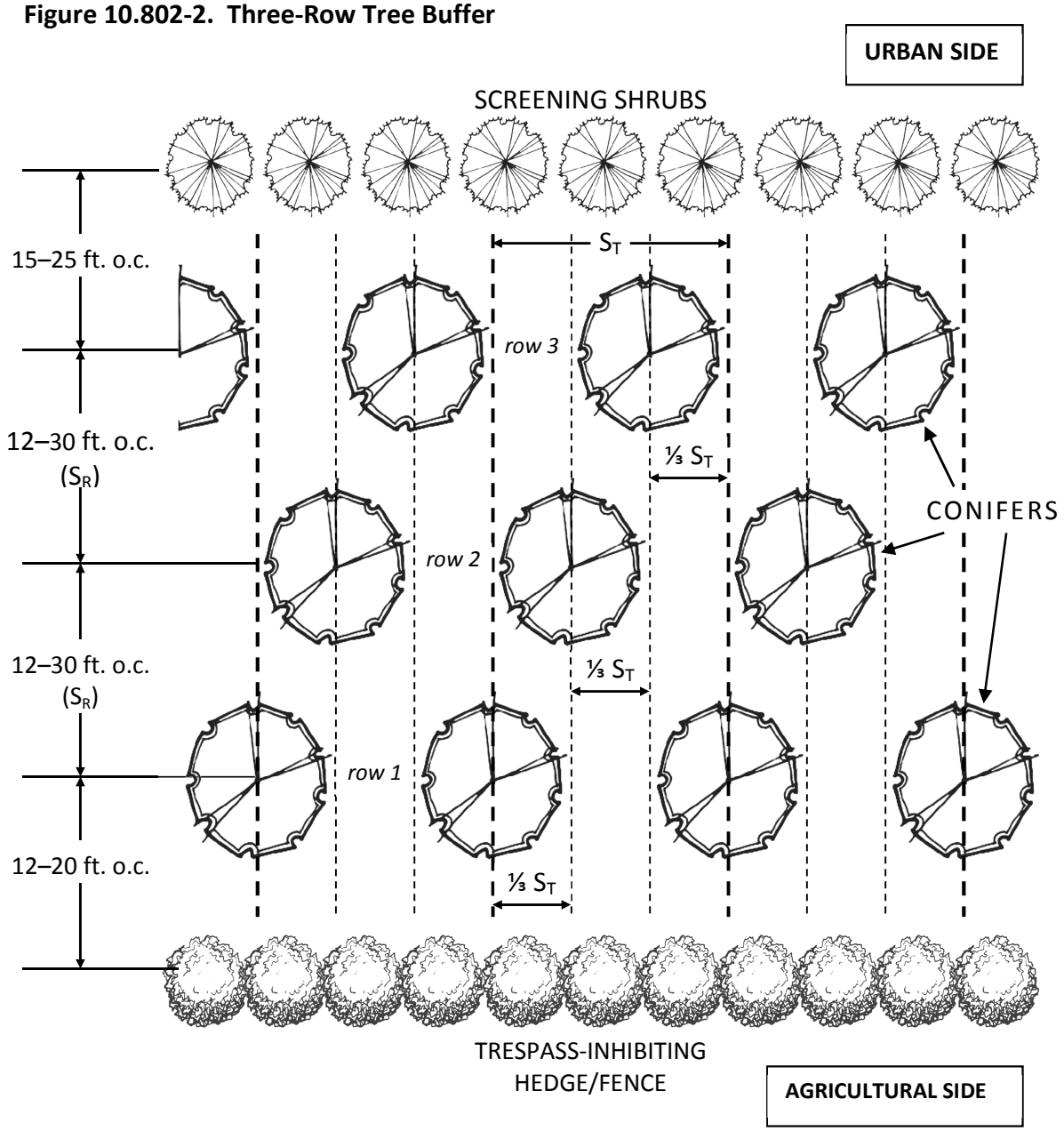
Figure 10.802-1. Illustration of Tree Buffer & Setback Options



J. Tree Buffers

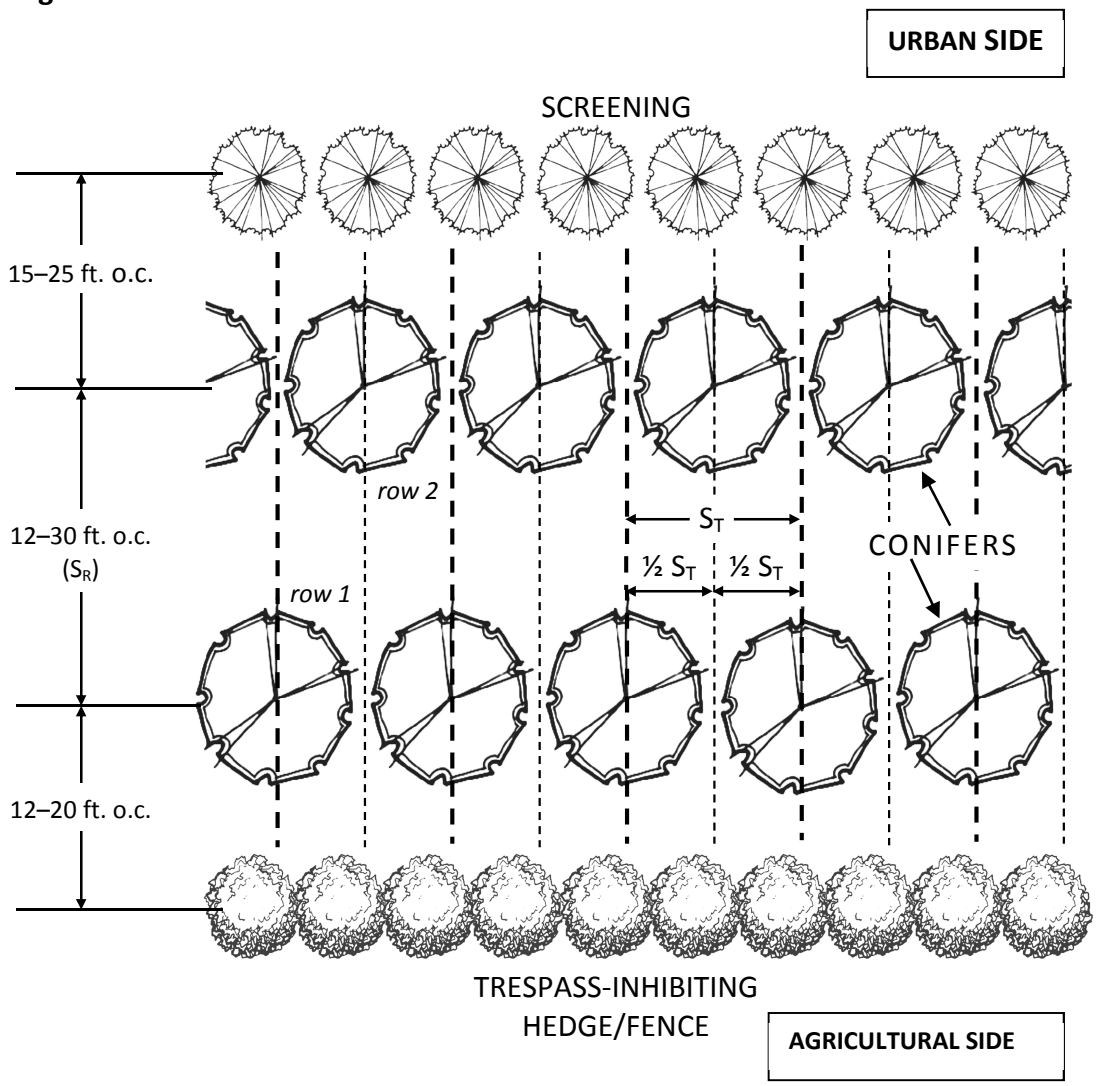
1. Three-Row Buffer (as required for I/H, option 1). Depending on the species used, the minimum allowable tree buffer width is 50 feet; the maximum required is 100 feet. The buffer shall be composed of at least two different conifer species.

Figure 10.802-2. Three-Row Tree Buffer



2. Two-Row Buffer (as required for I/L, option 1, and P/H, option 1). Depending on the species used, the minimum allowable tree buffer width is approximately 40 feet; the maximum required is approximately 65 feet. The buffer shall be composed of at least two different conifer species.

Figure 10.802-3. Two-Row Tree Buffer



3. Row Spacing and Offset. The purpose of the row-by-row offset is to mitigate the effect of individual tree mortality and to compensate for the individual differences between trees.
   (a) Three-Row Buffer
      (1) Offset: Set off the second row by one third the spacing distance of trees (S_T) in the first row; set off the third row by another third. Refer to *Figure 10.802-2* for clarification.
      (2) Spacing of Rows: The distance between rows will be determined using the following formula, where S_R is the *spacing distance between rows*, D_1 is the widest foliage *diameter* of the tree species in one row when it reaches a height of

30 feet, and D_2 is the widest foliage *diameter* of the tree species in the next row when it reaches a height of 30 feet:

$S_R = 0.5(D_1 + D_2) + 4$

(b) Two-Row Buffer.

(1) Offset: Set off the second row by half the spacing distance of trees (S_T) in the first row. Refer to *Figure 10.802-3* for clarification.

(2) Spacing of Rows: Use the same formula as for Three-row Buffers, above.

4. Tree Spacing within Rows. Tree spacing within a row is based on the greatest foliar diameter of a given tree species when it reaches a height of 30 feet. Coniferous trees vary from narrow pyramidal forms (*e.g.*, Atlas cedar) to broad pyramidal forms (*e.g.*, Norway spruce), so the following table contains calculation methods for each.

Table 10.802-1.
Calculation of tree spacing within rows for narrow- and broad-diameter trees

	Higher-Intensity Buffer		Lower-Intensity Buffer	
	Narrow S_T =	Broad S_T =	Narrow S_T =	Broad S_T =
single-species row	1.25D	1.1D	0.95D	0.8D
two-species row	$0.625(D_1 + D_2)$	$0.55(D_1 + D_2)$	$0.475(D_1 + D_2)$	$0.4(D_1 + D_2)$

D = Typical foliar diameter of a tree species when 30 feet tall. The diameter is measured at the widest extent of a pyramidal conifer.

S_T = Tree spacing within rows; calculated as a multiple of tree diameter.

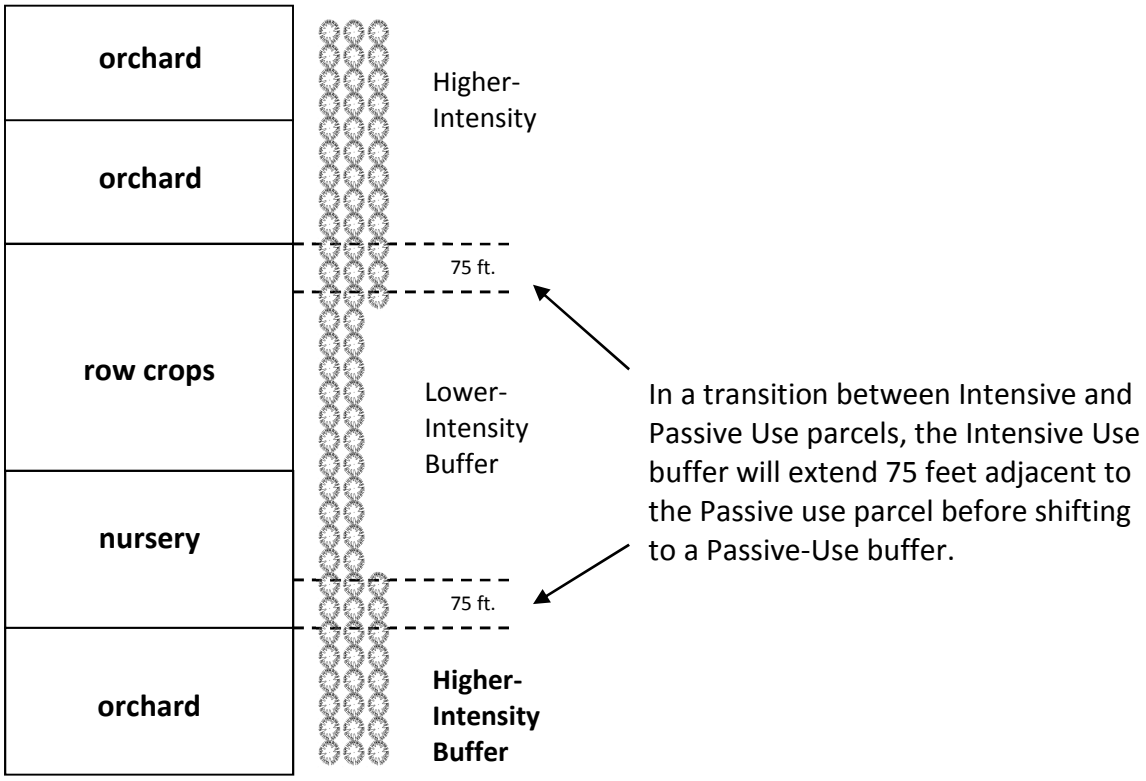
Note: When planting more than two species in a row, use the two species with the widest diameters to calculate spacing.

5. Minimum Tree Height at Planting: 5–6 feet, balled and burlapped.
6. Permitted Tree Species.
   (a) Applicants may use any species of conifer trees provided they are resistant to or will not harbor agriculturally harmful insects or diseases.
   (b) A list of recommended species is available in the Greater Bear Creek Valley Regional Plan, Appendix III, available in the City of Medford Planning Department.

K. Transitions between buffers of different intensity.

The principal purpose of the tree buffer is to mitigate spray drift; spray height is the primary factor in determining whether a higher- or lower-intensity buffer is required. To lessen the amount of spray being carried past a transition between the two types of buffer, the applicant will extend the buffer 75 feet beyond the end of the higher-intensity buffer, as shown in Figure 10.802-4.

Figure 10.802-4. Buffer Overlapping for Transition Areas



L. Screening Shrubs.

1. Screening shrubs are used only in conjunction with tree buffers.
2. If the first row of trees on the agricultural side of the tree buffer does not have foliage down to ground level, install screening shrubs is to provide sufficient foliage cover to close the gap. If the first row of trees on the agricultural side of the buffer provides foliage down to ground level, then screening shrubs are not required.
3. The mature height of the shrubs shall be 125 percent of the anticipated ground-to-foliage bare space of the average mature specimen of tree species.
4. Permitted Screening Shrubs.
   (a) Applicants may use any species of screening shrubs provided they are resistant to or will not harbor agriculturally harmful insects or diseases.
   (b) A list of appropriate species is available in the Regional Plan, Appendix III.

M. Trespass-Inhibiting Hedges and Fences.

1. Hedges and fences may be used separately or in combination to inhibit trespass onto agricultural land.
2. Hedge Standards
   (a) Spacing and Number of Rows: one or more rows, whichever is sufficient to create an eight-foot-wide (8’) buffer at maturity.

(b) Spacing within Rows: as appropriate to eliminate gaps within three (3) years of planting.
(c) Overall Height:
(1) No less than five (5) feet if being used solely as a trespass inhibitor.
(2) If doubling as screening shrubbery, the hedge shall cover any bare space between the ground and the lowest branches of trees in the central portion. Mature height shall be 125 percent of anticipated ground-to-foliage bare space of average mature specimen of tree species being screened.
(d) Permitted Trespass-Inhibiting Species. Applicants may use any species of trespass-inhibiting hedges provided they are resistant to or will not harbor agriculturally harmful insects or diseases. A list of appropriate species is available in the Regional Plan, Appendix III.

3. Fence Standards
(a) Minimum fence height: six (6) feet.
(b) Fences shall be climb resistant.
(c) Install gates only when necessary for maintenance of the mitigation area.

N. Other Design Requirements.

1. Mid-term mitigation area
(a) The agricultural land being protected by a mid-term buffer may eventually be converted to urban uses; therefore, a mid-term buffer may be designed for eventual conversion to urban uses.
(b) Mid-term buffer design shall be based on the following factors:
(1) The most likely time period it will remain as a buffer;
(2) The specific use to which the buffer will likely be put to once the agricultural land is urbanized: conversion to housing, to roads, or to recreational use for the community.
(c) Alternatively, the applicant may defer development of an appropriate portion of the urbanizing land bordering agricultural land until such time as the agricultural land is no longer zoned EFU.
2. Irrigation. The establishment of an irrigation system is mandatory for vegetative buffers. Must be designed by a licensed professional, and be site and species specific, as appropriate. The operation and maintenance of the irrigation system must be part of the buffer's overall maintenance plan contained in the maintenance covenant.
3. Road Placement. It is always preferable to not bisect buffers with roads due to the wind-funneling effect they create. If a road is unavoidable, it should be as narrow as possible, not straight, and should not be oriented to the prevailing wind. It should be noted that even a road with an acceptable orientation and design will permit some degree of increased spray drift to pass through the buffer area, and will also pose a greater risk of trespass.

O. Deviations from Provisions.

1. A proposed mitigation area design that deviates from the provisions of this Section may be approved by the approving authority per the process in this Subsection.
2. In order to propose a mitigation area design that deviates from the minimum standards in this Section, the applicant is responsible for the preparation of a Conflict Assessment and

Mitigation Study (CAMS) and submittal of the CAMS for evaluation by an Agricultural Buffering Committee appointed by the Jackson County Board of Commissioners. The Committee may make a recommendation to the City's approving authority regarding the acceptability of the deviation.

3. Conflict Assessment and Mitigation Study (CAMS).
   (a) The CAMS shall:
      (1) Determine the present and likely future agricultural land uses, practices, and activities with the potential to cause adverse impacts to adjacent urban development. Base the determination of likely agricultural practices on factors such as soil type; topography; parcel size, shape, and location; infrastructure; microclimatic conditions; regional agricultural practices and crops; and the farming history of the adjacent agricultural land and surrounding similar parcels.
      (2) Determine how the proposed urban development would likely impact the management and operation of nearby agricultural lands. All owners of EFU-zoned land outside the UGB within 1,000 feet of the land proposed for development shall be asked for an interview, and the findings of those interviews shall be included in the CAMS.
      (3) Identify the land uses, practices, and activities that may cause adverse impacts and the extent of the impacts, from both the urban use as well as from the agricultural land. Quantify the impacts, where possible, in terms of frequency and duration of activities. As part of this evaluation, the CAMS shall consider the likely future uses determined in (1) above. The buffering mechanisms that are proposed shall be sufficient to accommodate these potential future uses. The current financial viability of a particular crop shall not be considered an important limiting factor in determining potential future use.
      (4) Propose a set of mitigation measures that will achieve acceptable buffering outcomes, which may include, but are not limited to, the siting of residences, size and geometry of lots, separation distances, communal open space, vegetation, natural landscape features, acoustic features, and so forth.
      (5) Propose the means by which the proposed mitigation measures will be monitored and maintained. This includes responsibility for implementing and maintaining specific features of the buffer areas to ensure continued effectiveness. Acknowledgment of the authority responsible for ensuring compliance with any agreement or covenant shall be plainly cited.
      (6) Establish a timeline for the development that establishes when the buffer will be installed.
   (b) The recommendations of the Agricultural Buffering Committee, if any, shall be included in the application. The application shall not be considered complete without such recommendations or a letter from Jackson County indicating that no such recommendations are forthcoming.
4. The approving authority may accept the recommendation of the Agricultural Buffering Committee in whole or in part and make findings for its acceptance, partial acceptance, or rejection.
5. Any approval of a deviation does not create a precedent for any subsequent requests for deviations from the standards of this Section.

[Added, Sec. 3, Ord. No. 2012-128, Aug. 16, 2012.]