



CITY OF MEDFORD

PLANNING DEPARTMENT

STAFF REPORT

Date: 22 April 2010
To: Planning Commission
Rev'd by: Suzanne Myers, AICP, Principal Planner
By: John Adam, AICP, Planner IV
Subject: Regional Problem Solving (RPS) Regional Plan Adoption
[Class-A Major Comprehensive Plan Amendment]
File No. CP 10-004

City of Medford, Applicant

PROPOSAL

General

Consideration of a Class-A major legislative amendment of the *Medford Comprehensive Plan* to adopt a Regional Plan created by the Greater Bear Creek Valley Regional Problem Solving project (GBCV/RPS, or simply, RPS), the effect of which will be to join the City of Medford to a long-term regional planning agreement and to establish an urban reserve¹ almost 4,500 acres in extent plus nearly 1,900 acres of City-owned parkland. The reserve is intended to accommodate a doubling of Medford's population (almost 77 thousand people) within an area that is about a quarter of the current 18,000-acre urban growth boundary.

The adoption process for this will be different from the norm for the City. Adopting an urban reserve requires agreement between a city and a county on the extent of the reserve and the management of the land; therefore, there has to be a jurisdiction that makes the first decision with which the other jurisdiction agrees or disagrees. In the process devised for this action Jackson County will be adopting the Regional Plan on the recommendations of the RPS cities, each of which will initially adopt a resolution outlining its support and suggested changes, if any. After the County adopts the Plan, each city will need to subsequently adopt the same Plan by ordinance or persuade the County to amend the Plan.

¹ As defined in ORS 197.137(2): "Urban Reserve' means lands outside an urban growth boundary that will provide for: (a) future expansion over a long-term period; and (2) The cost-effective provision of public facilities and services within the area when the lands are included within the urban growth boundary."

Proposed Amendment to Comprehensive Plan

3 The City will need to document the urban reserve in the Urbanization Element of the Comprehensive Plan, just as the urban growth boundary is. The attached **Exhibit A** contains the proposed revision to the Urbanization Element.

BACKGROUND

6 The Regional Problem Solving project began in 2000 with the award of a grant from the Department of Land Conservation and Development.

Procedures to Date

9 The Regional Problem Solving (RPS) project has its antecedents in popular movements, city/county decisions, and regulatory conditions that arose in the 1990s:

12 1992 Newly adopted Oregon Administrative Rules requires Medford to establish urban reserves. (Urban Reserves are county lands designated by a city and county into which the city may expand its Urban Growth Boundary (UGB). A primary purpose of designating Urban Reserves is to preserve such land for future urban-level development.)

15 1995 The City of Medford and Jackson County do not agree on urban reserve areas and adoption fails to pass.

18 A popular initiative to institute regional planning, called "Our Region," is administered by the Rogue Valley Council of Governments. Its goal is to address growth-related concerns.

21 The state requires the County to establish a two-mile zone around the Medford UGB that prevents land from development patterns that could negatively affect eventual urbanization.

24 1996 Legislature adopts ORS 197.652–358, entitled "Collaborative Regional Problem Solving."

27 1998 Medford City Council and the Jackson County Board of Commissioners appoint an ad hoc "Multi-jurisdictional Committee on Urban Reserves" (MCUR) to develop a work plan for resolving the urban reserve impasse. Other cities take part because growth decisions affecting the Medford area also affect them.

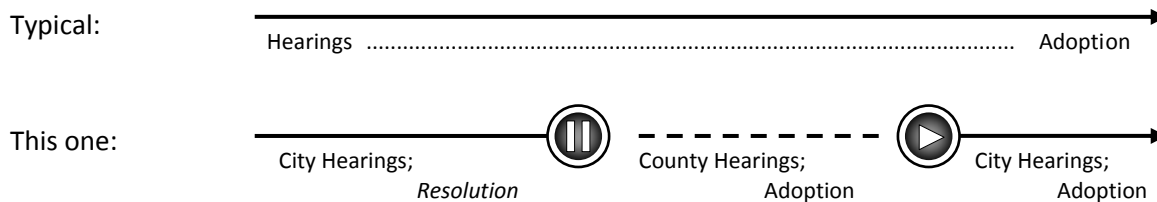
30 1999 The MCUR adopts a work plan to establish a 30-year urban reserve for Medford, followed by the same for other cities. Although the other jurisdictions are not required to comply with the Urban Reserve Rule, they participate in order to coordinate urbanization patterns for the entire region over the long-range planning period.

- 2000 The Department of Land Conservation and Development (DLCD) awards a grant to the MCUR cities to begin an RPS process to establish the urban reserves.
- 3 2000–'09 RPS develops its products:
- Nomination, analysis, and selection of urban reserve area proposals.
- Development of common agricultural buffering standards.
- 6 Debate on methods to protect farmland (similar to the rural reserves process available to Metro). Nothing ultimately results from this.
- Development of collaborative regional planning procedures intended to implement the Regional Plan. The draft Plan and Participants' Agreement are the result.
- 9
- 2010 Adoption process begins. In order to have urban reserves, the City Council, County Board of Commissioners, and Oregon Land Conservation and Development Commission (LCDC) must all approve the same proposal.
- 12

NOTE ON THE LEGISLATIVE PROCEDURE

- 15 Unlike the typical legislative process, this one will have a pause in the middle. Usually, the Planning Commission holds hearings and makes a recommendation to the Council, which then makes a decision. In this case the Planning Commission will make a recommendation to Council, which will then adopt a Resolution (see **Exhibit B**) containing the City's recommendation to the County and continue the hearing to a specific date or indefinitely. After the County has adopted the Regional Plan, it falls to the City to follow suit. At that point the City Council will resume the hearing to finalize adoption, which may include remanding consideration of the Plan and urban reserve to the Planning Commission for any further recommendations before it adopts.
- 18
- 21

Model of the Punctuated Process



- 24 The reason for this model is to maintain continuity of the record throughout the process. Testimony that the City receives during the early hearings will inform the recommendation decision of the Council. After the hearing process resumes the door will still be open to additional testimony.
- 27

CRITERIA

The City of Medford will adopt the same findings as Jackson County² after the County has finished its legislative process. The findings will specifically relate to the urban reserve and the *Regional Plan*. The criteria the City will subsequently address are attached in **Exhibit C** and include the City's specific approval criteria for Comprehensive Plan amendments.

The purpose of the current phase is to consider (1) the responsibilities Medford has as a regional participant and (2) the form of the proposed urban reserve. This report will cover the positive and negative consequences of each under the "Analysis" section.

COMMENTS RECEIVED and ANALYZED

Comments from Agencies

None received.

Request for Change

The City received the following request for a change to a proposed urban reserve section (see **Exhibit F**). Please note that any change poses some risk to the process for Medford and its colleagues.

Owner: Harry & David Map/taxlot: 38-1W-05/2400; 2600; 5400; 5500;
38-1W-06/100

Net change: 0 acres Zoning: EFU Soil Class: I-III
Location: MD-6

Request: Harry & David states that the inclusion of the northeast portion of map/lot 38-1W-06/100, a portion of 38-1W-05/2600, and the southern portion of 38-1W-2400 in the MD-6 area is previously unknown information for them and not what they desire (see *Figure 1* in Exhibit F). They propose instead the inclusion of the southern portion of 38-1W-06/100, 38-1W-05/5500, and a portion of 38-1W-05/2600, and 38-1W-05/5400 (see *Figure 2* in Exhibit F). The acreage exchange is reportedly one-to-one; staff has not calculated it.

Rationale: According to the letter from Harry & David: "The present proposed urban reserve designation, as it applies to these parcels, includes property that is already urbanized and or planned for long term non urban operational uses. Retention of the current designation on these parcels is counter to the intent of the urban reserve process and creates a challenging agricultural configuration."

² Joint adoption is required by OAR 660-021-0030(5).

Evaluation: Harry & David's proposal creates complications for a future urban growth boundary and fails to solve an existing problem.

The proposed urban reserve line creates an intertwining of non-urbanizable farm land with urbanizable land (see *Figure 3* in Exhibit F) that will make it impossible to extend infrastructure without having to take an exception. It is not necessary to create that troublesome scenario.

The existing problem is the property on which the campus of Harry & David is built (38-1W-05/2400): the southern third and a northwestern triangular portion are outside the urban growth boundary; and one or more buildings sit astride the boundary line. The *least* urban reserve/urban growth boundary expansion the City should undertake is to correct those overlaps.

Land that is already urbanized is not necessarily exempt from inclusion if there is a rational basis for including it—such as correcting a boundary split. It is not obvious how the MD-6 proposal creates a “challenging agricultural configuration” without knowing what the company has in mind for the area. The answer to that will also determine whether or not the long-term, non-urban operational uses are appropriate for urban inclusion or, alternatively, if “long term” is less than or greater than the 50-year scope of the urban reserve. These are important considerations as their proposal creates a challenging urban configuration which is counter to a good urban reserve and eventual boundary.

Conclusion: Staff recommends that the Planning Commission recommend rejection of the request to the Council.

Request for Inclusion

The City received the following request for inclusion (see **Exhibit F**). Please note that any addition poses some risk to the process for Medford and its colleagues. Staff evaluation follows:

Owner: Haya Enterprises Map/taxlot: 38-1W-03/300

Size: 20 acres

Zoning: EFU

Soil Class: III-B

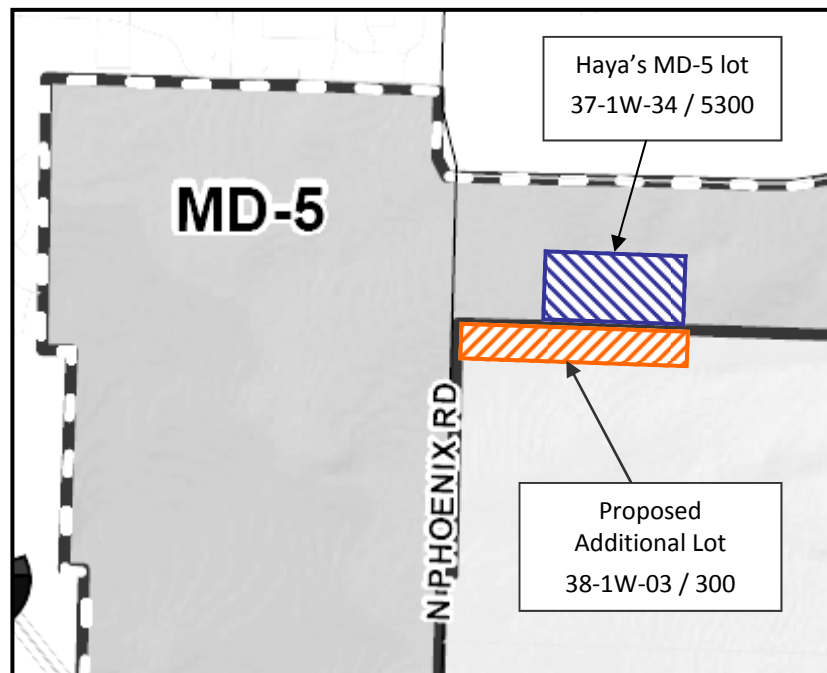
Location: adjacent to MD-5 on North Phoenix Road—*See map on following page.*

Rationale: The area designated MD-5 includes a lot owned by Haya Enterprises. A prior owner initiated a property line adjustment in 1996; the decision by Jackson County's required consolidation of this lot with another lot (38-1W-03/300) into a single parcel for planning purposes. However, taxlot 300 is outside the MD-5 area, a fact that was overlooked because the two appear to be separate lots but are separate only for assessment purposes. The current owner noticed the exclusion and requested consideration. Haya Enterprises states that this would not be the inclusion of a separate parcel, but instead the correction of a mapping error.

Desirability: The addition is inconsequential for Medford's future urban needs.

Evaluation: This is a medium-risk change to the urban reserve proposal. *Positive arguments:* it does not intrude on a community buffer; the size is insignificant in the context of the 6,300-acre urban reserve proposal (0.3% of total acreage); the separate taxlot lines could easily have led to an oversight; the reason derives from its unique situation and inclusion may therefore be regarded as corrective. *Negative arguments:* inclusion may encourage other attempts to add to the urban reserve because the City will be seen as being accommodating.

Conclusion: Staff does not think the request is objectionable.



ANALYSIS

PART ONE—REGIONAL RESPONSIBILITIES

There are two sets of responsibilities for the City that stand out: common agricultural buffering standards and a set of *performance indicators*³. These are listed in Chapter 5 of the Regional Plan.

Agricultural Buffering

The RPS Resource Lands Review Committee (RLRC) developed the handbook on common standards for farmland buffering years ago. The Policy Committee and the Technical Advisory Committee debated its provisions over several months and accepted the final form,

³ There are also voluntary "community buffering standards." Because they are voluntary, they are not immediately important to the City's consideration of the Plan.

after cities' review, in 2006. The "handbook" is Chapter 3 of Volume 2 of the Regional Plan. The objectives are:

- 3 1. To ensure the continued use of farmland for farm uses.
- 6 2. To minimize potential conflict by developing, where possible, a well-defined
 boundary between rural agricultural and urban uses. The best boundary will be
 one that provides a sound transition in both directions, from rural to urban and
 urban to rural.
- 9 3. To minimize the impacts of urban development on rural agricultural production
 activities and land resources.
4. To minimize the potential for complaints about rural agricultural activities from
 urbanized areas.

12 The nearly 60-page handbook describes the major potential sources of conflict—chemical
 spray drift, noise, sediment and stormwater run-off, trespass and vandalism, odor, and dust,
15 smoke & ash—and prescribes buffering solutions for both sensitive (e.g., residences) and
 non-sensitive (e.g., industry) "receptors." The toolkit includes distance separation, various
 foliage buffers, fence buffers, run-off control planning, and restrictive deed (right-to-farm)
 covenants.

18 As a member jurisdiction of the Regional Plan, Medford will conduct hearings at a later date
 to consider adopting this handbook as a regulatory document applicable to development in
21 the urban reserve after it is brought into the City. Where development is adjacent to agricul-
 tural land but not within the urban reserve, Medford will continue to apply its existing agri-
 cultural buffering standards.

Performance Indicators

24 A requirement of the RPS statute is a list of "measurable indicators of performance toward
 achievement of the goals for each regional problem that is the subject of the process" (ORS
27 197.656(2)(b)(C)). The indicators paraphrased below are from Chapter 5, Section 3 of the
 Plan:

1. Participate in joint periodic review every 10 years starting in 2020.
- 30 2. Participate in Regional Plan review (check-in) every 5 years starting in
 2015.
3. Incorporate portions of the Regional Plan into comprehensive plans and de-
 velopment codes, as appropriate.
- 33 4. Comply with general conditions (agricultural buffering & transportation
 conditions) listed in the Participants' Agreement and specific conditions for
 certain portions of the urban reserves. Medford has one specific condition
36 related to a property line adjustment in MD-6
5. Adopt an urban reserve management agreement.

- 3
6. Urban reserves are first-priority land for UGB inclusion per Statute.
7. Achieve at least the *higher land need*-level residential densities described in the Plan.
8. Distribute land uses according to the general schema of distribution described in the Plan for each urban reserve area.
- 6
9. Develop conceptual plans for the urban reserve so intercity transportation routes can be identified and protected for future development.
- 9
10. County updates to its population project will be done in accordance with the Plan.

12 A number of changes are recommended by staff and are found in **Exhibit D** along with rationales for the changes. Staff requests comments and suggestions on the changes. Staff will share these changes with the other jurisdictions at the next regular oversight committee meeting so that we may coordinate changes.

Urban Reserve Proposal

15 The Legislative Assembly finds that...long-range planning for population and employment growth by local governments can offer greater certainty for...Commerce, other industries, other private landowners and providers of public services, by determining the more [likely] and less likely locations of future expansion of urban growth boundaries and urban development.

18

ORS 197.139

21 The State legislature's findings in the bill creating urban reserves are succinct in stating their value. They are an Oregon planner's dream. They are boons for public works departments, city management, and the elected officials of the cities that have them. An urban reserve eliminates much of the research necessary to find lands suitable for urban growth boundary expansion and finding justifications for including farmland. Land in an urban reserve is *uniformly* suitable for inclusion in a UGB; what is left to a city is to determine which portions of it are most suitable for a given boundary amendment.

24

27

The following paragraphs describe the candidate urban reserve by its component designations in the *Regional Plan*. Refer to the map in Exhibit D as a visual aid.

30 **MD-1**

33 This 568-acre area is situated north of the Medford Airport, east of Table Rock Road and west of Crater Lake Highway 62. To the south are Vilas Road and the north extent of the airport industrial district. The properties within MD-1 are partially located in the Agate Desert. Directly north is the Denman Wildlife Reserve.

36 The area includes mostly exception lands with low-density residential properties, some very low value agricultural lands, and some commercial lands along existing arterials. The

area's dispersed development pattern with large areas of undeveloped land and proximity to urban services means some redevelopment development potential exists. Its close proximity to the Rogue Valley International-Medford Airport complex and other industrial lands make it a suitable location for some employment land needs. It may also provide for some residential development in a mixed-use configuration. The area may also include a portion of the corridor for a new route for the Highway 140-to-Interstate 5 connector and the Highway 62 bypass.

MD-1 Urban Reserve By Existing and Potential Land-Use Type						
Gross Acres: 568	Reasonably Developable: 491	Residential	Aggregate	Resource	Open Space / Parks	Employment Land
Existing Plan		61%		30%		9%
Proposed Uses		25%			6%	69%

MD-2

This 358-acre area is located along and east of Crater Lake Highway between Medford and White City. A linear band of existing development is situated between MD-2 and Crater Lake Highway to the west. The existing City of Medford Urban Growth Boundary defines the southern boundary, a short distance north of Coker Butte Road, a Major Arterial. MD-2 is approximately 0.5 miles wide (east-west) by 1.3 miles long (north-south). The eastern boundary of MD-2 runs parallel to Highway 62.

Medford recognizes MD-2 could be appropriately dedicated for mixed use development, and will likely adopt a master plan before the area is incorporated into the city limits. With exception lands in the southeastern corner on Coker Butte, the area contains lands that are generally flat and can accommodate the higher densities that Medford has planned for its new growth areas.

MD-2 Urban Reserve By Existing and Potential Land-Use Type						
Gross Acres: 358	Reasonably Developable: 316	Residential	Aggregate	Resource	Open Space / Parks	Employment Land
Existing Plan		0%		99%		0%
Proposed Uses		50%			11%	39%

MD-3

This 961-acre area lies along Medford's northeastern edge. It contains rolling hills and lower quality agricultural soils, with sparse chaparral woodlands to the southeast. The area also includes orchards that will become adjacent to urban development on two sides within the current Urban Growth Boundary.

MD-3 Urban Reserve By Existing and Potential Land-Use Type						
Gross Acres: 961	Reasonably Developable: 915	Residential	Aggregate	Resource	Open Space / Parks	Employment Land
Existing Plan		5%		95%		
Proposed Uses		65%			16%	19%

MD-4

MD-4 is the site of the 271-acre Hillcrest Orchard property. The area is an Urban Growth Boundary enclave. Not only is the property completely surrounded by the City, it is bordered on three sides by regionally important arterials. North Phoenix Road, a major arterial borders the entire property to the west. East McAndrews a major arterial extends generally along its northeast corner. Hillcrest Road, also an arterial, extends along the entire southern border of the property. The lands directly to the east are master planned for mixed use development.

At present, Hillcrest Orchard is an active agricultural enterprise, with orchards and vineyards. Medford envisions MD-4 as a master planned, mixed-use area with residential and commercial uses, including a town center to support higher densities.

The 271 acres of MD-4 were recommended as part of the commercial agricultural resource base by the RLRC. However, the decision made at the first state agency review in March, 2007 was that the case for eventual urbanization of MD-4 was more compelling than the one for maintaining it in agricultural use.

MD-4 Urban Reserve By Existing and Potential Land-Use Type						
Gross Acres: 276	Reasonably Developable: 271	Residential	Aggregate	Resource	Open Space / Parks	Employment Land
Existing Plan				100%		
Proposed Uses		63%			15%	22%

MD-5

This irregularly shaped growth area of approximately 1,728 acres is located along the southeastern edge of Medford's Urban Growth Boundary. The area extends from the flat land adjacent to the golf course east of the Rogue Valley Manor to the rolling hills above the Larson Creek Reservoir. Despite a few minor streams and a few small pockets of wetlands scattered throughout and a few acres of steep slopes in the northeast corner, the vast majority of MD-5 is void of physical constraints.

The Centennial Golf Course, situated between the UGB to the west and North Phoenix Road to the east, comprises approximately 425 acres of MD-5. The approximate 153 acres situated south of the golf course, west of Fern Valley Road, and east of I-5, are flat to gently sloped, are near the Fern Valley-Interstate-5 interchange, are immediately adjacent to the future South Stage east-west connector, and are situated central to the Bear Creek Valley.

Two minor inclusions of low-density exception lands are situated in the center of MD-5, south of Coal Mine Road along Hidden Village Place and Oakmont Way and east of Coal Mine Road along Santa Barbara Place and Mitchellen Place. Most of MD-5 is designated Agricultural land and—similar to all other agricultural-designated lands east of Interstate 5 and near the city—they are of lower soil capability class than the soils west of the city.

MD-5 Urban Reserve By Existing and Potential Land-Use Type						
Gross Acres: 1728	Reasonably Developable: 1636	Residential	Aggregate	Resource	Open Space / Parks	Employment Land
Existing Plan		5%		95%		
Proposed Uses		56%			19%	25%

MD-6

- 3 This area of 143 acres abuts the west side of the Bear Creek Corporation's facility, south of the city limits. The area is south of Garfield Avenue, west of Highway 99 and north of South Stage Road. It is bordered on two sides by the current City limits.
- 6 Approval of MD-6 as an urban reserve by the RPS Policy Committee was made contingent on the following condition of approval:
- 9
 - The City and County shall require a lot line adjustment for Assessor's Parcels 381W05-2600 and 381W06-100 so that parcel lines coincide with the urban reserve boundary prior to Medford's adoption of this Urban Reserve Area.

MD-6 Urban Reserve By Existing and Potential Land-Use Type						
Gross Acres: 143	Reasonably Developable: 131	Residential	Aggregate	Resource	Open Space / Parks	Employment Land
Existing Plan		23%		57%		21%
Proposed Uses						100%

MD-7n

- 12 This 37-acre area is surrounded by urban land on three sides. The RLRC recommended that all of MD-7n be considered commercial agricultural land. It contains class 3 and 4 soils. The property owners reported that the soil has lime-induced chlorosis which has made production problematic and often unprofitable. Bear Creek Corporation and KOGAP Enterprises have also submitted letters stating that their adjoining orchards are not in their long term plans for agricultural production.

21 With the completion of the new South Medford Interchange, areas along Highway 99, Stewart Avenue, and Garfield Avenue are expected to experience continued commercial and industrial job growth. The KOGAP "Stewart Village" development, Wal-Mart, and Harry and David are examples of this expansion.

24 Commercial Agricultural Resource Base Status: The 36 acres in MD-7n were recommended as part of the commercial agricultural base by the RLRC. However, the balanced Goal 14 decision made at the second state agency review in December 2007 was that the case for eventual urbanization of MD-7n was more compelling than the one for maintaining it in agricultural use.

MD-7n Urban Reserve By Existing and Potential Land-Use Type						
Gross Acres: 37	Reasonably Developable: 36	Residential	Aggregate	Resource	Open Space / Parks	Employment Land
Existing Plan				100%		
Proposed Uses						100%

MD-7 mid

- 3 This 128-acre area is located north of South Stage Road, east of Kings Highway, and south of Garfield Avenue. The City of Medford borders this area on two sides. Medford plans for this area to become mostly residential, with complementary commercial uses. The City's Planning Commission and City Council deliberations identified these lands as part of its long-term growth strategy.

MD-7mid Urban Reserve By Existing and Potential Land-Use Type						
Gross Acres: 128	Reasonably Developable: 125	Residential	Aggregate	Resource	Open Space / Parks	Employment Land
Existing Plan				100%		
Proposed Uses		49%			22%	29%

MD-7s

- 9 This 45-acre area is north of South Stage Road, east of Kings Highway, and south of MD-7mid. Medford plans for this area to become commercial, with complimentary residential uses. The City's Planning Commission and City Council RPS planning deliberations identified these lands as part of its long-term growth strategy. Additionally, South Stage Road is a long-term boundary for the City. MD-7s is close to key employment centers, including South Gateway Center and an approved Wal-Mart. New residential uses will provide options for reduced commuter travel, and increased transit use. None of this area has been recommended as commercial agricultural land by the RLRC.

MD-7s Urban Reserve By Existing and Potential Land-Use Type						
Gross Acres: 45	Reasonably Developable: 45	Residential	Aggregate	Resource	Open Space / Parks	Employment Land
Existing Plan				100%		
Proposed Uses		31%			13%	56%

MD-8

- 21 This 32-acre area is north of South Stage Road, east of Kings Highway, and south of MD-7mid. Medford plans for this area to become residential, with complimentary commercial uses. The City's Planning Commission and City Council deliberations identified these lands as part of its long-term growth strategy. Additionally, South Stage Road is a long-term boundary for the City. MD-8 is close to key employment centers, including the South Gateway Shopping Center and an approved Wal-Mart. New residential uses will provide options for reduced commuter travel, and increased transit use. None of this area was recommended as commercial agricultural land by the RLRC.

MD-8 Urban Reserve By Existing and Potential Land-Use Type						
Gross Acres: 56	Reasonably Developable: 53	Residential	Aggregate	Resource	Open Space / Parks	Employment Land
Existing Plan		56%		44%		
Proposed Uses		49%			29%	22%

MD-9

MD-9 comprises two sites in west Medford that are the only two exceptions to the general desire to avoid growth to the west. The larger site, at 103 acres, is roughly bound by Stewart Avenue and City UGB to the south, Oak Grove Road to the west, Prune Street and City UGB to the north, and Clover Lane and City UGB to the east. This property has been identified as a suitable growth area by the City because its former agricultural uses have been discontinued as a result of urbanization pressures from urban development and increases in resulting traffic. MD-9 already contains residential development, some urban services, and parcels that are undersized for significant agricultural operations.

Unlike other lands along Medford's west border, this land is impacted on three sides by the existing Urban Growth Boundary, in addition to significant development along Oak Grove Road to the west. Oak Grove Road is the City's western-most north-south connection, tying West Main Street to South Stage Road, via connection with Stewart Avenue and Hull Road. As the city in-fills around MD-9, growth pressures are expected to continue to increase impacts on MD-9, making continued agricultural practices difficult, despite agricultural soils.

The smaller 10-acre northerly portion of MD-9 is a narrow strip of land north of Finley Lane. This area has been identified as a growth area as a logical revision to the City's boundary. Similar to the portion of MD-9 described above, it is impacted on three sides by Medford's Urban Growth Boundary, and by urban development.

MD-9 Urban Reserve By Existing and Potential Land-Use Type						
Gross Acres: 111	Reasonably Developable: 104	Residential	Aggregate	Resource	Open Space / Parks	Employment Land
Existing Plan		17%		83%		
Proposed Uses		73%			18%	9%

PRESCOTT and CHRISSY PARKS (MD-P)

These areas of City-owned wildland parks comprise two major sites totaling 1,877 acres. Inclusion as Urban Reserve areas is a mechanism to eventually incorporate this City property into City boundaries. MD-P is not considered an area for future urban growth because of its classification as parkland. There is no residential, commercial, or industrial development planned for the MD-P acres. They present a tremendous recreational and open space asset to the City and the region, in addition to creating a buffer between the city and rural lands to the north and east. However, due to their location along the eastern periphery of the city and very steep topography, these lands satisfy little of the localized open space needs throughout the city and do not meet the land needs for traditional urban parkland.

MD-P Urban Reserve By Existing and Potential Land-Use Type						
Gross Acres: 1877	Reasonably Developable: 0	Residential	Aggregate	Resource	Open Space / Parks	Employment Land
Existing Plan				22%	78%	
Proposed Uses					100%	

The vast majority of MD-P's acreage (78%) is currently designated Forestry/Open Space Land, with the remainder Agricultural Land. The larger of the two pieces of MD-P is Prescott Park, while the smaller is Chrissy Park. Prescott Park is located adjacent to the Medford Urban Growth Boundary; it includes the well-known Roxy Ann Peak. The peak, with an elevation of 3,571 ft, is a readily identifiable geographic feature that stands over 2,000 feet above the valley floor. Prescott Park totals 1,700 acres and consists of 200 acres donated to the City by the Lions Club in 1930 and 1,500 acres purchased by the City via the Federal Lands for Parks Act in 1931. The park was first established in 1933 and early development was completed primarily by the Civilian Conservation Corps (CCC) between 1933 and 1942 while stationed at "Camp Prescott" at the base of the park. Work included the initial road-bed, culverts for drainage, picnic shelters, trails, barbecues, bench overlooks and cisterns. The North Overlook structure is an example of their work. At Roxy Ann Peak there are also four structures which house radio towers owned by the City and various agencies including emergency services.

Chrissy Park, still undeveloped, is 166 acres in size. There is a small gently sloping area on the Park's western edge that is proposed to be developed as a neighborhood park; the balance of the park will be devoted to special uses, such as equestrian and similar non-traditional urban park uses. It is proposed to include a paved, multi-use pathway that serves as a link to other proposed pathways along drainage corridors toward Prescott Park and the middle and north forks of Larson Creek.

FINDINGS

Jackson County is preparing findings to meet State and Jackson County approval criteria. Supplemental findings needed by the City relative to the approval criteria identified in Exhibit B and addressing any public comment will be prepared following County adoption of the Regional Plan and prior to the City's adoption.

CONCLUSION

The City of Medford has been an integral participant in the development of the Regional Plan over the past decade. The City's and the region's goals have been incorporated into the Plan and Medford's choices of growth areas (**Exhibit E**) have won acceptance from its colleagues and among State agencies. Jackson County is now working toward adoption and seeks the recommendations of the Plan participants so it may complete its findings and submit the Plan to final adoption by the cities.

RECOMMENDED ACTION

3 Staff finds the draft Regional Plan accurately reflects the work of the participants and meets the goals of the City of Medford should the Planning Commission wish to forward a favorable recommendation to City Council for DCA-10-004, per the Staff Report dated 22 April 2010, including Exhibits A through E.

6 In addition, staff recommends that the Planning Commission forward a recommendation to City Council supporting the addition of 20 acres to MD-5 requested by Haya Enterprises and rejecting the change to MD-6 requested by Harry & David.

EXHIBITS

- | | | |
|----|-----------|---|
| 9 | Exhibit A | Draft Amendment dated 4/9/2010. |
| | Exhibit B | Draft Resolution recommending County adoption of <i>Regional Plan</i> . |
| | Exhibit C | Criteria for adoption of <i>Regional Plan</i> and Urban Reserves. |
| 12 | Exhibit D | Staff-recommended changes to proposed "Performance Indicators" found in Chapter 5 of the draft Regional Plan. |
| | Exhibit E | Candidate Urban Reserve Area map. |
| 15 | Exhibit F | Comments Received |

PLANNING COMMISSION AGENDA: 22 APRIL 2010

EXHIBIT A

DRAFT AMENDMENT OF URBANIZATION ELEMENT OF THE COMPREHENSIVE PLAN (4/9/2010)

3. URBAN RESERVE

A city's *urban reserve* contains County land outside of its urban growth boundary that is protected from patterns of development that would impede eventual urbanization. The reserve is the first priority for inclusion when a city expands its urban growth boundary. Reserve land is not urbanizable until it is included in the growth boundary.

Urban reserves are authorized by Oregon Revised Statutes (ORS) 195.137–195.145 and regulated by Oregon Administrative Rules, Chapter 660, Division 21 (OAR 660-021).

Medford's urban reserves are shown on the City's General Land Use Plan Map as well as on Jackson County's applicable Comprehensive Plan and Zoning maps.

3.1 URBAN RESERVE AMENDMENT PROCEDURES

When a city considers bringing land into an urban reserve, the Goal 14 priority system applies. The procedures and limitations for establishing and amending urban reserves are in OAR 660–021.

3.2 URBAN RESERVE MANAGEMENT AGREEMENT

Appendix 1 contains the Urban Reserve Management Agreement (URMA), an inter-governmental between the City of Medford and Jackson County that specifies the land use management of the reserves.

3.3 REGIONAL PLAN

The Greater Bear Creek Valley *Regional Plan* is adopted by reference into this Urbanization Element of the Medford Comprehensive Plan. Obligations of the City as participants in the Greater Bear Creek Valley *Regional Plan* are described in Chapter 5, Section 3 of the *Plan* and reproduced here:

Ongoing monitoring of progress following State acknowledgment of the Greater Bear Creek Valley Regional Plan will be measured against the following set of performance indicators to determine the level of compliance by participating jurisdictions with this Plan or the need to refine or amend it. The measurable performance indicators listed below are those identified as appropriate for monitoring compliance with the adopted Plan.

1. **Coordinated Periodic Review.** On a regular basis, every 10 years starting in 2022, the Plan's jurisdictions may, at their discretion, participate in a process of coordinated periodic review.

Initiation: Starting in January 2022 and thenceforth every 10 years following the Jackson County Development Services Department, or successor department, will convene a meeting of the RPS technical advisory committee to discuss the option of beginning a phase of joint periodic review.

2. **Five-Year Regional Plan Review.** On a regular basis, every 5 years starting in 2015, all participating jurisdictions will participate in the regular Regional Plan review process. Jackson County shall initiate the Regional Plan review process by providing notice of the Regional Plan review to each city and requiring that each city submit a self-evaluation monitoring report addressing compliance with the performance indicators set out in this Section to the County within 60 days after the date of the notice. Jackson County will distribute these monitoring reports to all Signatories.

The reports will include descriptions of the jurisdiction's activities pertinent to the Plan for the preceding five-year period, analysis as to whether and how well those activities meet performance indicators, and a projection of activities for the next five-year period.

3. **Regional Plan Integration.** Jackson County will adopt the Regional Plan into the County Comprehensive Plan. Participating cities will incorporate the portions of the Regional Plan that are applicable to each individual city into that city's comprehensive plan and implementing ordinances, and will reference the Plan as an adopted element of Jackson County's comprehensive plan. To incorporate applicable portions of the Regional Plan into their comprehensive plans and implementing codes, cities will adopt at least the following:

- a. urban reserves and urban reserve management agreements;
- b. target residential densities;
- c. agricultural buffering standards by 2015 or when areas of urban reserve are incorporated into an urban growth boundary, whichever comes first;
- d. implementing codes, as applicable.

4. **Conditions for Specific Urban Reserves.** Signatory jurisdictions will comply with the specific conditions of approval for selected urban reserves, as described in the adopted Plan.

5. **Target Residential Densities.** When applying urban general land use and zoning designations to urban reserve land at the time of UGB incorporation, cities will achieve, on average, the lower residential densities (so-called "higher land need") targets as described in Chapter 2 and depicted in Figure 2.10 of this Plan.

Average density will be calculated across all the urban reserve land included in each incorporation by applying general land use designations within the areas incorporated, by increasing density within the city to compensate for the shortfall in the incorporated area, or through a combination of both actions.

6. **Land Uses Distribution.** The general distribution of land uses proposed in this Plan shall guide cities when applying general land use and zoning designations to urban reserve land included in a UGB expansion, especially where a specific set of land uses were part of a compelling urban-based rationale for designating “commercial agricultural base” land as part of a city’s set of urban reserves (refer to Chapter 1, Section 6.2 for explanation).

7. **Transportation Policies.** The adopted Plan shall include policies to:

- a. Identify a general network of locally owned regionally significant north-south and east-west arterials and associated projects to provide mobility throughout the Region.
- b. Designate and protect corridors for locally owned regionally significant arterials and associated projects within the RVMPO to ensure adequate transportation connectivity, multimodal use, and minimize right of way costs.
- c. Establish a means of providing supplemental transportation funding to mitigate impacts arising from future growth.

These policies shall be implemented by ordinance upon the adoption of the latest update of the Rogue Valley Metropolitan Planning Organization’s Regional Transportation Plan and the local adoption of the RPS Plan through individual city and county Comprehensive Plan amendments. Implementing Signatory cities will incorporate the portions of the RPS Plan relative to transportation that are applicable to each individual city into that city’s comprehensive plan and implementing ordinances, and will reference the larger regional plan as an adopted element of Jackson County’s comprehensive plan.

8. **Conceptual Plans.** Conceptual plans for urban reserves will be developed in sufficient detail to allow the Region to determine the sizing and location of regionally significant transportation infrastructure. This information should be determined early enough in the planning and development cycle that the identified regionally significant transportation corridors (see Chapter 2, Section 6) can be protected as cost-effectively as possible by available strategies and funding. Conceptual plans for an urban reserve in the Regional Plan are required to be completed at the time of adoption of a comprehensive plan amendment incorporating urban reserves into a city or county comprehensive plan.

9. **County Population Projections.** The County’s population projections will be updated per statute to be consistent with the gradual implementation of the adopted Plan.

EXHIBIT B

DRAFT RESOLUTION RECOMMENDING JACKSON COUNTY ADOPTION OF REGIONAL PLAN

CITY OF MEDFORD

RESOLUTION NO. 2010-XXX

A RESOLUTION ON BEHALF OF THE CITY OF MEDFORD RECOMMENDING JACKSON COUNTY ADOPTION OF THE GREATER BEAR CREEK VALLEY REGIONAL PROBLEM SOLVING PLAN.

WHEREAS, pursuant to *former* ORS 197.654(1) [2001], Jackson County and the cities of Medford, Ashland, Central Point, Eagle Point, Phoenix, and Talent entered into a collaborative regional problem-solving (RPS) process; and

WHEREAS the City of Medford (City), as a participant in RPS, having signed a Participants' Agreement identifying a regional land use problem, establishing goals addressing the problem, creating mechanisms for achieving such goals, and a system for monitoring the implementation and effectiveness of the those goals; and

WHEREAS the Greater Bear Creek Valley Regional Problem Solving Plan (the "Regional Plan") contemplated by the Participants' Agreement has been proposed under the provisions of *former* **ORS 197.654(1)** and *former* **197.656(2)**, which remain applicable to this RPS process; and

WHEREAS Jackson County is the local government charged with adopting the final RPS Plan; and

WHEREAS the RPS process must include: (a) An opportunity for involvement by other stakeholders with an interest in the problem; and (b) Efforts among the collaborators to agree on goals, objectives and measures of success; and

WHEREAS the City has been requested to make recommendation(s) to Jackson County concerning the contents and adoption of the final RPS Plan, including associated maps and Findings; and

WHEREAS the City's Planning Commission conducted hearings on the RPS Plan on ____ 2010, and the City Council conducted hearings on the RPS Plan on _____ 2010; and

WHEREAS, all requirements for legal notices and advertisements have been fulfilled and public testimony accepted and recorded; now, therefore,

THE CITY OF MEDFORD RESOLVES:

Section 1 – RPS Plan.

The City Council of Medford hereby recommends Jackson County’s adoption of the “**Greater Bear Creek Valley Regional Plan**”, attached as **Exhibit “A”**, including Plan Maps Nos. _____ and associated Findings as presented (or amended under the following provisions:

- 1.
- 2.
3. only if necessary.)

APPROVED by the City of Medford this 307th day of May 2010.

Mayor

Attest:

City Recorder

EXHIBIT C

CRITERIA FOR URBAN RESERVE ADOPTION

3 City of Medford

Medford Land Development Code, Legislative Amendments, Section 10.080:

6 An amendment to either the Comprehensive Plan or this chapter, or any other action
designated by the City Council as legislative based on findings that the issue involves
such a substantial area and number of property owners or such broad public policy
changes that administrative processing would be inappropriate, shall be processed as a
9 Class 'A' action as per Article II, Section 10.180, Class 'A' Actions.

Medford Land Development Code, Findings, Section 10.085:

12 Amendments to the Comprehensive Plan or this chapter shall be accompanied by find-
ings which shall include:

- (1) Identification of all applicable Statewide Goals, if any.
- (2) Identification and explanation of the goals and policies of the Comprehensive
15 Plan considered relevant to the decision.
- (3) Statement of the facts relied upon in rendering the decision, if any.
- (4) Explanation of the justification for the decision based on the criteria, standards,
18 and facts.

State—Urban Reserves

21 Under the authority of Oregon Revised Statutes, Chapter 197, Section 145(6), the Depart-
ment of Land Conservation and Development created the procedure for adoption of urban
reserves in Oregon Administrative Rules, Chapter 660, Division 21. The criteria are found
under OAR 660-021-0030, "Determination of Urban Reserve":

- 24 (1) Urban reserves shall include an amount of land estimated to be at least a 10-
year supply and no more than a 30-year supply of developable land beyond the
20-year time frame used to establish the urban growth boundary. Local gov-
27 ernments designating urban reserves shall adopt findings specifying the particu-
lar number of years over which designated urban reserves are intended to pro-
vide a supply of land.
- 30 (2) Inclusion of land within an urban reserve shall be based upon the locational fac-
tors of Goal 14 and a demonstration that there are no reasonable alternatives
that will require less, or have less effect upon, resource land. Cities and counties
33 cooperatively...shall first study lands adjacent to, or nearby, the urban growth
boundary for suitability for inclusion within urban reserves, as measured by the
factors and criteria set forth in this section. Local governments shall then desig-

nate, for inclusion within urban reserves, that suitable land which satisfies the priorities in section (3) of this rule.

- 3 (3) Land found suitable for an urban reserve may be included within an urban reserve only according to the following priorities:
- 6 (a) First priority goes to land adjacent to, or nearby, an urban growth boundary and identified in an acknowledged comprehensive plan as an exception area or nonresource land. First priority may include resource land that is completely surrounded by exception areas unless these are
- 9 high value crop areas as defined in Goal 8 or prime or unique agricultural lands as defined by the United States Department of Agriculture;
- 12 (b) If land of higher priority is inadequate to accommodate the amount of land estimated in section (1) of this rule, second priority goes to land designated as marginal land pursuant to former ORS 197.247 (1991 edition);
- 15 (c) If land of higher priority is inadequate to accommodate the amount of land estimated in section (1) of this rule, third priority goes to land designated in an acknowledged comprehensive plan for agriculture or forestry, or both. Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.
- 18
- 21 (4) Land of lower priority under section (3) of this rule may be included if land of higher priority is found to be inadequate to accommodate the amount of land estimated in section (1) of this rule for one or more of the following reasons:
- 24 (a) Future urban services could not reasonably be provided to the higher priority area due to topographical or other physical constraints; or
- 27 (b) Maximum efficiency of land uses within a proposed urban reserve requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.
- 30 (5) Findings and conclusions concerning the results of the above consideration shall be adopted by the affected jurisdictions

State—Regional Problem Solving

33 The Regional Plan was developed under the auspices of the former Statute establishing the “collaborative regional problem solving” process (ORS 197.652–197.658). The requirements of participation and the comprehensive plan amendments resulting from participation are measured against the following:

36 **197.654** Regional problem solving; coordination.

- (1) Local governments and those special districts that provide urban services may

enter into a collaborative regional problem-solving process. A collaborative regional problem-solving process is a planning process directed toward resolution of land use problems in a region. The process must offer an opportunity to participate with appropriate state agencies and all local governments within the region affected by the problems that are the subject of the problem-solving process. The process must include:

- (a) An opportunity for involvement by other stakeholders with an interest in the problem; and
- (b) Efforts among the collaborators to agree on goals, objectives and measures of success for steps undertaken to implement the process as set forth in ORS 197.656.

(2) As used in ORS 197.652 to 197.658, "region" means an area of one or more counties, together with the cities within the county, counties, or affected portion of the county. [1996 c.6 §4]

197.656 Commission acknowledgment of comprehensive plans not in compliance with goals; participation by state agencies; commission review of implementing regulations and plan amendments; use of resource lands.

(1) Upon invitation by the local governments in a region, the Land Conservation and Development Commission and other state agencies may participate with the local governments in a collaborative regional problem-solving process.

(2) Following the procedures set forth in this subsection, the commission may acknowledge amendments to comprehensive plans and land use regulations, or new land use regulations, that do not fully comply with the rules of the commission that implement the statewide planning goals, without taking an exception, upon a determination that:

(a) The amendments or new provisions are based upon agreements reached by all local participants, the commission and other participating state agencies, in the collaborative regional problem-solving process;

(b) The regional problem-solving process has included agreement among the participants on:

(A) Regional goals for resolution of each regional problem that is the subject of the process;

(B) Optional techniques to achieve the goals for each regional problem that is the subject of the process;

(C) Measurable indicators of performance toward achievement of the goals for each regional problem that is the subject of the process;

- 3 (D) A system of incentives and disincentives to encourage successful implementation of the techniques chosen by the participants to achieve the goals;
- 6 (E) A system for monitoring progress toward achievement of the goals; and
- 6 (F) A process for correction of the techniques if monitoring indicates that the techniques are not achieving the goals; and
- 9 (c) The agreement reached by regional problem-solving process participants and the implementing plan amendments and land use regulations conform, on the whole, with the purposes of the statewide planning goals.
- 12 (3) A local government that amends an acknowledged comprehensive plan or land use regulation or adopts a new land use regulation in order to implement an agreement reached in a regional problem-solving process shall submit the amendment or new regulation to the commission in the manner set forth in ORS 197.628 to 197.650 for periodic review or set forth in ORS 197.251 for acknowledgment.
- 15
- 18 (4) The commission shall have exclusive jurisdiction for review of amendments or new regulations described in subsection (3) of this section. A participant or stakeholder in the collaborative regional problem-solving process shall not raise an issue before the commission on review that was not raised at the local level.
- 21
- 24 (5) If the commission denies an amendment or new regulation submitted pursuant to subsection (3) of this section, the commission shall issue a written statement describing the reasons for the denial and suggesting alternative methods for accomplishing the goals on a timely basis.
- 27 (6) If, in order to resolve regional land use problems, the participants in a collaborative regional problem-solving process decide to devote agricultural land or forestland, as defined in the statewide planning goals, to uses not authorized by those goals, the participants shall choose land that is not part of the region's commercial agricultural or forestland base, or take an exception to those goals pursuant to ORS 197.732. To identify land that is not part of the region's commercial agricultural or forestland base, the participants shall consider the recommendation of a committee of persons appointed by the affected county, with expertise in appropriate fields, including but not limited to farmers, ranchers, foresters and soils scientists and representatives of the State Department of Agriculture, the State Department of Forestry and the Department of Land Conservation and Development.
- 30
- 33
- 36
- 39 (7) The Governor shall require all appropriate state agencies to participate in the collaborative regional problem-solving process. [1996 c.6 §5; 2001 c.672 §11]

EXHIBIT D

STAFF-RECOMMENDED CHANGES TO THE “PERFORMANCE INDICATORS” FOUND IN CHAPTER 5 OF THE DRAFT REGIONAL PLAN

Staff recommends the following changes:

Ongoing monitoring of progress following ~~the signing~~State acknowledgment of the ~~Participants’ Agreement~~Greater Bear Creek Valley Regional Plan will ~~take place on a number~~be measured against the following set of performance indicators to determine the level of compliance by participating jurisdictions with this ~~plan~~Plan or the need to refine or amend it. The measurable performance indicators listed below are those identified as appropriate for monitoring compliance with the adopted Plan.

1. Coordinated Periodic Review. On a regular basis, every 10 years starting in ~~2020~~2022, the Plan’s jurisdictions may, at their discretion, participate in a process of coordinated periodic review.

Initiation: Starting in January 2022 and thenceforth every 10 years following the Jackson County Development Services Department, or successor department, will convene a meeting of the RPS technical advisory committee to discuss the option of beginning a phase of joint periodic review.

2. Five-Year Regional Plan Review. On a regular basis, every 5 years starting in 2015, all ~~Signatories to the Agreement~~participating jurisdictions will participate in the regular Regional Plan review process. Jackson County shall initiate the Regional Plan review process by providing notice of the Regional Plan review to each ~~Signatory to this Agreement~~city and requiring that each ~~Signatory~~city submit a self-evaluation monitoring report addressing compliance with the performance indicators set out in this Section to the County within 60 days after the date of the notice. Jackson County will distribute these monitoring reports to all Signatories.

The reports will include descriptions of the jurisdiction’s activities pertinent to the Plan for the preceding five-year period, analysis as to whether and how well those activities meet performance indicators, and a projection of activities for the next five-year period.

3. Regional Plan Integration. Jackson County will adopt the Regional Plan into the County Comprehensive Plan. Participating cities will incorporate the portions of the Regional Plan that are applicable to each individual city into that city’s comprehensive plan and implementing ordinances, and will refer-

ence the Plan as an adopted element of Jackson County's comprehensive plan. To incorporate applicable portions of the Regional Plan into their comprehensive plans and implementing ~~ordinances~~codes, cities will adopt at least the following:

- a. urban reserves ~~areas~~and urban reserve management agreements;
 - b. target residential densities ~~(for the urban reserve areas)~~;
 - c. agricultural buffering standards by 2015 or when areas of urban reserve are incorporated into an urban growth boundary, whichever comes first ~~(for the urban reserve areas)~~;
 - d. implementing ~~ordinances~~codes~~(for the urban reserve areas), as applicable.~~
4. **Conditions for Specific Urban Reserves.** Signatory jurisdictions will comply with ~~the general conditions as listed in Section X of the Participants' Agreement (found in Volume 2 of this Plan) and, as appropriate,~~ the specific conditions of approval for selected urban reserves, as described in the adopted Plan.
- ~~5. Signatory jurisdictions serving or projected to serve a designated urban reserve will adopt an Urban Reserve Management Agreement (URMA).~~
- ~~6. Urban reserves identified in the adopted Plan are the first priority lands used for UGB expansions by participating cities.~~
7. **Target Residential Densities.** When applying urban general land use and zoning designations to urban reserve land at the time of UGB incorporation, cities will achieve, on average, the lower residential densities (so-called "higher land need") targets as described in Chapter 2 and depicted in Figure 2.10 of this Plan. ~~Cities, when applying urban designations and zones to urban reserve land included in UGB expansions, will achieve, on average, at least the "higher land need" residential densities as described in the adopted Regional Plan.~~

Average density will be calculated across all the urban reserve land included in each incorporation by applying general land use designations within the areas incorporated, by increasing density within the city to compensate for the shortfall in the incorporated area, or through a combination of both actions.

8. **Land Uses Distribution.** The general distribution of land uses proposed in this Plan shall guide cities ~~Cities~~, when applying ~~urban~~ general land use and zoning designations ~~and zones~~ to urban reserve land included in a UGB expansion, ~~will be guided by the general distribution of land uses proposed in the adopted Regional Plan~~, especially where a specific set of land uses were part of a compelling urban-based rationale for designating ~~RLRG~~ “commercial agricultural base” land as part of a city’s set of urban reserves (refer to Chapter 1, Section 6.2 for explanation).

n. **Transportation Policies.** The adopted Plan shall include policies to:

- a. Identify a general network of locally owned regionally significant north-south and east-west arterials and associated projects to provide mobility throughout the Region.
- b. Designate and protect corridors for locally owned regionally significant arterials and associated projects within the RVMPO to ensure adequate transportation connectivity, multimodal use, and minimize right of way costs.
- c. Establish a means of providing supplemental transportation funding to mitigate impacts arising from future growth.

These policies shall be implemented by ordinance upon the adoption of the latest update of the Rogue Valley Metropolitan Planning Organization’s Regional Transportation Plan and the local adoption of the RPS Plan through individual city and county Comprehensive Plan amendments. Implementing Signatory cities will incorporate the portions of the RPS Plan relative to transportation that are applicable to each individual city into that city’s comprehensive plan and implementing ordinances, and will reference the larger regional plan as an adopted element of Jackson County’s comprehensive plan.

9. **Conceptual Plans.** Conceptual plans for urban reserves will be developed in sufficient detail to allow the Region to determine the sizing and location of regionally significant transportation infrastructure. This information should be determined early enough in the planning and development cycle that the identified regionally significant transportation corridors (see Chapter 2, Section 6) can be protected as cost-effectively as possible by available strategies and funding. Conceptual plans for an urban reserve in the Regional Plan are ~~not~~ required to be completed at the time of adoption of a comprehensive plan amendment incorporating urban reserves into a city or county comprehensive plan.

10. **County Population Projections.** The ~~county's~~ County's population ~~element~~ is projections will be updated per statute to be consistent with the gradual implementation of the adopted Plan.

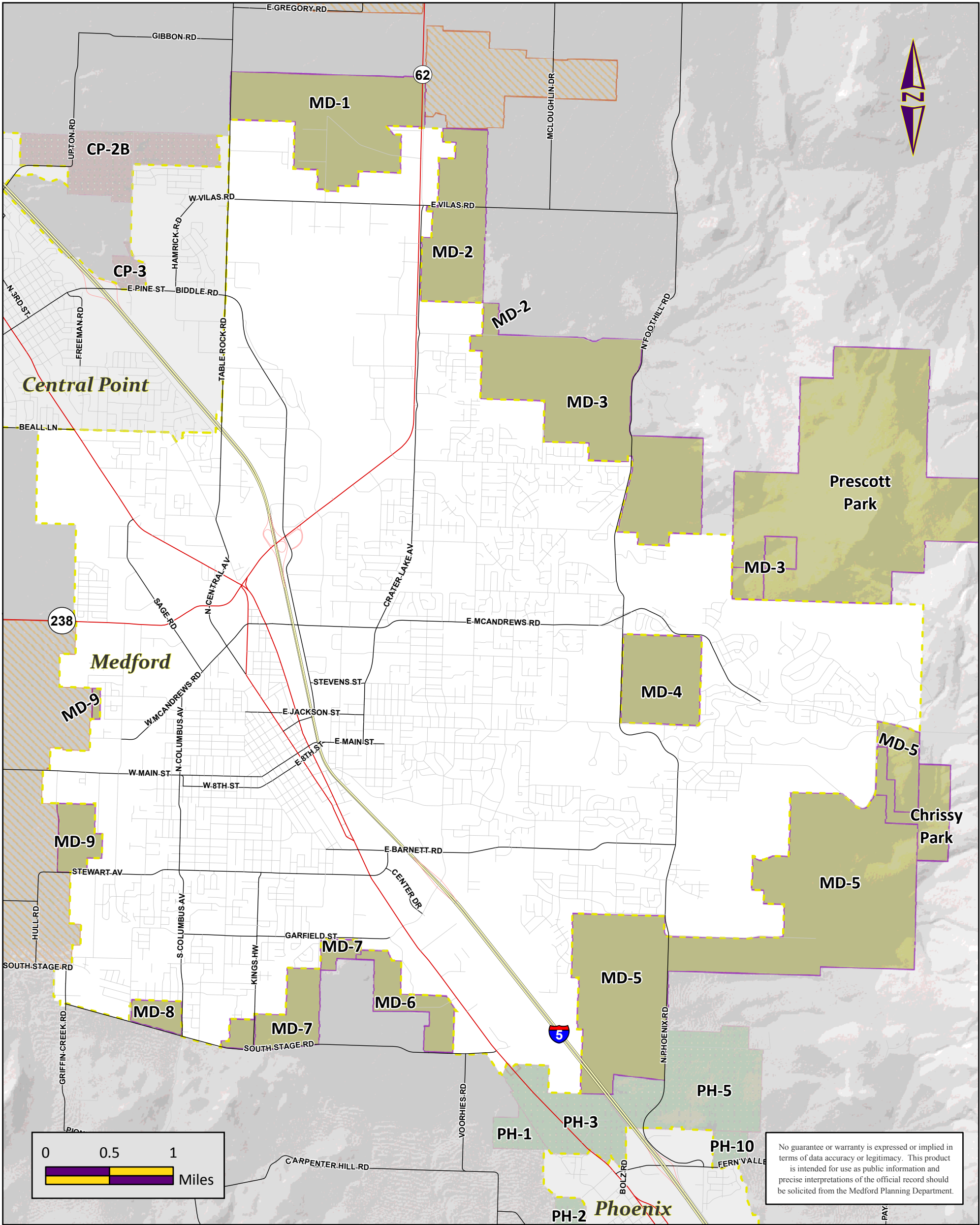
In addition to the number of changes above that shift authority from the Participants' Agreement to the Regional Plan, others require explanation:

1. Change first coordination year from 2020 to 2022 to take advantage of the data from the 2020 Census. An initiation procedure is also recommended.
2. Add a description of progress review based on self-reporting.
3. Clarification of integration schedules.
4. This change redirects authority from the Participants' Agreement to the Plan.
5. Delete; the management agreement for an urban reserve is a State regulatory feature of urban reserves and negligible as an indicator of progress.
6. Delete for a reason similar to the preceding. To say that an urban reserve is first priority only restates ORS 197.298(1)(a) and OAR 660-021-0060.
7. Describe the method of calculating how cities will meet their density targets.
8. Clarification changes only.
- n. Addition of transportation policies in full detail. They are too significant to leave out and they tie into Indicator no. 9 that follows them.
9. Clarification change only.
10. Clarification change only.

EXHIBIT E
CANDIDATE URBAN RESERVE MAP (3/29/2010)

[Next Page]

CANDIDATE URBAN RESERVES



No guarantee or warranty is expressed or implied in terms of data accuracy or legitimacy. This product is intended for use as public information and precise interpretations of the official record should be solicited from the Medford Planning Department.

L

E

G

E

N

D

Freeway

Freeway Ramp

State Highway

Major Road

Other Public Road

Urban Reserve candidates

CITY

Central Point

Medford

Phoenix

UGB

Critical Open Space Areas (COSA)

Exhibit A

File no. CP-10-004

City of Medford

125th Anniversary

1885 - 2010

Prepared by:

City of Medford

Planning Department

29 March 2010

EXHIBIT F
COMMENTS RECEIVED

[Next Page]



RICHARD STEVENS & ASSOCIATES, INC.

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Medford, OR 97501-0168
Phone: (541) 773-2646
Email: rsco@mind.net

P.O. Box 4368
Medford, OR 97501-0168
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www.richardstevensandassociates.com

April 11, 2010

RECEIVED

APR 13 2010

Mr. Norm Nelson, Chairman and Medford Planning Commission
200 S. Ivy Street
Medford, OR 97501

PLANNING DEPT.

RE: File No. CP 10-004

Dear Medford Planning Commissioners:

We are writing this letter on behalf of our client, Haya Enterprises LLC, the owner of property listed as 37-1W-34 Tax Lot 5300 and 38-1W-03 Tax Lot 300. We would like to bring to your attention a matter that was discovered after Haya Enterprises purchased the property. Haya Enterprises purchased this property in December of 2006 and retained our office to do a feasibility on the potential of their lands. To begin, it is very relevant that the Commission understands the history of the two tax lots above.

While researching Haya Enterprises property, it's necessary to verify lot legality, which is required to be established for any application process with Jackson County. We discovered that the property is comprised of two tax lots, however, it is in fact ONE parcel for the purposes of development. The property is situated and bisected by both a different Township number and Section number, thus, the reasoning for the separate Tax Lot numbers assigned by the Jackson County Assessors office. It must also be noted that a "Tax Lot" is for taxation purposes only and does not identify a "parcel". The Oregon Revised Statutes (ORS) clarifies that a tax lot is not a parcel, ORS 215.010 demonstrates this for EFU zoned property.

"215.010 Definitions. As used in this chapter:

(1) The terms defined in ORS 92.010 shall have the meanings given therein, except that "parcel":

(a) Includes a unit of land created:

(A) By partitioning land as defined in ORS 92.010;

(B) In compliance with all applicable planning, zoning and partitioning ordinances and regulations; or

(C) By deed or land sales contract, if there were no applicable planning, zoning or partitioning ordinances or regulations.

(b) Does not include a unit of land created solely to establish a separate tax account."

Also during our research we discovered that Tax Lot 5300 has been included into the MD-5 Urban Reserve Area (URA), and the owner is happy with this delineation. However, we believe due to the reasoning explained above that there has been a simple mapping error, and an understandable one. As the URA line is currently proposed it will be bisecting the subject property, and assuming we complete this process and assuming the UGB will eventually be extended to this boundary line, the result will be an involuntary partitioning of our clients parcel by the UGB boundary line (see attached map).

It is understandable as to how this oversight may have occurred, due to the separate Tax Lot numbers. However, as a condition of a previous land use decision by Jackson County, these Tax Lots had to be consolidated for it to become one separate a legal parcel. The consolidation was completed and the legal description for the property only describes one parcel. They were consolidated, yet their Tax Lot numbers remained the same due to the Township and Section difference. The portion of the subject property currently left out of the Urban Reserve Area contains 20.04 acres. Though my client respects the RPS process and the work that has been occurring on this project for the last 10 years, we believe, in order for our client to avoid any potential conflicts on his property in the future, that the boundary line should remain a straight line and include the entirety of the parcel.

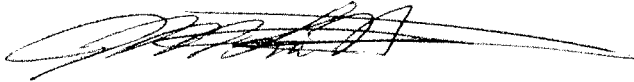
The concern Haya Enterprises has is the potential of limiting factors that the Urban Reserve line dividing his property may have on potential future development options for the land that would remain in the County. An involuntary partition would establish a new creation date for the subject parcel and that can be a factor when it comes to developing EFU zoned land in the County. This could be an important issue 20 to 50 years down the line. We have discussed this concern several times with both the City of Medford Planning Staff, John Adam and Suzanne Meyers, and the Planning Director, Kelly Madding with Jackson County. Through our discussions it is our understanding that generally both the City and the County prefer that properties not be split in this type of manner, in order to avoid actions that could lead to awkward results. We also understand that the RPS process has been occurring for some time, but we believe had the information discussed herein been brought to the table earlier, the line would have been drawn along the true southern boundary of Tax Lot 300. Had my client owned the property when this began, we would likely not be discussing this today.

We respectfully ask that the Medford Planning Commission take the time and consider the issue discussed herein. We respectfully ask that the Commission include Tax Lot 300 (38-1W-03) into the MD-5 URA as to not divide a single parcel in the future. This would retain the integrity of our clients property as a whole. The only acreage proposed for this inclusion is 20.04 acres and the property is identical in nature to the land the RPS property has already included in the MD-5 URA. By approving this proposal you will not be adding another "parcel" to your inventory, you would simply be adjusting the acreage to fix a simple mapping error.

We thank you very much for all your hard work in accomplishing this RPS project. We also thank you for any time you may be able to give to this matter. If you have any questions or need any additional information/documentation regarding the legality of the property, the consolidation of the property or information regarding the unsuitability for the land to be farmed,

please do not hesitate to contact our office and we will be happy to provide you with whatever information you may need. We have conducted a thorough feasibility and are happy to help in anyway we can. We can be contacted at (541) 773-2646 or you can email me at megan_lanier@yahoo.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Stevens', with a long horizontal flourish extending to the right.

Richard Stevens & Associates, Inc.
Megan LaNier

cc: Kelly Madding - Director, Jackson County Development Services

SUBJECT PARCEL








371W34 - TL 5300

381W03 - TL 300

Owner: Haya Enterprises

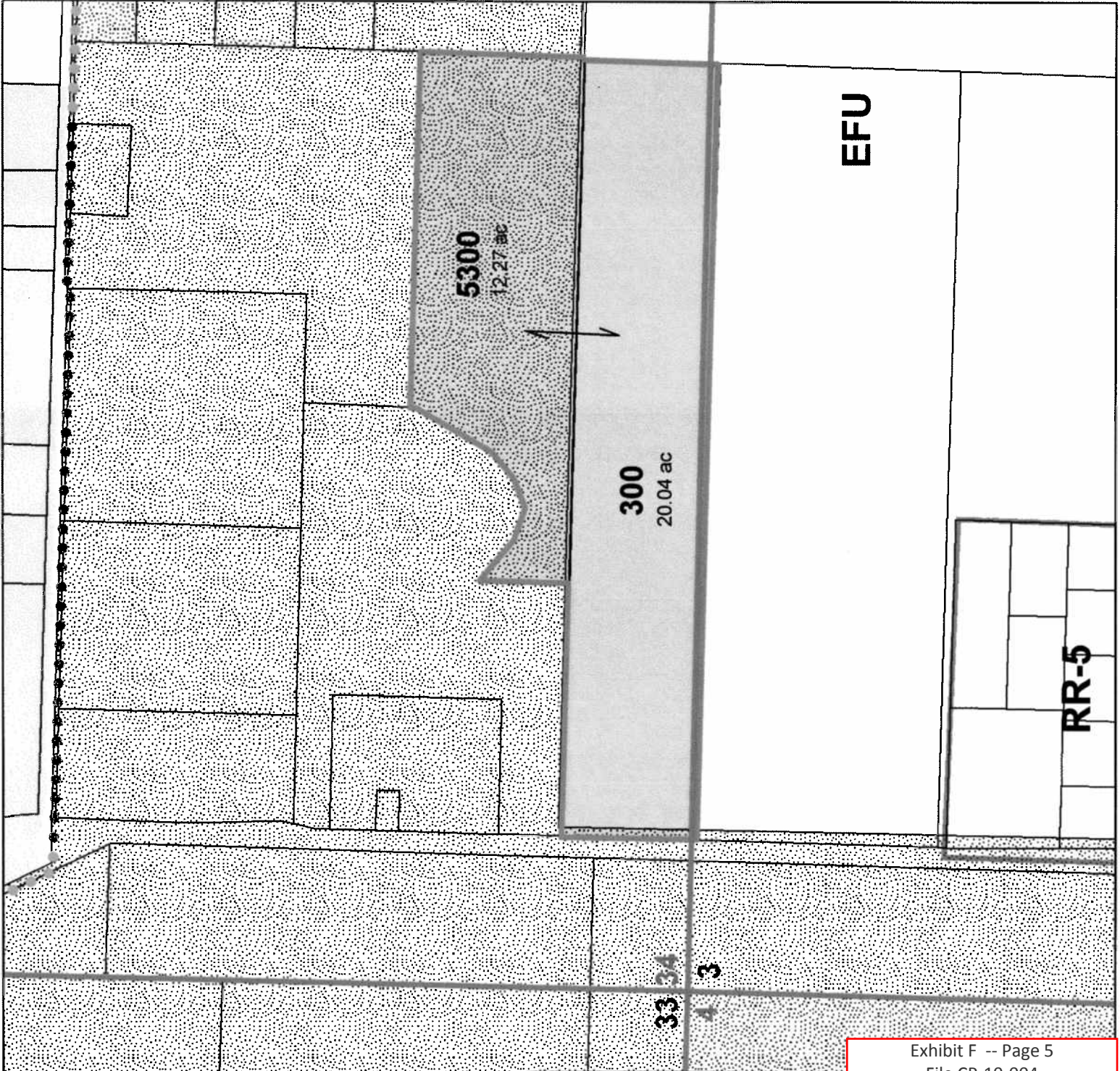


Legend

-  Subject (One Parcel)
-  Current UGB
-  Future Growth Area
-  Section Lines
-  RR-5 Zoning
-  TL 5300
-  TL 300

0 200 400 Feet
1 inch equals 400 feet

This map is based on a digital database compiled by Jackson County GIS from a variety of sources, including Jackson County GIS. We cannot accept responsibility for errors, omissions or positional accuracy. There is no warranties, expressed or implied. Map by RSA - 2010





HARRY & DAVID

RECEIVED
DEC 07 2009
PLANNING DEPT.

Leigh Johnson
VP Government Relations
(541) 864-2213
bbluth@harryanddavid.com

December 7, 2009

Mr. John Adam, Planner IV
Long-Range Planner Regional Problem Solving
City of Medford
200 South Ivy Street, Lausman Annex #240
Medford, Oregon 97501

Re: Draft Proposed Urban Reserves for RPS

Dear Mr. Adam:

It has come to our attention that the current configuration of urban reserve lands identified to be included by the City of Medford in the RPS process includes orchard land adjacent to and directly west of our main campus, and adjacent to and south of the city limits. Until recently we were not aware of the designation. We write this letter to request reallocation of the acreage proposed to different acreage to better meet the purpose of the urban reserve objectives and to not create operational complexities for our company.

The current map that we have been provided designates the north-eastern portion of tax lot #38 1W 06 100, a portion of 38 1W 05 2600 and the southern portion of 38 1W 05 2400 to be included in the urban reserve lands. The present proposed urban reserve designation, as it applies to these parcels, includes property that is already urbanized and or planned for long term non urban operational uses. Retention of the current designation on these parcels is counter to the intent of the urban reserve process and creates a challenging agricultural configuration.

By this letter we are requesting that the proposed urban reserve acreage be reallocated to the southern of tax lot #38 1W 06 100 and tax lot tax lot #38 1W 05 5500, and a portion of tax lot #38 1W 05 2600. We anticipate that the northern line of this acreage will be a straight east-west line. Accompanying this letter is map that illustrates the proposed reallocation.

To the east of tax lot tax lot #38 1W 05 5500 and tax lot #38 1W 05 2600 is a small, long narrow lot that has frontage on South Stage Road that currently is not designated to be included in the proposed urban reserve land. We proposed that lot be included also.

Designation of the land as proposed does not include land that is currently urbanized and does not create a disjointed orchard lot configuration separated from the campus.

Exhibit F -- Page 6
File CP-10-004

Please advise us to the change in designation or any other steps we need to take to accomplish this transfer.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Leigh Johnson", written in a cursive style.

Leigh Johnson

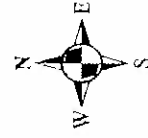
CC: Jim Huber, Planning Director
City of Medford, Oregon

Urban Reserve Substitute

Harry & David Campus

Legend

- Urban Growth Boundary
- BEAR CREEK ORCHARDS INC
- HARRY & DAVID OPERATIONS INC
- HARRY AND DAVID
- Harry & David Proposed Urban Reserve Land
- City Limits
- Railroad



800 400 0 800 Feet



December 2003 Source: Jackson County GIS, RVCOG

Figures 1–3 regarding Harry & David’s Request for Change to MD-6

Figure 1.
MD-6 — Current configuration

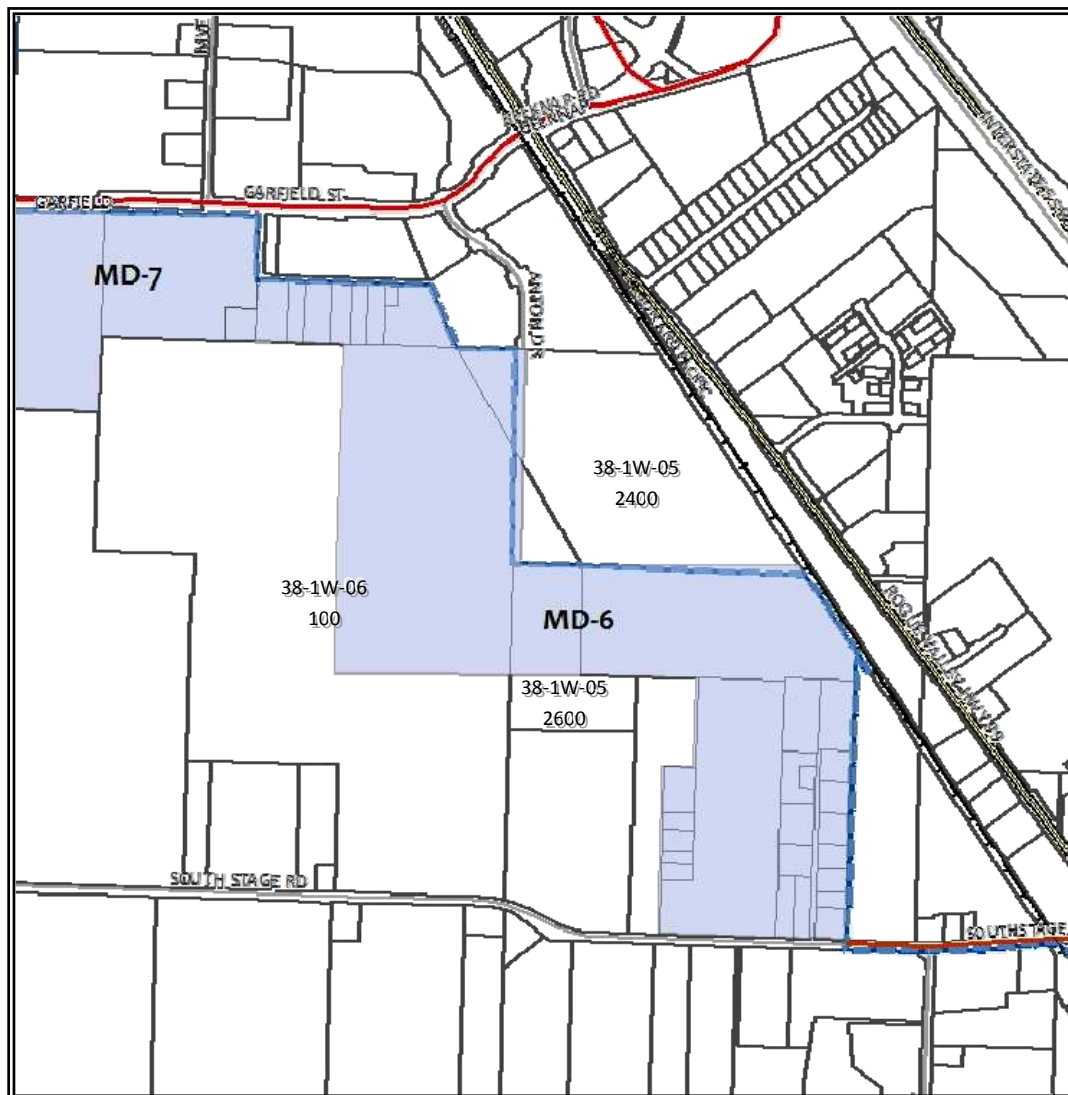


Figure 2.
MD-6 — Proposed configuration

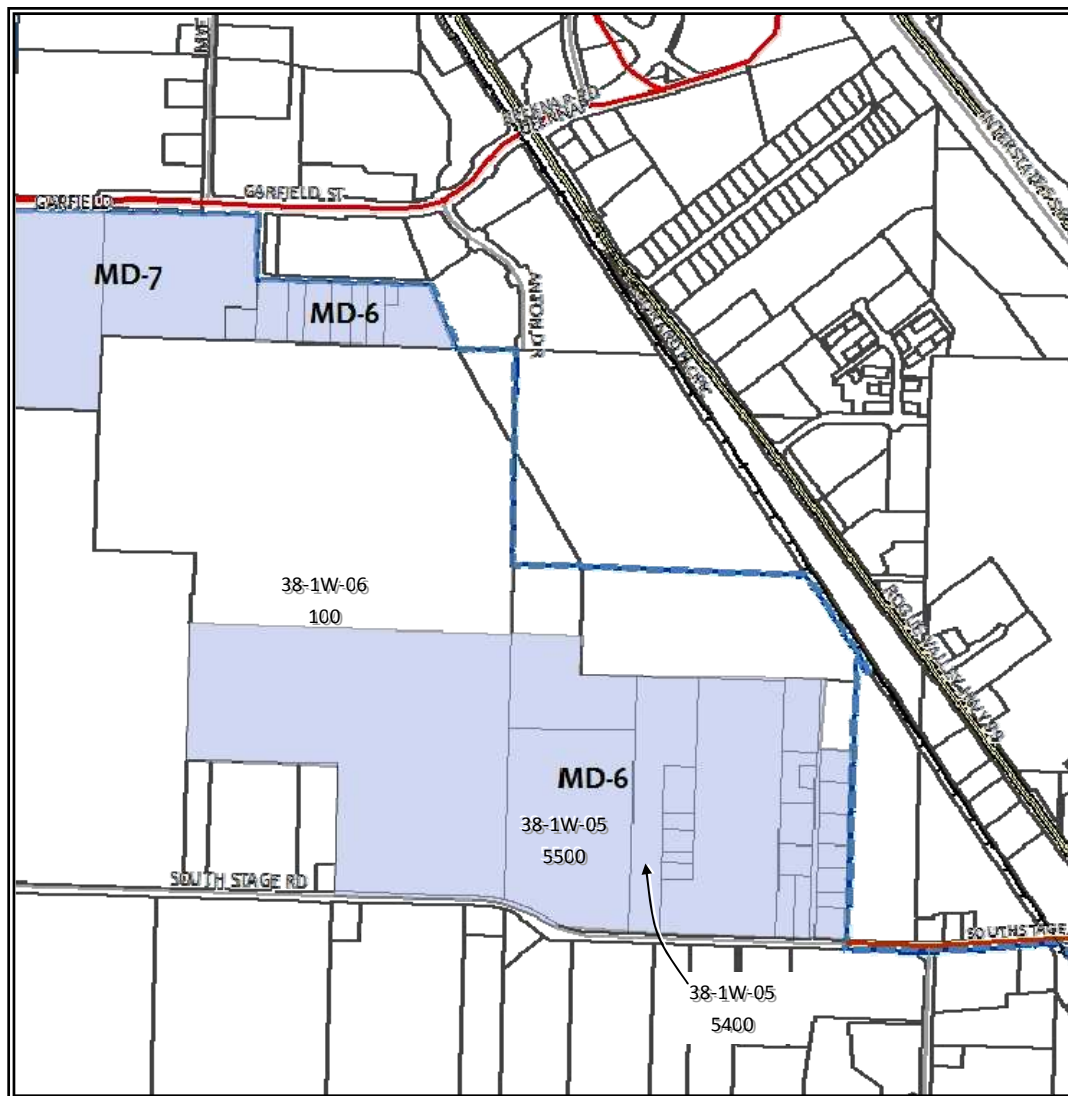


Figure 3.
Problems with Harry & David Request

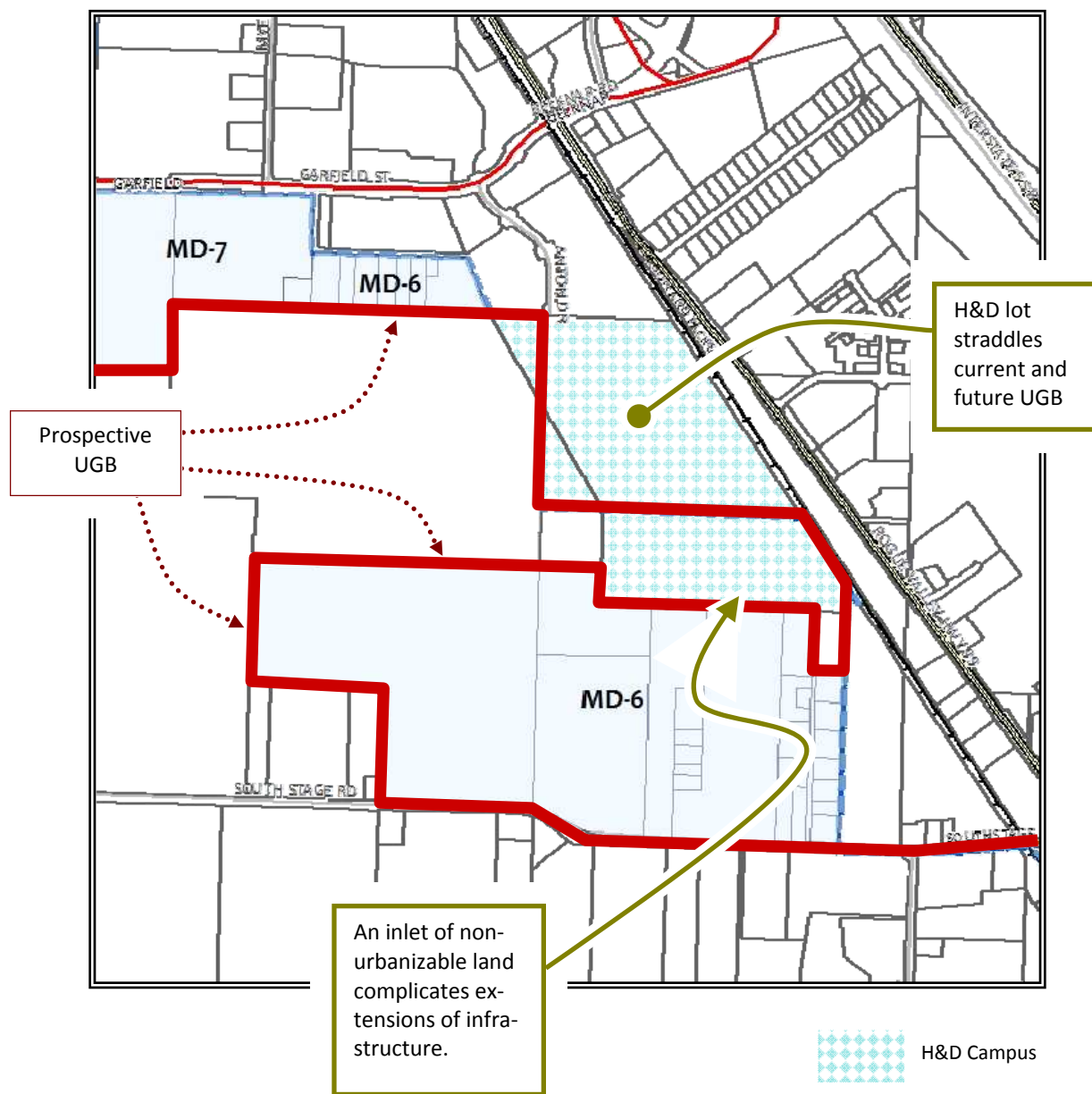


EXHIBIT F

— **ADDENDUM** —

The following letter requesting inclusion was received too late to be treated in the staff report.

Staff will provide an analysis memo at the Planning Commission hearing.



PORTLAND OFFICE
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GSBLAW.COM

GARVEY SCHUBERT BARER

Please reply to WILLIAM K. KABEISEMAN
billkab@gsblaw.com TEL EXT 3231

RECEIVED

APR 14 2010

Planning Dept.

April 12, 2010

Chair Norman Nelson
Medford Planning Commissioners
200 South Ivy Street, Lausmann Annex, Room 240
Medford, OR 97501

Re: Request for Inclusion in Medford Urban Reserves

Dear Chair Nelson and Commissioners:

This office represents Haya Enterprises LLC ("Haya"), which owns tax lot 400, a piece of property near the intersection of North Phoenix Road and Coal Mine Road as shown on the map attached to this letter as Exhibit 1. The identified property is immediately adjacent and almost surrounded by land in the MD-5 urban reserve planning area and the PH-5 urban reserve planning area, both of which are scheduled to be included in the recommended Urban Reserve to be adopted as part of the regional problem solving ("RPS") process. Haya has been following the urban reserve process for some time and, for the reasons discussed below, believes that the MD-5 area should include the property shown by the red line on Exhibit 1. The purpose of this letter is to explain why that area should be included in the City's urban reserve area.

Suitability of Tax Lots 400 for Commercial Agricultural Land

One of the key factors identified by the Regional Plan in identifying areas suitable for urbanization involves determining whether the land should be included in the Commercial Agricultural Base, as shown at the bottom of page 1-15 of the Plan. The criteria considers the classification of the soils and reviews the land to determine whether particular factors, including 1) microclimatic conditions, 2) lack of contiguity with other resource lands combined with a parcel's relatively small size, 3) a history of severe urban-rural conflict impacting farming operation, and 4) seriously contaminated soils.

Haya's property, Tax Lot 400, is affected by almost all of the "factors of negative suitability" as demonstrated by the letter from Dalton Strauss, attached to this letter as Exhibit 2. Mr. Strauss explains that the soil is soggy in certain areas and too dry in others as a result of the condition of the land. Mr. Strauss indicates that this land is simply not suitable for farming, nor can any profit be made from the land. The soil conditions are unsafe for grazing animals and difficult to manage. These microclimatic conditions are severe enough that, standing alone, they prevent any realistic use of the property for farm use. Moreover, as discussed further below, the proposed urban reserves would surround this property on three sides with urban areas, eliminating any contiguity with other resource land. This issue is



compounded by the diverse ownership, including the Green Acres Pet Cemetery as well as the Hillcrest Memorial Park. In addition to the cemeteries, to the west is a golf course, which attracts urban residents, and to the south is an urban density residential development. Finally, as detailed in Mr. Strauss' letter, the fences bordering North Phoenix Road, an arterial, are constantly damaged by vehicles. The issues along North Phoenix Road, combined with the interspersed other, more urban uses, make for severe urban-rural conflicts that significantly impact the ability of the land to be farmed. For all of those reasons, these properties should have been determinant in removing this land from the commercial land base.

In addition to the criteria identified in the Plan, state law governing the definition of farm use also provides support for a decision to include at least tax lot 400 in the MD-5 urban reserve area. Under ORS 215.203(2)(a) "farm use" includes employing land for harvesting and selling a long list of agricultural uses "for the primary purpose of obtaining a profit in money." Therefore, one of the central qualifying phrases within the definition of "farm use" is whether the land is suitable to obtain a profit. As explained in Mr. Straus' letter, the land simply is not profitable to farm, whether alone or in conjunction with other adjoining property. The costs of farming exceed any possible profits that could be made on the property. These costs and difficulties will only get worse as the urban reserve area is urbanized and conflicts continue to grow with the new urban residents. The inability of the property owner to currently undertake commercial agricultural use of the property further supports inclusion of these unproductive lands in the urban reserve areas contemplated in the Regional Plan.

Although the difficulties in farming this property are severe, there are other considerations that make this property a prime candidate for inclusion in the proposed urban reserves - primarily the location of urban services and the impact of the proposed urban reserve areas.

Location of Urban Services

As noted above, North Phoenix Road is designated as an arterial in the County's Transportation System Plan.¹ In order to encourage maximum efficiency of land uses under OAR 660-021-0030(4), Haya's property should be included in the MD-5 urban reserve because of its location along the important transportation corridor along North Phoenix Road. It makes little sense to include only land to the west of the major urban roadway corridor. Further, some of the land to the east of North Phoenix Road is already developed with high traffic recreational use, including a golf course, that attracts urban residents to rural land. In addition, immediately to the south of Haya's land is a residential development at urban density. The exclusion of land to the east of a major arterial is a failure to make the most

¹ The portion of North Phoenix Road that runs south of Medford through Jackson County is designated an arterial in the Jackson County Transportation System Plan. As North Phoenix Road crosses the UGB into the City of Phoenix, but still outside of the city limits, the road is designated a collector. Once inside the Phoenix city limits North Phoenix Road is designated an arterial. Neither Jackson County nor the City distinguishes between major and minor arterials.



efficient use of a regional corridor such as North Phoenix Road, especially when recreational uses create a magnet attracting people from outside the rural area. Therefore, lands to the east of North Phoenix Road should be included in the MD-5 area.

An additional concern that has been expressed in the RPS process is how to pay for urban services, such as the improvement of North Phoenix Road to accommodate the levels of traffic that will use the road when the urban reserves are developed. The only feasible way to do so is to require development to pay its way and North Phoenix Road will never be able to accommodate that future traffic without improvement. Haya would commit to providing adequate land and improvements on his frontage of North Phoenix Road when his property is developed. Without the inclusion of the land, those improvements will never happen. However, to make the best use of the transportation improvements, and as discussed in greater detail below, the peninsula of land between MD-5 and PH-5 should be included in the urban reserve designation so that the communities can make full use of the North Phoenix Road regional corridor.

Impact of City of Phoenix Urban Reserve Planning: Urban Reserve Area PH-5

As noted above, Haya's property is immediately adjacent to the MD-5 urban reserve planning area. This proximity will inevitably lead to increased urban-rural conflicts. That, standing alone, may not be enough to justify inclusion of this property in the urban reserves. However, when the Medford urban reserve areas are combined with the Phoenix urban reserve areas, that calculation changes. As shown in the map attached as Exhibit 1, The City of Phoenix's urban reserve area PH-5 is contiguous with MD-5 in some areas, but not along its entire length. The result is the creation of a peninsula of rural land with urban reserve areas surrounding it on three sides. The Plan mentions the possibility of individual cities retaining their separate identities and character, but such separation should not be at the cost of poor land use planning, especially when the cities are already adjoining along a large portion of Phoenix's proposed urban reserves. Creating a peninsula of marginal resource land like that between PH-5 and MD-5 will only cause problems in the long-run because of the conflicts between urban and farm uses.

The far superior solution would be to include the peninsula as part of urban reserve area MD-5 as shown by the red line on Exhibit 1. As noted, a dense rural development already exists in the peninsula area. Further, with the use of surrounding areas to the west for the golf course and proposed Pacific Retirement Community (See Regional Plan page 4-88), the inclusion of the peninsula area makes good planning sense because Medford and Phoenix could work together to create a unique transition space between the two city limits.



G A R V E Y S C H U B E R T B A R E R

Chair Nelson and Medford Planning
Commissioners
April 12, 2010
Page 4

Conclusion

Based on the foregoing, the Regional Plan should include the lands identified bounded on the east by the red line on the map attached to this letter as Exhibit 1. This is supported by the poor farmability of the land, the efficient use of public investments and the surrounding of the property by the proposed urban reserve areas. Including this land is good planning, common sense and the right thing to do.

Thank you for your consideration.

Sincerely,

GARVEY SCHUBERT BARER

By

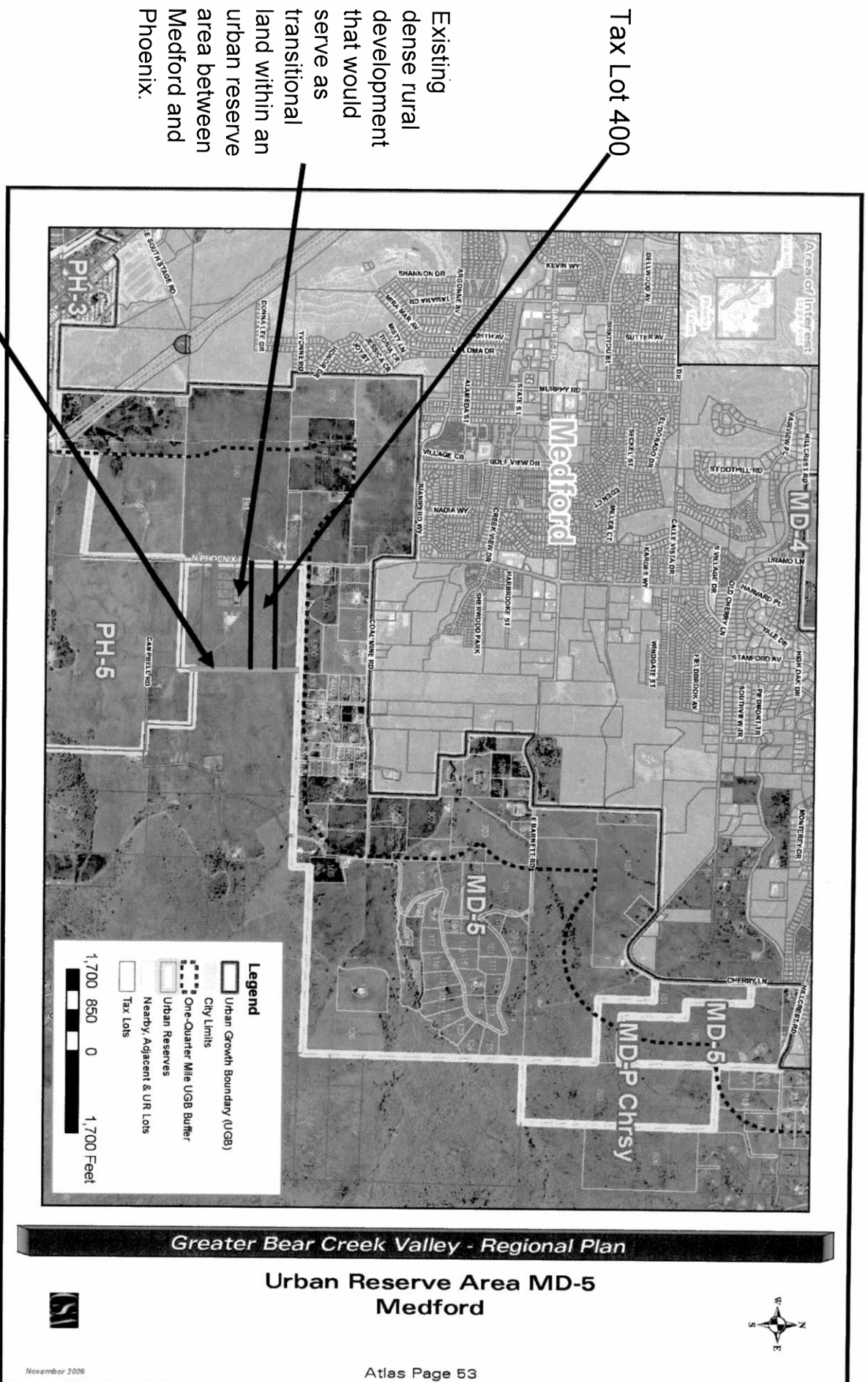
A handwritten signature in black ink, appearing to read 'William K. Kabeiseman'.

William K. Kabeiseman

Attachments

cc: Megan LaNier
Haya Enterprises
Don Green
Jackson County Board of Commissioners
Kelly Madding
Michael Cavallaro
Kate Jackson
Robert Tull
Suzanne Meyers
John Adam
Laurel Prairie-Kuntz

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04/12/10 4:48 PM



Existing dense rural development that would serve as transitional land within an urban reserve area between Medford and Phoenix.

Including the land within the red lines will eliminate the creation of a peninsula of agricultural land, comprised of some unproductive farmland, that would conflict with urban uses.

February 9, 2009

Haya Enterprises, LLC
Ramsey Fakoury
142 E. Bonita Ave. #12
Sand Dimas, CA 91773

Dear Mr. Fakoury,

You've asked for my opinion regarding the farmability of your properties located off North Phoenix Road. I have farmed hay and grazed cattle in Jackson County all my life. I began farming your particular area on North Phoenix and Coal Mine Road 40 years ago, initially to help out a good friend of mine, Steve Morris. The property needed a lot of work, and it took us several years to get the property to where it was farmable and leasable. For all of my years farming this area, I would have to say that compared to other areas of the valley, in which I also farm, this is marginal to poor farm land.

Throughout the years it has been less and less desirable to lease this land because of the product produced verses the amount of money to manage it. Fuel, fertilizer, chemical and mechanical costs have more than doubled over the years, and labor costs are tied to the increase of minimum wage which has also increased exponentially. It is no longer cost effective and I cannot make a profit farming your land. Our current agreement is leasing it at a significantly low cost that doesn't even cover your taxes. We have made this agreement only to keep the grasses down for you and to keep the property around the cemetery appealing, which has always been a challenge.

Our agreement is for me to irrigate the land and to manage the grass hay on your property. My experience shows that the grass hay on your property is not the best quality and in some areas is pretty poor. I have to consider whether the hay on this land would be worth cutting again, since the poor quality outweighs the costs to do it. One of the reasons for the poor quality crop, is the difficulty in irrigating the property. This area was never leveled which makes it hard to control water distribution, its soggy in some areas, dry in others. Small irrigation ditches are used to get water to all areas of this land. These not only make it difficult for farm equipment to harvest hay but can also injure cattle grazing on the property. The cattle also destroy these ditches, warranting a full-time worker to do repairs and maintenance, again not cost effective. The fences bordering North Phoenix road constantly get damaged by vehicles crashing/wrecking into them, requiring repair. These costs are expensive and it's a constant worry waiting for "that" phone call. If cattle can get out they can be injured or killed, as well as, the occupants of the vehicle.

Overall, the property is not the best farm land and the types of farm uses that would work here are limited. Grass grows, but is not the best quality. We have grazed cattle there, but the types of soils and the moisture content of the ground are not conducive for full time grazing as the land and irrigation ditches are often destroyed by compaction. Grazing this land could not be