



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

October 15, 2008

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Medford Plan Amendment
DLCD File Number 023-08



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: October 31, 2008

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Praline McCormack, City of Medford

<paa>

PROP **2**

DLCD

Notice of Adoption

**THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**



Jurisdiction: **City of Medford**

Local file number: **DCA-08-067**

Date of Adoption: **9/18/2008**

Date Mailed: **10-9-08**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **No** Date:

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amendment to the Medford Land Development Code to amend Sections 10.442, 10.493 as relates to Reimbursement Districts, as well as modification to Section 10.488 as it relates to SDC credits.

Does the Adoption differ from proposal? **No, no explanation is necessary**

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **N/A**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD # 023-08 (NOA)

This was previously adopted in error under 022-08. Should be 023-08 (NOA).

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Praline McCormack, Planner II**

Phone: **(541) 774-2380** Extension:

Address: **200 S. Ivy**

Fax Number: **541-774-2564**

City: **Medford** Zip: **97501-**
praline.mccormack@cityofmedford.org

E-mail Address:

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO 2008-197

AN ORDINANCE amending Chapter 10 of the Medford Code by amending sections 10 442, 10 488, and 10 493 pertaining to reimbursement districts and system development charges (SDCs)

THE CITY OF MEDFORD ORDAINS AS FOLLOWS

Section 1 Section 10 442 of the Medford Code is amended to read as follows

10 442 Streets Along Exterior Boundaries of Land Divisions

* * *

Whenever the developer elects to construct any new street of the proposed development (as distinguished from an existing street) which will lie along and adjacent to any boundary of the development, it shall be offered for dedication and be improved to its full width as provided for that type of street in Tables IV-1 and IV-2 hereof ~~In such case, at the developer's request, the city will enter into a reimbursement agreement with the developer~~ **If the street is other than an arterial or collector, the developer may apply to the City for the formation of a Reimbursement District in accordance with Sections 3.900 through 3.913 of the Medford Municipal Code**, whereby future developers of property abutting this required improvement will be required to pay a pro rata share of the cost of said full street as a condition of future development or development approval of such abutting property, ~~provided that a unit price reimbursement is agreed to by the City prior to issuance of a development permit~~ ~~Such agreements are limited to a ten (10) year duration~~

Section 2 Section 10 488 of the Medford Code is amended to read as follows

10 488 Oversize Storm Drains and/or Sanitary Sewers, Reimbursement SDC Credits

Whenever, in the determination of the approving agency, it is necessary that oversize conveyance facilities ~~drains, laterals, or other facilities~~ for storm drainage ~~and/or sanitary sewers~~ **be installed by the developer which can or will be used for the immediate or future benefit, immediate or future use** of property not within the development, the developer shall be required to install such facilities in addition to ~~excess of the infrastructure requirements for the subject~~ ~~development alone, and the City shall reimburse the developer the excess of costs of the oversize or additional facilities to the extent as per Section 4.730 Drainage Systems Development, Charge of the City Code~~ **developer may be eligible for credits under Section 3.891 (Storm Drain SDC Credits), or Section 3.835(2) (Sanitary Sewer SDC Credits) of the Medford Municipal Code**

Section 3 Section 10 493 of the Medford Code is amended to read as follows

10 493 Off-site Sanitary Sewer and Storm Drain Reimbursement

Whenever it is necessary that off-site sanitary sewer ~~and/or storm drain conveyance~~ facilities be installed by the developer which can or will be used for the benefit, immediate or future, of property not in the development, the developer shall be required to install such facilities in

addition to his own on-site improvements, and ~~the City shall enter into a contract with the developer to collect the excess of costs of the off-site sanitary sewer facilities from all persons in the future using the same for the benefit of property not in the development and to pay such collections of excess costs to the developer as received. Said agreement may provide for a time limit beyond which no such payment shall be made to the developer for said off-site sanitary sewer facilities, but in no event shall this time be less than ten years~~ **and may then apply to the City for formation of a Reimbursement District in accordance with Sections 3.900 through 3.913 of the Medford Municipal Code for recovery of all or part of the excess costs of the off-site sanitary sewer and/or storm drain facilities.**

PASSED by the Council and signed by me in authentication of its passage this 18 day of September, 2008

ATTEST Glenda Owens
City Recorder

James B. Kunt
Acting Mayor

APPROVED Sept 18, 2008

James B. Kunt
Acting Mayor

NOTE Matter in **bold** in an amended section is new Matter ~~struck out~~ is existing law to be omitted Three asterisks (***) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity



City of Medford
Agenda Item Commentary

Item No.:
Meeting Date: September 18, 2008
Page: 1 of 1

SUBJECT:

An ordinance amending the *Medford Land Development Code*, Chapter 10, of the *Medford Municipal Code*, Sections 10.442 and 10.493 as it relates to Reimbursement Districts, and amending Section 10.488, as it relates to SDC credits.

INITIATOR:

City of Medford

STAFF INFO. SOURCE:

John W. Hoke, Interim Planning Director
Praline McCormack, Planner II
File No. DCA-08-067

FISCAL IMPACT:

N/A

RECOMMENDATION:

Adopt the ordinance.

BACKGROUND & KEY ISSUES:

In 2007 the City Council approved creation of Sections 3.900 through 3.913: Reimbursement Districts, in the *Municipal Code*. It was later discovered that there were other sections of the Code in Chapters 3, 4, and 10 that were affected by the creation of the new sections. The necessary modifications to Chapters 3 and 4 (specifically Sections 3.385, 3.900, 3.903, and 4.401) were adopted by the City Council on May 15, 2008. The purpose of this amendment is to make the necessary modifications to Chapter 10 (specifically Sections 10.442, and 10.493) as a result of the new sections. Additionally, Section 10.488 needs to be modified as it relates to SDC credits. The proposal meets the approval criteria for Land Development Code amendments. The Planning Commission at their meeting of August 14, 2008 voted to recommend City Council approval.

EXHIBITS:

Staff Report to City Council dated August 15, 2008, including Exhibits A – D
Excerpt from Minutes of the June 10, 2008, meeting of the Citizens Planning Advisory Committee
Excerpt from Minutes of the August 14, 2008, meeting of the Planning Commission



CITY OF MEDFORD
PLANNING DEPARTMENT

STAFF REPORT

Date: August 15, 2008
To: Medford City Council
Reviewed By: Suzanne Myers, Principal Planner *sm*
By: Praline McCormack, Planner II *pm*
Subject: Reimbursement Districts Code Amendment (DCA-08-067)
City of Medford, Applicant

BACKGROUND

Proposal

Consideration of amendment to Medford *Land Development Code* to amend Sections 10.442 and 10.493 relating to Reimbursement Districts, and to amend Section 10.488 as it relates to SDC credits.

Background

In 2007 the City Council approved creation of Sections 3.900 through 3.913: Reimbursement Districts, in the *Municipal Code*. It was later discovered that there were other sections of the *Code* (in Chapters 3, 4, and 10) that were affected by the creation of the new sections. The necessary modifications to Chapters 3 and 4 (specifically, Sections 3.385, 3.900, 3.903, and 4.401) were adopted by the City Council on May 15, 2008. The purpose of this amendment is to make the necessary modifications to Chapter 10 (specifically Sections 10.442, and 10.493) as a result of the new sections. Additionally, Section 10.488 needs to be modified as it relates to SDC credits.

Format of Legislative Amendment

The attached Exhibit "A" provides the proposed code revision language. Words to be deleted are ~~struck through~~ and words to be added are underlined.

Applicable Criteria

Medford *Land Development Code*, Major Legislative Amendments, Section 10.182
(Exhibit B)

Findings

Staff prepared *Findings of Fact and Conclusions of Law* (Exhibit C) to support the proposed legislative amendment. The findings include a discussion of the proposal relative to the approval criteria for legislative amendments.

Issues/Analysis

The proposed modifications are simply housekeeping changes to sections in Chapter 10 of the *Code* that cross-reference new sections in Chapter 3 of the *Code* that were adopted in 2007 relating to Reimbursement Districts.

Background information on the 2007 creation of Reimbursement Districts and a more detailed discussion of the proposed Code revisions can be found in the memorandum from Bob Janssen dated August 12, 2008 (Exhibit D).

RECOMMENDED ACTION

The Medford Planning Commission, at their meeting of August 14, 2008, voted to forward a favorable recommendation for DCA-08-067 as per the Staff Report dated August 15, 2008, including:

EXHIBITS

- "A" Proposed Legislative Amendment to Sections 10.442, 10.493, and 10.494 of the *Land Development Code* dated July 24, 2008
- "B" Medford *Land Development Code*, Major Legislative Amendments, Section 10.182
- "C" *Findings of Fact and Conclusions of Law* dated August 5, 2008
- "D" Memorandum from Bob Janssen dated August 12, 2008

PLANNING COMMISSION AGENDA: AUGUST 14, 2008

CITY COUNCIL PUBLIC HEARING: SEPTEMBER 18, 2008

10.442 Streets Along Exterior Boundaries of Land Divisions.

Except as hereinafter provided, when the property line of the proposed development is adjacent to an existing public street then the exterior public improvement limit of the development shall be twelve (12) feet beyond the centerline of such bordering street. The developer shall dedicate all property which is required for the right-of-way of such bordering street and shall improve such street as required by this chapter. Any property between the exterior improvement limit of the development and the interior proposed right-of-way line which is owned by or under the jurisdiction of another local agency shall be improved as a street and offered for dedication as per that local agency. The developer shall dedicate or irrevocably offer to dedicate, and shall improve as a street, all property within the development intended for public street purposes.

Whenever any new perimeter street within the proposed development is intended to be a part of the ultimate width of an arterial, it shall be offered for dedication and improved to such width as may be provided by a precise plan line or any special plan of the City. If the plan lines for such streets have not been established by a precise plan, then the same shall be dedicated and improved to one half of the width as shown for arterials in Tables IV-1 and IV-2 plus twelve (12) feet beyond centerline.

Whenever the developer elects to construct any new street of the proposed development (as distinguished from an existing street) which will lie along and adjacent to any boundary of the development, it shall be offered for dedication and be improved to its full width as provided for that type of street in Tables IV-1 and IV-2 hereof. ~~In such case, at the developer's request, the city will enter into a reimbursement agreement with the developer~~ If the street is other than an arterial or collector, the developer may apply to the City for the formation of a Reimbursement District in accordance with Sections 3.900 through 3.913 of the Medford Municipal Code, whereby future developers of property abutting this required improvement will be required to pay a pro rata share of the cost of said full street as a condition of future development or development approval of such abutting property, provided that a unit price reimbursement is agreed to by the City prior to issuance of a development permit. Such agreements are limited to a ten (10) year duration.

10.493 Off-site Sanitary Sewer and Storm Drain Reimbursement.

Whenever it is necessary that off-site sanitary sewer and/or storm drain conveyance facilities be installed by the developer which can or will be used for the benefit, immediate or future, of property not in the development, the developer shall be required to install such facilities in addition to his own on-site improvements, and ~~the City shall enter into a contract with the developer to collect the excess of costs of the off-site sanitary sewer facilities from all persons in the future using the same for the benefit of property not in the development and to pay such collections of excess costs to the developer as received. Said agreement may provide for a time limit beyond which no such payment shall be made to the developer for said off-site sanitary sewer facilities, but in no event shall this time be less than ten years and may then apply to the City for formation of a Reimbursement District in accordance with Sections 3.900 through 3.913 of the Medford Municipal Code for recovery of all or part of the excess costs of the off-site sanitary sewer and/or storm drain facilities.~~

A
DCA-08-67

10.488 494 Oversize Storm Drains and/or Sanitary Sewers, Reimbursement SDC Credits.

Whenever, in the determination of the approving agency, it is necessary that oversize conveyance facilities ~~drains, laterals, or other facilities~~ for storm drainage and/or sanitary sewers be installed by the developer which can or will be used for the immediate or future benefit, immediate or future use of property not within the development, the developer shall be required to install such facilities in addition to ~~excess~~ of the infrastructure requirements for the subject his development alone, and the ~~City shall reimburse the developer the excess of costs of the oversize or additional facilities to the extent as per Section 4.730 Drainage Systems Development, Charge of the City Code~~ developer may be eligible for credits under Section 3.891 (Storm Drain SDC Credits), or Section 3.835(2) (Sanitary Sewer SDC Credits) of the Medford Municipal Code.



City of Medford

DCA-08-067

Exhibit B

For Class 'A' Major Legislative Amendments, Medford *Land Development Code* Section 10.182, Application Form, requires findings that address the following:

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

^B
DCA-08-67

10

DCA-08-067

August 5, 2008

BEFORE THE PLANNING COMMISSION
AND CITY COUNCIL
FOR THE CITY OF MEDFORD
JACKSON COUNTY, OREGON

**IN THE MATTER OF AMENDING)
SECTIONS 10.442, AND 10.493 OF THE)
MEDFORD LAND DEVELOPMENT CODE)
RELATING TO REIMBURSEMENT)
DISTRICTS; AND AMENDING SECTION)
10.488 OF THE MEDFORD LAND)
DEVELOPMENT CODE RELATING TO)
SDC CREDITS.**

**FINDINGS OF FACT
CONCLUSIONS OF LAW
File No. DCA-08-067
Exhibit 'C'
August 5, 2008**

City of Medford, Applicant

PROCEDURAL BACKGROUND

Amendment of the *Medford Land Development Code* is categorized as a procedural Class 'A' legislative action. Sections 10.180 through 10.184 provide the process and standards for such amendments.

RELEVANT SUBSTANTIVE CRITERIA

For Class 'A' Major Amendments, *Medford Land Development Code* Section 10.182, "Application Form", requires the following information to be prepared by the City:

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

COMPLIANCE WITH STATEWIDE PLANNING GOALS

Applicable Statewide Planning Goals:

- GOAL NO. 1: Citizen Involvement**
- GOAL NO. 2: Land Use Planning**

Upon investigation, it has been determined that Statewide Planning Goals 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 are not applicable to this action. Goals 15, 16, 17, 18, and 19 are not applicable in Medford as these pertain to the Willamette River Greenway and ocean-related resources.

C
DCA-08-67

GOAL 1: CITIZEN INVOLVEMENT - To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

FINDINGS OF FACT

Goal 1 requires the City to have a citizen involvement program that sets the procedures by which a cross-section of citizens will be involved in the land use planning process, including participation in identifying public goals, developing policy guidelines, and evaluating alternatives in the revision of the *Comprehensive Plan*, and in the inventorying, mapping, and analysis necessary to develop the plan content and implementation strategies. They must also be given the opportunity to participate in the development, adoption, and application of legislation to carry out a comprehensive plan. Goal 1 requires providing an opportunity to review proposed amendments prior to the public hearing, and any recommendations must be retained and receive a response from policy-makers. The rationale used to reach land use policy decisions must be available in the written record.

The City of Medford has an established citizen involvement program consistent with Goal 1 that includes review of proposed legislative *Land Development Code* amendments by the Citizens Planning Advisory Committee, the Planning Commission, and the City Council in study sessions, regular meetings, and public hearings. Affected agencies and interested persons are also invited to review and comment on such proposals, and meeting and hearing notices are published in the local newspaper. This process has been adhered to in the development of the proposed amendments.

The draft document was made available for review by the public (via the internet), affected agencies, departments, and interested persons. The Citizen's Planning Advisory Committee (CPAC) reviewed the amendment at a regular meeting on June 10, 2008. The Planning Commission reviewed the amendment at a regular meeting on August 14, 2008, making a recommendation to the City Council, and the City Council conducted an appropriately noticed legislative public hearing on the proposal on October 16, 2008. The amendment does not place new limitations on permitted uses, and is therefore not subject to Measure 56 noticing requirements.

CONCLUSIONS OF LAW

The process used by the City of Medford to facilitate and integrate citizen involvement in this proposal is consistent with the City's acknowledged *Comprehensive Plan* and Statewide Planning Goal 1.

GOAL 2: LAND USE PLANNING - To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

FINDINGS OF FACT

Goal 2 and its implementing *Oregon Administrative Rules* (OAR) and *Oregon Revised Statutes* (ORS) require City land use actions to be consistent with the adopted *Comprehensive Plan*,

which must include identification of issues and problems, inventories, and other factual information for each applicable Statewide Planning Goal, and evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. Comprehensive Plans must state how the Statewide Planning Goals are to be achieved. The plan must contain specific implementation strategies that are consistent with and adequate to carry out the plan, and which are coordinated with the plans of other affected governmental units. Implementation strategies can be management strategies such as ordinances, regulations and project plans, and/or site or area-specific strategies such as development permits, construction permits, public facility construction, or provision of services. Comprehensive plans and implementation ordinances must be reviewed and revised on a periodic cycle to take into account changing public policies and circumstances. "Major" (legislative) revisions occur when changes are proposed that affect a large area or many different property ownerships or the entire City.

The proposal affects the City's land use planning process in a minor way relative to Reimbursement Districts and SDC credits. Furthermore, this proposal has no significant effect upon *Comprehensive Plan* policies. It is an attempt to make these sections of the *Land Development Code* consistent with other sections of the *Municipal Code*.

CONCLUSIONS OF LAW

The City's efforts in this proposal are to assure that *Land Development Code* provisions remain to properly implement the adopted policies of the acknowledged Medford *Comprehensive Plan* and the Statewide Planning Goals. The changes proposed by the City of Medford are consistent with Statewide Planning Goal 2.

COMPLIANCE WITH THE CITY OF MEDFORD *COMPREHENSIVE PLAN*

There are no *Comprehensive Plan* Goals, Policies or Implementation measures that relate to the proposed changes to the *Land Development Code*.

SUMMARY

The proposed *Land Development Code* amendment can be found to be consistent with the Goals and Policies of the *Comprehensive Plan* by continuing the City's efforts to assure that the City business licensing process is the most efficient. The amendment also can be found to be consistent with the requirements of the Statewide Planning Goals, including that of adequate public input opportunities, by properly implementing the *Comprehensive Plan*; and to overcome the demonstrable ineffectiveness of current procedures to achieve these goals.

CITY OF MEDFORD

INTER-OFFICE MEMORANDUM

RECEIVED

AUG 13 2008

Planning Dept.

TO: Planning Commission
FROM: Bob Janssen, Special Projects Engineer
SUBJ: Chapter 10 Code Revisions related to Reimbursement Districts
DATE: August 12, 2008

In reviewing the Staff Report for the Reimbursement Districts Code Amendment it may be helpful for the Commission to be aware of a bit of background.

Prior to the adoption of the Reimbursement District process (Sections 3.900 – 3.913), there were three sections of the Code which dealt with that concept. One was in Section 4.401 (for sanitary sewers), one was in Section 10.442 (for streets), and the third was in Section 10.493 (also for sanitary sewers). In none of these cases, however, was the process given a name nor was there a formal process established. Sections 3.900 -3.913 established a formal process, gave it a name, and broadened the scope of eligible facilities beyond that of just sanitary sewers and streets.

In adopting Sections 3.900 – 3.913, the impacts to Sections 4.401, 10.442 and 10.493 were inadvertently overlooked. Those impacts are now being addressed with the proposed Code revisions before you for consideration.

Section 10.442: This amendment adds a cross reference to the new Reimbursement District sections of the Code, namely Sections 3.900-3.913, and deletes the generalized statement about entering into a reimbursement agreement.

Section 10.493: This amendment broadens the original language so it now includes Storm Drains as well as Sanitary Sewers. It also adds a cross reference to the new Reimbursement District sections (3.900 – 3.913) and deletes the generalized statement about entering into a reimbursement agreement for sanitary sewers.

Section 10.494: This amendment is being included for consideration even though it is not related to the Reimbursement District Code changes. It is being included because it is another section in the infrastructure portion of Chapter 10 which relates to storm drains and sanitary sewers and needs to be updated to reflect current conditions.

In 2000, the City Council adopted a new Sanitary Sewer Collection System SDC fee which included provisions for giving SDC credits for oversize pipe. Section 10.488 included language describing the availability of oversize pipe SDC credits for Storm Drains but not for Sanitary Sewers. The adoption of that new Sanitary Sewer SDC fee should have been reflected in 10.488 at that time but was not. Therefore, it is being requested at this time and also is being moved to a new location in the Chapter so that it follows all of the sanitary sewer and storm drain language.

MEETING MINUTES

CITY OF MEDFORD CITIZENS' PLANNING ADVISORY COMMITTEE TUESDAY, June 10, 2008

The regular meeting of the Citizens' Planning Advisory Committee was called to order by Chairperson Curtis Folsom at 6:35 p.m. in Room 340, Medford City Hall.

ROLL CALL

Members, officials, staff and guests in attendance were:

Curtis Folsom, Chairperson	Linda Hildebrand, member
Gerald Anderson, member	Jim Howe, member
Bruce Bauer, member	Christine Lachner, member
Royal Blake, member	Brita Entenmann, Commissioner
Elwin Fordyce, member	Kathy Helmer, Planner

1.0 APPROVAL OF MINUTES – Meeting of May 20, 2008.

The minutes were approved as written.

2.0 REPORTS

2.1 Staff:

Kathy Helmer reported that CPAC members would be receiving the draft Economic Element soon. She shared some of the results with members.

2.2 City Council: No report.

2.3 Commissions:

Brita Entenmann reported that the Planning Commission study session had been dedicated to discussing the comments received on the Housing Needs Analysis.

2.4 Committees and Subcommittees

Regarding the Comprehensive Plan Subcommittee, Gerry Anderson and Curtis Folsom agreed to make time to discuss next steps with each other.

2.5 Special Reports: There were none.

3.0 OLD BUSINESS

3.1 Comments on the Housing Needs Analysis.

Jim Howe shared information from a study entitled "The Real Cost of Development in Oregon" by Fodor, as well as information he had gotten from Bob Jansen about how well SDCs cover costs of infrastructure. The City of Springfield was bankrupted by the costs of growth. In Medford, he estimated that one new home cost the City some \$9,400 dollars, not including the cost of Fire and Police. If the City agrees to take on more than 24,000 more people than it needs to, via some RPS agreement, the math makes that cost (24,000 x \$9,400) \$225,600,000. City Council assumed lots of extra costs for citizens. Gerry Anderson said that it was complicated to figure out the actual costs to citizens; there are lots of factors to consider. Jim showed a graph with the relationship between density and costs per unit of infrastructure. He said the City

needed to figure out the cost, share that information with citizens and then make their decision. Elwin Fordice suggested that City Hall was responsible for problems with SDCs. He explained how he has been required to put in enough infrastructure for 30 years and then has been reimbursed when those lots sold. Gerry also said that growth was positive for the City; if new people are older they have no children in the schools and don't cost other residents so much. One member said SDCs should be "zero" near the center of town and go up as you move out from the center towards the periphery. That's where the growth occurs and the systems need to be expanded. Another member said that the City needs to figure out the costs of growing so much and discuss it with citizens before accepting that growth. One member said that Jacksonville did not want to grow because it has to buy water from Medford.

Jim Howe moved and Gerald Anderson seconded the following motion:

CPAC requests that City Council address the following questions:

- 1) What is the net financial cost to the City of Medford to provide for the projected growth? 2) How will that cost be funded? 3) What will be the environmental impacts of the projected growth? 4) What will be the impact on the quality of life in Medford?

The motion passed with seven (7) votes in favor and one (1) vote opposed. This will be written up by Kathy and forwarded to the City Recorder.

3.2 Review of Notification Amendment Proposal...Rooney

This was tabled, due to Barbara Rooney's absence.

3.4 CPAC Process...Bruce Bauer

Bruce proposed that the by-laws be revised to include something to the effect that if a person threatens another member, that person should be asked to leave. Curtis noted that that had been discussed in the past and it was decided that the Chair can ask a person to leave. After some discussion, it was decided that a by-laws revision was not necessary.

4.0 NEW BUSINESS

4.1 Announcements

There were no announcements.

4.2 CP-08-050 South Stage Road TSP Amendment

Kathy Helmer explained that this amendment was to move a project from Tier 3 which is a tier with no current funding possibilities to Tier 2 where it is possible to capture funding. Gerry said he thought this was a great idea; an overpass would relieve that whole southeastern area of the City. Everything is currently channeled through Barnett. Members would like to see the staff report when it is available.



4.3 DCA- 08- 067 Amendments related to Reimbursement Districts

This had to do with making Chapter 10 of the Municipal Code reflect amendments that had been made to Chapter 3. It was actually a housekeeping amendment.

4.4 LDS-07-274 PUD-07-271 Skyland Village

Members would like to see the Staff Report on this when it's available.



MINUTES
Planning Commission Meeting
August 14, 2008

The regular meeting of the Medford Planning Commission was called to order at 5:35 p.m. in the Council Chambers of Medford City Hall on the above date with the following members and staff in attendance:

<u>Commissioners</u>		<u>Staff</u>
David McFadden, Chair	Norm Nelson	Bianca Petrou, Assistant Planning Director
Brita Entenmann 5:39 pm	Jerry Shean	Lori Cooper, Sr. Assistant City Attorney
Jared Hokanson	Tony Cabler, Excused Absence	Kelly Akin, Senior Planner
Allen Potter	Robert Tull, Excused Absence	Larry Beskow, City Engineer
	Tim Jackle, Excused Absence	Cheryl Adams, Recording Secretary
		Greg Kleinberg, Fire Marshal

10. Roll Call

20. Consent Calendar/Written Communications:

- 20.1 CUP-08-076 Final Order of approval of a request for a Conditional Use Permit for the construction and operation of a storm drain and irrigation facilities within the Bear Creek riparian corridor, located between Interstate 5 and Ellendale Drive, north of the Hobert Street alignment and south of the Dyer Road alignment within SFR-4 (Single-Family Residential – 4 units per acre) and SFR-10 (Single-Family Residential – 10 units per acre) zoning districts. Rogue Valley Manor, Applicant
- * 20.2 DCA-08-067 Consideration of amendments to Medford Land Development Code Sections 10.442, and 10.493 as relates to Reimbursement Districts, as well as modification to Section 10.488 as it relates to SDC credits. City of Medford, Applicant
- 20.3 SV-07-158 Request for approval to rescind Ordinance 2007-246 vacating the northerly 2.5 foot portion of Sweet Road from the northeast intersection of Sweet Road and North Ross Lane to a point easterly 270 feet. The subject right-of-way is located within an SFR-10 (Single Family Residential-10 units per acre) zoning district, and is designated Urban Residential (UR) on the General Land Use Plan map. CoWest, LLC, Applicant (Polaris Land Surveying, LLC, Agent)
- 20.4 CP-08-074 Consideration of a request for a minor amendment to the General Land Use Plan Map of the Medford Comprehensive Plan changing the designation from Urban High Density Residential (UH) to Service Commercial (SC) on a single parcel totaling 1.53 acres in the MFR-30 zoning district, located at the northeast intersection of Barnett Road and Highland Drive. MEC Real Properties, LLC, Applicant (CSA Planning, Agent)
- 20.5 CP-08-050 Consideration of a proposed Class 'A' (major) legislative amendment of the Transportation System Plan section of the Medford Comprehensive Plan to move future transportation Project 537, which is the extension of South Stage Road east of Highway 99 within the Urban Growth Boundary, including an over-crossing of Interstate 5, from Tier 3 status (unfunded projects for beyond year 2023 that may require further purpose and need clarification) to Tier 2 status (needed projects for which no funding is currently identified) City of Medford, Applicant

Discussion: Kelly Akin, Senior Planner, advised that there were two handouts in Commissioners' packets, one for 20.2 (Public Works, Special Projects Engineer Memo dated 8/12/08) and one for 20.4 (Public Works, Traffic Engineering Memo dated 8/13/08).

Motion: Approve Consent Calendar Items 20.1 through 20.5 including the handouts for 20.2 and 20.4.

Moved by: Commissioner Nelson

Seconded by: Commissioner Potter

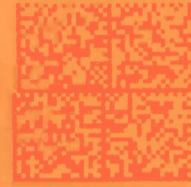
Voice Vote: Motion passed, 5 – 0

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PLAN AMENDMENT SPECIALIST
DEPT. OF LAND CONSERVATION
AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540