



133 SW Second Ave, Suite 201 • Portland, OR 97204 • (503) 497-1000 • fax (503) 223-0073 • www.friends.org

Southern Oregon Office • PO Box 2442 • Grants Pass, OR 97528 • (541) 474-1155 • fax (541) 474-9389

Willamette Valley Office • PO Box 51252 • Eugene, OR 97401 • (541) 520-3763 • fax (503) 223-0073

Exhibit VVVVV

February 22, 2016

Mayor Gary Wheeler and Members of the  
Medford City Council  
c/o John Adam, Planning Department  
City of Medford, Lausmann Annex  
200 South Ivy Street  
Medford, OR 97501

RECEIVED  
FEB 22 2016  
PLANNING DEPT.

**Subject: File No. CPA-14-114, UGBA Phase 2, ESA Boundary Amendment**

Dear Mayor Wheeler and City Council Members:

Thank you for the opportunity to provide these comments regarding a proposed amendment to Medford's Urban Growth Boundary (UGB). 1000 Friends of Oregon is a nonprofit, charitable organization dedicated to working with Oregonians to enhance our quality of life by building livable urban and rural communities, protecting family farms and forests, and conserving natural and scenic areas. We have many members and supporters in Jackson County and the city of Medford.

This letter provides input to recent questions posed by the Council. We have reviewed Exhibits LLLLL (Pfeiffer), PFFFF (Perkins Coie), TTTTT (LeBombard), related exhibits, and the December 16, 2015 Memo from Lori Cooper regarding the argument over whether the Housing Element is acknowledged and could thus serve as justification for adding 153 acres of land back into the recommended UGB amendment.

We agree with DLCD and your City Attorney that the state has not acknowledged the Housing Element. We reach this conclusion based, among other things, on these documents, the January 5, 2011 DLCD letter (attached to our March 12, 2015 testimony to the Planning Commission), and Medford's Notice to the state that includes a request that the state acknowledge the Housing Element during this proceeding (attached). In Exhibit TTTTT DLCD correctly notified the city that it *will* review the Housing Element as a part of the approval process for this amendment.

ORS 197.626 and OAR 660-025-0175 provide that, as is the case with Medford, a UGB amendment larger than 50 acres is reviewed by LCDC in the manner of a periodic review task submittal. That requires LCDC to evaluate the city's housing needs, residential land need, and UGB capacity together. *DLCD v. City of McMinnville, 41 Or LUBA 210 (2001)*. DLCD properly concluded that as a periodic review work task, the city's 2010 Housing Element submittal was incomplete for two reasons: it failed to accommodate the identified need for residential capacity, and it had not been co-adopted by Jackson County.

Whether or not the Housing Element has been acknowledged, the argument that Medford must use it as is and is precluded from amending it during this process is, in a word, absurd. As the Court of Appeals has recognized, periodic review is a sequential process, and work on a later task may necessitate revising previous work, even work considered complete, in order to have a final and

complete package than complies with law. *Hummel v. LCDC*, 152 Or App 404, 409, 954 P2d 824, *rev den*, 327 Or 317 (1998) There are no prohibitions in statute or administrative rule against doing so. Indeed, such amendments are expected and appropriate. Most UGB amendments come to the state for acknowledgement with one or more amendments to comprehensive plan elements that form the basis for the UGB change.

The correct action for the city is to include findings that correct errors—in this case the double-counting of need—in the comprehensive plan elements. Staff has appropriately concluded this double-counting occurred, and it was reflected in the Planning Commission's recommendation.

We also take this opportunity to comment on the staff's recent conclusion that the lands to be utilized for agricultural buffers be considered "unbuildable." We believe this is an incorrect interpretation. Land is classified as "unbuildable" generally because of some physical constraint—such as a slope, being subject to flooding, or other barrier. Land that is used for open space—including parks—can be buildable or unbuildable, but that definition is not dependent on whether something will be built there. Treating the buffer lands as unbuildable is also inconsistent with the way this land was treated during RPS and the creation of the urban reserves. Buffer lands should be considered buildable absent other constraints.

In conclusion, the Housing Element is not acknowledged and is not set in stone. That being the case, the record contains no justification for adding 153 acres of land back to the Planning Commission's recommendation for UGB expansion. We urge the Council to not introduce a significant error into this proceeding by adding this land.

Please place these comments in the record and notify us at the Grants Pass address above of any decisions or future hearings or meetings on this subject.

Sincerely,



Greg Holmes  
Southern Oregon Advocate



Mary Kyle McCurdy  
Policy Director and Staff Attorney

CC: Josh LeBombard, DLCD



MAR 19 2015

LAND CONSERVATION  
AND DEVELOPMENT

- ☐ DLCD Notice of Proposed Amendment or  
☐ Periodic Review work Task Proposed Hearing or  
☒ Urban Growth Boundary or Urban Reserve Area

THIS COMPLETED FORM, including the text of the amendment and any supplemental information, must be submitted to DLCD's Salem office at least **35 DAYS PRIOR TO THE FIRST EVIDENTIARY HEARING** ORS 197.610, OAR 660-018-0020 and OAR 660-025-0080

Jurisdiction: **City of Medford**

Date of First Evidentiary Hearing: **03/12/2015**

Local File Number: **CP-14-114**

Date of Final Hearing: **06/18/2015**

Is this a REVISION to a previously submitted proposal? ☐ No ☒ Yes Original submittal date: **10/03/2014**

☐ Comprehensive Plan Text Amendment(s)

☐ Comprehensive Plan Map Amendment(s)

☐ Land Use Regulation Amendment(s)

☐ Zoning Map Amendment(s)

☐ Transportation System Plan Amendment(s)

☒ Urban Growth Boundary Amendment(s)

☐ Periodic Review Work Task Number \_\_\_\_\_

☐ Urban Reserve Area Amendment(s)

☐ Other (please describe):

Briefly Summarize Proposal in plain language IN THIS SPACE (maximum 500 characters):

The City of Medford is proposing to amend the Urban Growth Boundary (UGB) for the purpose of providing a twenty-year land supply based on the City's projected need for residential and employment land. The proposed changes include: SEE ATTACHED

Has sufficient information been included to advise DLCD of the effect of proposal?

☒ Yes, text is included

Are Map changes included: minimum 8½"x11" color maps of Current and Proposed designations.

☒ Yes, Maps included

Plan map change from: **multiple**

To: **multiple**

Zone map change from: **not applicable**

To: **not applicable**

Location of property (Site address and TRS): **multiple (see attached list)**

Previous density range: **variable**

New density range: **variable**

Acres involved: **6287**

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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Is an exception to a statewide planning goal proposed? ☐ YES ☒ NO Goal(s):

Affected state or federal agencies, local governments or special districts (It is jurisdiction's responsibility to notify these agencies.

**Oregon Department of Transportation; Rogue Valley Transit District; Jackson County; Rogue Valley Council of Governments; Medford Water Commission; Rogue Valley Sewer Services**

Local Contact person (name and title): **Joe Slaughter, planner IV**

Phone: **5417742385**

Extension:

Address: **200 South Ivy Street**

City: **Medford, OR**

Zip: **97501-**

Fax Number: **541-618-1708**

E-mail Address: **joe.slaughter@ci.medford.or.us**

**- FOR DLCD internal use only -**

DLCD File No \_\_\_\_\_

## Additional Explanation

**This notice has been revised to include the Housing Element of the Medford Comprehensive Plan which was adopted locally in 2010 but was not acknowledged by DLCD at that time because a boundary expansion proposal was not provided.**

**File No.** CP-14-114

**Title:** Urban Growth Boundary (UGB) Amendment

**Contact:** Joe Slaughter, Planner IV  
tel. 541.774.2385 eml. [joe.slaughter@cityofmedford.org](mailto:joe.slaughter@cityofmedford.org)

**Description:** The City of Medford is proposing to amend the Urban Growth Boundary (UGB) for the purpose of providing a twenty-year land supply based on the City's projected need for residential and employment land. The proposed changes include: amending the Urban Growth Boundary, assigning General Land Use Plan (GLUP) map designations to the areas added to the UGB; amending the Medford Street Functional Classification Plan of the Transportation Element of the Comprehensive Plan to include the expansion areas; and amending some portions of the Urbanization and GLUP Elements of the Comprehensive Plan to accommodate the UGB amendment.

The attached map shows the full extent of the proposed UGB amendment which contains a total of 3,948 acres of land, of which 402 acres are either already developed or unbuildable, resulting in a total of 3,546 usable acres: 1,877 acres for Prescott and Chrissy Parks and 1,669 acres for future development. The developable acres consist of 1,032 acres for residential development (885 acres of Urban Low-Density Residential (UR), 27 acres of Urban Medium-Density Residential (UM), and 120 acres of Urban High-Density Residential (UH)) and 637 acres for employment uses (222 acres of Service Commercial (SC), 318 acres of Commercial (CM), 90 acres of General Industrial (GI), and 7 acres of Heavy Industrial (HI)).

**Attachments:**

1. Proposed UGB amendment with proposed General Land Use Plan designations
2. Revised Medford Street Functional Classification Plan Map
3. ~~Proposed Comprehensive Plan amendments~~
4. City of Medford Comprehensive Plan—Housing Element

Additional project information can be viewed at  
«<http://www.ci.medford.or.us/Page.asp?NavID=2140>»