



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

7/26/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: Jackson County Plan Amendment
DLCD File Number 001-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, August 05, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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 Acknowledgment or 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 above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Mike Mattson, Jackson County
Jon Jinings, DLCD Community Services Specialist

<paa> YA

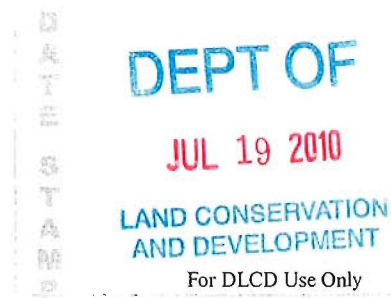
PROF 2

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

☐ In person ☐ electronic ☐ mailed



Jurisdiction: **JACKSON COUNTY**

Local file number: **LRP2009-00006**

Date of Adoption: **JULY 14, 2010**

Date Mailed: **JULY 15, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: 1-19-2010

☐ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

Minor Comprehensive Plan Map and Zoning Map Amendment to remove a parcel from Jackson County's Goal 5 inventory of significant resources, Black-tailed Deer & Roosevelt Elk Winter Ranges, and Area of Special Concern(ASC) 90-1, Deer and Elk Habitat.

Does the Adoption differ from proposal? Please select one

The Form 1 notice was for a Zoning Map Amendment. After talking with Amanda Punton, DLCD, the application was changed to a Minor Comprehensive Map and Zoning Map Amendment.

Plan Map Changed from: **Removal from Goal 5 inventory** to: **N/A**

Zone Map Changed from: **Inside ASC 90-1** to: **Outside ASC 90-1**

Location: **1170' east of intersection of Hillcrest Rd. & Gardner Way, on Hillcrest Rd.**

Acres Involved: **123.10**

Specify Density: Previous: **10 acres**

New: **10 acres**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☐	☐	☐	☐	☒	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

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

DLCD File No. 001-10 (18070) [16223]

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. _____

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

Oregon Department of Fish & Wildlife

Local Contact: **Mike Mattson**

Phone: (541) 774-6937 Extension:

Address: 10 S. Oakdale, Room 100

Fax Number: 541-774-6791

City: **Medford**

Zip: 97501

E-mail Address: mattsomw@jacksoncounty.org

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, or by emailing **larry.french@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 **larry.french@state.or.us - Attention: Plan Amendment Specialist**.

Updated March 17, 2009



NOTICE OF ADOPTION

Pursuant to Oregon Revised Statutes (ORS) 197.615, you are hereby being notified that the Jackson County Board of Commissioners adopted Ordinance No. 2010-8 at a properly advertised public hearing on June 9, 2010, at 1:30 p.m., in the Auditorium of the Jackson County Offices, 10 South Oakdale, Medford, Oregon 97501.

The ordinance will go into effect on September 12, 2010 (60 days from the date of adoption). A description of the ordinance follows:

Ordinance No. 2010-8 amends the Comprehensive Plan and Zoning Map to remove the subject parcel from the Jackson County's Goal 5 inventory of significant resources, Black-tailed Deer and Roosevelt Elk Winter Ranges, and Area of Special Concern (ASC) 90-1, Deer and Elk Habitat, on 123.10 acres described as Township 37 South, Range 1 West, Section 24, tax lot 600, located at 6959 Pine Ridge Drive. File LRP2009-00006.

This notice is being mailed to you on July 17, 2009, which is within five working days after the adoption date of the ordinance(s) as required by ORS 197.615. If you have any questions on the effect of this ordinance, please contact **Mike Mattson** at Development Services, Room 100, County Offices, 10 South Oakdale, Medford, Oregon 97501. Telephone: Medford 774-6937; Jackson County residents outside of Medford's local calling area 1-800-452-5021 and enter the next four digit extension 6937.

You may review this ordinance, or you may purchase a copy for \$.25 for the first page and \$.10 for each additional page, at Development Services, Room 100, County Offices, 10 South Oakdale, Medford, Oregon 97501, between the hours of 8:00 a.m. and 4:00 p.m., Monday, Tuesday, Thursday and Friday; and 11:00 a.m. to 4:00 p.m on Wednesday.

The Board of County Commissioner's Ordinances are the final decisions on this action. Pursuant to State law, Jackson County is hereby notifying all persons who participated in the hearings, either in writing or orally. This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). You must appeal this decision within 21 days of the date it is mailed. This decision is being mailed on July 15, 2009, and the LUBA appeal period will expire on August 5, 2010. Please contact LUBA for specific appeal information. They are located at 550 Capitol Street N.E. Suite 235, Salem, Oregon 97301-2552. They can be reached at (503) 373-1265.

Attachments: Notary Packet

NOTARY PAGE

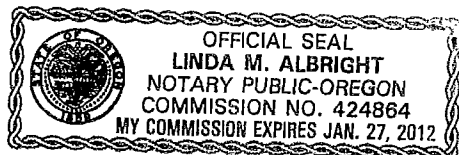
STATE OF OREGON)
)
COUNTY OF JACKSON)

I, Patricia A. Guida, being first duly sworn, depose and say that on behalf of Jackson County Development Services, I gave notice of Board of Commissioners Ordinance No. 2010-8 by mailing a copy of the Notice of Adoption by regular mail to each of the following named persons at their respective last known addresses, to wit: (as attached)

Each of said copies of the Notice were enclosed in a sealed envelope addressed to the persons at the addresses above set forth, with postage thereon fully prepaid and was deposited in the post office at Medford, Oregon, on July 15, 2010.

Patricia A. Guida
Signature

Personally appeared before me this 15th day of July, 2010, the above named Patricia A. Guida who acknowledged the foregoing affidavit to be her voluntary act and deed.



Linda M. Albright
Notary Public for Oregon
My Commission Expires: 1-27-2012

NOTICE OF ADOPTION SENT TO: APPLICANT, AGENT, AGENCIES AND INTERESTED PERSONS.

APPLICANT NAME: Dr. & Mrs. John Retzlaff
FILE NO: LRP2009-00006

FILE NO. LRP2009-00006
AGENDA MAILING LIST
APPLICANT: RETZLAFF
DATE CREATED: 07/15/2010

APPLICANT LRP2009-00006
DR & MRS JOHN RATZLAFF
6959 PINE RIDGE DR
MEDFORD OR 97504

AGENT LRP2009-00006
RICHARD STEVENS & ASSOC INC
PO BOX 4368
MEDFORD OR 97501

STAFF LRP2009-00006
KELLY MADDING
DEVELOPMENT SERVICES
DIRECTOR

STAFF LRP2009-00006
MIKE MATTSO
PLANNER

STAFF LRP2009-00006
FRANK HAMMOND
COUNTY COUNSEL

BOC LRP2009-00006
DAVE GILMOUR, CHAIR
BOARD OF COMMISSIONERS

BOC LRP2009-00006
DENNIS "C.W." SMITH
BOARD OF COMMISSIONERS

BOC LRP2009-00006
JACK WALKER
BOARD OF COMMISSIONERS

LRP2009-00006 CCI Agenda
BARBARA DECKER
3303 N VALLEY VIEW RD
ASHLAND OR 97520

LRP2009-00006 CCI Agenda
WALTER FITZGERALD
PO BOX 3984
CENTRAL POINT OR 97502

LRP2009-00006 CCI Agenda
BRENT MITCHELL
4450 FERN VALLEY RD
MEDFORD OR 97504

LRP2009-00006 CCI Agenda
KAREN BLAIR
32 N ORANGE ST
MEDFORD OR 97501

LRP2009-00006 CCI Agenda
ROY COOPER
1525 ANGELCREST DR
MEDFORD OR 97504

LRP2009-00006 CCI Agenda
ROSALIE LINDVIG
4415 INDEPENDENCE SCHOOL RD
MEDFORD OR 97501

AA-A11 LRP2009-00006
CITY PLANNER
MEDFORD CITY HALL
200 S IVY RM 240
MEDFORD OR 97501

AA-C5 LRP2009-00006
GREG KLEINBERG, FIRE MARSHAL
MEDFORD RURAL FIRE DIST #2
200 S IVY ST RM 257
MEDFORD OR 97501

AA-F2 LRP2009-00006
STEVEN NIEMELA
OR DEPT OF FISH & WILDLIFE
1495 E GREGORY RD
CENTRAL POINT OR 97502

AA-G8 LRP2009-00006
DEPARTMENT OF STATE LANDS
CAROLINE STIMSON
775 SUMMER ST NE STE 100
SALEM OR 97301-1279

AA-G40 LRP2009-00006
JOHN RENZ
DLCD-SO OR REGIONAL REP.
PO BOX 3275
CENTRAL POINT OR 97502

AA-H1 LRP2009-00006
DAN BAKER
ROADS & PARKS

AA-H5 LRP2009-00006
LARRY MENTEER
WATERMASTER

AA-K8 LRP2009-00006
OFFICE COORDINATOR
FRIENDS OF THE GREENSPRINGS
15097 HWY 66
ASHLAND OR 97520

IP LRP2009-00006
FRANK/SALLY TONEY
6705 LAUREL CREST DR
MEDFORD OR 97504

IP LRP2009-00006
MARK BARTHOLOMEW
717 MURPHY RD
MEDFORD OR 97504

IP LRP2009-00006
SUE KUPILLAS
1744 E MCANDREWS RD
MEDFORD OR 97504

IP LRP2009-00006
RUSS LOGUE
JA CO ROADS DEPT

IP LRP2009-00006
CUPERTINO VENTURES
2 WHITE OAK DR
MEDFORD OR 97504

IP LRP2009-00006
DAVID J ROBINO
7159 PINE RIDGE DR
MEDFORD OR 97501

IP LRP2009-00006
WILLIAM/DELILA BARNETT
6023 HILLCREST RD
MEDFORD OR 97504

IP LRP2009-00006
DAVE WEST
2820 HIDDEN MOUNTAIN RD
PASO ROBLES CA 93446

IP LRP2009-00006
KIM BADCOCK
6049 HILLCREST RD
MEDFORD OR 97504

IP LRP2009-00006
DANIEL/JULIANNA TOMLINSON
7065 PINE RIDGE DR
MEDFORD OR 97504

IP LRP2009-00006
SUSAN BINETTE
6951 PINE RIDGE DR
MEDFORD OR 97504

IP LRP2009-00006
HELEN GARNER
3126 ALAMEDA ST 516
MEDFORD OR 97504

IP LRP2009-00006
TOM/JUDY WESTON
6721 LAURELCREST DR
MEDFORD OR 97504

BEFORE THE BOARD OF COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON

IN THE MATTER OF CONSIDERATION OF A)
MINOR COMPREHENSIVE PLAN AND)
ZONING MAP AMENDMENT TO REMOVE)
THE SUBJECT PARCEL FROM JACKSON)
COUNTY'S GOAL 5 INVENTORY OF)
SIGNIFICANT RESOURCES, BLACK-TAILED)
DEER AND ROOSEVELT ELK WINTER)
RANGES, AND AREA OF SPECIAL)
CONCERN (ASC) 90-1, DEER AND ELK)
HABITAT, ON 123.10 ACRES DESCRIBED AS)
TOWNSHIP 37 SOUTH, RANGE 1 WEST,)
SECTION 24, TAX LOT 600, LOCATED AT)
6959 PINE RIDGE DRIVE. JOHN A. &)
JOANNE T. RETZLAFF, OWNER AND)
APPLICANT. FILE NO. LRP2009-00006.)

ORDINANCE NO. 2010-8

RECITALS:

1. Pursuant to Chapter 197 and 215 of the Oregon Revised Statutes, and in conformance with the Statewide Planning Goals, Jackson County's Comprehensive Plan (JCCP) and implementing ordinances have been acknowledged by the Oregon Land Conservation and Development Commission (LCDC).
2. The standards justifying minor or quasi-judicial amendments to the Jackson County Comprehensive Plan Map and Zoning Map Amendments are contained in the Jackson County Comprehensive Plan and in the Jackson County Land Development Ordinance (JCLDO) Chapter 3.

1- ORDINANCE; FILE LRP2009-00006
Applicant/Owner: John A. & Joanne T. Retzlaff

3. JCLDO Section 3.7.3 states that a minor map amendment must conform to the Statewide Planning Goals, Oregon Administrative Rules, and the Comprehensive Plan as a whole.
4. A Minor Zoning Map Amendment application was submitted to Jackson County by the property owner's agent, Richard Stevens and Associates, Inc., on Sept. 4, 2009. The application was deemed incomplete on October 2, 2009. The agent submitted information to Development Services on December 8, 2009 indicating that no additional information would be submitted in regards to the application and requested Development Services to deem the application complete as of December 8, 2009, per LDO Section 2.6.3(C)(2). The application was deemed complete on December 8, 2009. A public hearing before the Jackson County Planning Commission was scheduled for March 11, 2010.

On February 18, 2010, staff received a letter from Amanda Punton, Oregon Department of Land Conservation and Development (DLCD), indicating that the proposed application is a Comprehensive Plan Map and Zoning Map Amendment to remove the subject parcel from an identified Goal 5 significant resource, Black-tailed Deer and Roosevelt Elk Winter Ranges, and is not just a Zoning Map Amendment as submitted by the applicant. Staff concurred with DLCD and determined this application is a Minor Comprehensive Plan and Zoning Map Amendment.

PROCEDURAL FINDINGS:

1. A notice of the proposed amendment was submitted to the Oregon Department of Land Conservation and Development (DLCD) on January 19, 2010, 51 days prior to the first evidentiary hearing. A notice was published on Sunday, February 28, 2010 in the Medford Mail Tribune that a first evidentiary hearing was scheduled before the Jackson County Planning Commission on Thursday, March 11, 2010 at 9:00 a.m. in the Jackson County Auditorium.
2. A public hearing before the Jackson County Planning Commission was held on March 11, 2010. Following testimony and arguments regarding this application, the Planning Commission voted unanimously to recommend approval of the amendment. The recommendation was signed April, 8, 2010.
3. On June 9, 2010, the Jackson County Board of Commissioners held a properly advertised public hearing to consider the evidence and testimony for this application. After considering the evidence and testimony submitted, the Board of Commissioners, by motion and vote, approved the application.

Now, therefore,

The Jackson County Board of Commissioners finds and concludes as follows:

SECTION 1. FINDINGS OF FACT:

2- ORDINANCE; FILE LRP2009-00006
Applicant/Owner: John A. & Joanne T. Retzlaff

Based upon the evidence and arguments presented, the Board of Commissioners makes the following findings of fact with respect to this application. Where factual conflicts arose, the Board of Commissioners has resolved them consistent with these findings.

- 1.1 The Board of Commissioners finds that proper legal notice was provided to the applicant, property owners within 250 feet of the subject properties, and affected agencies, on May 20, 2010 for a public hearing on this matter. Legal notice was published in the Sunday, May 30, 2010 edition of the Medford Mail Tribune.
- 1.2 The Board of Commissioners finds that the JCPC's recommendations are based upon following proper procedures and are consistent with available evidence. The Board of Commissioners hereby adopts, as its own, the Findings of Fact contained in the JCPC's Recommendation for Approval, incorporated herein and attached as Exhibit "A".
- 1.3 The Board of Commissioners finds that a Staff Report was prepared for the initial public hearing before the JCPC. The Board of Commissioners hereby adopts, as its own, the Staff Report contained in the JCPC's Recommendation for Approval, incorporated herein and attached as Exhibit "A".

SECTION 2. LEGAL FINDINGS:

- 2.1 The Board of Commissioners hereby adopts, as its own, the Legal Findings contained in the JCPC Recommendation for Approval, incorporated herein and attached as Exhibit "A".
- 2.2 The Board of Commissioners finds that a TIS waiver for this amendment is warranted and a waiver has been approved by the County Engineer and Development Services Director, per Section 4.3.1-B)(c) of the Jackson County Transportation System Plan (TSP). The Board further finds that a future application for land division may trigger the need for a Transportation Impact Study (TIS).

SECTION 3. CONCLUSIONS:

- 3.1 The Board of Commissioners concludes that proper public notice was given.
- 3.2 The Board of Commissioners hereby adopts, as its own, the Conclusions contained in the JCPC's Recommendation for Approval, incorporated herein and attached as Exhibit "A". These conclusions demonstrate that the application is in compliance with the Statewide Planning Goals, Oregon Administrative Rules, the Jackson County Comprehensive Plan, and the Jackson County Land Development Ordinance.
- 3.3 The Board of Commissioners concludes that based upon evidence and testimony in the record, the subject property shall be removed from Jackson County's Goal 5 inventory of significant resources, Black-tailed Deer and Roosevelt Elk Winter

Ranges, and from Area of Special Concern (ASC) 90-1, Deer and Elk Habitat. The Board further finds that the conditions recommended by Oregon Department of Fish and Wildlife (ODFW) for future development on the subject parcel to protect deer along the edge of winter range habitat shall be conditions for any proposed future division and development. These conditions are included with the JCPC's Recommendation for Approval, incorporated herein and attached as Exhibit "A".

SECTION 4. DECISION:

Now, therefore,

The Board of County Commissioners of Jackson County ordains as follows:

- 4.1. Based on the record, evidence, and testimony in the record and at the public hearing, the Board of Commissioners the removal of the subject property from Jackson County's Goal 5 inventory of significant resources, Black-tailed Deer and Roosevelt Elk Winter Ranges, and from Area of Special Concern (ASC) 90-1, Deer and Elk Habitat, on 123.10 acres described as Township 37 South, Range 1 West, Section 24, tax lot 600, as shown on the map contained in the JCPC's Recommendation for Approval as Exhibit 3, incorporated herein and attached as Exhibit "A".

APPROVED this 14th day of July, 2010, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

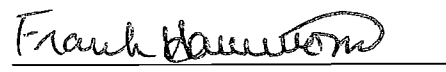

Jack Walker, Chair

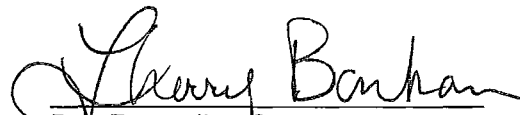

Dave Gilmour, Commissioner


Dennis C. W. Smith, Commissioner

APPROVED AS TO
LEGAL SUFFICIENCY:

ATTEST:


County Counsel


By Recording Secretary

4- ORDINANCE; FILE LRP2009-00006
Applicant/Owner: John A. & Joanne T. Retzlaff

The Board of County Commissioner's Ordinance is the final decision on this action. This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). You must appeal this decision within 21 days of the date it is mailed. This decision is being mailed on July 15, 2010, ~~2010~~, and the LUBA appeal period will expire on August 5, 2010, ~~2010~~. Please contact LUBA for specific appeal information. They are located at 550 Capitol Street N.E. Suite 235, Salem, Oregon 97301-2552. They can be reached at (503) 373-1265.

EXHIBIT A

BEFORE THE JACKSON COUNTY PLANNING COMMISSION
STATE OF OREGON, COUNTY OF JACKSON

IN THE MATTER OF CONSIDERATION OF A)
MINOR COMPREHENSIVE PLAN AND ZONING)
MAP AMENDMENT TO REMOVE THE)
SUBJECT PARCEL FROM JACKSON)
COUNTY'S GOAL 5 INVENTORY OF)
SIGNIFICANT RESOURCES, BLACK-TAILED)
DEER AND ROOSEVELT ELK WINTER)
RANGES, AND AREA OF SPECIAL CONCERN)
(ASC) 90-1, DEER AND ELK HABITAT, ON)
123.10 ACRES DESCRIBED AS TOWNSHIP 37)
SOUTH, RANGE 1 WEST, SECTION 24, TAX)
LOT 600, LOCATED AT 6959 PINE RIDGE)
DRIVE. JOHN A. & JOANNE T. RETZLAFF,)
OWNER/APPLICANT. FILE NO. LRP2009-)
00006.)

RECOMMENDATION
FOR APPROVAL

Jackson County Planning Commission: Recommends approval of a Minor Comprehensive Plan and Zoning Map Amendment to remove the subject parcel from the Jackson County's Goal 5 inventory of significant resources, Black-tailed Deer and Roosevelt Elk Winter Ranges, and Area of Special Concern (ASC) 90-1, Deer and Elk Habitat, on 123.10 acres described as Township 37 South, Range 1 West, Section 24, tax lot 600.

RECITALS:

1. Pursuant to Chapter 197 and 215 of the Oregon Revised Statutes, and in conformance with the Statewide Planning Goals, Jackson County's Comprehensive Plan (JCCP) and implementing ordinances have been acknowledged by the Oregon Land Conservation and Development Commission (LCDC).
2. A Minor Zoning Map Amendment application was submitted to Jackson County by the property owner's agent, Richard Stevens and Associates, Inc., on Sept. 4, 2009. The application was deemed incomplete on October 2, 2009. The agent submitted information to Development Services on December 8, 2009 indicating that no additional information would be submitted in regards to the application and requested Development Services to deem the application complete as of December 8, 2009, per LDO Section 2.6.3(C)(2). The application was deemed complete on December 8, 2009. A public hearing before the Jackson County Planning Commission was scheduled for March 11, 2010.

On February 18, 2010, staff received a letter from Amanda Punton, Oregon Department of Land Conservation and Development (DLCD), indicating that the proposed application is a Comprehensive Plan Map and Zoning Map Amendment to remove the subject parcel from an identified Goal 5 significant resource, Black-tailed Deer and Roosevelt Elk Winter Ranges, and is

not just a Zoning Map Amendment as submitted by the applicant. Staff concurred with DLCD and determined this application is a Minor Comprehensive Plan and Zoning Map Amendment.

PROCEDURAL FINDINGS:

1. A notice of the proposed amendment was submitted to the Oregon Department of Land Conservation and Development (DLCD) on January 19, 2010, 51 days prior to the first evidentiary hearing. A notice was published on Sunday, February 28, 2010 in the Medford Mail Tribune that a first evidentiary hearing was scheduled before the Jackson County Planning Commission on Thursday, March 11, 2010 at 9:00 a.m. in the Jackson County Auditorium.
2. A public hearing was held on March 11, 2010. Following testimony and arguments regarding this application, the Planning Commission voted unanimously to recommend approval of the amendment.

Now, therefore,

The Jackson County Planning Commission finds, concludes, and RECOMMENDS as follows:

SECTION 1, FINDINGS:

Based upon the evidence and arguments presented, the Planning Commission makes the following findings of fact with respect to this application.

- 1.1 The Planning Commission finds that proper legal notice was sent to the applicant and property owners within 250 feet of the subject property and affected agencies on February 11, 2010. Legal notice was published in the Sunday, December 30, 2007 edition of the Medford Mail Tribune.
- 1.2 The Planning Commission finds that the subject property is described as Township 37 South, Range 1 West, Section 24, tax lot 600. The subject property is located at 6959 Pine Ridge Dr.
- 1.3 Tax lot 600 was partitioned through file 92-7-MJP in 1993, Partition Plat P-72-1993. The tax lot is considered a separate legal parcel. The current owner acquired the property in 1991.
- 1.4 The current Comprehensive Plan Map Designation is Rural Residential Land and the zoning district is Rural Residential (RR-10, 1 dwelling per 10 acres).
- 1.5 The Planning Commission finds the subject property has access from Pine Ridge Dr., a dedicated way and county maintained road. The subject parcel also fronts on Hillcrest Rd., a county maintained public road.
- 1.6 The Planning Commission finds that the subject property is within the Jackson County Fire District No. 2 boundary.
- 1.7 The Planning Commission finds that police protection is provided by the Jackson County Sheriff's Office.

2-File No. LRP2009-00006

Richard Stevens & Associates, Inc., Agent; John A. & Joanne T. Retzlaff, Owners

- 1.8 The Planning Commission finds that the subject property has a single family dwelling, attached garage and porch.
- 1.9 The Planning Commission finds that the subject property is within Area of Special Concern (ASC) 90-1, Deer and Elk Habitat.
- 1.10 The Planning Commission finds the subject property is currently within Jackson County's inventory of significant Goal 5 resources, Black-tailed Deer and Roosevelt Elk Winter Ranges.
- 1.11 The Planning Commission finds that the following agencies responded with comments to this application and their comments were considered by the Planning Commission: Jackson County Roads Department, Oregon Department of Fish and Wildlife, Jackson County Fire District No 2 and City of Medford. Agency comments were considered by the Planning Commission.
- 1.12 The Planning Commission finds that property owners were notified and comments were received from 10 property owners. The property owner's comments were considered by the Planning Commission.

SECTION 2, LEGAL FINDINGS:

To recommend approval of an amendment to the Official Comprehensive Plan and Zoning Map, the Planning Commission must find that the amendment is consistent with the Jackson County Land Development Ordinance (JCLDO) Chapter 3.7, which requires compliance with the Statewide Planning Goals, Oregon Administrative Rules, Jackson County Land Development Ordinance and the Jackson County Comprehensive Plan (JCCP).

The Planning Commission adopts the Findings in the Staff Report, incorporated herein and attached as Exhibit 1. These findings demonstrate that the application is in compliance with the Statewide Planning Goals, Oregon Administrative Rules, the Jackson County Comprehensive Plan, and the Jackson County Land Development Ordinance. Where factual conflicts arose, the Jackson County Planning Commission has resolved them consistent with the following findings.

- 2.1 Based upon evidence in the record and testimony at the public hearing, the Planning Commission finds the subject parcel is no longer considered a significant Goal 5 resource, Black-tailed Deer and Roosevelt Elk Winter Range, due to the density of development that has occurred on three sides of the property. The Oregon Department of Fish and Wildlife (ODFW) has determined this property is not considered "Especially Sensitive Habitat" and the boundary for deer and elk habitat, ASC 90-1, should be moved to the northern property line of the subject parcel. The Planning Commission considers the ODFW findings as expert testimony to remove the subject parcel Jackson County's inventory of significant Goal 5 Resources, Black-tailed Deer and Roosevelt Elk Winter Range, and ASC 90-1, Deer and Elk Habitat.
- 2.2 Based upon evidence in the record, Pages 125-127, ODFW has proposed recommendations for future development on the subject parcel to protect deer along the edge of winter range habitat. The Planning Commission finds these recommendations should be identified as conditions to any proposed future division and development. These conditions are included and attached as Exhibit 2.

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Richard Stevens & Associates, Inc., Agent; John A. & Joanne T. Retzlaff, Owners

- 2.3 The Planning Commission finds that Jackson County's Transportation System Plan (TSP) requires either a Traffic Impact Study (TIS) or a TIS waiver from Jackson County for Type 3 or 4 applications. Testimony by staff indicated that a TIS waiver was forthcoming from the County but had not been completed prior to the public hearing before the Planning Commission. The Planning Commission finds that the TIS waiver shall be completed before a public hearing by the Board of Commissioners.

SECTION 3, CONCLUSION:

Based upon the evidence included in the record, the Planning Commission concludes that the proposed amendment is in compliance with the Jackson County Land Development Ordinance, Statewide Planning Goals, Oregon Administrative Rules, and the Jackson County Comprehensive Plan. Where factual conflicts arose, the Jackson County Planning Commission has resolved them consistent with these conclusions.

- 3.1 Statewide Planning Goals: The Planning Commission concludes that this application complies with Statewide Planning Goals, specifically Goal 5. Discussion of the ability to comply with Statewide Planning Goals is contained in Sections III and IV of the staff report, attached hereto as Exhibit 1.
- 3.2 Oregon Administrative Rules (OAR), 660-023-0030 and 660-023-0110: The Planning Commission concludes this application complies with the Oregon Administrative Rules 660-023-0030 and 660-023-0110. Discussion of compliance with the OAR's is contained in Sections III and IV of the staff report, attached hereto as Exhibit 1.
- 3.3 Jackson County Comprehensive Plan, Natural and Historic Element, Jackson County's Goal 5 Background Document, 1990, and the Jackson County Transportation System Plan (TSP): The Planning Commission concludes this application complies with the Jackson County Comprehensive Plan, including the TSP. Discussion of compliance with Comprehensive Plan is contained in Section V of the staff report and in Section 2.3 above. The Planning Commission concludes a TIS waiver shall be completed before a public hearing before the Board of Commissioners.
- 3.4 Jackson County Land Development Ordinance, Section 3.7.3(C): The Planning Commission concludes that this application complies with the Jackson County Land Development Ordinance. Discussion of compliance with the LDO is contained in Section VI of the staff report.
- 3.5 ODFW has proposed recommendations for future development on the subject parcel to protect deer along the edge of winter range habitat (See Section 2.2 above). The Planning Commission concludes these protection measures shall be conditions for any proposed future development and division of the subject parcel and are attached herein as Exhibit 2.

SECTION 4, RECOMMENDATION:

- 4.1 Based on the evidence in the record and testimony at the public hearing, the Planning Commission finds the subject parcel should be removed from Jackson County's Goal 5 inventory of significant resources, Black-tailed Deer and Roosevelt Elk Winter Ranges, and Area of Special Concern (ASC) 90-1, Deer and Elk Habitat, on 123.10 acres described as

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Richard Stevens & Associates, Inc., Agent; John A. & Joanne T. Retzlaff, Owners

Township 37 South, Range 1 West, Section 24, tax lot 600, as shown on Exhibit 3. The Planning Commission recommends adoption of this amendment by the Board of Commissioners.

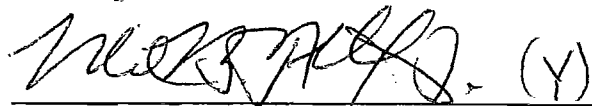
- 4.2 The Planning Commission determines that a TIS waiver shall be completed prior to the public hearing before the Board of Commissioners and shall be submitted into the record.
- 4.3 Per the recommendations of the ODFW, the Planning Commission determines that the conditions listed in Exhibit 2 will be required for any future division and development of the subject property.

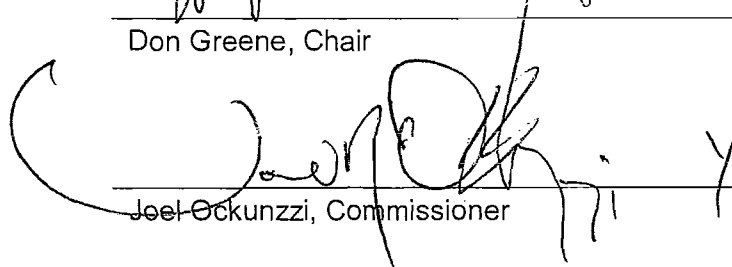
This recommendation for APPROVAL adopted this 8th day of April, 2010, at Medford, Oregon.

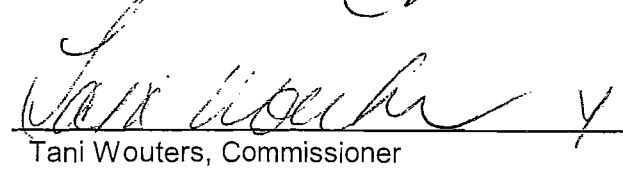
JACKSON COUNTY PLANNING COMMISSION

(Vote: Y=Yes, N=No, A=Abstain)


Don Greene, Chair

 (Y)
Richard B. Thierolf, Jr., Vice-Chair

 Y
Joel Ockunzzi, Commissioner

 Y
Tani Wouters, Commissioner

ATTEST:

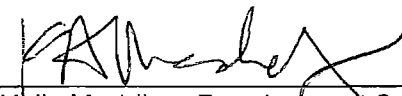

Kelly Madding, Development Services Director

Exhibit 1: Staff Report
Exhibit 2: Conditions for future division and development for subject property
Exhibit 3: Zoning Map

5-File No. LRP2009-00006

Richard Stevens & Associates, Inc., Agent; John A. & Joanne T. Retzlaff, Owners

EXHIBIT 1

**JACKSON COUNTY DEVELOPMENT SERVICES
COMPREHENSIVE PLAN AMENDMENT
STAFF REPORT**

APPLICANT: Dr. & Mrs. John Retzlaff
6959 Pine Ridge Dr.
Medford, OR 97504

FILE: LRP2009-00006

AGENT: Richard Stevens & Associates
P.O. Box 4368
Medford, OR 97504

OWNER: Same as applicant

LEGAL DESCRIPTION: TWP 37 South RANGE 1 West SECTION 24 TAX LOT 600

PROPOSAL: Minor Comprehensive Plan Map and Zoning Map Amendment to remove the subject parcel from the Jackson County's Goal 5 inventory of significant resources, Black-tailed Deer and Roosevelt Elk Winter Ranges, and Area of Special Concern (ASC) 90-1, Deer and Elk Habitat, an Environmental Zoning Map Overlay.

LOCATION: Tax lot 600 is located approximately 1,770 feet east of the intersection of Hillcrest Rd. and Gardner Way, on Hillcrest Rd.

BACKGROUND: A Minor Zoning Map Amendment application was submitted to Jackson County by the property owner's agent, Richard Stevens and Associates, Inc., on Sept. 4, 2009. The application was deemed incomplete on October 2, 2009. The agent submitted information to Development Services on December 8, 2009 indicating that no additional information would be submitted in regards to the application and requested Development Services to deem the application complete as of December 8, 2009, per LDO Section 2.6.3(C)(2). The application was deemed complete on December 8, 2009. A public hearing before the Jackson County Planning Commission has been scheduled for March 11, 2010.

On February 18, 2010, staff received a letter from Amanda Punton, Oregon Department of Land Conservation and Development (DLCD), indicating that the proposed application is a Comprehensive Plan Map and Zoning Map Amendment to remove the subject parcel from an identified Goal 5 significant resource, Black-tailed deer and Roosevelt elk winter ranges, and is not just a Zoning Map Amendment as submitted by the applicant. Staff concurs with DLCD and believes this application is a Minor Comprehensive Plan Map and Zoning Map Amendment.

KEY ISSUE:

- ☐ Determine whether the subject property should be removed from Jackson County's inventory of significant Goal 5 resources for Black-tailed deer and Roosevelt elk Winter Ranges and ASC 90-1, Deer and Elk Habitat, a Zoning Map Overlay of the LDO.

I. **FINDINGS OF FACT**

A. **Access:** Access is provided from Pine Ridge Dr., a dedicated way and county maintained road. The subject parcel also fronts on Hillcrest Rd., a county maintained public road.

B. **Acreage:** The acreage of the subject parcel is 123.10 acres.

C. **Assessment:** The subject parcel is assessed as Property Class 401, Improved highest & best use tract land, Zoning not significant.

D. **Lot Legality:** Tax lot 600 was partitioned through file 92-7-MJP in 1993, Partition Plat P-72-1993. The tax lot is considered a separate legal parcel. The current owner acquired the property in 1991.

E. **Fire Protection:** The subject parcel is within Jackson County Fire District No. 2.

F. **Irrigation:** There is no evidence to suggest that irrigation is available to the subject parcel.

G. **Zoning:** The subject parcel was rezoned from Open Space Reserve to Rural Residential (RR-10, 10 acre minimum lot size) in 1996 through Ordinance 96-57 as part of Periodic Review Work Task #26, effective March 10, 1997. The following are zoning districts adjacent to the subject parcel:

North: Open Space Reserve (OSR) & Exclusive Farm Use (EFU)

West: Rural Residential (RR-5)

South: Rural Residential (RR-5) & Open Space Reserve (OSR)

East: Woodland Resource (WR)

H. **Land Use:** The subject parcel currently has a residence, attached garage and porch.

I. **Utilities:** The subject parcel is currently served by an on-site septic system, an on-site well, and electric and phone service.

J. **Site Characteristics:** The slope on the property ranges from 2300 feet in the southwestern corner to 3030 feet along the northeastern edge of the property, based upon the 10 contours on the County's mapping system. The residential development is at an approximate elevation of 3000 feet. There are steep slopes and expansive soils on this property. Vegetation appears to be sparse oak trees with brush and barren areas scattered throughout.

K. **Water:** The subject property is served by a private well.

L. **Wetlands:** There are linear wetlands associated with drainages in the northwest and southeast corners of the property.

M. **Urban Growth Boundary, Unincorporated Community, Urban Fringe:** The property is within the Urban Fringe for Medford.

N. **Areas of Special Concern:** The property is wholly within ASC 90-1, Deer and Elk Habitat, an identified Goal 5 resource and Zoning Map Overlay.

O. **Other Concerns:** The property has steep slopes, expansive soils and is within the Wildfire Hazard Area.

P. **Agency and Property Owner Comments:** Requests for comment were sent to agencies and to property owners within 250 feet of the subject parcel. Responses are summarized below.

1. Jackson County Roads Dept.: The Roads Department indicated that a Road Approach Permit would be required as well as Utility Permits for any utility work within the county road right-of-way. Pine Ridge Drive and Hillcrest Road are both County Local Roads and are county-maintained. Not traffic counts have been received for Pine Ridge Drive. The Average Daily Traffic (ADT) count was 137 on July, 2006 at the end of pavement. As a comparison of capacity for Hillcrest Road, the capacity of a two lane rural road with ten foot lanes is 5,888 ADT.

2. City of Medford: The City of Medford Planning Department had no comment on this proposal.

3. Medford Rural Fire District #2: The Fire District had no comment on this proposal.

4. Property Owners Comments: One adjacent property owner had no comment on this proposal. Four adjacent property owners recommended approval of this proposal with no special conditions. One adjacent property owner was opposed to this proposal if housing density was greater than 10 acre lots. One adjacent property owner asks why the county would a single property from the deer and elk overlay and that a decision to retain or remove the existing overlay should consider all the properties in the general area rather than a piecemeal approach. One adjacent property owner encouraged denial of this proposal based upon increased fire danger, limited water supply, loss of protection for wildlife, urbanization in a rural area, concerns for ground movement due to construction impacts, increased density and an increase in traffic on Hillcrest Road.

II. **APPLICABLE CRITERIA**

In order to approve this proposal, Jackson County must find the application is consistent with:

A. Statewide Planning Goals: Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces (See OAR 660, Division 23)

- B. Oregon Administrative Rules: OAR's 660-023-0030 and 660-023-0110
- C. Jackson County Comprehensive Plan: Natural & Historic Resources Element (Policy 3); *Goal 5 Resources Background Document, 1990*, Section 2; Transportation System Plan (TSP), Sections 4.3.1(B)(c) and 4.3.1(D)
- D. Jackson County Land Development Ordinance: Section 3.7.3(C)

III. STATEWIDE PLANNING GOALS

- A. *Goal 5, Natural Resources, Scenic and Historic Areas, land Open Spaces*

To protect natural resources and conserve scenic and historic areas and open spaces.

Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

FINDING: Local governments are required to inventory specific natural resources. One of those resources is wildlife habitat. "Wildlife Habitat", as defined in OAR 660-023-0110(1)(b), "...is an area upon which wildlife depends in order to meet their requirements for food, water, shelter, and reproduction. Examples include wildlife migration corridors, big game winter range, and nesting and roosting sites." In 1991, through Ordinance 91-1, Jackson County adopted an inventory of significant deer and elk winter ranges, as mapped by Oregon Department of Fish and Wildlife (ODFW), and Area of Special Concern (ASC) 90-1, Deer and Elk Habitat, a Zoning Map Overlay including measures designed to provide minimum protection of deer and elk winter range habitat (LDO Section 7.1.1(C)). Jackson County's Goal 5 inventory and protection measures were acknowledged by DLCD. Jackson County is currently in compliance with Statewide Planning Goal 5.

The current procedures and requirements for complying with Goal 5 are within OAR 660, Division 23. Compliance with Goal 5 regarding this application is addressed through this OAR and OAR 660-023-0110.

IV. OREGON ADMINISTRATIVE RULES

A. OAR 660-023-0030, Inventory Process

1. *Inventories provide the information necessary to locate and evaluate resources and develop programs to protect such resources. The purpose of the inventory process is to compile or update a list of significant Goal 5 resources in a jurisdiction. This rule divides the inventory process into four steps. However, all four steps are not necessarily applicable, depending on the type of Goal 5 resource and the scope of a particular PAPA or periodic review work task. For example, when proceeding under a quasi-judicial PAPA for a particular site, the initial inventory step in section (2) of this rule is not applicable in that a local government may rely on information submitted by applicants and other participants in the local process. The inventory process may be followed for a single site, for sites in a particular geographical area, or for the entire jurisdiction or urban growth boundary (UGB), and a single inventory process may be followed for multiple resource categories that are being considered simultaneously. The standard Goal 5 inventory process consists of the following steps, which are set out in detail in sections (2) through (5) of this rule and further explained in sections (6) and (7) of this rule:*

- a) *Collect information about Goal 5 resource sites;*
- b) *Determine the adequacy of the information;*
- c) *Determine the significance of resource sites; and*
- d) *Adopt a list of significant resource sites.*

2. *Collect information about Goal 5 resource sites: The inventory process begins with the collection of existing and available information, including inventories, surveys, and other applicable data about potential Goal 5 resource sites. If a PAPA or periodic review work task pertains to certain specified sites, the local government is not required to collect information regarding other resource sites in the jurisdiction. When collecting information about potential Goal 5 sites, local governments shall, at a minimum:*

- a) *Notify state and federal resource management agencies and request current resource information; and*
- b) *Consider other information submitted in the local process.*

3. *Determine the adequacy of the information: In order to conduct the Goal 5 process, information about each potential site must be adequate. A local government may determine that the information about a site is inadequate to complete the Goal 5 process based on the criteria in this section. This determination shall be clearly indicated in the record of proceedings. The issue of adequacy may be raised by the department or objectors, but final determination is made by the commission or the Land Use Board of Appeals, as provided by law. When local governments determine that information about a site is inadequate, they shall not proceed with the Goal 5 process for such sites unless adequate information is obtained, and they shall not regulate land uses in order to protect such sites. The information about a particular Goal 5 resource site shall be deemed adequate if it provides the location, quality and quantity of the resource, as follows:*

a) *Information about location shall include a description or map of the resource area for each site. The information must be sufficient to determine whether a resource exists on a particular site. However, a precise location of the resource for a particular site, such as would be required for building permits, is not necessary at this stage in the process.*

b) *Information on quality shall indicate a resource site's value relative to other known examples of the same resource. While a regional comparison is recommended, a comparison with resource sites within the jurisdiction itself is sufficient unless there are no other local examples of the resource. Local governments shall consider any determinations about resource quality provided in available state or federal inventories.*

c) *Information on quantity shall include an estimate of the relative abundance or scarcity of the resource.*

4. *Determine the significance of resource sites: For sites where information is adequate, local governments shall determine whether the site is significant. This determination shall be adequate if based on the criteria in subsections (a) through (c) of this section, unless challenged by the department, objectors, or the commission based upon contradictory information. The determination of significance shall be based on:*

a) *The quality, quantity, and location information;*

b) *Supplemental or superseding significance criteria set out in OAR 660-023-0090 through 660-023-0230; and*

c) *Any additional criteria adopted by the local government, provided these criteria do not conflict with the requirements of OAR 660-023-0090 through 660-023-0230.*

5. *Adopt a list of significant resource sites: When a local government determines that a particular resource site is significant, the local government shall include the site on a list of significant Goal 5 resources adopted as a part of the comprehensive plan or as a land use regulation. Local governments shall complete the Goal 5 process for all sites included on the resource list except as provided in OAR 660-023-0200(7) for historic resources, and OAR 660-023-0220(3) for open space acquisition areas.*

6. *Local governments may determine that a particular resource site is not significant, provided they maintain a record of that determination. Local governments shall not proceed with the Goal 5 process for such sites and shall not regulate land uses in order to protect such sites under Goal 5.*

7. *Local governments may adopt limited interim protection measures for those sites that are determined to be significant, provided:*

- a) *The measures are determined to be necessary because existing development regulations are inadequate to prevent irrevocable harm to the resources on the site during the time necessary to complete the ESEE process and adopt a permanent program to achieve Goal 5; and*
- b) *The measures shall remain effective only for 120 days from the date they are adopted, or until adoption of a program to achieve Goal 5, whichever occurs first.*

FINDING: Ordinance 91-1 included maps of deer and elk winter ranges considered significant Goal 5 resources. These maps identified three different classes of winter range, as determined by ODFW: "Especially Sensitive", "Sensitive", and "Other", with commensurate levels of protection provided to protect the carrying capacity of the range. The subject parcel is located wholly within the "Especially Sensitive" winter range, Grizzly Unit. One of the protection measures afforded the "Especially Sensitive" winter range units for new parcels created by partition or subdivision was a minimum parcel size of 160 acres.

At the time Ordinance 91-1 became effective, March 3, 1991, the subject parcel was zoned Open Space Reserve (OSR) and had a minimum parcel size of 20 acres. Because of the location within the "Especially Sensitive" winter range unit, the property could not be divided to the minimum parcel size of the zoning district.

In 1997, Ordinance 96-57 became effective and rezoned this parcel and tax lot 301 to Rural Residential, RR-10 (10 acre minimum lot size). The rezoning of these parcels was part of Periodic Review. The rezoning of the parcel was based upon an irrevocably committed exception to Statewide Planning Goals. The applicant states the Board of Commissioners determined that the record for that application concluded the subject properties, including tax lot 600, had the following characteristics supporting a committed exception:

- *Predominantly Class VI or worse soil, and contained steep slopes;*
- *The property was not agricultural land, as defined by the State of Oregon;*
- *The property did not receive a special farm assessment;*
- *The property was not irrigated, and lies below the 2500 foot elevation established*

as a benchmark for forest use in Jackson County;

- *The property had no forest site classification based on a forester's report;*
- *That maintaining the winter deer range designation was no longer practical;*
- *The property is bordered on three sides by residential zoning and development.*

Section 3.3 of Ordinance 96-57 states "The Board of Commissioners further acknowledges that based on a letter from Oregon Department of Fish and Wildlife (Exhibit 32 of the Planning Commission's record), the wildlife habitat map needs to be amended to exclude Tax Lots 301 and 600 from an area presently identified as especially sensitive wildlife habitat. The Board of Commissioners acknowledges that the ODF&W, has stated that the maps need to be amended for other properties as well, and that item is being placed on the Jackson County Planning Commission's Work Program, at some time in the future, for the purpose of holding public hearings and receiving evidence and testimony." An amendment of the wildlife habitat map was not completed.

A letter from Steve Niemela, Assistant District Wildlife Biologist for ODFW, dated July 9, 2009, states "I have received your copy of Merv Wolfer's comments dated July 29th, 1991. In Mr. Wolfer's opinion the subdivision on three sides of the development reduced its habitat value to such an extent that it no longer warranted protection. Based upon this recommendation the Board of County Commissioners ruled that the winter range map should be amended (File 93-3-CPA). Therefore, ODFW will not object to altering the winter range boundary to the northern property line."

The applicant states "The applicants submit that the same characteristics contained in the original Planning Commission and Board findings still apply to this site, but clearly, over the past 13 years, development on these adjoining and nearby parcels has increased significantly, thus providing for additional support for removing this property from the Goal 5 inventory of big-game habitat, and amending the Plan/Zoning Overlay map to withdraw the property from the overlay designation."

The applicant further discusses Section 7.1.1(C), ASC 90-1, Deer and Elk Habitat. The applicant states "*This section clearly notes that ODFW makes specific determinations regarding habitat issues consistent with OAR 660-023-0110.*"(Applicants emphasis) In addition, the applicant goes on to state "...Jackson County has deferred to ODFW regarding the wildlife habitat issues as noted both in the Goal 5 Source Document (1990) as well as in specific land use issues. In this case, Jackson County and ODFW both agree that the subject tract should be removed from the especially sensitive habitat inventory, and the map should be amended."

Staff finds that Jackson County used the deer and elk winter range habitat maps produced by ODFW and data from ODFW resources to update its Goal 5 inventory of significant resources as described in the reference document *Goal 5 Resources Background Document 1990*, specifically Section 2 of that document. Jackson County adopted this ODFW map and protection measures into the JCLDO at that time to meet the requirements for Goal 5 compliance. As a result of information discovered by ODFW regarding development within the area of the subject parcel, ODFW determined that the parcel should be removed from the especially sensitive winter range habitat and the maps amended to show that it is not longer significant winter range habitat. Jackson County, per Ordinance 96-57, concurred with ODFW and determined the subject parcel should be removed from the deer and elk winter range maps at sometime in the future when Jackson County reviewed the maps and habitat for amendments to the maps.

Since that review did not occur, the applicant has submitted a PAPA to remove the parcel from the inventory of significant Goal 5 resources.

OAR 660-023-0110(3) states as follows:

When gathering information regarding wildlife habitat under the standard inventory process in OAR 660-023-0030(2), local governments shall obtain current habitat inventory information from the Oregon Department of Fish and Wildlife (ODFW), and other state and federal agencies. These inventories shall include at least the following:

(a) Threatened, endangered, and sensitive wildlife species habitat information;

(b) Sensitive bird site inventories; and

(c) Wildlife species of concern and/or habitats of concern identified and mapped by ODFW (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs).

State law and administrative rules give deference to ODFW as having the expertise in determining the significance of a particular Goal 5 resource, specifically big game winter ranges. Jackson County has also deferred to ODFW for the expertise, knowledge and data needed to determine the significance of a particular area regarding deer and elk winter range. The current application contains sufficient evidence from ODFW that the subject parcel should be removed from ASC 90-1, Deer and Elk Habitat, and that it is no longer especially sensitive winter range habitat. As such, staff believes that the subject parcel is no longer considered a significant Goal 5 resource for deer and elk habitat as per the requirements of OAR 660-023-0030 and recommends the removal of the subject parcel from the Goal 5 inventory of significant deer and elk winter ranges and removal from the ODFW maps adopted by Jackson County for ASC 90-1, Deer and Elk Habitat.

B. OAR 660-023-0110, Wildlife Habitat

1. *For purposes of this rule, the following definitions apply:*
 - a) *"Documented" means that an area is shown on a map published or issued by a state or federal agency or by a professional with demonstrated expertise in habitat identification.*
 - b) *"Wildlife habitat" is an area upon which wildlife depend in order to meet their requirements for food, water, shelter, and reproduction. Examples include wildlife migration corridors, big game winter range, and nesting and roosting sites.*
2. *Local governments shall conduct the inventory process and determine significant wildlife habitat as set forth in OAR 660-023-0250(5) by following either the safe harbor methodology described in section (4) of this rule or the standard inventory process described in OAR 660-023-0030.*
3. *When gathering information regarding wildlife habitat under the standard inventory process in OAR 660-023-0030(2), local governments shall obtain current habitat inventory information from the Oregon Department of Fish and Wildlife (ODFW), and other state and federal agencies. These inventories shall include at least the following:*
 - a) *Threatened, endangered, and sensitive wildlife species habitat information;*
 - b) *Sensitive bird site inventories; and*
 - c) *Wildlife species of concern and/or habitats of concern identified and mapped by ODFW (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs).*
4. *Local governments may determine wildlife habitat significance under OAR 660-023-0040 or apply the safe harbor criteria in this section. Under the safe harbor, local governments may determine that "wildlife" does not include fish, and that significant wildlife habitat is only those sites where one or more of the following conditions exist:*
 - a) *The habitat has been documented to perform a life support function for a wildlife species listed by the federal government as a threatened or endangered species or by the state of Oregon as a threatened, endangered, or sensitive species;*
 - b) *The habitat has documented occurrences of more than incidental use by a species described in subsection (a) of this section;*
 - c) *The habitat has been documented as a sensitive bird nesting, roosting, or watering resource site for osprey or great blue herons pursuant to ORS 527.710 (Oregon Forest Practices Act) and OAR 629-024-0700 (Forest Practices Rules);*

- d) *The habitat has been documented to be essential to achieving policies or population objectives specified in a wildlife species management plan adopted by the Oregon Fish and Wildlife Commission pursuant to ORS Chapter 496; or*
 - e) *The area is identified and mapped by ODFW as habitat for a wildlife species of concern and/or as a habitat of concern (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, or pigeon springs).*
5. *For certain threatened or endangered species sites, publication of location information may increase the threat of habitat or species loss. Pursuant to ORS 192.501(13), local governments may limit publication, display, and availability of location information for such sites. Local governments may adopt inventory maps of these areas, with procedures to allow limited availability to property owners or other specified parties.*
 6. *As set out in OAR 660-023-0250(5), local governments shall develop programs to protect wildlife habitat following the standard procedures and requirements of OAR 660-023-0040 and 660-023-0050. Local governments shall coordinate with appropriate state and federal agencies when adopting programs intended to protect threatened, endangered, or sensitive species habitat areas.*

FINDING: When Jackson County updated Goal 5 resources in the early 1990's, OAR 660, Division 16 was used to identify significant Goal 5 resources and the "safe harbor" provisions of Division 23 were not in effect at that time. Jackson County used ODFW maps to identify specific types and areas of winter range habitat. These maps were used to determine significant Goal 5 resources for deer and elk winter ranges. Although these maps include the subject property, evidence from the rezoning of the property in 1997 and from this application indicate that the subject property is not significant wildlife habitat and that ODFW is not opposed to removing the habitat designation and property from the adopted maps. The applicant states "...based upon information in the whole file (dating back to 1991), that the alteration of the winter range boundary to the northern property line of the subject tract would not be objected to, and is based upon the development that has occurred in the vicinity and the underlying zone change." Additionally, the applicant states "The ODFW letters in the whole record clearly indicate that (a) ODFW does not even consider Rural Residential zoning in terms of significant habitat, and (b) that the relocation of the habitat boundary and the removal of the site from the inventory is the appropriate methodology to cure the error."

Prior to the rezoning of the property in 1997, the subject property was zoned Open Space Reserve (OSR) with a minimum parcel size of 20 acres. Due to changes in state law, the minimum parcel size in this zoning district changed to 80 acres. Being in the Deer and Elk Habitat overlay, the property could not be partitioned into lots less than 160 acres. The evidence in the record shows that the property has residential development on three sides that impacted the winter range such that it no longer could be considered "especially sensitive" habitat. The concurrence from ODFW that the winter range habitat boundary be removed from this property is considered by staff as expert testimony that the property is no longer part of the significant Goal 5 deer and elk winter range inventory for Jackson County and should be removed from that inventory.

V. JACKSON COUNTY COMPREHENSIVE PLAN

- A. Natural and Historic Resources Element, Policy 3
The fish and wildlife resources of Jackson County are valuable for economic, aesthetic, and ecological reasons. The conservation of fish and wildlife resources is of considerable importance to the county, especially as pressure increases to convert natural habitat areas into developed areas.

POLICY: IN CONJUNCTION WITH THE OREGON DEPARTMENT OF FISH AND WILDLIFE AND OTHER AFFECTED AGENCIES, THE COUNTY SHALL PROVIDE FOR THE PROTECTION OF A PRODUCTIVE AND HEALTHY FISH AND WILDLIFE COMMUNITY AND HABITAT, AND SHALL PROTECT THREATENED OR ENDANGERED SPECIES.

IMPLEMENTATION STRATEGIES:

1. *Utilize overlay zoning technique to designate specific habitat areas for special development review.*
2. *Require clustering of structures where conventional development is likely to have a significant adverse impact upon a valuable fish and wildlife habitat. Winter range area for deer and or elk could be protected by grouping homesites. If a clustering approach is not used, densities should be limited to one unit per 40 acres in sensitive winter range areas and one unit per 160 acres in especially sensitive deer and elk winter range areas.*
3. *In conjunction with the Oregon Department of Fish and Wildlife, and other affected agencies, provide for the retention of fish and wildlife habitat by developing programs which would provide for the purchase or donation of such land or the use of conservation easements.*
4. *Revise and amend the Jackson County Land Development Ordinance or develop new ordinances to ensure their compatibility with habitat preservation. One such revision would be the requirement of special riparian vegetation protection for all developments bordering on, or including streams.*

FINDING: The applicant states "Jackson County has always relied completely on the ODFW positions when addressing wildlife habitat issues, which is reflected in the Goal 5 Background Document and the Natural & Historic Resources Element. In this case, the applicants and the county must rely on ODFW's professional review of the application. The removal of the site from the 'significant' resource list, and amending the Plan/Zoning map to remove the site from the protection of Goal 5 is consistent with the Comprehensive Plan Policies and Strategies in the Natural and Historic Element, which identifies the role of ODFW, and consistent with language in the Goal 5 Background Document, which further indicates ODFW is the primary agency for such decisions."

Staff agrees with the applicants findings.

B. Goal 5 Background Document, 1990, Section 2, *Fish and Wildlife Resources*

FINDING: Staff has not reproduced Section 2 of Jackson County's Goal 5 Background Document, 1990, for this staff report. It is included in the record for reference by the Commissioners. For subsection A) of that document, Black-tailed Deer and Roosevelt Elk, the document specifically uses ODFW maps and information to determine the significant Goal 5 deer and elk winter ranges and provides for protection measures for the classes of winter range habitat. The maps and protection measures are currently in the JCLDO as Section 7.1.1(C), Deer and Elk Habitat, and this overlay is used for development within the mapped areas of winter range habitat.

The applicant states "This document provides the background information for the inventory designation for the various wildlife habitat areas within the County. The entire "habitat" area discussed in Section 2 was based upon a 1985 Memorandum from ODFW entitled "Critical Wildlife Habitat List", which was the basis for the agreement between ODFW and the County." The applicant goes on to say "This document further clarifies the inventory issue. On page 31, it is clear that the methodology use included aerial photography, topographic mapping, specific knowledge by ODFW regarding deer and elk populations and habitat areas. This section of the document clearly notes that,

"The mapping of winter range areas is further refined by the exclusion of lands considered by ODFW to be "impacted" or "peripheral"....Generally, any area in a nonresource plan and zoning designation is considered "impacted"."

The applicant concludes that ODFW's agreement for removing the site from the Goal 5 inventory is based upon the Rural Residential zoning applied by Jackson County.

Staff finds that Section 2 of the Goal 5 Background Document, page 32, impacted winter range as "...an area that may contain populations of deer and elk, but has existing levels of land use or division that preclude wildlife management options of maintaining future viable populations and providing recreation opportunity. Generally, any area in a nonresource plan and zoning designation is considered impacted." Staff agrees that winter ranges are further refined by the exclusion of "impacted" lands. At the time the maps and development requirements were adopted in 1991, the subject parcel was zoned OSR with a minimum lot size of 20 acres. A partition was approved in 1992 to create 3 parcels out of tax lot 600, which was larger at the time. The subject parcel retains the configuration from that partition with a size of 123.10 acres.

When the property was rezoned in 1997, the findings by the Board of Commissioners indicated that the properties (tax lots 301 and 600) were not longer considered especially sensitive wildlife habitat and needed to be excluded from the winter range habitat maps, based upon information from ODFW. The applicant submitted a Request for Comment, dated August 13, 1991, from ODFW that states "Given the level of subdivision development on three sides, it would be unreasonable to prevent partitioning of this property. I recommend the impact line be adjusted to the northern edge of this property." This comment was for a seven lot subdivision proposal. The applicant states that more homes have built in the vicinity and the habitat has been further impacted since the rezoning of the property in 1997.

Staff believes the subject property meets the definition of "impacted winter range" and is no longer a significant Goal 5 winter range habitat resource. Staff finds the property

should be removed from Jackson County's inventory of significant Goal 5 winter range habitat resources and ASC 90-1.

There is information in the record, however, that indicates some protection measures for deer should be maintained. In a letter to the agent for the applicant, Steve Niemela of ODFW stated his department's case regarding recommendations that will help limit impacts to wildlife habitat.

"In recent years, ODFW has become increasingly concerned about development along the edge of the winter range overlay affecting our migratory deer herds. We have recently seen outbreaks of Adenovirus, a hemorrhagic disease, in Ashland and the Colstin area. Two years ago, deer in Jacksonville were killed by residents feeding corn to these animals, which caused a fatal digestive problem. We have also observed more deer hair loss syndrome, a parasitic illness caused by an exotic louse, in our deer herds. There is a real concern that diseases and illnesses concentrated in residential deer may escape into our migratory deer herds. In addition, migratory deer are not as habituated to people as residential deer and have a more difficult time using residential areas. Based on these concerns, ODFW will be less likely to recommend the removal of property from the winter range map in the future.

The following recommendations will help limit impacts to wildlife habitat and help landowners avoid wildlife damage.

- Adopt restrictive covenants which prohibit the feeding of game species. Feeding corn to deer can cause direct mortality, and other types of feed may indirectly harm wildlife by concentrating animals and facilitating the spread of disease.*
- Adopt restrictive covenants which prohibit the use of sharp, picket-style fencing. These fences can severely injure wildlife that try and jump over.*
- Adopt restrictive covenants which require the use of native plants for landscaping.*
- Adopt restrictive covenants that encourage the use of wildlife exclusion fence around gardens and high-value landscaping, but limit its use to within 300' of the homesite.*
- Retain as much natural vegetation as possible.*
- Retain mature oaks as legacy trees. Mature oaks are particularly valuable, and may take hundreds of years to reach their full potential. Oak woodlands have an important conservation status on a statewide level, and are designated as a Strategy Habitat in the Oregon Conservation Strategy.*
- Cluster development to retain as much open space as possible.*
- Limit the length of driveways to reduce the amount of vegetation removed.*

I hope that there is some opportunity to incorporate the recommendations above. I believe they will result in a residential development that retains some of its ability to provide habitat for wildlife. In some cases, such as the retention of mature oaks, these recommendations may result in a more attractive development."

Staff believes that while the purpose of this application is to remove the property from the winter range habitat overlay specifically, the ultimate consequence will be allowing 10 acre lot sizes for residential development. Staff would encourage the Commissioners to review the recommendations by ODFW and if the Commissioners believe these protection measures are necessary, incorporate conditions for future residential development regarding this property based upon the recommendations above.

C. Transportation System Plan, Sections 4.3.1(B)(c) and 4.3.1(D)

1. 4.3.1(B): *Plan amendments, zone changes and type 3 and 4 land use permits need to demonstrate that adequate transportation planning has been done to support the proposed land use.*
 - c. *Ensure that quasi-judicial comprehensive plan changes, zone changes and type 3 and 4 land use permits will not result in land uses that are incompatible with the public transportation facilities they will use. To meet this requirement, criteria "i, ii and iii" below must be demonstrated to be met through a Transportation Impact Study (TIS) completed by a registered professional engineer with expertise in transportation. Compliance with criteria "i, ii and iii" will be considered sufficient to demonstrate compliance with the Transportation Planning Rule. The TIS requirement may be waived if the Planning Director and the County Engineer administratively concur in writing that sufficient specific evidence is provided from affected transportation management agencies that the cumulative effect of approving the proposed plan amendment, zone change or type 3 or 4 land use permit, along with the potential for similar approvals on similarly situated parcels within 2 miles (.75 miles in the MPO) of the subject parcel (or portion of the parcel that is requesting the land use change or permit), will not significantly affect a transportation facility identified in State, regional or local transportation plans (RTP 6-1).*
 - i. *Approval of the proposed changes and the cumulative impact of the potential for similar approvals on parcels within 2 miles (.75 miles in the MPO) of the subject parcel would not change the functional classification of an existing or planned transportation facility nor would it change standards implementing the functional classification system (unless the change can be made in conjunction with a TSP amendment pursuant to policy 4.3.3-D).*
 - ii. *Approval of the proposed changes and the cumulative impact of the potential for similar approvals on parcels within 2 miles (.75 miles in the MPO) of the subject parcel would not allow types or levels of land uses that would result in levels of travel or access inconsistent with the functional classification of a transportation facility (unless a functional class change is made pursuant to policy 4.3.3-D).*

- iii. *Approval of the proposed land use changes and the cumulative impact of the potential for similar approvals on parcels within 2 miles (.75 miles in the MPO) of the subject parcel would not cause a facility to exceed the adopted performance standards for facilities used by the subject parcel. A facility used by the subject parcel is defined as any facility where approval of the proposed land use changes and the cumulative impact of the potential for similar approvals on parcels within 2 miles (.75 miles in the MPO) of the subject parcel would increase traffic on a facility by more than 3% of the total capacity for collectors and/or 2% of the total capacity for arterials and state highways. ODOT may determine that the subject parcel, beyond this definition and in accordance with the Oregon Highway Plan, will use additional state facilities.*

FINDING: Staff is unclear whether these specific criteria would apply to the proposed amendments. While the application is clearly a Type 4 Comprehensive Plan Map and Zoning Map Amendment, the application does not change the zoning district to allow land uses or densities which were not contemplated in the original zone change in 1997. There was a Transportation Element in the Comprehensive Plan at that time, but staff is not sure how that element was addressed. Staff did not identify this criterion to the applicant in either the pre-application conference nor in the completeness review. Staff would like to discuss this issue with the Commissioners at the public hearing to discern whether the Commissioners find these are applicable criteria to the application.

- D. *Section 4.3.1(D): Regardless of whether adequate capacity exists, changes in land use and new or expanded development proposals will not be approved if they will create, or would worsen, a safety problem on a public transportation system or facility. If a problem would be created or worsened without mitigation, then a mitigation plan that resolves the safety concern must also be approved and included in the proposal in order for the land use change and/or development proposal to be approved. Where a safety concern exists, study by a registered professional engineer with expertise in transportation will be considered to determine if a problem would be created or worsened.*

FINDING: Again, staff is not positive whether this specific criterion would apply at this time to the proposed amendments. Staff did not identify this criterion to the applicant in either the pre-application conference nor in the completeness review. Staff would like to discuss with the Commissioners the applicability of this criterion at the public hearing.

VI. LAND DEVELOPMENT ORDINANCE

- A. Section 3.7.3(C), Minor Comprehensive Plan Map or Zoning Map Amendments (Quasi-Judicial)
All proposed minor map amendments will be reviewed for compliance with the criteria set forth below and with all other applicable provisions of this Ordinance

and the Comprehensive Plan¹:

1. *Adequate public safety, transportation, and utility facilities and services can be provided to the subject property. In the case of a minor zoning map amendment, adequate transportation facilities must exist or be assured;*

FINDING: The applicant states the Hillcrest Road has a design standard consistent with a County Road Standard "C" with a designed hourly volume of up to 120 cars per hour, or over 2,880 ADT. The most recent traffic counts identified by the applicant show counts on Hillcrest Rd. 1,032 to 1,363 ADT. The applicant indicates that adequate traffic facilities exist to serve the site. Maximum development for this property, 12 additional parcels, would generate approximately 115 trips.

Jackson County Roads sent a memorandum dated February 16, 2010, which states that Hillcrest Road is a County Local Road along the subject property and is maintained by the County. The ADT count was 137 on July 2006 at the end of pavement. As a comparison of capacity for Hillcrest Road, the capacity of a two lane rural road with ten foot lanes and no shoulders is 5,888 ADT.

It appears from the information in the record that Hillcrest Road has adequate capacity for maximum development of this property.

The applicant states police services are provided by the Jackson County Sheriff and the properties are proposed to be served by on-site Class D water and sewer facilities upon development. Electric service is currently extended to the property. The applicant believes adequate public facilities exist on the tract. Staff agrees with the applicant.

2. *The minor map amendment will not prevent implementation of any area of special concern or restrictions specified for that area in Chapter 7 or the adopting ordinance creating it, or both;*

FINDING: The current proposal is to remove the property from Jackson County's significant Goal 5 resources for winter range habitat and from ASC 90-1, Deer and Elk Habitat. If the application is approved, ASC 90-1 will not apply. If the application is denied, ASC 90-1 will continue to be implemented for the property.

3. *On resource zoned lands outside urban growth boundaries, the entire parcel is included in the minor Comprehensive Plan Map unless the purpose of the amendment conforms with the criteria of Policy 1 of the Comprehensive Map Designations Element;*

FINDING: The property is not resource zoned land and the entire parcel is included in this amendment. This criterion is met.

¹ These criteria are superseded in Aggregate Resource plan and zone amendments by OAR 660-023-0180. The applicable criteria in aggregate amendment cases is found in the Map Designation Element of the Comprehensive Plan, other elements of this Plan, and in other sections of this LDO.

4. *Map amendments outside urban growth boundaries and urban unincorporated communities that will result in a minimum residential lot size smaller than 10 acres meet the requirements for an exception to Statewide Planning Goal 14;*

FINDING: The property is zoned RR-10 with a 10 acre minimum lot size. The proposed amendment will not change the current zoning district and an exception to Goal 14 is not required. This criterion is met.

5. *Any minor Zoning Map amendment is consistent with the Comprehensive Plan Map designation;*

FINDING: The applicant states the application is to bring the Zoning Map Overlay designation, Deer and Elk Habitat, into consistency with the Comprehensive Plan Map designation of Rural Residential. The applicant believes the application is consistent with this criterion. Staff agrees with the applicant.

6. *In the case of a minor Comprehensive Plan Map amendment, community benefit as a result of the minor map amendment is clearly demonstrated; and*

FINDING: The applicant states as follows:

"The term 'community benefit' is not defined in either the Comprehensive Plan or the JCLDO. This is a very subjective term that does not meet the test of 'clear and objective' as required by State law.

Nonetheless, the applicants believe that this application does meet the standard, in that the application changes a designation that impacts not only the subject tract, but takes the burden from the County in initiating the application

In order to protect the abutting areas that remain in the inventory and are designated for habitat use, the applicants have stipulated to the "Conditions" outlined in the ODFW letter that are designed specifically to not only allow the rural residential use on the site, but to provide reasonable methodology to blend the rural residential use with the wildlife habitat, and that certain standards (clustering of homes to the extent possible, preservation of open space and mature oak trees, etc.) are consistent with the concepts of continuing protection of the wildlife. The suggestions in the ODFW letter are also reflected in the Implementation Strategies of Goal 3, in the Natural & Historic Resources Element, which can be found to apply.

The property owners have been required to initiate the change. In addition to having to submit an application and the required submittals, the applicant is in fact bringing the Plan Map and the Zoning Map into compliance (to avoid the classic Baker v. Milwaukee issue) and eliminating the possibility of future contentious legal wrangling over the issue. This is indeed a community benefit."

Staff finds that the community benefit will result from the application of the ODFW recommendations for future development on the property. This will result in protecting migratory deer herds that may come into this area and will provide for a protection for

wildlife habitat that is not currently available to border areas of designated wildlife habitat, as identified by ODFW in their letter.

7. *In determining the appropriateness of the proposed redesignation, the White City or Jackson County Planning Commission and Board of Commissioners will consider any factors relevant to the proposal, which may include: topography, geology, hydrology, soil characteristics, climate, vegetation, wildlife, water quality, historical or archaeological resources, scenic resources, noise, open space, existing site grading, drainage, adverse impacts on other property in the vicinity, and any other factors deemed to be relevant to the application.*

FINDING: The applicant states that the information contained in the record provides the primary factors that supported the RR-10 zone change by the Board of Commissioners in 1997 also support removal of the Wildlife Overlay and designation as a significant Goal 5 resource from this tract. Additionally, ODFW does not object to altering the winter range boundary to the northern property line, which removes the subject property from an identified significant Goal 5 resource.

Staff agrees with the applicant and finds the removal of the subject property from Jackson County's significant Goal 5 inventory of winter range habitat and ASC 90-1, Deer and Elk habitat, is appropriate based upon the record and findings for this application.

VII. STAFF RECOMMENDATION:

Staff finds that the record contains substantial evidence to support removal of the subject parcel from Jackson County's Goal 5 inventory of significant resources, Black-tailed Deer and Roosevelt Elk, and Area of Special Concern (ASC) 90-1, Deer and Elk Habitat. However, there are criteria that may be applicable to this amendment that have not been addressed by the applicant and discussion of those criteria are necessary before a recommendation to the Board of Commissioners is completed.

JACKSON COUNTY COMPREHENSIVE PLANNING MANAGER



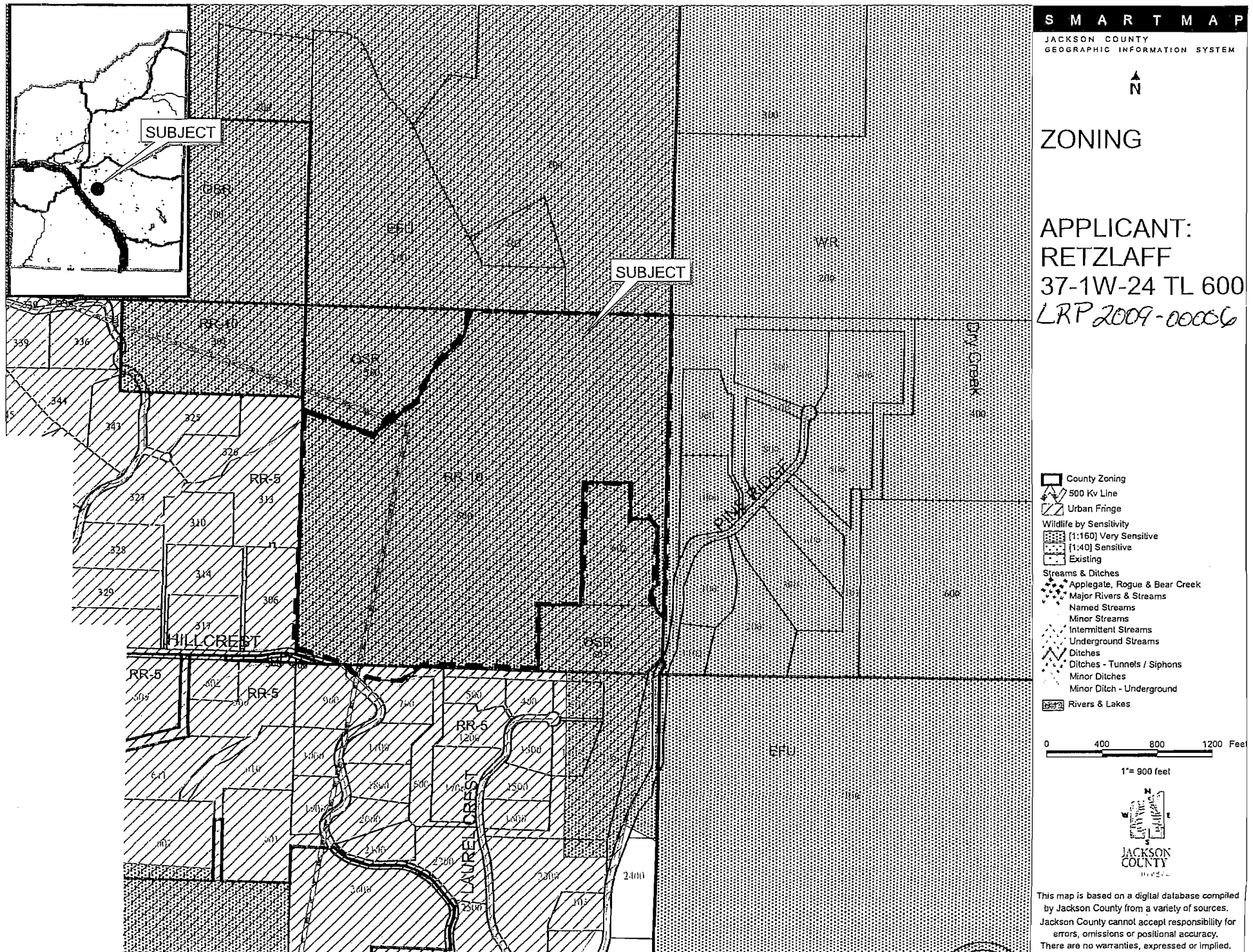
By: Michael W. Mattson, Planner II

Date: 3-2-10

EXHIBIT 2

**CONDITIONS FOR FUTURE DIVISION AND DEVELOPEMNT
FILE LRP2009-00006**

1. A Deed Declaration shall be recorded on the subject parcel, 371W24, tax lot 600, and all lots created through subsequent division. The Deed Declaration shall be recorded prior to development. The Deed Declaration shall include the following restrictions:
 - a. Feeding of wildlife is prohibited.
 - b. Picket-style fences are prohibited.
 - c. Native plants will be used for landscaping.
 - d. Wildlife exclusion fences are encouraged around gardens and high value landscaping and shall be placed within 300' of the dwelling.
2. Future development shall retain as much natural vegetation as possible.
3. Future development shall retain mature oaks as legacy trees.
4. Future division and development shall be cluster development to retain as much open space as possible.
5. The length of driveways shall be limited to reduce the amount of vegetation removed.



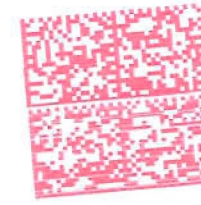
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Development Services

10 South Oakdale Ave., Room 100
Medford, Oregon 97501-2902

DLCD
PLAN AMENDMENT SPECIAL
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SALEM OR 97301-2540



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