



# 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](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

May 9, 2008



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Jackson County Plan Amendment  
DLCD File Number 004-07

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

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: May 22, 2008**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist  
Amanda Punton, DLCD Natural Resource Specialist  
Stuart Todd, Jackson County

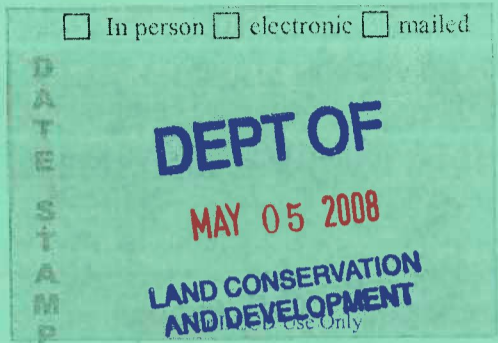
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FOR 2

# DLCD

## Notice of Adoption

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



Jurisdiction: **Jackson County**

Local file number: **LRP2006-00008**

Date of Adoption: **4/30/2008**

Date Mailed: **5/1/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 6/19/2007

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Division 23**

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

Updated of the Jackson County Comprehensive Plan and Land Development Ordinance for consistency with OAR 660.023.0000, the new Goal 5 Rule.

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

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

to:

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

to:

Location: **N/A**

Acres Involved:

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

New:

Applicable statewide planning goals:

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

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

*DLCD # 004-07 (16187)*

**DLCD file No.** \_\_\_\_\_

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

DLCD, DSL, DEQ, DOA, DOGAMI, Jackson County Cities

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Local Contact: **Stuart Todd**

Phone: (541) 774-6956 Extension:

Address: **10 S. Oakdale Ave. Room 100**

Fax Number: **541-774-6791**

City: **Medford**

Zip: **97501-2902**

E-mail Address: **toddsk@jacksoncounty.org**

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### **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197 610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:  

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

## JACKSON COUNTY 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. 2008-5 at a properly advertised public hearing on February 27, 2008, 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 June 29, 2008 (60 days from the date of adoption). A description of the ordinance follows:

Ordinance No. 2008-5 amends the Jackson County Comprehensive Plan and Jackson County Land Development Ordinance, for consistency with Statewide Planning Goal 5; the amendments implement the State of Oregon's Oregon Administrative Rules, Division 23 regarding Goal 5. The amendments address Aggregate and Mineral resources and affect post-acknowledgement plan amendment applications. (File No. LRP2006-00008)

This notice is being mailed to you on May 1, 2008, 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 **Stuart Todd** at Development Services, Room 100, County Offices, 10 South Oakdale, Medford, Oregon 97501. Telephone: Medford 774-6956; Jackson County residents outside of Medford's local calling area 1-800-452-5021 and enter the next four digit extension 6956.

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 1:00 p.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 May 1, 2008, and the LUBA appeal period will expire on May 22, 2008. 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

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NOTARY PAGE

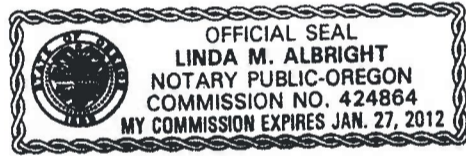
STATE OF OREGON    )  
                                  )  
COUNTY OF JACKSON )

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. 2008-5 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 May 1, 2008.

Patricia A. Guida  
Signature

Personally appeared before me this 1st day of May, 2008, 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: AGENCIES AND INTERESTED PERSONS.

APPLICANT NAME: JACKSON COUNTY

FILE NO: LRP2006-00008

**BoC Adoption Notice**  
**File #LRP2006-00008**  
**APPLICANT/AGENT/STAFF**  
**Mailed/Distributed: 5/1/08**

LRP2006-00008  
DENNIS C.W. SMITH  
COMMISSIONER

LRP2006-00008  
DAVE GILMOUR  
COMMISSIONER

LRP2006-00008  
JACK WALKER  
COMMISSIONER

LRP2006-00008  
KELLY MADDING  
DIRECTOR

LRP2006-00008  
SUSAN LEE  
PLANNING DIRECTOR

LRP2006-00008  
STUART TODD  
PLANNER

LRP2006-00008  
ALLIE O'CONNOR  
COUNTY COUNSEL

LRP2006-00008 CCI  
BARBARA DECKER  
3303 N VALLEY VIEW RD  
ASHLAND OR 97520

LRP2006-00008 CCI  
WALTER FITZGERALD  
PO BOX 3984  
CENTRAL POINT OR 97502

LRP2006-00008 CCI  
PATRICIA GORDON  
1550 YELLOW BRICK RD  
JACKSONVILLE OR 97530

LRP2006-00008 CCI  
STACEY MAVILIA  
PO BOX 1162  
EAGLE POINT OR 97524

LRP2006-00008 CCI  
JOEL OCKUNZZI  
PO BOX 2768  
WHITE CITY OR 97503

LRP2006-00008 CCI  
TANI WOUTERS  
6801 OLD STAGE RD  
CENTRAL POINT OR 97502

IP LRP2006-00008  
LAUREL MILLER  
550 COVE ROAD  
ASHLAND OR 97520

IP LRP2006-00008  
MEL ASHLAND  
440 LIVINGSTON ROAD  
CENTRAL POINT OR 97502

IP LRP2006-00008  
STEVEN WALL  
PO BOX 98  
JACKSONVILLE OR 97530

IP LRP2006-00008  
CURT WEAVER  
2480 NIETO WAY  
MEDFORD OR 97504

IP LRP2006-00008  
MIKE LANIER  
PO BOX 4368  
MEDFORD OR 97501

IP LRP2006-00008  
MR. LULL  
3497 OLD MILITARY RD.  
CENTRAL POINT OR 97502

IP LRP2006-00008  
JOHN WARD  
1525 BALDY CREEK RD  
ASHLAND OR 97520

IP LRP2006-00008  
BRIAN MISCHÉ  
3303 HWY 238  
JACKSONVILLE OR 97530-9393

IP LRP2006-00008  
ANGELO IRIGOYEN  
10370 BLACKWELL RD.  
CENTRAL POINT OR 97502

IP LRP2006-00008  
BOB STUART  
PANTHER CRUSHING  
PO BOX 1525  
WHITE CITY OR 97503

IP LRP2006-00008  
HOLGER T. SOMMER  
PO BOX 367  
MERLIN OR 97532

IP LRP2006-00008  
PATRICIA KELLOGG  
1190 SLAGLE CREEK RD  
GRANTS PASS OR 97527

IP LRP2006-00008  
MARGRET SAYDAH  
4400 SHALE CITY RD  
ASHLAND OR 97520

IP LRP2006-00008  
GEOFF BECKER  
4099 HUMBUGH CREEK RD  
JACKSONVILLE OR 97530

IP LRP2006-00008  
CRAIG HARPER  
PO BOX 3275  
CENTRAL POINT OR 97502

IP LRP2006-00008  
DAN/JANET JONES  
668 W ROLLING HILLS DR  
EAGLE POINT OR 97524

IP LRP2006-00008  
JIM MURRY  
PO BOX 5387  
CENTRAL POINT OR 97502

IP LRP2006-00008  
JANELLE DUNLEVY  
3259 TAHITIAN AVE  
MEDFORD OR 97504

IP LRP2006-00008  
KATE JACKSON  
359 KEARNEY ST  
ASHLAND OR 97520

IP LRP2006-00008  
LAUREL PRARIE-KUNTZ  
PO BOX 1137  
ROGUE RIVER OR 97537

IP LRP2006-00008  
MATT ROPP  
821 W 2<sup>ND</sup> STREET  
MEDFORD OR 97501

IP LRP2006-00008  
DON/MARY SAVAGE  
13851 DUGGAN RD  
CENTRAL POINT OR 97502

IP LRP2006-00008  
KEITH CORP  
250 NEIL CRK RD  
ASHLAND OR 97520

IP LRP2006-00008  
MATT JOCHEM  
8881 E EVANS CRK RD  
ROGUE RIVER OR 97537

IP LRP2006-00008  
HAROLD COMPTON  
8022 GRIFFIN CRK RD  
MEDFORD OR 97501

IP LRP2006-00008  
PHIL DOLLISON  
6621 UPPER APPLGATE RD  
JACKSONVILLE OR 97530

IP LRP2006-00008  
GARY/ROBIN WEATHERS  
WESTERN ROCK  
PO BOX 1269  
SHADY COVE OR 97539

IP LRP2006-00008  
ED DANEHY  
4370 TAMI LN  
CENTRAL POINT OR 97502

IP LRP2006-00008  
RAY/MIKE HILTON  
8087 BLACKWELL RD  
CENTRAL POINT OR 97502

IP LRP2006-00008  
JAY HARLAND  
4497 BROWN RIDGE TER #101  
MEDFORD OR 97504

IP LRP2006-00008  
DARRELL HUCK  
9468 E ANTELOPE RD  
EAGLE POINT OR 97524

IP LRP2006-00008  
AMANDA PUNTON  
DLCD  
800 NE OREGON ST #18, STE 1145  
PORTLAND OR 97232

IP LRP2006-00008  
JANELLE STRADTNER  
ODOT - REGION 3  
3500 NW STEWART PARKWAY  
ROSEBURG OR 97470-1687

IP LRP2006-00008  
JOHN RENZ - DLCD  
PO BOX 3275  
CENTRAL POINT OR 97502

IP LRP2006-00008  
DAN OCONNOR  
823 ALDER CREEK  
MEDFORD OR 97504

Approved: 4/30/2008  
Effective: 6/29/2008

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

ORDINANCE NO. 2008-05

A LEGISLATIVE AMENDMENT TO THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT ORDINANCE, FOR CONSISTENCY WITH STATEWIDE PLANNING GOAL 5; THE AMENDMENTS IMPLEMENT THE STATE OF OREGON'S OREGON ADMINISTRATIVE RULES, DIVISION 23 REGARDING GOAL 5. THE AMENDMENTS ADDRESS AGGREGATE AND MINERAL RESOURCES AND AFFECT POST-ACKNOWLEDGEMENT PLAN AMENDMENT APPLICATIONS. (FILE NO. LRP2006-00008)

**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 and implementing ordinances have been acknowledged by the Land Conservation and Development Commission (LCDC).
2. OAR 660-023-0000, the State's new Administrative Rule on Goal 5 was effective September 1, 1996. However, the rule allowed Periodic Review work tasks in effect prior to that date to continue under the old rule, Division 16, as was the case for Jackson County. The County's Periodic Review regarding aggregate and mineral resources, remained under Division 16 as was documented by Ordinance No. 95-1, until 2006.
3. The Board initiated this legislative update on June 28, 2006 with Order No. 304-06.
4. The matter was taken up by the Jackson County Planning Commission with multiple work sessions, a public information meeting, and a public hearing. Information from State agencies was provided to the public. Department of Land Conservation and Development staff reviewed the draft staff materials and provided relevant comment. The Planning Commission extended opportunities for all interested parties to participate and review draft changes in the preparation stage, consistent with Statewide Planning Goal 1, Citizen Participation.

**Now, Therefore,** the Board of County Commissioners of Jackson County hereby makes the following findings and conclusions:

**1-ORDINANCE; File LRP2006-00008  
Goal 5, Division 23 Update**

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## **SECTION 1. FINDINGS OF FACT**

Based upon the evidence and argument presented, the Board makes the following findings of fact with respect to Jackson County's update of Statewide Planning Goal 5 rules.

- 1.1 Oregon Administrative Rule 660-023-0000 adopted by the State in 1996 establishes a more detailed set of rules and procedures for addressing Goal 5 resources in the State than the preceding rule OAR 660-016-0000.
- 1.2 The County Comprehensive Plan, Map Designations Element for Aggregate Resources, as well as other sections of the Comprehensive Plan and the Land Development Ordinance have used OAR 660-016-0000 as a Goal 5 reference and the basis for plan amendment criteria up until this time.
- 1.3 The Jackson County Planning Commission held work sessions regarding the proposed legislative update on October 17, 2006, February 8, 2007, and June 14, 2007. On January 10, 2007, a public information session on this legislative update was held at the Medford Public Library with briefings by DLCD, DEQ, and DOGAMI. Additional consultation briefings were held with the County's Natural Resource Advisory Committee on October 17, 2006, and April 17, 2007.
- 1.4 On July 26, 2007, the Planning Commission held a public hearing on the proposed legislative update and adopted major text changes to the Comprehensive Plan and Land Development Ordinance. On August 23, 2007, the Jackson County Planning Commission forwarded a recommendation for approval of the legislative changes to the Board of Commissioners.
- 1.5 On February 27, 2008, the Board of County Commissioners held a public hearing on the legislative update to the County's Goal 5 regulations. Notice to affected agencies and all interested parties of record were mailed on February 7, 2008, at least 20 days prior to the hearing.
- 1.6 The written record was left open until March 5, 2008, for additional new testimony and a rebuttal period until March 12, 2008, at 1:30 pm. Staff submitted text revisions on March 5, 2008, along with proposed ordinance language. These received no further comment.
- 1.7 Deliberations were held on March 12, 2008, at which time the Board adopted the Planning Commission recommendation with the revised text amendments, along with the proposed staff revisions to the text amendments as documented in the Board record (p. 93-p.102).

**2-ORDINANCE; File LRP2006-00008  
Goal 5, Division 23 Update**

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## SECTION 2. LEGAL FINDINGS

- 2.1 The attached major text amendments were reviewed in accordance with procedures and criteria set forth in the Jackson County Land Development Ordinance for legislative amendments, Sections: 2.7, 2.8, 3.7, and 3.8.
- 2.2 The Board finds the JCPC recommendation presented for the Board hearing, and subsequently amended and as shown as Exhibit A, and Exhibit B here attached (in strikeout and highlight format), represent the necessary changes to bring the County's regulations into compliance with OAR 660-023-0000 as well as to update other corresponding text in the Comprehensive Plan and Land Development Ordinance for Goal 5 references.
- 2.3 Existing applications under the County's jurisdictional review currently exist and have an extensive quasi-judicial history with the County under Division 16 (OAR 660-016-0000). Therefore, the County's implementation of the Division 23 Update must consider the on-going process of review of any pre-existing applications. Allowing these applications to proceed under the existing criteria is necessary.

## SECTION 3. DECISION

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

- 3.1 The Board of Commissioners hereby amends the Comprehensive Plan text and Land Development Ordinance text as follows:
  - 3.1.1 Revise the Jackson County Comprehensive Plan: Map Designations Element, Aggregate and Mineral Resources Element, and Natural Resources Element, all as attached in Exhibit A.
  - 3.1.2 Revise the Jackson County Land Development Ordinance: Chapter 2, Chapter 3, Chapter 4, Chapter 7, and Chapter 13; and Chapter 2 reference material - the User's Guide application submittal guidelines for Mining and Aggregate Removal, all as attached in Exhibit B.
- 3.2 In accordance with Section 14(8) of the Jackson County Charter, this ordinance will go into effect 60 days after it is signed, except as mentioned here in 3.3, below.
- 3.3 This ordinance (No.2008- 05 ) does not effect existing aggregate Comprehensive Plan Amendments and Zoning Map Amendment applications accepted as complete by the County before the effective date of this ordinance, and which may be under review by the County, its hearings bodies, or under appeal at the State level, including any remand process of resolving those applications to a final decision. For these fore-mentioned exceptions, the existing Jackson County Comprehensive Plan and Land Development

**3-ORDINANCE; File LRP2006-00008  
Goal 5, Division 23 Update**

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Ordinance in effect at the time of this ordinance adoption will remain the applicable regulatory reference.


- 3.4 Invalidity of a section or part of this ordinance shall not affect the validity of the remaining sections or parts of sections.

APPROVED this 30<sup>th</sup> day of April, 2008, at Medford, Oregon.

**JACKSON COUNTY BOARD OF COMMISSIONERS**

  
C.W. Smith, Chair


  
Jack Walker, Commissioner

  
Dave Gilmour, Commissioner

APPROVED AS TO FORM:

ATTEST:

  
County Counsel

  
By: Recording Secretary

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 May 1, 2008, and the LUBA appeal period will expire on May 22, 2008. 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.

I:\ZONING\WP\Comp Planning\LRP2006-00008 Div 23 Aggregate\BoC Review\BOC ordinance.doc

**4-ORDINANCE; File LRP2006-00008  
Goal 5, Division 23 Update**

File No. LRP2006-00008  
Goal 5, Division 23 Update

**Exhibit A**  
Jackson County Comprehensive Plan  
Text Amendments

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## MAP DESIGNATIONS<sup>1</sup>

### NATURE OF THE MAPS:

The Comprehensive Plan maps are general diagrams which graphically depict the allocations of projected land use needs and patterns in the County, and reflect the goals, policies, and implementation strategies embodied in the text and elements of the Plan. Some of the information shown on the Plan maps include land use categories, urban growth boundaries, incorporated municipal boundaries, major transportation routes, and major rivers and stream courses. These maps include the Countywide general land use map entitled "Jackson County Comprehensive Plan Map", the unincorporated community detail plan maps for individual geographic areas of the County such as White City, and the background maps supporting the individual elements of the Jackson County Comprehensive Plan. When the terms "Comprehensive Plan Map" or "Plan map" are used in the Map Designations Element, the reference is intended to be to the Jackson County Comprehensive Plan Map except where an unincorporated community plan map exists where the reference is to the applicable unincorporated community plan map.

Zoning maps are separate diagrams that refine the Plan map by specifically depicting the allocations of existing and near term land uses within each of the broader Comprehensive Plan Map Designations. Zoning districts are established in accordance with the corresponding Plan map designations to further refine varying levels of density and development intensity permitted by the Plan map. Appropriate density and development intensity is determined in a manner consistent with the Comprehensive Plan policies and guidelines applicable to each area of the County. As such, the Plan and Zoning maps cannot be used independently from, or take precedence over, the written portion of the Plan text.

### RELATIONSHIP OF THE PLAN TEXT TO THE PLAN MAPS:

The Plan maps are site-specific expression of the goals, findings, policies, and implementation strategies found in the Plan text. The arrangement and distribution of existing and projected land uses illustrated on the maps is based on the elements and principles embodied in the written Plan. Together, the Plan maps and text provide the overall framework within which more detailed planning can occur.

The Jackson County Comprehensive Plan was first acknowledged by the Oregon State Land Conservation and Development Commission in 1983 as consistent with the Statewide Planning Goals and ORS 197. The Map Designations Element adopted therein established how the entire area of the County was inventoried to determine appropriate land uses on a broad scale. This Element set forth the criteria and characteristics of lands for each Plan designation. As a rule, some type of resource land designation was required for all land located outside urban growth boundaries unless identified within a Goal 3 or 4 exception area. The inventory of Goal 3 and 4 exception areas was determined by criteria set forth in the Goal Exceptions Element of the Plan. For example, an island made up of a single property or group of properties that may not have met all of the resource lands mapping criteria, but was under 20 acres surrounded by resource lands which did meet the criteria, was designated as within resource lands unless an

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<sup>1</sup>Adopted by Ordinance #82-26, effective 12-19-82 (File 82-50-OA); amended by Ordinance 2001-31, effective 2-10-02 (File 2001-9-OA, replaced by Ordinance #2002-16 adopted 7-17-02, effective 9-15-02 (File 2000-7-OA); amended by Ordinance 2003-19, effective 11-17-03 (File 2003-2-OA), replaced by Ordinance #2004-1 adopted 1-12-04, effective 3-12-04 (File 2003-1-OA).

### AGGREGATE RESOURCE LAND

[Note: for text changes, adopt this section Agg Resc in its entirety and eliminate strikeouts.]

1) Purpose:

The Aggregate Resource designation provides for the protection of aggregate resources. These areas, like other rural natural resources, are considered unique and warrant their own designation. The designation is intended to protect the resources from incompatible uses, particularly residential uses, which may inhibit the extraction, crushing, and transportation of the resource. Policies for use of aggregate resources are included in the Aggregate and Mineral Resource Element of the Comprehensive Plan. **This section of the Map Designation Element is subject to OAR 660-023-0180.**

2) Description:

Areas designated for Aggregate Resource are located in a wide variety of locations and settings. Alluvial deposits along Bear Creek and the Rogue River provide the source of most sand and gravel. Bedrock quarry activities are more widely dispersed, but primarily occur within basalt formations. Typically these areas are located near the urban areas of the County, but are distant enough to not have negative impacts such as noise or dust on urban communities.

3) Map Designation Criteria:

A) Significance Determination. ~~An aggregate resource site shall be considered significant if adequate information regarding the quantity, quality, and location of the resource is consistent with OAR 660-023-0180. The threshold for site significance is a quantity of more than 500,000 tons of aggregate material that meets applicable Oregon Department of Transportation (ODOT) specifications for base rock, unless the site is on farmland. Farmland sites are further qualified by the Rule (see 660-023-0180(4)). Smaller sized EFU sites (less than 500,000 tons) have no quality specification requirement. The following evidence will be submitted to demonstrate significance: The County shall analyze information relating to the location, quality and quantity of mineral and aggregate deposits. Information necessary to demonstrate the significance of a resource shall include:~~

- i) A map and other written documentation sufficient to accurately identify the location and perimeter of the mineral or aggregate resource; and
- ii) Evidence that a representative set of samples meets applicable ODOT specifications for base rock for air degradation, abrasion and soundness. ~~Information demonstrating that the resource deposit meets or can meet applicable city, County, state, or federal quality specifications for the intended use(s). Oregon Department of Transportation quality specifications for aggregate include: (1) the Los Angeles Rattler test for abrasion (AASHTO T96, OSHD TM 211—loss of not more than 30 percent by weight), (2) the Oregon Air Degradation test (OSHD TM 208—loss of not more than 20 percent by weight), and (3) the Sodium Sulfate Soundness test (OSHD TM 206—not more than 12 percent by weight). Information may consist of laboratory test data or the determination of a certified, licensed or registered geology professional, or other qualified person; and~~

- iii) Information demonstrating the quantity of the resource deposit as determined by exploratory test data or other calculation compiled and attested to by a certified, licensed or registered geology professional, or other qualified person.
  - iv.) If EFU zoning is present, soils information for the extraction area is necessary to determine the percent of prime or unique farm soils.
- ~~B) Inventory. Based on the analysis of information relating to the location, quality and quantity of mineral and aggregate deposits, the County shall determine the inventory status of the resource site. Each site considered by the County shall be placed on one of three inventories based on the following criteria:~~
- ~~i) If the resource site does not meet the definition of a significant resource in the Land Development Ordinance, the County shall include the site on an inventory of "Nonsignificant Sites"; or~~
  - ~~ii) If information is not available to determine whether the resource site meets the definition of a significant resource as defined in the Land Development Ordinance, the County shall include the site on an inventory of "Potential Sites." Sites shall remain on the "Potential sites" inventory until such time as information is available to determine whether the resource site is significant; or~~
  - ~~iii) If the resource site meets the definition of a significant resource, the County shall include the site on an inventory of "Significant Goal 5 Resource Sites."~~
- B) Identify Impact Area.** For each site determined to be significant and to be included on the inventory of "Significant Goal 5 Resource Sites", the Impact Area shall be identified and mapped. The Impact Area shall be limited to 1,500 feet from the boundaries of the mining area, except where factual information indicates significant potential conflicts beyond this distance, unless increased or decreased based on analysis and findings developed in the course of the Goal 5 process.
- C) Identify Conflicting Uses.** Conflicting Uses. "Conflicting use" is a use or activity that is subject to land use regulations and that would interfere with, or be adversely affected by, mining or processing activities at a significant mineral or aggregate resource site (as specified in subsection (5)(b) and section (7) of OAR 660-023-0180).
- The local government shall determine existing or approved land uses within the impact area that will be adversely affected by proposed mining operations and shall specify the predicted conflicts. For purposes of this section, "approved land uses" are dwellings allowed by a residential zone on existing platted lots and other uses for which conditional or final approvals have been granted by the local government. For determination of conflicts from proposed mining of a significant aggregate site, the local government shall limit its consideration to the following:
- i) Conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e.g., houses and schools) that are sensitive to such discharges;

- ii) Potential conflicts to local roads used for access and egress to the mining site within one mile of the entrance to the mining site unless a greater distance is necessary in order to include the intersection with the nearest arterial identified in the local transportation plan. Conflicts shall be determined based on clear and objective standards regarding sight distances, road capacity, cross section elements, horizontal and vertical alignment, and similar items in the transportation plan and implementing ordinances. Such standards for trucks associated with the mining operation shall be equivalent to standards for other trucks of equivalent size, weight, and capacity that haul other materials;
- iii) Safety conflicts with existing public airports due to bird attractants, i.e., open water impoundments as specified under OAR Chapter 660, Division 013;
- iv) Conflicts with other Goal 5 resource sites within the impact area that are shown on an acknowledged list of significant resources and for which the requirements of Goal 5 have been completed at the time the PAPA is initiated;
- v) Conflicts with agricultural practices; and
- vi) Other conflicts for which consideration is necessary in order to carry out ordinances that supersede Oregon Department of Geology and Mineral Industries (DOGAMI) regulations pursuant to ORS 517.780;

~~For each site determined to be significant and to be included on the inventory of "Significant Goal 5 Resource Sites", conflicting uses as defined by the Goal 5 process in the Land Development Ordinance, shall be identified.~~

- ~~i) The identification of conflicting uses and other Goal 5 resources shall include uses in existence at the time of review, as well as the potential for the establishment of new conflicting uses. Identification of potential conflicting uses shall be accomplished by analyzing the uses allowed in the adjacent zone(s).~~
- ~~ii) If no conflicting uses are identified, the impact area designation shall not be applied to the property surrounding the resource site.~~

**D) Analysis of Conflicting Uses.** For each site determined to be significant, the economic, social, environmental and energy (ESEE) consequences of conflicting uses shall be analyzed in accordance with the Goal 5 process (OAR 660-023-040(5)(c)). If reasonable and practicable measures are identified to minimize all identified conflicts, mining shall be allowed at the site and the ESEE consequences analysis is not required. For any significant conflicts that cannot be minimized, the analysis will address the ESEE consequences of:

- i) Allowing a conflicting use
- ii) Limiting a conflicting use
- iii) Prohibiting a conflicting use

- ~~i) The analysis shall be limited to uses and Goal 5 resources identified pursuant subsection D.~~

- ~~ii) The analysis shall consider the consequences associated with protecting the mineral or aggregate resource, as well as extracting and processing the resource.~~
- ~~iii) The analysis shall determine the relative value of use of the mineral or aggregate resource site as compared to existing or potential conflicting uses.~~
- ~~iv) The analysis shall consider the consequences for both existing and potential conflicts, and shall consider opportunities to avoid and mitigate conflicts. The analysis shall examine:
  - ~~a) The consequences of allowing conflicting uses fully, notwithstanding the possible effects on surface mining operations;~~
  - ~~b) The consequences of allowing surface mining operations fully, notwithstanding the possible effects on conflicting uses;~~
  - ~~c) The consequences of protecting conflicting Goal 5 resources.~~~~

**E) Decision on Program to Provide Goal 5 Protection. The decision to allow, limit, or prohibit identified conflicting uses at significant resource sites shall be based upon and supported by the ESEE analysis. Based on the analysis of ESEE consequences, the County shall make a determination on the level of protection to be afforded each site. Each determination shall constitute a decision to comply with Goal 5 for the specific site, and shall be incorporated into the Comprehensive Plan, and reflected on the County zoning maps, as appropriate. The County shall make one of the following determinations:**

- ~~i) Protect the resource site fully, allow surface mining. To implement this decision the County shall apply the Aggregate Removal zone. Development and use of the mineral or aggregate resource shall be governed by the standards within the Land Development Ordinance. As part of the final decision, the County shall adopt site-specific policies prohibiting the establishment of conflicting uses within the area designated as the Impact Area surrounding the Extraction Area. The significant resource site is of such importance compared to the conflicting uses, and the ESEE consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited.~~
- ~~ii) Balance protection of the resource site and conflicting uses, allow surface mining. To implement this decision, the County shall apply the Aggregate Removal zone. Development and use of the mineral or aggregate resource shall be governed by the standards in the Land Development Ordinance and any other site-specific requirements designed to avoid or mitigate the consequences of conflicting uses and adopted as part of the final decision. Development of conflicting uses within the Impact Area shall be regulated by the Land Development Ordinance and any other site-specific requirements designed to avoid or mitigate impacts on the resource site and adopted as part of the final decision. The resource site and the conflicting uses are important compared to each other, and, based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent.~~

## AGGREGATE AND MINERAL RESOURCES<sup>1</sup>

**GOAL: TO PROTECT AGGREGATE RESOURCES FROM INCOMPATIBLE DEVELOPMENT AND ENSURE THAT AGGREGATE IS AVAILABLE FOR USE.**

### Introduction

Gold is the most noteworthy metallic mineral of historic importance to Jackson County, with the discovery of gold in Jacksonville in 1851. This led to extensive prospecting for gold throughout the County. Other minerals known to exist in the County include chromite, copper, lead, zinc, tungsten, molybdenum, nickel, platinum, mercury, manganese, and cobalt. These minerals are not known to exist in sufficient quantities to warrant extraction.

The non-metallic minerals known to exist in the County include coal, shale oil, asbestos, clay, pumice, silica, limestone, and aggregate. The significant deposits are aggregate, which is the primary product of mineral extraction in Jackson County. Limited potential for extraction exists for shale oil, silica, and limestone. The "Shale City Deposit" has not proved economical to mine in the past. The Bristol Silica Quarry located near Rogue River is the known silica deposit. Limestone has been mined in the past for cement and other soil amendments.

The primary aggregate products consist of sand, gravel, and crushed rock. These products are used for road construction and building materials, including road bed, asphalt and concrete. Quarry rock is more appropriate for rock crushing and serves road building. Unprocessed rock and earth, 'pit run' rock, is of lesser quality and is used as fill rather than for a finished grade. Upland sources of aggregate made up 85% of the Oregon supply in 1993 (Whelan).<sup>2</sup> Whereas, floodplain and related terrace sources made up 10% of the supply. In Jackson County, sand and gravel deposits along the Applegate River, Rogue River, and Bear Creek have been a significant source of aggregate.

Jackson County has small and large upland hillside quarries. The typical effects of mining include clearing overburden, extracting rock by bulldozer or blasting, loading, crushing, stockpiling, and possibly finished production for asphalt or concrete. Heavy equipment and processing facilities associated with mining generate noise, dust and traffic. Under the State's planning rules, siting new aggregate operations requires consideration of existing uses.

### Environmental and Land Use Considerations:

Surface mining activity cannot be disassociated from environmental and land use considerations. Improperly operated or located surface mines can have an adverse impact on air, water, and land resources, and residential and other types of developments. Provisions which establish minimum standards for protection of these other resources can be implemented by adoption of

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<sup>1</sup>Adopted by Ordinance 93-19, effective 8-29-93 (File 92-17-OA, amended by Ordinance 94-129, effective 2-12-95 and Ordinance 95-1 effective 3-12-95 (File 94-10-OA)

<sup>2</sup>An Economic Analysis of Construction Aggregate Markets and the Results of a Long-Term Forecasting Model, 1995, Robert M. Whelan (mineral economist), DOGAMI

a sound zoning ordinance which would provide adequate separation between aggregate production sites and conflicting land uses.

Development of lands in Jackson County for residential and commercial purposes has already occurred on aggregate resource lands, rendering those deposits non-recoverable. Areas planned and zoned for residential, commercial, or other uses incompatible with the extraction and processing of aggregate should not be considered as potential aggregate sites. Taking into account history of public acceptance and environmental considerations, the open areas and heavy manufacturing categories identified by the Comprehensive Plan as forest resource, rural resource use, agriculture and industrial lands, provide the best general setting for aggregate mining and processing.

#### The Aggregate Industry

The production and distribution of aggregate materials is subject to a variety of influences. A substantial number of private industries and public works agencies in the county are directly dependent upon readily available sources of aggregate.

As a general rule, the private industry sector can be divided into two groups: fixed base producers, and construction contractors. The fixed base producers market a single product line granite or pit-run quarry rock, or a range of products such as concrete, asphalt, or crushed rock. The construction contractors generally operate on a project basis, using portable equipment. Many companies operate interchangeably. Public agencies operate similar to private contracting firms; however, they often require fixed-based locations for stockpiling materials used in maintenance projects.

#### Aggregate Trends

In 1970, 64 millions tons of sand and gravel along valley lowlands was estimated to be available in Jackson County, enough to serve the needs of the County until the year 2005.<sup>3</sup> The current County survey of producers indicate that sizeable reserves of sand and gravel in these areas still exist (see Table 1). However, establishing the source of future aggregate supply still faces the same constraints as in earlier projections: a finite supply of rock in the valley floors. The limited riverbed geological deposits and competing land uses in these areas require finding alternative supply locations in the future.

In 1995, DOGAMI published a statewide forecast for aggregate markets for the period 2001-2050 (the Whelan report). This also included individual County forecasts. Jackson County was forecast to need approximately 135 million tons of aggregate over 50 years, or 2.7 million tons per year.

Aggregate demand is sensitive to urban versus rural uses, disposable income, and related demographic trends such as household size and age. New technology factors create efficiencies using innovations such as recycling road and building materials lessen the demand for virgin aggregate.

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<sup>3</sup>Sand and Gravel, Bear Creek and Rogue Valley Rivers, DOGAMI, Jackson County, January 1970. The 1970 County population projections for 2000 overestimated the demand by 50%, and thus projected a lack of supply after 2005.

Generally, the Whelan model forecasts a declining consumption of aggregate over the five decade period to 2050. This is based on an aging population, smaller households, increased urban growth, and technology factors. Tons per capita were forecast to decrease from 13 to 10 tons per capita. This and other reports note yearly fluctuations often due to federal and state projects which can double expected consumption in some years.

The Whelan report was based on an assumption of household growth in Jackson County at 1.13% per year over the 50-year period, with an aggregate growth at less than half that rate, 49% per household per year. The County's most recent growth forecast is higher, forecasting a growth rate of between 1.22% and 1.31% per year over a 35-year period between 2005 and 2040.<sup>4</sup> Per capita consumption of aggregate rises with higher growth rates due to the expected new land uses.

A set of producer reports to DOGAMI from 1996 to 2005 (Table 1), shows production from permitted sites in Jackson County averaging about 3.25 million tons per year in the last decade, which equates to a per capita consumption rate of 17.7 tons per capita (using an average population of 180,000 in 2000). This exceeds the expected or 'normal' rate of demand, likely due to high rates of growth, and large public projects.<sup>5</sup>

Besides sand and gravel from lowlands, large production supplies are currently generated from upland quarries. These sites generate basalt, andesite, and shale products. Table 1 excludes production of hard granite because of a lack of comparable data on granite reserves reported in the 2006 Jackson County survey of active DOGAMI permittees. The DOGAMI reports (1996-2005) showed an average of 744,000 tons of granite reported to be extracted per year, bringing the total of significant aggregate commodities to 4 million tons per year.

Table 1 illustrates available data on production and supply in the County.

Table 1: Aggregate Commodity Reports, Jackson County

| 1996-2005 Producer Reports<br>(DOGAMI) |           | 2006 County Survey<br>(voluntary reports) |
|--|-----------|---|
| Average per year                       |           | Aggregate Reserves                        |
| Primary Commodities (tons)             |           | (tons)                                    |
| Upland rock*                           | 1,885,422 | 85,282,500                                |
| Sand & Gravel                          | 1,376,163 | 46,740,000                                |
| Total                                  | 3,261,585 | 132,022,500                               |

<sup>4</sup>County Comprehensive Plan, Population Element Update, Draft, EcoNorthwest, Fall 2006.

<sup>5</sup>In addition, this data is self-reported; not verified by production logs or other State documentation.

\* Includes: basalt, andesite (granite not included)  
Source: DOGAMI, Jackson County

The County's Planning Division surveyed aggregate producers in 2006. This represented approximately 65 sites in the County. Those with active DOGAMI permits reported approximately 132 million tons (92,500,000 cubic yards) of primary aggregate product reserves at permitted sites, in the ground in 2006. While this cannot be verified in any detail, it represents a considerable portion of the forecast demand for the next 45 years (when compared to the forecast demand in the Whelan report). The survey does not account for quality specifications and specific applications such as concrete production, nor location relative to markets.

Table 2, using the Whelan report, provides a reference for Jackson County demand using a long term model (2001 to 2050, demand by each successive decade). The figures shown in Table 2 are a mid-term forecast number from the decade 2021-2030.

Table 2: Forecast Aggregate Uses 2025, Jackson County

| Type of Demand                             | Tons per Year | % of Total |
|--|---------------|------------|
| Roads                                      | 760,000       | 26.3%      |
| Non-Residential<br>(Commercial/Industrial) | 730,000       | 25.3%      |
| Other Infrastructure                       | 720,000       | 24.9%      |
| Residential                                | 500,000       | 17.3%      |
| Railroads, non-construction                | 180,000       | 6.2%       |
| Total                                      | 2,890,000     | 100%       |

Source: Whelan Report, DOGAMI, 1995

The DOGAMI forecast projects the growth rate for virgin aggregate at .44% per year statewide. Technology allows for recycling of aggregate from roads and buildings. The Whelan report showed almost 4% of aggregate came from recycling in 1993 and is expected to climb to over 8.5% by 2050.

The forecast describes the base level of aggregate demand linked to the existing population and related infrastructure: 66% to 75% of the amount of aggregate consumed serves existing uses. The remaining one-third to one-quarter is

attributed to new growth. Existing uses include maintenance, improvement, repair and replacement projects. New uses serve growth and expansion, such as new housing, retail, public facilities, roads and infrastructure. High growth periods increase the share attributable to new uses.

During the 2000 to 2005 period, road and bridge building in Jackson County together with a high growth period, have raised the aggregate demand/production beyond that expected in the long-term. Urban uses are less aggregate intensive on a per capita basis. Trends toward more urban density with smaller household size would diminish aggregate demand, while trends toward more rural development and larger houses would increase aggregate demand in the County.

#### Transportation

Trucking is the mode of transport that serves diverse job sites. Price competition is affected by hauling costs and trip distance. Aggregate truck loads reach the maximum road weight standards (105,550 lbs.). A fully loaded truck and trailer can transport 30 tons of material per trip. Numerous trips are necessary to meet the needs of construction projects. Trucking costs double every 15 miles of distance (Whelan report) and unless the market as a whole is subject to similar distance constraints, the more distant producers are uncompetitive with the nearby producers. Finding aggregate sites that serve markets is dependent on proximity, and good road access.

#### MINERAL RESOURCES:

Most of the information contained in the section is derived from the following publications: Land Use Geology of Central Jackson County, which was produced by the State Department of Geology and Mineral Industries in 1977; Mineral and Water Resources in Oregon, written by the United States Geological Survey in 1969; and, The Minerals Yearbook, written in 1976 by the Bureau of Mines. Two other publications, although not utilized in the report, provided information on minerals in Jackson County. These documents are Gold and Silver in Oregon, written by Howard C. Brooks and Len Ramp for the Department of Geology and Mineral Industries in 1968; and, Mineral Industries of Southern Oregon, which was written in 1914, by Joseph Silas Diller.

The most recent comprehensive inventory of aggregate and mineral resources is a data base prepared by the Oregon Department of Geology and Mineral Industries: Mineral Information Layer for Oregon by County (MILOC), published in 1991. The inventory includes nearly 700 mineral occurrences, prospects, and mines in Jackson County, of which approximately 150 are aggregate sites having mined land reclamation permits.

#### History:

The production of minerals in Oregon began with the discovery of gold in Jacksonville in 1851. Within a few years after the discovery of gold, nearly all of southwest Oregon had been prospected for gold. The value of mined gold, in these early years, was substantial. A mine located at Gold Hill is said to have produced \$400,000 worth of gold in the single year of 1860. By the beginning of

the 1940s, the production of gold came to a near stand-still throughout most of Oregon. Because the value of gold has risen from its fixed rate of \$35 per ounce in 1972, to approximately \$330 per ounce in 1993, the mining of gold in Jackson County may increase.

Within Oregon, gold was the dominant mineral produced until the 1930s. However, starting in the middle of the 1930s, the production of non-metallic minerals began to exceed the value of the state's gold production, according to the publication Mineral and Water Resources of Oregon. In Jackson County that same relationship exists today. The value of mined aggregate, which consists of sand, gravel, and quarry stone far exceeds the value of all other mined minerals including gold, which is now the second most valuable mineral produced in the county.

———— \*Although aggregate is defined in this plan as including all mineral resources this element discusses mineral resources and aggregate resources separately.

#### Metallic Minerals:

According to Land Use Geology of Central Jackson County, three metallic mineral, gold, silver, and uranium, have a very high potential for future development, partially because of the high value of the substances.

Land Use Geology of Central Jackson County, states that minerals with a moderate potential for future development include chromite, copper, lead, zinc, and tungsten. This report goes on to say that, generally, "known deposits are not large enough to compete with outside sources."

Molybdenum, nickel, platinum, mercury, manganese, and cobalt, have a low probability for future development according to Land Use Geology of Central Jackson County. This is expected, in part, because of outside competition and the poor record of discovery. If found in sufficient quantities, molybdenum and platinum have a relatively higher potential for development. Table I, provides a brief explanation of the geologic occurrence, production history, and estimated potential development of the metallic and nonmetallic minerals of Jackson County.

#### Nonmetallic Mineral:

According to the Oregon Metal Mines Handbook, nonmetallic minerals present in Jackson County include coal, shale oil, asbestos, carbon dioxide, clay, peat, pumice, silica, limestone, and aggregate. Aggregate is the most important mineral mined in Jackson County, and is described in the aggregate section of this element.

Land Use Geology of Central Jackson County, identifies coal as a nonmetallic mineral with a very high potential for future development. This report also states that "oil has a low potential for discovery, but would be exploited if it ever were discovered."

Clay is identified as a mineral having moderate potential for future development;

however, deposits may not be large enough to compete with outside sources. One location of note is the Klamath Falls Brick and Tile site near Ashland.

According to the Oregon Metal Mines Handbook, the deposit of oil shale in Jackson County, which is called the Shale City Deposit, is the only such deposit in the state. Rock is considered an oil shale when it yields 10 to 100 gallons of oil per ton. The Oregon Metal Mines Handbook states that the Shale City deposit is good commercial grade shale, yielding 36 gallons per ton. The production of oil shale has not proved economical in the past.

Only four deposits of silica have been worked commercially in Oregon. The Bristol Silica Quarry, located near the town of Rogue River is one of those deposits. The Bristol Silica Quarry has been producing industrial silica since 1938. The silica is used as a nursery grit for tree seedlings; it is used as a catalytic medium and for filtration purposes in the refining of oil; and, it is used for aquarium grit.

For many years, cement was produced by the Ideal Cement Company, located near Gold Hill. The limestone used to make the cement was derived from quarries in Jackson and Josephine Counties. The plant closed in 1967. There are plans to utilize limestone, located at the Bristol Silica Quarry, for the neutralizing effect it has on the PH of agricultural soils.

#### AGGREGATE RESOURCES:

Aggregate resources consist of sand, gravel, rock, stone, soil, precious metals, and other earth or natural materials, and are finite nonrenewable minerals necessary for most public works projects and nearly all types of commercial, industrial and residential construction. Aggregate is used in concrete, asphalt and as fill and base for public and private roads in urban, rural and forest land areas. Every house that is constructed requires an average of forty cubic yards of aggregate and generates a secondary demand in the community for an additional one hundred cubic yards of aggregate products. An estimated 80 percent of the aggregate mined in the county is projected to be used for the building of structures and for public and forest road construction purposes. The high demand for aggregates will continue consistent with population growth and the development and redevelopment needs of the urban and rural areas in the county. Thus, there is a clear public need to protect aggregate resource lands and processing sites and ensure that this resource is readily available for use.

#### County Aggregate Production and Estimate for Future Production:

Jackson County produces 3.2 percent of all the sand and gravel in the state and 12.6 percent of all the stone. The average annual production in the county, from 1970 to 1976, was 596,000 tons of sand and gravel, and 1,670,000 tons of stone. Between 1970 and 1976, only one county has produced more sand and gravel than Jackson County.

The Bear Creek Valley distribution area, from Eagle Point to Ashland, consumes and estimated 75 percent of aggregate used in the county. This region is expected to continue as the principal market area in the county. The demand for aggregate exists on a more sporadic basis in rural and forest areas in the county.

Large public works projects can cause wide fluctuations in consumption rates and temporarily will increase normal demands in certain county areas.

Aggregate Inventory Needs:

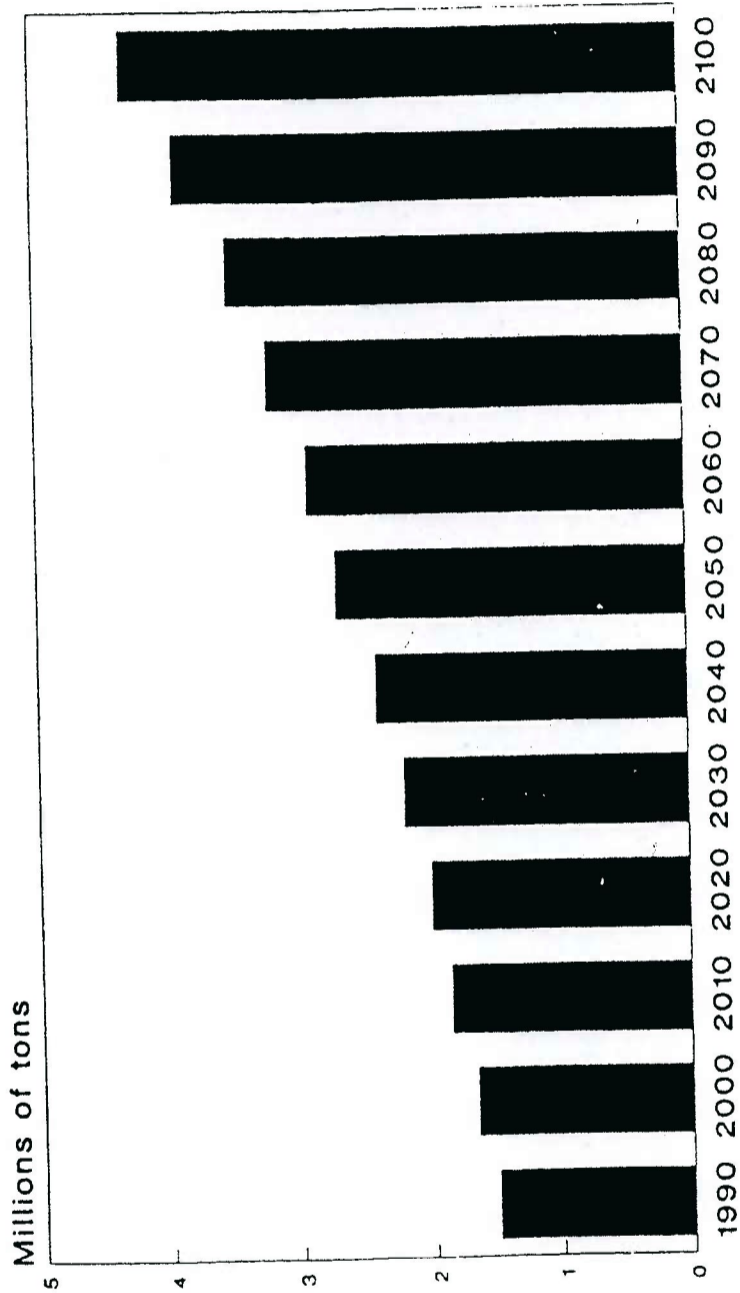
Two studies were prepared in 1970, and a third was prepared in 1976, on the aggregate resources of Jackson County. Although these studies provide inventory data on aggregate resources, they do not provide, nor do adequate up-to-date sources exist, indicating the quality, quantity and locations of aggregate resources which remain in Jackson County, in any one single published document. For purposes of immediate identification of those aggregate sites in need of protection and special land use planning strategies, an informal Aggregate Resource Advisory Committee was formed in 1980 to assist in mapping known resource sites including lands with existing investments in aggregate production. In 1992, the Board of County Commissioners appointed an Aggregate Resources Advisory Committee to recommend alterations to the existing inventory and text of the Land Development Ordinance.

A DOGAMI open-file report on the sand and gravel of Jackson County (Schlicker and Deacon, 1970) was perhaps the best study at that time. The report incorporated actual consumption data and also incorporated forecasts for future needs. The basic assumptions of this report were valid; however, the report predicted a population growth of 72 percent from 1965 to 1985, when actual growth from 1965 to 1990 was only 58 percent. It is evident that Jackson County's rapid growth of the 1970's has tapered off to a more modest rate. At a 10 percent growth rate from 1980 to 1990, Jackson County ranked eighth in Oregon, where the statewide increase was 7.4 percent.

The baseline data and assumptions for Tables 1 and 2 are as follows: Unpublished data collected by DOGAMI in 1990 from some of the larger corporations, together with industry estimates, suggested the total aggregate consumption for Jackson County was about 1.5 million tons. The confidence expressed in this number at the time was about plus or minus 10 percent. Per capita aggregate consumption in Jackson County is slightly more than 10 tons, approximately the same as in 1970 (Schlicker and Deacon, 1970). Jackson County per capita aggregate consumption parallels national consumption, plus or minus 10 percent. Hence, population growth and aggregate consumption are intimately parallel. It is assumed that Jackson County will average a population growth rate of 10 percent per decade from 1990-2100.

STRIKE GRAPHIC

**PROJECTED JACKSON COUNTY AGGREGATE NEEDS  
ANNUAL CONSUMPTION**

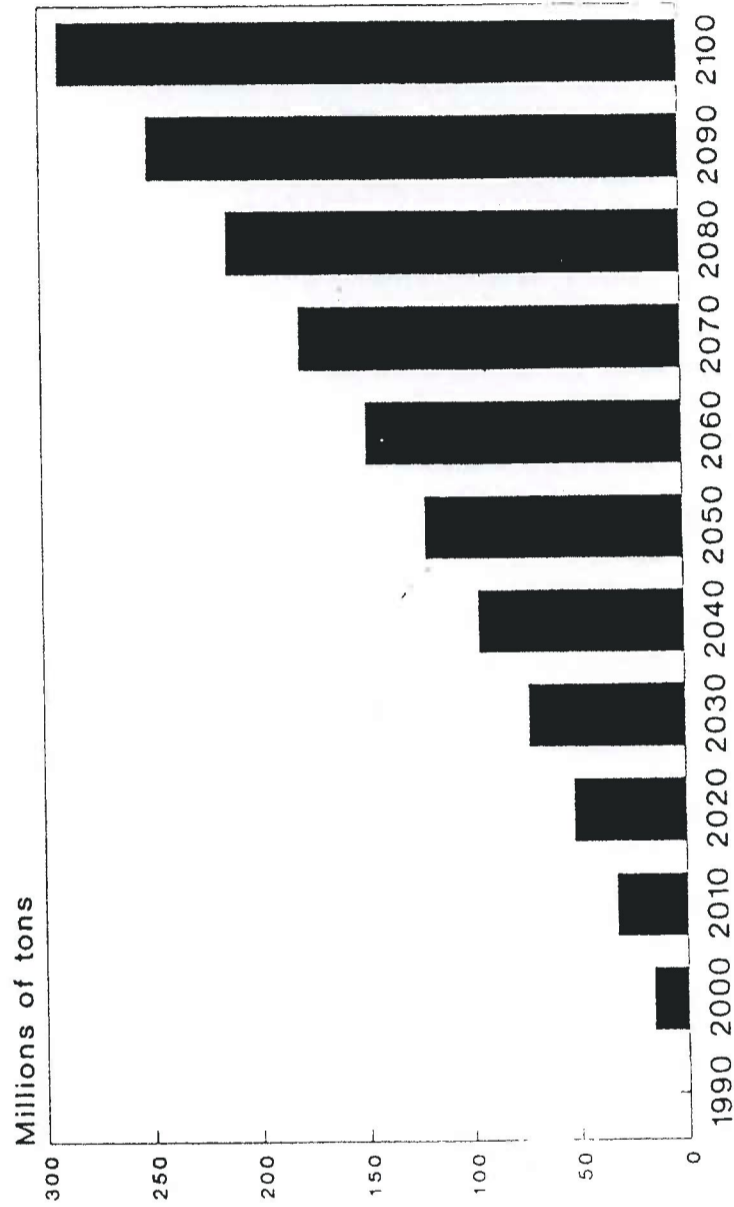


Based upon 10% per decade growth rate

TABLE 1

Strike graphic

PROJECTED JACKSON COUNTY AGGREGATE NEEDS  
CUMULATIVE CONSUMPTION



Based upon 10% per decade growth rate

TABLE 2

STRIKE GRAPHIC

A model of 10-percent-per-decade growth, averaged over one hundred years, has the following advantages. First, it is slightly higher than the most recent national average, reflecting the fact that growth has occurred predominantly within 100 miles of the nation's coasts, which is expected. Second, it is consistent with world growth parameters projected at the Electric Power Research Institute for the next

half century (Starr and others, 1992). The 10-percent-per-decade model for Jackson County shows that by the year 2060, aggregate consumption will increase by a factor of 193 percent (1990 baseline) or 201 percent (1986 baseline).

Source: Letter dated December 10, 1992, from Frank Hladky, Resident Geologist, Department of Geology and Mineral Industries.

Consideration of "need" for aggregate resources is not appropriate in determining whether a resource is significant. The determination of significance is a matter of local discretion based on information concerning the location, quality and quantity of resource sites. The relative abundance and quality of resources are important factors in determining significance, as is the location of resources in response to local or regional markets.

#### The Aggregate Industry:

The production and distribution of aggregate materials is subject to a variety of influences. A substantial number of private industries and public works agencies in the county are directly dependent upon readily available sources of aggregate.

As a general rule, the private industry sector can be divided into two groups: fixed base producers, and construction contractors. The fixed base producers market a single product line granite or pit-run quarry rock, or a range of products such as concrete, asphalt, or crushed rock. The construction contractors generally operate on a project basis, using portable equipment. Many companies operate interchangeably. Public agencies operate similar to private contracting firms; however, they often require fixed-based locations for stockpiling materials used in maintenance projects.

#### Environmental and Land Use Considerations:

Surface mining activity cannot be disassociated from environmental and land use considerations. Improperly operated or located surface mines can have an adverse impact on air, water, and land resources, and residential and other types of developments. Provisions which establish minimum standards for protection of these other resources can be implemented by adoption of a sound zoning ordinance which would provide adequate separation between aggregate production sites and conflicting land uses.

Development of lands in Jackson County for residential and commercial purposes has already occurred on aggregate resource lands, rendering those deposits nonrecoverable. Areas planned and zoned for residential, commercial, or other uses incompatible with the extraction and processing of aggregate should not be considered as potential aggregate sites. Taking into account history of public acceptance and environmental considerations, the open areas and heavy manufacturing categories identified by the Comprehensive Plan as forest resource, rural resource, open space resource, agriculture and industrial lands, provide the best general setting for aggregate mining and processing.

### Reclamation

**Mined sites, once depleted or no longer economically viable, are required to be reclaimed according to an approved reclamation plan. Reclaimed property includes re-grading, fill, planting trees, or other means to prepare a site for a subsequent use. Gravel pits may become lakes, wildlife habitat, industrial sites, or other appropriate uses.**

Oregon law required reclamation of land subjected to surface mining activity if the mining began after July 1, 1972. The law applies to all surface mines which mine 5000 cubic yards or affect more than one acre of land per year. The reclamation project, plan and performance bonds are under the jurisdiction of the Department of Geology and Mineral Industries and are subject to review and coordination with local affected agencies.

#### Future Planning Considerations:

The Bear Creek Valley, from Eagle Point south to Ashland, is expected to continue as the a principal area of aggregate utilization in the county. A decline in available sites, especially sand and gravel deposits providing source material for aggregates, ~~is occurring~~ **will lead to more upland site development.**

~~The industries operating in this region are being forced to look~~ **lowland valley areas must look** at other alternatives for rock sources and preserve key sand and gravel deposits, specifically for concrete production. ~~Key sites for concrete aggregates and other sand and gravel uses have been identified and mapped on lower Bear Creek and the terraces and floodplain bordering the Rogue River from Gold Rey Dam upstream, to near Dodge Bridge.~~ Key sources of quarry rock, granite and basaltic shale exist in the Jacksonville, Eagle Point, Agate Lake and Brownsboro areas.

~~Within the remaining county rural area the demand for aggregate will vary, depending on the location. The outlying cities of Rogue River, Gold Hill, Shady Cove, and Butte Falls will all generate a sizeable market for aggregate products. The rural development areas of Sams Valley, Ruch, Wimer, Prospect and other similar areas will generate a significant but lesser need of aggregate for home and farm use. Most of the aggregate mined in the rural county areas will be used for road construction purposes.~~

#### **Rural Area Demand**

The amount of aggregate consumption in the outlying areas can change yearly; it is not easily predictable nor are priority aggregate sites easily identified. A number of influences, such as major public works projects, damaging floods, prolonged ice or snow conditions, or substantial rural growth, can increase the annual demand in any given area of the county. In recognition of this, planning and zoning concepts must retain a certain degree of flexibility, particularly as they apply to the zoning of rural aggregate resource sites. It is reasonable to expect that rock quarries scattered throughout the forest resource areas will continue to provide the best viable source of aggregate for the outlying county, state and forest road systems. Similar rock quarries in or near rural communities and cities

are sources for both pit-run and processed material for use in road base, fill and paving rock.

Bedrock aggregate deposits capable of supplying these materials exist in proximity to each area of demand. Sand and gravel deposits in this identified distribution area exist in substantial quantity only in the Applegate River floodplain. Lesser deposits exist in the floodplains of Evans Creek, and the Rogue River between Dodge Bridge and Shady Cove. The Applegate deposits are large enough to have both localized and regional significance and should be recognized as such. Along Evans Creek and the section of the Rogue River mentioned above, riverwash gravel deposits have built up at various locations in excess of the stream's bedload capabilities. In these areas, properly engineered gravel removal can provide multi-purpose benefits.

**Background References:**

Sand and Gravel, Bear Creek and Rogue River Valleys, Jackson County, Oregon. Schliker and Deacon, DOGAMI and Jackson County, January 1970.

Planning for Aggregate, 2001, DLCD and ODOT

An Economic Analysis of Construction Aggregate Markets and the Results of a Long-Term Forecasting Model, 1995, Robert M. Whelan, DOGAMI

DOGAMI, Jackson County production figures from permittees, 1996-2005

Jackson County – Production survey, resource reserves in active sites, 2006

Eco Northwest – County Population projections, 2006

Land Use Geology of Central Jackson County, 1977, DOGAMI

Jackson County Comprehensive Plan (existing, in effect in 2006)

FINDINGS, POLICIES AND IMPLEMENTATION STRATEGIES:

4 1

FINDING:

Aggregate is a nonrenewable resource. Under continued use, aggregate resource sites will become depleted. This section recognizes that a change in zoning will generally be desirable, once a site zoned Aggregate Resource has been depleted of the aggregate, and is otherwise not suitable for aggregate operations. **the need to protect aggregate resources and identify new extraction sites over time. Sites that are depleted will be reclaimed to productive uses.**

Adopted as part of this comprehensive plan is a map designating of currently identified aggregate lands. It identifies the location of existing and potential aggregate operations and serves as the current inventory of aggregate resources in the County; it will serve as a useful document by which land use actions proposed to be located near aggregate resources may be evaluated for their conformance with this aggregate section of the comprehensive plan. An inventory of currently zoned Aggregate Resource lands will be used for planning purposes. In addition, the County will coordinate with DOGAMI to keep a list of all active aggregate permits in the County.

**POLICY: WHEN AN AGGREGATE SITE IS NO LONGER SUITED FOR AGGREGATE OPERATIONS, A CHANGE FROM AGGREGATE RESOURCE ZONING TO ANOTHER ZONING DESIGNATION IS DESIRABLE. THE PROPOSED ZONING MUST BE CONSISTENT WITH THE COMPREHENSIVE PLAN ORDINANCES, AND RECLAMATION PLAN. THE COUNTY SHALL PROTECT SIGNIFICANT MINERAL AND AGGREGATE RESOURCES CONSISTENT WITH STATEWIDE PLANNING GOAL 5 AND THE PROCESS FOR COMPLYING WITH THE GOAL SPECIFIED IN OREGON ADMINISTRATIVE RULES CHAPTER 660, DIVISION 23.**

IMPLEMENTATION STRATEGY:

Ensure that new zoning on properties which are currently zoned Aggregate Resource is consistent with the map designations and other relevant sections of the comprehensive plan and ordinances. **The Map Designations Element of this Plan establishes the procedure for protecting aggregate resources. In addition, the county shall maintain an inventory of significant mineral and aggregate resource sites.**

- A) ~~The county shall protect significant mineral and aggregate resources consistent with Statewide Planning Goal 5 and the process for complying with the Goal specified in Oregon Administrative Rules Chapter 660, Division 16.~~
- The County's significant sites inventory will include those sites zoned Aggregate Removal. It will also include those sites**

designated by the County Board of Commissioners as significant aggregate sites, but which have not been zoned Aggregate Removal.<sup>6</sup> The combination of AR zoning, and Board orders, will be considered the County's Goal 5 aggregate inventory. The county shall maintain an inventory of mineral and aggregate resource sites. The comprehensive plan inventory shall consist of a inventory of "significant sites". The and other significant aggregate sites not zoned Aggregate Removal. three parts:

- ~~i) as important resources that will be protected from conflicting uses;~~
  - ~~ii) A n inventory of "potential sites" for which sufficient information concerning the location, quality, and quantity of a resource site is not adequate so as to allow the county to make a determination of significance;~~
  - ~~iii) An inventory of "other sites" for which available information demonstrates that the site is not a significant resource to be protected.~~
- ~~C) The location of a mineral or aggregate resource shall be identified as the site of a recoverable source of material. A resource site may consist of all or portions of a parcel, and may comprise contiguous parcels in different ownerships. Identification of a resource site need not include mineral and aggregate reserves that are irrevocably committed to other land uses which are incompatible with surface mining.~~
- ~~D) For an aggregate site to be determined significant, the resource must possess a minimum of 100,000 cubic yards of minable reserves. This standard is not absolute; the county may consider the significance of a site based on unique circumstances even though the volume threshold may not be met. The 100,000 cubic yard threshold allows for protection of sites in remote areas as well as high-quality materials that may be relatively scarce, but located near larger markets. Further, Oregon Department of Geology and Mineral Industries inventories define large sources of material as those having more than 100,000 cubic yards. It is the policy of the county to protect a variety of large reserves to serve the regional market which also meet Oregon Department of Transportation specifications for construction grade material. Oregon Department of Transportation quality specifications for aggregate include: 1) the Los Angeles Rattler test for abrasion (AASHTO T96, OSHD TM 211--loss case of not more than 30 percent by weight); 2) the Oregon Air Degradation test (OSHD TM 208--loss of not more than~~

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<sup>6</sup> Past Board orders for site significance include the following Orders: #95-14 (portions of 36 1E 05 1900 & 1901), #95-205 ( parts of 38 1E 10 100, 38 1E 11 300, 38 1E 14 100, 38 1E 15 100) and #2000-266 (36 4W 19 300). These sites were not conferred zoning because ESEE conflicting use issues remained unresolved.

30 percent by weight), and 3) the Sodium Sulfate Soundness test (OSHD TM 206--not more than 12 percent by weight):

- E) The significance of non-aggregate mineral resources shall be judged on the basis of the **State's Goal 5 criteria (OAR 660-023-0030). Mineral sites, zoned AR, will be considered significant sites along with aggregate sites.** ~~on a case by case basis, taking into account information concerning the commercial or industrial use of the resource, as well as the relative quality and relative abundance of the resource within at least the county.~~
- F) ~~Because material source sites owned or controlled by municipal, county or state government agencies have been acquired for the purpose of maintaining the public road system, and collectively form a network of great importance, the county shall deem such sites presumptively significant. Such sites shall be analyzed along with other significant sites to establish the appropriate level of protection from conflicting uses.~~
- G) ~~The county shall allow continued mining at existing significant resource sites. Expansion beyond the limits of an existing site shall be in accordance with County zoning regulations.~~
- H) ~~The scope of an existing or "grandfathered" aggregate operation shall be established by:~~
- ~~i) Authorization by a county land use approval; or~~
  - ~~i). The extent of the area disturbed by mining and processing on the date of adoption of the revised regulations.~~
- I) ~~Sites on the "others sites" inventory shall not be protected pursuant to Goal 5.~~
- J) ~~For sites on the "potential sites" inventory, the county shall review available information about mineral and aggregate resources, and if the information is sufficient, determine the site to be significant when one of the following conditions exists:~~
- ~~i) As part of the next scheduled periodic review.~~
  - ~~ii) When a landowner or operator submits information concerning the potential significance of a resource site and requests a comprehensive plan amendment or Post Acknowledgment Plan Amendment.~~
  - ~~iii) When resolution of the status of a potential resource site is necessary to advance another planning objective.~~
- K) For each site determined to be significant, the county shall complete the remainder of the Goal 5 process of identifying

~~conflicting uses, analyzing the ESEE consequences of the conflicting use(s), and designating a level of protection from conflicting uses. If the final decision concerning the site is to fully preserve or partially protect the resource from, the site shall be zoned Aggregate Resource(AR):~~

- ~~L) — When analyzing the ESEE consequences of potential conflicts between a significant mineral or aggregate resource and another significant Goal 5 resource, the county shall consider the protection program adopted for the conflicting resource. Conflicts with other natural resources shall not be the basis for mining restrictions unless the county has included or includes the conflicting resource on the inventory of significant Goal 5 resources, and has adopted or adopts a resource protection program.~~

2

#### FINDING:

Aggregate is a finite resource necessary for most phases of private construction and public works projects. These resources have been partially exhausted at many key locations in the county due to the high demand for aggregate materials. Additional key sites have been or are now in danger of becoming unusable because of incompatible development which has occurred on or near aggregate resource lands. Projections indicate that there will continue to be a strong demand for aggregate.

There are many areas in the county where dual resource use of the land will occur. One example is aggregate operations being established within a forest resource or through a conditional use permit process. In forest areas, aggregate mining is necessary and accessory to proper forest management and timber harvesting and such activity will have minimal impact on the overall timbershed if proper removal methods are followed. The issue is more sensitive in agricultural areas because the key deposits of concrete aggregates, sand, and gravel, are all located on the high and low floodplains and terrace lands within or immediately adjacent to agricultural land. The specific area of vital concern is the lower Bear Creek and middle Rogue River floodplains, which contain the largest deposits of sand and gravel within an economical distance of the urbanizable areas of White City, Central Point, and Medford. These same floodplains are also classified as agricultural land by statewide planning goal definition. **The ESEE analysis Goal 5 process is designed to recognize the significance of aggregate resources when located in competing resource zones.** ~~as comparable with farm and forest resource values.~~

Aggregate resources are a bulky and expensive product to transport. **In conformance with the energy conservation section of this plan it is desirable to locate aggregate removal sites** ~~It is necessary to locate for energy conservation; in conformance with other sections of this plan, aggregate locations~~ within reasonable distances of each urban center and principal rural communities in the county.

**POLICY: THE COUNTY SHALL PROTECT AND CONSERVE AGGREGATE RESOURCES, REDUCE CONFLICTS BETWEEN AGGREGATE OPERATIONS AND ADJACENT LAND USES, AND ENSURE THAT AGGREGATE RESOURCES ARE AVAILABLE FOR CURRENT AND FUTURE USE.**

**IMPLEMENTATION STRATEGIES :**

- ~~A) Jackson County shall form an expert committee to make recommendations on the question of which parcels should be zoned Aggregate Resource (AR). This committee may be comprised of staff members of the Jackson County Public Works and Planning Departments, the Oregon Department of Fish and Wildlife, the Oregon Department of Geology and Mineral Industries, and representatives from the aggregate industry and Committee for Citizen Involvement.~~
- Include within the county zoning ordinance, site-specific criteria and performance standards for aggregate removal which will provide for proper maintenance of air, water, and land quality.
- ~~C) Upon completion of a comprehensive inventory of aggregate resources in Jackson County, by the Department of Geology and Mineral Industries, the county shall take action to legislatively rezone appropriate parcels to Aggregate Resource. In addition, the County shall, at periodic intervals legislatively rezone appropriate parcels to Aggregate Resource.~~
- Allow for aggregate mining and processing in Exclusive Farm Use, Forest Resource, Woodland Resource, Open Space Reserve, ~~Farm Residential Rural Use~~, and General Industrial zoning districts as a conditional use.
- Zone for long-term aggregate use appropriate county, state highway, and forest agency stockpile sites and maintenance yards in the outlying areas of the county.
- The zoning of lands for aggregate resources in proximity to urban and rural centers is important for energy conservation and economic development.**
- Include agriculture and forest uses as a permitted use in the **Aggregate Resources Removal (AR)** zoning district.
- ~~M) In order to approve surface mining at a site zoned for exclusive farm or forest use, the county shall find, as part of the ESEE analysis, that the proposed activity will not: 1) force a significant change in, or significantly increase the cost of, accepted farming or forestry practices on surrounding lands, and 2) will not significantly increase fire hazard or significantly increase fire suppression costs~~

or significantly increase risks to fire suppression personnel. These criteria may be satisfied through imposition of clear and objective standards:

- ~~⊖) The county shall require increased setbacks, insulation, screening, or similar measures as conditions of approval for any new conflicting use within an impact area surrounding a mineral or aggregate resource site when such measures are necessary to resolve conflicts identified in a site-specific Goal 5 analysis.~~
- ~~P) The county shall impose conditions on surface mining when necessary to lessen conflicts identified as part of a site-specific Goal 5 analysis. Where such conditions conflict with criteria and standards in the Aggregate Resource zone, the conditions developed through the Goal 5 analysis shall control~~
- ~~Q) As part of the Goal 5 process to determine the amount of protection given a significant mineral and aggregate resource sites, the county shall determine the appropriate post-mining use of the site.~~
- ⊖) The county shall not independently apply the Aggregate Resource **Removal** zone to land within another county, or within a city or its urban growth boundary. The county shall seek to ensure protection of significant sites where the impact area surrounding the resource extends across jurisdictional boundaries through cooperative agreements with another county or a city.
- ⊖) **The PAPA process to identify a significant aggregate and mineral resource site, and to file requisite documentation regarding all pertinent uses, will include a demonstrated effort to consult with adjacent property owners. This includes residents, businesses or other resource owners within the proposed impact area. The intent of the consultation is to consider the operational plan for a new aggregate mining site. PAPA applications will document the consultation effort and outcome, even if there is no agreement among the parties on a site plan, operational characteristics, or a reclamation plan.**
- ⊖) Unless specifically determined on a case by case basis, it shall be the policy of the county, pursuant to ORS 517.830(3), that DOGAMI delay its final decision on approval of a reclamation plan and issuance of an operating permit until the county decides all comprehensive plan amendments or site plan approvals.
- ⊖) The county recognizes the jurisdiction of the Department of Geology and Mineral Industries over of mined land reclamation pursuant to ORS 517.750 to 517.900 and the rules adopted thereunder.
- ⊖) No surface mining or processing activity, as defined by the zoning

ordinance, shall commence without land use approval from the county, and approval of a reclamation plan and issuance of an operating permit by DOGAMI

- \_) Land shall not be rezoned from Aggregate Resource Removal until the mineral or aggregate resource is depleted or determined to be uneconomical, and the site has been reclaimed.

3

**FINDING:**

~~Aggregate resources are a bulky and expensive product to transport. It is necessary to locate for energy conservation, in conformance with other sections of this plan, aggregate locations within reasonable distances of each urban center and principal rural communities in the county.~~

~~**POLICY: EMPHASIS WILL BE PLACED ON THE ZONING OF LANDS FOR AGGREGATE RESOURCE PURPOSES NEAR EACH URBAN CENTER AND KEY RURAL COMMUNITY IN THE COUNTY.**~~

~~**IMPLEMENTATION STRATEGY:**~~

- ~~1. A site should be given high priority for Aggregate Resource zoning if it has: 1) a substantial quantity of high quality aggregate for which there is a strong public demand; 2) if it is located near an urban area or located near where it will be used; 3) if aggregate has been or currently is being utilized at this site; and, 4) if conflicts with adjacent land uses can be minimized through the ESEE analysis.~~

4 3

**FINDING:**

The production of minerals is an important part of the local economy. ~~Moreover, the utilization of minerals, which are nonrenewable resources, is necessary if our society and culture is to be maintained as we now know it.~~ Mineral resources may be rendered non-recoverable if incompatible development, such as residential development, locates on or adjacent to these resources. Planning and zoning action can ensure that mineral resources are protected from incompatible development and they can help prevent unnecessary regulations from impeding or stopping the mining of these resources. ~~However, these objectives cannot be accomplished without adequate inventory information. There is no comprehensive inventory of the various mineral resources present in the county. Information which is available is incomplete and in some cases of questionable accuracy.~~

This information is inadequate to properly identify and protect mineral resources through the planning process. An inventory of the mineral resources is necessary in order to properly protect and ensure the availability of these resources. Until a comprehensive inventory is undertaken, mineral production will occur and be regulated through the conditional use permit procedure.

**POLICY: MINERALS ARE RECOGNIZED AS A NONRENEWABLE AND NECESSARY RESOURCE THAT MUST BE PROTECTED FROM INCOMPATIBLE DEVELOPMENT AND BE AVAILABLE FOR MINING CONSISTENT WITH THE GOAL 5 PROCEDURES OF OAR 660-023-0000.**

**IMPLEMENTATION STRATEGIES:**

- A) ~~The county shall request that the Oregon Department of Geology and Mineral Industries conduct a comprehensive inventory of the mineral resources of Jackson County and upon completion of that inventory, zoning and other implementing ordinances shall be amended to accommodate the intent of this policy. A Post-Acknowledgment Plan Amendment (PAPA) provided for in State rule for mineral and aggregate resources, allows significant mineral sites to be recognized and permitted in accordance with the Goal 5 process.~~
- B) Allow the excavation and processing of non-aggregate mineral resources through a conditional use permit process in appropriate rural zoning districts.
- C) Coordinate with the Oregon Department of Geology and Mineral Industries, Department of Environmental Quality, Division of State Lands, and other affected agencies, to ensure that the mining of mineral resources occurs in conformance with appropriate standards pertaining to fish and wildlife habitat, erosion control, air and water quality, visual quality, noise standards, and access requirements.

## NATURAL AND HISTORIC RESOURCES<sup>1</sup>

**GOAL: TO PRESERVE AND CONSERVE VALUED OPEN SPACE LANDS; PROTECT AND MAINTAIN EXISTING, AND ESTABLISH NEW, HISTORIC, SCENIC AND WILDLIFE AREAS AND ENSURE THE WISE UTILIZATION OF NATURAL RESOURCES.**

### INTRODUCTION/BACKGROUND:

The Natural and Historic Resources element includes a set of findings, policies, and implementation measures for a variety of topics. These topics have been placed under the following general headings: Natural Areas, Scenic Resources, Wildlife, Rivers and Trails, Water Resource Areas, and Historic Areas. Each section includes a brief explanation of the resource's value, problems facing its use, and policies and implementation measures to ensure its wise use. The purpose of this element is to set forth broad policies which will guide the development of more detailed areawide plans.

This element is based on Statewide Planning Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Areas. It is closely related to the Environmental Quality, Energy Conservation, Recreation, Natural Hazards, Agriculture, and Forest Lands elements. These elements are integrally related, demanding a close evaluation during the plan preparation process to ensure the integration and complimentary functioning of each.

Adequate environmental quality is not guaranteed, nor can it be expected to occur, without the careful management of all the county's resources. This element, correlated with the goals and policies of the other Comprehensive Plan sections, is directed specifically at the preservation and wise utilization of all open space resources within the planning area.

This section provides data which may be useful in analyzing and evaluating the potential impact of development proposals. In addition, the data will be useful in the development of programs providing for the conservation, preservation and wise utilization of natural, scenic and historic resources.

### NATURAL AREAS:

After several years of research, the Oregon Natural Heritage Program under contract to the State of Oregon, published Oregon Natural Areas, a data summary for Jackson County, Oregon. The report includes an inventory of potential natural areas within the county. The inventory of potential natural areas is contained in the background report for this element.

There are few areas within the county which have not been affected by encroaching civilization. Man has affected the environment by replacing native plant species with agricultural and household plants; altered the genetic make-up of trees through modern silviculture techniques, and encouraged the formation of a more simplified, unstable ecosystem.

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<sup>1</sup>Adopted by Ordinance 82-26, effective 12-19-82 (File 82-50-OA); amended by Ordinance 83-7, effective 7-4-83 (File 83-12-OA); amended by Ordinance 91-1, effective 3-3-91 (File 88-3-OA); amended by Ordinance 94-120, effective 10-13-95 (File 94-1-OA); amended by Ordinance 95-56, effective 1-27-96 (File 94-2-OA); amended by Ordinance 96-33, effective 8-30-96 (File 94-22-OA).

Arts, National Endowment for the Humanities, Small Business Administration, and Department of Transportation.

- H) Support an archaeological resource survey of the county. Provide for the protection and interpretation of archaeological resources by enforcing current laws, drafting a county ordinance and providing incentives through zoning, transfer of development rights, and easements.

## 8

### FINDING:

Many natural resources within Jackson County have not been adequately inventoried. The characteristics of these resources require a complete inventory on the location, quality and quantity of the resource. Without this level of specificity, a determination cannot be made as to whether a particular resource is "ecologically and scientifically significant", an open space is "needed" or a scenic area is "outstanding".

~~The requirements of the Statewide Planning Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Areas, requires that the resource be inventoried and associated Administrative Rules require local implementation of the Goal 5 inventory and program development process in conjunction with Periodic Review, or in conjunction with a PAPA, as described in OAR 660-023-0250.~~ Special studies may have to be undertaken in order to compile the inventories that are not currently available. Jackson County is committed to developing these inventories in an expedient and efficient manner.

**POLICY: TO THE EXTENT POSSIBLE, JACKSON COUNTY SHALL ENSURE THAT THE INVENTORIES SPECIFIED BELOW ARE COMPLETED AND THE REQUIREMENTS OF STATEWIDE PLANNING GOAL 5 AND ~~OAR 660-16-000~~ OAR 660-023-0000 HAVE BEEN SATISFIED AT COMPLETION OF PERIODIC REVIEW.**

- A) Any remaining ecologically and scientifically significant natural areas, classified "1B" in the amended Goal 5 background document.
- B) Wetlands Areas.
- C) Groundwater Resources.
- D) Nongame Wildlife habitat, classified "1B" in the amended Goal 5 background document.
- E) Archaeological resource sites occurring on private lands classified as "1B" in the Goal 5 Resource Background Document 1990.
- F) Archaeological resource sites occurring on public lands classified as "2A" in the Goal 5 Resources Background Document 1990.

### IMPLEMENTATION STRATEGY:

- A) ~~The Planning Commission shall continue to place Goal 5 compliance on its annual work program in order to complete the work as required by the policy. The Planning Commission encourages citizens and professionals to assist in the development of these inventories.~~
- B) The County shall continue to coordinate the development of sensitive habitat inventories with the Oregon Department of Fish and Wildlife.
- C) The County shall continue to coordinate with the Oregon Division of State Lands regarding development on property which is identified on the National Wetland Inventory as having wetlands within its boundaries.

## 9

### FINDING:

The North Fork of the Rogue River, also known as the Upper Rogue River, from the northern boundary of Crater Lake National Park to the Rogue River National Forest boundary in the vicinity of the Prospect Ranger Station, has been designated as a National Wild and Scenic River and an Oregon Scenic Waterway. These designations may have significant land use impacts on lands adjacent to or included within the designated corridor. In acknowledgment of the federal and state designations, Jackson County has established an Area of Special Concern (ASC-90-7) for a section of the river from the Douglas-Jackson County line downstream to the Crater Lake Highway 62 bridge at the upper end of the pool of Lost Creek Lake. The portion of the river from the Rogue River National Forest boundary to the Crater Lake Highway 62 bridge has been identified as a significant stretch by the County and is not a part of the federal or state programs. This stretch does not meet federal qualifications for designation and has not been studied by the state for consideration as a scenic waterway. It is imperative that Jackson County participate in the protection and management of the North Fork of the Rogue River by reviewing development, partitioning and land use activities. In addition to the provisions of the Area of Special Concern 90-7, all land use and land division applications affecting lands within the legal boundaries of the national Wild and Scenic River and Oregon Scenic Waterway designations shall be transmitted to the United States Forest Service and the Oregon State Parks Department or other appropriate state or federal agency.

**POLICY: JACKSON COUNTY SHALL CONTINUE TO ADMINISTER THE PROVISIONS OF ASC-90-7 AS THEY APPLY TO SECTIONS OF THE NORTH FORK OF THE ROGUE RIVER, PORTIONS OF WHICH HAVE BEEN CLASSIFIED AS A NATIONAL WILD AND SCENIC RIVER AND AN OREGON SCENIC WATERWAY.**

### IMPLEMENTATION STRATEGY:

The policy is implemented in and of itself without further implementation strategies.

## 10

### FINDING:

The location of the Bear Creek Greenway between roughly the Gold Ray Dam and Eagle Point has not been specifically determined. When the location of the trail is established Statewide Planning Goal 5 and OAR ~~660-16-000~~ **660-023-0000** will have to be applied.

**POLICY: JACKSON COUNTY SHALL APPLY THE REQUIREMENTS OF THE STATEWIDE PLANNING GOAL 5 AND ~~OAR 660-16-000~~ OAR 660-023-0000 WHEN THE EXTENT OF ACQUISITION ALONG THE ROGUE RIVER BETWEEN GOLD RAY DAM AND EAGLE POINT HAS BEEN DETERMINED.**

### IMPLEMENTATION STRATEGY:

No specific implementation strategies are necessary.

## 11<sup>5</sup>

### FINDING:

The Applegate Trail is a significant cultural resource in the history of Jackson County and the State of Oregon. Established initially in 1846 the Applegate Trail was to serve as an alternative route to more hazardous sections of the Oregon Trail traveling through the Columbia River George. The Applegate Trail has been designated as a National Historic Trail by the National Park Service. The National Park Service has instituted a program to identify a specific corridor through which the original trail and later routes traveled. While Jackson County recognizes the historic significance of the trail, there is insufficient locational information with which to adequately complete the inventory process. The characteristics of the resource require a complete inventory on the location, quality and quantity of the resource. Without this level of specificity a determination of significance cannot be made nor programs for the protection of the resource implemented.

~~The requirements of the Statewide Planning Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Areas, requires that the resource be inventoried and associated Administrative Rules require local implementation of the Goal 5 inventory and program development process in conjunction with Periodic Review, or in conjunction with a PAPA, as described in OAR 660-023-0250.~~ Special studies may have to be undertaken in order to compile the inventories that are not currently available. Jackson County is committed to compiling sufficient historical and locational information to include identifiable segments of the Applegate Trail in the Jackson County Cultural and Historical Resource Survey, and if appropriate nominate those segments to the Jackson County Register of Historic Landmarks.

**POLICY: JACKSON COUNTY SHALL ADOPT A 1B POLICY FOR THE APPLGATE TRAIL PURSUANT TO REQUIREMENTS OF STATEWIDE PLANNING GOAL 5 AND ~~OAR 660-16-000~~ OAR660-023-0000, AND ENCOURAGE ANY ACTIVITY TO**

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<sup>5</sup> Amended by Ordinance #94-120, effective 10-13-95 (File #94-1-OA)

**SPECIFICALLY IDENTIFY THE LOCATION OR GENERAL LOCATION OF INTACT SEGMENTS OF THE TRAIL IN THE COUNTY AND SPECIFICALLY IN THE GREENSPRINGS MOUNTAINS OF SOUTHEASTERN JACKSON COUNTY. ONCE A DETAILED SITE-SPECIFIC INVENTORY OF THE TRAIL IS AVAILABLE FROM THE NATIONAL PARK SERVICE, JACKSON COUNTY WILL COMPLETE THE GOAL 5 PROCESS FOR THE APPELATE TRAIL.**

## 12<sup>6</sup>

### **FINDING:**

Oregon Revised Statutes (ORS) 196.672 states, in part, that it is the policy of the State of Oregon to promote the protection, conservation and best use of wetland resources and their functions and values through the integration and close coordination of statewide planning goals, local comprehensive plans and state and federal regulatory programs.

The National Wetland Inventory Draft Maps were completed and distributed to Jackson County in 1991, and were finalized in 1995. These maps are used in all land use applications to determine when it is necessary to notify the Oregon Division of State Lands of the specific land use applications, in keeping with ORS Chapter 196.

Although these maps identify the approximate location and the specific type of wetland, the National Wetland Inventory Maps do not include information on the quantity or quality of the resource as required to complete Goal 5 analyses of each site. While it is important for Jackson County to identify, qualify and protect wetland resources, Jackson County does not have the financial resources to hire qualified staff or consultants to develop this quantity and quality information for these many wetland sites.

**POLICY: JACKSON COUNTY HEREBY ADOPTS A "1-B" POLICY FOR WETLANDS. JACKSON COUNTY SHALL WORK WITH THE PUBLIC AND OTHER JURISDICTIONS AND AGENCIES IN IDENTIFYING WETLAND RESOURCES WITHIN THE COUNTY. JACKSON COUNTY WILL PROCESS A GOAL 5 ANALYSIS FOR EACH IDENTIFIED WETLAND.**

### **IMPLEMENTATION STRATEGY:**

- A) Jackson County Planning and Development Services will continue to notify the Oregon Division of State Lands of all land use applications on properties which include wetlands within their borders, and will continue to condition those land use decisions with a requirement that the property owner and developer work with the Division of State Lands in mitigating impacts to the wetland resources.
- ~~B) The Planning Commission shall continue to place Goal 5 compliance on its annual work program in order to complete the work as required by this policy.~~

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<sup>6</sup> Amended by Ordinance #95-56, effective 1-28-96 (File #94-2-OA).

File No. LRP2006-00008  
Goal 5, Division 23 Update

**Exhibit B**  
Jackson County Land Development Ordinance  
Text Amendments

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## CHAPTER 2. REVIEW AND DECISION-MAKING

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- B) When an authorized agent files an application under this Ordinance on behalf of a property owner, the agent will provide the County with written documentation that the property owner has authorized the filing of the application. Such authorization will be considered valid until withdrawn by the property owner.

#### **2.6.2 Filing Applications**

Before engaging in any activity regulated by this Ordinance, an applicant must file an application for a land use permit on forms provided by the County accompanied by the required fee. All prior outstanding fees and charges must be paid prior to an application being submitted. Such fees and charges applicable to the property are the responsibility of the property owner. Each application for development activity must be submitted on forms provided by the Planning Division. The application will be accompanied by all information identified on the application form, along with the appropriate fee. The Planning Division may require an applicant to submit additional information deemed necessary to take action on the application in accordance with this Ordinance and applicable State laws.

#### **2.6.3 Application Completeness<sup>3</sup>**

- A) An application that is consistent with the submittal requirements specified in the Land Development Ordinance User's Guide, will be considered complete once all outstanding fees and charges are paid, and sufficient information to address all applicable standards and criteria is included.
- B) Within 30 days of the date an application is filed, the Planning Division will notify the applicant, in writing, specifying what additional information is required. The application will be deemed complete upon receipt of the missing information.
- C) An applicant will have 180 days from the date of submittal to provide the Planning Division with the information requested to make an application complete. When an applicant fails to submit the requested information, the application will be deemed withdrawn on the 181<sup>st</sup> day after the application was filed.
- D) If the applicant who receives notice of an incomplete application refuses to submit the missing information, the application will be deemed complete on the 31<sup>st</sup> day after the Planning Division first received the application. (ORS 215.427(2))
- E) In the event the Planning Division fails to notify the applicant within 30 days of the date the application was filed, the application will be deemed complete on the 31<sup>st</sup> day.

#### **2.6.4 Timetable for Final Decisions**

- A) For lands located within an urban growth boundary, and all applications for mineral or aggregate extraction, the County will take final action on applications submitted under this Ordinance, except applications for Comprehensive Plan amendments, within 120 days after the application is deemed complete. (ORS 215.427 (1))

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<sup>3</sup>Ordinance 2004-12, effective 2-6-2005

- B) For all other applications submitted under this Ordinance, except applications for Comprehensive Plan amendments, the County will take final action within 150 days after the application is deemed complete. **County review of Post-Acknowledgment Plan Amendments (PAPA) Applications for Aggregate Resource Land will take final action within 180 days after the application is deemed complete.** [ORS 215.427 (1), OAR660-023-0180(5)]
- C) These time-frames may be extended upon written request by the applicant. [ORS 215.427 (4)]

#### 2.6.5 Simultaneous Application Review

Applications for more than one land use decision on the same property may, at the Director's discretion, be combined and heard or reviewed concurrently. Multiple land use applications involving different processing Types will be heard and decided under the higher processing type. For example, a combined application involving a Subdivision (Type 4) with a Variance (Type 3) will be reviewed and decided as a Type 4 request.

The Planning Commissions are authorized to consider and conditionally approve or deny land development applications that are paired with and contingent upon approval of a Comprehensive Plan or Zoning map or text amendment. The relevant Planning Commission's order of approval for the dependent land use permit application will be contingent upon affirmative action by the Board of Commissioners approving the Comprehensive Plan or Zoning map or text amendment(s) that would enable issuance of the dependent land use permit(s). If the Planning Commission or Board deny the map or text amendment(s), then any other application submitted concurrently and dependent upon it will also be denied. A land use permit decision that is contingent upon approval of a map or text amendment will not become final until a decision by the Board of Commissioners to adopt the map or text amendment becomes final. Since this decision may be appealed to LUBA after the final County decision, any development permits that rely on the decision will be held in abeyance by the County until the LUBA appeal period has lapsed. (ORS 197.620, 197.830, and Jackson Co. Charter Chapter III, Section 14)

#### 2.6.6 Statement Supporting Decision Required [ORS 215.416(9)-(10)]

Approval or denial of any quasi-judicial development application under this Ordinance will be based on and accompanied by a brief statement that:

- A) Explains the criteria and standards considered relevant to the decision;
- B) States the facts relied upon in rendering the decision, and
- C) Explains the justification for the decision based on the criteria, standards, and facts set forth.

Written notice of the approval or denial will be given to all parties to the proceeding.

#### 2.6.7 Conditions of Approval

- A) **General Authorization to Impose Conditions of Approval**  
In approving any type of development application, the decision-making body is authorized to impose such conditions as may be necessary to assure compliance with the applicable provisions of this Ordinance, the Comprehensive Plan, or other requirements of law. Any conditions attached

parcels where a land use action is proposed that are subject to the amendment; or that involve a qualitative change of use; or that involve a spatial change affecting a large area or many ownerships. Such amendments are intended to be the result of special studies or other information that can serve as the factual basis to support the change.

- 3) *Jackson County Public Park (JCPP) Overlay (Quasi-Judicial)*: The Jackson County Public Park (JCPP) Overlay is exempt from the provisions of Sections 3.7.2 and 3.7.3. Adoption or amendments of a JCPP is subject to the standards and procedures of Section 3.7.4.
- 4) *Historic Landmarks*: Designation of historic landmarks is subject to Section 3.7.5.

### 3.7.2 Procedures

#### A) **Initiation**

- 1) Text amendments to the Comprehensive Plan may be initiated only by the Board of County Commissioners or the Jackson County or White City Planning Commissions.
- 2) Minor Comprehensive Plan Map or Zoning Map amendments may be initiated as provided in Section 2.6.1 or by the Board of County Commissioners or the Jackson County or White City Planning Commissions.
- 3) Major Comprehensive Plan Map or Zoning Map amendments may be initiated only by the Board of County Commissioners or the Jackson County or White City Planning Commissions.

#### B) **Scheduling Major and Minor Amendments**

Major and minor text or map amendments may be heard as often as deemed necessary by the relevant Planning Commissions or the Board of Commissioners. Text amendments needed to bring this Ordinance or the Comprehensive Plan into compliance with changes in State or Federal Law will be scheduled as needed.

#### C) **Standard Review Procedure**

Comprehensive Plan amendments will follow the Type 4 review procedure set forth in Section 3.1.5.

#### D) **Joint Consideration**

The relevant Planning Commission and the Board of Commissioners may hold a joint hearing on a proposed amendment, provided the notice of hearing required by Section 2.7.6 is mailed at least 20 days before the hearing. In addition, the Planning Commission or the Board of Commissioners may hold joint hearings with city planning commissions or city councils to consider matters of mutual concern. Joint hearings will be governed by the same general rules as would otherwise apply to hearings by the bodies separately. Prior to accepting testimony on the proposed

amendment, the Commission and Board will determine if the bodies will jointly or separately deliberate on the matter.

### 3.7.3 Approval Criteria

Any amendment must comply with all applicable Statewide Planning Goals, Oregon Administrative Rules and the Comprehensive Plan as a whole. In addition, the following specific approval criteria apply:

- A) **Minor Text Amendments (Legislative)**  
The amendment will correct a nonsubstantive error, improve the accuracy of information, or expand the data contained in the Comprehensive Plan.
- B) **Major Text Amendments (Legislative)**  
The amendment will correct a substantive error, implement a change in policy, or bring the Comprehensive Plan into compliance with State and Federal laws or administrative rules. Such amendments may have widespread and significant impacts, which could require individual property owner notice. (ORS 197.610 and ORS 215.503)
- 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 Plan<sup>8</sup>:
  - 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;
  - 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;
  - 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;
  - 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;
  - 5) Any minor Zoning Map amendment is consistent with the Comprehensive Plan Map designation;

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<sup>8</sup> 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 Designations Element of the Comprehensive Plan, other elements of that Plan, and in other sections of this LDO.

## CHAPTER 4<sup>1</sup>. RESOURCE DISTRICTS

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|            | I) Historic Dwelling Replacement .....  | 21       |
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|            | D) Processing of Aggregate Into Asphalt or Portland Cement .....                                  | 25       |

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Ord. 2004-12, eff 2-6-2005; Ord. 2004-2RM, eff. 1-30-2005; Ord 2004-14, eff. 2-13-2005; Ord. 2006-10, eff. 2-18-07

**TABLE 4.2-1: USE TABLE FOR EXCLUSIVE FARM USE (EFU) DISTRICT**  
 1 = Type 1 2 = Type 2 Review 3 = Type 3 Review 4 = Type 4 Review  
 X = Prohibited HVFL = High-Value Farmland

| #  | USE  | HVFL | ALL OTHER | STATE LAW REFERENCE  | SEE ALSO                   |
|--|--|------|-----------|--|----------------------------|
| 27   | Landscape business in conjunction with nursery   | 2    | 2         | ORS 215.283(2)(z)  | 4.2.7(G)                   |
| <b>MINERAL, AGGREGATE, OIL, AND GAS USES</b> |  |      |           |  |                            |
| 28   | Exploration & production of geothermal, oil & gas  | 2    | 2         | ORS 215.283(1)(g), 520.005 (definition), 522.005 (definition) & OAR 660-033-0120             | 4.2.8(A)                   |
| 29   | Exploration for minerals   | 1    | 1         | ORS 215.283(1)(h), 517.750 (definition); & OAR 660-033-0120                                  | 4.2.8(B)                   |
| 30   | Operations for mining & processing geothermal, oil & gas resources not otherwise permitted under this Ordinance                    | 3    | 3         | ORS 215.283(2)(b)(A), 520.005 (definition); 522.005 (definition); OAR 660-033-0120 & 0130(5) | 4.2.3<br>4.4.8             |
| 31   | Mining, crushing, or stockpiling aggregate & other mineral & subsurface resources  | 3    | 3         | ORS 215.283(2)(b)(B), .298 & .301 OAR 660-033-0120 & 0130(5), <b>OAR660-023-0180</b>         | 4.2.3<br>4.2.8(C)<br>4.4.8 |
| 32   | Processing aggregate into asphalt or portland cement   | 3    | 3         | ORS 215.283(2)(b)(C); 517.750 (definition); OAR 660-033-0120 & 0130(5), (15)                 | 4.2.3<br>4.2.8(D)<br>4.4.8 |
| 33   | Processing other mineral and subsurface resources  | 3    | 3         | ORS 215.283(2)(b)(D); OAR 660-033-0120 & 0130(5)   | 4.2.3,<br>4.4.8            |
| <b>TRANSPORTATION USES</b>                   |  |      |           |  |                            |
| 34   | Personal use airports for airplanes & helicopter pads  | 3    | 3         | ORS 215.283(2)(h); OAR 660-033-0120 & 0130(5), (7)<br>See also ORS 836.610-630               | 4.2.3<br>4.2.9(A)          |
| 35   | Climbing & passing lanes within the right-of-way existing as of July 1, 1987   | 1    | 1         | ORS 215.283(1)(k); OAR 660-033-0120  |                            |
| 36   | Construction of additional passing & travel lanes requiring acquisition of rights-of-way, not resulting in creation of new parcels | 2    | 2         | ORS 215.283(2)(q); OAR 660-033-0120 & 0130(5)  | 4.2.3                      |

**TABLE 4.3-1: USE TABLE FOR FOREST DISTRICTS**  
 1 = Type 1 2 = Type 2 Review 3 = Type 3 Review 4 = Type 4 Review

| #                            | USE  | TYPE | STATE LAW REFERENCE   | SEE ALSO                        |
|------------------------------|--|------|---|---------------------------------|
| <b>FARM AND FOREST USES</b>  |  |      |   |                                 |
| 1                            | Farm use   | 1    | ORS 215.203 (definition); OAR 660-006-0025(3)(b)  |                                 |
| 2                            | Forest operations or practices including (not limited to), reforestation of forest land, road construction & maintenance, harvesting of forest tree species, application of chemicals, & disposal of slash | 1    | ORS Chapter 527; OAR 660-006-0025(2)(a)   |                                 |
| 3                            | Temporary auxiliary structures for a forest operation  | 1    | ORS Chapter 527; OAR 660-006-0025(2)(b)   | 4.3.5(D)                        |
| 4                            | Physical alterations to land auxiliary to forest practices   | 1    | ORS Chapter 527; OAR 660-006-0025(2)(c)   | 4.3.5(B)                        |
| 5                            | Temporary facility for primary processing of forest products   | 2    | OAR 660-06-0025(3)(d)   | 4.3.5(C)                        |
| 6                            | Permanent facility for primary processing of forest products   | 2    | OAR 660-006-0025(4)(a) and (5)  | 4.3.4; 4.3.12, Ch 13 definition |
| 7                            | Permanent logging equipment repair and storage   | 2    | OAR 660-006-0025(4)(b) and (5)  | 4.3.4; 4.3.12                   |
| 8                            | Log scaling and weigh stations   | 2    | OAR 660-006-0025(4)(c) & (5)  | 4.3.4; 4.3.12                   |
| 9                            | Forest management research experimentation facilities as defined, or where accessory to forest operations  | 2    | ORS 526.215 (definition); OAR 660-006-0025(4)(x) & (5)                                      | 4.3.4; 4.3.5(A) 4.3.12          |
| 10                           | Temporary forest labor camps   | 1    | OAR 660-006-0025(3)(l)  | Ch 13 definition                |
| <b>NATURAL RESOURCE USES</b> |  |      |   |                                 |
| 11                           | Uses to conserve soil, air & water quality, & to provide for wildlife & fish resources   | 1    | OAR 660-006-0025(3)(a)  |                                 |
| 12                           | Uninhabitable structures accessory to fish and wildlife enhancement  | 1    | OAR 660-006-0025(3)(k)  |                                 |
| <b>RESIDENTIAL USES</b>      |  |      |   |                                 |
| 13                           | Large tract forest dwelling  | 2    | ORS 215.740; OAR 660-006-0027(1)(e)(B) & (4)-(6)  | 4.3.6(C); 4.3.12                |
| 14                           | Forest template dwelling   | 2    | ORS 215.750(1), (3)-(6); OAR 660-006-0027(1)(f), (h)-(i), and (2)-(5)                       | 4.3.6(B); 4.3.12                |
| 15                           | Ownership of record dwelling   | 2    | ORS 215.705(1), (5)-(7); ORS 215.720 (1)(a) and (2); OAR 660-006-0027 (1)(a)-(d), (4) & (5) | 4.3.6(D); 4.3.12                |

- 2) *Interruption or Discontinuance:* Any use of a property for aggregate removal, mining, or quarry operations, or the processing of materials therefrom, may be continued and shall not be deemed to be interrupted or discontinued provided:
- a) The owner or operator was issued and continuously renewed a DOGAMI operating permit, or received and maintained a DOGAMI exemption from mining regulations, and
  - b) The mining use was not inactive for a period of 12 consecutive years or more.
  - c) For purposes of this subsection, "inactive" means no aggregate materials were excavated, removed, crushed, stockpiled, or sold by the owner or operator of the operation. [ORS 215.130(7)(b)]

- G) **Accessory Uses and structures**  
Accessory uses and structures are allowed in all zoning districts (Section 6.4).

**TABLE 4.4-1: USE TABLE FOR AGGREGATE REMOVAL DISTRICT**  
 1 = Type 1 2 = Type 2 Review 3 = Type 3 Review 4 = Type 4 Review

| #  | USE   | TYPE                 | STATE LAW REFERENCE | SEE ALSO                      |
|--|---|----------------------|---------------------|-------------------------------|
| <b>FARM AND FOREST USES</b>                  |   |                      |                     |                               |
| 1  | Agriculture (farm use)  | 1                    |                     |                               |
| 2  | Managing, growing, harvesting timber and forest products  | 1                    |                     |                               |
| <b>RESIDENTIAL USES</b>                      |   |                      |                     |                               |
| 3  | Single family dwelling, permanent   | 2                    |                     | 4.4.6(A)                      |
| 4  | Temporary single family dwelling, caretaker or site operator  | 1                    |                     | 4.4.6(B)                      |
| <b>COMMERCIAL USES</b>                       |   |                      |                     |                               |
| 5  | Auction services, temporary   | 1                    |                     | 4.4.7(A)                      |
| 6  | Destination Resort, large   | 4<br>PDP<br>2<br>FDP | ORS 197.435- 467    | 4.4.4; 4.4.5,<br>6.3.8        |
| 7  | Destination Resort, small   | 4<br>PDP<br>2<br>FDP | ORS 197.435- .467   | 4.4.4; 4.4.5,<br>6.3.8        |
| <b>MINERAL, AGGREGATE, OIL, AND GAS USES</b> |   |                      |                     |                               |
| 8  | Mining, processing & stockpiling aggregate, mineral & other subsurface resources  | 1                    |                     | 4.4.8(A)                      |
| 9  | Processing of aggregate from a new or expansion site at an existing processing site or at an AR zoned site with an approved site plan (PAPA approved)               | 1                    |                     | 4.4.8(A)                      |
| 10   | Equipment or structures accessory to mining operations  | 1                    |                     |                               |
| 11   | Manufacture, fabrication & sale of concrete & aggregate products in conjunction with aggregate operations   | 1                    |                     |                               |
| 12   | Processing and stockpiling of aggregate or mineral resources from offsite where processing and stockpiling of materials from on-site has been lawfully established. | 1                    |                     | 4.4.8(A)<br>13.3(6)(H)        |
| 13   | Processing and stockpiling of aggregate or mineral resources where no operating permit or preexisting use has been lawfully established.                            | 2                    |                     | 4.4.5, 4.4.8(A)<br>13.3(6)(H) |
| 14   | Sedimentation ponds in conjunction with mining operations   | 1                    |                     |                               |

| <b>TABLE 4.4-1: USE TABLE FOR AGGREGATE REMOVAL DISTRICT</b>            |   |             |                            |                     |
|---|---|-------------|----------------------------|---------------------|
| <b>1 = Type 1 2 = Type 2 Review 3 = Type 3 Review 4 = Type 4 Review</b> |   |             |                            |                     |
| <b>#</b>  | <b>USE</b>  | <b>TYPE</b> | <b>STATE LAW REFERENCE</b> | <b>SEE ALSO</b>     |
| 15  | Storage or repair of heavy equipment in conjunction with a mining operation | 1           |                            |                     |
| 16  | Emergency extraction  | 1           |                            | 4.4.8(B)            |
| <b>TRANSPORTATION USES</b>  |   |             |                            |                     |
| 17  | Transportation improvements (all types)                                     | 1           |                            | 6.3.5               |
| <b>UTILITY/SOLID WASTE DISPOSAL FACILITIES</b>                          |   |             |                            |                     |
| 18  | Freestanding transmission towers  | 2           |                            | 6.3.6               |
| 19  | Cell tower: stealth or co-location  | 1           |                            | 6.3.6               |
| 20  | Utility facilities  | 2           |                            | 4.4.4; 4.4.5, 6.3.6 |
| 21  | Sanitary landfill   | 4           |                            | 4.4.4; 4.4.5, 6.3.6 |
| 22  | Solid waste transfer station  | 3           |                            | 4.4.4; 4.4.5, 6.3.6 |
| <b>PARKS/PUBLIC/QUASI-PUBLIC USES</b>                                   |   |             |                            |                     |
| 23  | Bike paths  | 2           |                            | 6.3.5               |
| 24  | Park or playground  | 2           |                            | 4.4.4, 4.4.5        |
| 25  | Public works buildings and facilities                                       | 2           |                            | 4.4.4, 4.4.5, 6.3.7 |
| 26  | Firearm Training Facility/Shooting Range                                    | 2           |                            | 6.3.7(A)            |

**4.4.4 Restricted Uses**

Destination resorts, parks, playgrounds, minor utility facilities, public works buildings and facilities, sanitary landfills and solid waste transfer stations are only allowed in conjunction with reclamation of the site, or upon a finding of no conflict with the existing or potential use of the property for aggregate or other mineral resource extraction.

**4.4.5 General Review Criteria for Type 2-4 Permits <sup>3</sup>**

The use may be approved only where the use:

- A) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- B) Will not significantly increase the cost of accepted farm or forest

<sup>3</sup> These criteria do not apply to any lands deemed to be a significant aggregate resource sites and zoned Aggregate Removal; consistent with the Comprehensive Plan and OAR660-023-0180.

## CHAPTER 7. OVERLAYS

|            |   |           |
|------------|---|-----------|
| <b>7.1</b> | <b>ENVIRONMENTAL AND CULTURAL OVERLAYS</b>                            | <b>1</b>  |
| 7.1.1      | Areas of Special Concern  | 1         |
|            | A) ASC 80-2 Ashland Watershed   | 1         |
|            | B) ASC 82-2 Bear Creek Greenway                                       | 1         |
|            | C) ASC 90-1 Deer and Elk Habitat                                      | 2         |
|            | D) ASC 90-2 Bald/Golden Eagle, Osprey, Great Blue Heron Nesting Areas | 4         |
|            | E) ASC 90-3 Jenny Creek Sucker Habitat                                | 5         |
|            | F) ASC 90-4 Historic Resources  | 6         |
|            | G) ASC 90-6 Archaeological Sites                                      | 12        |
|            | H) ASC 90-7 Upper Rogue River Scenic Area                             | 13        |
|            | I) ASC 90-8 Groundwater Problem Areas                                 | 14        |
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- 4) The Director may impose such limitations, conditions and safeguards as are deemed appropriate to meet the intent of this Ordinance and secure public safety.

### 7.1.3 Jackson County Public Park (JCPP) Overlay

#### A) **Purpose**

The orderly and efficient delivery of park facilities and services is a matter of critical community importance. The purpose of the Jackson County Public Park (JCPP) Overlay is to establish a special framework under which designated parks and open spaces may be properly regulated consistent with the Comprehensive Plan and Oregon Statewide Land Use Planning Goals.

#### B) **Applicability**

A County Public Park Master Plan will be adopted under the provisions of Section 3.7.4, Designation of a Public Park Master Plan, before a JCPP Overlay may be applied to a parcel. Such an overlay may include lands owned in fee or less than fee simple by a public body, lands that have been leased by a public body, and lands intended to be acquired or leased in the future by a public body for the purpose of providing public park facilities and services and/or open space.

#### C) **Uses Permitted**

- 1) All uses, facilities, services, and activities approved as part of a Public Park Master Plan are permitted as Type 1 uses, subject to compliance with any requirements or siting standards imposed through an approved Master Plan, and as described in Section 3.7.4, Designation of a Public Park Master Plan;
- 2) Other uses allowed in the underlying zoning district may be permitted in the JCPP Overlay subject to the requirements, standards and approval procedure required by the underlying zone;
- 3) In cases where land subject to a JCPP Overlay is also subject to another overlay, the uses and procedures of the other overlay will govern with respect to allowable uses and activities, and the procedures for their authorization; and
- 4) Lawful uses in existence in local parks on July 15, 1998 may continue.

#### D) **Other Requirements**

- 1) All other requirements and siting standards, such as the size, height, and setback of buildings will be in accordance with the requirements of the underlying zone; and
- 2) The design, size, placement and operation of allowable uses will be in accordance with all other applicable state and federal laws,

## CHAPTER 13. DEFINITIONS

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### 13.3 TERMS DEFINED

The definitions contained in this Section apply to terms used throughout this Ordinance. In some cases, more than one (1) definition may appear because a specific meaning is to be used in the context of a particular situation or implementation of a land use regulation. When a term is defined within a subset of a numbered term (e.g., "expansion" under AGGREGATE AND MINERAL RESOURCES) the subset definition is the one used in determinations relating to that numbered term.

- 1) ABUT/ADJOIN: To lie next to or in contact with, having a common border with or to touch along a border. See CONTIGUOUS OWNERSHIP.
- 2) ACCESS: A legally defined area available, and practical at the time of development, for motor vehicle ingress and egress to a lot or parcel. In determining practicality, the topography, drainage, potential for erosion, and other factors may be considered.
- 3) ACCESSORY BUILDING/STRUCTURE: A building or structure that is detached from but located on the same lot or parcel as the principal use or building, the use of which is incidental and accessory to that of the principal building, structure or use. See USE, ACCESSORY; USE, PRINCIPAL
- 4) ACCREDITED ASSESSOR, (SB 360): An individual certified by the Oregon Department of Forestry to: evaluate property; develop a plan to comply with the administrative rules for wildland fire suppression or prevention; complete a certification form and return it to the Oregon Department of Forestry.
- 5) ADJACENT: Not distant, nearby.
- 6) AGGREGATE AND MINERAL RESOURCES:
  - a) Aggregate resources: are naturally occurring concentrations of stone, rock, sand gravel, decomposed granite, limestone, pumice, cinders, and other naturally occurring solid materials commonly used in road building or other construction.
  - ~~a) Conflicting use: A use which, if allowed, could adversely affect operations at a significant mineral and aggregate site, or could be adversely affected by extraction and processing activities at a significant mineral and aggregate site. For the purposes of this Chapter, another Goal 5 resource located on or adjacent to a mineral and aggregate resource may be considered a conflicting use if that resource could be adversely affected by surface mining activities, or force a change in mining activities at the site.~~
  - b). Conflicting use is a use or activity that is subject to land use regulations and that would interfere with, or be adversely affected by, mining or processing activities at a significant mineral or aggregate resource site (as specified in subsection (5)(b) and section (7) of OAR 660-023-0180).
  - ~~b) ESEE analysis: The analysis of Economic, Social, Environmental, and Energy (ESEE) consequences associated with conflicts between a mineral and aggregate resource and identified conflicting uses. Based on the results of the ESEE analysis, local government is expected to~~

~~determine a level of protection for the resource, and implement a program to achieve the designated level of protection.~~

- c) Extraction area: The area of identified significant mineral and aggregate reserves in which extraction and processing of the resource is permitted.
- d) ~~Goal 5 process~~: ~~The steps involving the identification of resource sites, the determination of significance, the identification of conflicting uses, the analysis of ESEE consequences, the determination on the level of protection to be afforded a resource site, and the decision how to implement the protection determination.~~
- e) ~~Impact area~~: ~~The area surrounding, and including, the extraction area in which the ESEE consequences of conflicting uses are examined, and the establishment of new conflicting uses is regulated.~~

**⌋ "Mineral resources" are those materials and substances described in ORS 517.750(7) but excluding materials and substances described as "aggregate resources".**

- f) Mining: The extraction of sand, gravel, clay, rock, or other similar mineral deposits. Mining does not include: (1) excavations conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of constructing or maintaining access roads; (2) excavation or grading conducted in the process of farm or cemetery operations; (3) excavation or grading conducted within a road right-of-way or other easement for the primary purpose of road construction, reconstruction or maintenance; or, (4) removal, for compensation, of materials resulting from on-site construction for which a development permit and a construction time schedule have been approved by the County.
- g) ~~Noise sensitive use~~: ~~A conflicting use which is primarily used for habitation. All residential structures, churches, hospitals, schools, public libraries, and campgrounds are considered noise sensitive uses. Forest uses and farm uses are not noise sensitive uses unless so determined based on analysis and findings adopted through the Goal 5 process.~~
- h) Processing: The extraction, washing, crushing, milling, screening, handling, and conveying of mineral and aggregate resources, and the batching and blending of such resources into asphalt and portland cement.
- i) Significant Aggregate Resource: Aggregate or stone materials commonly used in construction purposes which:
  - (i) Meet Oregon Department of Transportation specifications for construction grade material or meet city, County, state, or federal specifications for structural fill material. Oregon Department of Transportation quality specifications for aggregate include: (1) the Los Angeles Rattler test for abrasion (AASHTO T96, OSHD TM 211—loss of not more than 30% by weight); (2) the Oregon Air Degradation test (OSHD TM 208—loss of not more than 20% by weight); and, (3) the Sodium Sulfate Soundness test (OSHD TM 206—not more than 12% by weight); and,
  - (ii) Are located within an ownership or long-term lease containing reserves in excess of **500,000 tons** ~~100,000 cubic yards~~ (this standard is not absolute; the County may consider the significance of a site based on unique circumstances even though the volume threshold may not be met), or,

development, and opinions and recommendations covering the adequacy of the site to be developed. An engineering geology report must be prepared in accordance with the *Guidelines for Preparing Engineering Geology Reports in Oregon* adopted by the Oregon State Board of Geologist Examiners. The engineering geology report may be incorporated into or included as an appendix to the geotechnical report.

- 78) **ESEE CONSEQUENCES:** In the Goal 5 context, the positive and negative economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use. An ESEE analysis is the process by which recognition of the ESEE consequences influences the decision to limit or not limit conflicting uses.
- 79) **EQUIPMENT, HEAVY:** Farm, forestry, or construction machinery weighing in excess of 10,000 pounds.
- 80) **EXCEPTION:** A decision to exclude certain land from the requirements of one (1) or more applicable statewide planning goals in accordance with the process specified in Goal 2, Part II, Exceptions. (See OAR 660-004-0000)
- 81) **EXPANSION:** A change in use, structure, or physical improvements that increase impacts on the surrounding area.
- 82) **FAIRGROUNDS OR RODEO GROUNDS:** An area where a fair, circus, or exhibition is held, or a facility for public rodeo performance that may feature bronco riding, calf roping, steer wrestling, brahma bull riding, and other similar activities.
- 83) **FAMILY:** An individual, two (2) or more persons related by blood, marriage, or law; or a group of not more than any five (5) unrelated persons living together in a dwelling unit; or a combination of related and unrelated persons where the total number of unrelated persons does not exceed five (5). Servants having common housekeeping facilities with a family consisting of an individual, or two (2) or more persons related by blood, marriage, or law are a part of the family for purposes of this Ordinance.
- 84) **FARMLAND, HIGH VALUE:**
- a) Land in a tract composed predominantly of soils that are:
    - (i) Irrigated and classified prime, unique, Class I or II, or
    - (ii) Not irrigated and classified prime, unique, Class I or II.
  - b) In addition to that land described above, high-value farmland includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay, pasture, or alfalfa. (See OAR 660-033-0020(8)(a)-(b), and (f)-(h))
- 85) **FARM/RANCH OPERATION:** All lots or parcels of land in the same ownership (contiguous or non-contiguous) that are used as a unit by the farm or ranch operator for farm uses defined in ORS 215.203. (See OAR 660-033-0135(11)(b))

the ESEE consequences of limiting or not limiting conflicting uses; and to implement that program. (See OAR 660-023-0000)

- 110) GOLF COURSE: An area of land with highly maintained natural turf laid out for the game of golf. In an EFU zone, a golf course must include a series of nine (9) or more holes, each including a tee, a fairway, a putting green, and often one (1) or more natural or artificial hazards. (See OAR 660-033-0130(20))
- 111) GROCERY STORE: Food market, or combination food market and department store with 3,000 square feet or more of gross floor area. Establishments where a majority of the transactions are sales of prepared food for on-site or take-out consumption are classified as a commercial "eating and drinking establishment."
- 112) GROUNDWATER: Any water, except capillary moisture, beneath the land surface or beneath the bed of any stream, lake, reservoir, or other body of surface water within the boundaries of this State, whatever may be the geological formation or structure in which such water stands, flows, percolates, or otherwise moves. (See ORS 537.515)
- 113) GROUP LIVING: The residential occupancy of a structure by a group of unrelated people who do not meet the definition of a family. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff. See also DAYCARE.
- a) Convent/monastery: The dwellings of a religious order or congregation. New convents/monasteries must comply with the density provisions of the zoning district.
- b) Farm worker housing: Residences for individuals or families participating in the harvesting of agricultural crops (See ORS 315.164)
- c) Nursing/convalescent home: Facility providing care, rehabilitation services, and minor treatment for more than five (5) persons under the direction of a physician, licensed by the state. May furnish basic provisions of food and laundry. Term includes rest home, home for the aged, and sanitarium.
- d) Residential facility: A residential care, residential training, or residential treatment facility, as those terms are defined in ORS 443.400, licensed or registered under ORS 443.400 to 443.460 or licensed under ORS 418.205 to 418.327 by the Department of Human Services that provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to 15 individuals who need not be related. Staff persons required to meet licensing requirements are not counted in the number of facility residents, and need not be related to each other or to any resident of the facility. (See ORS 197.660)
- e) Residential home: A residential treatment or training, or an adult foster home licensed by or under the authority of the State (ORS 443.400, to 443.825), a residential facility registered under ORS 443.480 to 443.500, or an adult foster home licensed under 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five (5) or fewer individuals who need not be related.

- 123) IMPACT, ADVERSE: A negative consequence to the physical, social, or economic environment resulting from an action or project.
- 124) IMPACT AREA: A geographic area within which conflicting uses could adversely affect a significant Goal 5 resource. **An impact area is used as an area of conflicting use analysis in Goal 5 review, with consideration for impacts to the identified resource and to the other existing or approved uses therein.** (See OAR 660-023-0010)
- 125) INDUSTRIAL PARK: A planned, coordinated development on a tract or parcel of land with two (2) or more separate industrial buildings, which are designed, constructed, and managed on an integrated and coordinated basis. Special attention is given to on-site vehicular circulation, parking, utility needs, building design, orientation, and open space in permitting industrial parks.
- 126) INDUSTRIAL SERVICE, HIGH IMPACT: A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.
- 127) INDUSTRIAL SERVICE, LOW IMPACT: Research and development activities, the manufacturing compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building. Finished or semi-finished products may be temporarily stored outdoors pending shipment.
- 128) INDUSTRIAL USE: The use of land for the manufacture, processing, storage, or wholesale distribution of products, goods or materials (not including commercial uses). (See OAR 660-022-0010)
- 129) IRRIGATED LAND: Cropland watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including lands that receive water for irrigation from a water or irrigation district or other provider. For development review purposes, a parcel or tract within a water or irrigation district that was once irrigated continues to be considered "irrigated" even if the irrigation water was removed or transferred to another tract. (See OAR 660-033-0020(9))
- 130) KENNEL: A place of business or a facility (not including an animal clinic/hospital) in which dogs and/or cats are given training, boarded, or groomed for profit or compensation; or which is maintained by public or private funds to serve as a temporary shelter for holding lost, strayed, surrendered, or abandoned dogs and cats until disposition by redemption, adoption, or euthanasia is made.
- 131) KITCHEN: Any room, all or any part of which is designed, built, equipped, used or intended to be used for cooking food. Typically, kitchens contain a sink (excluding bar sinks), combined with a range, stove, or microwave. The size and location of counter and cabinet space (which would allow food storage), space designed to accommodate a refrigerator, location of electrical outlets in excess of those normally used for general household purposes, and separation of a plumbed area from the main living space so as to form a room not suitable for a bathroom are also

- 166) OFFICE USE, COMMERCIAL: Uses characterized by activities conducted in an office setting and generally focused on the affairs of a business, profession, service industry or government. Office uses may include limited incidental sales of goods related to the business or profession. If goods or merchandise sold, either from the premises or for delivery off site, constitutes more than 20% of gross business revenue, the use is classified as a retail establishment. See PERSONAL SERVICE/SERVICE RETAIL.
- 167) OUTDOOR STORAGE AREA: The keeping of personal or business property, or motor vehicles off a right-of-way in an open parking space or any other area outside of a building for a period of time exceeding 72 consecutive hours.
- 168) OWNER/LANDOWNER: A person(s), partnership, or corporation possessing fee title to a tract of land, or shown as owner of record on the latest tax rolls or deed records of the County, or an entity purchasing a parcel of property under written contract.
- POST ACKNOWLEDGMENT PLAN AMENDMENT (PAPA):** The term encompasses actions taken in accordance with ORS 197.610 through 197.625, including amendments to an acknowledged comprehensive plan or land use regulation and the adoption of any new plan or land use regulation.
- 169) PARCEL: A single unit of land created by: (1) a partition of land as defined in ORS 92.010 in compliance with all land use standards then applicable; or, (2) deed or land sales contract, if there were no applicable land use or partitioning regulations then in effect. The term parcel does not include a unit of land created solely to establish a separate tax account. (See ORS 92.010 and 215.010) See DIVIDE, LOT, PARTITION LAND, TAX LOT, and Chapters 3 and 10 of this Ordinance. [2005 HB 2755]
- 170) PARK-AND-RIDE LOT: A facility designed for parking the personal vehicles of persons traveling to and from work using carpools, vanpools, buspools, or mass transit.
- 171) PARKING AREA, COMMERCIAL: The temporary storage of vehicles on an hourly, daily or monthly basis not associated with a specific use, even if the operator leases the facility from the principal use or charges a fee to the individuals who park in the facility. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a "commercial parking area."
- 172) PARKS/RECREATION AREAS: Uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses may include club houses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking. See AMUSEMENT ESTABLISHMENT
- 173) PARTITION LAND: To divide land to create two (2) or three (3) parcels within a calendar year, not including: (1) a division of land resulting from lien foreclosure, foreclosure of a recorded contract for the sale of real property; or the creation of cemetery lots; (2) the division of land resulting from the recording of a subdivision or condominium plat; (3) a sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes. Any property divided by the sale or grant of property for state highway, county road, city

|           |  |           |
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2.6 Mining and Aggregate Removal (LDO Section 4.4.8). In addition to the general application requirements, an application for mining or aggregate removal **permits or Post-Acknowledgment Plan Amendments (PAPA)**, must include the following:

- A) A site plan of the entire property, showing proposed areas where excavation, stockpiling, processing, and equipment staging will occur, all existing and proposed roadways within and bordering the property, the location and width of any proposed berms and the width and location of any areas where vegetation will be retained or planted to provide screening. The site plan will also address
- B) A map of the surrounding area, showing all abutting properties and the location of any dwellings that are within 1,500 feet of processing and excavation sites and haul roads.
- C) A written description of the access to and from the site, indicating the route that will be used by trucks, whether the roads are paved, the width and general condition of the roadbed and whether the applicant will provide any improvements such as turn lanes.
- D) An estimate of the number of ~~cubic yards~~ **tons** of material that will be removed from the site annually, the estimated number of years the site will be mined, the maximum anticipated number of loaded trucks that will leave the site daily, and whether single or double trucks will be used.
- E) A written statement from the County Roads Division and/or ODOT verifying that the public roads that will be used by haul trucks have adequate capacity and are, or will be, improved to a standard that will accommodate the maximum potential level of use created by the operation. If road improvements are required by either agency, a time frame for making the improvements must be provided by the applicant.
- F) The proposed days and hours of operation for each component of the operation, i.e., the days and hours site excavation will occur, days and hours processing will occur, and days and hours trucks will be entering and/or leaving the site.
- G) A copy of any state or federal permits that have been obtained, such as from DSL, DEQ and DOGAMI.
- H) A copy of the DOGAMI-approved site reclamation. If the reclamation plan has not yet been approved by DOGAMI, a draft plan must be submitted showing the proposed post-mining use of the site.
- I) **Aggregate Resource Post-Acknowledgment Plan Amendments (PAPAs) are subject to OAR 660-23-0180. The following provide the additional details and guidelines recognized by the County to expedite processing of these applications within the framework of the applicable State Rule, and should not be construed as additional criteria:**
  - A pre-application conference is required for all plan amendments. The pre-application conference should present the initial impact area, a minimum of 1,500' distance from the mining extraction area for purposes of identifying conflicting uses. Once the application is submitted, staff will determine the impact area based on the OAR**

660-023-0180(5)(a). The impact area may extend further than 1,500 when based on factual information indicating significant potential conflicts. When additional information is required for the impact area, the application will be considered incomplete until the information is provided (see below).

- Site significance information regarding quantity, quality, and location:
  1. A representative set of samples of the aggregate over the entire mine extraction area(s)
  2. An estimate of the quantity on site, in tons, of processed commodity that would meet ODOT specifications
  3. Proof of the quality of the aggregate, a set of samples meeting the required ODOT test specifications
- The application will address OAR 660-023-0180(5)(b), providing information on existing and approved uses in the impact area, predicted conflicts with these uses and proposed measures to minimize these conflicts. The information shall be sufficient to inform the County's findings, pursuant to OAR 660-023-0180(5)(c), regarding the need for and scope of an analysis on the economic, social, environmental and energy consequences (ESEE consequences) of allowing, limiting, or not allowing mining.
- Potential conflicts to be considered and addressed in the application, based on the requirements of OAR 660-023-0180(5)(b) include:
  1. Noise; a noise study is recommended where noise sensitive uses exist
  2. Dust; a plan detailing dust mitigation is recommended where habitable structures exist within the impact area, or sensitive outdoor uses exist such as recreation or agriculture
  3. Other discharges, such as from water management, extraction or processing methods; studies describing the specific discharge impacts and mitigation measures is recommended
  4. Road impacts used for access and egress to the mining site within one mile of the entrance to the mining site unless a greater distance is necessary in order to include the intersection with the nearest arterial. A Transportation Impact Study (TIS) will be required for all applications. Scoping of the TIS with relevant agencies in a pre-application conference is suggested.
  5. Conflicts with existing public airports due to bird attractants from open water ponds
  6. Conflicts with agricultural practices
  7. Conflicts with other Goal 5 resource sites within the impact area that are part of the County's Areas of Special Concern or otherwise listed in the County's acknowledged Goal 5 Resources Background Document (1990).
- If the information provided above does not lead to the reasonable conclusion that all identified conflicts can be minimized, the application shall include additional information on the ESEE consequences of allowing, limiting, or not allowing mining. The information shall be sufficient to inform the County's findings required under OAR 660-023-0180(5)(d). The ESEE analysis need only be based on identified conflicts that cannot be minimized.

J) The Comprehensive Plan, Aggregate and Mineral Resources Element, Policy 2, includes an implementation strategy that aggregate plan amendments will make a demonstrated effort to meet with neighboring property owners and consult on plans for the use (site plan, operations, mitigation measures, reclamation plan). Documenting the following would address this policy objective:

- A list of property owners contacted
- A signed list of property owners attending an informational meeting
- The mining proposal presented
- Input received from neighboring property owners
- Any changes or outcomes affecting the mining proposal

K) In addition to the above requirements of sub 'I' and 'J', the Jackson County Planning Commission recognizes the importance of the following information to assess the change to Aggregate Removal uses and asks PAPA applicants to provide the following where relevant:<sup>1</sup>

- A boundary survey of the entire property as well as the mine extraction area;
- A topographic survey of the property;
- Soils information for any mining extraction area on EFU land by an ARCPAC certified soil scientist;
- All pertinent information for all proposed mining and associated uses, which include primary and accessory operations that will be performed on site:
  1. Excavation extent, depth, and means of extraction
  2. Extraction equipment
  3. Processing equipment and location
  4. Loading and hauling equipment and location
  5. Equipment storage and repair areas
  6. Offices and other buildings
  7. Scales
  8. Stockpiles of any type
  9. Roadway circulation system, internal and external
  10. Berms, screening and buffering improvements
  11. Wells, water sources, settlement ponds

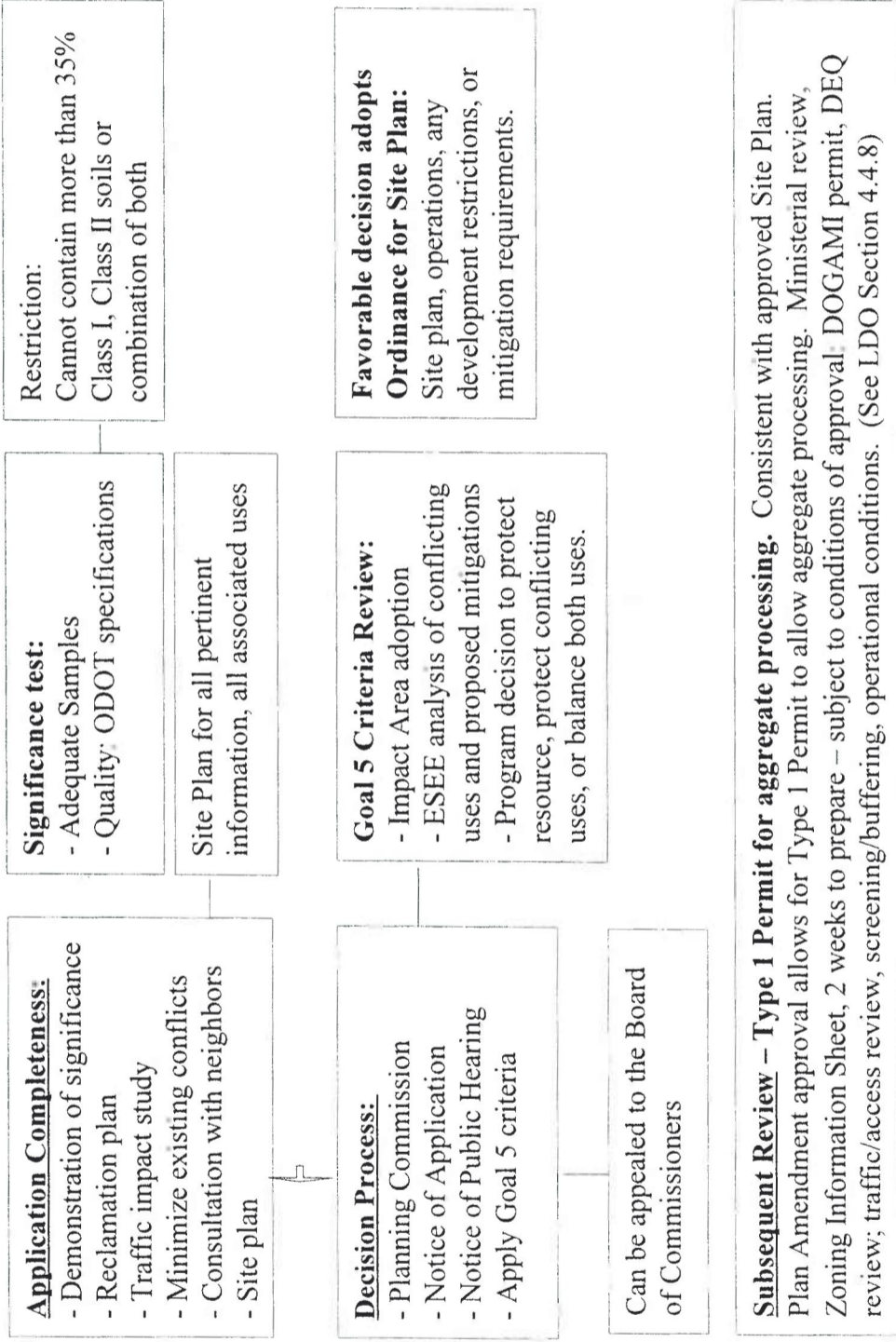
L.) Aggregate Application Flow Charts (on the following pages) are provided to assist in understanding aggregate application options: 1) Plan Amendment (PAPA), 2.) Conditional Use Permit, and 3) EFU Lands. These charts are illustrative only. They show key criteria and steps in addressing aggregate applications depending if it is a Plan Amendment, a CUP, or involves EFU lands.

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<sup>1</sup>Individual sites and applications will differ; not all items will be applicable.

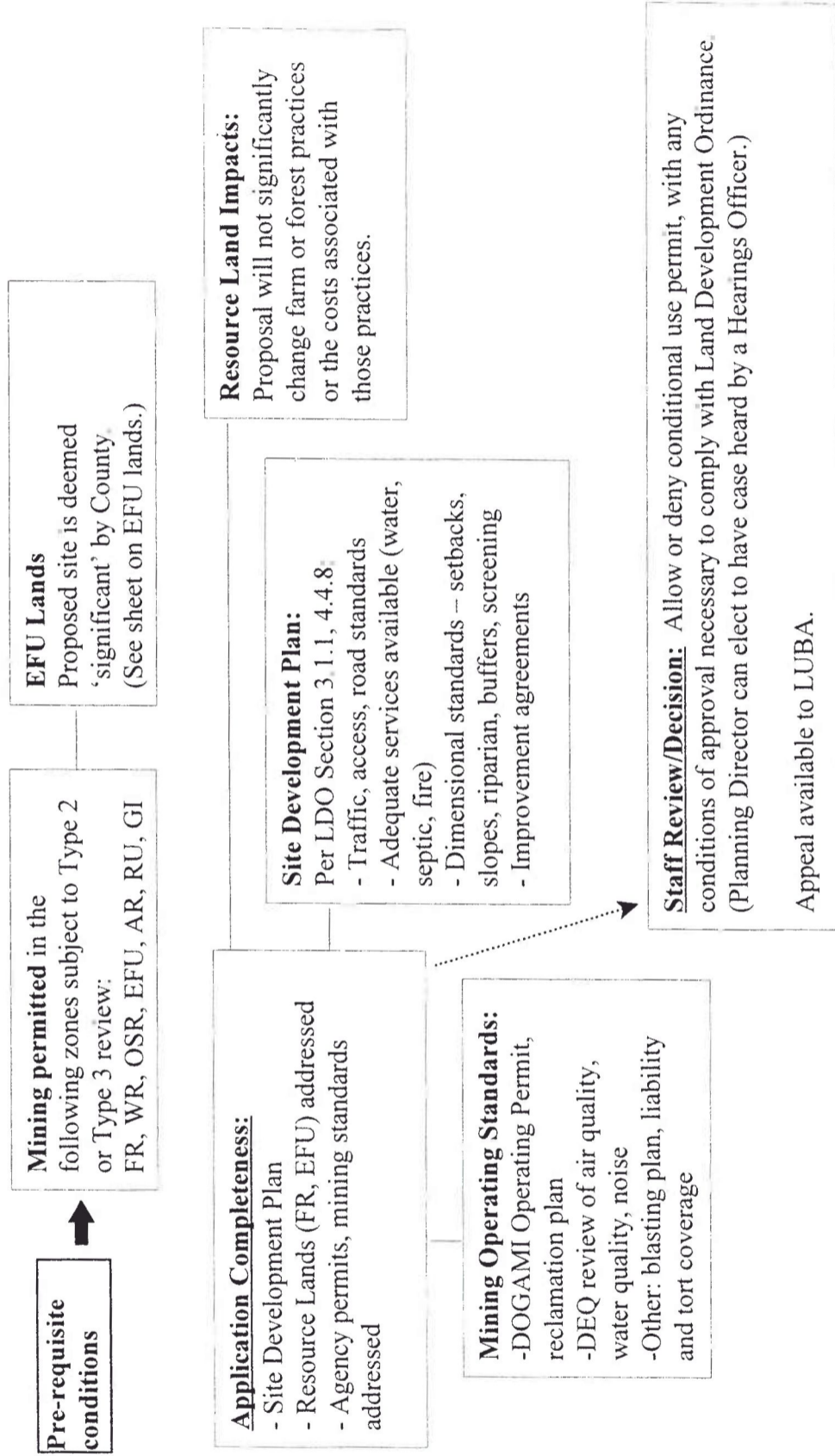
## Plan Amendment

**Proposal:** Change to Aareadate Resource. Extract more than 500,000 tons of aareadate.  
**Requires Pre-application conference. Application subject to completeness review.**  
**Subsequent aggregate processing permit needed.**



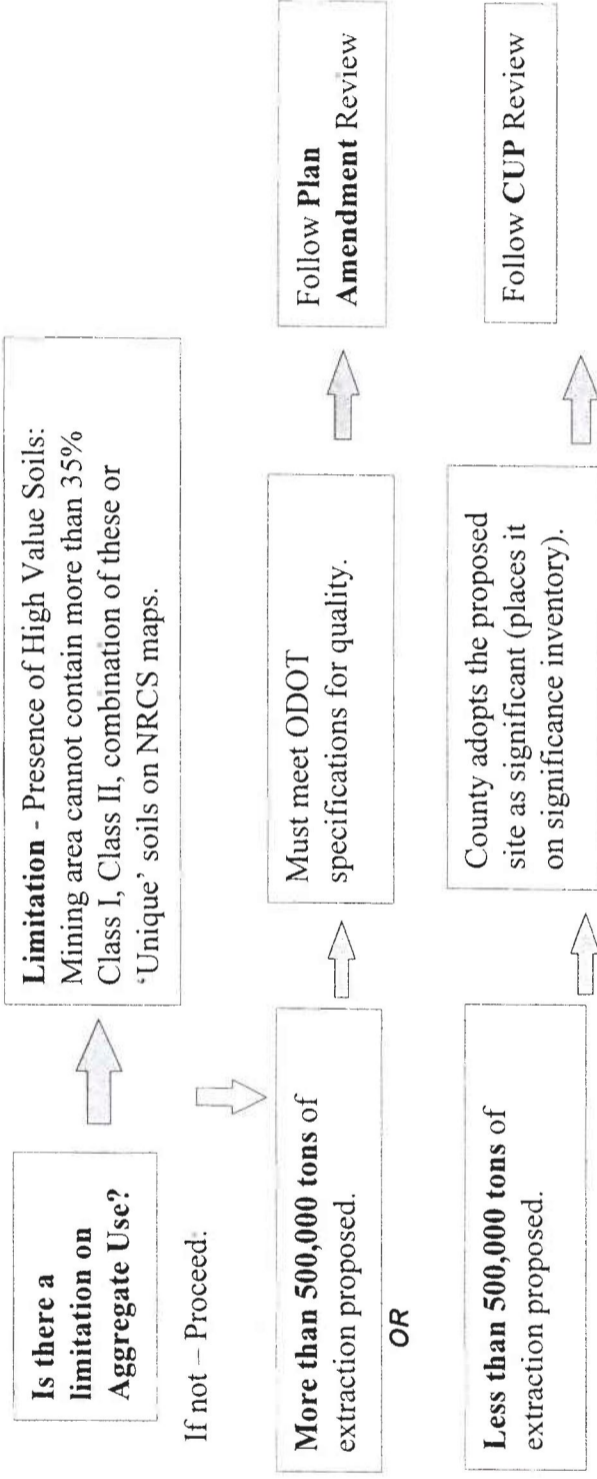
## Conditional Use Permit

**Proposal:** Retain existing zoning. Extract less than 500,000 tons of material.  
**180-day process:** 30-day completeness review, 150-day CUP permit review.



## EFU Lands

Determine if EFU Lands are Significant  
Review as Plan Amendment or as CUP depending on Extraction Tonnage



*(Note: This requires a Board Order to add to Goal 5 significant sites aggregate inventory.)*



Development Services  
10 S Oakdale Ave. Room 100  
Medford, OR 97501

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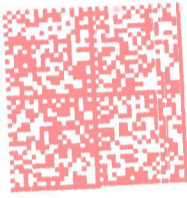
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