



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

7/29/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: Jackson County Plan Amendment
DLCD File Number 005-09

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, August 10, 2009

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

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

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

Cc: Tracie Nickel, Jackson County
Doug White, DLCD Community Services Specialist

<paa>

FORM 2

DLCD

Notice of Adoption

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

☐ In person	☐ electronic	☐ mailed
DEPT OF		
JUL 22 2009		
LAND CONSERVATION AND DEVELOPMENT		
For DLCD Use Only		

Jurisdiction: **Jackson County**

Local file number: **LRP2006-00013**

Date of Adoption: **7/15/2009**

Date Mailed: **7/20/2009**

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

☐ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

Amend and update to the boundaries of the Ken Denman Wildlife Area, a Goal 5 protected resource to allow for the realignment of Avenue G across OSR zoned land. An equal land exchange occurred between the State and the County which essentially removed land protected at the Kirtland Road and Pacific Avenue intersection and added protection to land along the Rogue River in order to facilitate the Avenue G realignment.

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

*** NOTE : Form 1 was completed - Unable to verify a mailing date ***

Plan Map Changed from: **equal land exchanged**

to: **no area removed**

Zone Map Changed from: **n/a**

to: **n/a**

Location: **36-2w-13 tl 1200/36-2w-12 tl 400**

Acres Involved: **2**

Specify Density: Previous: **n/a**

New: **n/a**

Applicable statewide planning goals:

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

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

005-09 (17670) [15632]

DLCD file No. _____

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

Department of Fish and Wildlife, Department of State Lands

Local Contact: **Tracie Nickel**

Phone: **(541) 774-6951** Extension:

Address: **10 South Oakdale, Dev. Service**

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

City: **Medford, Oregon**

Zip: **97501-**

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

ADOPTION SUBMITTAL REQUIREMENTS

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

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

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, 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.

NOTARY PAGE

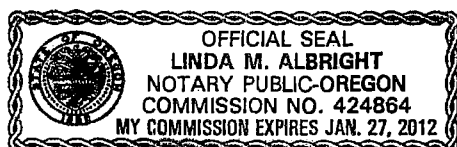
STATE OF OREGON)
)
COUNTY OF JACKSON)

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. 2009-1 by mailing a copy of the Notice of Adoption by regular mail to each of the following named persons at their respective last known addresses, to wit: (as attached)

Each of said copies of the Notice were enclosed in a sealed envelope addressed to the persons at the addresses above set forth, with postage thereon fully prepaid and was deposited in the post office at Medford, Oregon, on July 17, 2009.

Patricia A. Guida
Signature

Personally appeared before me this 17th day of July, 2009, 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 ROADS

FILE NO: LRP2006-00013

NOTARY PAGE

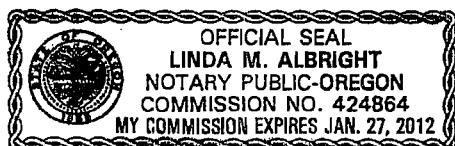
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Each of said copies of the Notice were enclosed in a sealed envelope addressed to the persons at the addresses above set forth, with postage thereon fully prepaid and was deposited in the post office at Medford, Oregon, on July 17, 2009.

Patricia A. Guida
Signature

Personally appeared before me this 17th day of July, 2009, 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 ROADS

FILE NO: LRP2006-00013



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. 2009-2 at a properly advertised public hearing on July 15, 2009, at 1:30 p.m., in the Auditorium of the Jackson County Offices, 10 South Oakdale, Medford, Oregon 97501.

The ordinance will go into effect on September 13, 2009 (60 days from the date of adoption). A description of the ordinance follows:

Ordinance No. 2009-2 amends updates the boundaries of the Ken Denman Wildlife Area, a Goal 5 protected area of special concern (ASC 90-10) as identified on Natural Area Inventory Map, an official Comprehensive Plan Map, also for the realignment of Avenue G across OSR zoned lands in White City. The amendment and realignment are to reflect update to the Ken Denman Wildlife Area and facilitate the exchange of 5.38 acres of land. Exactly 2.69 acres of land within the Ken Denman Wildlife Area on a parcel described as Township 36 South, Range 2 West, Section 13, Tax Lot 1200 are to be exchanged for 2.69 area currently out of the wildlife area on a parcel described as Township 36 South, Range 2 West, Section 12, Tax Lot 400. The amendment also serves to correct a mapping error by removing area of Special Concern 90-10 protection from the property commonly known as the Hoover Ponds on parcels described as Township 36 South, Range 1 West, Section 21C, Tax Lot 3800; Township 36 South, Range 1 West, Section 21D, Tax Lot 2800; and Township 36 South, Range 1 West, Section 22C, Tax Lot 1200. File No. LRP2006-00013.

This notice is being mailed to you on July 17, 2009, which is within five working days after the adoption date of the ordinance(s) as required by ORS 197.615. If you have any questions on the effect of this ordinance, please contact **Tracie Nickel** at Development Services, Room 100, County Offices, 10 South Oakdale, Medford, Oregon 97501. Telephone: Medford 774-6951; Jackson County residents outside of Medford's local calling area 1-800-452-5021 and enter the next four digit extension 6951.

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

The Board of County Commissioner's Ordinances are the final decisions on this action. Pursuant to State law, Jackson County is hereby notifying all persons who participated in the hearings, either in writing or orally. This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). You must appeal this decision within 21 days of the date it is mailed. This decision is being mailed on July 17, 2009, and the LUBA appeal period will expire on August 7, 2009. 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

Approved: 7/15/2009
Effective: 9/13/2009

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

ORDINANCE NO. 2009-2

AN ORDINANCE AMENDING AND UPDATING THE BOUNDARIES OF THE KEN DENMAN WILDLIFE AREA, A GOAL 5 PROTECTED AREA OF SPECIAL CONCERN (ASC 90-10) AS IDENTIFIED ON NATURAL AREA INVENTORY MAP, AN OFFICIAL COMPREHENSIVE PLAN MAP, ALSO FOR THE REALIGNMENT OF AVENUE G ACROSS OSR ZONED LANDS IN WHITE CITY. THE AMENDMENT AND REALIGNMENT ARE TO REFLECT UPDATES TO THE KEN DENMAN WILDLIFE AREA AND FACILITATE THE EXCHANGE OF 5.38 ACRES OF LAND. EXACTLY 2.69 ACRES OF LAND WITHIN THE KEN DENMAN WILDLIFE AREA ON A PARCEL DESCRIBED AS TOWNSHIP 36 SOUTH, RANGE 2 WEST, SECTION 13, TAX LOT 1200 ARE TO BE EXCHANGED FOR 2.69 ACRES CURRENTLY OUT OF THE WILDLIFE AREA ON A PARCEL DESCRIBED AS TOWNSHIP 36 SOUTH, RANGE 2 WEST, SECTION 12, TAX LOT 400. THE AMENDMENT ALSO SERVES TO CORRECT A MAPPING ERROR BY REMOVING AREA OF SPECIAL CONCERN 90-10 PROTECTION FROM THE PROPERTY COMMONLY KNOWN AS THE HOOVER PONDS ON PARCELS DESCRIBED AS TOWNSHIP 36 SOUTH, RANGE 1 WEST, SECTION 21C, TAX LOT 3800; TOWNSHIP 36 SOUTH, RANGE 1 WEST, SECTION 21D, TAX LOT 2800; AND TOWNSHIP 36 SOUTH, RANGE 1 WEST, SECTION 22C, TAX LOT 1200. FILE NUMBER LRP2006-00013.

RECITALS:

1. Pursuant to Chapter 197 and 215 of the Oregon Revised Statutes, and in conformance with the Statewide Planning Goals, the White City Transportation System Plan, Jackson County's Transportation System Plan, Comprehensive Plan (JCCP), Land Development Ordinance (JCLDO) and implementing ordinances have been acknowledged by the Oregon Land Conservation and Development Commission (LCDC).
2. The standards justifying minor or quasi-judicial amendments to the Jackson County Comprehensive Plan Amendments and Urban Growth Boundary Amendments are contained in the Jackson County Comprehensive Plan and in the Jackson County Land Development Ordinance (JCLDO) Chapter 3.
3. JCLDO Section 3.7.3 states that a minor map amendment must conform to the Statewide Planning Goals, Oregon Administrative Rules, and the Comprehensive Plan as a whole.
4. The application was received on October 2, 2006. On March 5, 2007 the application was continued in order to allow Oregon Department of Fish and Wildlife (ODFW) and Jackson County Roads to work on a land-exchange agreement.

5. On December 4, 2008, the applicant submitted a request to re-commence the application and schedule a public hearing before the Jackson County Planning Commission. A Jackson County Planning Commission public hearing was scheduled for January 22, 2009.
6. On December 31, 2008, a notice of cancellation and re-scheduling of public hearing was appropriately provided to neighboring property owners and affected agencies, changing the Jackson County Planning Commission hearing date to February 12, 2009.
7. On February 12, 2009 the Jackson County Planning Commission held a properly advertised public hearing in the Jackson County Auditorium to consider the evidence and testimony on this application. The Jackson County Planning Commission closed the public hearing and scheduled deliberations for February 26, 2009.
8. On February 26, 2009 the Jackson County Planning Commission voted unanimously to recommend approval of the application and concluded the public hearing.
9. On March 26, 2009 the Jackson County Planning Commission signed the unanimous recommendation for approval of the application.
10. ON May 24, 2009, a notice of BoC public hearing scheduled for June 3, 2009 was appropriately provided.
11. On June 3, 2009, the Jackson County Board of Commissioners voted unanimously to approve the application and set the date for first and second reading to be July 1, 2009 and July 15, 2009, respectively.

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

SECTION 1. FINDINGS OF FACT

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

- 1.1 The Board of Commissioners finds that proper public notice was given for the public hearings, and that no objections were raised concerning the hearing notice.
- 1.2 The Board of Commissioners finds that the following lands comprise the subject property:
 - 1.2.1 Property 1: T36S, R2W, S13, TL 1200 is a 148.68 parcel owned by Oregon State, located north of Kirtland Road, north of Avenue G, east of

Table Rock Road, and south of the Rogue River, generally. The subject portion of this property includes 2.69 acres located in the southeast corner of said lot in an area immediately northwest of the intersection Kirtland Road, Avenue G, and Pacific Avenue intersection in White City;

1.2.2 Property 2: T36S, R2W, S12, TL 400 is a 24.5 acre parcel owned by Jackson County, located east of Touvelle Road, approximately one-half mile south of its intersection with Modoc Road and northwest of and along the rogue river. The subject portion of this property includes 2.69 acres located along a Ken Denman access road situated between Touvelle Road and the Rogue River.

1.2.3 Property 3: T36S, R1W, S21C, TL3800; T36S, R1W, S21D, TL2800; and T36S, R1W, S22C, TL1200 comprise the Jackson County owned and managed "Hoover Ponds" property, situated along and south of state Highway 140, west of Kershaw Road and east of Lakeview Drive.

1.3 The Board of Commissioners finds that properties 1 and 3 described herein above are currently in a Forestry/Open Space Comprehensive Plan Map designation and an Open Space Reserve (OSR) zoning map designation. Property 2 described herein above is currently in an Exclusive Farm Use Comprehensive Plan Map designation and an Exclusive Farm Use (EFU) zoning map designation. Property 1 is completely within Area of Special Concern 90-10 –Natural Area Ken Denman Wildlife Area. Property 2 is adjacent to lands within Area of Special Concern 90-10 –Natural Area Ken Denman Wildlife Area. Property 3 is mapped as being within Area of Special Concern 90-10 –Natural Area Ken Denman Wildlife Area.

1.4 The Board of Commissioners finds that Property 3 described herein above was not owned or managed as part of the Ken Denman Wildlife Area when Area of Special Concern 90-10 was adopted in 1991, through Ordinance No. 91-1.

1.5 The Board of Commissioners finds that the Jackson County Transportation System Plan (TSP) identifies and authorized the proposed Avenue G realignment as a planned project found to be consistent with Oregon Statutes, Oregon Administrative Rules, and Jackson County Comprehensive Plan under TSP adopting Ordinance 2005-3, subject to completing the Goal 5 Review.

1.5.1 The Board of Commissioners finds that the Jackson County Transportation System Plan, adopted by Ordinance 2005-3 and acknowledged by the Oregon Land Conservation and Development Commission (LCDC) was concluded to be consistent with all of Oregon Administrative Rule 660-012-0065 including OAR 660-012-0065(5).

SECTION 2. LEGAL FINDINGS

2.1 The Board of Commissioners adopts, as its own, the Legal Findings as contained in Section 2 of the Jackson County Planning Commission's Recommendation dated March 26, 2009, attached hereto and incorporated herein as Exhibit "A". The evidence and exhibits reviewed and relied upon by the Planning Commission for said Legal Findings, are as exhibited in the Planning Commission record, also herein incorporated and adopted.

2.2 The Board finds that the application complies with Chapter 3 of the Jackson County Land Development Ordinance, the Jackson County Comprehensive Plan, the Jackson County Transportation System Plan, the White City Transportation System Plan, the Statewide Planning Goals and related Oregon Administrative Rules.

SECTION 3. CONCLUSIONS

3.1 The Board of Commissioners concludes that proper public notice was given.

3.2 The Board of Commissioners adopts, as its own, the Conclusions of the Jackson County Planning Commission's Recommendation dated March 26, 2009, attached hereto and incorporated herein as Exhibit "A".

SECTION 4. DECISION

Now, Therefore, the Board of County Commissioners of Jackson County ordains as follows:

1. Based on the record of the public hearing and the recommendation of the Jackson County Planning Commission, attached hereto and incorporated herein as Exhibit "A", the Board of Commissioners approves an amendment to the boundaries of the Ken Denman wildlife area, a goal 5 protected area of special concern (ASC 90-10) as identified on Natural Area Inventory map, an official Comprehensive Plan Map, also for the realignment of Avenue G across OSR zoned lands in White City. The amendment and realignment are to reflect updates to the Ken Denman Wildlife Area and facilitate the exchange of 5.38 acres of land. Exactly 2.69 acres of land within the Ken Denman Wildlife Area on a parcel described as township 36 south, range 2 west, section 13, tax lot 1200 are to be exchanged for 2.69 acres currently out of the wildlife area on a parcel described as township 36 south, range 2 west, section 12, tax lot 400 as shown on the 2 maps attached hereto, and incorporated herein, at Exhibit "B".
2. Based on the record of the public hearing and the recommendation of the Jackson County Planning Commission, attached hereto and incorporated herein as Exhibit "A", the Board of Commissioners approves an amendment to correct a mapping error by removing Area Of Special Concern 90-10

protection from the property commonly known as The Hoover Ponds on parcels described as Township 36 South, Range 1 West, Section 21C, Tax Lot 3800; Township 36 South, Range 1 West, Section 21d, Tax Lot 2800; And Township 36 South, Range 1 West, Section 22c, Tax Lot 1200.

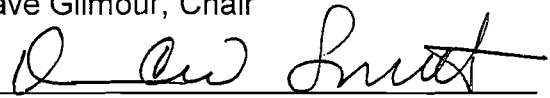
3. Invalidity of a section or part of this ordinance shall not affect the validity of the remaining sections or parts of sections.

APPROVED this 15th day of July, 2009, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS



Dave Gilmour, Chair

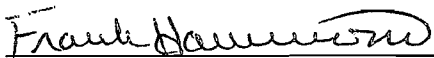


Dennis C. W. Smith, Commissioner

absent

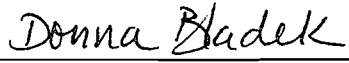
Jack Walker, Commissioner

APPROVED AS TO FORM:



County Counsel

ATTEST:



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 July 17, 2009, and the LUBA appeal period will expire on August 7, 2009. Please contact LUBA for specific appeal information. They are located at 550 Capitol Street N.E. Suite 235, Salem, Oregon 97301-2552. They can be reached at (503) 373-1265.

EXHIBIT A

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

IN THE MATTER OF A COMPREHENSIVE)
PLAN MAP AMENDMENT TO GOAL 5)
PROTECTED AREA OF SPECIAL CONCERN)
90-10 FOR THE COUNTY'S NATURAL AREA)
INVENTORY MAP APPLICABLE TO THE)
KEN DENMAN WILDLIFE AREA. ALSO FOR)
THE REALIGNMENT OF AVENUE G)
ACROSS OSR ZONED LANDS IN WHITE)
CITY. CONSISTENT WITH THE JACKSON)
COUNTY TRANSPORTATION SYSTEM)
PLAN, GOAL 5, JACKSON COUNTY)
COMPREHENSIVE PLAN, AND JACKSON)
COUNTY LAND DEVELOPMENT)
ORDINANCE, THE AMENDMENT AND)
REALIGNMENT ARE TO REFLECT)
UPDATES TO THE KEN DENMAN WILDLIFE)
AREA AND FACILITATE THE EXCHANGE OF)
5.38 ACRES OF LAND. EXACTLY 2.69)
ACRES OF LAND WITHIN THE KEN)
DENMAN WILDLIFE AREA ON A PARCEL)
DESCRIBED AS TOWNSHIP 36 SOUTH,)
RANGE 2 WEST, SECTION 13, TAX LOT)
1200 ARE TO BE EXCHANGED FOR 2.69)
ACRES CURRENTLY OUT OF THE WILDLIFE)
AREA ON A PARCEL DESCRIBED AS)
TOWNSHIP 36 SOUTH, RANGE 2 WEST,)
SECTION 12, TAX LOT 400. THE)
AMENDMENT ALSO SERVES TO CORRECT)
A MAPPING ERROR BY REMOVING AREA)
OF SPECIAL CONCERN 90-10 PROTECTION)
FROM THE PROPERTY COMMONLY)
KNOWN AS THE HOOVER PONDS ON)
PARCELS DESCRIBED AS TOWNSHIP 36)
SOUTH, RANGE 1 WEST, SECTION 21C,)
TAX LOT 3800; TOWNSHIP 36 SOUTH,)
RANGE 1 WEST, SECTION 21D, TAX LOT)
2800; AND TOWNSHIP 36 SOUTH, RANGE 1)
WEST, SECTION 22C, TAX LOT 1200)
)

RECOMMENDATION
FOR APPROVAL

CSA PLANNING, LTD., AGENT;
JACKSON COUNTY ROADS, APPLICANT;
FILE NO. LRP2006-00013.

1-File No. LRP2006-00013
Jackson County Roads, Applicant

Board of County Commissioners

File No. LRP2006-00013 Exhibit # 4

Offered by: Stacy
Date: 5-21-2009 Received by: P

- 7 -

RECITALS:

1. Pursuant to Chapter 197 and 215 of the Oregon Revised Statutes, and in conformance with the Statewide Planning Goals, Jackson County's Transportation System Plan, Comprehensive Plan (JCCP), Land Development Ordinance (JCLDO) and implementing ordinances have been acknowledged by the Oregon Land Conservation and Development Commission (LCDC).
2. The application was received on October 2, 2006. On March 5, 2007 the application was continued in order to allow Oregon Department of Fish and Wildlife (ODFW) and Jackson County Roads to work on a land-exchange agreement.
3. On December 4, 2008, the applicant submitted a request to re-commence the application and schedule a public hearing before the Jackson County Planning Commission. A Jackson County Planning Commission public hearing was scheduled for January 22, 2009.
4. On January 15, 2009, a notice of cancellation and re-scheduling of public hearing was appropriately provided to neighboring property owners and affected agencies, changing the Jackson County Planning Commission hearing date to February 12, 2009.
5. On February 12, 2009 the Jackson County Planning Commission held a properly advertised public hearing in the Jackson County Auditorium to consider the evidence and testimony on this application. The Jackson County Planning Commission closed the public hearing and scheduled deliberations for February 26, 2009.
6. On February 26, 2009 the Jackson County Planning Commission voted unanimously to recommend approval of the application and concluded the public hearing.

Now, therefore,

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

SECTION 1. FINDINGS OF FACT:

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

- 1.1 The Planning Commission finds that proper legal notice was provided to the applicant, property owners within 750 feet of the subject property, and affected agencies, on January 15, 2009 for the re-noticed public hearing. Legal notice was published in the Mail Tribune on February 1, 2009.
- 1.2 The Planning Commission finds that the following lands comprise the subject property:
 - 1.2.1 Property 1: T36S, R2W, S13, TL 1200 is a 148.68 parcel owned by Oregon State, located north of Kirtland Road, north of Avenue G, east of Table Rock Road, and south of the Rogue River, generally. The subject portion of this

**2-File No. LRP2006-00013
Jackson County Roads, Applicant**

property includes 2.69 acres located in the southeast corner of said lot in an area immediately northwest of the intersection Kirtland Road, Avenue G, and Pacific Avenue intersection in White City;

- 1.2.2 Property 2: T36S, R2W, S12, TL 400 is a 24.5 acre parcel owned by Jackson County, located east of Touvelle Road, approximately one-half mile south of its intersection with Modoc Road and northwest of and along the rogue river. The subject portion of this property includes 2.69 acres located along a Ken Denman access road situated between Touvelle Road and the rogue river.
- 1.2.3 Property 3: T36S, R1W, S21C, TL3800; T36S, R1W, S21D, TL2800; and T36S, R1W, S22C, TL1200 comprise the Jackson County owned and managed "Hoover Ponds" property, situated along and south of state Highway 140, west of Kershaw Road and east of Lakeview Drive.
- 1.3 The Planning Commission finds that properties 1, 2 and 3 described herein above are currently in a Forestry/Open Space Comprehensive Plan Map designation and an Open Space Reserve (OSR) zoning map designation. Property 1 is completely within Area of Special Concern 90-10 –Natural Area Ken Denman Wildlife Area. Property 2 is adjacent to lands within Area of Special Concern 90-10 –Natural Area Ken Denman Wildlife Area. Property 3 is mapped as being within Area of Special Concern 90-10 –Natural Area Ken Denman Wildlife Area.
- 1.4 The Planning Commission finds that Property 3 described herein above was not owned or managed as part of the Ken Denman Wildlife Area when Area of Special Concern 90-10 was adopted in 1991, through Ordinance No. 91-1.
- 1.5 The Planning Commission finds that the Jackson County Transportation System Plan (TSP) identifies and authorized the proposed Avenue G realignment as a planned project found to be consistent with Oregon Statutes, Oregon Administrative Rules, and Jackson County Comprehensive Plan under TSP adopting Ordinance 2005-3, subject to completing the Goal 5 Review.
 - 1.5.1 The Planning Commission finds that the Jackson County Transportation System Plan, adopted by Ordinance 2005-3 and acknowledged by the Oregon Land Conservation and Development Commission (LCDC) was concluded to be consistent with all of Oregon Administrative Rule 660-012-0065 including OAR 660-012-0065(5).

SECTION 2. LEGAL FINDINGS:

- 2.1 To recommend approval, the Planning Commission must find the application complies with all applicable criteria as set forth in the Revised Staff Report incorporated herein as Exhibit A and, pages 35 through 51, as Exhibit B of the record inclusive.
- 2.2 The Jackson County Planning Commission adopts the Revised Staff Report (Exhibit A), the accompanying maps, and the findings contained therein. The Planning Commission finds the staff report documents the reasons why the Oregon Administrative Rules,

Jackson County Transportation System Plan, Jackson County Comprehensive Plan, and Jackson County Land Development criteria and standards are met.

- 2.3 The Jackson County Planning Commissions accepts and adopts as their own – the applicant's proposed findings of fact and conclusions of law contained herein as Exhibit B and as record Exhibit 21, pages 35 through 51 inclusive. These findings demonstrate that the application is in compliance with the Statewide Planning Goals, Oregon Administrative Rules, the Jackson County Comprehensive Plan, the Jackson County Transportation System Plan, and the Jackson County Land Development Ordinance.
- 2.4 The Jackson County Planning Commission finds the non-revised staff report, pages 110 through 116 of the record, bring into question compliance with OAR 660-012-0065(5). The non-revised staff report found, on record page 115, that the application did not adequately address OAR 660-012-0065(5). Jackson County Planning Commission finds that in response to the above-referenced finding, the applicant provided, as exhibit 39, substantial evidence demonstrating all reasonable alternatives for the Avenue G realignment project have been examined and the best alternative is being proposed. The Jackson County Planning Commission accepts and finds that the alternatives analysis need only provide a general design assessment that the proposed alternative is consistent with that contemplated by the TSP.

SECTION 3. CONCLUSIONS:

Based on the evidence in the record, the Planning Commission concludes that removal of 2.69 acres from the Area of Special Concern (ASC) 90-10 – Natural Area, Ken Denman Wildlife Area in exchange for inclusion of 2.69 into ASC 90-10 in order to facilitate a realignment of Avenue G consistent with the Jackson County Transportation System Plan is an appropriate revision to mapping boundaries of Area of Special Concern 90-10.

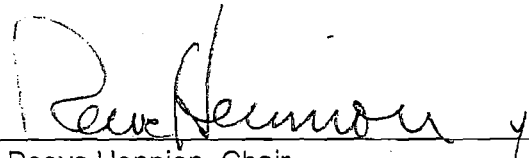
Based on evidence in the record, the Planning Commission concludes the proposed Avenue G realignment alternative is consistent with Goal 5, the Oregon Administrative Rules, Jackson County Comprehensive Plan, and Jackson County Transportation System Plan.

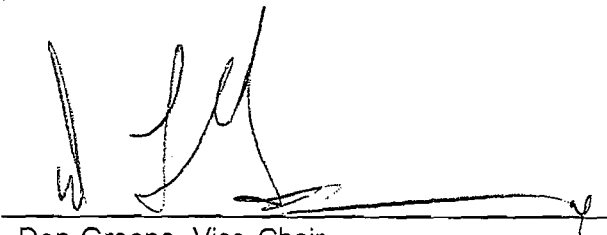
Also, based on the evidence in the record, the Planning Commission concludes that the removal of Area of Special Concern 90-10 – Natural Area Ken Denman Wildlife Area from the land identified herein above as the Hoover Ponds Property serves as a correction of mapping error, consistent with the Jackson County Comprehensive Plan.

SECTION 4. RECOMMENDATION: The Jackson County Planning Commission adopts the staff report (Exhibit A), applicant's proposed findings of fact (Exhibit B) and recommends approval of the a Minor Comprehensive Plan Map Amendment, road realignment across OSR-zoned lands, and Comprehensive Plan Map correction for File No. LRP2006-00013.

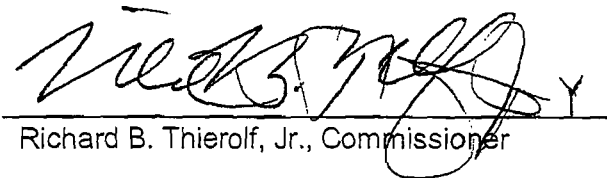
This recommendation for APPROVAL adopted this 26th day of March, 2009[✓], at Medford, Oregon.

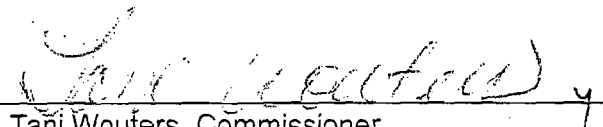
JACKSON COUNTY PLANNING COMMISSION
(Vote: Y=Yes; N=No; A=Abstain)


Reeve Hennion, Chair

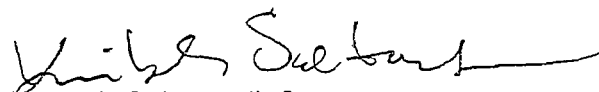

Don Greene, Vice-Chair


Joel Ockunzzi, Commissioner


Richard B. Thierolf, Jr., Commissioner


Tani Wouters, Commissioner

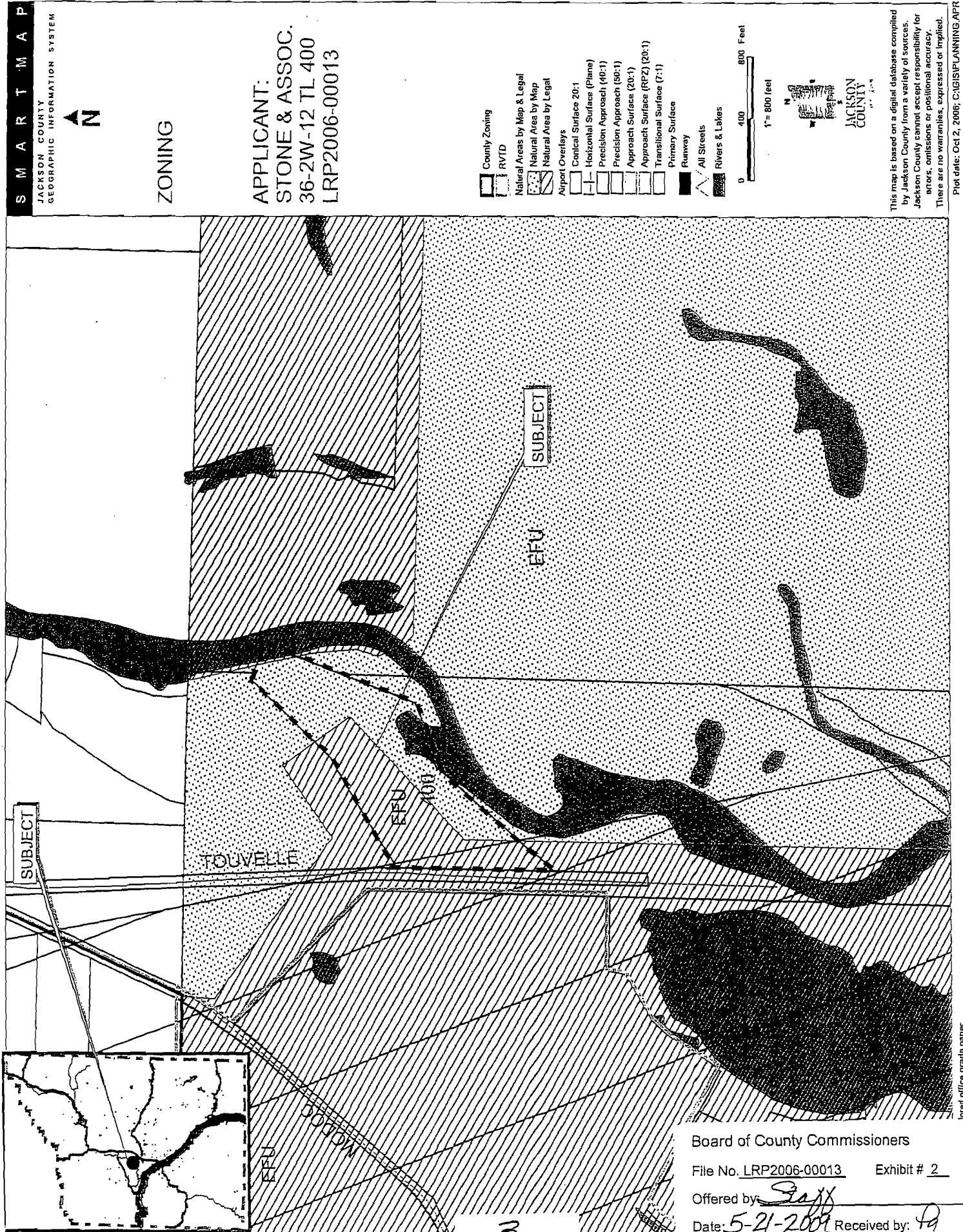
ATTEST:


Kimberly Saltonstall, Secretary

I:\ZONING\WP\Comp Planning\LRP2006-00013 Ave. G\JCPCRecommendation

5-File No. LRP2006-00013
Jackson County Roads, Applicant

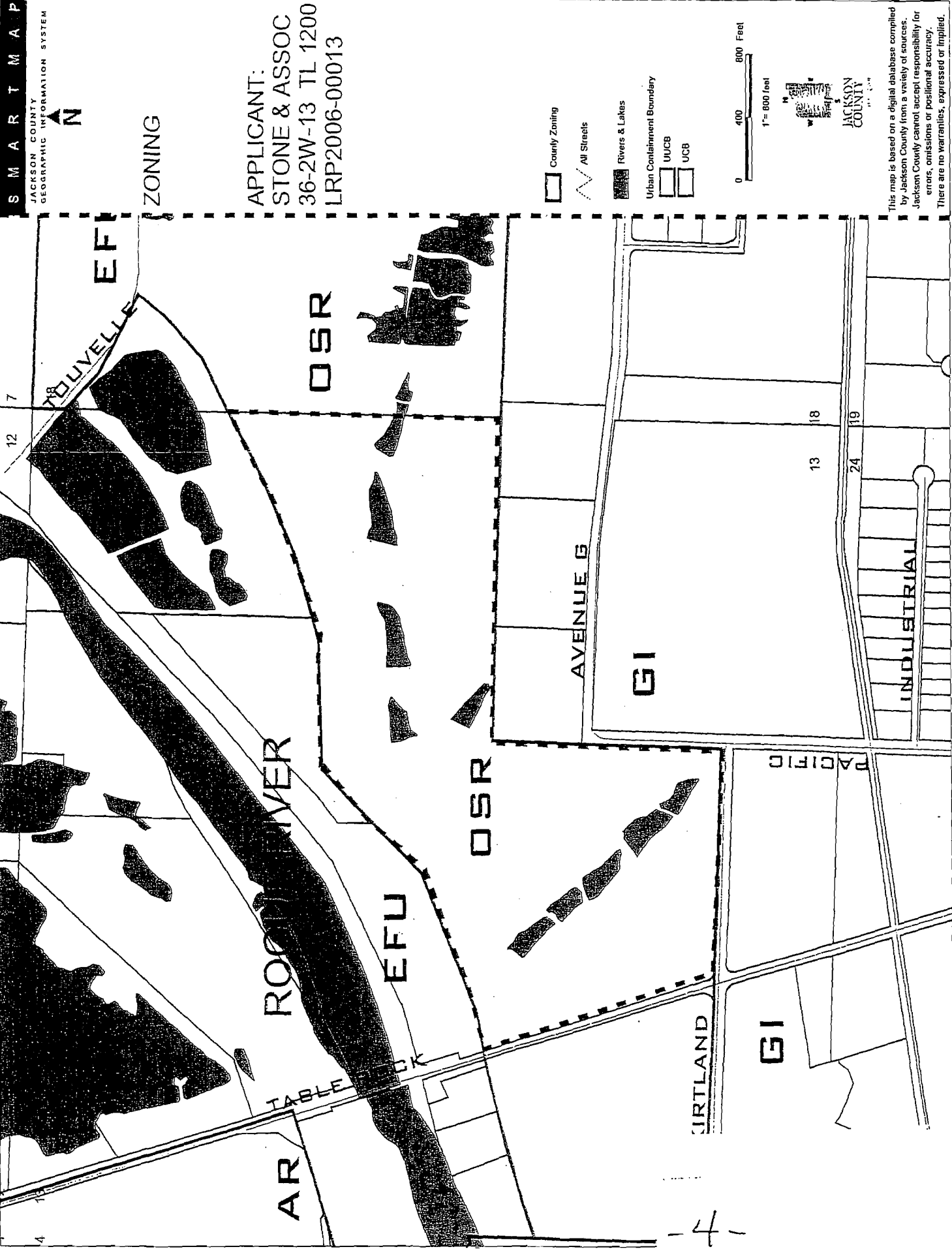
EXHIBIT B



This map is based on a digital database compiled by Jackson County from a variety of sources. Jackson County cannot accept responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied. Plot date: Oct 2, 2006; C:\GIS\PLANNING\APR

S M A R T M A P

JACKSON COUNTY
GEOGRAPHIC INFORMATION SYSTEM



APPLICANT:
STONE & ASSOC
36-2W-13 TL 1200
LRP2006-00013

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-4-

S M A R T M A P

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GEOGRAPHIC INFORMATION SYSTEM

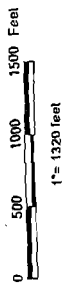


ZONING

APPLICANT
JACKSON COUNTY
LRP2006-00013
AVE G REALIGNMENT

- County Zoning
- Urban Containment Boundary
- UUCB
- UCB

- Rivers & Lakes
- Streams & Ditches
- Applegate, Rogue & Bear Creek
- Major Rivers & Streams
- Named Streams
- Minor Streams
- Intermittent Streams
- Underground Streams
- Ditches
- Ditches - Tunnels / Siphons
- Minor Ditches
- Minor Ditch - Underground

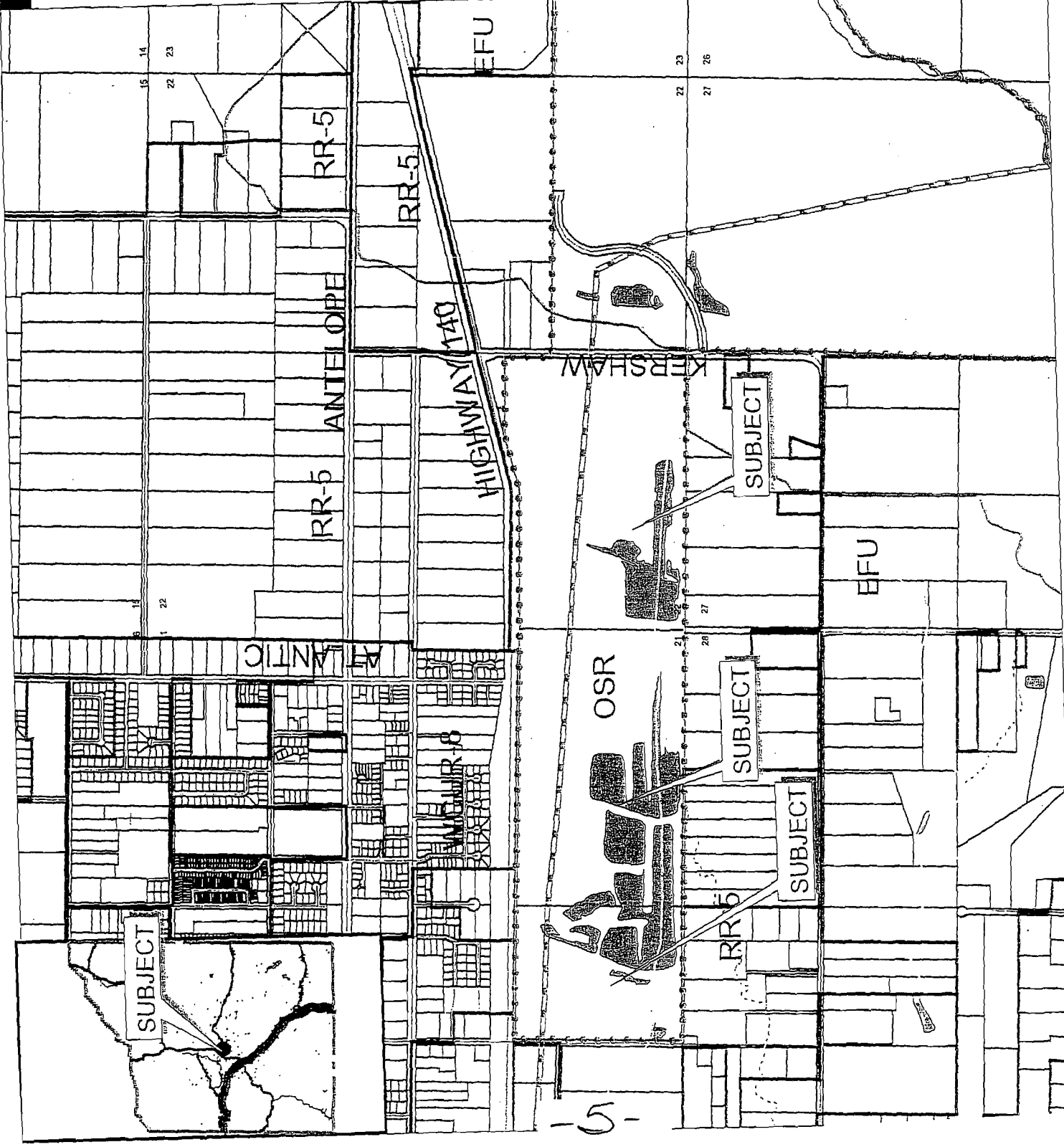


1" = 1320 feet



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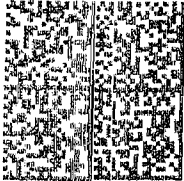
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